Appendix C

Chronology of Key Case Law
Related to Free, Appropriate Public Education in the Least Restrictive Environment

Short Reference	Petitioner versus Respondent	Year	Court Level	Decisions/Precedents/Key Points
Brown	Brown v. the Board of Education, Topeka (KS)	1954	U.S. Supreme	Although based on race, this case set the for disability legislation in public schools by ruling that: • Segregated public schools are inherently unequal (that is, separate but equal is not true) • Equal protection under the law applies to public education access • Cannot separate based solely on race
PARC vs PA	Pennsylvania Association of Retarded Children v. the Commonwealth of Pennsylvania	1971	State Supreme	• Special Education watershed case • Each child must have access to public education appropriate to his or her learning capacity because placement in public school is preferable to institutionalization
Mills	Mills v. the Board of Education, District of Columbia	1972	U.S. Supreme	• Cannot exclude a child from public education without providing and adequate alternative and a due process hearing • Labeling students "behavior problems" does not circumvent the requirement to provide FAPE in the LRE
Rowley	The Board of Education of Hendrick Hudson Central School District, West Chester County (NY) v. Amy Rowley	1982	U.S. Supreme	• Defines "Special Education" and "appropriate instruction" rather than "meaningful," "best" or "maximum" instruction • Outlines the five areas the IEP must cover: present levels, annual goals, educational services/participation in general education, start/end dates for services, objective criteria/evaluation procedures to determine if objectives are being achieved
Roncker	Roncker v. Walter	1983	U.S. 6th Circuit	• Can what makes the segregated setting superior for the student be duplicated in a general education setting? If so, then the more restrictive placement is inappropriate

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				• Is the student being mainstreamed to the maximum extent appropriate?
Burlington	Burlington School Committee v. Department of Education (MA)	1985	U.S. Supreme	Private school tuition reimbursement to parents, even when they unilaterally pull their disabled child from public school if • the public school had an inadequate program • did not make an attempt to start an appropriate program for the student
Honig vs. Doe	Honig, CA Superintendent of Public Instruction v. Doe	1988	U.S. Supreme	• Students who are in special education due to behavior problems (emotional disturbance) may not be suspended or expelled for manifestations of their disability no matter how dangerous • States are obliged to follow procedural safeguards to ensure parental participation in placement decisions concerning their children
Daniel R. R	Daniel R. R. v. State Board of Education	1989	U.S. 5th Circuit	Build 2-part test of LRE, based on Roncker: • Can appropriate education in regular class environments be achieved satisfactorily with supplemental aids/services? • Does the more restrictive setting still allow the student to be integrated to the maximum extent appropriate? However, the teacher does not have to spend all/most of her time on one child and does not have to modify the curriculum beyond recognition
Greer v. Rome	Greer v. Rome City School District	1991	U.S. 11th Circuit	Continuum of options resulted from this case Court ruled that the school system failed to consider less restrictive setting before placing a child (with a 40 IQ) in a CDC class
Carter	Florence County School District IV s. Shannon Carter	1993	U.S. Supreme	Tuition reimbursement based on an inappropriate IEP
Oberti	Oberti v. the Board of Education, Clementon	1993	U.S. 3rd Circuit	Starts the shift from “mainstreaming” to “inclusion” Neighborhood school can/should be LRE, with a “parallel” curriculum

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	(NJ) School District			developed for the SpEd student, if necessary 3-pronged standard for appropriate placement: • To maximum extent, students with disabilities are educated with students without disabilities • Students are separated from the general student population only when the nature/severity of the handicapping condition is such that education in the regular classroom cannot be satisfactorily achieved, with or without supplementary aids/services • To the maximum extent appropriate, each child with a disability participates in nonacademic/extracurricular programs and activities (not just the former "has equal access to" these services)
Holland	Sacramento City (CA) Unified School District Board of Education v. Rachel H.	1994	U.S. 9th Circuit	• Nonacademic benefits matter (upholds third prong of Oberti) • Case called "high water mark of the inclusion movement" (ERICEC, 2003) • Satisfactory public education promised, not best education
Light v. Parkway	Light v. Parkway C-2 School District	1994	U.S. 8th Circuit	• All of the student's circumstances have to be factored into a placement decision • For violent, dangerous, disruptive students, inclusion is not a right but a privilege (even if the injuries are not life threatening)
Hudson	Hudson by Hudson v. Bloomfield Hills Public School (MI)	1997	U.S. 6th Circuit	• Life skills curriculum may trump academics • Court ruled that the appropriate purpose of subject's education was to give her the skills needed to function independently in society
Hartmann	Hartmann v. Loudoun County (VA) Board of Education	1997	U.S. 4th Circuit	• Court should not "substitute its judgment for that of the educators" (Douvanis & Hulsey, 2002) • Nonacademic benefits of placement secondary to educational benefits

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Cedar Rapids (or Garret)	Cedar Rapids (IA) Community School District v. Garret F.	1999	U.S. Supreme	• IDEA requires school districts to provide nursing services if such services are necessary for the disabled student to receive an education • Nurse-only functions for things teachers used to do • Collective bargaining by teacher union for health functions they will no longer do