NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

FLORENCE COUNTY SCHOOL DISTRICT FOUR ET AL. *v.* CARTER, A MINOR, BY AND THROUGH HER FATHER AND NEXT FRIEND, CARTER

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 91–1523. Argued October 6, 1993—Decided November 9, 1993

After respondent Shannon Carter, a student in petitioner public school district, was classified as learning disabled, school officials met with her parents to formulate an individualized education program (IEP), as required under the Individuals with Disabilities Education Act (IDEA), 20 U. S. C. §1400 *et seq.* Shannon's parents requested a hearing to challenge the proposed IEP's appropriateness. In the meantime, Shannon's parents enrolled her in Trident Academy, a private school specializing in educating children with disabilities. After the state and local educational authorities concluded that the IEP was adequate, Shannon's parents filed this suit, claiming that the school district had breached its duty under IDEA to provide Shannon with a ``free appropriate public education,'' §1401(a)(18), and seeking reimbursement for tuition and other costs incurred at Trident. The District Court ruled in the parents' favor, holding that the proposed IEP violated IDEA, and that the education Shannon received at Trident was ``appropriate'' and in substantial compliance with IDEA's substantive requirements, even though the school did not comply with all of the Act's procedures. In affirming, the Court of Appeals rejected the school district's argument that reimbursement is never proper when the parents choose a private school that is not approved by the State or that does not comply with all of the requirements of §1401(a)(18).

Held: A court may order reimbursement for parents who unilaterally withdraw their child from a public school that

provides an inappropriate education under IDEA and put the child in a private school that provides an education that is otherwise proper under IDEA, but does not meet all of §1401(a)(18)'s requirements. Pp. 4–8.

Syllabus

(a) In *School Comm. of Burlington* v. *Department of Ed. of Mass.,* 471 U. S. 359, 369–370, the Court recognized the right of parents who disagree with a proposed IEP to unilaterally withdraw their child from public school and place the child in private school, and held that IDEA's grant of equitable authority empowers a court to order school authorities retroactively to reimburse the parents if the court ultimately determines that the private placement, rather than the proposed IEP, is proper under the Act. P. 4.

(b) Trident's failure to meet §1401(a)(18)'s definition of a ``free appropriate public education'' does not bar Shannon's parents from reimbursement, because the section's requirements cannot be read as applying to parental placements. The §1401(a)(18) requirements that the education be ``provided . . . under public supervision and direction,'' and that the IEP be designed by ``a representative of the local educational agency'' and ``establish[ed],'' ``revise[d],'' and ``review[ed]'' by the agency, will never be met in the context of a parental placement. Therefore to read them as applying to parental placements would effectively eliminate the right of unilateral withdrawal recognized in *Burlington,* and would defeat IDEA's purpose of ensuring that children with disabilities receive an education that is both appropriate and free. Similarly, the §1401(a)(18)(B) requirement that the school meet the standards of the state educational agency does not apply to private parental placements. It would be inconsistent with the Act's goals to forbid parents from educating their child at a school that provides an appropriate education simply because that school lacks the stamp of approval of the same public school system that failed to meet the child's needs in the first place. Parents' failure to select a state-approved program in favor of an unapproved option does not itself bar reimbursement. Pp. 4–7.

(c) The school district's argument that allowing reimbursement for parents such as Shannon's puts an unreasonable burden on financially strapped local educational authorities is rejected. Reimbursement claims need not worry school officials who conform to IDEA's mandate to either give the child a free appropriate public education in a public setting, or place the child in an appropriate private setting of the State's choice. Moreover, parents who unilaterally change their child's placement during the pendency of IDEA review proceedings are entitled to reimbursement *only* if a federal court concludes both that the public placement violated IDEA and that the private placement was proper under the Act. Finally, total reimbursement will not be appropriate if a court fashioning discretionary equitable relief under IDEA determines that the

cost of the private education was unreasonable. Pp. 7–8.

950 F. 2d 156, affirmed.

O'CONNOR, J., delivered the opinion for a unanimous Court.