
United States Court of Appeals
for the
Third Circuit

Case No. 25-2788

Y. C. Q., a minor, individually, by and through Educational Decision Maker
Renee Platz; RENEE PLATZ, Individually,

Plaintiffs-Appellants,

– v. –

CHICHESTER SCHOOL DISTRICT,

Defendant-Appellee.

ON APPEAL FROM AN ORDER OF THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**BRIEF FOR *AMICI CURIAE* COUNCIL OF PARENT
ATTORNEYS AND ADVOCATES, THE ARC OF GREATER
PITTSBURGH, DISABILITY RIGHTS PENNSYLVANIA, JUVENILE
LAW CENTER, THE PUBLIC INTEREST LAW CENTER,
KIDVOICE AND THE NATIONAL DISABILITY RIGHTS NETWORK
IN SUPPORT OF PLAINTIFFS-APPELLANTS AND REVERSAL**

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CORPORATE DISCLOSURE STATEMENT

Pursuant to FRAP 26.1 the following disclosure is made on behalf of these entities:

COUNCIL OF PARENT ATTORNEYS AND ADVOCATES (COPAA)
DISABILITY RIGHTS PENNSYLVANIA (DRP)
THE NATIONAL DISABILITY RIGHTS NETWORK (NDRN)
THE PUBLIC INTEREST LAW CENTER (LAW CENTER)
JUVENILE LAW CENTER
THE ARC OF GREATER PITTSBURGH
KIDSVOICE

1. No amicus is a publicly held corporation or other publicly held entity;
2. No amicus has parent corporations; and
3. No amicus has 10% or more of stock owned by a corporation.

s/ Selene Almazan-Altobelli
Selene Almazan-Altobelli

Attorney for Amici Curiae

TABLE OF CONTENTS

	Page
CORPORATE DISCLOSURE STATEMENT.....	i
TABLE OF AUTHORITIES.....	iii
STATEMENT OF INTEREST OF AMICI CURIAE.....	1
SUMMARY OF ARGUMENT.....	6
ARGUMENT	7
I. IN CONSTRUING FEDERAL LAW, COURTS CONSIDER THE PLAIN MEANING OF THE LAW AS WELL AS THE STATUTORY PURPOSE.....	7
II. THE IDEA’S TEXT AND PURPOSE MAKE CLEAR THAT Y.C.G. IS ENTITLED TO STAY-PUT IN THE AGREED UPON PLACEMENT FOR THE DURATION OF JUDICIAL REVIEW.....	12
III. THE DISTRICT COURT’S ERRONEOUS DECISION IS PARTICULARLY HARMFUL TO Y.C.Q., A CHILD IN THE FOSTER CARE SYSTEM	18
CONCLUSION	25

TABLE OF AUTHORITIES

	Page(s)
Cases:	
<i>A.J.T. v. Osseo Area Schs.</i> , 605 U.S. 335 (2025).....	2, 8, 10
<i>Alston v. Countrywide Fin. Corp.</i> , 585 F.3d 753 (3d Cir. 2009).....	8
<i>Arlington Cent. Sch. Dist. Bd. of Educ. v. Murphy</i> , 548 U.S. 291 (2006).....	2, 8
<i>Avila v. Spokane Sch. Dist.</i> , 852 F.3d 936 (9th Cir. 2017).....	9, 16
<i>Barnhart v. Sigmon Coal Co.</i> , 534 U.S. 438 (2002).....	8
<i>Bd. of Educ. v. Tom F.</i> , 552 U.S. 1 (2007).....	2
<i>Bostock v. Clayton Cnty.</i> , 590 U.S. 644 (2020).....	8
<i>Burlington Sch. Comm. v. Mass. Dep’t of Ed.</i> , 471 U.S. 359 (1985).....	7, 12, 14
<i>Clovis Unified Sch. Dist. v. Calif. Office of Admin. Hearings</i> , 903 F.2d 635 (9th Cir. 1990).....	7
<i>Davis v. Michigan Dep’t of Treasury</i> , 489 U.S. 803 (2019).....	9
<i>Doe v. E. Lyme Bd. of Educ.</i> , 790 F.3d 440 (2d Cir. 2015).....	14
<i>Drinker v. Colonial Sch. Dist.</i> , 78 F.3d 859 (3d Cir. 1996).....	16
<i>Endrew F. v. Douglas Cnty. Sch. Dist. RE-1</i> , 580 U.S. 386 (2017).....	2, 12, 15
<i>Forest Grove Sch. Dist. v. T.A.</i> , 557 U.S. 230 (2009).....	2

Fry v. Napoleon Cmty., Schs., 580 U.S. 154 (2017)..... 1, 2, 8

Groff v. DeJoy, 600 U.S. 447 (2023).....8

Hartford Underwriters Ins. Co. v. Union Planters Bank, N. A., 530 U.S. 1 (2000).....8

Hatikvah Int’l Acad. Charter Sch. v. E. Brunswick Twp. Bd. of Educ., 10 F.4th 215 (3d Cir. 2021)..... 17, 19

Henson v. Santander Consumer USA Inc., 582 U.S. 79 (2017).....7

Home Depot U.S.A., Inc. v. Jackson, 587 U.S. 435 (2019).....9

Honig v. Doe, 484 U.S. 305 (1988)..... 12, 15

Johnson v. Special Educ. Hearing Off., 287 F.3d 1176 (9th Cir. 2002).....16

Joshua A. v. Rocklin Unified Sch. Dist., 559 F.3d 1036 (9th Cir. 2009).....13

Khan v. AG of the United States, 979 F.3d 193 (3d Cir. 2020).....7

L.M. v. Capistrano Unified Sch. Dist., 556 F.3d 900 (9th Cir. 2009).....14

Lunceford v. D.C. Bd. of Educ., 745 F.2d 1577 (D.C. Cir. 1984)16

M.R. v. Ridley Sch. Dist., 744 F.3d 112 (3d Cir. 2014)..... 13, 14, 16, 17

Murrin v. Comm’r of Internal Revenue, No. 24-2037, 2025 WL 2945747 (3d Cir. Oct. 17, 2025).....9

N.E. v. Seattle Sch. Dist., 842 F. App’x 108 (9th Cir. 2021)16

PARC v. Commonwealth of Pennsylvania, 343 F. Supp. 279 (E.D. Pa 1972)5

Perez v. Sturgis Public Schs.,
598 U.S. 142 (2023).....2, 7

R.Y. v. Hawaii,
94 F.4th 1147 (9th Cir. 2024)16

S.M. ex rel. D.M. v. McKnight,
No. DLB-23-1387, 2024 U.S. Dist. LEXIS 178166
(D. Md. Sept. 30, 2024)14

Schaffer v. Weast,
546 U.S. 49 (2005).....2

Sebelius v. Cloer,
569 U.S. 369 (2013)..... 10, 11

Sturgeon v. Frost,
577 U.S. 424 (2016).....9

Susquenita Sch. Dist. v. Raelee S. By & Through Heidi S.,
96 F.3d 78 (3d Cir. 1996)..... 12, 14, 15, 17

T.B. v. San Diego Unified Sch. Dist.,
806 F.3d 451 (9th Cir. 2015).....14

T.M. v. Cornwall Cent. Sch. Dist.,
752 F.3d 145 (2d Cir. 2014)..... 13, 16

United States v. Cleveland Indians Baseball Co.,
532 U.S. 200 (2001).....9

United States v. Dauray,
215 F.3d 257 (2d Cir. 2000).....9

Winkelman v. Parma City Sch. Dist.,
550 U.S. 516 (2007).....2

Statutes & Other Authorities:

34 C.F.R. § 300.518(d).....13

20 U.S.C. § 14001

20 U.S.C. § 1400(b)(4)15

20 U.S.C. § 1401(9)(D)12

20 U.S.C. § 1414(d)(1)(B).....12

20 U.S.C. § 1415(i)(2)(A)12

20 U.S.C. § 1415(j)6, 16, 17

20 U.S.C. § 1415(l).....8

29 U.S.C. § 7941,10

42 U.S.C. § 300aa-111

42 U.S.C. § 121311,10

42 U.S.C. § 19831

Fed. R. App. P. 291

Fed. R. App. P. 32(a)(7)(C).....25

Amy Armstrong-Heimsoth, et al., Exploring Interdisciplinary Collaboration to Support Life Skills Education for Young Adults in Extended Foster Care, 101 Child Welfare 117 (2023)23, 24

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Anouk Goemans, et al., Predictors of school engagement in foster children: A longitudinal study, 88 Child. & Youth Serv. Rev. 33 (2018)21, 22

Aoife O’Higgins, et al., What are the factors associated with educational achievement for children in kinship or foster care: A systematic review, 79 Child. & Youth Serv. Rev. 198 (2017)22

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Carly Paro-Tompkins, et al., Career Counseling With Foster Adolescents Transitioning to Adulthood, 30 The Qualitative Report 3938 (2025).....23

Catherine S. Zorc, *et al.*, *The relationship of placement experience to school absenteeism and changing schools in young, school-aged children in foster care*, 35 *Child & Youth Serv. Rev.* 826 (2013)21

Cheryl L. Somers, *et al.*, *Academic achievement among a sample of youth in foster care: The role of school connectedness*, 57 *Psych. Sch.* 1845 (2000)22

Claire S. Raj, *Rights to Nowhere: The IDEA’s Inadequacy in High-Poverty Schs.*, 53 *Colum. Human Rights L. Rev.* 409 (2022)..... 20, 21, 22, 23

Colleen C. Katz, *et al.*, *Trauma-Informed Photovoice for Adolescents and Young Adults with Child Welfare Involvement*, 14 *Societies* 196 (2024)23

David M. Driesen, *Purposeless Construction*, 48 *Wake Forest L. Rev.* 97 (2013).....10

Elisa Romano, *et al.*, *Childhood Maltreatment and Educational Outcomes*, 16 *Trauma, Violence & Abuse* 418 (2015)21

Elizabeth Ahmann, *et al.*, *Supporting Youth Aging Out of Foster Care*, 43 *Pediatric Nursing* 43 (2017)23

Eric Emerson, *Poverty and People with Intellectual Disabilities*, 13 *Mental Retardation & Developmental Disabilities Res. Rev.* 107 (2007)20

Greg J. Duncan & Jeanne Brooks-Gunn, *Family Poverty, Welfare Reform, and Child Development*, 71 *Child Dev.* 188 (2000).....20

Hirokazu Yoshikawa *et al.*, *The Effects of Poverty on the Mental, Emotional, and Behavioral Health of Children and Youth*, 67 *Am. Psychologist* 272 (2012).....20

Jacqueline Huscroft-D’Angelo, *et al.*, *Fostering Educational Success: Program Description and Descriptive Pilot Study*, 47 *Educ. Treat. Child.* 363 (2024)..... 21, 22

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Jennifer Rosen Valverde, *A Poor IDEA: Statute of Limitations Decisions Cement Second-Class Remedial Scheme for Low-Income Children with Disabilities in the Third Circuit*, 41 *Fordham Urb. L.J.* 599 (2013) 19-20

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STATEMENT OF INTEREST OF *AMICI CURIAE*¹

Council of Parent Attorneys and Advocates (COPAA) is a national not-for-profit organization for parents of children with disabilities, their attorneys and advocates. COPAA does not undertake individual representation but provides resources, training, and information for parents, advocates, and attorneys to assist in obtaining the free appropriate public education (FAPE) that children are entitled to under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.* (IDEA).² COPAA also supports its members in their efforts to safeguard the civil rights guaranteed to those individuals under federal laws, including the Civil Rights Act of 1871, ch. 22, 17 Stat. 13 (codified as amended at 42 U.S.C. § 1983) (Section 1983), Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504), and Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131, *et seq.* (ADA).

COPAA brings the unique perspective of parents, advocates, and attorneys for children with disabilities. COPAA has filed as *amicus curiae* in the United States

¹ Pursuant to Fed. R. App. P. 29, *Amici* certify that no party's counsel in this matter authored this brief in whole or in part; no party or party's counsel contributed money intended to fund the brief's preparation or submission; and no person other than *amici* and their members and counsel contributed money intended to fund the brief's preparation or submission.

² The statute was originally named the Education of the Handicapped Act or EHA; it was renamed IDEA in 1990. *See Fry v. Napoleon Cmty. Schs.*, 580 U.S. 154, 160 n.1 (2017). For the sake of simplicity, we refer only to IDEA in this brief.

Supreme Court, including in *A.J.T. v. Osseo Area Schs.*, 605 U.S. 335 (2025); *Perez v. Sturgis Public Schs.*, 598 U.S. 142 (2023); *Endrew F. v. Douglas Cnty. Sch. Dist. RE-1*, 580 U.S. 386 (2017); *Fry v. Napoleon Cmty. Schs.*, 580 U.S. 154 (2017); *Forest Grove Sch. Dist. v. T.A.*, 557 U.S. 230 (2009); *Bd. of Educ. v. Tom F.*, 552 U.S. 1 (2007); *Arlington Cent. Sch. Dist. Bd. of Educ. v. Murphy*, 548 U.S. 291 (2006); *Schaffer v. Weast*, 546 U.S. 49 (2005); and *Winkelman v. Parma City Sch. Dist.*, 550 U.S. 516 (2007), and in all the United States Courts of Appeal that frequently hear special education appeals.

The Arc of Greater Pittsburgh (Allegheny, Beaver and Westmoreland Counties) For more than 70 years, Achieva's disability advocates have been working with families and self-advocates to ensure that: Families have access to information, support, and advocacy; People with disabilities have access to quality education and community services; Policymakers and legislators are informed about disability issues; and ideas of self-determination, inclusion, and person-centered planning are the foundation of individual support.

Disability Rights Pennsylvania (DRP) is the protection and advocacy system designated by the Commonwealth of Pennsylvania pursuant to federal law to protect the rights of and advocate for Pennsylvanians with disabilities so that they may live the lives they choose, free of abuse, neglect, discrimination, and segregation. To this end, DRP provides legal advocacy to children and adults with

disabilities, including the rights of students in education. DRP joins this amicus brief to ensure that children with disabilities and all schoolchildren across the Commonwealth have access to a high-quality education that prepares them to participate in today's economy and democracy.

Juvenile Law Center fights for rights, dignity, equity, and opportunity for youth. Juvenile Law Center works to reduce the harm of the child welfare and justice systems, limit their reach, and ultimately abolish them so all young people can thrive. Founded in 1975, Juvenile Law Center is the first non-profit public interest law firm for children in the country. Juvenile Law Center's legal and policy agenda is informed by—and often conducted in collaboration with—youth, family members, and grassroots partners. Since its founding, Juvenile Law Center has filed influential *amicus* briefs in state and federal courts across the country to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are consistent with children's unique developmental characteristics and human dignity.

KidsVoice is a non-profit organization founded in 1908 that represents approximately 2,000 abused, neglected, and at-risk children each year in dependency and termination of parental rights cases in Allegheny County, Pennsylvania. Nearly 60% of school-age KidsVoice clients have a documented special education plan requiring specific special education services, placements, and supports. To protect abused and neglected children's educational rights and

opportunities for their futures, KidsVoice has a team of education attorneys dedicated to handling our clients' education matters, including special education litigation cases. We work with more than 50 school districts each year on our clients' education cases and fully understand how critical the timely provision of needed services is for foster children's education and their chances of becoming productive citizens as they reach adulthood. Failing to reverse the District Court's erroneous "stay put" interpretation would create a dangerous precedent for KidsVoice clients and hundreds of students across Pennsylvania if school districts are permitted to now end run state hearing officer decisions by avoiding or refusing to have an IEP meeting to implement what the hearing officer determined while the school district appeals the case to the federal District Court and 3rd Circuit.

The Public Interest Law Center (Law Center), one of the original affiliates of the Lawyers' Committee for Civil Rights Under Law, uses high-impact legal strategies to advance the civil, social, and economic rights of communities in the Philadelphia region. In addition to its work in employment, environmental justice, healthcare, housing, and voting rights, the Law Center has a long-standing commitment to advocating for and litigating on behalf of children with disabilities

and their parents. The Law Center was counsel in the landmark decision of *PARC v. Commonwealth of Pennsylvania*, 343 F. Supp. 279 (E.D. Pa 1972), which led to the congressional passage of the initial version of the Individuals with Disabilities Education Act. Most recently the Law Center filed and successfully resolved a class action lawsuit in the Eastern District of Pennsylvania ending Pennsylvania's policy and practice of aging students out of special education services prematurely and extending special education services to eligible students until their 22nd birthdays. *A.P., by and through his parents, U.P. and M.T., individually and on behalf of a class of those similarly situated v. Pennsylvania Department of Education*, Case No. 2:23-cv-02644 (E.D. Pa. 2023).

The National Disability Rights Network (NDRN) is the non-profit membership organization of the federally mandated Protection and Advocacy (P&A) and Client Assistance Program (CAP) agencies for individuals with disabilities. The P&A and CAP agencies were established by the United States Congress to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education. There are P&As and CAPs in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Territories (American Samoa, Guam, Northern Mariana Islands, and the US Virgin Islands), and a P&A and CAP affiliated with the Native American Consortium which includes the Hopi, Navajo, and San Juan Southern Paiute Nations in the Four Corners region of the

Southwest. Collectively, the P&A and CAP agencies are the largest provider of legally based advocacy services to people with disabilities in the United States.

Amici's extensive experience in advocating for students with disabilities gives them unique insight into the indispensable role of IDEA's "stay-put" provision in 20 U.S.C. § 1415(j) in ensuring access to a FAPE when a state hearing officer has agreed with the parent that a school district has not provided an appropriate program. In this circumstance the hearing officer's decision is an enforceable agreement and the new placement becomes the pendant placement during the entire appeal process. Stay-put is not a mere procedural nicety. It is a substantive safeguard that protects the child's right to a FAPE and prevents irreparable harm, especially for children with limited means whose parents cannot afford private school options. By disregarding this statutory command, the district court undermined a cornerstone of IDEA's protections and exposed Y.C.Q. to precisely the irreversible deprivation that Congress sought to prevent. This error is far from harmless, as it strikes at the heart of IDEA's purpose of ensuring access to an appropriate education for *all* children.

Both parties consented to the filing of this brief.

SUMMARY OF ARGUMENT

IDEA's stay-put requirement is a unique statutory protection created by Congress to protect students with disabilities, operating as an automatic injunction to maintain a student in the "then-current educational placement." 20 U.S.C. §

1415(j). As both the Supreme Court and this Court have recognized, once a parent has prevailed at a due process hearing, the placement ordered by the hearing officer becomes the “then-current educational placement.” *Burlington Sch. Comm. v. Mass. Dep’t of Ed.*, 471 U.S. 359, 372 (1985); *Clovis Unified Sch. Dist. v. Calif. Office of Admin. Hearings*, 903 F.2d 635, 639 (9th Cir. 1990). IDEA relies heavily on parental advocacy to enforce rights – a safeguard largely absent for children in foster care and for much of Y.C.Q.’s life. Frequent placement changes compound this vulnerability, disrupting continuity of services and access to appropriate supports. Thus, for Y.C.Q., Chichester’s refusal to abide by its legal obligations imposes consequences that likely will reverberate across a lifetime. The decision below is not only inconsistent with settled legal precedent and plain statutory language, it will have particularly harmful results in this case. The decision below must be reversed.

ARGUMENT

I. IN CONSTRUING FEDERAL LAW, COURTS CONSIDER THE PLAIN MEANING OF THE LAW AS WELL AS THE STATUTORY PURPOSE

Federal courts must “apply faithfully the law Congress has written.” *Perez*, 598 U.S. at 150 (quoting *Henson v. Santander Consumer USA Inc.*, 582 U.S. 79,89 (2017)) (internal citation omitted). Federal courts, when interpreting a statute, “must begin with the statutory text.” *Khan v. AG of the United States*, 979 F.3d 193, 197 (3d Cir. 2020). “When . . . statutory ‘language is plain, the sole function of the courts – at least where the disposition required by the text is not absurd – is to enforce

it according to its terms.” *Arlington Cent. Sch. Dist. Bd. of Educ. v. Murphy*, 548 U.S. 291, 296-297 (2006) (quoting *Hartford Underwriters Ins. Co. v. Union Planters Bank, N. A.*, 530 U.S. 1, 6 (2000) (citations omitted))

Therefore, in *A.J.T.*, *supra*, the Court rejected an interpretation of IDEA that would have limited the availability of relief under other federal civil rights laws to IDEA-eligible children, observing: “The plain text of § 1415(*l*) accordingly makes clear that nothing in the IDEA restricts or limits the rights or remedies that other federal laws, including antidiscrimination statutes, confer on children with disabilities.” 605 U.S. at 348 (cleaned up). “And that explicit edict applies ‘even’ to a plaintiff who . . . seeks relief ‘that is also available under’ the IDEA.” *Id.* (quoting *Fry*, 580 U.S. at 161).

Barnhart v. Sigmon Coal Co., 534 U.S. 438 (2002) reinforced the relevant principle of statutory construction, stating: “The first step is to determine whether the language at issue has a plain and unambiguous meaning with regard to the particular dispute in the case.” If the language is clear, “judicial inquiry is complete.” 534 U.S. at 450. Thus, federal courts proceed with the understanding that, unless otherwise defined, statutory terms should be interpreted in accordance with their ordinary meaning. *Bostock v. Clayton Cnty.*, 590 U.S. 644, 654 (2020); *See also*; *Groff v. DeJoy*, 600 U.S. 447, 468 (2023); *Alston v. Countrywide Fin. Corp.*, 585 F.3d 753, 758 (3d Cir. 2009) (“Because it is presumed that Congress expresses its intent

through the ordinary meaning of its language, every exercise of statutory interpretation begins with an examination of the plain language of the statute.”).

At the same time, courts do not construe federal laws in a vacuum. “It is a fundamental canon of statutory construction that the words of a statute must be read in their context and with a view to their place in the overall statutory scheme.” *Home Depot U.S.A., Inc. v. Jackson*, 587 U.S. 435, 441 (2019) (quoting *Davis v. Michigan Dep’t of Treasury*, 489 U.S. 803, 809 (2019)); see also *Sturgeon v. Frost*, 577 U.S. 424, 438 (2016); *United States v. Cleveland Indians Baseball Co.*, 532 U.S. 200, 220 (2001) (“Statutory construction is a holistic endeavor.”); *Avila v. Spokane Sch. Dist.*, 852 F.3d 936, 943 (9th Cir. 2017) (interpreting IDEA statute of limitations in light of law’s wide-ranging remedial purpose intended to protect the rights of children with disabilities and their parents); *Murrin v. Comm’r of Internal Revenue*, No. 24-2037, 2025 WL 2945747, at *2 (3d Cir. Oct. 17, 2025) (courts determine ordinary or natural meaning by looking to dictionary definitions while keeping in mind the whole statutory text, the purpose, and context of the statute, and relevant precedent); *United States v. Dauray*, 215 F.3d 257, 260 (2d Cir. 2000) (“The plainness or ambiguity of statutory language is determined by reference to the language itself, the specific context in which that language is used, and the broader context of the statute as a whole.”).

This approach makes “statutes into more coherent schemes for the accomplishment of specified goals than they might otherwise be.” David M. Driesen, *Purposeless Construction*, 48 Wake Forest L. Rev. 97, 128 (2013). As Professor Driesen notes:

Coherence in turn helps legitimate law. To the extent we treat statutes as coherent schemes for accomplishing public ends, the law commands respect and obedience. Hence, when judges create rationales for statutory construction tying particular results to public objectives motivating congressional enactment, they increase the likelihood of faithful administration of the law, public acceptance of the law, and compliance with the law.

48 Wake Forest L. Rev. at 128. When the statutory language is unambiguous and the statutory scheme coherent and consistent, judicial inquiry ceases. *Sebelius v. Cloer*, 569 U.S. 369, 380 (2013).

Consequently, *A.J.T.* rejected an interpretation of IDEA not just because it was inconsistent with the statutory language, but also because it would have impeded access to other federal civil rights protections for students with disabilities. Recognizing that IDEA-eligible students and their parents face daunting challenges on a daily basis, the Court held “that those challenges do not include having to satisfy a more stringent standard of proof than other plaintiffs to establish discrimination under Title II of the ADA and Section 504.” 605 U.S. at 351. Any other interpretation would have been inconsistent with both the plain statutory language of IDEA as well as the statutory purpose.

Similarly, in *Sebelius*, the Court rejected a statutory interpretation of the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. 300aa-1, *et seq.* (NCVIA) based upon inconsistency with plain language and statutory purpose. The Court rejected the federal government’s proposed definition of the term “filed,” because it is commonly understood that a claim is “filed” when it is delivered to and accepted by the appropriate court. 569 U.S. at 379. Further, the Court observed, the government’s position would undermine the goals of the fee provision in the NCVIA. A stated purpose of the fee provision was to enhance the opportunity for individuals to present claims by making fee awards available for “non-prevailing good faith claims.” 569 U.S. at 380 (citation omitted). The government’s interpretation would have discouraged counsel from representing NCVIA petitioners, thereby undermining the statutory purpose.

In this case, as discussed more fully, *infra*, both the statutory language and purpose compel reversal of the decision below. The decision of the hearing officer was an agreement between the State and the parent to a change in program and placement. As of the date of that decision, Y.C.G. was statutorily entitled to immediately begin receiving services pursuant to the Individualized Educational Program (IEP) that the hearing officer ordered.

II. THE IDEA’S TEXT AND PURPOSE MAKE CLEAR THAT Y.C.G. IS ENTITLED TO STAY-PUT IN THE AGREED UPON PLACEMENT FOR THE DURATION OF JUDICIAL REVIEW

Both the IDEA’s plain text and statutory purpose recognize that the hearing officer’s decision is an agreement between the State and the parent to a change in program and placement, entitling the student to the protection of stay-put that persists throughout the entire course of judicial review.

IDEA “offers States federal funds to assist in educating children with disabilities. In exchange for the funds, a State pledges to comply with a number of statutory conditions.” *Endrew F. ex rel. Joseph F. v. Douglas Cnty. Sch. RE-1*, 580 U.S. 386, 390 (2017). IDEA requires the State to provide a child with disabilities special education and related services in conformity with the child’s IEP – the “centerpiece of the statute’s educational delivery system” – developed by a team including the parents and school officials. *Id.* at 391 (2017) (citing 20 U.S.C. § 1401(9)(D)); 20 U.S.C. § 1414(d)(1)(B); *Honig*, 484 U.S. at 311. Anticipating disagreement, Congress provided administrative and judicial review to “guarantee parents both an opportunity for meaningful input and the right to seek review of any decisions they think inappropriate.” *Honig*, 484 U.S. at 311-12; *Town of Burlington v. Dep’t of Educ* 368 (1985); *Susquenita Sch. Dist. v. Raelee S. By & Through Heidi S.*, 96 F.3d 78, 82 (3d Cir. 1996); *see also* 20 U.S.C. § 1415(i)(2)(A).

The stay-put provision governs the educational placement of a child with a disability during the pendency of any administrative or judicial review proceedings, providing that “unless the State or local educational agency and the parents otherwise agree, the child shall remain in the then-current educational placement ... until such proceedings have been completed.” Courts uniformly describe stay-put as an automatic statutory injunction designed to preserve educational stability during the litigation, “without regard to the merits.” *See, e.g., M.R. v. Ridley Sch. Dist.*, 744 F.3d 112, 121-25 (3d Cir. 2014) (stay-put maintains last agreed placement through “all [IDEA] proceedings”); *Joshua A. v. Rocklin Unified Sch. Dist.*, 559 F.3d 1036, 1037-39 (9th Cir. 2009) (stay-put “operates automatically” and “does not require a preliminary showing of likely success”); *T.M. v. Cornwall Cent. Sch. Dist.*, 752 F.3d 145, 170-71 (2d Cir. 2014) (stay-put “is not subject to equitable balancing” and ensures continuity of placement).

IDEA’s implementing regulations state that “If the hearing officer in a due process hearing ... agrees with the child’s parents that a change of placement is appropriate, that placement must be treated as an agreement between the State and the parents for purposes of paragraph (a) of this section.” 34 C.F.R. § 300.518(d).

The plain text of Section 300.518(d) makes clear that when, as here, a parent advocates change in an educational program, a favorable hearing officer decision constitutes the State’s agreement and converts the parentally sought placement into

the child’s stay-put placement. *Susquenita*, 96 F.3d at 84. Indeed, the Supreme Court recognized in *Burlington* that when parents prevail administratively, the resulting placement is treated as agreed to by the State for stay-put purposes. 471 U.S. at 372. Courts across the country uniformly apply this principle. *See, e.g., Ridley*, 744 F.3d at 118, 124–25 (hearing officer’s decision creates enforceable stay-put placement that persists through appeal); *T.B. v. San Diego Unified Sch. Dist.*, 806 F.3d 451, 459–61 (9th Cir. 2015) (affirming funding obligation for stay-put placement created by ALJ ruling); *Doe v. E. Lyme Bd. of Educ.*, 790 F.3d 440, 452–55 (2d Cir. 2015) (stay-put requires maintenance and funding of placement pending appeal); *L.M. v. Capistrano Unified Sch. Dist.*, 556 F.3d 900, 911–12 (9th Cir. 2009) (ALJ’s decision in parents’ favor establishes new “current educational placement” under § 1415(j)); *S.M. ex rel. D.M. v. McKnight*, No. DLB-23-1387, 2024 U.S. Dist. LEXIS 178166, at *5-6 (D. Md. Sept. 30, 2024) (as a result of administrative decision, student’s stay-put placement was parentally chosen private school).

Moreover, recognizing the attachment of stay-put when a hearing officer agrees with the parent to a change in program and placement is consistent with IDEA’s statutory purpose: protecting students with disabilities and providing stable services throughout the dispute process.

Congress enacted IDEA against a backdrop of systemic exclusion and neglect of children with disabilities. The legislative record contained “ample evidence” that

federal intervention was necessary to guarantee that every child with a disability has available “a free appropriate public education . . . and to assure that the rights of” children with disabilities “and their parents or guardians are protected.” *Honig v. Doe*, 484 U.S. 305, 309 (1988). Before IDEA’s passage, “one out of every eight of these children were excluded from the public-school system altogether, §1400(b)(4); many others were simply ‘warehoused’ in special classes or were neglectfully shepherded through the system until they were old enough to drop out.” *Id.* (citing H.R. Rep. No. 94-332, p. 2 (1975)); *see also Susquenita*, 96 F.3d at 81. To combat this, Congress designed a scheme whereby states that accept federal funds to assist in educating children with disabilities must comply with a number of statutory conditions, including providing FAPE to eligible children and maintaining a child in his or her pendant placement during the course of any administrative or judicial review proceedings. *See Andrew F.*, 580 U.S. at 390, *Susquenita*, 96 F.3d at 81. Within this scheme, the stay-put provision has a “protective purpose” and serves to “guard the interests of parents and their children.” *Susquenita*, 96 F.3d at 82, 84. The district court’s decision below disregards the IDEA’s protective purpose and should be reversed.

In addition, critically, a later judicial reversal does not extinguish the stay-put placement. The statute’s text commands that the child remain in the then-current placement “until ...[all proceedings are] completed”, foreclosing toggling

placements mid-appeal. 20 U.S.C. § 1415(j). Accordingly, the Third Circuit has held that “nothing in the statute ... provides a basis for changing [the] stay-put placement back to the public school during the pendency of the dispute process, notwithstanding the school district’s successful appeal of the administrative decision.” *Ridley*, 744 F.3d at 124–25 (cleaned up). Numerous courts agree. *See T.M.*, 752 F.3d at 170–71 (stay-put “functions, in essence, as an automatic preliminary injunction” that continues through appeal); *R.Y. v. Hawaii*, 94 F.4th 1147, 1154–56 (9th Cir. 2024) (reaffirming that stay-put persists through appellate review and is not mooted by interim merits rulings); *Lunceford v. D.C. Bd. of Educ.*, 745 F.2d 1577, 1582–83 (D.C. Cir. 1984) (stay-put preserves *status quo* through completion of proceedings); *Johnson v. Special Educ. Hearing Off.*, 287 F.3d 1176, 1180–81 (9th Cir. 2002) (placement remains until “all” proceedings conclude). This rule accords with the text and purpose of § 1415(j) to ensure stability “regardless of whether [the] case is meritorious or not.” *Drinker v. Colonial Sch. Dist.*, 78 F.3d 859, 864 (3d Cir. 1996). District courts continue to enforce stay-put obligations created by favorable administrative decisions, including funding responsibilities, pending appeal. *See, e.g., N.E. v. Seattle Sch. Dist.*, 842 F. App’x 108, 109-10 (9th Cir. 2021) (mem.) (affirming order requiring district to fund private placement as stay-put); *Avila v. Spokane Sch. Dist.* 81, 852 F.3d 936, 944-45 (9th Cir. 2017) (same).

Policy considerations reinforce this settled interpretation. Allowing a district court’s interim merits ruling to displace the hearing officer–sanctioned placement would convert § 1415(j) into a disruptive “toggle switch,” undermining educational stability during appellate review and contradicting Congress’s use of “completed” to define the endpoint of stay-put protection in the statute. *See Ridley*, 744 F.3d at 124–25 (emphasizing stability through completion of proceedings); *Hatikvah Int’l Acad. Charter Sch. v. E. Brunswick Twp. Bd. of Educ.*, 10 F.4th 215, 219–21 (3d Cir. 2021) (recognizing that once the State “agrees,” the new placement is protected as stay-put).

Consideration of IDEA’s protective statutory purpose compels the same result. This Court rejected the reasoning underlying the district court’s decision below almost thirty years ago in *Susquenita*, when it said:

As we have explained, section [1415(j)] was drafted to guard the interests of parents and their children. We cannot agree that this same section should be used here as a weapon by the Susquenita School District to force parents to maintain a child in a public school placement that the state appeals panel has held inappropriate.

96 F.3d at 84. The district court’s invocation of 20 U.S.C. § 1415(j) to prevent implementation of the hearing officer’s decision and provision of an IEP does exactly what *Susquenita* forbade.

In sum, nationwide persuasive authority across jurisdictions confirms: (1) a hearing officer decision in the parents’ favor constitutes an “agreement with the

State” that establishes the new “then-current educational placement,” and (2) that stay-put placement persists through the entire course of judicial review, regardless of interim reversals. This reading honors the statutory text, the implementing regulation, and IDEA’s core purpose: to guarantee uninterrupted, stable services throughout the dispute process. The decision below disregards these well-established principles, and it should be reversed.

III. THE DISTRICT COURT’S ERRONEOUS DECISION IS PARTICULARLY HARMFUL TO Y.C.Q., A CHILD IN THE FOSTER CARE SYSTEM

Recognizing that stay-put attaches when a hearing officer agrees to a change in placement is particularly critical for students who are in the foster system, like Y.C.Q., as they are especially vulnerable and more likely to face educational hardships. Practically, the district court’s mistaken decision means that Y.C.Q., a high-school senior, is still not receiving the special education services that a hearing officer has agreed she is entitled to, while her precious and limited educational time continues to elapse.

Research consistently demonstrates that youth in the foster system face unique and significant educational challenges, making judicial enforcement of Y.C.Q.’s right to services pursuant to the stay-put placement ordered by the hearing officer imperative. Foster care involvement profoundly impacts educational trajectories. “Studies estimate that between thirty to fifty percent of youth in foster care receive

special education services, compared with fourteen percent of all students.” Cassie A. Powell, “*Every Child Needs a Champion*”: *Foster Children with Disabilities and the Appointment of Surrogate Parents Under IDEA*,” 27 Rich. Pub. Int. L. Rev. 245, 248 (2024). Yet, despite this heightened need the “scant information that is available suggest that the needs of foster care youths with disabilities are too often ignored or ineffectively addressed within the educational system.” Sarah Geenen, *et al.*, *Are We Ignoring Youths with Disabilities in Foster Care: An Examination of Their School Performance*, 51 Social Work 233, 233 (2006).

IDEA relies heavily on parental advocacy to enforce rights – a safeguard largely absent for children in foster care and for much of Y.C.Q.’s life. Frequent placement changes compound this vulnerability, disrupting continuity of services and access to appropriate supports. “Although foster care or special education status alone appears to place a student at greater risk for academic difficulties, the negative impact of interfacing with both systems is multiplicative.” *Id.* at 239.

The lack of economic means experienced by youth in the foster system also has negative educational implications. “[T]he associations between poverty and education, poverty and disability, and disability and education, alone, can have devastating outcomes. Operating simultaneously, these links may magnify the risk of dire consequences even further.” Jennifer Rosen Valverde, *A Poor IDEA: Statute of Limitations Decisions Cement Second-Class Remedial Scheme for Low-Income*

Children with Disabilities in the Third Circuit, 41 Fordham Urb. L.J. 599, 617 (2013); see also Jennifer Pokempner, *Poverty, Welfare Reform, and the Meaning of Disability*, 62 Ohio St. L.J. 425, 431 (2001). There are clear links between poverty and adverse outcomes for children in a variety of areas, including physical, mental, and behavioral health; cognitive development; language development; educational attainment; and academic achievement. See Hirokazu Yoshikawa *et al.*, *The Effects of Poverty on the Mental, Emotional, and Behavioral Health of Children and Youth*, 67 Am. Psychologist 272, 273 (2012); Greg J. Duncan & Jeanne Brooks-Gunn, *Family Poverty, Welfare Reform, and Child Development*, 71 Child Dev. 188, 188 (2000).

Children with disabilities without economic means, as Y.C.Q. was for much of her life, face significant challenges in accessing and securing federally protected rights under IDEA. See, e.g., Eric Emerson, *Poverty and People with Intellectual Disabilities*, 13 Mental Retardation & Developmental Disabilities Res. Rev. 107, 109 (2007); Carla A. Peterson *et al.*, *Meeting Needs of Young Children at Risk for or Having a Disability*, Early Childhood Educ. J. 509, 512 (2010). As a consequence, a national longitudinal study revealed that improvement in educational outcomes for students with disabilities was concentrated largely in children from middle- and upper-income homes while gains “for students with disabilities from low-income homes remained largely flat.” Claire S. Raj, *Rights to Nowhere: The IDEA’s*

Inadequacy in High-Poverty Schs., 53 Colum. Human Rights L. Rev. 409, 429 (2022).

For children in foster care, the effects related to socio-economic status are compounded by prior educational gaps as well as psycho-social stressors that impede academic progress and the absence of parents to advocate for them. Jacqueline Huscroft-D'Angelo, *et al.*, *Fostering Educational Success: Program Description and Descriptive Pilot Study*, 47 *Educ. Treat. Child.* 363, 364 (2024). Youth in the foster system “achieve lower grades and standardized test scores and higher rates of absenteeism, tardiness, and truancy, limiting their full academic potential.” *Id.* (citing Anouk Goemans, *et al.*, *Predictors of school engagement in foster children: A longitudinal study*, 88 *Child. & Youth Serv. Rev.* 33 (2018); Austen McGuire, *et al.*, *Dimensions of maltreatment and academic outcomes for youth in foster care*, 84 *Child Abuse & Neglect* 82 (2018); Elisa Romano, *et al.*, *Childhood Maltreatment and Educational Outcomes*, 16 *Trauma, Violence & Abuse* 418 (2015); Catherine S. Zorc, *et al.*, *The relationship of placement experience to school absenteeism and changing schools in young, school-aged children in foster care*, 35 *Child & Youth Serv. Rev.* 826 (2013)); *see also* Andrea Zetlin, *et al.*, *Caregivers, School Liaisons, and Agency Advocates Speak Out about the Educational Needs of Children and Youth in Foster Care*, 55 *Social Work* 245, 245 (2010).

High rates of disability compound these challenges. *Id.* (citing Lauren Palmieri, *et al.*, *Supporting Students in Foster Care*, 54 *Psych. Sch.* 117 (2017); Cheryl L. Somers, *et al.*, *Academic achievement among a sample of youth in foster care: The role of school connectedness*, 57 *Psych. Sch.* 1845 (2000)). Disruptions in schooling inherent in foster care can “lead to negative social-emotional consequences such as alienation and poor relationships with teachers and peers, loss of self-efficacy, and detachment from school.” Huscroft-D’Angelo, 47 *Educ. Treat. Child* at 364 (citing Goemans, *supra*; Aoife O’Higgins, *et al.*, *What are the factors associated with educational achievement for children in kinship or foster care: A systematic review*, 79 *Child. & Youth Serv. Rev.* 198 (2017)).

Significantly, Y.C.Q., in her senior year of high school, is at an age when timely provision of appropriate services will likely have profound lifelong impact. By age nineteen, “only approximately 54% of youths in foster care will graduate from high school or earn a GED, which is a stark contrast to the national average of over 80%.” Huscroft-D’Angelo, 47 *Educ. Treat. Child.* at 363. “Although school success is a critical factor for all students in achieving positive adult outcomes, educational accomplishment may be particularly important for youths in foster care, who when transitioning to adulthood may have little else to draw upon.” Geenen, 51 *Social Work* at 234. Children in foster care “are less likely to receive high-quality supports and services related to their disability than those not in foster care,

especially related to developing independent living skills and transition planning.” *Id.* (citing Nat’l Working Grp. On Foster Care and Educ., *Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care* 5 (2014)).

The stakes could not be higher. “Youth leaving the foster care system in the United States face challenges in the transition to adulthood, exacerbated by a history of trauma, severed relationships, and instability of living and educational placements.” Amy Armstrong-Heimsoth, *et al.*, *Exploring Interdisciplinary Collaboration to Support Life Skills Education for Young Adults in Extended Foster Care*, 101 *Child Welfare* 117, 118 (2023). Children at Y.C.Q.’s age, transitioning to adulthood from foster care, “are at increased risk of negative outcomes in the areas of mental health, health, unemployment, substance use disorder, homelessness, poverty, and dropping out of school.” *Id.* (citing Sunny Rome, *et al.*, *Transitioning Out of Foster Care*, 51 *Youth & Society* 529 (2017)); *see also* Carly Paro-Tompkins, *et al.*, *Career Counseling With Foster Adolescents Transitioning to Adulthood*, 30 *The Qualitative Report* 3938, 3939 (2025); Colleen C. Katz, *et al.*, *Trauma-Informed Photovoice for Adolescents and Young Adults with Child Welfare Involvement*, 14 *Societies* 196, 196-97 (2024); Elizabeth Ahmann, *et al.*, *Supporting Youth Aging Out of Foster Care*, 43 *Pediatric Nursing* 43, 43-44 (2017).

In the first twelve months after transitioning out of foster care, 66% of youth in the foster system “experience unemployment at some point; 28% have not enrolled in an educational program, with an additional 28% dropping out; 40% have had to move within the past three months, . . .; and at least 16% will experience an adverse event, such as sexual assault, unplanned pregnancy, or other.” Armstrong-Heimsoth, 101 Child Welfare at 118. “Furthermore, foster youths with disabilities (emotional, chronic health, physical or developmental disabilities) demonstrated significantly poorer outcomes than their peers in foster care who did not have identified disability.” Geenan, 51 Social Work at 234.

Thus, for Y.C.Q., Chichester’s refusal to abide by its legal obligations imposes consequences that likely will reverberate across a lifetime. The decision below is not only inconsistent with settled legal precedent and plain statutory language, it will have particularly harmful results in this case. It cannot stand.

CONCLUSION

Based upon the foregoing, *amici curiae* submit that the decision below must be reversed.

Respectfully submitted,

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CERTIFICATION OF COMPLIANCE PURSUANT TO FED. R. APP. 32(a)(7)(C)

I certify that, pursuant to Fed. R. App. P. 32(a)(7)(C) and Third Circuit Rule 32-1, the attached *amicus* brief is proportionately spaced, has a typeface of 14 points, as measured by Word 2010, and contains 5,565 words.

Dated: November 6, 2025

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CERTIFICATE OF SERVICE

I certify that on November 6, 2025 the foregoing document was served on all parties or their counsel of record through the CM/ECF .

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VIRUS CERTIFICATION & IDENTICAL COMPLIANCE OF BRIEF

I, Selene Almazan-Altobelli, hereby certify that:

The electronic version of this brief is identical to the text version in the paper copies filed with the court. This document was scanned using Microsoft Defender AntiVirus (with updated virus definition file as of November 6, 2025) and no viruses were detected.

Dated: November 6, 2025

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CERTIFICATE OF BAR MEMBERSHIP

I hereby certify that I am a member of the Bar of the United States Court of Appeals for the Third Circuit.

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