No. 25-3381

United States Court of Appeals for the Third Circuit

CHICHESTER SCHOOL DISTRICT,

Plaintiff-Appellee,

v.

CASA EDUCATION DECISION MAKERS, o/b/o Y.C.Q., a minor,

Defendant-Appellant.

On Appeal from the United States District Court for the
Eastern District of Pennsylvania
(E.D. Pa. No. 25-3570) (Hon. Kelley B. Hodge)

BRIEF OF APPELLANT CASA EDUCATION DECISION MAKERS AND JOINT APPENDIX VOLUME I (JA-1 TO JA-11)

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DISCLOSURE STATEMENT

Appellant CASA Education Decision Makers is not a corporate entity, and therefore does not have responsive information to disclose pursuant to Federal Rule of Appellate Procedure 26.1 and Third Circuit Local Rule 26.1.

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STATEMENT OF JURISDICTION

The District Court asserted jurisdiction pursuant to 28 U.S.C. § 1331 and 20 U.S.C. § 1415(i)(2) because the claims of Appellant CASA Education Decision Makers ("Appellant" or "EDM") on behalf of Y.C.Q., a minor,[1] against Appellee Chichester School District (the "School District" or "Appellee") arose under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §§ 1400 *et seq*. On November 4, 2025, the District Court entered an order granting the School District's request for injunctive and declaratory relief. JA-4. Appellant filed a timely Notice of Appeal on December 3, 2025. JA-1–2. This Court has jurisdiction over this appeal pursuant to 28 U.S.C. § 1292.

STATEMENT OF ISSUES

1. Whether the District Court lacked jurisdiction in this case to enjoin enforcement of an administrative hearing officer's Order and a related corrective action issued by the Pennsylvania Department of Education when it had previously denied the School District's motion to file a late appeal of the hearing officer's Order on which that corrective action was based?

2. Whether the District Court denied Appellant's right to due process by granting injunctive relief in the absence of a factual or legal record in a prior case

[1] Education Decision Maker, Renee Platz, a CASA employee, is a surrogate parent. 34 C.F.R. § 300.519(c).

which was dismissed as untimely and without affording Appellant any opportunity to develop a factual record regarding the issues determined in either that prior proceeding or this case?

3. Whether the District Court erred by granting injunctive relief based on findings that were clearly erroneous and contrary to the indisputable factual record?

4. Whether the District Court abused its discretion by granting injunctive relief in the absence of any analysis showing that the School District met its burden of demonstrating: (i) likelihood of success on the merits; (ii) irreparable harm; (iii) that denying relief would injure the School District more than an injunction would harm Y.C.Q.'s EDM; and (iv) that granting relief would serve the public interest?

STATEMENT OF RELATED CASES

This case has not previously been before this Court. This case involves the same parties, same factual background, but different issues as *Y.C.Q. and Renee Platz v. Chichester School District*, No. 25-2788 (3d Cir.), which was submitted to the merits panel on January 15, 2026.

As explained below, this appeal involves the same parties, hearing officer Order, and relevant issues as *Chichester School District v. CASA Education Decision Makers on Behalf of YCQ*, Case No. 2:25-cv-01809 (E.D. Pa. filed Apr. 8, 2025). In that case (2:25-cv-01809), the School District requested permission to file an untimely appeal of the hearing officer's December 9, 2024 Order that is the subject

of this appeal (the "December 9, 2024 Order" or "Order"). As explained below, after the District Court denied that request, the School District subsequently and improperly initiated a collateral attack on the Order in this action by seeking to enjoin enforcement of the hearing officer's decision which was no longer subject to appeal. While the underlying case here involves the same parties, it concerns different issues and a different Order by the hearing officer.

STATEMENT OF THE CASE

Y.C.Q. is a seventeen-year-old, twelfth grade student in foster care who has endured significant trauma and is diagnosed with multiple disabilities, including depression and unspecified trauma- and stressor-related disorder. Academically, she functions at an early-elementary level—unable to perform basic academic tasks above that level despite being in her final year of high school. (JA-138; JA-159–60, ¶¶ 4, 6, 11). Since Y.C.Q.'s freshman year, Appellant has been attempting to secure special education and related services for Y.C.Q. from the School District, so that she can access the general education curriculum and receive a free appropriate public education, which is Y.C.Q.'s right under law. The School District, however, has been impeding this right at every turn. This appeal concerns but one obstacle the School District has forced upon Appellant—the School District's refusal to pay for Y.C.Q.'s Independent Educational Evaluation ("IEE") despite being ordered to do so.

After Appellant requested an IEE at the public's expense on April 5, 2024,[2] the School District sought to defend its denial of special education services to Y.C.Q. by filing a due process complaint and requesting a hearing. (JA-138). The path to the hearing, however, was marked by unnecessary delays caused by the School District, each extending Y.C.Q.'s inability to receive proper educational instruction through special education services. (JA-161, ¶ 15). Due to the School District's repeated delays, in July 2024, the EDM sought the services of psychologist, Dr. Steven Kachmar to initiate an independent evaluation. *Id.* ¶ 16.

Following the due process hearing, on December 9, 2024, the hearing officer issued the Order finding that the School District's evaluation of Y.C.Q. "failed to comply with all IDEA requirements because it was not sufficiently comprehensive to identify all of [Y.C.Q.]'s relevant needs," and therefore, Y.C.Q.'s EDM was

[2] Y.C.Q has an extremely limited educational history prior to 2022. It was only after the Department of Human Services ("DHS") took custody of Y.C.Q. in 2022, when she was fourteen years old, that she began attending school with consistency. (JA-160, ¶ 5). Unsurprisingly, given Y.C.Q.'s various disabilities and lack of prior education, Y.C.Q. struggled tremendously when she entered high school at that time. *Id.* ¶ 11. Upon Y.C.Q.'s transfer to Chichester High School—which occurred due to her placement in a foster home—Y.C.Q.'s EDM formally requested that the School District perform a special education evaluation. (JA-142). It took the School District months to complete this request. (JA-143). And while the evaluation documented profoundly low scores in every area examined, the School District found Y.C.Q. ineligible for special education. (JA-146–47). Then, at the Individualized Education Program ("IEP") meeting, the EDM was not able to ask questions about the report and, although she was told that the IEP meeting would be reconvened, it never was. (JA-147–48). It was after this that the EDM was forced to request an IEE so that Y.C.Q. could obtain the educational services she requires.

"entitled to an IEE at public expense." (JA-156). Specifically, the Order directed the School District to fund an IEE through the following mechanisms:

> 1. "Within five (5) calendar days of the date of this Order, the District shall provide to [EDM] not less than three (3) qualified individuals reasonably within its geographic area to conduct an independent psychoeducational evaluation. Within five (5) calendar days of the date of receipt of those professionals, the [EDM] shall provide notice to the District of the selected individual. In the event that the [EDM] do[es] not timely provide their selection, the District shall promptly choose the evaluator from the same list.
>
> 2. The chosen psychoeducational evaluator shall determine the scope of the IEE including all psychoeducational assessments and the involvement of any other necessary professionals for the IEE following review of the ER and the final report of the psychologist who is in the process of conducting an IEE.
>
> 3. If the psychologist currently conducting the IEE meets District criteria, *the* [EDM] *may elect to have that evaluation serve as the IEE at public expense*."

(JA-156–57) (emphasis added).

The EDM complied with the December 9, 2024 Order at each step. Within three (3) days, on December 12, 2024, the EDM communicated her intention to seek public funding for Dr. Kachmar's IEE, (JA-189), as permitted by paragraph 3 of the Order. In that communication, the EDM also provided Dr. Kachmar's qualifications, and explained that the School District did not need to provide additional potential evaluators. *Id.* The School District provided the EDM with a list of proposed evaluators the next day anyway. (JA-170). Within five (5) calendar days, on December 18, 2024, the EDM again notified the School District that she

sought public funding for Dr. Kachmar's IEE in accordance with paragraph 3 of the Order. (JA-169).

The School District, however, refused the EDM's request, claiming that Dr. Kachmar did not meet its criteria because he had appeared as a witness in the due process hearing. (JA-172). This so-called "criteria" appears nowhere in the School District's published IEE requirements. *Id.* In fact, as the School District itself observed, Dr. Kachmar satisfied all of the School District's published qualifications for conducting an IEE. *Id.* ("Dr. Kachmar may superficially appear to meet the [School] District's evaluator criteria . . . referencing the minimum requirements listed on the [School] District's website.").

Faced with the School District's non-compliance with the December 9, 2024 Order, the EDM sought enforcement assistance from the Pennsylvania Department of Education's Bureau of Special Education ("Bureau" or "SEA"), the agency tasked with ensuring compliance with due process hearing orders under federal law. (JA-177). Unfortunately, on January 13, 2025, the SEA informed the EDM that the School District's assurance of compliance was not due until May 8, 2025—meaning the EDM would have to wait nearly four months for the Bureau to take any enforcement action against the School District. (JA-178).

Notwithstanding the parties' obvious disagreement, in January 2025, the School District unilaterally proceeded with its chosen evaluator, Dr. Gail Martin, to

evaluate Y.C.Q. (JA-42, ¶¶ 7–8). The School District did so without obtaining the required consent from the EDM, who has "all rights and decision-making authority regarding [Y.C.Q.'s] education." (JA-159, ¶ 3; JA-163, ¶ 32). In fact, it was not until a month later that the EDM learned that the School District had begun its own evaluation. (JA-163, ¶ 32). Thereafter, the parties contacted the hearing officer, who responded by issuing a Memorandum on March 14, 2025. (JA-63–64). The Memorandum was not an order and did not modify or supersede the December 9, 2024 Order. Rather, it merely clarified the parties' respective duties under that Order. (Case No. 2:25-cv-01809, ECF No. 5-4). Specifically, the Memorandum affirmed that the Order did not permit the School District to conduct a separate IEE without the EDM's consent and that the School District's publicly available criteria for IEE's controlled. *Id.* at 4–5.

Still, the School District did not comply. Instead, on April 8, 2025—more than 120 days after the Order—the School District moved for leave to file an untimely appeal in the Eastern District of Pennsylvania. (Case No. 2:25-cv-01809, ECF No. 1). On May 8, 2025, the School District submitted a letter to the Bureau stating that it would not certify compliance with the Order due to its pending motion, asked whether the Bureau needed additional documentation, and promised to keep the Bureau apprised. (JA-180–81). On May 13, 2025, the Bureau confirmed that

there was no current role for state enforcement of the Order while the appeal was pending. (JA-183).

On June 26, 2025, the District Court denied the School District's Motion for Leave to File an Untimely Appeal finding that the "need to proceed with a late appeal" was "unsupported and, therefore not warranted based on the factual circumstances" (the "June 26, 2025 Decision"). (JA-64–65). In addition, despite denying leave to file an appeal, the District Court went beyond the limited issue presented by the School District's Motion, and purported to make findings, in dicta and contrary to the record, that the EDM's response to the School District's proposed list of evaluators was untimely and thus the EDM had waived her selection of the evaluator. (JA-65).

But the undisputed record is clear that the School District was timely notified that Dr. Kachmar was always the EDM's intended evaluator. The EDM retained him in July 2024, months before the December proceedings, his evaluation was complete before those proceedings, and the EDM requested public funding for Dr. Kachmar on December 12, 2024, before the School District provided its list of proposed evaluators on December 13. (JA-169–70; JA-189). The EDM then reaffirmed her selection of Dr. Kachmar on December 18, 2024, within the five-day response timeline. (JA-169–70). The District Court, however, ignored these communications.

Despite the District Court's dicta, the effect of the June 26, 2025 Decision was that the December 9, 2024 Order was final and enforceable. On June 27, 2025, the EDM therefore updated the Bureau on the status of the appeal, providing a copy of the District Court's decision, and asked the Bureau to investigate the School District's ongoing non-compliance with the December 9, 2024 Order. (JA-194). Following full briefing from both parties, on August 22, 2025, the Bureau issued its Hearing Officer Implementation Investigation Report (hereinafter, "corrective action"), finding that the School District "is not in compliance with implementing the [hearing officer's] Order dated December 9, 2024." (JA-82). The Bureau found that Dr. Kachmar met the School District's IEE criteria and therefore directed the School District to provide "[v]erification of payment for costs accrued, as a result of the completion of the IEE" by August 29, 2025. (JA-83–84).

Once again, however, the School District sought to delay and evade its obligations under the IDEA. On August 29, 2025, the School District notified the Bureau that it would not comply with the corrective action. (JA-202–05). Rather than returning to the Bureau to challenge the corrective action, the School District tried to take a second bite at the apple in the District Court. But because the School District's request to file an untimely appeal of the Order had been denied, it improperly filed a motion for injunctive and declaratory relief in this case—a

different action which was filed to seek review of an entirely *different* hearing decision dated April 14, 2025. (JA-15; JA-41).

On November 4, 2025, the District Court granted the School District's request and enjoined enforcement of the December 9, 2024 Order and declared the Bureau's corrective action "unenforceable." (JA-4). This Appeal follows.

STANDARD OF REVIEW

This Court reviews the grant of a preliminary injunction under a tripartite standard: findings of fact for clear error, legal conclusions *de novo*, and the ultimate decision to grant or deny injunctive relief for abuse of discretion. *See Reilly v. City of Harrisburg*, 858 F.3d 173, 176 (3d Cir. 2017). "Clear error exists when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." *Hope v. Warden York Cnty. Prison*, 972 F.3d 310, 320 (3d Cir. 2020) (citation modified). An abuse of discretion occurs where the preliminary injunction "rests on an erroneous view of the law or on a clearly erroneous assessment of the evidence, . . . which includes an improper application of the correct law to the facts." *Id.* (citation modified).

SUMMARY OF THE ARGUMENT

The District Court's injunction should be reversed for four independent reasons. *First*, the District Court lacked jurisdiction to enjoin enforcement of the

December 9, 2024 Order because the School District's motion for leave to file an untimely appeal was properly denied. That denial left the Order final and enforceable. The School District's request for injunctive relief in this, different, action was therefore an impermissible collateral attack on the Order. In addition, that request was improper because, under these circumstances, enforcement authority over the Order lay with the SEA, not a federal court in a different action related to a different hearing officer decision.

Second, the District Court violated the EDM's right to due process by reaching issues not properly before it and on which the EDM did not have the opportunity to make any factual or evidentiary record. The only issue before the Court and briefed by the parties in the prior proceeding was whether the School District's appeal should be dismissed as time barred. Having denied the School District's request to make an untimely appeal, the District Court lacked authority to determine whether the EDM "waived" her choice of evaluator. But the District Court nevertheless proceeded to make such findings, thus denying the EDM the opportunity to develop a full evidentiary record on that issue.

Third, the District Court's factual findings are clearly erroneous and contradicted by indisputable evidence. The record demonstrates that the EDM timely communicated her intention to seek public funding for Dr. Kachmar's IEE on December 12, 2024—before the School District provided its list of proposed

evaluators—and reaffirmed that selection on December 18, 2024, within the five-day response period required by the Order.

Fourth, the District Court abused its discretion by granting extraordinary injunctive relief without conducting the requisite four-factor analysis. Preliminary injunctive relief requires the movant to demonstrate: (1) likelihood of success on the merits; (2) likelihood of irreparable harm absent relief; (3) that the balance of equities tips in the movant's favor; and (4) that an injunction serves the public interest. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). The District Court's November 4, 2025 order contains no substantive analysis of these factors, which the School District failed to satisfy.

Each of these reasons independently warrants reversal. This Court should vacate the injunction and direct that the Bureau's corrective action requiring the School District to fund Y.C.Q.'s IEE be implemented.

ARGUMENT

I. THE DISTRICT COURT LACKED JURISDICTION TO ENJOIN ENFORCEMENT OF THE BUREAU'S CORRECTIVE ACTION.

The District Court lacked jurisdiction to issue the injunction for three reasons. First, by denying the School District's motion for leave to file an untimely appeal, the District Court relinquished jurisdiction over the Order. Second, and relatedly, the School District's request for injunctive relief in a different action was an impermissible collateral attack on the Order. Third, in these circumstances, the

IDEA vests authority to enforce hearing officer's orders in the SEA, not the federal courts.

A. The District Court Relinquished Jurisdiction by Denying the School District's Untimely Appeal.

The District Court's injunction was improper because the court had already relinquished jurisdiction over the December 9, 2024 Order by denying the School District's motion for leave to file an untimely appeal in Case No. 2:25-cv-01809 (the "prior proceeding"). Under the IDEA, a party aggrieved by a hearing officer's decision has "90 days from the date of the decision of the hearing officer to bring such an action." 20 U.S.C. § 1415(i)(2)(B); *see Jonathan H. v. The Souderton Area Sch. Dist.*, 562 F.3d 527, 529 (3d Cir. 2009). As a statutory appeal deadline, the timeliness of an IDEA appeal is a threshold jurisdictional matter. *See, e.g.*, *Bowles v. Russell*, 551 U.S. 205, 209 (2007).

Moreover, a "final determination of lack of subject matter jurisdiction of a case in a federal court, of course, precludes further adjudication of it." *Willy v. Coastal Corp.*, 503 U.S. 131, 137 (1992); *see Ramirez v. Gonzalez*, No. 5:19-cv-5519, 2020 WL 3447772, at *2 n.1 (E.D. Pa. June 24, 2020); *see also Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583 (1999) ("[A] federal court [must] satisfy itself of its jurisdiction over the subject matter before it considers the merits of a case."). When a court lacks jurisdiction, it cannot make decisions on the merits of the case; it has no authority to do so. *In re Orthopedic "Bone Screw" Prods. Liab.*

Litig., 132 F.3d 152, 155 (3d Cir. 1997) (a court ruling on a motion to dismiss for lack of subject matter jurisdiction does not authorize the court to make any factual determinations as to the merits of any party's claims); *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 94 (1998) ("Without jurisdiction the court cannot proceed at all in any cause. . . . [A]nd when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause.") (citation modified).

Here, the School District asked for leave to file an untimely appeal, 120 days after the Order. By denying that request, the District Court relinquished jurisdiction over the Order. As the District Court correctly held, the hearing officer's March 14, 2025 Memorandum was not—and never purported to be—an order and, therefore, did not affect the appeal deadline. (JA-64). Having properly dismissed the appeal as untimely, the District Court lacked authority to address the merits. Yet in the action below, the District Court enjoined enforcement of the Order and blocked the Bureau's corrective action—effectively circumventing its jurisdictional ruling in the prior proceeding and permitting the School District to evade the December 9, 2024 Order. (JA-4).

The School District's objective in the prior proceeding and in moving for an injunction in this case was identical: to avoid funding Y.C.Q.'s IEE. Permitting school districts to circumvent unfavorable administrative orders by seeking

injunctive relief in separate actions after failed appeals would render the IDEA's 90-day statutory deadline meaningless, abrogate the critical enforcement authority vested in the state educational agency by the IDEA, and undermine the finality essential to effective administration of special education law which is vital to address the time-limited educational trajectory of a schoolchild.

B. The School District's Request for Injunctive Relief Was an Impermissible Collateral Attack on a Final Order.

The School District's effort to avoid the jurisdictional effect of the District Court's denial of its untimely appeal by seeking injunctive relief in a different action was an impermissible collateral attack on the December 9, 2024 Order. As noted, statutory time limits for appeals are jurisdictional in nature. *See Bowles,* 551 U.S. at 214. Where "neither party sought an appeal [after a decision at the administrative level]. . . the hearing officer's decision [is] final and binding under the IDEA." *D.E. v. Cent. Dauphin Sch. Dist.*, 765 F.3d 260, 276 (3d Cir. 2014) (citation modified). That decision may not be collaterally attacked through alternative procedural mechanisms in a different case. *See Tice v. Bristol-Myers Squibb Co.*, 515 F. Supp. 2d 580, 599–600 (W.D. Pa. 2007), *aff'd*, 325 F. App'x 114 (3d Cir. 2009) (holding that final administrative orders cannot be collaterally attacked when a party fails to pursue available statutory review mechanisms); *Derrick F. v. Red Lion Area Sch. Dist.*, 586 F. Supp. 2d 282, 295 (M.D. Pa. 2008)

(recognizing that final administrative decisions are entitled to preclusive effect where the process is sufficiently judicial in nature) (citation omitted).

The IDEA's 90-day appeal deadline, 20 U.S.C. § 1415(i)(2)(B), reflects Congress's determination that IDEA disputes must be resolved expeditiously to protect the educational interests of children with disabilities. *See Rena C. v. Colonial Sch. Dist.*, 890 F.3d 404, 413 (3d Cir. 2018) ("The IDEA has been interpreted to promote the *speedy* resolution of disputes between parents and school districts.") (emphasis added). Here, the School District waited more than 120 days before seeking leave to file an untimely appeal. After that avenue was denied by the District Court, instead of appealing the denial to this Court, the School District moved, in a different action, for injunctive relief to block enforcement of the very Order it had failed to timely challenge. Permitting such collateral attacks on hearing officer orders would render the IDEA's 90-day appeal deadline a nullity and enable school districts to indefinitely delay compliance with final administrative orders.

C. Under these Circumstances, the IDEA Vests Enforcement Authority in the SEA, Not the Federal Courts.

Finally, under these circumstances, the IDEA assigns enforcement authority over hearing officer decisions to the SEA, not the federal courts. Under the IDEA's general supervision mandate, 20 U.S.C. § 1412(a)(11), the Pennsylvania Department of Education, acting through the Bureau, is responsible for monitoring

and enforcing local educational agencies' compliance with the IDEA's procedural requirements. 34 C.F.R. §§ 300.149, 300.600; (JA-68). The IDEA designates the SEA as the primary entity responsible for enforcing administrative decisions. 34 C.F.R. § 300.149. Specifically, the SEA must ensure that the local educational agency involved in the due process hearing implements the hearing officer's decision in a timely manner.

If the local educational agency fails or refuses to comply, the SEA may invoke appropriate enforcement mechanisms to secure compliance. 34 C.F.R. §§ 300.511–300.514, 300.600, 300.608; (JA-68). Critically, "[a] complaint alleging a public agency's failure to implement a due process hearing decision *must* be resolved by the SEA." 34 C.F.R. § 300.152(c)(3) (emphasis added). Federal courts review administrative decisions; SEAs enforce final administrative orders. *See D.E.*, 765 F.3d at 274–75 (reasoning that "Congress intended plaintiffs to complete the administrative process before resorting to federal court," including appeal to the SEA). There is no conflict between these roles—and no basis for a federal court to enjoin an SEA from performing its statutory enforcement function.

The District Court's characterization of the EDM's June 27, 2025 complaint to the Bureau—filed two days after the court denied the School District's untimely appeal—as an attempt to use the Bureau "as an alternative mechanism of appeal" and as "forum shopping" (JA-7, 10), misapprehends the IDEA's enforcement

framework. The EDM's complaint was not an alternative appeal; it was the proper mechanism for enforcing a final order, particularly under these circumstances. Once the District Court denied the School District's untimely appeal, the Order became final and enforceable, triggering the Bureau's statutory obligation to ensure compliance. *See* 34 C.F.R. § 300.152(c)(3). The EDM's timing—filing with the Bureau immediately after the appeal concluded—reflects proper adherence to the IDEA's enforcement procedures, not forum shopping.

Y.C.Q.'s entitlement to an IEE at public expense is a vital protection under the IDEA. *See Schaffer v. Weast*, 546 U.S. 49, 60–61 (2005) (explaining that the right to an IEE "ensures parents access to an expert who can evaluate all the materials that the school must make available, and who can give an independent opinion. They are not left to challenge the government without a realistic opportunity to access the necessary evidence, or without an expert with the firepower to match the opposition."). The Bureau's corrective action—directing the School District to reimburse the EDM for Dr. Kachmar's IEE—is precisely the type of enforcement the IDEA commits to the SEA. The District Court exceeded its authority by enjoining this enforcement mechanism. Rather than ensuring enforcement of the hearing officer's decision, the District Court improperly granted injunctive relief that foreclosed the state's enforcement and created "'an enormous loophole' in a school district's obligations under the IDEA, while 'substantially

weaken[ing] the IDEA's protections.'" *D.E.*, 765 F.3d at 273 (quoting *D.F. v. Collingswood Borough Bd. of Educ.*, 694 F.3d 488, 497 (3d Cir. 2012)).

II. THE DISTRICT COURT VIOLATED THE EDM'S RIGHT TO DUE PROCESS BY REACHING ISSUES NOT PROPERLY BEFORE IT.

In granting the School District's motion for declaratory and injunctive relief, the District Court erred by relying on improper factual findings in the prior proceedings related to the EDM's compliance with the Order—findings which were made in the absence of any evidentiary record and exceeded the scope of its jurisdictional inquiry in that proceeding. As a result, the EDM was denied due process because she was not given the opportunity to develop and argue from a full record related to compliance with the Order.

As the Third Circuit has recognized, "the 'core' process due under the Constitution is 'notice and a meaningful opportunity to be heard.'" *Parker v. New Jersey Motor Vehicle Comm'n*, 158 F.4th 470, 482 (3d Cir. 2025) (quoting *LaChance v. Erickson*, 522 U.S. 262, 266 (1998)); *see also Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) ("The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'") (citation omitted). Here, in the prior proceeding, the EDM had no notice that the Court would issue a decision on the underlying merits of her right to reimbursement for the IEE nor was she given any meaningful opportunity to be heard on that issue.

The District Court's inquiry in that proceeding was simply whether it could consider the School District's untimely appeal. The Court found it could not because the deadline to appeal had passed. That was all the District Court needed to determine and properly decide. Nevertheless, despite the fact that no complaint was filed in the case, no administrative record lodged, no hearing held, and no need to develop an evidentiary record on this issue, the District Court proceeded to make improper factual findings regarding whether the EDM "waived" the EDM's choice of evaluator. (JA-9–10). This was a merits determination that was foreclosed by the dismissal of the School District's untimely appeal.

Furthermore, the District Court compounded this error in this case by relying on the dicta findings from the prior proceeding—which were based on an incomplete record—while ignoring the emails in the record. (JA-5–6). Accordingly, its factual findings were improper and cannot support injunctive relief in this case.

III. THE DISTRICT COURT'S FACTUAL FINDINGS ARE CLEARLY ERRONEOUS.

Moreover, the District Court's factual finding that the EDM "waived" her choice of evaluator is clearly erroneous. The December 9, 2024 Order required the EDM to provide notice "[w]ithin five (5) calendar days of the date of receipt" of the School District's list of potential evaluators. (JA-156). Consistent with this

requirement, the record demonstrates that the EDM timely communicated her intention to seek public funding for Dr. Kachmar's IEE.

On December 12, 2024—the day before the School District provided its list of proposed evaluators—the EDM first stated her intention to proceed with Dr. Kachmar, and demonstrated that he met the School District's published criteria. (JA-189). In fact, the EDM notified the School District that, because she intended to continue with Dr. Kachmar, it was not necessary for the School District to provide a list of potential evaluators. *Id.* The District Court ignored this communication entirely.

The School District nevertheless chose to provide a list of potential evaluators the next day. On December 18, 2024—within five calendar days of receiving the School District's list—the EDM again notified the School District that she was electing to seek public funding for Dr. Kachmar's evaluation in accordance with paragraph 3 of the Order. (JA-169). The EDM's December 18 response was timely under the Order. The District Court's contrary finding—made without the benefit of a full evidentiary record and in a proceeding where the Order was not properly before the court—constitutes clear error. Accordingly, there was no "waiver" of the right to select an evaluator as found by the District Court. Nor did the EDM proceed without providing notice to the School District, as the Court also found.

As for Dr. Kachmar's qualifications, there is no real dispute that he met the School District's published criteria. (JA-172). As a result, the School District had to manufacture a new, unpublished requirement, disqualifying Dr. Kachmar, not due to his qualifications, but because he appeared as a witness on behalf of Y.C.Q. at the administrative hearing. However, as Appellee knows, it is common practice for parents with limited financial resources to secure an IEE, rely on that IEE as a witness in a due process hearing, and then obtain reimbursement for that IEE. In such cases, courts have never suggested that IEEs are disqualified by virtue of serving as a witness but rather have directed school districts to pay for the IEE. *See e.g.*, *Warren G. v. Cumberland Co. Sch. Dist.*, 190 F.3d 80, 87 (3d Cir. 1999) (affirming IEE reimbursement order where parent's expert testified as a witness); *Phillip C. ex rel. A.C. v. Jefferson Cnty. Bd. of Educ.*, 701 F.3d 691, 695 (11th Cir. 2012) (affirming IEE reimbursement order relying on parent's independent expert and recognizing that it is necessary under the IDEA "to ensure that parents can exercise their right to an independent expert opinion").

Moreover, the District Court's endorsement of the School District's unsupported position that a parent's testifying independent evaluator cannot meet agency criteria contravenes the definition of "agency criteria" set forth in federal

regulations. Under the heading "Agency[3] criteria" defined in 34 C.F.R. § 300.502(e), the regulation states "the criteria under which the [IEE] is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation" and "a public agency may not impose conditions or timelines" beyond the criteria that it uses for its own evaluations. 34 C.F.R. § 300.502(e)(1)-(2). Furthermore, when determining "agency criteria," hearing officers and courts will look to a school district's written policies for evaluations and independent educational evaluations. *See, e.g., C.P. o/b/o F.P. v. Clifton Bd. of Educ.*, No. CV198469KMJAD, 2020 WL 4530031, at *10 (D.N.J. Aug. 6, 2020). In this context, "insignificant or trivial deviations from the letter of agency criteria may be acceptable as long as there is substantive compliance with all material provisions of the agency criteria and the IEE provides detailed, rigorously produced and accessibly presented data." *Seth B. ex rel. Donald B. v. Orleans Par. Sch. Bd.*, 810 F.3d 961, 979 (5th Cir. 2016).

In its Order, the hearing officer correctly and deliberately used the term "meets District criteria" when ordering that the EDM could elect to obtain payment for Dr. Kachmar's IEE because of the term's specific meaning under the IDEA's

[3] The IDEA and its regulations use the term "local educational agency," which is defined as a "public board of education or . . . school district." 34 C.F.R. § 303.23(a).

regulations. (JA-156–57). Nothing in the Order empowers the School District to exercise blanket discretion to deny the EDM's request based on new criteria that do not apply to its own evaluations. *See Seth B.*, 810 F.3d at 979 (straying from published criteria allows districts "to treat parents' right to an IEE as a privilege to be granted at their discretion").

By accepting the School District's argument that Dr. Kachmar's evaluation did not meet District criteria, the District Court has done precisely what the IDEA's regulations prohibit: It has relied on additional newly created criteria cited by the School District as a condition to deny funding Dr. Kachmar's evaluation, criteria that do not exist in its own evaluations.[4] Accordingly, this Court should find that the District Court's reliance on this argument by the School District was clearly erroneous.

[4] The School District's Policy 113.3 outlines criteria for its evaluations, including that "[w]here feasible, assessments and evaluations shall be administered in a language and form most likely to provide accurate information about the student" and "[t]he evaluator shall hold an active certification that qualifies the evaluator to conduct that type of evaluation." (JA-73). Dr. Kachmar, a certified school psychologist, conducted direct assessments of Y.C.Q. in Spanish with the use of interpreters, which is consistent with the School District's criteria. (JA-79). The School District's own school psychologist testified that using an interpreter for an evaluation is consistent with the School District's policy as this is "the next best thing" to use of a bilingual psychologist. (JA-78).

IV. THE DISTRICT COURT ABUSED ITS DISCRETION BY FAILING TO ANALYZE THE FOUR EQUITABLE FACTORS.

A preliminary injunction is an "extraordinary remedy" available "only in limited circumstances." *Kos Pharms., Inc. v. Andrx Corp.*, 369 F.3d 700, 708 (3d Cir. 2004). To obtain such relief, the movant must establish four factors: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm absent preliminary relief; (3) that the balance of equities favors the movant; and (4) that an injunction serves the public interest. *See Winter*, 555 U.S. at 20; *B.H. ex rel. Hawk v. Easton Area Sch. Dist.*, 725 F.3d 293, 302 (3d Cir. 2013). The first two factors—likelihood of success and irreparable harm—are "prerequisites" to relief. *Doe 1 v. Perkiomen Valley Sch. Dist.*, 585 F. Supp. 3d 668, 684 (E.D. Pa. 2022) (citing *Holland v. Rosen*, 895 F.3d 272, 286 (3d Cir. 2018)). The movant bears the burden of demonstrating that all four factors weigh in its favor. *See Am. Tel. & Tel. Co. v. Winback & Conserve Program, Inc.*, 42 F.3d 1421, 1427 (3d Cir. 1994).

The District Court's order offered only a bare recitation of these factors without substantive analysis. (JA-8–9). The District Court recited the School District's arguments but failed to independently evaluate whether the School District satisfied its burden on each factor. This failure independently warrants reversal. *See Reilly*, 858 F.3d at 176 (district court must "balance those four factors so long as the party seeking the injunction meets the threshold on the first two").

Moreover, preliminary injunctive relief must generally be confined to the claims and parties before the court. *Ball v. Famiglio*, 396 F. App'x 836, 837–38 (3d Cir. 2010) (affirming the denial of injunctive relief where the requested relief was "completely unrelated to the allegations" in the complaint). Here, the District Court's injunction exceeds its proper scope by issuing relief limiting the actions of a non-party, the Bureau, who had no opportunity to present its position regarding the scope of its authority and actions.

A. Proper Analysis of the Four Factors Counsels Against a Preliminary Injunction.

Proper application of the preliminary injunction factors demonstrates that the District Court abused its discretion in granting the School District's motion.

i. The School District Cannot Demonstrate Likelihood of Success on the Merits.

First, the School District cannot establish a likelihood of success on the merits because the District Court has no pathway to adjudicate the matter as its appeal has already been dismissed as untimely. (JA-65). Having failed to timely challenge the Order, the School District is procedurally barred from relitigating its merits and therefore cannot demonstrate likelihood of success. In addition, as noted above, the factual findings on which the preliminary injunction is based are clearly erroneous. The District Court's failure to properly address this threshold deficiency constitutes reversible error.

ii. The School District Cannot Demonstrate Irreparable Harm.

Second, the School District's claimed harm is monetary only—the cost of funding Y.C.Q.'s IEE—which generally does not constitute irreparable harm. *Acierno v. New Castle Cnty.*, 40 F.3d 645, 653 (3d Cir. 1994). The School District has refused to comply with the hearing officer's Order for over a year, leaving the EDM without the funds she expended in good faith to obtain necessary services for Y.C.Q. The District Court failed to weigh these competing harms.

iii. The Balance of Equities and Public Interest Favor the EDM.

Third, the balance of equities tips decidedly in the EDM's favor. The School District seeks to avoid a financial obligation it has owed for over a year, while the EDM is deprived of the reimbursement to which she is entitled under the Order. Although the requirement to pay monetary damages is not irreparable harm for a school district, enjoining an order that promotes the rights of a student with a disability under the IDEA does cause irreparable harm to the student. *See M.K. v. Roselle Park Bd. of Educ.*, No. CIV A 06-4499 JAG, 2006 WL 3193915, at *13 (D.N.J. Oct. 31, 2006). Public interest likewise favors enforcement of the Order. The IDEA's procedural protections exist to ensure that children with disabilities receive a free appropriate public education. *See Schaffer*, 546 U.S. at 60–61. Permitting school districts to evade final administrative orders undermines the IDEA's enforcement framework and the rights of the children it protects.

The District Court's failure to analyze these factors—particularly the lack of irreparable harm to the School District and the public interest in enforcing IDEA protections—constitutes an abuse of discretion.

B. The District Court's Injunction Improperly Limits a Non-Party Agency's Ability to Exercise Its Enforcement Authority.

Preliminary injunctive relief cannot generally extend beyond the claims and parties before the court. *Ball*, 396 F. App'x at 837–38. Relief concerning actions taken by a non-party, or issues outside the scope of the pleadings, exceeds the proper bounds of a preliminary injunction. *Id.* at 837 ("[T]here must be 'a relationship between the injury claimed in the party's motion and the conduct asserted in the complaint.'") (quoting *Little v. Jones*, 607 F.3d 1245, 1251 (10th Cir. 2010)).

Here, the School District requested that the District Court reverse the Bureau's corrective action order in its entirety. (JA-39–40). And the District Court's order purports to do just that, by declaring the corrective action order unenforceable. (JA-4). But the Bureau was not a party to the action below, and the School District's complaint did not state claims against the Bureau or its enforcement authority. The injunction thus effectively restrains a non-party state agency from exercising its statutory enforcement powers under the IDEA—relief that far exceeds the proper scope of the proceedings before the District Court and sets an extremely dangerous precedent which may have a chilling effect on parent

litigants or even on the Bureau itself to exercise its enforcement authority. Such an overreach is particularly egregious because, as noted, the authority to review and enforce final administrative orders under the circumstances of this case is vested in the SEA, not the District Court.

CONCLUSION

For the foregoing reasons, Appellant respectfully requests that the Court vacate the District Court's decision and order that the Bureau's corrective action requiring the School District to fund Y.C.Q.'s IEE be implemented.

Dated: February 23, 2026

Respectfully submitted,

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COMBINED CERTIFICATIONS

1. Pursuant to Third Circuit L.A.R. 28.3(d), I hereby certify that George Gordon, Jennifer Harchut, Gianna Hill, Maura I. McInerney, and Margaret M. Wakelin are members in good standing of the bar of this Court.

2. This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7) because it contains 6,787 words, as counted by Microsoft Word 365, excluding the parts of the document exempted by Fed. R. App. P. 32(f).

3. This brief complies with the typeface and type-style requirements of Fed. R. App. P. 32(a)(5) and Fed. R. App. P. 32(a)(6) because it has been prepared in a 14-point proportionally spaced typeface (Times New Roman) using Microsoft Word 365.

4. I hereby certify that the text of the brief transmitted to the court on this date is identical to the text of the hard copies of the Brief of Appellant Casa Education Decision Makers and Joint Appendix Volume I delivered to the Clerk.

5. I hereby certify that a virus check was performed by CrowdStrike Falcon on the Brief of Appellant Casa Education Decision Makers prior to transmitting it to the Clerk electronically.

6. I hereby certify that, on February 23, 2026, I caused the foregoing to be filed with the Clerk of Court using the CM/ECF System, and all counsel of record in this case is a Filing User who will receive notice of such filing.

Dated: February 23, 2026

Respectfully submitted,

/s/ George Gordon
George Gordon

No. 25-3381

United States Court of Appeals for the Third Circuit

CHICHESTER SCHOOL DISTRICT,

Plaintiff-Appellee,

v.

CASA EDUCATION DECISION MAKERS, o/b/o Y.C.Q., a minor,

Defendant-Appellant.

On Appeal from the United States District Court for the
Eastern District of Pennsylvania
(E.D. Pa. No. 25-3570) (Hon. Kelley B. Hodge)

BRIEF OF APPELLANT CASA EDUCATION DECISION MAKERS AND JOINT APPENDIX VOLUME I (JA-1 TO JA-11)

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHICHESTER SCHOOL DISTRICT, Plaintiff, v. **CASA EDUCATION DECISION MAKERS,** o/b/o Y.C.Q., a minor Defendant.	Case No. 25-cv-03570 The Honorable Kelley B. Hodge

NOTICE OF APPEAL

NOTICE is hereby given that CASA Education Decision Makers ("EDM"), on behalf of Y.C.Q., a minor, the above-captioned Defendant, appeals under 28 U.S.C. § 1292(a)(1) to the United States Court of Appeals for the Third Circuit from the Order (ECF No. 13) entered on November 4, 2025 by the Honorable Kelley Brisbon Hodge, Judge for the United States District Court for the Eastern District of Pennsylvania. This Order enjoined enforcement of a separate due process administrative decision (Case No. 29928-2324KE) which was found not subject to appeal in a different civil action before Judge Hodge, Civ. No. 25-cv-01809. Judge Hodge previously dismissed this case because it was filed beyond the 90-day appeal period. (Civ. No. 25-cv-01809, ECF No. 16). Through the November 4, 2025 Order, the District Court erroneously granted the District's requested relief and enjoined enforcement of the hearing officer's decision which the state sought to enforce pursuant its authority under 34 C.F.R. § 300.152(c)(3). (ECF No. 13). The EDM seeks reversal of this improperly issued injunction.

The parties to the aforementioned Order, as well as the names and addresses of their respective counsel are as follows:

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHICHESTER SCHOOL DISTRICT, Plaintiff, v. **CASA EDUCATION DECISION MAKERS,** o/b/o Y.C.Q., a minor Defendant.	Case No. 25-cv-03570 The Honorable Kelley B. Hodge

CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2025, I caused a true and correct copy of the foregoing Notice of Appeal to be served upon counsel of record by filing via ECF.

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHICHESTER SCHOOL DISTRICT, **Plaintiff,**	**CIVIL ACTION**
v.	
CASA EDUCATION DECISION MAKERS, on behalf of Y.C.Q., a minor, **Defendant.**	**NO. 25-3570**

O R D E R

Before the Court is Chichester School District's (the "District") Motion for Injunctive and Declaratory Relief ("Motion") (ECF No. 10) against CASA Educational Decision Maker (the "EDM") of student Y.C.Q. concerning Office for Dispute Resolution Decision No. 29928-2425 (the "December 2024 Order") and the Pennsylvania Department of Education's Bureau of Special Education (BSE) Decision No. 29928-2324KE (the "August 2025 Investigation Report") pursuant to the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1415(i)(2). In its Motion, the District alleges that the August 2025 Investigation Report "undermines the authority of this Honorable Court, as well as blocks the implementation of this Court's Order entered on June 25, 2025 as it relates to the District and [the December 2024 Order]." (ECF No. 10 at 2.) Upon consideration of the District's Motion and the EDM's Response in Opposition (ECF No. 12), it is **HEREBY ORDERED** on this 4th day of November, 2025, that the Motion is **GRANTED**.

IT IS FURTHER ORDERED AND DECLARED that:

1. The EDM is **ENJOINED** from attempting to enforce the August 2025 Investigation Report;
2. The August 2025 Investigation Report is unenforceable;

3. The District is in compliance with the December 2024 Order, as stated in the Court's June 2025 Order; and

4. Due to the failure to complete the Independent Educational Evaluation (IEE) of Y.C.Q., and this lack of completion being to Y.C.Q.'s detriment, the IEE must be completed **within 30 days from the date of this Order**.

I. RELEVANT BACKGROUND

On April 5, 2024, the EDM requested an IEE. (ECF No. 10-4 at 3.) In response, on April 30, the District requested a due process hearing to determine if the EDM's IEE request was appropriate. (*Id.*) As a result of repeated delays with the hearing, the EDM independently sought the services of psychologist Steven Kachmar ("Dr. Kachmar") to initiate an IEE in July 2024. (*Id.*)

On December 9, 2024, the due process hearing officer (the "Officer") issued a final decision and order finding that the EDM is "entitled to an IEE at public expense." (ECF No. 12-1 at 22.) The Officer's December 2024 Order contemplated the occurrence of one of three scenarios: (i) the District providing to the EDM by December 14, 2024 "not less than three (3) qualified individuals . . . to conduct an independent psychoeducational evaluation" and the EDM notifying the District of their selection "[w]ithin five (5) calendar days of the date of receipt of those professionals"; (ii) the District choosing the evaluator from the same list in the event that the EDM does not timely provide their selection; or (iii) Dr. Kachmar's IEE serving as the relevant evaluation *so long as* he meets the District's criteria. (*Id.* at 21-22.)

Following the issuance of the December 2024 Order, on December 12, 2024, the District timely provided the EDM with the names of five individuals who met the District's criteria for the IEE providers. (ECF No. 10-4 at 4.) On December 18, the EDM untimely notified the District that they were electing to obtain funding for Dr. Kachmar's evaluation, who was not listed by the

District as one of the three qualified individuals, on the grounds that they "believed [he] met the District's criteria." (*Id.*) The District rejected the EDM's request because, by virtue of Dr. Kachmar's appearance as a witness in the IEE hearing, he did not meet the District's criteria. (*Id.*) Due to the EDM subsequently failing to select an evaluator from the District's list of individuals, the District—per the December 2024 Order—selected Dr. Gail Martin ("Dr. Martin"), an individual from the list, to begin the evaluation. (*Id.*)

After notifying the EDM of its selection on January 7, 2025, the District began undertaking the evaluation. (*Id.*) However, at that time, the EDM rejected Dr. Martin and insisted that the evaluation be halted until the Officer could provide clarification, despite the Officer having stated in the December 2024 Order that the Officer relinquished jurisdiction from that point forward. (ECF No. 12-1 at 22.) Notwithstanding, on March 14, 2025, the Officer issued a memorandum contradicting the Order, stating that the Officer "did not intend [in the December 2024 Order] to permit the District to conduct any evaluation or proceed in any manner where the consent of the [EDM] must ordinarily be first obtained." (ECF No. 10-4 at 4.)

Following the Officer's memorandum, the District filed a Motion for Leave to File Late Appeal ("Motion for Leave") on the ground that the EDM and Officer's actions "came well after the deadline to appeal this matter." (*Id.*) In response, the EDM countered that because the December 2024 Order "permits [them] to elect to request public funding for Dr. Kachmar's evaluation" if he meets District criteria, "the language of the [O]rder plainly allows for the EDM to select its own private evaluator." (*Id.* at 4-5.)

In its June 2025 Order denying the District's Motion for Leave, this Court made the following findings:

- "[T]his Court does not give any consideration to and disregards the supplemental memorandum issued by the Officer" because, "by the plain language of the Officer's Order, the Officer no longer had jurisdiction over the matter after December 9, 2024";
- The EDM did not follow the December 2024 Order, "instead deciding to unilaterally proceed with the IEE of Dr. Kachmar—whose name was not on the District's list—without verifying with the District whether Dr. Kachmar met the District's criteria, informing the District of their selection of Dr. Kachmar, or objecting to any of the listed qualified individuals that were provided by the District";
- "[T]he EDM waived their selection of who was to conduct the IEE" because their "failure to choose any of the District's proposed qualified providers did not comply [with the December 2024 Order]"; and
- "Dr. Martin should be permitted to proceed with conducting her evaluation of Student so that a remedy can be attained for Student by the beginning of their last year of high school." (ECF No. 10-4 at 3-6.)

Following the June 2025 Order, the District directed Dr. Martin to resume and complete the IEE. (ECF No. 10 at 3.)

On June 27, 2025, a mere two days after the Court's June 2025 Order, the EDM filed a complaint with the BSE—seemingly attempting to use the BSE as an alternative mechanism of appeal from this Court's Order—alleging that the District had not implemented the December 2024 Order in spite of this Court's June 2025 Order. Specifically, the EDM asserted that the District "is refusing to develop an [Individualized Education Program (IEP)] or reimburse the

court-appointed EDM for the [IEE] conducted by Dr. Steven Kachmar, which is explicitly authorized in the Order." (ECF No. 12-10 at 2.)

Thereafter, on August 22, 2025, the BSE issued an investigative report concluding, among other things, that: (1) the District "is not in compliance with implementing" the December 2024 Order; and (2) Dr. Kachmar meets the District's IEE criteria, and thus, the District must fund his evaluation. (ECF No. 10-5 at 16–17.)

On September 8, 2025, the District emailed the EDM informing them that Dr. Martin's IEE is not yet finalized due to the pause following the EDM's request for clarification, the Officer's March 2025 memorandum, and the subsequent litigation. (ECF No. 12-12 at 2.) The District continued that it has "requested a revised completion date and will provide it upon receipt." (*Id.*)

II. DISCUSSION

Federal Rule of Civil Procedure 65 permits district courts to grant preliminary injunctions. For a court to grant injunctive relief, a party must show: "(1) a likelihood of success on the merits; (2) that it will suffer irreparable harm if the injunction is denied; (3) that granting preliminary relief will not result in even greater harm to the nonmoving party; and (4) that the public interest favors such relief." *Kos Pharms., Inc. v. Andrx Corp.*, 369 F.3d 700, 708 (3d Cir. 2004). The party seeking injunctive relief bears the burden of showing that the factors weigh in favor of preliminary relief. *American Tel. & Tel. Co. v. Winback & Conserve Program, Inc.*, 42 F.3d 1421, 1427 (3d Cir. 1994).

Addressing these factors in turn, the District argues in its Motion that (1) it "is overwhelmingly likely to succeed because the dispositive issues have already been resolved by this Court against the EDM[] and contrary to the BSE's directive"; (2) "[t]he ongoing disruption [] jeopardizes IDEA's requirement of timely evaluation and programming prior to graduation,

compounding the harm to the Student and the District"; (3) "[t]he EDM[] suffer[s] no cognizable harm if Dr. Martin completes her IEE" because "[t]hey will receive the very independent IEE contemplated by IDEA and by this Court's Order"; and (4) "[t]he public interest strongly favors the adherence to federal court orders, preservation of the rule of law, and conservation of taxpayer resources." (ECF No. 10 at 6-8.)

In addition to injunctive relief, the District also seeks declaratory judgment under 28 U.S.C. § 2201 "to clarify its rights and obligations in light of the BSE's conflicting directive." (*Id.*) A federal court may entertain a declaratory judgment action "when it finds that the declaratory relief sought "(i) will serve a useful purpose in clarifying and settling the legal relations in issue; and (ii) will terminate and afford relief from the uncertainty, insecurity, and controversy giving rise to the proceeding." *Brugler v. Unum Grp.*, 4:15-CV-01031, 2018 U.S. Dist. LEXIS 187836, at *2 (M.D. Pa. Nov. 2, 2018).

For the reasons stated below, the Court grants both injunctive and declaratory relief in this case.

As a threshold matter, the Court first addresses the EDM's contention that, by denying the District's Motion for Leave, this Court did not have the "authority to make factual determinations or conclusions about the merits of the case" in its June 2025 Order. (ECF No. 12 at 9.) The District's rationale in filing its Motion for Leave was that "[t]he road to this Motion has been riddled with unforeseen procedural obstacles and [is] a result of the EDMs' refusal to cooperate with the District's legal duty to adhere to the Hearing Officer['s] Order, as well as the Hearing Officer drafting an unauthorized and inappropriate memorandum." (Civ. Ac. No. 25-1809, ECF No. 1-1 at 8.) Based on this argument, the Court had to make factual findings regarding the December 2024 Order—specifically, whether the EDM waived their selection of the

psychoeducational evaluator after the fact—in order to decide the District's Motion for Leave. The need for this Court to read, assess, and deliberate over the factual circumstances in this matter, which encompassed both substantive and procedural issues that were interwoven with one another, were intrinsic to the Court's determination on the motion. The Court could not ignore the facts and then render a determination; to do so would be illogical and suggest to this Court that it render a decision with blinders on. Thus, the Court's consideration in the June 2025 Order of this case's storied procedural history weighed heavily in the interest of judicial efficiency.[1] *See* Fed. R. Civ. P. 1 ("These rules . . . . should be construed, administered, and employed by the court . . . to secure the just, speedy, and inexpensive determination of every action and proceeding.").

The Court now addresses the EDM's seemingly de facto motion to reconsider the Court's June 2025 Order via its complaint to the BSE. In what can only be viewed as an attempt to get a second opinion that is more favorable than that of this Court, the EDM's attempt at forum shopping yields no different opinion from this Court. The Court engaged in thoughtful deliberation in issuing its June 2025 Order, as it was keenly aware of the time-sensitive nature of the matter based on the dwindling amount of time that Y.C.Q. has left in their high school journey. This Court expects that all of its Orders will be adhered to by all parties, despite any disappointment in or disagreement with the Court's determination. The Court will not accept an administrative decisionmaker's after-the-fact determination, which the EDM presents to the Court as either a persuasive authority or a

[1] In its Motion, the District cites *Susquenita Sch. Dist. v. Raelee S. by & Through Heidi S.*, 96 F.3d 78, 82 (3d Cir. 1996) for the proposition that federal courts have the ultimate authority in IDEA enforcement notwithstanding contrary state determinations. (ECF No. 10 at 7.) In reviewing the cite provided, the Court believes the District is referring to the portion of *Raelee S.* that asserts (1) "states and local agencies are required by the IDEA to comply with federal guidelines and regulations established to ensure the availability of a 'free appropriate public education' for all of their disabled children"; and (2) "[s]tate and local compliance with the IDEA is monitored by federal review[.] . . ." *Id.* The Court does not find these excerpts to stand for the Supremacy Clause principles that the District alleges they do.

directive (it is neither) that the Court should follow. Based on the foregoing, the relief the District seeks is warranted.

As stated in its June 2025 Order, "[t]imely resolution of IDEA disputes is essential because the passage of time could jeopardize a student's ability to receive proper educational instruction at the appropriate age." *Muse' B. v. Upper Darby Sch. Dist.*, Civ. No. 06-00343, 2007 U.S. Dist. LEXIS 78139, at *12 n.3 (E.D. Pa. Jan. 26, 2007). The Court reiterates its prior language with the expectation and belief that if all parties are as focused on the best educational interest of Y.C.Q as they have stated, then the completion of Dr. Martin's pending IEE should be of the highest priority from this point forward.

BY THE COURT:

/s/ Kelley B. Hodge

HODGE, KELLEY B., J.