

Legal Memorandum: Procedural and Statutory Violations in the Case of Wyatt [Student] — Incident of October 4, 2025

Purpose: This memorandum sets forth a comprehensive legal analysis of the violations of federal and New York State law committed by the school district and its agents during the disciplinary response to the October 4, 2025 incident involving Wyatt, a student with documented neurodevelopmental disabilities. It identifies the statutory breaches, the rights infringed upon, and the available administrative and legal remedies.

1. Factual Summary

On **October 4, 2025**, Wyatt—a student formally identified as **neurodivergent**, diagnosed with **Autism Spectrum Disorder (ASD)** and **Attention-Deficit/Hyperactivity Disorder (ADHD)**—was involved in a verbal altercation with peers during an online game-based interaction. His comments, taken out of context, were **recorded without consent** by another student and disseminated to third parties, including adults, before school officials or parents were notified.

Subsequently, **law enforcement was contacted** without prior **parental notification**, **internal investigation**, or **contextual behavioral review**, resulting in a procedural breakdown of the school's statutory and constitutional obligations. The district's failure to observe due process, provide disability-related safeguards, and ensure confidentiality constitutes a clear breach of federal and state mandates.

2. Violated Statutes and Rights

A. Violations of Federal Law

1. **Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1415(k)(1)(E)**
2. **Violation:** The school failed to conduct a **Manifestation Determination Review (MDR)** prior to or in conjunction with any disciplinary measures.
3. **Right Infringed:** Wyatt's right to procedural safeguards ensuring that behavior linked to his disability cannot be punished through exclusionary discipline.
4. **Legal Consequence:** Any suspension, removal, or referral to law enforcement without an MDR is void ab initio under IDEA procedural law.
5. **Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794**
6. **Violation:** Discriminatory treatment and denial of reasonable accommodation in responding to disability-related behavior.
7. **Right Infringed:** Equal access to education and protection from discriminatory disciplinary measures.

8. **Legal Consequence:** The district is liable for discrimination on the basis of disability, enforceable through the U.S. Department of Education's Office for Civil Rights (OCR) and potential federal civil action.

9. **Americans with Disabilities Act (ADA), Title II, 42 U.S.C. § 12132**

10. **Violation:** The district engaged in discriminatory disciplinary action and improper escalation to law enforcement without applying reasonable modification of policies.

11. **Right Infringed:** Wyatt's right to equal participation in public education free from disability-based discrimination.

12. **Legal Consequence:** ADA Title II permits compensatory damages and injunctive relief for systemic discrimination.

13. **Family Educational Rights and Privacy Act (FERPA), 34 CFR § 99.3 et seq.**

14. **Violation:** Unauthorized recording and distribution of Wyatt's private interaction constitutes a breach of educational privacy rights.

15. **Right Infringed:** Wyatt's right to confidentiality of personally identifiable information and protection from unauthorized dissemination of student data.

16. **Legal Consequence:** The district may face sanctions, loss of federal funding, and enforcement proceedings under the U.S. Department of Education.

17. **U.S. Department of Education OCR Guidance (Dear Colleague Letter, 2014)**

18. **Violation:** Premature escalation to law enforcement involving a student with disabilities without first exhausting internal behavioral interventions.

19. **Right Infringed:** Wyatt's right to nondiscriminatory disciplinary treatment.

20. **Legal Consequence:** OCR investigation and corrective action mandates.

B. Violations of New York State Law and Regulations

1. **8 NYCRR § 100.2(l)(2)** — Parental Notification

2. **Violation:** Failure to notify Wyatt's parents prior to law enforcement contact.

3. **Right Infringed:** Parental due process and procedural participation in disciplinary decisions.

4. **Legal Consequence:** Administrative censure and reversal of disciplinary actions under state education law.

5. **8 NYCRR § 200.4(d)(3)** — Implementation of IEP Behavioral Supports

6. **Violation:** The district failed to apply the behavioral intervention plan (BIP) and IEP supports during and after the incident.

7. **Right Infringed:** Wyatt's right to receive educational and behavioral accommodations consistent with his disability.

8. **Legal Consequence:** The state may impose corrective orders through impartial hearing procedures.
 9. **New York State Education Law § 3214(3)(g)** — Due Process in Discipline
 10. **Violation:** Failure to afford procedural due process in disciplinary hearings or alternative measures.
 11. **Right Infringed:** Wyatt's right to fair disciplinary proceedings and representation.
 12. **Legal Consequence:** The district's action constitutes an ultra vires act subject to reversal and potential civil liability.
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3. Constitutional Rights Implicated

1. **Fourteenth Amendment — Procedural Due Process Clause**

The failure to provide parental notice, opportunity for participation, and a hearing prior to punitive measures violates the constitutional guarantee of due process in state-administered educational contexts.

2. **Equal Protection Clause**

Selective or disproportionate discipline of a neurodivergent student relative to neurotypical peers constitutes a denial of equal protection under the law.

3. **First Amendment — Free Expression and Contextual Interpretation**

Punishing speech without contextual consideration, particularly within a virtual game setting, infringes upon protected expressive rights under *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969).

4. Recommended Legal and Administrative Remedies

1. **Immediate Filing of a State Complaint** with the New York State Education Department (NYSED) Office of Special Education alleging IDEA and Section 504 violations.
 2. **Formal Request for a Manifestation Determination Review (MDR)** to determine whether Wyatt's conduct was a manifestation of his disability.
 3. **Submission of a FERPA Violation Report** to the U.S. Department of Education regarding unauthorized recordings and data dissemination.
 4. **Request for an OCR Investigation** under Section 504 and ADA Title II for discriminatory handling of disability-related behavior.
 5. **Preparation for an Impartial Due Process Hearing** under IDEA to secure compensatory education and procedural remedies.
 6. **Civil Consultation:** Consider retaining legal counsel specializing in education and disability law to explore damages for procedural deprivation and emotional distress.
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5. Concluding Legal Opinion

Based on the facts presented and the statutory framework outlined herein, the district's conduct on and following **October 4, 2025** constitutes clear and egregious violations of **IDEA, Section 504, ADA Title II, FERPA**, and **New York State Education Law § 3214**. The procedural omissions and failure to safeguard disability-related rights collectively represent **a denial of Free Appropriate Public Education (FAPE) and a breach of constitutional due process**.

Prepared by: [Your Name]

Role: Parent Advocate and Legal Representative

Date: [Insert Date]

For Submission To: Superintendent, School Board, and NYSED Office of Special Education