

Tereance D. and Wanda D. v. the School District of Philadelphia

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Summary of the Case

In this case, Tereance D. and his guardian, Wanda D. went before the Eastern School District of Philadelphia on counts of failing to provide a free and appropriate education, or FAPE, and discrimination against Tereance. The case went into Tereance's history and treatment for his disability throughout his education. It discussed that Tereance was formally assessed as having autism spectrum disorders and related disabilities in 2004, even though he had entered kindergarten in 2000 (United States District Court). Tereance had been misclassified as mentally retarded during "early intervention schooling," but he was still placed in regular kindergarten classrooms without any additional supports (United States District Court). He required learning supports to receive the FAPE that he was entitled to, but Tereance was behind his peers in basic skills and the school failed to provide these services.

In November 2001, Wanda had been misinformed about Tereance's suspected autism, the inconclusive results, and the improper assessments made by the school, and they did not inform her that it was their responsibility to follow up with testing (United States District Court). She sought help from a private psychiatrist, but the school refused to provide him with services, stating that he was "ineligible," the school did not have the resources to provide an autistic support classroom, and that it was "illegal" to place him in a more restrictive classroom (United States District Court). In April 2005, Wanda sought legal representation to develop an IEP for Tereance, and the school agreed to OT services and autistic support services. Wanda, however, was left out of the discussions for Extended School Year (ESY) services and was not told that this was a consideration for Tereance. In December 2006, Wanda filed a due process complaint according to the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act. The order granted compensatory education and ESY for the years in which

the “limitations” had not yet expired (United States District Court). Finally, on October 15, 2007, Tereance and Wanda filed a “five-count” complaint against the district (United States District Court).

Overall, miscommunication had occurred between the school and Tereance’s legal guardian, and improper actions were taken to meet Tereance’s needs in schools and to formally diagnose his disability at a young age. The school did not appear to have all of the services needed to meet his disability, and the evaluator did not seem to have the clear and proper testing needed to discover the disability that the child may be facing. Tereance was moved throughout the school system without formal assessment of his needs, and Wanda was not always properly informed of the decisions being made, the availability of services, and the actions that would most benefit Tereance and his needs.

Question(s) Being Decided in the Case

In this case, five counts have been made against the district. The first count sought the “enforcement” of the funds to be awarded to Tereance’s compensatory education and ESY through the case from December 2006 (United States District Court). The second count also referenced the case from December 2006, seeking for a new decision that stated that the “statu[te] of limitations” that prevented compensatory education for various years was a “violation” of a free and appropriate education under IDEA (United States District Court). The third count “alleged” discrimination based on Tereance’s disabilities, a “violation” under section 504 and the Americans with Disabilities Act (ADA) (United States District Court). The fourth count “alleged” for “intentional discrimination” in violation of the Equal Protection Clause in the Fourteenth Amendment (United States District Court). The fifth and final count “alleged” a

“failure to reimburse plaintiffs for their attorney fees and costs” under the practices of IDEA and section 504 (United States District Court).

The main concerns in this case were discrimination against Tereance, as well as the changes and reimbursements to be made to the previous court case regarding compensatory education and ESY. Wanda and Tereance hoped to bring justice toward the school’s discrimination of Tereance, and they hoped for the court to recognize that the district was at fault. These counts summarize Tereance’s history of education and the failures of the school to provide the services that Tereance required.

Who/Whom Won the Case? – Plaintiff or Defendant?

In this case, no “summary judgment” had been decided upon because the motion was “premature” (In the United States District Court). It would appear that Wanda and Tereance had won smaller victories as the court denied the district’s notion to dismiss many of the counts for various reasons. The district wished to dismiss counts three and four, stating that the plaintiff “failed to allege” any discrimination against Tereance, but the court found that it was “properly” alleged under section 504 and ADA (In the United States District Court). The district also tried to dismiss Wanda D. as a “party in her own right,” but the court found that parents and guardians have individual rights of their own as they care for a child with a disability (Wright). The court also recognized the injustices that the school had placed upon Tereance. Although it does not appear that a final decision was made as to the winner of the case, it appears that Wanda and Tereance were recognized for their injustices and that the court noted that the district and the school were at fault. More evidence and counts against the district would most likely need to be provided to continue with a decision for this case, but after searching for recent updates, no new decisions or judgments have been made at this time.

Connection to School Settings

This case is relevant to students with special needs and to educators because, overall, the students are the most important aspect of a school and their needs should be met so that every student has the same opportunities to receive a proper education. This case represented an injustice upon a student and guardian as they were misinformed and misguided for so many years through failed tests and lack of action from the schools, and it is an educator's duty to notice students who may be struggling and to refer them to further services if no one else has considered the thought of a disability being involved. This case was quite upsetting as so many wrongful actions were taken by the school and by the district along the way, and hopefully with more awareness of this injustice, more students will be able to receive the services that they require without having to struggle with the school system.

This case connects to school settings as students with disabilities enter the regular classroom each day, and if the school is not involved or does not provide the proper services, then the student is less likely to succeed to their full potential. Educators will teach students of all ability levels each day, and if a student with a disability does not receive the services that they need, then this could place more burden on the educator as they are unable to treat that child's specific needs with the time constraints in the classroom. Every student and parent should be aware of their rights, and no child should be discriminated against because of their disabilities. IEP's need to be in place to help students with disabilities to receive the services that they need, and the school should think of the ways in which it will help the student instead of the ways in which it will be a burden upon the school. Everyone is responsible for doing their part to assist students who have a disability, and it is only when the district, school, teacher, parent, and student work together that they can reach a solution with the best interests of the child in mind.

References

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