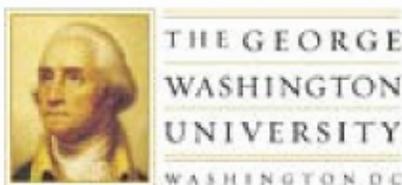


The Burger Court Opinion Writing Database

Board of Education of Hendrick Hudson Central School District, Westchester County v. Rowley

458 U.S. 176 (1982)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

August 3, 1982

Re: No. 80-1002, Board of Education of the Hendrick
Hudson Central School District v. Rowley

MEMORANDUM TO THE CONFERENCE:

Respondents have moved the Court to amend the opinion to correct what they perceive to be misstatements of their position. Petitioners have filed an opposition. They take issue with the following passage:

The Rowleys agreed with the IEP but insisted that Amy also be provided with a qualified sign language interpreter in all her academic classes.

Slip Op. at 7, lines 6-7. Respondents state that the Rowleys agreed with only part of the IEP and sought an interpreter in lieu of, not in addition to, the services provided by the school district.

I believe respondents are correct, and propose to amend the opinion so that the sentence quoted above reads as follows:

The Rowleys agreed with parts of the IEP, but insisted that Amy also be provided with a qualified sign language interpreter in all her academic classes in lieu of the assistance proposed in other parts of the IEP.

Respondents also take issue with the following passage:

In defending the decisions of the District Court and the Court of Appeals, respondents and the United States rely upon isolated statements in the legislative history concerning the achievement of maximum potential, see H.R. Rep. No. 94-332, supra, at 13

Slip Op. at 27, n.26. Respondents state that they did not cite to this particular page and that they avoided relying upon a "maximization of potential" standard. I believe this contention does not merit any change to the opinion.

Absent dissent, I will ask the clerk to make the change noted above.

Regards,

WHR/
DJ

HAB

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

September 2, 1982

Re: No. 80-1002 Board of Education of the Hendrick
Hudson Central School District v. Rowley

Dear Bill,

I have no objection to the proposed change in the
opinion.

Sincerely,

Sandra O'Connor

Justice Rehnquist

Copies to the Conference