

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Tina Salata, parent on behalf of E.D., a minor student v. Mesa Unified School District

Salata · No. CV-24-01671-PHX-GMS · Decided March 31, 2026

SUMMARY

The United States District Court for the District of Arizona reviews an administrative decision under the Individuals with Disabilities Education Act concerning a student’s individualized education program, free appropriate public education, least restrictive environment, and parental participation. The court affirms in part and reverses in part, concluding that the school district violated procedural requirements by unilaterally implementing a modified IEP and that the administrative decision failed to address an appropriate remedy for the resulting denial of a free appropriate public education.

CASE DETAILS

COURT	United States District Court for the District of Arizona
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 31, 2026
DOCKET	CV-24-01671-PHX-GMS
DISPOSITION	other
PROCEDURAL POSTURE	Appeal for judicial review of a final administrative decision issued by an Arizona Office of Administrative Hearings administrative law judge under the Individuals with Disabilities Education Act.
STANDARD OF REVIEW	IDEA judicial review employs a modified form of de novo review. Whether a proposed IEP provided a FAPE is reviewed de novo, while complete de novo review of the administrative proceeding is inappropriate. Mixed questions of law and fact are reviewed de novo unless primarily factual, and due weight is given to the ALJ's factual findings, with greater deference owed to thorough and careful findings. Relief is based on the preponderance of the evidence.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Tina Salata, parent on behalf of E.D., a minor student v. Mesa Unified School District

TOPICS

judicial review of agency action

administrative law

remedies

standard of review

appellate procedure

PRACTICE AREAS

special education

education law

administrative law

appellate procedure

equitable remedies

QUESTIONS PRESENTED

1. Whether the District's unilateral implementation of the Modified IEP, including increased pull-out services and reduced least-restrictive-environment participation, denied parental participation and thereby denied E.D. a FAPE.
2. Whether the District materially failed to implement the Legacy IEP's reading-comprehension and sight-word services.
3. Whether the District materially failed to implement the Legacy IEP's physical-therapy and occupational-therapy services.
4. Whether the Modified IEP's location of services violated E.D.'s right to education in the least restrictive environment.
5. Whether Parents were entitled to reimbursement for E.D.'s unilateral placement at Tempe Montessori and related expenses.

HOLDINGS

1. The District's unilateral implementation of the Modified IEP, which substantially increased pull-out instruction and reduced the least-restrictive-environment requirement without meaningful parental participation, constituted a procedural violation of the IDEA that denied E.D. a FAPE. The ALJ erred by failing to analyze an appropriate remedy for that denial.
2. The District materially failed to implement the Legacy IEP's required reading-comprehension and sight-word services, and that material failure denied E.D. a FAPE and entitled her to compensatory relief.
3. The District materially failed to provide the direct physical-therapy and occupational-therapy services required by the Legacy IEP, thereby denying E.D. a FAPE. The court deferred the amount of compensatory relief pending clarification of the services actually provided.
4. The court declined to decide separately whether the Modified IEP's location of services violated E.D.'s right to education in the least restrictive environment because resolving that issue would not change the result.
5. Parents were not entitled to reimbursement for tuition, tutoring, inclusion-consultation, or transportation expenses associated with E.D.'s unilateral placement at Tempe Montessori.

KEY QUOTATIONS

“A “unilateral amendment” to a student’s IEP constitutes a “per se procedural violation of the IDEA because it vitiates the parents’ right to participate at every step of the IEP drafting process.”” (at 17)

“This failure was more than a minor discrepancy—it was instead a wholesale departure from the terms laid out in the Legacy IEP.” (at 23)

“However, Plaintiff has not demonstrated on appeal, by a preponderance of the evidence, that the placement at Tempe Montessori was “proper.”” (at 25)

FACTUAL BACKGROUND

E.D., a student with a qualifying disability, transferred from Legacy Traditional School to Zaharis Elementary School in the Mesa Unified School District with an existing IEP providing specified specialized instruction, therapies, accommodations, and at least 80 percent of the school day in a general education classroom. After initially agreeing to provide comparable services, the District implemented a Modified IEP that substantially increased pull-out instruction, reduced the required general-education participation to between 40 and 79 percent, and eliminated direct physical therapy without discussing those changes with the Parents at the November 14, 2023 IEP meeting. E.D. left Zaharis, was homeschooled briefly, and then enrolled at Tempe Montessori while receiving private tutoring and therapy services. The ALJ found procedural violations and denial of a FAPE but denied most requested remedies, including reimbursement for the unilateral placement.

PROCEDURAL HISTORY

Parents filed an IDEA due process petition challenging the District's implementation of a modified IEP and alleging denial of a free appropriate public education in the least restrictive environment. After a multi-day hearing, the ALJ found procedural IDEA violations and that the Modified IEP failed to provide a FAPE, ordered the Legacy IEP to remain in place, barred implementation of the Modified IEP, ordered 60 minutes of private physical therapy, and denied reimbursement for the unilateral placement at Tempe Montessori. The district court held that the ALJ failed to address three issues raised in the administrative proceedings, reversed and modified the ALJ's decision as to those issues, affirmed the denial of reimbursement, and ordered supplemental briefing concerning remedies.

DISPOSITION

other

REMAND INSTRUCTIONS

The court reversed and modified the ALJ's decision as to the three issues the ALJ failed to analyze. Plaintiff was ordered to submit supplemental briefing identifying a summer camp and its cost, identifying a credentialed reading tutor and hourly rate, particularizing the PT and OT services actually provided, and addressing prevailing-party status and attorney's fees. Defendant was permitted to respond, and no reply was allowed.

CASES CITED

- Lake at L.V. Investments Group, Inc. v. Pacific Malibu Development Corp., 933 F.2d 724, 729 (9th Cir. 1991)
- A.G. v. Paradise Valley Unified School District No. 69, 815 F.3d 1195, 1202 (9th Cir. 2016)
- McIntyre v. Eugene School District 4J, 976 F.3d 902, 910 (9th Cir. 2020)

- *Andrew F. ex rel. Joseph F. v. Douglas County School District RE-1*, 580 U.S. 386, 391 (2017)
- *Smith v. Los Angeles Unified School District*, 830 F.3d 843, 847 (9th Cir. 2016)
- *D.R. ex rel. R.R. v. Redondo Beach Unified School District*, 56 F.4th 636, 641 (9th Cir. 2022)
- *Union School District v. Smith*, 15 F.3d 1519, 1526 (9th Cir. 1994)
- *Ojai Unified School District v. Jackson*, 4 F.3d 1467, 1471-72 (9th Cir. 1993)
- *Timothy O. v. Paso Robles Unified School District*, 822 F.3d 1105, 1118 (9th Cir. 2016)
- *Van Duyn ex rel. Van Duyn v. Baker School District 5J*, 502 F.3d 811, 815, 817, 819-22 (9th Cir. 2007)
- *Gregory K. v. Longview School District*, 811 F.2d 1307, 1310 (9th Cir. 1987)
- *Capistrano Unified School District v. Wartenberg*, 59 F.3d 884, 891 (9th Cir. 1995)
- *M.C. ex rel. M.N. v. Antelope Valley Union High School District*, 858 F.3d 1189, 1194-95, 1197-98 (9th Cir. 2017)
- *Amanda J. v. Clark County School District*, 267 F.3d 877, 892 (9th Cir. 2001)
- *L.M. v. Capistrano Unified School District*, 556 F.3d 900, 909-10 (9th Cir. 2009)
- *D.O. ex rel. Walker v. Escondido Union School District*, 59 F.4th 394, 417 (9th Cir. 2023)
- *Doug C. v. Hawaii Department of Education*, 720 F.3d 1038, 1047 (9th Cir. 2013)
- *R.P. ex rel. C.P. v. Prescott Unified School District*, 631 F.3d 1117, 1125 (9th Cir. 2011)
- *Cassirer v. Thyssen-Bornemisza Collection Foundation*, 862 F.3d 951, 966 n.13 (9th Cir. 2017)
- *Redondo Beach Unified School District*, 56 F.4th 636, 647 (9th Cir. 2022)
- *C.B. ex rel. Baquerizo v. Garden Grove Unified School District*, 635 F.3d 1155, 1159 (9th Cir. 2011)
- *Florence County School District Four v. Carter ex rel. Carter*, 510 U.S. 7, 11 (1993)
- *Anchorage School District v. M.P.*, 689 F.3d 1047, 1058-59 (9th Cir. 2012)
- *School Committee of Burlington v. Department of Education of Massachusetts*, 471 U.S. 359, 373-74 (1985)
- *Board of Education of Hendrick Hudson Central School District v. Rowley*, 458 U.S. 176, 199 (1982)
- *KW v. Peninsula School District*, 2025 WL 1592450, at *17 (W.D. Wash. June 5, 2025)
- *L.H. v. Hamilton County Department of Education*, 900 F.3d 779, 787-88, 797 (6th Cir. 2018)