Court Cases related to Zero Reject principle

(PARC) v. Commonwealth of Pennsylvania (1972)
In 1971, PARC (currently referred to as the ARC of Pennsylvania), initiated a lawsuit with the Commonwealth of Pennsylvania. PARC, a non-profit organization, represented 13 families of children with intellectual disabilities (ID). At the time, Pennsylvania had the authority to deny a free education to students with intellectual disabilities. The case was settled in 1972 by the United States District Court for the Eastern District of Pennsylvania. As a result, Pennsylvania consented to provide a free public education for children with mental retardation (now referred to as intellectual disabilities). This was the first major legislation to provide equality to students with disabilities

Honig v. Doe (1988)
This case served to confirm the limit on the number of days a student with an IDEA-covered disability could be removed from school through suspension. Prior to this Supreme Court case, students with disabilities were routinely suspended from schools, with no limit on the number of days, as a disciplinary measure. High school students Doe and Smith were individuals with emotional disabilities who were suspended from school indefinitely due to disruptive conduct related to their disability and were facing expulsion. Honig was the California State Superintendent of Public Education. While the Education of the Handicapped Act (1970) (precursor to IDEA) regulations allowed temporary suspension of up to 10 days for students who were a danger to others, the statute also contained a “stay-put” provision that held that students with disabilities would remain in their current educational placements during any disciplinary proceedings. Both rules were meant to protect students with disabilities from a change of placement that would deny them a free appropriate public education (FAPE). The Supreme Court ruling confirmed that a suspension of more than 10 days was a change of placement. This sent a clear message to schools that longer suspensions and expulsions required procedures aimed at protecting children with disabilities when a change of placement was required. This ruling was further solidified for all educational agencies in the 1997 Amendments to IDEA.

Timothy W. v. Rochester, N.H. School District (1989)
Timothy W. was born in 1975, 2 months premature to a 15-year-old mother. He weighed 4 lbs. & had severe/profound disabilities—MR, spastic quadriplegia, cerebral palsy, seizure disorder, cortical blindness & hearing defects. He was described as “lacking a cortex” in one account. School claimed he was uneducable (incapable of benefiting from education). Lower courts decided that the ability to benefit from education was a prerequisite for eligibility under IDEA.

Light v. Parkway C-2 School District (1994)
Light v. Parkway (1994) Parkway C-2 School District sought a change in placement for Lauren Light, a 13-year-old student with multiple disabilities who displayed consistent aggressive and disruptive behaviors such as kicking, biting, hitting, and throwing

things. Two issues are raised on appeal: (1) whether the Supreme Court's holding in *Honig v. Doe,* 484 U.S. 305, 108 S.Ct. 592, 98 L.Ed.2d 686 (1988), requires a district court to find that a child is not only "substantially likely to cause injury" but also "truly dangerous" before sanctioning a transfer, and (2) whether a school district must make a reasonable accommodation of the child's disability before it can change her placement. The court concluded that prior to removing a student with a disability from any placement, a school district must make reasonable use of "supplementary aids and services "to control the child's propensity to inflict injury. Thus, they introduced an essential second test which must be met by a school district seeking judicial sanction for the removal of a dangerous child with a disability: The school district must show that it has made reasonable efforts to accommodate the child's disabilities so as to minimize the likelihood that the child will injure herself or others. This second inquiry is necessary to ensure that the school district fulfills its responsibility under the IDEA to make available a "free appropriate public education ... for all handicapped children...." 20 U.S.C. § 1412(2)(B)