

## S.C. v. Chariho Regional School District: U.S. District Court, District of Rhode Island Decision

### RHODE ISLAND EDUCATION LAW

Cassandra L. Feeney, Esq. and Brian A. Fielding, Esq.  
Michaela Bland, Roger Williams University School of Law, Student Intern

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#### CASE SUMMARY

On March 27, 2018, the United States District Court for the District of Rhode Island issued an opinion regarding an action for review of the decision of a due process hearing officer under the Individuals with Disabilities Education Act (IDEA). S.C. is a young woman who began experiencing difficulties in middle school, exhibiting a decrease in school performance and an increase in school avoidance. After years of evaluations, S.C. was diagnosed with Major Depressive Disorder, Severe; Anxiety Disorder; Disruptive Mood Dysregulation Disorder; Learning Disorder; and Attention Deficit Hyperactivity Disorder. Upon completion of their own assessment, the Chariho Regional School District found S.C. eligible for special education services.

S.C.'s mother, N.C., participated in the development of S.C.'s Individualized Education Plan (IEP), providing Chariho with a summary of her concerns, and outlining goals that she wished S.C. to achieve. Dissatisfied with the development of the 2014 IEP<sup>1</sup>, and the denial to put S.C. in a residential placement, N.C. and her attorney requested a due process hearing from the Rhode Island Department of Education (RIDE). Following the hearing, the hearing officer found that although the 2014 IEP offered by Chariho did not provide S.C. with a Free and Appropriate Public Education (FAPE), residential placement was not appropriate. Additionally, the hearing officer declined to award any compensatory relief. Displeased with the result, N.C. and her attorney sought review of the hearing officer's findings in District Court.

Upon review, the District Court agreed with the hearing officer that Chariho had failed to provide S.C. with a FAPE and that the residential placement was not appropriate. Although the residential placement could provide S.C. with some of the services her IEP required, it did not offer all recommend services, such as the level of family and community involvement deemed medically necessary.<sup>2</sup> Without the implementation of the recommended services, the residential placement sought by N.C. would not provide S.C. with a FAPE. The District Court found that Chariho's most recently developed 2015 IEP, could provide S.C. with a FAPE because it included all of the recommended services. However, the District Court disagreed with the hearing officer about compensatory damages, finding that a student is entitled to compensatory



[Cassandra Feeney, Esq.](#)



[Brian Fielding, Esq.](#)

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<sup>1</sup> Upset about the rejection of residential placement, N.C. and her attorney exclaimed "[t]his is [expletive]" and left the meeting.

<sup>2</sup> The District Court judge deferred to the credibility determinations of the Hearing Officer, finding the medical expert provided by the school district to be more credible.

damages for the period of time the school district knew or should have known of the IEP's failure. The case was remanded for the hearing officer to determine an appropriate compensatory education award, which would take into account the behavior of both parties. The District Court found that S.C. denial of a FAPE was attributable not only to Chariho but, to some degree, to N.C. and her attorney.

## GENERAL TIPS TO REMEMBER

This case is important for special education advocates for several reasons: (1) it outlines the steps parents and guardians can take when they are dissatisfied with an IEP; (2) it alludes to how parents and advocates should behave during an IEP meeting and the consequences for adverse behavior; (3) it provides guidance that alternative or residential placements must meet the recommended requirements of the IEP in order to be found appropriate; and (4) compensatory damages can be awarded for failure to provide students with a FAPE.

A full copy of the opinion can be found [here](#).

For additional information, please contact:

Cassandra L. Feeney at [cfeeney@adlercohen.com](mailto:cfeeney@adlercohen.com); or

Brian A. Fielding at [bfielding@adlercohen.com](mailto:bfielding@adlercohen.com)

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**Cassandra L. Feeney**  
Attorney  
[cfeeney@adlercohen.com](mailto:cfeeney@adlercohen.com)

**Brian A. Fielding**  
Attorney  
[bfielding@adlercohen.com](mailto:bfielding@adlercohen.com)

55 Dorrance Street  
Providence, RI 02903  
tel 401 521 6100  
[www.adlercohen.com](http://www.adlercohen.com)

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