# 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. 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) *and possible violations under ADA and Section 504.* Courts have repeatedly found that when school districts predetermine placement or services without genuine parental participation, they violate IDEA. See, e.g.:

|  |  |
| --- | --- |
| Case | Key Holding |
| Deal v. Hamilton County Bd. of Educ., 392 F.3d 840 (6th Cir. 2004) | District violated IDEA where it entered IEP meetings with a pre-determined refusal to provide ABA therapy, denying parents meaningful participation. |
| R.E.B. v. Hawaii Dep’t of Educ., 870 F.3d 1025 (9th Cir. 2017) | Predetermination found where services were decided outside the IEP process, rendering parental participation meaningless. |
| Nack v. Orange City Sch. Dist., 454 F.3d 604 (6th Cir. 2006) | Predetermination occurs when a district makes decisions prior to the IEP meeting and refuses to consider parental input. |

**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.**