Vito Gagliardi Argued Before the Third Circuit About the Department of Education's Interference with Student's Educational Program

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Vito A. Gagliardi, Jr., appearing on behalf of The Learning Center for Exceptional Children, recently argued before the United States Court of Appeals for the Third Circuit in Philadelphia. The case involves ongoing litigation with the Department of Education which, among other things, has tried to prevent The Learning Center from continuing its program of mainstreaming special needs students as part of their educational programs.

As the mainstreaming at issue is guaranteed to these students in their IEPs, Mr. Gagliardi was successful in obtaining an injunction against the Department of Education before a federal trial court last year, consistent with the "stay put" obligations found in state and federal law. While the underlying litigation continues, the Department of Education pursued this appeal to attempt to dissolve the injunction. A decision from the Third Circuit is anticipated later this year.