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Involvement as an Expert Witness in Federal or State Cases (Trial or Deposition); Sample Due Process Hearings

Updated: April 1, 2024

3/2024

In the Matter of: S.L., the Student, and M.L. and T.L., the Parents v. Rutherford County Schools (TN). Due Process APD Case No. 07.03-236527J Tennessee Department of Education, Special Education Division.

Working as an Expert Witness for the Plaintiffs, this Due Process case involved S.L., a nineteen-year-old female student with autism and cognitive disabilities who had been denied FAPE and an LRE by her District. Historically, S.L. had never been effectively served—academically or behaviorally—in one of District’s special education classrooms—and her behavior—which was never addressed through appropriate assessments or intensive interventions—resulted in them isolating and segregating her and, eventually, recommending an inappropriate day treatment placement.

At the time of the Due Process hearing, S.L. had not been served by the District for a year and, previously, the parents needed to place her in a residential psychiatric treatment center for her behavior and in a separate private residential school. Behaviorally, S.L. responded favorably in these respective settings, and the Parents were asking the District to pay for a comprehensive residential setting to best prepare her for adulthood before she “aged-out” of her District-funded special education FAPE services.

In many ways, this Case paralleled the unanimous U. S. Supreme Court Case Andrew F. v. Douglas County School District Re-1, and we argued that a December 7, 2017 Guidance Document from the U.S. Office of Special Education’s (OSEP) supported our arguments.

1/2024

V.S. v. All Saints Catholic School, Diocese of Palm Beach County (FL). In the Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida.

Working as an Expert Witness for the Defendant All Saints Catholic School, [Diocese of Palm Beach County (FL)], this case involved peer-on-peer sexual touching by a 11-year-old boy on an 11-year-old girl and the girl’s parents’ (Plaintiff) assertion that the school and the principal (a) were responsible for the touching because of poor teacher training and supervision; (b) did not handle the investigation in an appropriate or timely manner; and

(c) violated the adolescent girl’s right to confidentiality all resulting in short- and long-term emotional trauma, humiliation, and need for long-term psychological treatment.

The Case was settled out-of-court after the Court issued a Summary Judgement that found the Principal of the school not liable for child abuse, and after numerous depositions and reports after police and Child Protective Investigations contests the assertions and facts presented in the original Court filing.

I was retained to demonstrate that the school and Diocese had appropriate system-level policies, procedures, training, supervision, and evaluation systems in place to protect students from sexual abuse, harassment, and related antisocial peer interactions.

9/2023 – 11/2023 Kelbie Glover and Lashonda Boone v. The Sampson County Board of Education. In the General Court of Justice, Superior Court Division, County of Sampson, State of North Carolina. FILE NO. 22 CVS 0039.

Working as an Expert Witness for Kelbie Glover, a 19 year-10 month old and his mother, Lashonda Boone. Kelbie is a Black male who was assaulted by an older student on January 22, 2019 when he was a seventh (7th) grade student attending Union Middle School in the Sampson County School district. During the year prior to the assault, Kelbie was teased, bullied, and harassed by two peers in the school (Shemar Chestnutt and David Robinson) who were cousins. Both Kelbie and his mother made Union Middle School officials aware of these interactions.

The five claims for relief-in the state of North Carolina—including: Negligence, Negligent Infliction of Emotional Distress, Negligent Supervision, Article I, Section 15—Right to the Privilege of Education, Article I, Section 19 - Deprivation of Liberty Interest and Privilege.

5/2023 – 8/2023 Due Process Complaint. Regina Gardner (on behalf of daughter J.G., a minor child) v. Baltimore County School District (MD). (July 5 – 7, 2023).

Working as an Expert Witness for the parents and minor high school adolescent (J.G.), the case involved allegations of both Section 504 of the Rehabilitation Act and the Individuals with Disabilities Act (IDEA) in regards to the student’s chronic medical condition (Undifferentiated Connective Tissue Disease and its impact on her attendance, engagement, grades, and academic standing in her magnet high school program.

9/2021 – 7/2023 In the Matter of A.J., a minor child v. North Clackamas (OR) School District. In the United States District Court, Western District of Oregon, Portland Division. (Filed August 6, 2020).

Working as an Expert Witness for the parents of A.J., I was asked to write an Expert Report and testify in Court relative to the allegations that the School District violated A.J.'s rights under Title VI (Racial Discrimination), the Equal Protection clause of the Fourteenth Amendment to the U.S. Constitution (Racial Discrimination), and Oregon State Law (Discrimination in Education and Retaliation). The allegations occurred when A.J. was in First Grade, and represented both individual and systemic events occurring across the entire District.

3/2018 - 3/2019 Federal Court. Working for the TN Attorney General. In the Matter of J.M., a minor student, by and through this parent, Promise Mata v. Tennessee Department of Education, Tennessee State Board of Education, and Dickson County School District, Nashville, TN.

Working as an Expert Witness for the TN Attorney General's Office to support the TN Department of Education in a case where they are accused on not providing sufficient professional development and training to districts to decrease the use of seclusions and restraints with students with disabilities.

12/2017 - 11/2018 Federal Court. In the Matter of Chad and Tonya Richardson, Individually, and as Parents and Next Friends of L. v. Omaha (AR) School District; Jacob Sherwood, Superintendent; Amanda Green, Principal; and Dawn Dillon, Teacher. In the United States District Court, Western District of Arkansas, Harrison Division.

Working as an Expert Witness for the Parents above in a case involving their son who is disabled (autistic, and other behavioral/mental health issues) who was excessively bullied (without appropriate District response), and then was put into a more restrictive educational placement that led quickly to full exclusion and home-bound instruction in violation of LRE and FAPE.

1/2017 Jacque Albright v. Mountain Home School District (AR). Expert Witness. In the United States District Court, Western District of Arkansas (Harrison Division).

Case requesting a Reversal of Agency Decision relative to a Due Process Hearing decision that was conducted under the auspices of the Arkansas Department of Education [Jacque Albright (as Parent of Child Doe) v. Mountain Home School District; DPH-15-12] [Federal Civil Action No. 3:16-CV-03011-TLB]

8/10/2016 - 6/2018 Diana Mathis and Raymond Cooper (Parents) v. Arkansas School for the Blind (AR). Testimony at Due Process Hearing. Case No. H-16-48.

Follow-up Consultation for next two years with Parents and School District to ensure implementation of the Settlement Agreement.

5/2016 -
6/2018

Randles v. Texarkana School District (AR). Testimony at Due Process Hearing. Case No. H-15-21; Cases No. H-16-27 and EH-16-29

This case involved a child diagnosed with Reactive Attachment Disorder, Mood Disorder, and Attention Deficit Hyperactivity Disorder who was one of seven children who were abandoned and placed in foster care at the age of fourteen months. The child was adopted by his parents when five-years-old, and he demonstrated significant emotional and acting out behavior when at school. He was eventually placed in a Therapeutic Day Treatment Program, but later was deemed—by the school district—to not have a disability. Hence, he was dismissed from special education.

The Case involved IDEA claims, which were the subject of the District’s administrative appeal, and non-IDEA claims, which were the Parents’ claims against the District and individually named Defendants for unlawful racial and disability discrimination pursuant to 42 U.S.C. § 1983, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act. The Parents’ claims against the District, or the non-IDEA claims, were subject to a jury trial, while the IDEA claims were for the Court to resolve.

7/2015-2/2016

Federal Court. Working for the Parents as Plaintiffs (Paris, AR). Expert Witness Report. In the United States District Court, Western District of Arkansas (Fayetteville Division); Civil Action No. 2:15-CV-2197-PKH (Filed November 2, 2015). A.H., by and through her Parent, C.H vs. Paris School District.

This case involved A., a 6th grade student with autism, who—pursuant to the First, Fourth, and Fourteenth Amendments the U.S. Constitution, as well as IDEA, ESEA, and Section 504 of the Rehabilitation Act of 1973—was denied, solely by reason of her disability, a free and appropriate public education regardless of the nature or severity of her handicap; an education designed to meet her individual educational needs as adequately as those of her non-handicapped peers; reasonable modifications in policies, practices, or procedures when the modifications are needed to avoid discrimination on the basis of disability; the right to free educational services, except for those fees that are imposed on non-disabled students or their parents; the right to placement in the least restrictive environment; the right to facilities, services, and activities comparable to and with her non-disabled peers; and the right to an evaluation prior to an initial placement and when any subsequent significant change in her placement occurred. In addition, A. was denied her right to be secure and protected from physical assault/restraint and the abuse of her person.

2/2015-2/2017 Federal Court. Working for the Parents as Plaintiffs (Bentonville, AR).
Expert Witness Report. In the United States District Court, Western District
Of Arkansas (Fayetteville Division); Civil Action No. 5:15 Cv 5083-Pkh

(Filed on April 20, 2015). Ron and Lauren Parrish, As Parents of L; Victor and Laura Craig, As Parents of A; Casey and Chastity Laws, As Parents of G; and Rachelle Siverly, As Parent of S (Plaintiffs) vs. Bentonville School District; Michael Poore, Former District Superintendent; Tanya Sharp, District Executive Director Student Services; Rebecca Powers, Travis Riggs, Joe Quinn, Willie Cowgur, Matthew Burgess, Brent Leas, Grant Lightle, In Their Official Capacity as the Bentonville School Board of Education; Maureen Bradshaw, District Special Education Coordinator, Arkansas Department of Education; and Johnny Key, Commissioner.

This case involved the failure of the Defendants to protect the Plaintiff's constitutionally-secured property and equal protection interests when they failed to intervene or take appropriate action with regard to: (a) the segregation of the Plaintiffs' Children based on their diagnosis of autism; (b) the use of physical restraints and seclusions; (c) the failure to use evidence-based practices when educating students with autism; (d) the failure to provide needed related services and other needed educational supports and services; and (e) the denial of an appropriate education free from discrimination to said children in the Least Restrictive Environment.

10/7/2013 Parents/Plaintiffs (New Orleans, LA). Expert Witness Report. In the
United States District Court, Eastern District of Louisiana (New Orleans).

Case involved the right of Plaintiffs (representing their son), under federal and state law, to a full reimbursement for an Independent Educational Evaluation (IEE) conducted during the 2011-2012 school year. [Seth B. v. Orleans Parish School District. Case 2:13-cv-06068-NJB-DEK]

7/2010-7/2011 Kelly, Kelly, & Allman (Hendersonville, TN). Expert Witness. In the
United States District Court for the Middle District of Tennessee (Nashville).

Case involved the physical abuse of prekindergarten students with disabilities at the hands of their teachers. [Jackson, Minnis, and Long v. the Sumner County (TN) Board of Education and Donna Weidenbenner (individually)].

7/2003-3/2005 Federal Court. Working for the AR Attorney General and Arkansas
Department of Education.

Expert Witness in a Federal Court case focusing on the State's enactment of its responsibilities under the Comprehensive Personnel Development requirement of the Individuals with Disabilities Education Act (IDEA). [Bradley v. Arkansas Department of Education and Williford School District]

- 1/1999-7/2003 Legal Aid Society of Palm Beach County (FL). Expert Witness.
 Consultation on numerous exceptional student education cases heard in state or district court relative to their special education and discipline/school expulsion and manifestation status.
- 1/1999-7/03 Southern Legal Counsel, Inc. Gainesville, FL. Expert Witness.
 Consultation on numerous exceptional student education cases heard in state or district court that related to their special education and discipline/school expulsion and manifestation status.
- 9/1991-12/1995 Thrun, Maatsch and Nordberg, Lansing, MI, Expert Witness.
 Consultant on statewide court case addressing social skills training in elementary classroom settings using a state-developed curriculum and the children's involvement in/responses to that training. [Settled out of Court]
- 10/1989-6/1993 Federal Court (Four Hearings). Legal Services Corporation of Alabama.
 Montgomery, AL. Expert Witness.
- In four federal court cases representing a class of African-American students, receiving services as students with emotional disturbances, against the Montgomery (AL) Public Schools. [Most notable cases: Cory M. and Chris D. v. Montgomery Public School District]

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