**"Predetermination"**

**under the Individuals with Disabilities Education Act** (IDEA)

refers to when a school district or educational agency makes decisions about a student's special education needs, like placement or services, before holding an IEP meeting, effectively excluding parents from the decision-making process and violating their right to meaningful participation; essentially, deciding on a student's educational plan without considering parental input first.

Key points about predetermination:

* **Procedural violation:** Considered a procedural violation under IDEA.
* **No consideration of alternatives:** Often occurs when a school district presents only one placement option at the IEP meeting, not being open to discussing other possibilities.
* **Parent involvement is crucial:** The IDEA mandates that parents must be actively involved in the IEP process, so predetermination undermines this principle.

**Predetermination is a procedural violation of the Individuals with Disabilities Act** (IDEA) that deprives parents of the opportunity to meaningfully participate in their child's IEP. (20 U.S.C. §1415(F)(3)(E)(ii)). ▪ Predetermination can deny the child a free appropriate public education (FAPE).

**Another Example of Predetermination**
At an annual IEP meeting, the district presents a draft IEP that unilaterally removes critical provisions related to the student’s diagnoses, accommodations, and instructional methodology previously documented on the IEP. These provisions had previously been approved by the IEP team and are supported by data demonstrating the student’s substantial progress when they are implemented. Such removal, without individualized team discussion and agreement, constitutes evidence of predetermination in violation of the Individuals with Disabilities Education Act (IDEA), which requires that educational decisions be based on the child’s unique needs through a collaborative team process. See 20 U.S.C. § 1414(d); 34 C.F.R. §§ 300.321–300.324.

**Important Legal Note**
Predetermination may also be evidenced where district administrators direct or instruct the IEP team to eliminate or alter essential provisions of the student’s IEP. This practice undermines the integrity of the IEP process, disregards the student’s demonstrated educational benefit, and may give rise to a denial of a Free Appropriate Public Education (FAPE). Courts have repeatedly found that when school districts predetermine placement or services without genuine parental participation, they violate IDEA. See, e.g.:

* *Deal v. Hamilton County Bd. of Educ.*, 392 F.3d 840, 857–60 (6th Cir. 2004) (holding that a district violated IDEA where it entered IEP meetings with a pre-determined refusal to provide ABA therapy, thereby denying parents meaningful participation).
* *R.E.B. v. Hawaii Dep’t of Educ.*, 870 F.3d 1025, 1035 (9th Cir. 2017) (finding predetermination where the district had decided services outside the IEP process, rendering parental participation meaningless).
* *Nack v. Orange City Sch. Dist.*, 454 F.3d 604, 610–11 (6th Cir. 2006) (predetermination occurs when a district makes decisions prior to the IEP meeting and refuses to consider parental input).

When administrators override the IEP team’s professional consensus or erase essential provisions from a student’s IEP, the district risks findings of both procedural and substantive violations of IDEA and a resulting denial of FAPE.

\*\*\*\* **Takeaway for Parents**
If a district removes critical services, accommodations, or methodologies from your child’s IEP—especially those with proven success—without full team discussion and agreement, that is predetermination. Courts have ruled that predetermination violates IDEA because it denies parents meaningful participation and undermines the child’s right to a Free Appropriate Public Education (FAPE). Parents should insist that all decisions be made collaboratively at the IEP table, based on the child’s unique needs and data, not administrative directives.