

# EDUCATION LAW INTO PRACTICE

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## STUDENTS WITH PRADER-WILLI SYNDROME: JUDICIAL CASE LAW UNDER THE IDEA\*

by

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Prader-Willi Syndrome (PWS) is one of the low-incidence physical disabilities that the literature has largely not addressed in relation to the Individuals with Disabilities Education Act (IDEA) and its case law.<sup>1</sup> The limited exception is an article in 2017 that found only three court decisions concerning students with PWS under the IDEA,<sup>2</sup> with one limited to the preliminary technical issue of the statute of limitations.<sup>3</sup> As a result, the coverage extended to the administrative decisions reported in SpecialEdConnection®, resulting in nine due process hearing (DPH) decisions and one state complaint decision under the IDEA.<sup>4</sup> The overall outcome ratio of approximately 2:1 in favor of school districts aligned with the general outcomes of adjudicative decisions under the IDEA, but the accompanying conclusion warned against over-generalization due to not only low numbers but also the notable variation in decisional forums and factual circumstances. Instead, the explicit recommendation was for individualized consideration based on “the particular scope and severity of PWS, the addition of other interrelated or independent diagnoses, and the particular features of the home and school environments.”<sup>5</sup> The implicit recommendation was for follow-up analysis tracking the subsequent relevant case law.

The purpose of this brief article is to provide an update on the case law specific to students with PWS under the IDEA. Because the intervening eight years have yielded, in

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1. 20 U.S.C. §§ 1400–1419. For the published case law, see Perry A. Zirkel, National Compilation of Case Law 1998 to the Present under the IDEA and Section 504/ADA (2025), [www.perryzirkel.com](http://www.perryzirkel.com).

2. Perry A. Zirkel, *Students with Prader-Willi Syndrome: Case Law under the IDEA*, 36 PHYSICAL DISABILITIES: EDUC. & RELATED SERVS. 35 (2017), <https://share.google/zfpgvsFTZ2eEYFaxe>

3. *Aileen v. Dep’t of Educ.*, State of Haw., 56 IDELR ¶

297 (D. Haw. 2011) (remanding to the hearing officer who had dismissed the case based on an erroneous interpretation and application of the two-year statute of limitations under the IDEA). The other two court decisions addressed the merits of the plaintiff-parent’s claim. *Zachary G. v. Sch. Dist. No. 1*, 68 IDELR ¶ 222 (D. Colo. 2016) (denying tuition reimbursement based on ruling that the school district’s proposed rather extensive PWS-customized IEP, which included specialized training, paraprofessionals, food security provisions, and behavioral interventions, met the substantive standard under the IDEA); *K.C. v. Nazareth Sch. Dist.*, 806 F. Supp. 3d 806, 275 Educ. L. Rep. 748 (E.D. Pa. 2011) (ruling that the student’s transition plan met the applicable standard under the IDEA and that the delay in implementing the IEP was attributable to the parents).

4. “DPH” here is generic to include the second administrative level available in a small minority of states, because there was only one such decision, which was from New York.

5. Zirkel, *supra* note 2, at 43.

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addition to the prior court decisions, a sufficient cumulative body of judicial rulings, the focus here does not extend to DPH and state complaint decisions, which have negligible, if any, precedential weight in comparison to court decisions.<sup>6</sup>

This article has three parts. The first part provides a reminder of the nature of PWS.<sup>7</sup> The second part provides a similar quick snapshot of the basic components of the IDEA.<sup>8</sup> The culminating part is the synthesis of the lessons of the updated case law.

### PWS

One of the newer cases provides a snapshot of this condition. As reported in the successive decisions in this case, PWS is “a rare genetic spectrum disorder creating an insatiable desire for food along with affecting cognitive, physical, emotional, and behavioral functions.”<sup>9</sup> Its effects often include obesity, and its typical characteristics “include constant hunger and food seeking behaviors with an inability to feel satisfied[,] . . . mild to moderate intellectual impairments, learning disabilities, and difficulty sleeping[,] . . . temper outbursts and compulsive behavior.”<sup>10</sup>

### The IDEA

As recited in more detail elsewhere,<sup>11</sup> the IDEA, in contrast with pure civil rights laws, such as Section 504 of the Rehabilitation Act of 1973, started as a funding act, with the focus being the availability of special education programs. Originally enacted as the Education for All Handicapped Children Act of 1975, the legislation has undergone successive amendments, including the 1986 addition of attorneys’ fees for prevailing parents. The most recent IDEA amendments were in 2004, with the applicable regulations in 2006.

The sequential and overlapping basic building blocks of the IDEA are (a) eligibility; (b) free appropriate public education (FAPE), (c) least restrictive environment (LRE), and (d) remedies.<sup>12</sup> For the central requirement of providing eligible students a FAPE via an individualized education program (IEP), the primary dimensions are procedural and substantive. For procedural FAPE, the courts use a two-part analysis: (1) did the district commit one or more violations?, and, if so, did the violation(s) result in a significant loss of the parents’ opportunity for participation in the IEP process or a denial of the student’s substantive right to FAPE.<sup>13</sup> For the substantive side, the student is entitled to an IEP that is reasonably calculated to yield progress appropriate under the student’s circumstances.<sup>14</sup>

The other relevant provisions of the IDEA include the alternative decisional dispute resolution mechanisms of a due process hearing, which is adjudicative and generally must be

6. For the limited exception of an overview of the cumulative frequency and outcomes of PWS cases, see *infra* notes 29–30 and accompanying text.

7. The original article excerpted the description set forth in one of the court decisions. *Id.* at 36 (citing *Zachary G. v. Sch. Dist. No. 1*, 68 IDELR at \*2).

8. For a more detailed overview, see Perry A. Zirkel, *Special Education Law: Illustrative Basics and Nuances of Key IDEA Components of the IDEA*, 38 TCHR. EDUC. & SPECIAL EDUC. 263 (2015).

9. *Cent. Bucks Sch. Dist. v. Q.M.*, 81 IDELR ¶ 258, at \*1 (E.D. Pa. 2022).

10. *Q.M. v. Cent. Bucks Sch. Dist.*, 2024 WL 84177, at \*1 (E.D. Pa. Feb. 28, 2024).

11. See, e.g., Mitchell L. Yell, *THE LAW AND SPECIAL EDUCATION* 36–52 (5th ed. 2019).

12. See, e.g., Zirkel, *supra* note 8.

13. 20 U.S.C. § 1415(f)(3)(E).

14. *Andrew F. v. Douglas Cnty. Sch. Dist. RE-1*, 580 U.S. 386, 399 (2017).

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“exhausted” before proceeding to court, and the state complaints process, which is investigative and in most states is not subject to judicial appeal.<sup>15</sup> Among the other relevant differences between the two alternative avenues is that the IDEA’s “stay-put” provision requires maintaining the student’s placement upon filing for a DPH but not upon filing for a state complaint.<sup>16</sup>

### Added Judicial Case Law

Almost all of the court decisions after the predecessor article<sup>17</sup> have focused on the substantive FAPE issue, with some of them addressing the remedies of compensatory education and tuition reimbursement. Additionally, for some of those in which the parents prevailed, the court separately issued a decision with regard to the amount of attorneys’ fees that the defendant district would have to pay. The FAPE-related court decisions are summarized below in chronological order, followed by a brief overview of the relatively few court rulings on miscellaneous and rather marginal other issues.

#### FAPE-Related Decisions

In the first of these court decisions, a federal district court in Tennessee ruled that the IEP of the defendant school district did not meet the substantive standard for FAPE as applied to the plaintiff elementary school child with PWS.<sup>18</sup> According to the court, the primary problem with the IEP is that it lacked proactive procedures, rather than its ad hoc reactive approach (such as using foods as an incentive), to the child’s nonviolent learning-impeding behaviors, such as picking her skin, yelling in class, and urinating in her pants. On the other hand, the court concluded that the parents did not come close to proving that a residential placement was required to meet her educational needs. Instead, the court ordered the district to convene the IEP team to fine-tune the IEP, including the development and implementation of a behavior intervention plan.

In the second case, the federal district court in the District of Columbia ruled that the school district denied FAPE to a student with PWS and intellectual disabilities by not providing any services to the student after expelling him for repeated violent conduct caused by his disabilities.<sup>19</sup> The district raised two purported defenses. First, the district argued that its diligent, albeit unsuccessful, efforts to find another placement excused the denial of FAPE. However, the court concluded that the impossibility defense, which applies in contract law, is not viable under the IDEA and, even if it were to apply, the district did not meet the requisite criteria, including proof that finding an alternative placement was actually and objectively impossible. Second, the district contended that the student’s misconduct amounted to “unclean hands,” which, if fraudulent or unconscionable, may foreclose equitable relief. Rejecting this argument, the court concluded that the student’s misconduct was not fraudulent or unconscionable because the IDEA protects it when, as in this case, the

15. See, e.g., Perry A. Zirkel, *A Comparison of the IDEA’s Dispute Resolution Processes—State Complaint Procedures and Due Process Hearings*, 369 EDUC. L. REP. 550 (2019).

16. Compare Perry A. Zirkel, *Stay-Put Under the IDEA: The Latest Overview*, 404 EDUC. L. REP. 398 (2022), with Perry A. Zirkel, *State Laws and Guidance for Complaint Procedures under the Individuals with Disabilities Education Act*, 368 EDUC. L. REP. 24

(2019) (identifying the state laws in Maine and, depending on department judgement, Michigan as the limited exceptions).

17. *Supra* note 2.

18. *S.H. v. Rutherford Cnty. Schs.*, 334 F. Supp. 3d 868, 360 EDUC. L. REP. 232 (M.D. Tenn. 2018).

19. *Schiff v. District of Columbia*, 75 IDELR ¶ 256 (D.D.C. 2019).

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disability was the causal factor. The remedy was to remand the case to the hearing officer to determine the equitable relief. Subsequently, the hearing officer ordered the school district to provide the student with 1,200 hours of compensatory education, and the court awarded the parents approximately \$175,000 in attorneys' fees.<sup>20</sup>

In the third case, the Ninth Circuit Court of Appeals ruled that a hearing officer's decision for the immediate placement of a student with severe PWS at a residential placement constituted "stay-put" under the IDEA and, thus, was directly enforceable as an automatic injunction.<sup>21</sup> The Ninth Circuit concluded that the hearing officer's proviso that the order continue to be in effect until the district develops a new IEP that addresses all of the identified inadequacies was a second phase rather than an immediately superseding condition, thus requiring the immediate transfer first and then, if the parent challenges whatever IEP revisions the district proposed, exhaustion via another appealable due process hearing.<sup>22</sup> In a subsequent decision, the federal district court in Oregon awarded the parents \$356,000 in attorneys' fees.<sup>23</sup>

In the fourth decision, a federal district court in Pennsylvania upheld the hearing officer's decision that (a) the defendant school district' IEPs, which included a 1:1 paraprofessional for food security and behavioral issues, met the substantive standard for FAPE in grades eight and nine for a student with PWS, (b) the proposed IEP for grade ten did not meet this intensified food-security and behavioral issues, and (c) the parents' residential unilateral placement for that year appropriately did so.<sup>24</sup> Thus, the court affirmed the hearing officer's order that the district reimburse the parents for the tuition during the tenth-grade academic year, which amounted to approximately \$240,000. Subsequently, the court awarded the parents \$144,000 in attorneys' fees.<sup>25</sup>

In what amounts to a fifth case, the same hearing officer conducted a separate hearing and issued a resulting decision in favor of the district specific to its revised proposed IEP for grade eleven, which included specific staff training on PWS; however, upon the parents' appeal, the court remanded the case back to the hearing officer for a reconsideration and revision because the original decision was not sufficiently specific as to the relevant reasoning and not in accord with the legal standards applicable to LRE and tuition reimbursement.<sup>26</sup>

### Miscellaneous Other Decisions

The remaining two reported judicial decisions during the eight years since the earlier article were based on issues only marginal to the IDEA rights of students with PWS. One case

20. Schiff v. District of Columbia, 2025 WL 4059469 (D.D.C. Sept. 7, 2021). This award inferably amounted to what the parents' had requested.

21. S.C. v. Lincoln Cnty. Sch. Dist., 16 F.4th 587, 395 Educ. L. Rep. 921 (9th Cir. 2021).

22. For a subsequent and separate state complaint decision, which reported that the student remained at the residential placement three years later, see *infra* note 29.

23. S.C. v. Lincoln Cnty. Sch. Dist., 2022 WL (D. Or. June 18, 2022). The parents' had sought an award of approximately \$740,000. *Id.* at \*1, 6.

24. Cent. Bucks Sch. Dist. v. Q.M., 81 IDELR ¶ 258 (E.D. Pa. 2022). The child additionally had diagnoses

of neurogenic scoliosis, hypotonia, leg length discrepancy, narcolepsy with cataplexy, ADHD, asthma, morbid obesity, sleep apnea, verbal apraxia, learning disabilities, intermittent explosive disorder, and a mood disorder. *Id.* at \*3. Several of these diagnoses, starting with obesity, are often associated with PWS. *Supra* text accompanying note 10.

25. Cent. Bucks Sch. Dist. v. Q.M., 82 IDELR ¶ 56 (E.D. Pa. 2022). The parents had sought an award of \$238,000. *Id.* at \*2.

26. Q.M. v. Cent. Bucks Sch. Dist., 2024 WL 841777 (E.D. Pa. Feb. 28, 2024). One of the significant factors was the seemingly inconsistent reliance on the expert testimony as compared to the earlier decision. *Id.* at \*11.

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concerned whether the parents’ claim for Section 504 money damages in a dispute about the IEP services provided to their child with PWS were exempt from the exhaustion provision in the IDEA, which requires having them to be decided by a hearing officer before proceeding to court.<sup>27</sup> In the other case, a federal district court in New York dismissed the majority of the claims in a multi-pronged liability lawsuit of the parent of a student with PWS who was subjected to subsequently-dropped criminal charges for allegedly threatening school officials for failing to take appropriate action to protect her child from peer harassment.<sup>28</sup>

Finally, for the sake of completeness, the aforementioned SpecialEdConnection® database included two state complaint decisions<sup>29</sup> and four hearing officer decisions<sup>30</sup> specific to students with PWS. For the cumulative period encompassing both the prior and present analyses, the resulting frequency and outcomes distribution of the FAPE adjudicative decisions that were not inconclusive is as follows:<sup>31</sup>

	Parents Prevailed	Completely for District
Court Decisions (n=6)	4	2
DPH Decisions (n=7)	5	2

Although relatively infrequent, as is the incidence of PWS, these adjudications reveal that the parents of students with PWS have a decisional success rate that may be more favorable than for IDEA adjudications more generally.<sup>32</sup>

### Recommended Considerations

Overall, the primary lessons for school districts’ special attention include the following:

- As a spectrum disorder with potentially complex related disorders, PWS warrants careful individualization rather than stereotyped consideration.

**27.** K.D. v. L.A. Unified Sch. Dist., 816 F. App’x 222 (9th Cir. 2020), *further proceedings*, 2021 WL 3468110 (9th Cir. Mar. 5, 2021). The Supreme Court more recently ruled that claims for money damages under overlapping federal laws were exempt from the IDEA’s exhaustion requirement. *Luna Perez v. Sturgis Pub. Schs.*, 598 U.S. 142 (2023).

**28.** *Donovan v. Norwich Sch. Dist.*, 80 IDELR ¶ 188 (N.D.N.Y. 2022).

**29.** *Lincoln Cnty. Sch. Dist.*, 124 LRP 41517 (Or. SEA 2024) (finding a violation for failure to provide the parents with prior written notice upon revision of the IEP, which continued the placement per the court’s aforementioned stay-put ruling); *In re Student with a Disability*, 124 LRP 137881 (Neb. SEA 2023) (requiring corrective actions for some of the multiple FAPE claims, which were mostly not specific to PWS)

**30.** *L.A. Unified Sch. Dist.*, 120 LRP 19652 (Cal. SEA 2020) (rejecting FAPE claim based on assistive technology); *Chester-Upland Sch. Dist.*, 119 LRP 36811 (Pa. SEA 2019) (ruling that the parents were entitled to an independent educational evaluation at public expense but the child was no longer entitled to a residential placement); *Norwalk-La Mirada Unified Sch. Dist.*, 73 IDELR ¶ 192 (Cal. SEA 2018) (upholding district’s proposed IEP in relation to procedural

and substantive FAPE as well as the standards for LRE); *Tinton Falls Bd. of Educ.*, 2018 LRP 15799 (N.J. SEA 2018) (ruled that the parents were entitled to tuition reimbursement for a local private school based on the child’s need for a climate-controlled facility).

**31.** For exclusions based on an inconclusive outcome, *see supra* notes 3, 26 and accompanying text. For exclusions based on being state complaint decisions, which are not adjudicative and generally are more parent-favorable in their outcomes. Finally, “prevailing” here means that the parent was at least partially successful but obtaining some material remedy, although not necessarily all the relief sought. Thus, if the frequencies were sufficient to allow for an intermediate category of “mixed” outcomes, the pro-parent skew would be notably reduced.

**32.** *See, e.g.*, Perry A. Zirkel & Diane M. Holben, *Due Process Hearing Decisions under the IDEA: A Follow Up Analysis with and Without New York*, 431 EDUC. L. REP. 394, 398 (2025) (finding a moderate pro-district outcomes skew for DPH decisions under the IDEA); Perry A. Zirkel & Zorka Karanxha, *Longitudinal Trends in Special Education Case Law: An Updated Analysis*, 37 J. SPECIAL EDUC. LEADERSHIP 42, 45–46 (2024) (finding an approximately similar skew for court decisions under the IDEA).

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- PWS cases tend to have high-cost FAPE issues, including the potential liability for substantial tuition and attorneys' fees
- The IEP considerations include specialized staff training and both food security and behavioral provisions that may extend to carefully customized behavior intervention plans and 1:1 paraprofessionals.
- Consultation with PWS experts may be proactively prudent because their role in the FAPE litigation is significant.