[Schaffer v. Weast, 546 U. S. (2005)](http://www.specialeducationadvisor.com/schaffer-weast-546-us-2005/" \o "Permanent Link to Schaffer v. Weast, 546 U. S. (2005))

The case involves Brian Schaffer that from prekindergarten through seventh grade he attended a private school and struggled academically. He was diagnosed with learning disabilities and speech-language impairments. The school officials recommended that Brian be placed in a setting that could accommodate his needs. Brian’s parents proceeded to contact Montgomery County Public Schools System (MCPS) seeking a placement for him for the following school year. MCPS evaluated Brian and the committee generated an initial IEP. Brian was placed in one of the MCPS middle schools. Brian’s parents were not satisfied with the placement. They believed that Brian’s disability needed smaller classes and more intensive services. The Schaffer’s enrolled Brian in another private school, and initiated a due process hearing challenging the IEP and seeking compensation for the cost of private education.

Initially, the administrative law judges (ALJs) ruled in favor of the school district and stating that the parents bore the burden of persuasion. The parents brought a civil action challenging the result. The United States District Court for the District of Maryland reversed and concluded that the burden of persuasion is on the school district. MCPS offered Brian a placement in a high school with a special learning center. Brian’s parents accepted, and Brian was educated in that program until he graduated from high school. The suit remained alive, however, because the parents sought compensation for the private school tuition and related expenses. The School district appealed to the Four Circuit, and the Court ruled in favor of the Schaffer’s. This case established that the persuasion burden is indivisible. Either the school district must establish the adequacy of the IEP it has proposed or the parents must demonstrate the plan’s inadequacy.

This case speaks volumes of the consideration and importance of the least restrictive environment. This case could have easily being prevented if the MCPS would have given Brian appropriate placement in the learning center. Another issue resolved during this trial who has the burden of persuasion. As educational diagnosticians, we need to take an active role during IEP meetings and make sure that the appropriate placement, accommodations, services, and modifications are well plan and research prior to the implementation.

<http://www.specialeducationadvisor.com/schaffer-weast-546-us-2005/>