

**CLIENT NEWS BRIEF**

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**PARENTS CAN RECEIVE PRIVATE SCHOOL TUITION REIMBURSEMENT  
EVEN IF STUDENT WAS NEVER SERVED BY PUBLIC SCHOOLS**

The United States Supreme Court has ruled that the Individuals with Disabilities Education Act (“IDEA”) authorizes reimbursement for private education costs even if a student has not previously received special education and related services through the public school district. (Forest Grove School District v. T.A. (2009) 557 U.S. \_\_\_, 2009 WL 1738644; “Forest Grove.”)

In Forest Grove, the Forest Grove School District (“District”) determined that a student did not qualify for special education. The student’s parents enrolled him at a private school for children with special needs and then requested an administrative due process hearing regarding his eligibility for special education. The administrative hearing officer determined that the student was eligible, and the school district had failed to offer him a free appropriate public education (“FAPE”) and the private school placement was appropriate. The District was ordered to reimburse the parents for the cost of private school tuition. After a series of appeals, the case was heard by the United States Supreme Court.

The District argued that the IDEA only authorizes reimbursement if both the student had previously received special education services from a public school district and the district did not make a free appropriate public education available. The court held that the IDEA authorizes reimbursement for the costs of private special education services when a school district fails to provide a FAPE and the private school placement is appropriate, regardless of whether the student previously received special education and related services through the public school district.

This case addresses a school district’s obligation to provide reimbursement to parents of students unilaterally placed in private schools, and establishes that school districts may be responsible for tuition reimbursement for private special education services regardless of whether the student previously received special education services through the public school.

If you have any questions regarding this case, reimbursement for unilaterally placed students, or special education in general, please contact any of our seven offices statewide.

*As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.*

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