

Howard M. Knoff, Ph.D.

Expert Witness Involvement in Federal or State Litigation (Reports, Deposition, or Trial), or Due Process Cases

Updated: November 1, 2024

Current Cases

9/2024 – present RAPHAEL DEGUZMAN, individually, and RACHEL DEGUZMAN, individually and as Parent and Natural Guardian of M.D., a minor, Plaintiffs v. TYRINDA DIXON, Defendant. Working for the Defense.

In the Circuit Court, Fourth Judicial Circuit in and for Duval County, Florida. CASE NO.: 16-2020-CA-002661 DIVISION: CV-A

Legal Foundations. Educational and psychological damages related to a car accident

This Case involves the Plaintiff’s pursuit of damages related to a car accident with the Defendant.

My Expert involvement focuses on the Minor Child who the Plaintiff’s allege has incurred educational, physical, and psychological damages—now and into the future—due to the accident. My review of the child’s physical, development, and psychoeducational history and progress will be used to contest these allegations.

9/2024 – present C.K., a minor child, by and through his Mother and Next Friend, B.M v. West Carroll Special School District Board of Education et al, No. 1:2023 cv01133 - Document 37 (W.D. Tenn. 2024). Working for the Plaintiffs.

Legal Foundations. Title IX; 14th Amendment

This Case involves the sexual assault and subsequent peer-on-peer harassment that began on July 14, 2022 when C.K. attended a two-night school-approved football camp as a member of the West Carroll football team. On that night, he was sexually assaulted by a peer who was also on the team and in the sleeping room of C.K. The assault was videotaped by another peer who used it to harass C.K.. The school’s Title IX investigation was delayed over a month as the District Title IX Director was not informed and,

instead, the assailant was disciplined by the High School Principal and Football coach.

The parents of C.K., as Plaintiffs bringing this litigation against the District and specific, involved individual staff for a multitude of Title IX, and related, violations of both the original assault and the subsequent peer harassment and bullying.

My Expert involvement in the Case involves writing a Report/Declarative on (a) the short- and long-term psychological impact of sexual harassment and a sexual assault on C.K.—as well as the subsequent peer bullying and harassment (that was also delayed relative to its independent investigation); (b) why it is important for a school district to not delay or incorrectly follow the Title IX grievance process in response to a sexual assault; and (c) the short- and long-term psychological impact on the victim when a school district violates the Title IX grievance process and, instead, allows the case to be processed by Law Enforcement.

5/2024 – present S.L. v. Rutherford County Board of Education. In the Tennessee Middle District Court; CASE No.: 3:24-cv-00601. Working for the Plaintiffs.

Legal Foundations. IDEA—FAPE, LRE; 14th Amendment (Civil Rights—Education)

This is a “continuation” of the Due Process case I was involved in—with the same Plaintiffs and Defendants—in March to May, 2024.

Working as an Expert Witness for the Plaintiffs, this case involves S.L., a nineteen-year-old female student with autism and cognitive disabilities who had been denied FAPE and an LRE by her District. Historically, S.L. had never been effectively served—academically or behaviorally—in one of District’s special education classrooms—and her behavior—which was never addressed through appropriate assessments or intensive interventions—resulted in them isolating and segregating her and, eventually, recommending an inappropriate day treatment placement.

The Parents continue to ask the District to pay for a comprehensive residential setting to best prepare S.L. for adulthood before she “ages-out” of her District-funded special education FAPE services.

My role as an Expert Witness was to analyze and review the extensive cumulative record data and information provided, review the relevant research, and apply federal and state law to the analysis in a comprehensive Expert Report.

2/2024 – present Andrea Lopez and Marquel Fowler, Individually, and as Natural Parents of Izaiah Lopez, Plaintiffs v. Chris Restrepo, M.D., Emergency Medical Associates of Tampa Bay, LLC (Excelis Medical Associates), and St. Joseph's Hospital, Inc. d/b/a St. Joseph's Hospital, Defendants. Working for the Defense.

Filed On December 4, 2020 in the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida (Civil Action).

Legal Foundations. Personal Injury—Medical Malpractice; Assessment of educational, rehabilitative, and psychological damages related to emergency medical treatment

This Case involves the Plaintiff's pursuit of damages related to the emergency room treatment of their son, Izaiah who was brought to the hospital due to a sinus infection that eventually spread to the lining of his brain requiring emergency, and subsequent, surgery and long-term rehabilitation and ongoing therapy. Plaintiff's claim that the emergency room doctor mistreated Izaiah and was responsible for these events and needs.

A recurring theme was the Parent's assertion that Izaiah is a student with autism—which has never been validated—and this was part of the malpractice circumstances.

My Expert involvement focuses on a review of the developmental history and precursors directly related to the Minor Child—as well as the past and current data, documentation, depositions, and expert reports on behalf of the Plaintiffs that will be used to contest the Plaintiff's allegation and their pursuit of compensation and the long-term care of the student.

Completed Cases

5/2024 – 10/2024 Jane Doe, a Minor Child, by and through Her Next Friends, Ken Gaskell and Allison Leitch, Plaintiffs v. Hamilton County Board of Education d/b/a Hamilton County School District; and Carmen Veller, Defendants.

In the United States District Court for the Eastern District of Tennessee—Chattanooga Division. Working for the Parents as Plaintiffs.

Legal Foundations. Title IX; 14th Amendment

This Case involved Jane Doe, a 12-year-old seventh grader, who was a gifted student at the Chattanooga K-12 School for Arts & Sciences (CSAS). In the Fall of 2021, Jim Doe—a 13-year-old seventh grader who was in Jane’s science class began confronting and accosting Jane Doe with sexual threats and taunts. Jane complained about these threats to her science teacher who forwarded them to the CSAS Middle School Assistant Principal, Carmen Veller.

In December 2021, during one of Ms. Cannon’s science classes, and in view of several students, Jim Doe came behind Jane Doe as she leaned over a table to look at a science project—putting his hands on her hips and grinding his genital area onto Jane Doe’s rear end before leaving the classroom and going to the boys’ bathroom. On December 9, 2021, at an after-school band concert on campus, Jim Doe asked Jane Doe if she wanted to have sex, and she rejected his advance. Jim Doe and Jane Doe eventually walked through the open school hallway to a boiler room where Jim Doe sexually accosted Jane Doe there, physically forcing her to perform oral sex on him.

Jane Doe’s parents, as Plaintiffs, sued the School District for various Title IX and other violations as school officials, particularly Assistant Principal Veller allegedly did not appropriately respond to Jane Doe’s assertions of sexual harassment and assault.

My Expert involvement in the Case was to write a Report/Declarative on (a) the short- and long-term psychological impact of sexual harassment and a sexual assault on Jane Doe—as well as the subsequent peer bullying and harassment; (b) why it is important for a school district to not skip the Title IX grievance process in response to a sexual assault; and (c) the short- and long-term psychological impact on the victim when a school district skips the Title IX grievance process and, instead, allows the case to be processed by Law Enforcement.

Disposition. Case settled out of Court.

3/2024 – 9/2024 Scott Loupe and Natalie Loupe, Individually, and on Behalf of their Minor Child, Gabriel Loupe v. The Roman Catholic Church of the Diocese of Baton Rouge, St. George School, Jason Warren Murray and Caroline Beck Murray, Individually, and on Behalf of their Minor Child, James Murray. In the 19th Judicial District Court for the Parish of East Baton Rouge (LA), CASE No.: C-677192, Section 26. Filed on December 11, 2018. Working for the Diocese (Defense).

Legal Foundation. School Safety and Supervision Negligence and Wrongful Conduct

Working as an Expert Witness for the Defense, this litigation involved two young boys attending a Development Kindergarten class at the school who collided on the playground causing physical damages to the Minor Child Plaintiff. Plaintiff alleged that the collision was done intentionally by the Defendant Child, that it was anticipated based on this past behavior, that there was insufficient and negligent supervision on the playground, and that the incident was fully preventable. Plaintiffs demanded damages for past, present, and future medical and psychological expenses; pain, suffering, mental anguish, and emotional distress; and loss of enjoyment of life.

My role was to evaluate the school’s preparation, training, and safety measures on the playground; contest the intentionality of the accident and the ability of the school to predict its occurrence; and to provide an opinion on the school’s responsibility in the context of the damages requested.

Disposition. Settled out of Court.

3/2024 – 5/2024 In the Matter of: S.L., the Student, and M.L. and T.L., the Parents v. Rutherford County Schools (TN). Due Process APD Case No. 07.03-236527J Tennessee Department of Education, Special Education Division. Working for the Parents as Plaintiffs.

Legal Foundation. IDEA—FAPE and LRE

Working as an Expert Witness for the Plaintiffs, this Due Process case involved S.L., a nineteen-year-old female student with autism and cognitive disabilities who had been denied FAPE and an LRE by her District. Historically, S.L. had never been effectively served—academically or behaviorally—in one of District’s special education classrooms—and her behavior—which was never addressed through appropriate assessments or intensive interventions—resulted in them isolating and segregating her and, eventually, recommending an inappropriate day treatment placement.

At the time of the Due Process hearing, S.L. had not been served by the District for a year and, previously, the parents needed to place her in a residential psychiatric treatment center for her behavior and in a separate private residential school. Behaviorally, S.L. responded favorably in these respective settings, and the Parents were asking the District to pay for a comprehensive residential setting to best prepare her for adulthood before she “aged-out” of her District-funded special education FAPE services.

In many ways, this Case paralleled the unanimous U. S. Supreme Court Case Andrew F. v. Douglas County School District Re-1, and we argued that a December 7, 2017 Guidance Document from the U.S. Office of Special Education’s (OSEP) supported our arguments.

My role as an Expert Witness was to analyze and review the extensive cumulative record data and information provided, review the relevant research, and apply federal and state law to the analysis in a comprehensive Expert Report.

Disposition. The Administrative Law Judge found that the District had violated S.L. rights under IDEA (FAPE), and ordered the re-evaluation that the District had failed to do. The ALJ, however, did not make a decision on an appropriate placement for S.L. in the coming year—deferring this until after the completion of the re-evaluation and a meeting of S.L. IEP Team.

1/2024 – 4/2024

V.S. v. All Saints Catholic School, Diocese of Palm Beach County (FL). In the Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida. Working for the Diocese (Defense).

Legal Foundation. Title IX—School Implementation of Policies, Training, and Procedures

Working as an Expert Witness for the Defendant All Saints Catholic School, [Diocese of Palm Beach County (FL)], this case involved peer-on-peer sexual touching by a 11-year-old boy on an 11-year-old girl and the girl’s parents’ (Plaintiff) assertion that the school and the principal (a) were responsible for the touching because of poor teacher training and supervision; (b) did not handle the investigation in an appropriate or timely manner; and (c) violated the adolescent girl’s right to confidentiality all resulting in short- and long-term emotional trauma, humiliation, and need for long-term psychological treatment.

I was retained to demonstrate that the school and Diocese had appropriate system-level policies, procedures, training, supervision, and evaluation systems in place to protect students from sexual abuse, harassment, and related antisocial peer interactions.

Disposition. Settled out-of-court after the Court issued a Summary Judgement that found the Principal of the school not liable for child abuse, and after numerous depositions and reports after police and Child Protective Investigations contests the assertions and facts presented in the original Court filing.

9/2023 – 11/2023 Kelbie Glover and Lashonda Boone v. The Sampson County Board of Education. In the General Court of Justice, Superior Court Division, County of Sampson, State of North Carolina. FILE NO. 22 CVS 0039. Working for the Parent as Plaintiffs.

Legal Foundations. The five claims for relief-in the state of North Carolina— included: Negligence, Negligent Infliction of Emotional Distress, Negligent Supervision, Article I, Section 15—Right to the Privilege of Education, Article I, Section 19 - Deprivation of Liberty Interest and Privilege.

Working as an Expert Witness for Kelbie Glover, a 19 year-10 month old and his mother, Lashonda Boone. Kelbie is a Black male who was assaulted and seriously injured by an older student on January 22, 2019 when he was a seventh (7th) grade student attending Union Middle School in the Sampson County School district. During the year prior to the assault, Kelbie was teased, bullied, and harassed by two peers in the school (Shemar Chestnutt and David Robinson) who were cousins. Both Kelbie and his mother made Union Middle School officials aware of these interactions.

My role as Expert was to read and analyze all of the cumulative school, medical, and psychological records related to the Case, read and analyze all of the many depositions, review North Carolina school bullying law and the District’s bullying policies, and to write an extensive Expert Report.

Disposition. The Case was settled out of Court.

5/2023 – 8/2023 Due Process Complaint. Regina Gardner (on behalf of daughter J.G., a minor child) v. Baltimore County School District (MD). (July 5 – 7, 2023). Working for the Parent as Plaintiffs.

Legal Foundations. IDEA—FAPE; Section 504 of the Rehabilitation Act

Working as an Expert Witness for the parents and minor high school adolescent (J.G.), the case involved allegations of violations of both Section 504 of the Rehabilitation Act and the Individuals with Disabilities Act (IDEA) in regard to the student’s chronic medical condition (Undifferentiated Connective Tissue Disease) and its impact on her

attendance, engagement, grades, and academic standing in her magnet high school program. The plaintiffs argued that the school district failed to provide appropriate accommodations and services for J.G., who has special educational needs.

The Hearing took place from July 5 to July 7, 2023, and it focused only on the IDEA-related violations.

My role as Expert was to read and analyze all of the cumulative school, medical, and psychological records related to the Case, review the relevant Federal and State laws and regulations, and to testify at the Due Process Hearing.

Disposition. The Administrative Law Judge rejected the IDEA claims and did not address the 504 claims given the way the Case was filed. Plaintiffs' requests for relief were rejected.

9/2021 – 7/2023

In the Matter of A.J., a minor child v. North Clackamas (OR) School District. In the United States District Court, Western District of Oregon, Portland Division. (Filed August 6, 2020). Working for the Parents as Plaintiffs.

Legal Foundations. Title VI (Racial Discrimination), the Equal Protection clause of the Fourteenth Amendment to the U.S. Constitution (Racial Discrimination), and Oregon State Law (Discrimination in Education and Retaliation).

This case involved an African-American First Grade student (the only African-American student in her classroom and one of only a few in the school) who was racially bullied in her classroom and on the playground, and whose teachers and administrators, according to the Parents, did not respond to prevent the bullying. This results in an extreme emotional and behavioral reaction that—according to the Parents—the child was disproportionately disciplined for it at school. These issues were so significant that the Parents took the child out of the District and moved to another state for the next school year.

My role as an Expert Witness was to analyze and review state data as provided, read and analyze the depositions taken, review the relevant research, and apply federal and state law to the analysis in an Expert Report. I found that the racial issues experienced by the Plaintiff were occurring systematically across the school district, and that the racial/cultural competence training in the District was lacking.

I submitted the Report and was deposed.

Disposition. In a Summary Judgment, the Court partially granted and partly denied the school district's motion. The Court dismissed the allegations of peer harassment under Title VI and the two State Law Counts. It did not dismiss the disproportionate discipline theory under 42 U.S.C. § 1983, allowing this part of the case to proceed.

The Case ultimately was settled out of Court.

3/2018 - 3/2019 Federal Court. Working for the TN Attorney General (Defense).

In the Matter of J.M., a minor student, by and through this parent, Promise Mata v. Tennessee Department of Education, Tennessee State Board of Education, and Dickson County School District. United States District Court Middle District of Tennessee Nashville Division, Case No. 3:17-cv-00405 (M.D. Tenn. Oct. 17, 2018).

Legal Foundation. IDEA—LRE, FAPE; Section 504 of the Rehabilitation Act; and Title II of the Americans with Disabilities Act (ADA).

Working as an Expert Witness for the TN Attorney General's Office to support the TN Department of Education, this case involved J.M., a 13-year-old student with a disability at New Directions Academy in the Dickson County School District (DCSD). Plaintiff's mother, Promise Mata stated that J.M. had a combination of autism, intellectual disability, obsessive compulsive disorder, anxiety, and attention deficit hyperactivity disorder. Because of his behaviors at school, Mother alleged that J.M. was routinely placed by DCSD personnel in an "Intensive Problem Solving (IPS) Room" which she referred to as an "Isolation or Scream Room."

Mother alleged that the state had not provided sufficient professional development and training to school districts to decrease the use of seclusions and restraints with students with disabilities in violation of IDEA—LRE, FAPE; Section 504 of the Rehabilitation Act; Title II of the Americans with Disabilities Act (ADA); and the state's Special Education Behavior Supports Act ("SEBSA"), Tenn. Code Ann. § 49-10-1301 *et seq.*, which sets forth requirements for when and how restraint and isolation may be used with students receiving special education in Tennessee schools.

My role as an Expert for the State was to interview Department of Education personnel, analyze and review state data on seclusions and restraints, and apply federal and state law to the analysis in an Expert Report.

Disposition. The Case was settled out of court.

12/2017 -
11/2018

Federal Court. Expert Witness. In the Matter of Chad and Tonya Richardson, Individually, and as Parents and Next Friends of L. v. Omaha (AR) School District; Jacob Sherwood, Superintendent; Amanda Green, Principal; and Dawn Dillon, Teacher. In the United States District Court, Western District of Arkansas, Harrison Division. November 2018. Working for the Parents as Plaintiffs.

Legal Foundation. IDEA—LRE, FAPE; Section 504 of the Rehabilitation Act; and Title II of the Americans with Disabilities Act (ADA).

This case involves Chad and Tonya Richardson, who filed a lawsuit individually and as parents and next friends of their child, L., against the Omaha (AR) School District, along with Jacob Sherwood (Superintendent), Amanda Green (Principal), and Dawn Dillon (Teacher). The case was filed in the United States District Court for the Western District of Arkansas, Harrison Division, in November 2018.

The case involves the Richardson’s son who is disabled (autistic, and other behavioral/mental health issues) who they allege was excessively bullied by peers and teachers (without appropriate District response), and then was put into a more restrictive educational placement that led quickly to full exclusion and home-bound instruction in violation of LRE and FAPE.

The lawsuit included additional claims under IDEA, Section 504 of the Rehabilitation Act, and Title II of the Americans with Disabilities Act (ADA), as well as claims the school district did not take adequate steps to address the bullying.

My role was to review all of the information, data, and depositions and write an Expert Report to support the parent’s assertions through IDEA, and to provide testimony at the Due Process Hearing.

Disposition. The district court granted the school district’s motion to dismiss in part and motion for summary judgment in part; dismissed the Richardson’s request for attorney’s fees, and found that there was no genuine issue of material fact regarding whether the school district acted in bad faith or with gross misjudgment concerning the bullying claims.

1/2017

Jacquie Albright v. Mountain Home School District (AR). Expert Witness. In the United States District Court, Western District of Arkansas (Harrison Division). Working for the Parents as Plaintiffs.

Jacquie Albright (as Parent of Child Doe) v. Mountain Home School District; DPH-15-12; [Federal Civil Action, No. 3:16-CV-03011-TLB; 2017]

Legal Foundation. IDEA and various Constitutional claims

The case, *Jacque Albright v. Mountain Home School District*, was filed in the United States District Court for the Western District of Arkansas, Harrison Division. Case requesting a Reversal of Agency Decision relative to a Due Process Hearing decision that was conducted under the auspices of the Arkansas Department of Education This case involved multiple motions and legal proceedings, including an appeal under the Individuals with Disabilities Education Act (IDEA) and various constitutional claims.

My role was to review all of the information, data, and depositions and write an Expert Report to support the parent’s assertions through IDEA, and to provide testimony at the Due Process Hearing.

Disposition. The court ultimately affirmed the decision of the Hearing Officer on the IDEA appeal, granted summary judgment in favor of the defendants on all federal claims, and dismissed the state claims without prejudice.

8/10/2016 -
6/2018

Diana Mathis and Raymond Cooper (Parents) v. Arkansas School for the Blind (AR). Working for the Parents as Plaintiffs. Testimony at Due Process Hearing. Case No. H-16-48.

Legal Foundations. IDEA.

This case involved a partially blind student attending the Arkansas School for the Blind whose parent alleged was not provided the services in the IEP and—now in 11th grade—was significantly behind in his academics to the degree that he would not be prepared for college.

My involvement was to review the student’s Cumulative Records, IEPs, and IEP progress assessments, and to provide testimony at the Due Process hearing.

Disposition. A Settlement Decision was struck at the Due Process hearing that was signed by both parties. This Expert provided quarterly follow-up consultation for next two years with Parents and School District to ensure implementation of the Settlement Agreement.

5/2016 -
6/2018

Randles v. Texarkana School District (AR). Working for the Parents as Plaintiffs. Testimony at Due Process Hearing. Case No. H-15-21; Cases No. H-16-27 and EH-16-29

Legal Foundations. Unlawful racial and disability discrimination pursuant to 42 U.S.C. § 1983, Title VI of the Civil Rights Act of 1964, IDEA, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act. This case involved a child diagnosed with Reactive Attachment Disorder, Mood Disorder, and Attention Deficit Hyperactivity Disorder who was one of seven children who were abandoned and placed in foster care at the age of fourteen months. The child was adopted by his parents when he was five years old, and he demonstrated significant emotional and acting out behavior when at school. He was eventually placed in a Therapeutic Day Treatment Program, but later was deemed—by the school district—to not have a disability. Hence, he was dismissed from special education.

The Case involved IDEA claims, which were the subject of the District’s administrative appeal, and non-IDEA claims, which were the Parents’ claims against the District and individually named Defendants for unlawful racial and disability discrimination pursuant to 42 U.S.C. § 1983, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act. The Parents’ claims against the District, or the non-IDEA claims, were subject to a jury trial, while the IDEA claims were for the Court to resolve.

My role was to review all of the information, data, and depositions and write an Expert Report to support the parents’ assertions through IDEA.

Disposition. The parties eventually resolved their issues and made a joint motion for dismissal that was Court approved.

7/2015-2/2016

Federal Court. Working for the Parents as Plaintiffs (Paris, AR). Expert Witness Report. In the United States District Court, Western District of Arkansas (Fayetteville Division); Civil Action No. 2:15-CV-2197-PKH (Filed November 2, 2015). A.H., by and through her Parent, C.H vs. Paris School District.

Legal Foundations. First, Fourth, and Fourteenth Amendments the U.S. Constitution, as well as IDEA (FAPE), ESEA, and Section 504 of the Rehabilitation Act of 1973.

This Case involved A., a 6th grade student with autism, who was allegedly denied, solely by reason of her disability, a free and appropriate public education regardless of the nature or severity of her handicap; an education designed to meet her individual educational needs as adequately as those of her non-handicapped peers; reasonable modifications in policies, practices, or procedures when the modifications are needed to avoid discrimination on the basis of disability; the right to free educational services, except for those fees that are imposed on non-disabled students or their parents; the right to

placement in the least restrictive environment; the right to facilities, services, and activities comparable to and with her non-disabled peers; and the right to an evaluation prior to an initial placement and when any subsequent significant change in her placement occurred. In addition, A. was denied her right to be secure and protected from physical assault/restraint and the abuse of her person.

My role was to review all of the information, data, and depositions and write an Expert Report to support the parents' assertions through IDEA.

Disposition. The Court granted PSD's motion for summary judgment in part and denied it in part. The Case involved multiple claims and counterclaims, and the Court had to address various aspects of the school district's obligations under IDEA and other laws.

2/2015-2/2017

Federal Court. Working for the Parents as Plaintiffs (Bentonville, AR). Expert Witness Report. In the United States District Court, Western District of Arkansas (Fayetteville Division); Civil Action No. 5:15 Cv 5083-Pkh

(Filed on April 20, 2015). Ron and Lauren Parrish, As Parents of L; Victor and Laura Craig, As Parents of A; Casey and Chastity Laws, As Parents of G; and Rachelle Siverly, As Parent of S (Plaintiffs) vs. Bentonville School District; Michael Poore, Former District Superintendent; Tanya Sharp, District Executive Director Student Services; Rebecca Powers, Travis Riggs, Joe Quinn, Willie Cowgur, Matthew Burgess, Brent Leas, Grant Lightle, In Their Official Capacity as the Bentonville School Board of Education; Maureen Bradshaw, District Special Education Coordinator, Arkansas Department of Education; and Johnny Key, Commissioner.

Legal Foundations. IDEA—FAPE, LRE

This case involves multiple parents suing the Bentonville School District and various officials, including the former superintendent and members of the school board, over allegations related to the education of their children, who have been diagnosed with autism.

The case involved the alleged failure of the Defendants to protect the Plaintiff's constitutionally-secured property and equal protection interests when they failed to intervene or take appropriate action with regard to: (a) the segregation of the Plaintiffs' Children based on their diagnosis of autism; (b) the use of physical restraints and seclusions; (c) the failure to use evidence-based practices when educating students with autism; (d) the failure to provide needed related services and other needed educational supports and services; and (e) the denial of an appropriate education free from discrimination to said children in the Least Restrictive Environment.

My role was to review all of the information, data, and depositions and write an Expert Report to support the parents' assertions through IDEA.

Disposition. The Court granted a summary judgment in favor of the school district and the Arkansas Department of Education.

10/7/2013

Working for the Parents as Plaintiffs (New Orleans, LA). Expert Witness Report.

Seth B. v. Orleans Parish School District. In the United States District Court, Eastern District of Louisiana (New Orleans). Case 2:13-cv-06068-NJB-DEK

Legal Foundation. IDEA—Regulations relevant to Independent Educational Evaluations.

This Case, Seth B. v. Orleans Parish School Board, involved a dispute over the reimbursement for an Independent Educational Evaluation (IEE) for Seth B., a child diagnosed with autism. Seth's parents requested an IEE at public expense, which the Orleans Parish School Board initially approved with a cost cap of \$3,000. However, the evaluation exceeded this amount and did not meet the state criteria outlined in Louisiana Bulletin 1508. The case was brought to the United States District Court for the Eastern District of Louisiana.

My roles was to write an Expert Report to support the parents' assertions through IDEA.

Disposition. The court ruled that the school board did not have to reimburse the full cost of the evaluation because it did not substantially comply with the required criteria.

7/2010-7/2011

Kelly, Kelly, & Allman (Hendersonville, TN). Expert Witness.

Jackson, Minnis, and Long v. the Sumner County (TN) Board of Education and Donna Weidenbenner (individually)]. In the United States District Court for the Middle District of Tennessee (Nashville). Case No. 3:2010cv00075 - Document 77 (M.D. Tenn. 2011).

Legal Foundation. First and Fourteenth Amendment.

This Case involved allegations against the Sumner County Board of Education and Donna Weidenbenner regarding the physical abuse of prekindergarten students with disabilities. The plaintiffs, including Jackson, Minnis, and Long, claimed that Weidenbenner's actions as a special

education teacher deprived their children of their First and Fourteenth Amendment rights due to excessive force. They also argued that the Board of Education failed to properly supervise or train employees to detect such abuse.

My role in the Case was to evaluate the relevant information and depositions and write an opinion supporting the Plaintiffs and their allegations.

Disposition. Defendants' motions for summary judgment was granted and the matter was dismissed on the grounds that Plaintiffs did not demonstrate that Plaintiffs suffered severe injury resulting from a conscience-shocking abuse of authority.

7/2003-3/2005

Federal Court. Working for the AR Attorney General and Arkansas Department of Education (Defense).

Bradley v. Arkansas Department of Education; Case NO. 4:96CV1004 JMM (Combined with Case No. 4:00CV00747 GTE)

Legal Foundation. IDEA's Comprehensive Personnel Development requirement; the Section 504 of the Rehabilitation Act of 1973.

The case Bradley v. Arkansas Department of Education and Williford School District involved Thomas and Dianna Bradley, who filed a lawsuit on behalf of their autistic son, David Bradley. They challenged the educational services provided to him by the Williford School District and the Arkansas Department of Education (ADE). The Bradleys claimed violations of the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act, and other federal statutes.

The case highlighted issues such as the adequacy of educational services for students with disabilities and the responsibilities of state and local education agencies to provide appropriate training/professional development, support, and accommodations.

My role and Court testimony as an Expert Witness in this Case focused on the IDEA's Comprehensive Personnel Development requirement and how the Arkansas Department of Education's Special Education Department appropriately fulfilled this requirement as related to students with autism.

Disposition. The Court found (and on appeal) that the State did meet its responsibilities under IDEA and the CPD provision.

1/1999-7/2003 Legal Aid Society of Palm Beach County (FL). Expert Witness.
Consultation on numerous exceptional student education cases heard in state
or district court relative to their special education and discipline/school
expulsion and manifestation status.

1/1999-7/03 Southern Legal Counsel, Inc. Gainesville, FL. Expert Witness.
Consultation on numerous exceptional student education cases heard in state
or district court that related to their special education and discipline/school
expulsion and manifestation status.

9/1991-12/1995 Thrun, Maatsch and Nordberg, Lansing, MI, Expert Witness for the State of
Michigan.

Gingerich v. White Pigeon Community Schools, 736 F. Supp. 147 (W.D.
Mich. 1990). U.S. District Court for the Western District of Michigan - 736
F. Supp. 147 (W.D. Mich. 1990); April 13, 1990.

Legal Foundation. Family Educational Rights and Privacy Act (FERPA)
and 42 U.S.C. § 1983

This lawsuit challenged the implementation of the Michigan Model For
Comprehensive School Health Education (MMCSHE) at the White Pigeon
schools. It was brought by students of White Pigeon Community Schools and
their parents against White Pigeon Community Schools, its school board
members and superintendent, the Calhoun Intermediate School District, and
the superintendent of Public Instruction for the State Board of Education.

MMCSHE is a curriculum promulgated by the Michigan Department of
Education and contains instruction on substance abuse prevention and mental
and emotional health issues. Plaintiffs alleged that the program involved "the
practice of mental and emotional health medicine, affective education and
quasi-psychotherapeutic methods." Plaintiffs further contended that
mandatory participation in the MMCSHE violated their civil rights protected
under 42 U.S.C. § 1983 and their constitutional right to privacy.

My role was to provide the State Department of Education (the Defense)
expert consultation on the social skills training in the MMCSHE at the
elementary school level in the context of the allegations above.

Disposition. Settled out of Court.

10/1989-6/1993 Federal Court (Four Hearings). Legal Services Corporation of Alabama. Montgomery, AL.

Legal Foundation. IDEA—FAPE and LRE; 2nd and 14th Amendments

These cases involved a series of four federal court cases involving different African-American students receiving services as students with emotional disturbances in the Montgomery (AL) Public Schools. Some of these students had been placed in an Alternative Program because they were not receiving appropriate behavioral interventions. In that Program, they were corporally punished for their behavior.

Working with the Plaintiffs, my role as an Expert was to evaluate the quality of the special education intervention services in the context of FAPE and LRE. The two most notable cases were: Chris D. v. Montgomery Public School District, and Cory M. v. Montgomery Public School District.

The case of Chris D. v. Montgomery County Board of Education was a significant legal matter in the U.S. District Court for the Middle District of Alabama. Chris D., an emotionally disabled student, argued that the Montgomery County Board of Education failed to provide him with the “free appropriate public education” required under the Education of the Handicapped Act (EHA).

Disposition. The court found in favor of Chris D., concluding that the school board needed to place him in a full-time residential school to meet his educational needs. This case highlighted the obligations of school districts to accommodate students with disabilities adequately.

This case set the legal precedent that school districts must not just write an appropriate IEP, but they must have resources and trained staff in the district to implement it.

The case of Cory M. v. Montgomery County Board of Education was also litigated in the U.S. District Court for the Middle District of Alabama. Cory M. an emotionally disabled student, who sued the Montgomery County Board of Education in 1993. Cory’s parents filed the lawsuit on his behalf, claiming that the school district failed to provide him with FAPE.

Disposition. The court found that the school district had not met its obligations under the IDEA and ordered the implementation of a new Individualized Educational Program (IEP) for Cory. Additionally, the court mandated appropriate counseling and training for Cory’s parents.

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