

# **Bond Case Briefs**

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## **IDEA - PENNSYLVANIA**

### **S.H. ex rel. Durrell v. Lower Merion School Dist.**

**United States Court of Appeals, Third Circuit - September 5, 2013 - F.3d - 2013 WL 4752015**

Student and her mother brought action against school district, alleging violations of the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act (RA), and the Americans with Disabilities Act (ADA), contending that the school district misdiagnosed student as disabled for several years.

As matters of first impression, the Court of Appeals held that:

- IDEA did not create a cause of action for children misidentified as being disabled;
- Claims for compensatory damages under the RA and the ADA required a finding of intentional discrimination;
- Showing of deliberate indifference could satisfy the intentional discrimination element of a claim for compensatory damages under the RA and the ADA; and
- Plaintiffs failed to establish school district's deliberate indifference to student being misidentified as having a learning disability.