

IN THE
Supreme Court of the United States

D.C., BY HIS PARENTS AND GUARDIANS,
TREVOR CHAPLICK AND VIVIAN CHAPLICK;
TREVOR CHAPLICK; VIVIAN CHAPLICK; *et al.*,
Petitioners,

v.

FAIRFAX COUNTY SCHOOL BOARD; VIRGINIA
DEPARTMENT OF EDUCATION; *et al.*,
Respondents.

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

**BRIEF FOR *AMICUS CURIAE*
DISABILITY RIGHTS TEXAS
IN SUPPORT OF PETITIONERS**

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STATEMENT OF INTEREST OF *AMICUS CURIAE*¹

Disability Rights Texas provides the perspective of a congressionally mandated protection and advocacy (“P&A”) agency. There are 57 P&As in the U.S. and its territories. This case is about the tools that P&A agencies need to fulfill their congressionally mandated mission: safeguarding the rights of children with disabilities.

If the Fourth Circuit’s rule stands, P&A agencies like Disability Rights Texas lose an important means of obtaining timely relief from systemic IDEA violations that individualized administrative proceedings cannot remedy allowing broken systems to go uncorrected and leaving generations of children without timely remedies.

Congress created the modern P&A system in direct response to the early-1970s exposure of pervasive abuse and neglect of people with disabilities in state institutions. Investigative reporting revealed pervasive abuse and inhumane conditions at Willowbrook State School in New York, where thousands of children with disabilities lived in overcrowded, unsanitary facilities without adequate care, education, or protection. Geraldo Rivera, *Willowbrook: The Last Great Disgrace* (WABC-TV 1972) (documenting that residents “lived in filth,” received “no education or stimulation,” and were subjected to “abuse and neglect on a massive scale”). National outrage over Willowbrook prompted Congress to require every State to maintain an agency to protect and advocate for people with

¹ Amicus requested consent to file this brief from counsel for all parties. Petitioners provided written consent and Respondents provided written notice that they take no position on the filing of this brief. No counsel for a party authored this brief in whole or in part, and no person or entity made a monetary contribution to the preparation or submission of this brief.

disabilities. Disability Rights Texas, How We Began, <https://disabilityrightstx.org/en/about-us/how-we-began/> (last visited Sept. 8, 2026).

Disability Rights Texas is the P&A for Texas and is an independent, private, non-profit agency. P&As, including Disability Rights Texas, have a federal mandate to pursue legal, administrative, and other appropriate remedies on behalf of students with disabilities. That mandate includes challenging the policies, procedures, and systemic conditions that violate the rights of persons with disabilities. *See* Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. § 15001 *et seq.* (PADD Act); the Protection and Advocacy for Individuals with Mental Illness (PAIMI) Act, 42 U.S.C. § 10801 *et seq.*; and the Protection and Advocacy of Individual Rights (PAIR) Program of the Rehabilitation Act, 29 U.S.C. § 794e (collectively referred to as the Acts).

The Individuals with Disabilities Education Act (“IDEA”) guarantees each eligible child an individualized education. *Fry v. Napoleon Cmty. Schs.*, 580 U.S. 154, 158 (2017) (the IDEA provides “special education and related services . . . tailored to meet a child’s unique needs” (internal quotation marks omitted)). If there are system-wide violations in Texas schools, Disability Rights Texas brings actions for declaratory and injunctive relief to remedy those violations—requiring districts to change policies, procedures, and practices that violate the rights of children with disabilities.

The Fourth Circuit’s rule risks jeopardizing Disability Rights Texas’s ability (and the ability of all other P&A agencies) to use all of its mandated tools to pursue remedies for students with disabilities by preventing it from correcting systemic violations of children’s rights.

SUMMARY OF ARGUMENT

Protection and advocacy agencies must be able to challenge system-wide violations of the Individuals with Disabilities Education Act without first having to navigate onerous, administrative hearings designed exclusively for the individual student complainant. Those hearings are futile when the problem affects an entire school district because hearing officers can only order relief specific to an individual student. Administrative hearing officers are barred from ordering relief beyond the individual student, such as broad policy changes or system-wide relief. Disability Rights Texas knows first-hand why this exception is needed. In a recent litigation in which Disability Rights Texas was involved, hundreds of children were waiting for required special-education evaluations, and the state complaint process did not fix the growing backlog. Over the course of the litigation, the school district remedied the wrongs done to the individual plaintiffs but did not address the systemic problems that caused those wrongs. Only after a federal court excused the usual exhaustion requirement, was Disability Rights Texas able to obtain district-wide reforms, including timely evaluations, funding for added educational services, and independent evaluations.

The Fourth Circuit rejected this necessary exception and required families to pursue their claims through individual administrative hearings. This outcome conflicts with decisions from most other federal courts and would prevent P&A agencies from carrying out the job Congress gave them. It may also cause long delays, waste limited resources, and make a child's access to relief depend on where the child lives or whether the family can bring its own case. This Court should hear the case, resolve the circuit conflict, and

confirm that plaintiffs do not need to complete the administrative process when that process cannot provide an effective remedy for a system-wide problem.

ARGUMENT

Disability Rights Texas agrees with the petitioners that the Fourth Circuit deepened an existing circuit split. The Second, Third, and other circuits recognize a futility exception to IDEA exhaustion when plaintiffs challenge the administrative process itself and seek relief that hearing officers cannot provide.

As the petitioners explain, this issue is nationally important because millions of disabled students depend on IDEA's procedural protections and because systemic defects cannot be corrected through individual due process hearings. Supreme Court precedent, the IDEA's text and structure, and general administrative-law principles all support a futility exception when the requested relief is unavailable through the individual hearing administrative process. Disability Rights Texas urges the Court to grant certiorari, resolve the circuit conflict, and hold that plaintiffs bringing system-wide challenges to IDEA hearing processes and enforcement need not exhaust futile, individualized administrative procedures.

Disability Rights Texas will not repeat petitioner's arguments here. Instead, this brief offers the perspective of P&A agencies that have successfully challenged systemic violations—and shows how the Fourth Circuit's rule will frustrate Congress's purpose in establishing the P&A system to protect the rights of disabled children.

I. *Disability Rights Texas v. Austin ISD* shows why systemic litigation is an essential component of P&A agencies' congressional mandate.

Disability Rights Texas's litigation against Austin Independent School District ("Austin ISD") shows the futility exception operating exactly as Congress intended—enabling a P&A to fulfill its congressionally assigned responsibilities without first exhausting futile, individual hearing processes. *J.R. v. Austin ISD*, 574 F. Supp. 3d 428 (W.D. Tex. 2021). Austin ISD's special-education evaluation system had collapsed, leaving hundreds of children on the waiting list—a failure that no administrative process could realistically remedy. *Id.* at 435-36. Because the district court recognized the futility exception, Disability Rights Texas was able to maintain its suit and obtain district-wide relief. *Id.*; Dkt 80 (Joint Motion to Dismiss) at 3.

A. The Austin ISD evaluation backlog reflected genuine systemic breakdown that no individual hearing could fix.

Disability Rights Texas and five students sued Austin ISD for failing to timely conduct the "full and individual evaluation[s]" of children with disabilities required under the IDEA—denying district students a free appropriate public education ("FAPE"). *J.R.*, 574 F. Supp. 3d at 435-36 (citing 20 U.S.C. §§ 1414(a)(1)(A), (a)(2)). Austin ISD's special-education evaluation system had completely collapsed, leaving hundreds of children on a waiting list without timely evaluations—a backlog the district publicly acknowledged.² *See id.*

² Alex Caprariello, *900 AISD students await an evaluation; SPED department undergoes major overhaul*, KXAN (Apr. 30, 2021, 10:34 PM CDT), <https://www.kxan.com/news/education/>

at 439. The resulting delays reflected a district-wide failure to comply with the IDEA's requirements.

B. Administrative processes proved structurally incapable of remedying a system-wide breakdown of this magnitude.

The individualized due-process system could not remedy a failure of this magnitude. Pls. Resp. to Def. Mot. to Dismiss at 6 (citing Exhibit 6) (“The special education due process system cannot handle individual filings for the volume of students impacted by evaluation delays in Austin ISD.”).

The state-agency complaint process was likewise incapable of delivering the timely systemic relief that was needed. In October 2020, Disability Rights Texas filed a complaint with the Texas Education Agency (“TEA”) on behalf of two individual students while also expressly seeking systemic relief for the failures to timely evaluate students. *Id.* at 7. (Disability Rights Texas “filed a complaint with TEA on behalf of two individual clients, and also sought systemic relief for the failure to timely evaluate students with disabilities.”). TEA found violations and required the district to submit a corrective-action plan, but TEA declined to address Disability Rights Texas’s request for systemic relief and imposed no meaningful enforcement consequences as the backlog worsened. *Id.* at 7-9.

Austin ISD repeatedly missed its own proposed deadlines—completing only 34% of overdue evaluations by March 2021—while TEA accepted each revised timeline without repercussion. *Id.* at 8-9.

Meanwhile, the backlog grew: the 627 overdue evaluations identified in December 2020 ballooned to over 900 by April 2021. *Id.* at 9. The state-agency complaint process proved incapable of remedying the systemic failure—confirming what Congress recognized when it created independent P&A enforcement authority: “the very state agencies providing disability services could not be expected to police themselves.” *See infra* Part I.C.

Only after the state-agency process proved incapable of delivering systemic relief did Disability Rights Texas and the affected families sue in the District Court for the Western District of Texas.

C. The district court rejected Austin ISD’s motion to dismiss, recognizing that exhaustion would be futile.

Austin ISD, like the defendants in this case, filed a motion to dismiss. And like the defendants here, Austin ISD argued that the families should have first gone through the IDEA’s administrative process. *J.R.*, 574 F. Supp. 3d at 434. Austin ISD also argued that the case was moot because many of the delayed evaluations had already been completed. *Id.*

The district court correctly recognized that a plaintiff need not exhaust administrative remedies if “exhaustion would be futile.” *Id.* at 435 (quoting *Honig v. Doe*, 484 U.S. 305, 327 (1988)). Then, following the rule announced by the Second Circuit “where ‘systemic violations’ made exhaustion futile,” which the Fifth Circuit had previously deemed “instructive,” the district court rejected Austin ISD’s arguments. *Id.* (citing, *inter alia*, *Papania-Jones v. Dupree*, 275 F. App’x 301, 304 (5th Cir. 2008); *Heldman v. Sobol*, 962 F.2d 148 (2d Cir. 1992); *Mrs. W v. Tirozzi*, 832 F.2d 748 (2d Cir. 1987);

J.G. v. Bd. of Educ. of the Rochester City Sch. Dist., 830 F.2d 444 (2d Cir. 1987); *Jose P. v. Ambach*, 669 F.2d 865 (2d Cir. 1982)). Specifically, the district court found that the plaintiffs had alleged a broad, systemic problem that “challenge[d] [Austin ISD]’s policies and practices.” *Id.* at 435. Because of that, “[a]dministrative hearings would be futile, for both the volume of cases and larger systematic failures could not be practically solved within the IDEA administrative operative structure of individual hearings.” *Id.* The court therefore found plaintiffs excused from IDEA’s administrative exhaustion requirement. *Id.*³

D. The futility exception enabled systemic relief that no individual administrative process could deliver.

The district court denied Austin ISD’s motion to dismiss and allowed the case to proceed. After the district court rejected Austin ISD’s exhaustion defense, the parties began discussing settlement. By that point, the individually named plaintiffs had largely obtained relief, allowing Disability Rights Texas to focus on remedying the district’s systemic deficiencies. Dkt 80 (Joint Motion to Dismiss) at 3.

Those efforts ultimately produced the type of district-wide relief that neither individualized due-

³ The court also rejected Austin ISD’s associational standing and mootness arguments principally due to Disability Rights Texas’s status as a congressionally mandated P&A. *Id.* at 436 (finding Congress abrogated the third prong for associational standing “when it authorized Disability Rights Texas, as a protection-and-advocacy system, to pursue legal remedies for the rights of disabled Texans.” (citing 42 U.S.C. § 15043(a)(2)(A)(i))); *id.* at 437 (finding the case not moot due to the same authority even if all other Plaintiffs’ individual allegations were remedied).

process hearings nor the state-agency complaint process had been able to achieve. Austin ISD agreed to: (1) “achieve 100% compliance with IDEA’s evaluation timelines”; (2) “create a... fund” for compensatory educational services, including summer programs; and (3) “fund Independent Educational Evaluations (‘IEEs’) upon a parent’s request.” *Id.* That outcome was possible because Fifth Circuit precedent permitted the district court to excuse IDEA’s exhaustion requirement. Uniform application of the exception to exhaustion for systemic violations across circuits is essential if P&As are to fulfill their congressionally assigned role.

II. The Fourth Circuit’s rule will impair P&A agencies’ ability to fulfill their congressional mandate, harming the agencies and the children they serve.

Congress created P&A agencies to protect the legal rights of eligible individuals with disabilities including students whose rights under the IDEA have been violated. The Fourth Circuit’s rigid reading of the IDEA statute undermines that function and burdens families seeking systemic change. The Fourth Circuit’s holding should be rejected because it is inconsistent with the holdings of other circuit courts and inconsistent with the purposes and spirit of the IDEA.

A. The Fourth Circuit departed from a line of persuasive authority that was consistent, well-accepted, and outcome-determinative.

The Fourth Circuit’s holding creates a rule that conflicts with the majority of courts that have opined on the exhaustion requirement under the IDEA, and thus, the majority view that P&A agencies should not

have to exhaust administrative remedies when challenging systemic violations. Most circuits recognize an exception to the exhaustion requirement when systemic violations of the IDEA make exhaustion futile. *See Hoeft v. Tuscon Unified Sch. Dist.*, 967 F.2d 1298, 1304-05 (9th Cir. 1992); *Ass’n for Cmty Living in Co. v. Romer*, 992 F.2d 1040, 1044 (10th Cir. 1993); *J.S. v. Attica Cent. Schs.*, 386 F.3d 107, 113 (2d Cir. 2004); *Papania-Jones*, 275 F.App’x at 303-04; *T.R. v. Sch. Dist. of Philadelphia*, 4 F.4th 179, 192 (3d Cir. 2021); *Robertson v. D.C.*, 762 F. Supp. 3d 34, 54 (D.D.C. 2025); *see also* Pet. for Writ of Certiorari at 19 (“two circuits have held and at least six circuits have recognized that exhaustion should not be required for claims seeking system-wide relief under the IDEA”). Prior to the decision below, only the Sixth Circuit had held that exhaustion is required. *See Alzandani v. Hamtramck Pub. Schs.*, 176 F.4th 455 (6th Cir. 2026).

Courts allowing an exception for systemic violations recognize that strict limitations on IDEA’s administrative function “would virtually bar all advocacy groups’ attempts to bring cases under the IDEA” when those organizations seek systemic relief. *See Robertson*, 762 F. Supp. 3d at 54-55; *Alzandani*, 176 F.4th at 468 (Ritz, J. concurring) (“the contours of the exception to the exhaustion requirement are [not] so confined” to not include an exception for systemic violations). In rejecting a systemic-violations exception, the Fourth Circuit fails to realize that other circuits have excused exhaustion based on the particular facts of each case. *Doe v. Ariz. Dep’t of Educ.*, 111 F.3d 678, 682 (9th Cir. 1997) (acknowledging the systemic violations exceptions but holding that plaintiff’s allegations do “not rise to a truly systemic level”); *D.M. v. N.J. Dep’t of Educ.*, 801 F.3d 205 (3d Cir. 2015); *Alzandani*, 176

F.4th at 468 (Ritz, J. concurring) (instances of systemic violations “might, depending on the particular claims involved, justify bypassing the exhaustion requirement.”). This notion—that the systemic violations exception is proper under the IDEA depending on the specific allegations in each case—has stood the test of time across circuits. *See e.g., T.R.*, 4 F.4th at 192 (citing *Beth V. by Yvonne V. v. Carroll*, 87 F.3d 80 (3d Cir. 1996)).

Despite relatively consistent holdings and interpretations of the IDEA from circuit courts across the country, the court below ignored that logic in favor of its own conclusion. The Fourth Circuit held that “[c]onsolidating these individual claims into one lawsuit, [] does not erase the IDEA’s exhaustion requirement.” Given the lower court’s square rejection of the futility and systemic violations exception and its departure from the consistent holdings of other courts, the resolution of this issue would directly control the outcome of this case. Although the Sixth Circuit recently questioned the systemic-violations exception, even it recognized the need for some exceptions to the exhaustion requirement. *Alzandani*, 176 F.4th at 464 (determining that “a family does not need to exhaust administrative remedies for relief under the Americans with Disabilities Act or the Rehabilitation Act if the IDEA does not give that relief” but refusing “to decide whether a ‘futility’ or ‘systemic violations’ exception might apply in some future case and different setting.”). Should the Fourth Circuit’s rule stand, it would be the first and only court to squarely reject the systemic violations exception. Moreover, it would be the first and only court to require that systemic IDEA claims be exhausted piecemeal through individualized administrative FAPE hearings. This piecemeal

adjudication is not what the IDEA contemplates for system-wide failures and is inconsistent with every prior circuit court decision. This Court should resolve the circuit conflict now so P&A agencies can pursue systemic relief through effective mechanisms. Requiring individual student exhaustion in the face of systemic failures, as the Fourth Circuit demands, undermines the IDEA's purpose and delays relief for the students who need it most.

B. Without a futility exception, P&A agencies may be unable to seek systemic remedies.

The rule requiring plaintiffs to each individually exhaust the administrative process would hamper the ability of P&As to challenge systemic violations, which is one of their fundamental tools for advocating for disabled students. *See supra* Statement of Interest. Administrative bodies at the school-district level are neither equipped nor sufficiently objective to adjudicate claims of systemic violations in their own districts. *See Robertson*, 762 F. Supp. 3d at 54-55 (excusing exhaustion for an advocacy group because its “attempt to request systemic relief through the administrative process is likely futile because the agency will almost certainly deny relief”). Moreover, hearing officers do not have the authority to enact meaningful policy change on the school district upon a finding of systemic violations. *See id.* (“the administrative hearing officers lack jurisdiction over [the advocacy group’s] claims”). Thus, by rejecting the futility exception, courts like the one below force advocacy organizations to raise systemic claims via individual hearings that cannot grant relief beyond the individual student petitioner. *See D.C. v. Fairfax Cnty. Sch. Bd.*, No. 23-1854, at 24 (4th Cir. Mar. 19,

2026) (Gregory, J., dissenting) (the alternative is “to require plaintiffs to bring a claim of systemic injustice before the system itself, knowing that even if the system were capable of identifying its own shortcomings, it would be powerless to change them,” and “exhaustion does not mandate impotent procedures”).

Take, for example, the aforementioned Austin School District litigation. Initially, the school district provided the requested relief to *only* the individually named plaintiffs. Likewise, a school district located in the Fourth Circuit’s jurisdiction would have no incentive to implement system-wide solutions (unless voluntarily implemented); thus, the case would be moot and would allow a school district to avoid addressing systemic issues. Accordingly, the rule of the Second and Third Circuits should be adopted to ensure that school districts implement global solutions to systemic violations. Any other rule would address only the needs of the individual families with the resources and initiative to file suit. This result directly contravenes the spirit of the IDEA.

In addition to class-based disparities, the Fourth Circuit’s rule also creates geographic disparities among school districts, and accordingly among P&A agencies. Students’ educational outcomes are already highly influenced by their geography. However, the ability to obtain timely access to systemic relief should not depend on which jurisdiction a student happens to live because such an outcome undermines P&A agencies’ ability to effectively serve students.

In the face of systemic violations, P&A agencies in some circuits should not be forced to exhaust their resources by managing and handling the significant volume of complaints through piecemeal administrative hearings, (as the Fourth Circuit would require)

while in the other circuits, agencies can efficiently address system-wide failures and obtain the necessary system-wide corrective action for the benefit of the entire affected population of students with disabilities.

The IDEA was written and enacted to apply nationwide without consideration of class, wealth, or geography. Disparities of any kind undermine not only the purpose of the IDEA, but the ability of P&A agencies to effectively execute their congressional mandate. *See supra* Statement of Interest. Only this Court can resolve the conflict.

C. Restricting P&A agencies’ ability to pursue systemic relief burdens children with disabilities and their families.

P&A agencies are not the only ones harmed by the Fourth Circuit’s rule. Millions of students and families nationwide depend on the IDEA’s substantive and procedural protections and on P&A agencies to provide vital advocacy and legal services intended to protect students’ federally guaranteed rights. *See* Pet. for Writ of Certiorari at 20 (noting that “approximately 8.2 million students nationwide were disabled” and served under the IDEA). Requiring systemic-violation claims to proceed through individual administrative hearings imposes needless cost and delay on P&A agencies, and by extension, on the families they serve. A survey of IDEA hearing timing revealed that over 75% of administrative decisions were delayed by 100 days or more. Bari Britvan, *IDEA’s Futility Exception: On the Verge of Futility?*, 172 U. Penn. L. Rev. 1361, 1384 (2024). In school districts in the Sixth Circuit, where a systemic violations exception has not been applied, the average time for a decision is 391 days. *Id.* Congress granted P&A agencies the authority to pursue legal action when necessary to protect students whose

rights are being violated. That authority is only more important when the school district fails to timely act. Yet where an agency's standing is derivative of a set of students' claims, requiring each of those students to individually exhaust before the P&A agency may pursue systemic relief can effectively make the agency's ability to obtain judicial review dependent on the passage of each individual administrative proceeding. Students and their families should not be forced to wait the length of an entire school year or more to receive the systemic relief they deserve.

CONCLUSION

For these reasons, *amicus curiae* respectfully urges this Court to grant the petition for a writ of certiorari.

Respectfully submitted,

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