DRAFT

Handout #2: What has been determined by the Courts?

Court decisions may help develop an understanding of what constitutes a "related service" under IDEA. The following court cases identify various distinctions between particular services (educational vs. medical), as well as outline various frameworks for establishing whether or not a service should be provided.

Board of Education v. Rowley,
458 U.S. 176 (2nd Circuit Court 1982)
The Supreme Court held that the IDEA does not require school districts to provide special education students the best education available, or to provide instruction or services that maximize a student's abilities. School districts are required to provide a "basic floor of opportunity" that consists of access to specialized instruction and related services individuals designed to provide educational benefit to the student. There are two parts to the legal analysis of a school district's compliance with the IDEA. First, did the district comply with the procedures set forth in the IDEA? Second, was the IEP developed through those procedures designed to meet the child's unique needs, and was it reasonably calculated to enable the child to receive educational benefit?

More info: http://www.wct-law.com/CM/Publications/publications45.asp

Irving Independent School District v. Tatro,
468 U.S. 883 (1984)
The Supreme Court established a bright-line test, the services of a physician (other than for diagnostic and evaluation purposes) are subject to the medical services exclusion of the IDEA, but services that can be provided in the school setting by a nurse or qualified layperson are not.

More info: http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=US&vol=468&invol=888

Cedar Rapids Community School District v. Garret F.,
526 U.S. 66 (1999)
The Supreme Court held that the related services provision in the IDEA required the provision of certain supportive services for a ventilator dependent child despite arguments from the school district concerning the costs of the services. Relying on a previous Supreme Court decision, *Irving Independent School District v. Tatro, 468 U.S. 883 (1984)* the Court in a seven to two decision continued to support the "bright line" rule stating that only medical services which must be provided by a physician are not required to be supplied by the school districts.

More info: http://www.law.cornell.edu/supct/html/96-1793.ZO.html

Clovis Unified School Dist. v. California Office of Administrative Hearings

903 F2d 635(9th Cir. 1990)

The Court set forth the analytical framework for determining whether a residential placement under the IDEA constituted an educational or mental health placement for which a school district was responsible, or a medical placement not within the definition of a related service. The Court rejected the argument that since the student's medical, social and emotional problems that required hospitalization were intertwined with her educational problem, the school district was responsible for her treatment. "Rather," said the court, "our analysis must focus on whether [the student's] placement may be considered necessary for educational purposes, or whether the placement is a response to medical, social, or emotional problems that is necessary quite apart from the learning process" (*Clovis, supra,* at p. 643.).

More Info:
http://ak.findacase.com/research/wfrmDocViewer.aspx/xq/fac.19900503.0042182.C09.htm/qx

County of San Diego v. California Special Education Hearing Office

93 F.3d 1498 (9th Cir. 1996)

The Court applied three tests, as identified in *Clovis Unified School District v. California Office of Administrative Hearings,* to determine whether the school system was responsible for the child's residential placement: (1) where the placement is 'supportive' of the pupil's education; (2) where medical, social or emotional problems that require residential placement are intertwined with educational problems; and (3) when the placement is primarily to aid the student to benefit from special education.

More info: http://caselaw.findlaw.com/us-9th-circuit/1120833.html

Seattle School District No. 1 v. BS

82 F. 3d 1493, 1502 (9th Cir. 1996)

"That A.S.' disability... stems from medical or psychiatric disorders, and that [the residential program] addresses these disorders in an attempt to ensure that A.S. is able to benefit from her education, does not render the program invalid or remove the District's financial responsibility [for nonmedical costs].

More Info: http://caselaw.findlaw.com/us-9th-circuit/1221809.html

Taylor v. Honig

910 F.2d 627, 631-632 (9th Cir. 1990)

A boarding school facility with the capability of providing medical services needed by its students was a acceptable placement…essentially, more like a school than a psychiatric hospital.

More Info:
http://az.findacase.com/research/wfrmDocViewer.aspx/xq/fac.19921022_0041367.C09.htm/qx

DRAFT