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## Expert Witness Involvement in Federal or State Litigation (Reports, Deposition, or Trial) or Due Process Cases

Updated: January 1, 2026

### Current Cases

12/2025 – present

M.P. v. the Calverton School and Calverton County Day School, Inc.

In the Circuit Court for Calvert County; Case No. C-04-CV-25-000223. Working for the Defense.

Legal Foundations. Negligence; Negligent Hiring, Training, Education, Supervision, and Retention; Negligent Failure to Enact and Enforce Policies that would Prevent Sexual Abuse; and Premises Liability.

The case involves a 33 year old adult woman who attended The Calverton School as a student. When she was in the School's High School program on or about 2010, she alleges that she was sexually abused daily for three years—between the ages of 15 to 18—in different places around the school by a male Geometry teacher. She claims that the School knew about and did not protect her, and that the abuse has resulted in ongoing depression and trauma requiring therapy and counseling. As such, she is suing because she believes that the School violated her substantive due process rights and entitlement to bodily autonomy—with the School not just protecting her, but enabling her harm.

Among the claims, Plaintiff alleges that the School failed to take corrective measures, to screen or manage staff appropriately, to adopt and implement safeguards to prevent abuse, and to protect the Plaintiff and other students on School premises.

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12/2025 – present

Lisa Austin and R. C. v. The North Shore Central School District, The North Shore Central School District Board of Education, Glen Head Elementary School, Peter Rufa and Dayna Greenberg

In the U.S. District Court for the Eastern District of New York; Case No. 2:2023cv06712. Working for the Plaintiffs.

Legal Foundations. 42 U.S.C. § 1983 Civil Rights Act

The case of *Lisa Austin v. North Shore Central School District* is an active federal civil rights lawsuit arising from alleged racial bullying of a minor student, R.C., at Glen Head Elementary School. Brought under 42 U.S.C. § 1983, the complaint asserts that R.C. was subjected to racially discriminatory harassment while enrolled in the school, implicating constitutional protections against discrimination in a public education setting.

Lisa Austin, acting as the mother and legal guardian of R.C., initiated the action seeking legal redress for what she alleges was both discriminatory conduct and a failure by school officials to take adequate protective and remedial measures. The lawsuit contends that the school district and its employees did not appropriately prevent or respond to the alleged racial bullying, thereby exposing R.C. to a hostile educational environment.

The litigation has involved ongoing discovery and procedural disputes, reflecting the legal and evidentiary complexities inherent in § 1983 claims against public school systems. At its core, the case examines whether the actions or inaction of the school district and its personnel amounted to a violation of R.C.’s civil rights, and it underscores the broader obligations of public schools under federal civil rights law to protect students from discrimination and harassment.

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10/2025 – present

Elaina LoAlbo, as Administrator ad Prosequendum of the Estate of Felicia LoAlbo-Melendez and Elaina LoAlbo, Individually, Plaintiffs, v. Mount Holly Board of Education; Township of Mount Holly; Robert Mungo; Daniel Finn; Terry Convery; Teachers A-C; School Counselors A-C; John Does 1-20; and ABC Entities 1-20, Defendants.

In the Superior Court of New Jersey, Burlington County: Law Division  
Docket No.: BUR-L-2092-23. Working for the Plaintiffs.

Legal Foundations. Pursuant to the Wrongful Death Act and the Survivorship Act: Negligence of the named Defendants relative to training, oversight, and supervision of all teachers and other employees specifically related to the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq., the suicide of Felicia LoAlbo, and their failure to knowingly protect the student.

From 2021-2023, Felicia was a student at a middle school located in the Mount Holly School District (NJ). She was a bright student who skipped a grade and was described as “a compassionate human everyone wishes they could be” and as “kind and selfless inspiring others with her radiant personality.” She was active in multiple after-school activities spending almost every day after school in

activities such as the Gender and Sexuality Alliance, Chorus, Drama and Band activities and in an after-school club called “R.A.K.” (Random Acts of Kindness), a club devoted to making the practice of kindness a social norm.

On February 6, 2023, during the school day, Felicia, age 11. was found unconscious in a bathroom at her middle school. After two days, and after undergoing ongoing seizures, on February 8, she succumbed to her injuries cradled in the arms of her mother. A medical examiner determined the cause of death to be suicide.

Her death took place after an extended, persistent period of bullying that occurred during the 2021-2022 and 2022-2023 school year while at School. Her death came on the heels of multiple emails that Felicia sent to her counselors and school officials, first initiated by Felicia’s parents, regarding ongoing and systemic bullying that Felicia was suffering from at the school. The repeated pattern of bullying and abuse took place despite ongoing complaints lodged by Felicia and her parents to school officials about the bullying.

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10/2025 – present

A.L., legal guardian and Next Friend of M.A., a minor, Plaintiff vs. Ryan Gaston, Tiffany Waybright, John Doe #1 Jane Doe #2; and Wood County Board of Education, Defendants

In the Circuit Court of Wood County, West Virginia at Charleston. Working for the Defense.

Legal Foundations. Unlawful Disability Harassment and Discrimination in Violation of the West Virginia Human Rights Act W. Va. Code §16B-17-9(7); Negligence of Defendants; Respondeat Superior; Negligent Hiring, Supervision and Retention; Tort of Outrage

This Case involves a kindergarten special education student with autism who was subjected to inappropriate and abusive physical interactions and restraints by Defendant teacher’s aide. He was immediately suspended and, after due process, was terminated from his position.

Plaintiffs claimed that the individuals involved, as well as the District and its Board were negligent, responsible, and liable for the conduct of its employees/agents; that they did not train or supervise them adequately; and that they should have known that Defendant might potentially behave in the manner described.

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9/2025 – present

Bobby Steele, as parent of and on behalf of C.S., a minor, Plaintiff,  
vs. Clark County School District, a political subdivision of the State of Nevada;  
Ma Rochelle Cervantes Daing, individually; Margarita Francisco, individually;  
Christine Walker, individually; and DOES 1 through X and Roe Corporations,  
Defendants

In the United States District Court District of Nevada, Case No.: 2:24-Cv-01869-Jad-Mdc. Working for the Plaintiff.

Legal Foundations. Negligence in violation of NRS 200.604(2); Common law principles of negligence and duty of care [Nevada Administrative Code Chapter 391; Nevada Revised Statutes Chapters 385, 388, 391, and 432B]; U.S. Constitution, 14th Amendment [42 U.S.C. § 1983]; Title II of the Americans with Disabilities Act [U.S.C. § 12131 et seq.]; Violation of the Rehabilitation Act of 1973, 29 U.S.C. § 504; Enhanced Damages for Injury to Vulnerable Person or Loss Suffered by a Vulnerable Person, NRS § 41.1395; Municipal Liability Against CCSD—42 U.S.C. § 1983 (*Monell* Claim).

This Case involves C.S. an eighth-grade student in Middle School during the 2023-2024 academic year in the Clark County School District. He is diagnosed with Level 3 autism and is non-verbal; a key aspect of C.S.'s disability, known to the school district since his enrollment in 2021, is a specific vulnerability related to restroom use. To mitigate his risks in the bathroom, C.S.'s IEP required direct adult supervision throughout the school day. Defendants—a special education teacher, and special education teacher assistant—were legally and procedurally required to monitor, supervise, and assist C.S.—including during all restroom use. Their direct supervisory responsibility was explicitly scheduled from the time of C.S.'s arrival at school until 9:20 a.m.

On March 4, 2024, in direct contravention of these responsibilities, Defendants permitted C.S. to enter an all-student-access school restroom unsupervised. Another student, who was present in the restroom without any supervising adult, used a phone to take photographs and/or video of C.S. with his genitals exposed. These images were then quickly distributed by the student through a social media group chat to other individuals, who in turn shared them more widely.

The Plaintiff asserts that the March 4, 2024 incident represents the foreseeable culmination of a series of deliberate supervision failures despite explicit legal mandates, documented vulnerabilities, and prior warning incidents. The Defendants' actions—and Walker's subsequent redistribution of intimate images—demonstrate a pattern of deliberate indifference that rises to the level of constitutional violations under established federal civil rights jurisprudence.

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9/2025 – present

G.B. and C.T., individually and as parents, guardians, and next friends of M.T., a minor, Plaintiff, v. Wood County Board of Education and Tena Martin, Defendants.

In the United States District Court in the Southern District, West Virginia at Charleston, Civil Action No. 2:24-cv-00220. Working for the Defense.

Legal Foundations. Violation of 42 U.S.C. § 1983 (Fourteenth Amendment), Disability Harassment and Discrimination—West Virginia Human Rights Act, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act. Additional state tort claims include negligent hiring, training, and supervision, general negligence, intentional infliction of emotional distress (tort of outrage), civil battery, and loss of filial consortium.

This case involves a complaint filed by the parents of a six-year-old nonverbal child with autism (M.T.) against the Wood County Board of Education (WCBOE) and her former special education teacher, Tena Martin. The plaintiffs allege that M.T. was subjected to unlawful restraint, neglect, and abuse while in a special needs classroom at Emerson Elementary. A state investigation by the West Virginia Department of Education (WVDE) Office of Special Education substantiated multiple violations, including the improper use of restraint, inadequate training of staff, false reporting of restraint incidents, and neglect of the child’s basic needs (e.g., diapering). The teacher was suspended, and shortly thereafter retired from her position.

From a psychological and educational standpoint, plaintiffs allege that M.T. experienced significant regression, including self-injurious behaviors, withdrawal from her parents, and severe emotional distress. They claim that her disability made her particularly vulnerable, as she could not verbally report the abuse, and that the misconduct created a hostile educational environment. The complaint also ties systemic failures—including understaffing, lack of training, and deficient oversight—to WCBOE’s liability, arguing that the harm extended beyond a single teacher to district-level negligence.

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9/2025 – present

Maria Escobar, individually and on behalf of her minor child, E.G., Plaintiffs, vs. Jefferson County School District #251, a public entity, and Jefferson County Sheriff’s Office, a subsidiary of Jefferson County, Idaho, a public entity.

In the District Court of the Seventh Judicial District in and for the State of Idaho, County of Jefferson. Case No. CV-26-22-0869 and 0179. Working for the Defense.

Legal Foundations. Negligence, for failing to conduct an appropriate investigation and take protective action after being warned of credible death threats; (b) Failure to Supervise, for not removing or monitoring a student whose dangerous propensities were known, despite duties established under Idaho Code §33-512. Plaintiffs contend that (c) the school district’s actions amounted to reckless, willful, and wanton misconduct; and cite (d) Negligent Infliction of Emotional Distress, noting the “special relationship” between schools, law enforcement, and students.

The litigation arises from a school shooting at Rigby Middle School in Jefferson County, Idaho, on May 6, 2021. Related complaints were filed by Maria Escobar, individually and on behalf of her minor child, E.G., and the Scarbrough parents on behalf of their minor child A.S. who were both injured in the incident. Plaintiffs allege that both the Jefferson County School District #251 and the Jefferson County Sheriff’s Office (through its school resource officer) had prior knowledge of threats made by the student shooter, A.F., via a TikTok video and online comments that explicitly referenced wanting to kill classmates. Despite these warnings, plaintiffs argue that school administrators and the school resource officer failed to take reasonable investigative or safety measures to protect students, allowing the threatening student to remain on campus. A.F.

ultimately brought two firearms to school and opened fire, injuring E.G., A.S., and a school employee.

Finally, plaintiffs bring a joint claim against all defendants: They argue that the parents and children suffered severe physical and psychological injuries due to the defendants' negligence and breach of duty of care. Plaintiffs seek general and special damages, including medical costs, pain and suffering, emotional distress, and attorney's fees, with the total amount to be proven at trial.

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7/2025 – present

Jane Doe (1 and 2) and John Doe (1, 2, and 3) and their Parents (1 – 7)  
v. West Bloomfield School District; West Bloomfield School District Board of  
Education; Blaine McDowell, in her individual and official capacity; Dr. Dania  
Bazzi, in her individual and official capacity; Gerald Hill, in his individual and  
official capacity; Amy Hughes, in her individual and official capacity; Suzan  
Karmo, in her individual and official capacity.

In the United States District Court for the Eastern District of Michigan, CASE  
NO.: 2:24-cv-11916-SDK-APP ECF No. 1, 07/25/24. Working for the Plaintiffs.

Legal Foundations. 42 U.S.C. § 2000d, 42 U.S.C. § 1981, 42 U.S.C. § 1983, the  
Elliott-Larsen Civil Rights Act, MCL § 37.2402(a), Article I, Section 26 of the  
Michigan Constitution, Violation of Due Process, Violation of Equal Protection,  
Intentional Infliction of Emotional Distress, and Violation of the Michigan  
Persons with Disabilities Civil Rights Act (PWDCRA).

The plaintiffs in this case—several minor students and their parents—filed suit  
against the West Bloomfield School District, its Board of Education, and  
individual administrators and staff. The central allegation is that a “discipline log”  
was secretly created and maintained by the Dean of Students, Blaine McDowell,  
between approximately 2019 and 2023. Plaintiffs argue the log contained  
fabricated, exaggerated, or mislabeled incidents disproportionately targeting  
students of color. They further claim these records were never disclosed to  
parents, but later surfaced during applications to private schools and specialized  
programs, where they allegedly caused denials of admission and reputational  
harm.

The complaint outlines a broad array of legal claims: (1) violation of Title VI of  
the Civil Rights Act (racial discrimination in federally funded programs); (2)  
violation of 42 U.S.C. § 1981 (equal benefit of laws regardless of race); (3)  
violation of the Elliott-Larsen Civil Rights Act (Michigan law barring racial  
discrimination in education); (4) violation of Article I, Section 26 of the Michigan  
Constitution (ban on race-based discrimination in public education); (5) due  
process violations under the U.S. and Michigan Constitutions; (6) equal protection  
violations; (7) intentional infliction of emotional distress; and (8) violation of the  
Michigan Persons with Disabilities Civil Rights Act (PWDCRA), based on the  
allegation that mental health information was improperly recorded and disclosed.  
Plaintiffs seek injunctive relief (including expungement and correction of  
records), compensatory and punitive damages, and attorneys' fees.

From the plaintiffs’ perspective, the existence of these undisclosed logs created a hostile and discriminatory environment, stripped students of educational opportunities, and inflicted lasting psychological harm. They cite examples of discipline for ordinary classroom behavior, racial slurs by peers that were inadequately addressed, and alleged teacher misconduct. The parents argue that the district’s practices were arbitrary, racially biased, and systematically deprived their children of equal access to education

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12/2024 – present

D.C., a minor child, by S.C. and B.C., his next friends and natural guardians v. Access Charter School, Inc., et al.

In the Ninth Judicial Circuit Court, Orange County, FL (Orlando Division).  
Working for the Defense.

Legal Foundations. Fla. Stat. § 768.28 (Sovereign Immunity / Pre-Suit Notice); Fla. Stat. § 827.03 (Child Abuse); Fla. Stat. § 760.01 et seq. (Florida Civil Rights Act); Fla. Stat. § 760.07 (Discrimination Based on Handicap); Fla. Stat. § 1003.571 (IDEA Compliance); Individuals with Disabilities Education Act (IDEA); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); 42 U.S.C. § 1983 Fourteenth Amendment, U.S. Constitution; and Convention on the Rights of the Child (Articles 19 and 27)

This action is brought by the Coopers against Defendants for their failure to protect their child D.C. from unlawful abuse, seclusion, and restraint by Access Charter’s teachers and/or employees, and for discrimination based on his disability. The complaint alleges a pattern and practice of physical abuse, unlawful restraint, seclusion, discrimination, misrepresentation, and retaliation against a minor child with autism while enrolled at the school. Allegations include repeated instances of excessive force resulting in fingerprint-shaped bruising, concealment and falsification of incident reports, failure to comply with the student’s IEP, retaliation against the parents for seeking legal relief, and violations of state and federal disability and civil rights laws. It further alleges that D.C. experienced injury and discrimination in violation of his civil rights through Access Charter’s policies, procedures, practices, and pattern of discrimination on the basis of disability, and by virtue of their failure to protect D.C. from unlawful abuse, seclusion, and restraint.

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12/2024 – present

Jennifer Roth, Plaintiff v. Patrick Orlando, individually, and Jennifer Withers, individually, Defendants

In the Circuit Court of the 11<sup>th</sup> Judicial Court, In and for Miami-Dade County, FL. General Jurisdiction Division Case No.: 2024-008290-CA-01  
Working for the Defense.

Legal Foundations. Civil Law Suit and Counter-suit. Defendant’s Motion for Protective Order.

This Case involves an eight year boy who was walking his foster-care dog, Benji, in the common area of a private community in Miami, FL. While the dog was

properly leashed, during the walk, the boy encountered a fifty-plus year old woman who was also walking her dog. Upon encountering the boy and his dog, the woman's dog barked and then lunged at the much smaller dog and bit him. The woman became abusive to the boy, and later sued his family for physical and emotional injuries. The boy, meanwhile, was traumatized to the degree that the family moved away from the community.

The Case involved my involvement to prevent the boy from being deposed by opposing counsel due to the real concern that the deposition would result in his re-traumatization.

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9/2024 – present

Raphael Deguzman, individually, and Rachel Deguzman, individually and as Parent and Natural Guardian of M.D., a minor, Plaintiffs v. Tyrinda Dixon, Defendant.

In the Circuit Court, Fourth Judicial Circuit in and for Duval County, Florida. CASE NO.: 16-2020-CA-002661 DIVISION: CV-A. Working for the Defense.

Legal Foundations. Educational and psychological damages related to a car accident

This Case involves the Plaintiff's pursuit of damages related to a car accident with the Defendant.

My Expert involvement focuses on the Minor Child who the Plaintiff's allege has incurred educational, physical, and psychological damages—now and into the future—due to the accident. My review of the child's physical, development, and psychoeducational history and progress will be used to contest these allegations.

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## Completed Cases

2/2024 – 12/2025

Andrea Lopez and Marquel Fowler, Individually, and as Natural Parents of Izaiah Lopez, Plaintiffs v. Chris Restrepo, M.D., Emergency Medical Associates of Tampa Bay, LLC (Excelis Medical Associates), and St. Joseph's Hospital, Inc. d/b/a St. Joseph's Hospital, Defendants.

Filed On December 4, 2020 in the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida (Civil Action). Working for the Defense.

Legal Foundations. Personal Injury—Medical Malpractice; Assessment of educational, rehabilitative, and psychological damages related to emergency medical treatment

This Case involves the Plaintiff's pursuit of damages related to the emergency room treatment of their son, Izaiah who was brought to the hospital due to a sinus infection that eventually spread to the lining of his brain requiring emergency, and subsequent, surgery and long-term rehabilitation and ongoing therapy. Plaintiff's claim that the emergency room doctor mistreated Izaiah and was responsible for these events and needs.

A recurring theme was the Parent's assertion that Izaiah is a student with autism—which has never been validated—and this was part of the malpractice circumstances.

My Expert involvement focuses on a review of the developmental history and precursors directly related to the Minor Child—as well as the past and current data, documentation, depositions, and expert reports on behalf of the Plaintiffs that will be used to contest the Plaintiff's allegation and their pursuit of compensation and the long-term care of the student.

Disposition. Case settled out of Court.

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9/2024 – 7/1/25

C.K., a minor child, by and through his Mother and Next Friend, B.M v. West Carroll Special School District Board of Education et al., In the United States District Court for the Western District of Tennessee— Eastern Division No. 1:2023-cv01133 - Document 37 (W.D. Tenn. 2024). Working for the Plaintiffs.

Legal Foundations. Title IX; 14<sup>th</sup> Amendment

This Case involves the sexual assault and subsequent peer-on-peer harassment that began on July 14, 2022 when C.K. attended a two-night school-approved football camp as a member of the West Carroll football team. On that night, he was sexually assaulted by a peer who was also on the team and in the sleeping room of C.K. The assault was videotaped by another peer who used it to harass C.K.. The school's Title IX investigation was delayed over a month as the District Title IX Director was not informed and, instead, the assailant was disciplined by the High School Principal and Football coach.

The parents of C.K., as Plaintiffs bringing this litigation against the District and specific, involved individual staff for a multitude of Title IX, and related, violations of both the original assault and the subsequent peer harassment and bullying.

My Expert involvement in the Case involves writing a Report/Declarative on (a) the short- and long-term psychological impact of sexual harassment and a sexual assault on C.K.—as well as the subsequent peer bullying and harassment (that was also delayed relative to its independent investigation); (b) why it is important for a school district to not delay or incorrectly follow the Title IX grievance process in response to a sexual assault; and (c) the short- and long-term psychological impact on the victim when a school district violates the Title IX grievance process and, instead, allows the case to be processed by Law Enforcement.

Disposition. Case awarded to the Defense through a Summary Judgment.

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5/2024 – 12/2024

S.L. v. Rutherford County Board of Education. In the Tennessee Middle District Court; CASE No.: 3:24-cv-00601. Working for the Plaintiffs.

Legal Foundations. IDEA—FAPE, LRE; 14<sup>th</sup> Amendment (Civil Rights—Education)

This is a “continuation” of the Due Process case I was involved in—with the same Plaintiffs and Defendants—in March to May, 2024.

Working as an Expert Witness for the Plaintiffs, this case involves 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.

The Parents continue to ask the District to pay for a comprehensive residential setting to best prepare S.L. for adulthood before she “ages-out” of her District-funded special education FAPE services.

My role as an Expert Witness was to analyze and review the extensive cumulative record data and information provided, review the relevant research, and apply federal and state law to the analysis in a comprehensive Expert Report.

Disposition. Case settled in mediation.

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5/2024 – 10/2024

Jane Doe, a Minor Child, by and through Her Next Friends, Ken Gaskell and Allison Leitch, Plaintiffs v. Hamilton County Board of Education d/b/a Hamilton County School District; and Carmen Veller, Defendants.

In the United States District Court for the Eastern District of Tennessee—Chattanooga Division. Working for the Parents as Plaintiffs.

Legal Foundations. Title IX; 14<sup>th</sup> Amendment

This Case involved Jane Doe, a 12-year-old seventh grader, who was a gifted student at the Chattanooga K-12 School for Arts & Sciences (CSAS). In the Fall of 2021, Jim Doe—a 13-year-old seventh grader who was in Jane’s science class began confronting and accosting Jane Doe with sexual threats and taunts. Jane complained about these threats to her science teacher who forwarded them to the CSAS Middle School Assistant Principal, Carmen Veller.

In December 2021, during one of Ms. Cannon’s science classes, and in view of several students, Jim Doe came behind Jane Doe as she leaned over a table to look at a science project—putting his hands on her hips and grinding his genital area onto Jane Doe’s rear end before leaving the classroom and going to the boys’ bathroom. On December 9, 2021, at an after-school band concert on campus, Jim Doe asked Jane Doe if she wanted to have sex, and she rejected his advance. Jim Doe and Jane Doe eventually walked through the open school hallway to a boiler room where Jim Doe sexually accosted Jane Doe there, physically forcing her to perform oral sex on him.

Jane Doe’s parents, as Plaintiffs, sued the School District for various Title IX and other violations as school officials, particularly Assistant Principal Veller allegedly did not appropriately respond to Jane Doe’s assertions of sexual harassment and assault.

My Expert involvement in the Case was to write a Report/Declarative on (a) the short- and long-term psychological impact of sexual harassment and a sexual assault on Jane Doe—as well as the subsequent peer bullying and harassment; (b) why it is important for a school district to not skip the Title IX grievance process in response to a sexual assault; and (c) the short- and long-term psychological impact on the victim when a school district skips the Title IX grievance process and, instead, allows the case to be processed by Law Enforcement.

Disposition. Case settled out of Court.

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3/2024 – 9/2024

Scott Loupe and Natalie Loupe, Individually, and on Behalf of their Minor Child, Gabriel Loupe v. The Roman Catholic Church of the Diocese of Baton Rouge, St. George School, Jason Warren Murray and Caroline Beck Murray, Individually, and on Behalf of their Minor Child, James Murray. In the 19<sup>th</sup> Judicial District Court for the Parish of East Baton Rouge (LA), CASE No.: C-677192, Section 26. Filed on December 11, 2018. Working for the Diocese (Defense).

Legal Foundation. School Safety and Supervision Negligence and Wrongful Conduct

Working as an Expert Witness for the Defense, this litigation involved two young boys attending a Development Kindergarten class at the school who collided on the playground causing physical damages to the Minor Child Plaintiff. Plaintiff alleged that the collision was done intentionally by the Defendant Child, that it was anticipated based on this past behavior, that there was insufficient and negligent supervision on the playground, and that the incident was fully preventable. Plaintiffs

demanded damages for past, present, and future medical and psychological expenses; pain, suffering, mental anguish, and emotional distress; and loss of enjoyment of life.

My role was to evaluate the school's preparation, training, and safety measures on the playground; contest the intentionality of the accident and the ability of the school to predict its occurrence; and to provide an opinion on the school's responsibility in the context of the damages requested.

Disposition. Settled out of Court.

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3/2024 – 5/2024

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 for the Parents as Plaintiffs.

Legal Foundation. IDEA—FAPE and LRE

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 Endrew 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.

My role as an Expert Witness was to analyze and review the extensive cumulative record data and information provided, review the relevant research, and apply federal and state law to the analysis in a comprehensive Expert Report.

Disposition. The Administrative Law Judge found that the District had violated S.L. rights under IDEA (FAPE), and ordered the re-evaluation that the District had failed to do. The ALJ, however, did not make a decision on an appropriate placement for S.L. in the coming year—deferring this until after the completion of the re-evaluation and a meeting of S.L. IEP Team.

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1/2024 – 4/2024

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

Legal Foundation. Title IX—School Implementation of Policies, Training, and Procedures

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.

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.

Disposition. 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.

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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 for the Parent as Plaintiffs.

Legal Foundations. The five claims for relief-in the state of North Carolina— included: 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.

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 and seriously injured 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.

My role as Expert was to read and analyze all of the cumulative school, medical, and psychological records related to the Case, read and analyze all of the many depositions, review North Carolina school bullying law and the District's bullying policies, and to write an extensive Expert Report.

Disposition. The Case was settled out of Court.

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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 for the Parent as Plaintiffs.

Legal Foundations. IDEA—FAPE; Section 504 of the Rehabilitation Act

Working as an Expert Witness for the parents and minor high school adolescent (J.G.), the case involved allegations of violations of both Section 504 of the Rehabilitation Act and the Individuals with Disabilities Act (IDEA) in regard 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. The plaintiffs argued that the school district failed to provide appropriate accommodations and services for J.G., who has special educational needs.

The Hearing took place from July 5 to July 7, 2023, and it focused only on the IDEA-related violations.

My role as Expert was to read and analyze all of the cumulative school, medical, and psychological records related to the Case, review the relevant Federal and State laws and regulations, and to testify at the Due Process Hearing.

Disposition. The Administrative Law Judge rejected the IDEA claims and did not address the 504 claims given the way the Case was filed. Plaintiffs’ requests for relief were rejected.

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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 for the Parents as Plaintiffs.

Legal Foundations. 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).

This case involved an African-American First Grade student (the only African-American student in her classroom and one of only a few in the school) who was racially bullied in her classroom and on the playground, and whose teachers and administrators, according to the Parents, did not respond to prevent the bullying. This results in an extreme emotional and behavioral reaction that—according to the Parents—the child was disproportionately disciplined for it at school. These issues were so significant that the Parents took the child out of the District and moved to another state for the next school year.

My role as an Expert Witness was to analyze and review state data as provided, read and analyze the depositions taken, review the relevant research, and apply federal and state law to the analysis in an Expert Report. I found that the racial issues

experienced by the Plaintiff were occurring systematically across the school district, and that the racial/cultural competence training in the District was lacking.

I submitted the Report and was deposed.

Disposition. In a Summary Judgment, the Court partially granted and partly denied the school district's motion. The Court dismissed the allegations of peer harassment under Title VI and the two State Law Counts. It did not dismiss the disproportionate discipline theory under 42 U.S.C. § 1983, allowing this part of the case to proceed.

The Case ultimately was settled out of Court.

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3/2018 – 3/2019

Federal Court. Working for the TN Attorney General (Defense).

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. United States District Court Middle District of Tennessee Nashville Division, Case No. 3:17-cv-00405 (M.D. Tenn. Oct. 17, 2018).

Legal Foundation. IDEA—LRE, FAPE; Section 504 of the Rehabilitation Act; and Title II of the Americans with Disabilities Act (ADA).

Working as an Expert Witness for the TN Attorney General's Office to support the TN Department of Education, this case involved J.M., a 13-year-old student with a disability at New Directions Academy in the Dickson County School District (DCSD). Plaintiff's mother, Promise Mata stated that J.M. had a combination of autism, intellectual disability, obsessive compulsive disorder, anxiety, and attention deficit hyperactivity disorder. Because of his behaviors at school, Mother alleged that J.M. was routinely placed by DCSD personnel in an "Intensive Problem Solving (IPS) Room" which she referred to as an "Isolation or Scream Room."

Mother alleged that the state had not provided sufficient professional development and training to school districts to decrease the use of seclusions and restraints with students with disabilities in violation of IDEA—LRE, FAPE; Section 504 of the Rehabilitation Act; Title II of the Americans with Disabilities Act (ADA); and the state's Special Education Behavior Supports Act ("SEBSA"), Tenn. Code Ann. § 49-10-1301 *et seq.*, which sets forth requirements for when and how restraint and isolation may be used with students receiving special education in Tennessee schools.

My role as an Expert for the State was to interview Department of Education personnel, analyze and review state data on seclusions and restraints, and apply federal and state law to the analysis in an Expert Report.

Disposition. The Case was settled out of court.

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12/2017 -  
11/2018

Federal Court. Expert Witness. 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. November 2018. Working for the Parents as Plaintiffs.

Legal Foundation. IDEA—LRE, FAPE; Section 504 of the Rehabilitation Act; and Title II of the Americans with Disabilities Act (ADA).

This case involves Chad and Tonya Richardson, who filed a lawsuit individually and as parents and next friends of their child, L., against the Omaha (AR) School District, along with Jacob Sherwood (Superintendent), Amanda Green (Principal), and Dawn Dillon (Teacher). The case was filed in the United States District Court for the Western District of Arkansas, Harrison Division, in November 2018.

The case involves the Richardson's son who is disabled (autistic, and other behavioral/mental health issues) who they allege was excessively bullied by peers and teachers (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.

The lawsuit included additional claims under IDEA, Section 504 of the Rehabilitation Act, and Title II of the Americans with Disabilities Act (ADA), as well as claims the school district did not take adequate steps to address the bullying.

My role was to review all of the information, data, and depositions and write an Expert Report to support the parent's assertions through IDEA, and to provide testimony at the Due Process Hearing.

Disposition. The district court granted the school district's motion to dismiss in part and motion for summary judgment in part; dismissed the Richardson's request for attorney's fees, and found that there was no genuine issue of material fact regarding whether the school district acted in bad faith or with gross misjudgment concerning the bullying claims.

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1/2017

Jacquie Albright v. Mountain Home School District (AR). Expert Witness. In the United States District Court, Western District of Arkansas (Harrison Division). Working for the Parents as Plaintiffs.

Jacquie Albright (as Parent of Child Doe) v. Mountain Home School District; DPH-15-12; [Federal Civil Action, No. 3:16-CV-03011-TLB; 2017]

Legal Foundation. IDEA and various Constitutional claims

The case, Jacquie Albright v. Mountain Home School District, was filed in the United States District Court for the 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 This case involved multiple motions and legal proceedings, including an

appeal under the Individuals with Disabilities Education Act (IDEA) and various constitutional claims.

My role was to review all of the information, data, and depositions and write an Expert Report to support the parent's assertions through IDEA, and to provide testimony at the Due Process Hearing.

Disposition. The court ultimately affirmed the decision of the Hearing Officer on the IDEA appeal, granted summary judgment in favor of the defendants on all federal claims, and dismissed the state claims without prejudice.

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8/10/2016 -  
6/2018

Diana Mathis and Raymond Cooper (Parents) v. Arkansas School for the Blind (AR). Working for the Parents as Plaintiffs. Testimony at Due Process Hearing. Case No. H-16-48.

Legal Foundations. IDEA.

This case involved a partially blind student attending the Arkansas School for the Blind whose parent alleged was not provided the services in the IEP and—now in 11<sup>th</sup> grade—was significantly behind in his academics to the degree that he would not be prepared for college.

My involvement was to review the student's Cumulative Records, IEPs, and IEP progress assessments, and to provide testimony at the Due Process hearing.

Disposition. A Settlement Decision was struck at the Due Process hearing that was signed by both parties. This Expert provided quarterly follow-up consultation for next two years with Parents and School District to ensure implementation of the Settlement Agreement.

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5/2016 -  
6/2018

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

Legal Foundations. Unlawful racial and disability discrimination pursuant to 42 U.S.C. § 1983, Title VI of the Civil Rights Act of 1964, IDEA, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act.

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 he was 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.

My role was to review all of the information, data, and depositions and write an Expert Report to support the parents' assertions through IDEA.

Disposition. The parties eventually resolved their issues and made a joint motion for dismissal that was Court approved.

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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.

Legal Foundations. First, Fourth, and Fourteenth Amendments the U.S. Constitution, as well as IDEA (FAPE), ESEA, and Section 504 of the Rehabilitation Act of 1973.

This Case involved A., a 6<sup>th</sup> grade student with autism, who was allegedly 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.

My role was to review all of the information, data, and depositions and write an Expert Report to support the parents' assertions through IDEA.

Disposition. The Court granted PSD's motion for summary judgment in part and denied it in part. The Case involved multiple claims and counterclaims, and the Court had to address various aspects of the school district's obligations under IDEA and other laws.

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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.

Legal Foundations. IDEA—FAPE, LRE

This case involves multiple parents suing the Bentonville School District and various officials, including the former superintendent and members of the school board, over allegations related to the education of their children, who have been diagnosed with autism.

The case involved the alleged 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.

My role was to review all of the information, data, and depositions and write an Expert Report to support the parents' assertions through IDEA.

Disposition. The Court granted a summary judgment in favor of the school district and the Arkansas Department of Education.

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10/7/2013

Working for the Parents as Plaintiffs (New Orleans, LA). Expert Witness Report.

Seth B. v. Orleans Parish School District. In the United States District Court, Eastern District of Louisiana (New Orleans). Case 2:13-cv-06068-NJB-DEK

Legal Foundation. IDEA—Regulations relevant to Independent Educational Evaluations.

This Case, Seth B. v. Orleans Parish School Board, involved a dispute over the reimbursement for an Independent Educational Evaluation (IEE) for Seth B., a child diagnosed with autism. Seth's parents requested an IEE at public expense, which the Orleans Parish School Board initially approved with a cost cap of \$3,000. However, the evaluation exceeded this amount and did not meet the state criteria outlined in Louisiana Bulletin 1508. The case was brought to the United States District Court for the Eastern District of Louisiana.

My roles was to write an Expert Report to support the parents' assertions through IDEA.

Disposition. The court ruled that the school board did not have to reimburse the full cost of the evaluation because it did not substantially comply with the required criteria.

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7/2010-7/2011

Kelly, Kelly, & Allman (Hendersonville, TN). Expert Witness.

Jackson, Minnis, and Long v. the Sumner County (TN) Board of Education and Donna Weidenbenner (individually)]. In the United States District Court for the Middle District of Tennessee (Nashville). Case No. 3:2010cv00075 - Document 77 (M.D. Tenn. 2011).

Legal Foundation. First and Fourteenth Amendment.

This Case involved allegations against the Sumner County Board of Education and Donna Weidenbenner regarding the physical abuse of prekindergarten students with disabilities. The plaintiffs, including Jackson, Minnis, and Long, claimed that Weidenbenner's actions as a special education teacher deprived their children of their First and Fourteenth Amendment rights due to excessive force. They also argued that the Board of Education failed to properly supervise or train employees to detect such abuse.

My role in the Case was to evaluate the relevant information and depositions and write an opinion supporting the Plaintiffs and their allegations.

Disposition. Defendants' motions for summary judgment was granted and the matter was dismissed on the grounds that Plaintiffs did not demonstrate that Plaintiffs suffered severe injury resulting from a conscience-shocking abuse of authority.

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7/2003-3/2005

Federal Court. Working for the AR Attorney General and Arkansas Department of Education (Defense).

Bradley v. Arkansas Department of Education; Case NO. 4:96CV1004 JMM (Combined with Case No. 4:00CV00747 GTE)

Legal Foundation. IDEA's Comprehensive Personnel Development requirement; the Section 504 of the Rehabilitation Act of 1973.

The case Bradley v. Arkansas Department of Education and Williford School District involved Thomas and Dianna Bradley, who filed a lawsuit on behalf of their autistic son, David Bradley. They challenged the educational services provided to him by the Williford School District and the Arkansas Department of Education (ADE). The Bradleys' claimed violations of the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act, and other federal statutes.

The case highlighted issues such as the adequacy of educational services for students with disabilities and the responsibilities of state and local education agencies to provide appropriate training/professional development, support, and accommodations.

My role and Court testimony as an Expert Witness in this Case focused on the IDEA's Comprehensive Personnel Development requirement and how the Arkansas Department of Education's Special Education Department appropriately fulfilled this requirement as related to students with autism.

Disposition. The Court found (and on appeal) that the State did meet its responsibilities under IDEA and the CPD provision.

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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.

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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.

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9/1991-12/1995      Thrun, Maatsch and Nordberg, Lansing, MI, Expert Witness for the State of Michigan.  
  
Gingerich v. White Pigeon Community Schools, 736 F. Supp. 147 (W.D. Mich. 1990). U.S. District Court for the Western District of Michigan - 736 F. Supp. 147 (W.D. Mich. 1990); April 13, 1990.

Legal Foundation. Family Educational Rights and Privacy Act (FERPA) and 42 U.S.C. § 1983

This lawsuit challenged the implementation of the Michigan Model For Comprehensive School Health Education (MMCSHE) at the White Pigeon schools. It was brought by students of White Pigeon Community Schools and their parents against White Pigeon Community Schools, its school board members and superintendent, the Calhoun Intermediate School District, and the superintendent of Public Instruction for the State Board of Education.

MMCSHE is a curriculum promulgated by the Michigan Department of Education and contains instruction on substance abuse prevention and mental and emotional health issues. Plaintiffs alleged that the program involved "the practice of mental and emotional health medicine, affective education and quasi-psychotherapeutic methods." Plaintiffs further contended that mandatory participation in the MMCSHE violated their civil rights protected under 42 U.S.C. § 1983 and their constitutional right to privacy.

My role was to provide the State Department of Education (the Defense) expert consultation on the social skills training in the MMCSHE at the elementary school level in the context of the allegations above.

Disposition. Settled out of Court.

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10/1989-6/1993

Federal Court (Four Hearings). Legal Services Corporation of Alabama.  
Montgomery, AL.

Legal Foundation. IDEA—FAPE and LRE; 2<sup>nd</sup> and 14<sup>th</sup> Amendments  
These cases involved a series of four federal court cases involving different African-American students receiving services as students with emotional disturbances in the Montgomery (AL) Public Schools. Some of these students had been placed in an Alternative Program because they were not receiving appropriate behavioral interventions. In that Program, they were corporally punished for their behavior.

Working with the Plaintiffs, my role as an Expert was to evaluate the quality of the special education intervention services in the context of FAPE and LRE. The two most notable cases were: Chris D. v. Montgomery Public School District, and Cory M. v. Montgomery Public School District.

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The case of Chris D. v. Montgomery County Board of Education was a significant legal matter in the U.S. District Court for the Middle District of Alabama. Chris D., an emotionally disabled student, argued that the Montgomery County Board of Education failed to provide him with the “free appropriate public education” required under the Education of the Handicapped Act (EHA).

Disposition. The court found in favor of Chris D., concluding that the school board needed to place him in a full-time residential school to meet his educational needs. This case highlighted the obligations of school districts to accommodate students with disabilities adequately.

This case set the legal precedent that school districts must not just write an appropriate IEP, but they must have resources and trained staff in the district to implement it.

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The case of Cory M. v. Montgomery County Board of Education was also litigated in the U.S. District Court for the Middle District of Alabama. Cory M. an emotionally disabled student, who sued the Montgomery County Board of Education in 1993. Cory’s parents filed the lawsuit on his behalf, claiming that the school district failed to provide him with FAPE.

Disposition. The court found that the school district had not met its obligations under the IDEA and ordered the implementation of a new Individualized Educational Program (IEP) for Cory. Additionally, the court mandated appropriate counseling and training for Cory’s parents.

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