

Special education major court cases

[Profession](#), [Teacher](#)



| Student | The Problem | The Ruling | The Bottom Line | Board of Education of Hendrick Hudson Central School District vs. Rowley (1982) | Amy Rowley, first grade student with hearing impairment | Amy was an adequate lip reader. School provided speech and language services, services of a teacher of the deaf, and amplification system Parents wanted sign language interpreter; school denied | Rowleys invoked due process; hearing officer ruled in favor of the school, district court and Circuit Court sided with parents; Supreme Court sided with school | Ruled that schools did not have to “ maximize the potential” but rather provide opportunities for “ educational benefit”. | Irving Independent School District v. Tatro (1980) | Amber Tatro was born with spina bifida and required clean intermittent catheterization, CIC | At the age of 3, Irving Independent School District agreed to provide Amber with a special education program starting with an early childhood program. In Amber's special education program, Irving Independent School District agreed to provide her with services such as physical therapy and occupational therapy but did not agree to provide her with someone trained in CIC. Issue was whether or not this was a related service? | District court ruled with schools — they did not have to provide this. Circuit court ruled with family - The Court of Appeals stated that CIC is a related service because Amber could not attend any classes and thus receive any education without this service. | Public schools must provide services that are necessary despite the severity of the physical needs. Schools are responsible for the medical needs of students as long as a licensed physician is not required. | Cedar Rapids Community School District v. Garret F. (1993?) | Garrett F., four year old, paralyzed in a motorcycle accident |

Although Garret is ventilator - dependent and requires a responsible person to attend to his physical needs, his success in school academics was a great success. While Garret was in kindergarten and primary school, a combination of family members and personnel paid for by insurance and accident settlements provided this necessary support. Approximately four years after the accident (1993), insurance and settlement funds were diminished. Garret's mother proceeded to request that the school district pay for medical services needed during the school day. School denied request and stated they had no obligation to provide a one-on-one staff member to assist Garret. | The Judge explained that any student with a disability that adversely affects their academic performance must be provided with special education services and any related services by law, so school was responsible. School appealed; said services were medical services and not related services. Supreme Court found that the individuals caring for Garret did not need any extra training and did not need to seek licensure. | Public schools must provide services that are necessary despite the severity of the physical needs. Schools are responsible for the medical needs of students as long as a licensed physician is not required. | Doe vs. Withers (1993) | Michael Withers, general education teacher | Refused to comply with IEP accommodation to have tests read aloud to a student (named as Doe to protect family) with a learning disability | Found that he deliberately ignored IEP and was fined to pay \$15, 000 after student failed. | Teachers are responsible for implementation of the IEP. It is a legal document. | Roncker v. Walter, (1993) | Neil Roncker, a nine year old child with moderate mental retardation | IEP placed him in separate school for children with

disabilities Neil's parents invoked due process, claimed district violated FAPE an LRE because their son was not being educated with nondisabled peers. | US District Court supported school district. Sixth Circuit Court overturned lower court, and sided with parents; ruled that school district had not integrated Neil to the maximum extent appropriate. Developed two part Roncker portability test: 1) What is it in the segregated program that makes it better than a mainstreaming program? 2) Can these things (modified curriculum, teacher) be provided in the regular school environment? | Placement decisions must be individually made and cannot be a automatically placed based solely on the basis of their disability (e. g., mentally retardation). Students should not be placed in a separate setting if services can be provided in the regular education setting. | Daniel R. R. v. State Board of Education | Involved Daniel, a six year old student with Down Syndrome from Texas. | He was placed half day in regular pre —K and half day in early childhood special education classroom. Regular education teacher said he was not making progress. IEP team pulled him out of regular education program, but allowed him to attend lunch and recess with general education students. Daniel's parent appealed claiming that he was not being educated with general education students. | Fifth Circuit sided with school — stated that educators should make instructional and placement decisions. Found that the school had correctly identified Daniel's LRE. Developed two part test: 1. Can an appropriate education in the general education classroom with the use of supplementary aids and services be achieved satisfactorily? 2. If a student is placed in a more restrictive setting, is the student "integrated" to the "maximum extent appropriate"? | Students with

disabilities must be included with students without disabilities as much as possible. | Sacramento City Unified School District Board of Education vs. Rachel Holland (1994) | Rachel Holland, 11 year old girl with moderate mental retardation | She attended special education classes from the start of her academic career, but her parents wanted her mainstreamed. School offered to put her in nonacademic courses, lunch, and recess but maintain her academic courses in a separate special education classroom. Parents wanted her to spend all day in regular general education classroom. They invoked due process rights, requested hearing, and unilaterally placed her in a private school. | Hearing officer found for the parents, district court found for the parents and applied four prong test: 1. Is the more restrictive setting significantly more beneficial than the general education setting with supplemental aids and services? 2. Are social needs with students in general education being met to the maximum extent? 3. Does the presence of the student with a disability adversely impact the regular education teacher or class? 4. Is the placement in the regular education classroom exceedingly expensive? | Stated the importance of social benefits for students with disabilities when included with students without disabilities. Indicated that that the presence of a student with a disability in a general education setting should not adversely impact the education of other students. | Hartmann v. Loudoun County Board of Education (1998) | Mark Hartmann, 11 year old child with autism | School provided Mark with a full time aide, three hours a week of special education, five hours per week of speech, individualized training for teacher and aide, training for entire staff Mark continued to have problems in the general education setting. He was aggressive, dangerous,

and highly disruptive. He did not make progress towards his IEP goals. School recommended placing Mark in a specialized program for students with autism. Parents upset he is not mainstreamed. | District Court found in favor with parents, Circuit Court overturned the lower courts ruled. Court applied following criteria in determining the general education setting is not appropriate: 1. regular education courses will not provide educational benefit 2. a more restrictive placement significantly outweighs the benefits of mainstreaming 3. Due to disruptive behavior, the child compromises the education of other students in the classroom | Social benefits of mainstreaming are secondary in importance to academic needs. |