



[Winkelman v. Parma City Sch., District](#) (U.S. Supreme Court, Amicus Brief filed Dec. 2006; Case argued 2-27-07; decision issued 5-22-07 [[oral argument](#)])

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[decision](#)  
))

**Held:** *IDEA grants parents independent, enforceable rights, which are not limited to procedural and reimbursement-related matters but encompass the entitlement to a free appropriate public education for their child.*

The parents of Jacob Winkelman sought to represent him in a federal court suit under the Individuals with Disabilities Education Act (IDEA) challenging the school district's education plan for him. The Sixth Circuit ruled that non-attorney parents may represent their children in IDEA administrative proceedings but may not appear in federal court to assert their child's substantive rights to a free and appropriate public education (FAPE) or their own procedural rights under IDEA.

On October 27, 2006, the Supreme Court granted *certiorari* to hear the case and resolve the

split in the circuits on this issue. Four courts of appeals have held that parents can represent themselves to pursue their own procedural rights under IDEA, but may not represent their child in asserting the child's substantive right to FAPE. The First Circuit has held that parents may appear *pro se* (i.e., represent themselves) in federal court because the procedural and substantive rights are "inextricably intertwined" and, therefore, parents may proceed *pro se* to assert those rights.