**Advocacy Handout Series: Protecting Your Child’s Rights Under IDEA**

1. **Predetermination**
   * District drafts IEPs removing critical services or makes decisions outside the IEP team.
   * Citations: *Deal v. Hamilton County*; *R.E.B. v. Hawaii DOE*; *Nack v. Orange City*.
2. **Extended School Year (ESY) Services**
   * Legal factors for ESY consideration (Wrightslaw “9 ESY Factors”).
   * Courts rejecting regression/recoupment as the sole test.
   * Citations: *Reusch v. Fountain*, *Johnson v. Independent School Dist. No. 4*.
3. **Methodology on the IEP**
   * Parents’ right to request evidence-based instruction (e.g., Wilson/OG).
   * Districts cannot insist only on “district-preferred” methods if ineffective.
   * Citations: *Ridley Sch. Dist. v. M.R.*; *Oberti v. Board of Educ.*
4. **Standardized Tests Cannot Deny Services**
   * IDEA requires “variety of assessment tools.” Reliance on one standardized test = unlawful.
   * Citations: 20 U.S.C. § 1414; 34 C.F.R. § 300.304; IDA position papers.
5. **Deliberate Indifference under ADA/§504**
   * When districts ignore known needs, they risk ADA and §504 liability.
   * Citations: *Duvall v. County of Kitsap*; *Mark H. v. Lemahieu*.
6. **Stay Put Provision (34 C.F.R. § 300.518)**
   * Student remains in last agreed-upon placement/methodology during disputes.
   * Citations: *Honig v. Doe* (U.S. Supreme Court).
7. **Prior Written Notice (PWN)**
   * Required whenever a district refuses or proposes a change.
   * Must include reasons, data, options considered, and law.
   * Citations: 34 C.F.R. § 300.503.