NO. 08-970

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TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES i

INTEREST OF AMICUS CURIAE 1

SUMMARY OF THE ARGUMENT 2

ARGUMENT 3

CONCLUSION 17

TABLE OF AUTHORITIES

Page

Cases

Aleyska Pipeline Service Co. v. Wilderness Society,

Blum v. Stenson,

Buckhannon Bd. & Care Home v. West Virginia Dep't of Health & Human Res.,

City of Burlington v. Dague,

Other Authorities

Individuals with Disabilities Education Act (IDEA): Current Funding Trends,

Settlement reached in South Dakota student discipline lawsuit, available at _____

School Board to Pay in Jesus Prayer Suit, available at _____

available at _____

available at _____

Revised policy aims to settle school lawsuit,
available at

available at

INTEREST OF *AMICUS CURIAE*

Amicus

Amicus

amicus curiae

SUMMARY OF ARGUMENT

ARGUMENT

I. ENHANCED FEE AWARDS ARE AGAINST PUBLIC POLICY, ACTUALLY HURTING STUDENTS SERVED BY PUBLIC SCHOOLS.

See *State Budget Shortfalls: Postsecondary Education Impacts,* _____ *and State Budget Shortfalls: Examples of State Responses,*

See

Blum v. Stenson
Pennsylvania v. Delaware Valley Citizens' Council for Clean Air
City of Burlington v. Dague

See, e.g,

II. THE PROSPECT OF ENHANCED FEE AWARDS UNDERMINES THE RELATIVE CERTAINTY OF THE LODESTAR APPROACH, THEREBY REDUCING THE LIKELIHOOD OF SETTLING CERTAIN TYPES OF SCHOOL LITIGATION.

Dague

Perdue v. Kenny A

Id.

III. ENHANCED FEE AWARDS MAY DISCOURAGE VOLUNTARY CHANGES THAT SCHOOL DISTRICTS OTHERWISE WOULD BE WILLING TO MAKE.

Perdue

Id.

Buckhannon Bd. & Care Home v. West Virginia Dep't of Health & Human

Res.,

See
Settlement reached in South Dakota student discipline lawsuit

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