**Title of Case:**

Lathrop R-II Sch. Dist. v. Gray (2010)

**Question(s) the Case Attempted to Answer:**

* Did the Lathrop R-II School District deny FAPE?
* Did the Lathrop R-II School District fail to provide parents adequate notice and participation in the writing of the IEP?

**Summary of Facts:**

* D.G., a student with autism, transferred to Lathrop R-II School District in the fall of 2000. Lathrop R-II School District had not experienced many students with autism prior.
* The Lathrop R-II School District denied parent request to send D.G. to a special school, stating is was not the least restrictive environment.
* An administrative panel majority found Lathrop R-II School District denied FAPE since they did not address D.G’s behaviors and social skills and forced Lathrop R-II School District to send D.G. to a school for children with autism.
* Lathrop R-II School District challenged this decision in federal court and won based on the burden of proof being incorrectly placed on the District.
* D.G.’s family also filed a remand since the District did not change placement immediately and the panel upheld their decision.
* Lathrop R-II School District filed a suit and moved for summary judgment, stating that the administrative panel was incorrect and did not have adequate evidence.

**Final Decision & Rationale:**

* District court found that Lathrop R-II School District did not deny FAPE because they listed measureable goals, present level of academic performance, and explained how D.G.’s disability impacts his ability to access the general education setting. While actual baseline data was missing, the law does not require baseline data to be specified in the IEP.
* District court also found that the lack of a behavior goal does not imply Lathrop R-II School District did not address the behavior concerns. The law requires the IEP to ‘consider’ behavioral supports. Since D.G.’s IEP included strategies to support his behavioral concerns and had a behavior plan, Lathrop R-II School District was in compliance.
* United States Court of Appeals for the 8th Circuit also found on behalf of Lathrop R-II School District in agreement of the District Court that FAPE was provided and Lathrop R-II School District was not out of compliance of the IEP.

**Implications for Schools and/or School leaders:**

* IEP’s must include reasonable goals and student current level of performance, but the omission of the baseline data is a violation of FAPE.
* FAPE does not require a behavior goal to address behavior concerns, just reasonable strategies and behavioral accommodations.

**Researched by:** Crystal Boes