

# **Bond Case Briefs**

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## **SCHOOLS - PENNSYLVANIA**

### **Munir v. Pottsville Area School Dist.**

**United States Court of Appeals, Third Circuit - July 25, 2013 - F.3d - 2013 WL 3821614**

Student's parent filed complaint pursuant to the Individuals with Disabilities Education Act (IDEA), challenging denial of claim for reimbursement of costs of student's placement in therapeutic residential treatment program following multiple suicide attempts.

The Court of Appeals held that:

- Student's placement in therapeutic residential treatment program was primarily for treatment of his mental health needs and thus was not appropriate for reimbursement under the IDEA, and
- Individualized education program (IEP) offered by school district satisfied its obligations under the IDEA.

Parents who change their disabled child's placement from school district they believe is not providing a free appropriate public education (FAPE), without the consent of state or local officials, do so at their own financial risk. A court may grant the family tuition reimbursement under the IDEA only if it finds that the school district failed to provide a FAPE and that the alternative private placement was appropriate.

If a school district would not have been required to provide a child with residential treatment before the child was withdrawn from public school, it does not become financially responsible under the IDEA for that placement when parents make the unilateral decision to enroll their child at a residential facility, even if the school district may have failed in some other respect to provide the child with a FAPE.

Student's placement in therapeutic residential treatment program, which provided full school day, was primarily for treatment of his mental health needs, and any educational benefit that he received was incidental, and thus placement was not "appropriate" under the IDEA, so as to entitle parents to reimbursement of costs of placement; student's placement in program was prompted by an emergency medical treatment following his suicide attempt, parents enrolled student in program in order to prevent him from harming himself, and student's performance had been above-average in public school. School districts are not financially responsible under the IDEA for the residential placement of students who need 24-hour supervision for medical, social, or emotional reasons, and receive only an incidental educational benefit from that placement.