THE "PEER-REVIEWED RESEARCH" PROVISION OF THE IDEA: A CURRENT COMPREHENSIVE SNAPSHOT*

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Citing the previous "insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities,"[1] the 2004 Amendments of the Individuals with Disabilities Education Act (IDEA) added a provision for the free appropriate public education (FAPE) in the individualized education program (IEP) to be based on "peer-reviewed research" (PRR).[2] In relation to the commentary in the special education and legal literature, what is the current status of this provision in judicial case law?

Professional Literature

In the wake of the PRR addition to the IDEA, the special education literature was less than objective in its translation of this legal provision. More specifically, although starting with a brief caveat that courts will provide clarifications, a special education article provided the following answers to the question of "what does this new requirement mean for teachers of students with disabilities?":

1. [T]eachers must use academic and behavioral interventions that have support in the research literature. . . .

2. …. Because this now is a legal requirement, a parent in an IEP meeting

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[1] 20 U.S.C. § 1400(c)(4).

[2] *Id*. § 1414(d)(1)(A)(i)(IV). For the specific language, including the qualification of practicability, see *infra* text accompanying note 13.

> may legitimately inquire about the research base for an intervention that is being used, and it is up to the teacher to be able to respond to these inquiries. . . .
>
> 3. …. School districts will have to develop mechanisms to ensure that their teachers are fluent and current in research-based practices.
>
> 4. Teachers should keep records of the research base behind the interventions and procedures that are in a student's IEP.[3]

The legal literature at the time was more circumspect in light of judicial interpretations of previous purported Congressional bases for elevated FAPE requirements.[4]

A few years later, the commentary in the special education literature continued to repeat such recommendations along with a limited sampling of adjudications to date.[5] In contrast, the corresponding legal literature was more transparent as advocacy and more broad-based as to the legal theory, although lacking in case law specific to PRR.[6]

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[3] Mitchell L. Yell, James G. Shriner, Antonis Katsiyannis, *Individuals with Disabilities Education Improvement Act of 2004 and Regulations of 2006: Implications for Educators, Administrators, and Teacher Trainers*, 39 FOCUS ON EXCEPTIONAL CHILD. 1, 11–12 (Sept. 2006).

[4] *See, e.g*., Perry A. Zirkel, *Have the Amendments to the Individuals with Disabilities Education Act Razed* Rowley *and Raised the Substantive Standard for "Free Appropriate Public Education?*, 28 J. NAT'L ASS'N ADMIN. L. JUDICIARY 397, 416 (2008) ("whether the PRR provision realizes its potential of fusing best practice . . . with legal requirements, thereby elevating the substantive standard of FAPE, is largely subject to scholarly speculation. . . . [and] warrants clearly tempered circumspection").

[5] *See, e.g*., Susan Etscheidt & Christina M. Curran, *Peer-Reviewed Research and Individualized Education Programs (IEPs): An Examination of Intent and Impact*, 18 EXCEPTIONALITY 138, 145 (2010) ("IEP teams must select and provide academic and behavioral interventions supported in the research literature," citing Yell et al. *supra* note 3); *id*. at 142, citing one hearing officer decision from Iowa, which was in favor of the parent, and three hearing officer decisions and one federal district court decision, which were in favor of the defendant school districts); Mitchell L. Yell, Joseph B. Ryan, Michael E. Rozalski, & Antonis Katsiyannis, *The U.S. Supreme Court and Special Education 2005 to 2007*, 41 TEACHING EXCEPTIONAL CHILD. 68, 74 (Jan./Feb. 2009) (citing the PRR provision, without the practicability qualifier and without any case law, as meaning that "IEP team members will need to be familiar with the research regarding special education programming that meets individual students[']needs").

[6] *See, e.g*., Mark C. Weber, *Common Law Interpretation of Appropriate Education*, 41 J.L. & EDUC. 95, 121– 28 (2012) (citing two parent-favorable court decisions for PRR and two other bases in advocating a common law approach to elevating the FAPE standard, while cautioning that its judicial fulfillment "may be glimmering on the horizon"); *cf*. Brian J. Gorman et al., *Psychology and the Law in the Classroom: How the Use of Clinical Fads May Awaken the Educational Malpractice Claim*, 2011 B.Y.U. EDUC. & L.J. 29, 47–49 (identifying PRR, without citing any judicial support, as one of several sources for the potential maturation of the educational malpractice theory). The limited exception was an article that repeated the same "clear implication[s] of the [PRR] requirement" based

The most recent analyses of PRR in the special education literature continued their previous pattern. The first of the two analyses was based on the purported "three cases that directly address the PRR requirement of the IDEA."[7] Oddly, although concluding based on these three decisions that "thus far courts have not used the PRR requirement to raise the school districts' responsibility to provide a FAPE," they repeated with emphasis and expansion their recommendations for school district personnel.[8] The second one focused on the Third Circuit's decision in *Ridley School District v. M.R.*[9] mischaracterizing it as "thus far the only PRR case heard by a U.S. Circuit Court of Appeals."[10] Although the *Ridley* court ruled in favor of the defendant district, adopting a rather relaxed and deferential interpretation of PRR, the authors repeated the same "implications" for special education practitioners for "meeting the PRR requirement of the IDEA."[11]

Thus, both the special education literature and the legal literature lack a comprehensive compilation and objective analysis of the IDEA legislation and regulations, agency policy interpretations, and case law specific to PRR. The purpose of this article is to fill that gap.[12]

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on no more recent or higher case law than four hearing officer decisions in 2003–2004. Mitchell Yell et al., *Special Education in Urban Schools: Ideas for a Changing Landscape*, 41 URBAN L.J. 669, 705–06 (2013).

[7] Mitchell L. Yell & Michael Rozalski, *The Peer-Reviewed Research Requirement of the IDEA: An Examination of Law and Policy*, 26 ADVANCES LEARNING & BEHAV. DISABILITIES 149, 163 (2013). The three decisions were *Waukee*, *Rocklin* (though inexplicably only the district court's decision, which is at 49 IDELR ¶ 249), and *Ridley*, which are all cited in the Table *infra*.

[8] *Id*. at 167–69.

[9] 680 F.3d 260 (3d Cir. 2012).

[10] Mitchell L. Yell et al., *Peer-Reviewed Research and the IEP: Implications of* Ridley School District v. M.R. and J.R. ex rel. E.R., 51 INTERVENTION SCH. & CLINIC 253, 255 (2016). As the Table *infra* shows, three other appellate court decisions with PRR rulings preceded *Ridley*.

[11] *Id.* at 255.

[12] The focus here is Part B of the IDEA, which concerns students aged three to twenty-one, thus not extending to Part C, which is for children from birth to age three.

Legislation and Regulations

The 2004 amendments introduced a conditional requirement that the IEP's specification of specially designed instruction and related services, and supplementary aids and services, be based on "peer reviewed research to the extent practicable."[13] The subsequent regulations repeated this provision without further elaboration.[14]

Agency Interpretations

The commentary accompanying the regulations provided relevant interpretations of the IDEA's administering agency, the U.S. Department of Education. These interpretations addressed the terminology, procedures, and FAPE-relationship of this new provision. The subsequent policy interpretations issued by the Department's Office of Special Education Programs (OSEP) have merely repeated the language of the PRR provision in reciting the requirements for IEPs without adding any additional clarifying guidance.[15]

Terminology

The Department explained its decision not to include a specific definition of PRR in the final regulations, reasoning that although PRR "generally refers to research that is reviewed by qualified and independent reviewers to ensure that the quality of the information meets the standards of the field before the research is published. . . ., there is no single definition . . .

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[13] 20 U.S.C. § 1414(d)(1)(A)(i)(IV).

[14] 34 C.F.R. § 320(a)(4) (2019).

[15] The limited exceptions are under Part C, which is beyond the scope of this article. *E.g.*, Letter to Letter to Kane, 55 IDELR ¶ 203 (OSEP 2010) (confirming that Part C includes a parallel PRR provision for individualized family service plans (IFSPs) and that "[i]n those instances when [PRR] indicate that the frequency and intensity of a service is integral to its effectiveness, the IFSP team would reflect this information in the IFSP and apply it, as appropriate to the particular child"); Questions and Answers on Implementing IDEA Part C During COVID-19, 77 IDELR ¶ 191 (OSEP 2020) (acknowledging that "in light of the public health responses related to the COVID-19 pandemic, PRR may not be [practicable] for services provided remotely").

because the review process varies depending on the type of information to be reviewed."[16] Additionally, the Department rejected suggestions to add or substitute other terms, explaining: "The Act does not refer to 'evidenced-based practices' or 'emerging best practices,' which are generally terms of art that may or may not be based on [PRR]."[17] Finally, "to the extent practicable," in the interpretation of the USDE, "in this context, generally means that services and supports should be based on [PRR] to the extent that it is possible, given the availability of [PRR]."[18]

Procedures

For attendant procedures, the Department similarly opted for flexibility, providing the following explanation: "We decline to require all IEP Team meetings to include a focused discussion on research-based methods or require public agencies to provide prior written notice when an IEP Team refuses to provide documentation of research-based methods, as we believe such requirements are unnecessary and would be overly burdensome."[19]

Relationship to FAPE

Emphasizing that the ultimate determination of FAPE is reserved for the IEP team, the Department added this deferential clarification:

> [The PRR provision] does not mean that the service with the greatest body of research is the service necessarily required for a child to receive FAPE. Likewise, there is nothing in the Act to suggest that the failure of a public agency to provide services based on [PRR] would automatically result in a denial of FAPE. . . . [When PRR is not practicable], the service may still be provided, if the IEP Team

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[16] U.S. Dep't of Educ., Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities: Final Rule, 71 Fed. Reg. 46,450, 46,664 (Aug. 14, 2006).

[17] *Id*. at 46,665.

[18] *Id*.

[19] *Id*.

determines that such services are appropriate.[20]

Similarly rejecting the suggestion that PRR requires the IEP's specification of methodology, the Department repeated its "longstanding position" that the IEP team has the discretion to include or not include instructional methodologies in the child's IEP.[21]

Case Law

Due to the negligible precedential weight of hearing and review officer decisions under the IDEA and the now ample relevant legal authority at the judicial level, the scope herein is limited to court decisions. A Boolean search of the Westlaw and SpecialEdConnection databases revealed more than eighty cases since 2004 that mentioned the PRR provisions.[22] The selection criterion was that the case contained a ruling on the merits specific to this provision.[23]

The following table represents the resulting compilation of judicial rulings specific to the PRR provision.[24] In the first column, bold font differentiates those federal court decisions at the

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[20] *Id*.

[21] *Id*.

[22] The search terms were "peer-reviewed research" (both with and without the hyphen) in connection with "Individuals with Disabilities Education Act."

[23] Revealing the limited blurriness at the edges of this selection criterion, court opinions that applied the PRR provision in their footnotes were not included herein. *E.g*., Killoran v. Westhampton Beach Union Free Sch. Dist., 79 IDELR ¶ 254, at *13 n.12 (E.D.N.Y. 2021) (rejecting the PRR basis of plaintiff's least restrictive environment claim, observing that this provision is conditional, not absolute); Rosaria M. v. Madison City Bd. of Educ., 325 F.R.D. 429, 448 n.6 (N.D. Ala. 2018) (rejecting the plaintiff's PRR challenge to the district's use of McGraw Hill's "Wonders" materials, reasoning that "[b]ecause the IDEA seeks to have disabled students taught with their peers according to grade standards whenever possible, the school board's use of the 'Wonders' materials in addition to the S.P.I.R.E. program are not a concern"); L.M. v. Downingtown Area Sch. Dist., 65 IDELR ¶ 124, at * 16 n.3 (E.D. Pa. 2015) (rejecting the plaintiff's PRR challenge to the district's use of the Read 180 program, relying on *Ridley*). Similarly, seemingly indirect or marginal PRR rulings were excluded. *E.g*., Albuquerque Pub. Schs. Bd. of Educ. v. Armstrong, 80 IDELR ¶ 42, at *2 (D.N.M. 2021) (identifying PRR as one of the issues at hearing officer level but not specifically addressing it in the court's rulings); A.S. v. Bd. of Educ. Shenendehowa Cent. Sch. Dist., 73 IDELR ¶ 260, at *12 (N.D.N.Y. 2019) (rejecting plaintiff's Fourteenth Amendment void-for-vagueness challenge to the PRR provision, reasoning in part that the language retained district discretion for methodological choices); G.I. v. Lewisville Indep. Sch. Dist., 61 IDELR ¶ 298, at *10 (E.D. Tex. 2013) (rejecting the plaintiff's attempt to use the PRR provision for an exception to the IDEA's limitations period for filing for a due process hearing).

[24] Conversely, the Table does not include the rulings specific to the other issues in the case.

appellate, rather than district court, level. Although the ruling rows are in chronological order, the second column citations extend, for completeness, to appellate affirmances that are not specific to PRR. The third column identifies, to the extent identified in the court's opinion, the service at issue (including special education methodologies or approaches) and the individual child's disability classification (including these abbreviations: ID = intellectual disability; OHI = other health impairment; SLI = speech or language impairment; SLD = specific learning disability). This column also includes, parenthetical due to its limited availability in the court opinion, what the plaintiff parents sought in place of the challenged service (including these abbreviations: ABA = applied behavior analysis; BIP = behavior intervention plan; DTT = discrete trial training; SLT = speech and language therapy). The fourth column whether the ruling was in favor of the parent (represented by the abbreviation "P") or the school district ("SD"). The final column provides brief clarifying comments about the PRR ruling (including the following additional abbreviation: OT = occupational therapy).

[SEE TABLE AFTER PAGE 11]

The Table yields several findings. First, the courts have included rulings on the PRR provision in twenty-six cases thus far, with all but three (12%) in favor of school districts.[25] Second, the entries in in the first two columns show that seven of the rulings were at the federal appellate level, with four having the added precedential status of being officially published,[26]

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[25] For the additional marginal PRR rulings, which were not included in the Table and which were almost all in favor of the defendant districts, see *supra* note 23.

[26] *See, e.g.*, Ellen Platt, *Unpublished vs. Unreported: What's the Difference?*, 5 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 26 (Fall 1996) (explaining that, according to federal appellate court rules, officially published decisions are available for unlimited citation as precedent). The officially published decisions in the Table were, in chronological order, *R.P.*, *Ridley*, *Ms. M.*, and *Albright*.

overall representing five circuits.[27] Third, the next column reveals that the most frequent disability classification was autism (n=11)[28] and that the most frequent services at issue concerned language arts, especially reading.[29] Fourth, the final column reveals that the majority of the court rulings were cursory and relatively relaxed in their interpretation of the PRR provision, generally relying on the primacy of the substantive standard for FAPE and deferring to school personnel's testimony.[30] The limited exceptions were (a) the at least semi-detailed analyses in *Ridley*, *J.S.*, *E.M.*, *C.S.*, and *D.R.* that all cited the agency interpretations suggesting flexibility rather than rigorous or absolute applications of the PRR provision[31]; and (b) the three rulings for the plaintiff-parents, which were relatively limited in scope.[32]

Discussion

The primary finding of this systematic analysis is that the court decisions have accumulated to the rather well-settled conclusion that the PRR provision has not had a significant outcome effect on the FAPE case law. The few cases in which parents have prevailed at the court level have largely been based on a larger pattern for which PRR was only a contributing factor. The predominant relaxed approach, usually on a cursory basis, fits with the courts' long-standing

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[27] Specifically, the circuits were the First (*Ms. M.*), the Third (*G.S.* and *Ridley*), the Fifth (*William V.*), and the Eighth (*Albright*), and the Ninth (*Joshua A.* and *R.P.*). This group does not include the cited federal appellate court affirmances that did not expressly address PRR.

[28] SLD was a distant second (n=5), although the component categories within multiple disabilities made these frequency counts less than precise.

[29] The wide variety in not only the subject areas but also specificity level of the categories based on the incomplete and dis-uniform information in the court opinions made this finding even more inexact than the previous one.

[30] Several of these cursory judicial analyses also indirectly relied on burden of persuasion by concluding that the parent had failed to prove a prejudicial violation of the PRR provision.

[31] *See supra* notes 17–19 and accompanying text.

[32] First, all were at the district court level and rather cursory in their analysis. Second, in *Waukee* (which was much more tempered than the hearing officer's decision) and *B.H.*, the PRR ruling was part of a much larger, rather flagrant pattern. Third, the *L.M.H.* ruling was an outlier in its application of not only the PRR provision but also the snapshot approach, although it did reject the plaintiff's reliance on professional norms.

district-deferential approach in FAPE cases that is in contrast with the nuanced views of the special education professoriate and the rigorous approach advocated by the parents' bar.[33]

Second, the number and level of these court decisions reveals the marked omissions in the successive snapshots found in the literature. For example, the 2010 article only included the first of the five court decisions for the initial period of 2008–2009 in the Table.[34] Similarly, the 2013 article only identified three of the thirteen decisions listed in the Table for the years 2008–2012 and missed the appellate decision in one of the three cases that it cited.[35] Ironically, the reasons may partly include the peer reviewed process, which for special education publications tends to take a year or more until publication and which often lacks reviewers, including "outsiders," with specialized legal training. In any event, the likely dominant reason is these authors' understandable priority on the prevailing academic norms of special education rather than those of law.[36] Nevertheless, the accuracy of these published accounts in describing and translating the case law interpretations and applications of the PRR provision is subject to question and improvement.[37]

Third, the finding that the autism and reading are the leading features of the PRR case

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[33] *See supra* notes 30–31 and accompanying text.

[34] *Supra* note 5.

[35] *Supra* note 7 and accompanying text.

[36] Incidentally, both of these fields have recognized problematic limitations with the peer reviewed process. *See, e.g.*, Perry A. Zirkel & Tessie Rose, *Scientifically-Based Research and Peer Reviewed Research under the IDEA*, 22 J. SPECIAL EDUC. LEADERSHIP 36, 47 (2009) (identifying examples in special education); Daubert v. Merrell Dowell Pharmaceuticals, Inc., 509 U.S. 579, 593–94 (1993) (observing limitations in this criterion for expert testimony in federal litigation).

[37] *See, e.g.*, Perry A. Zirkel, *The Legal Quality of Articles Published in School Psychology Journals: An Initial Report Card*, 43 SCHOOL PSYCHOL. REV. 318, 330 (2014) (identifying problems with legal quality, including accuracy, and suggesting steps for improvement).

law aligns with the disproportional representation of autism in FAPE case law[38] and the predominance of ABA and various branded reading approaches among the FAPE cases concerning methodology.[39]

Finally, the rather stark difference between the special education recommendations and legal requirements becomes clear by examining the repeated PRR "implications" in the special education literature in relation to this comprehensive and objective synthesis of the law. For example, the "must" in item 1 and the "requirement" in item 2, which are included in the aforementioned[40] 2006 article and summarized in the 2013 and the 2016 special education publications,[41] do not at all square with the clearly qualified, or conditional, nature of the statutory provision[42] as well as the clarifications in the agency interpretations for required practice.[43] More importantly, these characterizations lack any support in the consistent and continuing judicial rulings. The solution, as I have previously suggested,[44] includes (1) developing collaborative arrangements for co-authorship and reviewers with specialized legal training, and (2) differentiating with much more transparency the minimum mandatory nature of

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[38] *See, e.g.,* Perry A. Zirkel, *Autism Litigation under the IDEA: A New Meaning of "Disproportionality"?*, 24 J. SPECIAL EDUC. LEADERSHIP 92 (2011).

[39] *See, e.g*., Perry A. Zirkel, *The Orton-Gillingham Approach for Students with Disabilities: Case Law under the IDEA*, 377 EDUC. L. REP. 472 (2020); Perry A. Zirkel, *An Update of Legal Issues for Students with Autism: Eligibility and Methodology*, 376 EDUC. L. REP. 1 (2020).

[40] *Supra* note 3 and accompanying text.

[41] *Supra* text accompanying notes 8 and 11.

[42] *Supra* text accompanying note 13.

[43] *Supra* text accompanying note 19. For authoritative incorporation of these specific interpretations, see *Ridley Sch. Dist. v. M.R*., 680 F.3d at 277.

[44] *See, e.g*., Perry A. Zirkel, *Legal Information in Special Education: Accuracy with Transparency*, 28 EXCEPTIONALITY 312 , 314 (2020); Perry A. Zirkel, *Misconceptions of the Supreme Court's Decision in* Endrew F., 47 COMMUNIQUÉ 12, 15 (June 2019); Lauren W. Collins & Perry A. Zirkel, *Functional Behavior Assessments and Behavior Intervention Plans: Legal Requirements and Professional Recommendations*, 19 J. POSITIVE BEHAV. INTERVENTIONS 180, 188 (2017).

legal requirements and the distinctly higher normative level of professional recommendations, showing their respective bases and their specific relationship.

Table: Chronological Compilation of Courts' PRR Rulings to Date

Case Name	Citation	Service – Disability	Ruling	Comments
Waukee Cmty. Sch. Dist. v. Douglas L.	51 IDELR ¶ 15 (D. Iowa 2008)	behavioral interventions – autism	for P	cursory and only one part of cumulative violations for substantive FAPE denial – tempering of hearing officer's rigorous interpretation (limited to footnote)
Drobnicki v. Poway Unified Sch. Dist.	2008 WL 11337377 (June 2, 2008), *rev'd on other grounds*, 358 F. App'x 788, 255 Educ. L. Rep. 616 (9th Cir. 2009)	general (including assistive technology) – OHI	for SD	cursory application, with relaxed reliance on district personnel's testimony
Stanley C. v. Metro. Sch. Dist. of Sw. Allen Cnty.	628 F. Supp. 2d 902, 247 Educ. L. Rep. 251 (N.D. Ind. 2008)	Project Read + Touch Math – multiple disabilities	for SD	cursory application, relying on district personnel's testimony
Souderton Area Sch. Dist. v. J.H.	52 IDELR ¶ 6 (E.D. Pa. 2009), *aff'd*, 351 F. App'x 755, 253 Educ. L. Rep. 609 (3d Cir. 2010)	writing process – SLD (P sought Orton-Gillingham)	for SD	cursory application, relying on district personnel's testimony
Joshua A. v. Rocklin Unified Sch. Dist.	319 F. App'x 692, 245 Educ. L. Rep. 669 (9th Cir. 2009)	eclectic approach – autism (P sought ABA)	for SD	cursory, relying on primacy of substantive standard – precedents for eclectic approach
Doe v. Hampden-Wilbrahan Reg'l Sch. Dist.	715 F. Supp. 2d 185, 261 Educ. L. Rep. 134 (D. Mass. 2010)	eclectic approach – autism (P sought DTT)	for SD	cursory, pointing to parents' failure to cite case law support
J.S. v. Dep't of Educ., Haw.	55 IDELR ¶ 43 (D. Haw. 2010)	total communications – hearing impairment and ID (P sought more SLT)	for SD	cursory, citing parents' failure to prove child needed more SLT
R.P. v. Prescott Unified Sch. Dist.	631 F.3d 1117, 264 Educ. L. Rep. 618 (9th Cir. 2011)	eclectic approach – autism	for SD	cursory, citing district discretion within substantive standard and parents' expert
Bd. of Educ. of Cnty. of Marshall v. J.A.	56 IDELR ¶ 209 (N.D. W. Va. 2011)	SCERTS – autism (P sought ABA/DTT)	for SD	cursory, relying on districts' numerous experts in relation to substantive standard
S.M. v. Haw. Dep't of Educ.	808 F. Supp 2d 1269, 276 Educ. L. Rep. 153 (D. Haw. 2011)	ABA – autism (P sought ABA in IEP)	for SD	cursory, citing *R.P.* for district discretion and hearing officer finding that IEP implies ABA
B.H. v. W. Clermont Bd. of Educ.	788 F. Supp. 2d 682, 272 Educ. L. Rep. 445 (S.D. Ohio 2011)	behavioral interventions – multiple disabilities (P sought ABA/DTT)	for P	cursory (point system lacked scientific basis) and limited part of larger denial of FAPE, including restraints and SLT/OT

G.S. v. Cranbury Twp. Bd. of Educ.	450 F. App'x 197, 276 Educ. L. Rep. 681 (3d Cir. 2011)	general – multiple disabilities (P sought Wilson)	for SD	cursory, citing hearing officer's adverse credibility determination re parents' expert
Ridley Sch. Dist. v. M.R.	680 F.3d 260, 280 Ed. L. Rep. 37 (3d Cir. 2012)	Project Read – SLD (P sought Wilson)	for SD	detailed, including regulations' commentary → flexibility and deference – reasonable, not optimal, standard for PRR met here
B.M. v. Encinitas Union Sch. Dist.	60 IDELR ¶ 188 (S.D. Cal. 2013)	SLT – autism (P sought more SLT)	for SD	cursory, emphasizing practicability limitation and primacy of substantive std.
Damarcus S. v. District of Columbia	190 F. Supp. 3d 35, 338 Educ. L. Rep. 823 (D.D.C. 2016)	Edmark (reading) – ID (P sought IEP specificity)	for SD	cursory, finding Edmark met relaxed std. even if not specified in IEP
L.M.H. v. Ariz. Dep't of Educ.	68 IDELR ¶ 41 (D. Ariz. 2016)	SLT – SLI (P sought more SLT)	for P	cursory but strict, citing lack of any consideration or citation of PRR
Ms. M. v. Falmouth Sch. Dep't	847 F.3d 19. 339 Educ. L. Rep. 619 (1st Cir. 2017)	reading (SPIRE) – ID (P sought Lindamood Bell)	for SD	marginal, focusing on extent of instructional specification required in IEP (relaxed)
A.G. v. Bd. of Educ. of Arlington Cent. Sch. Dist.	69 IDELR ¶ 210 (S.D.N.Y. 2017)	balanced literacy – SLD (P sought Wilson w. fidelity)	for SD	cursory, finding research basis including Wilson and no requirement for exclusiveness
J.S. v. Clovis Unified Sch. Dist.	70 IDELR ¶ 118 (E.D. Cal. 2017), *aff'd mem.*, 748 F. App'x 146 (9th Cir. 2019)	reduced inclusion – ID (P sought full inclusion)	for SD	semi-detailed, including regulations' commentary against both absoluteness and comparative PRR
Bd. of Educ. of Albuquerque Pub. Schs. v. Maez	70 IDELR ¶ 157 (D.N.M. 2017)	eclectic, including ABA – autism (P sought strict ABA)	for SD	cursory, with emphasis on district flexibility for methods and citing *Ridley*
Renee J. v. Houston Indep. Sch. Dist.	333 F. Supp. 3d 674, 360 Educ. L. Rep.103 (S.D. Tex. 2017), *aff'd on other grounds*, 913 F.3d 523, 361 Educ. L. Rep. 925 (5th Cir. 2019)	eclectic – autism (P sought ABA)	for SD	cursory, including no requirement for one exclusive method and reinforcement in Texas regs (autism supplement)
E.M. v. Lewisville Indep. Sch. Dist.	72 IDELR ¶ 22 (E.D. Tex. 2018), *aff'd mem.*, 763 F. App'x 361 (5th Cir. 2019)	general – multiple disabilities	for SD	semi-detailed, citing *Ridley* and various other cases for flexibility rather than strict requirement
C.S. v. Yorktown Cent. Sch. Dist.	72 IDELR ¶ 7 (S.D.N.Y. 2018)	general – SLD (P sought Orton-Gillingham)	for SD	semi-detailed, including no requirement for IEP to specify the method or PRR literature
Albright v. Mountain	926 F.3d 942, 367 Educ. L.	sensory integration – autism	for SD	cursory, including extensive other PRR

Home Sch. Dist.	Rep. 13 (8th Cir. 2019)	(P sought revised BIP)		approaches for OT
William V. v. Copperas Indep. Sch. Dist.	826 F. App'x 374, 383 Educ. L. Rep. 138 (5th Cir. 2020)	Wilson – SLD (P sought remedy for SD's exiting of student from IEP)	for SD	cursory, including Texas Dyslexia Handbook and student's progress
D.R. v. Redondo Beach Unified Sch. Dist.	79 IDELR ¶ 230 (C.D. Cal. 2021	reduced inclusion – autism (P sought full inclusion)	for SD	semi-detailed, including regulations' commentary against both absoluteness and comparative PRR, per *J.S. v. Clovis*