

No. 20-187

IN THE
Supreme Court of the United States

OKWUDILI CHUKWUANI,

Petitioner,

v.

SOLON SCHOOL DISTRICT,

Respondent.

On Petition for a Writ of Certiorari
to the United States Court of Appeals for the
Sixth Circuit

PETITION FOR REHEARING

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PETITION FOR REHEARING

Pursuant to Sup. Ct. R. 44.2, petitioner, Okwudili Francis Chukwuani, respectfully requests this Court for an order granting rehearing of this petition for a writ of certiorari, in the light of the lingering consequences of a “stay put” and procedural violations and unconstitutional denial of parental right, under the Individual with Disability Education Act (IDEA), which was presented in case # 20-187.

It concerns a 7-year-old African American child, who was incorrectly identified as disabled under the Individual with Disability Education Act (IDEA) and transferred out of the regular schooling environment to a school exclusively dedicated for disabled children, since 2018. The transfer violated the stay-put requirement because it was done during the pendency of an administrative review for procedural violations and his father was denied his parental right because he complained about the stay put violation. The unconstitutional denial of his father’s parental right was then used to deny his father jurisdiction for administrative appeal at the federal district court and at the 6th circuit court.

There is conflict between the triers of facts, Ohio Department of Education (ODE) Hearing Officers and Appellate Courts on the issue of jurisdiction. The child has been undergoing systemic deconditioning in the exclusively disabled children’s school, since 2018.

UC’s father is concerned that the unconstitutional denial of his parental rights, which was used to prevent the administrative review of the stay put and procedural violations, is evolving into a dangerous social situation, wherein the care that can be provided by a fit

parent is substituted with IEP and special education, without any positive outcome for the society. Here, a fit father, who can take care of his child without any special education, was unconstitutionally denied his parental rights, while special education was imposed on his child without his consent and without any successful outcome. This request for re-hearing is therefore important because of this clarification and the following issues raised in case # 20-187:

1. The denial of jurisdiction by the appellate courts is unconstitutional since it was based on a state court's unconstitutional denial of parental rights.
2. The denial of jurisdiction by the appellate court prevented the review of alleged stay put and procedural violations, which hinders the procedural safeguards in the IDEA and provides a basis for the abuse of the IDEA.
3. The denial of jurisdiction will lead to a new social problem, wherein parental right can be unconstitutionally denied to allow the substitution of proactive parental care by a fit parent with IEP and special education for emotional disturbance.
4. The denial of jurisdiction by the appellate court conflicts with the trier of facts, Ohio State Department of Education, who witnessed the stay put violation and did not deny jurisdiction.

Petitioner is aware that the coronavirus pandemic and the turbulent election year, has impacted on the time to manage the enormous number of cases, which makes it difficult to comprehensively review this case at the first instance. Hence, a rehearing of case #20-187 will provide the opportunity for a more comprehensive review by this court.

CONCLUSION

For the foregoing reasons, petitioner, Okwudili Chukwuani, prays this Court to grant an order for the rehearing of this petition for the writ of certiorari, case #20-187.

Respectfully submitted on this 12th day of November, 2020.



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SUPREME COURT OF UNITED STATES

CERTIFICATE OF GOOD FAITH

No. 20-187

Okwudili Francis Chukwuani
Petitioner

v.

Solon School District
Respondent

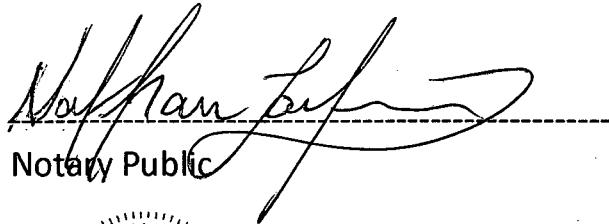
As required by Supreme Court Rule 44.2, I certify that this petition for rehearing is restricted to the grounds set in Rule 44.2, and is presented in good faith and not for delay.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 13, 2020.



Signed: Okwudili F. Chukwuani, MD
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Notary Public

NATHAN T. LARKIN
Notary Public, State of Ohio
My Comm. Expires Aug. 12 2022
Recorded in Cuyahoga County

11/13/20