



Archer Successfully Defends The School District of Philadelphia

Press Releases

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December 5, 2007 - In a major victory, The School District of Philadelphia successfully defended a direct claim for compensatory damages in excess of 8 million dollars, for its alleged failure to provide a student with a free appropriate education resulting in alleged loss of language skills, in violation of the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, et seq. ("IDEA"). Chambers v. The School District of Philadelphia, Civil Action No. 05-2535 (E.D. Pa. November 29, 2007)

Plaintiffs, in their own right and as guardians of F.C, an incapacitated person, filed a complaint against the School District under Section 1983, the American with Disabilities Act and the Rehabilitation Act of 1973, claiming that the District failed to provide F.C. with appropriate education services, resulting in permanent developmental injuries to F.C. and damages to them in the form of pain and suffering, financial loss and loss of companionship.

Previously, in A.W. v. The Jersey City Public Schools, the United States Third Circuit Court of Appeals held that a plaintiff may not pursue an action for compensatory damages under §1983 for alleged violations of the IDEA. The Third Circuit, however, left open the issue of whether a plaintiff can bring a direct claim for compensatory damages for violations of the IDEA.

In Chambers, the Honorable Gene E.K. Pratter of the United States District Court for the Eastern District of Pennsylvania held that there is no right to compensatory damages for direct violations under the IDEA. In reaching her decision, Judge Pratter reasoned that to allow a private right of action for compensatory damages under the IDEA would amount to a claim for educational malpractice, a result that would be at odds with the statutory scheme provided by the IDEA.

The School District of Philadelphia was represented by **Jeffrey, M. Scott**, a Partner in the Philadelphia Office of Archer, P.C.

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Related People



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