# Legal Memorandum of Violations and Corrective Demands: The Case of Wyatt Hurley

**District:** Holland Central School District (New York)  
**Student:** Wyatt Hurley (DOB: 09/12/2015)  
**Parents/Guardians:** Angelo M. Hurley (Father), Brittany Rogers (Mother)  
**Incident Date:** October 4, 2025  
**Prepared by:** Angelo M. Hurley, Parent Advocate  
**For Delivery To:** Superintendent; Building Principal; Chair, Committee on Special Education (CSE); District Counsel

## Executive Summary

On October 4, 2025, the Holland Central School District involved law enforcement following an incident that occurred entirely outside school jurisdiction during an online gaming session characterized by simulated combat. The escalation proceeded **without prior parental notice**, **without an internal behavioral assessment**, and **without a legally required Manifestation Determination Review (MDR)** under the Individuals with Disabilities Education Act (IDEA). Wyatt Hurley, a student formally identified with **Autism Spectrum Disorder (ASD)** and **Attention-Deficit/Hyperactivity Disorder (ADHD)** and supported by an active IEP and BIP, was subjected to disciplinary and investigative actions predicated on **unverified and inaccurate medical information** concerning medication adherence. This conduct constitutes clear violations of federal statutory protections, state regulatory mandates, and constitutional due process and equal protection guarantees. This memorandum establishes the factual chronology, enumerates the relevant legal authorities, and articulates the corrective demands and remedies required to restore compliance.

## Factual Record

1. **Incident Context:** The student’s statements occurred within a virtual game environment beyond school supervision. A third party unlawfully recorded and circulated the audio-visual content to adults and district officials without consent.
2. **Improper Escalation:** Law enforcement involvement occurred prior to parental notification, internal review, or the application of established behavioral supports.
3. **Disability Status:** Wyatt is a neurodivergent learner diagnosed with ASD and ADHD and has a formal IEP and BIP requiring specific interventions.
4. **Medical Misrepresentation:** Statements that Wyatt failed to take prescribed medication were incorrect. His treatment regimen—Vyvanse (20 mg), sertraline, and colchicine—is consistently administered and clinically monitored. The district’s reliance on unverified medical assumptions contributed to procedural and interpretive error.
5. **Disciplinary Action:** The district seized and examined the student’s personal laptop, impeding his access to educational services pending undisclosed investigatory results.

## Federal and State Legal Violations

### Federal Statutes and Precedent

* **IDEA, 20 U.S.C. § 1415(k); 34 C.F.R. §§ 300.530–300.536**  
  The district’s failure to convene an MDR prior to disciplinary exclusion violates procedural safeguards and constitutes a denial of FAPE. *See* **Honig v. Doe**, 484 U.S. 305 (1988); **Endrew F. v. Douglas Cnty. Sch. Dist. RE-1**, 580 U.S. 386 (2017).
* **Section 504, 29 U.S.C. § 794; 34 C.F.R. Part 104**  
  The district’s actions demonstrate discriminatory treatment by failing to provide reasonable accommodations and initiating punitive measures absent disability consideration.
* **ADA Title II, 42 U.S.C. § 12132; 28 C.F.R. Part 35**  
  The failure to adjust district procedures before involving law enforcement constitutes discrimination within a public education program.
* **FERPA, 20 U.S.C. § 1232g; 34 C.F.R. Part 99**  
  Unauthorized recording and dissemination of personally identifiable information (PII) from educational records violates privacy rights. *See* **Gonzaga Univ. v. Doe**, 536 U.S. 273 (2002).
* **OCR Discipline and Disability Guidance** (2014–2023)  
  Federal guidance requires the exhaustion of behavioral supports and school-level interventions before any law enforcement referral for disability-related behaviors.

### New York State Law and Regulation

* **N.Y. Educ. Law § 3214(3)** – Failure to provide procedural due process and hearing safeguards prior to suspension or exclusion. *See* **Goss v. Lopez**, 419 U.S. 565 (1975).
* **8 N.Y.C.R.R. § 200.4(d)(3)** – Failure to implement mandated IEP and BIP behavioral interventions.
* **8 N.Y.C.R.R. § 100.2(l)(2)** – Failure to provide parental notice and apply progressive discipline prior to contacting law enforcement.
* **DASA (N.Y. Educ. Law §§ 13–16)** – Failure to investigate harassment and provocation consistent with anti-bullying and disability protection obligations.
* **FOIL, Pub. Off. Law, Art. 6** – Entitlement of parents to access investigatory and disciplinary records.

### Constitutional Violations

* **Fourteenth Amendment – Procedural Due Process:** The district’s reliance on unverified medical data and lack of procedural fairness deprived the student of educational liberty and property interests. *See* **Goss**, *supra.*
* **Equal Protection Clause:** The disparate treatment of a neurodivergent child compared to neurotypical peers violates the Equal Protection Clause.
* **First Amendment – Student Speech:** Disciplining contextual, virtual-environment speech absent proof of substantial disruption contravenes **Tinker v. Des Moines Indep. Cmty. Sch. Dist.**, 393 U.S. 503 (1969).
* **Fourth Amendment – Unreasonable Search and Seizure:** The seizure and examination of the student’s personal device without demonstrable cause violates reasonableness standards. *See* **New Jersey v. T.L.O.**, 469 U.S. 325 (1985); **Safford Unified Sch. Dist. v. Redding**, 557 U.S. 364 (2009); *cf.* **Riley v. California**, 573 U.S. 373 (2014).

## Corrective Actions and Required Timelines

The district must provide **written acknowledgment of compliance within five (5) business days** of receipt of this memorandum.

1. **MDR and CSE Review:** Convene an MDR within ten (10) school days to determine manifestation. If manifested, rescind exclusionary measures, restore placement, and revise the IEP/BIP accordingly.
2. **Record Correction:** Expunge or amend records containing inaccurate medical information and confirm written corrections under FERPA.
3. **IEP/BIP Enhancement:** Include behavioral coaching, counseling for online peer conflict, parental communication protocol, and staff ASD/ADHD sensitivity training.
4. **Parental Notification Protocol:** Adopt and publish a policy requiring parental notice before police contact, except in verified emergencies.
5. **DASA Investigation:** Conduct a formal DASA inquiry into the recording and dissemination incident and report findings in writing.
6. **Device Return:** Return Wyatt’s laptop or provide a functionally equivalent loaner, disclosing chain-of-custody and forensic basis for continued retention.
7. **FERPA/FOIL Disclosure:** Produce all investigative documents, communications, and recordings within five (5) business days.
8. **Litigation Hold:** Preserve all electronic and paper evidence, including metadata and communications, pending potential proceedings.
9. **Clarification Statement:** Issue an administrative letter acknowledging errors and reaffirming adherence to verified data and disability law.

## Remedies for Noncompliance

Failure to adhere to these corrective measures will result in the following actions without further notice:

* **State IDEA Complaint** with the New York State Education Department.
* **OCR Civil Rights Complaint** for violations of ADA and Section 504.
* **FERPA Complaint** with the U.S. Department of Education.
* **Impartial Due Process Hearing** for denial of FAPE and procedural safeguards.
* **Article 78 Proceeding** or civil litigation alleging constitutional and statutory violations.
* **DASA Appeal** for failure to investigate harassment of a student with a disability.

## Evidentiary Documentation Protocol

Maintain contemporaneous records of all communications, preserving text messages, emails, and device data. Confirm all substantive verbal exchanges in writing to establish evidentiary integrity and temporal accuracy.

## Legal Conclusion

The district’s handling of the October 4, 2025 incident demonstrates systemic noncompliance with federal disability law, state regulation, and constitutional due process. Acting upon unverified medical data, omitting mandatory MDR procedures, and prematurely referring the matter to law enforcement collectively represent a **denial of FAPE**, discriminatory discipline under **Section 504** and **ADA Title II**, and violations of **FERPA** and **N.Y. Educ. Law § 3214**. Wyatt’s medical management is stable and professionally supervised; thus, punitive measures predicated on medication error are indefensible. Immediate compliance, record correction, and procedural reforms are required.

### Service and Contact Information

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**Response Requirements:** Written acknowledgment within five (5) business days; MDR scheduled within ten (10) school days.