

**QUESTION 2 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK I
OR IN EXAMPLIFY ANSWER SCREEN 2**

P.T. is a minor child with autism living in Declan, Michigan. Concerned that he was not receiving an appropriate education from the local public school, P.T.'s parents disenrolled him and placed him in a highly-regarded private educational therapy program. The program was not a state-approved educational program, so the Declan Board of Education filed a petition charging P.T.'s parents with truancy.

In response, P.T.'s parents agreed to enroll P.T. in a state-approved private school. They were concerned that the private school may not be the best long-term arrangement for him. Thus, they want the option of removing him again in the future if necessary.

Fearing further prosecution for truancy, P.T.'s parents filed a lawsuit against the Declan Board of Education in a Michigan state court under the federal Individuals with Disabilities Education Act ("IDEA"). While their case is pending, P.T.'s parents seek a preliminary injunction against the Declan Board of Education prohibiting it from charging them with truancy again.

P.T.'s parents claim that Michigan's truancy laws are preempted by IDEA, which they argue permits them to place P.T. in a private educational program of their choosing, regardless of whether it is approved by the state. The Declan Board of Education responds that there are a number of suitable state-approved private schools for P.T. to attend, and that a truancy charge would therefore not conflict with IDEA. The Board also contends that the state has a strong interest in ensuring that minor children are enrolled in state-approved schools, and that P.T.'s parents cannot, in any event, show an immediate threat of prosecution justifying preliminary injunctive relief. P.T.'s parents dispute that assertion, pointing to the fact that they were already charged once with truancy.

Explain the requirements for obtaining preliminary injunctive relief under Michigan law and how the court should rule on the motion filed by P.T.'s parents in light of those requirements.

*******THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK I*****
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