Cedar Rapids Community School District V. Garret F., A Minor, By His Mother Essay, Research Paper

CEDAR RAPIDS COMMUNITY SCHOOL DISTRICT v. GARRET F., a minor, by his mother

106 F.3d 822

Background: Garret F., a student in petitioner school district, is wheelchair-bound and ventilator dependent; he therefore requires, in part, a responsible individual nearby to attend to certain physical needs during the school day. The District declined to accept financial responsibility for the services Garret needs, believing that it was not legally obligated to provide continuous one-on-one nursing care. At an Iowa Department of Education hearing, an Administrative Law Judge concluded that the IDEA required the District to bear financial responsibility for all of the disputed services, finding that most of them are already provided for some other students; that the District did not contend that only a licensed physician could provide the services; and that applicable federal regulations require the District to furnish school health services, which are provided by a qualified school nurse or other qualified person, but not medical services, which are limited to services provided by a physician. The Federal District Court agreed and the Court of Appeals affirmed

Issues: Does this fall under the Americans with disabilities act, and is the Cedar Rapids school district liable for providing a qualified nurse to attend to his needs during the school day.

Decision of the court: The Supreme Court ruled 7-2

Majority opinion: Justice Stevens wrote the majority opinion which may, in general, be viewed as a reaffirmation of the Tatro case. The Court ruled as follows:

1. The “related services” regulation under the IDEA broadly encompasses those supportive services that may be required to assist a child with a disability to benefit from special education.

2. Services that enable a disabled child to remain in school during the day provide the student with the meaningful access to education that Congress envisioned.

3. In Tatro, the Court had already “unmistakenly” adopted the bright line test that physician services are excluded except for diagnosis. The Court explained that in Tatro it had referenced the likely cost of the services and the competence of school staff as justifications for drawing a line between physician and other services but had unmistakenly previously adopted the physician services analysis.

4. The medical services definition under the IDEA does not embrace all forms of care that might loosely be described as medical in other contexts, such as a claim for an income tax deduction.

5. One of the services Garret needs is catheterization which was the issue in Tatro and the others can be provided by a school nurse or other trained personnel and do not demand the “training, knowledge, and judgment of a licensed physician.”

6. While Garret needed in school services that were more extensive than Amber Tatro, his needs are no more “medical” than Amber’s.

7. A new four-factor test proposed by the school district was not appropriate because it was “not supported by any recognized source of legal authority.” The District proposed test would have included four factors:

o Whether the care is continuous or intermittent

o Whether existing school health personnel can provide the service

o The cost of the service

o The potential consequences if the service is not properly performed. The Court noted that these characteristics did not appear to make one service any more “medical” than another.

8. The medical services exemption limit based on physician services is still good law. Said the Court:

“Whatever its imperfections, a rule that limits the medical services exemption to physician services is unquestionably a reasonable and generally workable interpretation of the statute. Absent an elaboration of the statutory terms plainly more convincing than that which we reviewed in Tatro, there is no good reason to depart from settled law.”

9. The District’s concern about a financial impact to providing the services so Garret could stay in school was unacceptable as an “undue burden exemption primarily based on the cost of the requested services.” The Court rejected this argument. The Court said:

“Defining related services in a manner than accommodates the cost concerns Congress may have had is altogether different from using cost itself as the definition. Given that Section 1401(a)(17) does not employ cost in its definition of related services or excluded medical services, accepting the Districts cost based standard as the sole test for determining the scope of the provision would require us to engage in judicial lawmaking without any guidance from Congress. It would also create some tension with the purposes of the IDEA. The statute may not require public schools to maximize the potential of disabled students commensurate with the opportunities provided to other children and the potential financial burdens imposed on participating States may be relevant to arriving at a sensible construction of the IDEA. But Congress intended to open the door of public education to all qualified children and required participating states to educate handicapped children with nonhandicapped children whenever possible. This case is about whether meaningful access to the public schools will be assured, not the level of education that a school must finance once access is attained. It is undisputed that the services at issue must be provided if Garret is to remain in school. Under the statute, our precedent, and the purposes of the IDEA, the District must fund such related services in order to help guarantee that students like Garret are integrated into the public schools.”

10. The hearing officer, and lower courts were right: the District has to provide the services to Garret so he can stay in school.

Dissenting or concurring opinions: Justices Thomas and Kennedy dissented from the opinion. They argued three points:

1. The Tatro case was wrong because the Tatro case should not have relied on the Department of Education’s interpretations. The physician exemption rule focuses on the provider of the services rather than the services themselves. Congress could have but did not list “nursing services” in the IDEA.

2. The Department of Education’s regulations after Tatro were never adopted and the Tatro court relied on an inference about how a regulation might read if it were adopted by the Department.

3. The IDEA was enacted pursuant to Congress’ spending power and Congress has to unambiguously tell states what conditions it is placing on the receipt of federal funds. Congress intended only an appropriate education not one that maximizes potential for fiscal reasons. Unlike catheterization in Tatro, the school nurse can’t provide services to Garret and continue to perform her duties so the district has to hire an additional employee costing $18,000 a year. The State could not have anticipated this when accepting the federal funds and this “blindsides unwary States with fiscal obligations that they could not have anticipated.”

Student opinion: I think the state should provide a separate fund for the heath care of disabled students so that the funds used to pay the nurse are not the funds that are supposed to be used for buying books and stuff like that. If it took money from the majority of the students I would be against the ruling of the court because it is hard to learn current history from books that were published in 1982.