

## Syllabus

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 Timber & Lumber Co.*, 200 U. S. 321, 337.

**SUPREME COURT OF THE UNITED STATES**

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**CEDAR RAPIDS COMMUNITY SCHOOL DISTRICT v.  
GARRET F., A MINOR, BY HIS MOTHER AND NEXT FRIEND,  
CHARLENE F.**

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

No. 96–1793. Argued November 4, 1998– Decided March 3, 1999

To help “assure that all children with disabilities have available to them . . . a free appropriate public education which emphasizes special education and related services designed to meet their unique needs,” 20 U. S. C. §1400(c), the Individuals with Disabilities Education Act (IDEA) authorizes federal financial assistance to States that agree to provide such children with special education and “related services,” as defined in §1401(a)(17). Respondent Garret F., a student in petitioner school district (District), is wheelchair-bound and ventilator dependent; he therefore requires, in part, a responsible individual nearby to attend to certain physical needs during the school day. The District declined to accept financial responsibility for the services Garret needs, believing that it was not legally obligated to provide continuous one-on-one nursing care. At an Iowa Department of Education hearing, an Administrative Law Judge concluded that the IDEA required the District to bear financial responsibility for all of the disputed services, finding that most of them are already provided for some other students; that the District did not contend that only a licensed physician could provide the services; and that applicable federal regulations require the District to furnish “school health services,” which are provided by a “qualified school nurse or other qualified person,” but not “medical services,” which are limited to services provided by a physician. The Federal District Court agreed and the Court of Appeals affirmed, concluding that *Irving Independent School Dist. v. Tatro*, 468 U. S. 883, provided a two-step analysis of §1401(a)(17)’s “related services” definition that was satisfied here. First, the requested services were “supportive services” because Gar-

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ret cannot attend school unless they are provided; and second, the services were not excluded as “medical services” under *Tatro*’s bright-line test: Services provided by a physician (other than for diagnostic and evaluation purposes) are subject to the medical services exclusion, but services that can be provided by a nurse or qualified layperson are not.

*Held:* The IDEA requires the District to provide Garret with the nursing services he requires during school hours. The IDEA’s “related services” definition, *Tatro*, and the overall statutory scheme support the Court of Appeals’ decision. The “related services” definition broadly encompasses those supportive services that “may be required to assist a child with a disability to benefit from special education,” §1401(a)(17), and the District does not challenge the Court of Appeals’ conclusion that the services at issue are “supportive services.” Furthermore, §1401(a)(17)’s general “related services” definition is illuminated by a parenthetical phrase listing examples of services that are included within the statute’s coverage, including “medical services” if they are “for diagnostic and evaluation purposes.” Although the IDEA itself does not define “medical services” more specifically, this Court in *Tatro* concluded that the Secretary of Education had reasonably determined that “medical services” referred to services that must be performed by a physician, and not to school health services. 468 U. S., at 892–894. The cost-based, multi-factor test proposed by the District is supported by neither the statute’s text nor the regulations upheld in *Tatro*. Moreover, the District offers no explanation why characteristics such as cost make one service any more “medical” than another. Absent an elaboration of the statutory terms plainly more convincing than that reviewed in *Tatro*, there is no reason to depart from settled law. Although the District may have legitimate concerns about the financial burden of providing the services Garret needs, accepting its cost-based standard as the sole test for determining §1401(a)(17)’s scope would require the Court to engage in judicial lawmaking without any guidance from Congress. It would also create tension with the IDEA’s purposes, since Congress intended to open the doors of public education to all qualified children and required participating States to educate disabled children with nondisabled children whenever possible, *Board of Ed. of Hendrick Hudson Central School Dist., Westchester Cty. v. Rowley*, 458 U. S. 176, 192, 202. Pp. 6–12.

106 F. 3d 822, affirmed.

STEVENS, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and O’CONNOR, SCALIA, SOUTER, GINSBURG, and BREYER, JJ., joined. THOMAS, J., filed a dissenting opinion, in which KENNEDY, J., joined.