

Appendix 4

Court	Plaintiff	Respondent	Found in	Summary*
US Supreme Court	Brown et al.	Board of Education of Topeka et al.	United States Reports Vol 347	One of the most far-reaching judgements of the US Supreme Court, it decided on the proposal by several US States that segregated schooling could be equivalent to integrated education for American blacks, and so did not violate the constitutional requirement for equal treatment under the law. The court rejected this belief. "We conclude that in the field of public education, the doctrine of "separate but equal" has no place. "Separate education facilities are inherently unequal" (p495).
US Supreme Court	Carter	Florence County School District Four et al.	91-1523	Child classified as learning disabled. Parents were dissatisfied with the IEP drawn up by the school, who refused to modify it. Parents took the child to a private school and claimed the school fees from the school district. It was decided that a court may order reimbursement for parents who unilaterally withdraw their child from a public school that provides an inappropriate education under IDEA and put the child in a private school.
US Supreme Court	Rowley	Board of Ed., Hendrick Hudson Central School District, Westchester County	United States Reports 80-1002	Eight year old deaf child. Supreme Court found that the Act's (IDEA) requirement of a "free appropriate public education" is satisfied when the State provides personalised instruction with sufficient support services to permit the child to benefit educationally from that instruction ... If the child is being educated in a regular classroom, as here, the IEP (individualised educational plan) should be reasonably calculated to enable the child to achieve passing marks and advance from grade to grade.

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US Court of Appeals, 3rd Circuit	Polk	Central Susquehanna Intermediate Unit	West's Federal Reporter 87-5585 Vol 853 F.2d	Child with severe developmental disability. Parents were appealing a decision by a circuit judge that because the child was receiving some educational benefit, the parents were not entitled to physical therapy for their son. Decision reversed on the basis that the educational benefit that the child was required to be more than trivial under the law and this had not been established as a matter of fact in this case. Remanded for factual examination.
US Supreme Court	Doe and Smith	Bill Honig, California Superintendent of Public Instruction, Petitioner	West's Supreme Court Reporter 86-728 Vol 108	Handicapped students had taken action against indefinite suspension for their behaviour. The Supreme Court held that the "stay put" provisions of the Education of the Handicapped Act prohibited the unilateral exclusion of disabled children from the classroom for dangerous or disruptive conduct growing out of their disabilities during pendency of review proceeding; and the trial court did not abuse its discretion by directing local school officials not to indefinitely suspend emotionally handicapped student pending completion of expulsion proceedings.
US Court of Appeals, 6th Circuit	Roncker.	Cincinnati City School District Board of Education et. al	Federal Reporter Second Series 81-3494 Vol 700 F.2d	9 year old child with severe mental retardation -- IQ below 50. Parent wanted the child to attend the local school but the school district sent the child to a segregated school. Parents took action and lost. Appealed to Court of Appeals. Court found that a new (de novo) review was required and that the district court had erred in failing to give due weight to the state administrative proceedings (which had supported greater integration). The district court was instructed to commence a new review, giving due weight to the state administrative proceedings in reaching its decision. Also, district court had to determine whether the child could have been provided with additional services, such as those provided at segregated schools, which would have improved his performance at the local school. Court also ruled that there were no bars to class action under the education act.

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US Court of Appeals, 4th Circuit	Fairfax County School Board & Fairfax County Board of Education	DeVries	West's Federal Reporter Second Series Vol 882 F.2d	17 year old autistic boy. Sought to overturn school board's proposed individualised educational plan (IEP). Went through several courts. Court of Appeal decided 1) IEP complied with the requirements of the Education of the Handicapped Act, and 2) exclusion of evidence that no autistic children and only a small percentage of multihandicapped and retarded children attended home-based schools did not constitute prejudicial error.
US Court of Appeals, 5th Circuit	State Board of Education et al. (El Paso Indep. School Dist)	Daniel R.R.	West's Federal Reporter Second Series 88-1279 Vol 874 F.2d	6 year old boy with Down syndrome. Mental retardation and speech impairment. Court found that the school had followed procedural requirements adequately in removing the child from regular kindergarten due to the child taking too much of the teacher's time despite extensive modification of teacher's program. Also found that the school district adequately complied with the Act's mainstreaming requirement.
US District Court, E.D. California	Holland	Board of Education, Sacramento City Unified School District	West's Federal Supplement Vol 786	Moderately retarded 9 year old girl. Held that the appropriate placement under the IDEA was in a regular second grade classroom, with some supplemental services, as a full-time member of that class. The school district's option of half time in a regular class and half time in a segregated class was not acceptable.
US Court of Appeals, 1st Circuit	Dartmouth School Committee	David	Federal Reporter, 2d Series 84-1937 to 84-1939 775 F.2d 411 (1985).	17 year old adolescent with Down Syndrome. Parents challenged IEP. Court affirmed previous court's ruling that: 1) the Act abrogates state sovereignty from suit in a federal court; 2) IEP was deficient under state standard and that the child should be educated at a residential private school providing behaviour training as well as academic skills. Also Massachusetts standard to re assuring maximum possible development of a child with special needs would be incorporated into the federal Act.

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US States Court of Appeals for the 3rd Circuit	Board of Education of the Borough of Clementon School District.	Oberti	United States Court of Appeals for the Third Circuit. N° 92-5462 (1993)	8 year old boy with Down Syndrome who was removed from the regular classroom and placed in a segregated special education class. The court agreed with the district court's conclusion that the School District did not meet its burden of provingthat Rafael could not be educated satisfactorily in a regular classroom with supplementary aids and services. Affirmed the district court's decision that the School District has violated the mainstreaming requirement of IDEA. Moreover "we also hold that the school bears the burden of proving compliance with the mainstreaming requirements of IDEA regardless of which party (the child and parents or the school) brought the claim under IDEA before the court". (p3) Also sets out process for determining placement (section II)
US District Court, Northern District of New York	Board of Education, Liverpool Central School District.	Kantak	Education for the Handicapped Law Report 90-CV-4. 16 EHLR 643 (1990)	Parents of a child with multiple disabilities sought an injunction to require the school district to comply with the decision of an impartial hearing officer that the child required six hours per week of individualised tutoring and a full time teacher of the deaf for all instructional periods. Court held for the parents and granted the motion for a preliminary injunction.
The Office for Civil Rights (OCR)	Jackson County School District	Unnamed	Education for the Handicapped Law Report 04-89-1083. 16 EHLR 94 (1989)	Mentally handicapped child was placed in a program designed for 'trainable mentally handicapped' without complete evaluation prior to placement. When evaluated a year later child was found to be functioning at a higher level than anticipated by school district staff, but child remained in the program for the next six years, where her IQ fell almost 30 points. Held in favour of father that the district had denied his child a free appropriate public education.

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US Court of Appeals, 6th Circuit.	Babb	Knox County School System	Individuals with Disabilities Education Law Report 18 IDELR 1030 (1992)	Teenager who had exhibited academic difficulties and behaviour problems. Parents appealed a district court ruling that they were not entitled to reimbursement for the student's psychiatric hospitalisation. Found that "The Knox County School System failed to adhere to the procedural requirements to determine whether Jason Babb was handicapped under the Act. As a direct consequence of this omission, Jason Babb was deprived of an IEP to meet his special needs. The district court's judgement is reversed and the case is remanded. ...the district court shall determine the expenses that are covered under the Act that are to be reimbursed to the Babbs." The determination of these expenses included attorney fees.
New York Court of Appeals	Sobol	Northeast Central School District	Individuals with Disabilities Education Law Report 18 IDELR 1219 (1992)	Child with a learning disability. Parents had unilaterally transferred their son to another school district due to their belief that the district of residence was unable to provide an appropriate program. Went through trial and appellate court. Court held for the parents and reaffirmed that the state's commissioner of education was entitled to authorise reimbursement. Also found that the court could rule on lawyer's fees, and sent the case back to the trial court to determine if there existed any "special circumstances" existed which would warrant a denial of lawyers' fees.
US District Court	Kruelle	Biggs, Superintendent, New Castle County School District.	Federal Supplement Civ. A. No. 79-481 489 F.Supp. 169 (1980)	Profoundly retarded girl. Parents sued stating that the IEP proposed by the school district under the Education of all Handicapped Children Act was inadequate. Court ordered that in view of evidence indicating that the child needed more professional help that the day program could offer him, the school district was required to provide residential programs for the child.

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US Court of Appeals, 8th Circuit	A.W.	Northwest R-1 School District	Federal Reporter 86-1541 813 F.2d 158 (8th Circuit 1987)	Elementary school aged boy with Down Syndrome. Parents sued to have child placed in regular elementary school rather than segregated school. Court affirmed judgement of Circuit judge that: 1) court could consider both whether child would benefit from placement in a regular school and the costs to the school district for such placement, and 2) trial court did not abuse its discretion in refusing to reopen its judgement to admit evidence tending to show that the child was deriving some educational benefit from placement at regular elementary school.
US District Court for the Eastern District of North Carolina	Giles S	Washington County Board of Education et al.	93-13-CIV-2-BO -49-CIV-2	Child diagnosed as having a closed head injury. The court found Giles S is entitled to specialised services, the aid of a teaching assistant " in order for the child to have an equal opportunity to achieve his full potential in school consistent with that of the other children" and the parents are entitled to reimbursement "for services of a psychologist."
Office of Civil Rights	10 year old child with severe/profound disabilities	Henderson County (NC) School District	Individuals with Disabilities Education Law Report 19 IDELR 179	Parents alleged that the district denied free appropriate public education (FAPE) by failing to provide him with an opportunity to eat lunch in the cafeteria along with non-disabled students, by placing him in an educational setting lacking age appropriate peers, and providing him a school day shorter in duration than the school day shorter in duration than the school day for non-disabled students. Court found for parents in the age appropriate peer issue and the length of the school day. However the Office of Civil Rights concluded that the segregation during lunch only occurred after a proper determination of his individual needs so the district was not in violation of the law on this point. School was required to comply with the law on the age appropriate grouping and school duration, and ensure that other children were not similarly effected at the school.

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Californian Federal Court	Grossmont Union High School District Governing Board	M.P. by D.P.	MPDLR Nov- Dec 1994 858 F. Supp. 1044 (S.D. Cal 1994)	A Californian Federal Court held that the “stay-put” safeguards of the IDEA applied to an allegedly disabled student suspended from school, even though the student had not been diagnosed with a disability at the time of the suspension.
Missouri Federal Court	Bartman	Hunt	MPDLR May- June 1995 873 F.Supp.229 (W.D. Mo. 1994	A Missouri Federal Court held that before removing a child with a disability from a school, a local district must consider the least restrictive environment for the child, including evaluation of supplemental aids and services, and must document why an appropriate local placement is unavailable.
Michigan Federal Court	Brimmer	Traverse City Area Public Schools	MPDLR May June 1995 872 F. Supp. 447 (W.D. Mich. 1994)	Court held that under IDEA, IEP committees must include participation by the child’s current teachers and update comprehensive placement evaluation results.
Michigan Appeals Court	Department of Social Services	Michigan Association of Intermediate Special Education Administrators	MPDLR Vol 19 no 3 526 N.W.2d 36 (Mich.Ct. App. 1994)	Hearing officers involved in cases where the parents refused to comply with their orders had approached the Department of Social Services (welfare) to investigate whether the parents’ refusal to comply with their directives constituted abuse and neglect. “Welfare” department had refused. Court rejected the linking of refusal to comply with abuse and found in favour of the department of Social Services.