

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

JOHNARLEN HALLEN, through his parents	:	
and legal guardians, Wendy Hallen and	:	
John Hallen, <u>et al.</u> ,	:	
	:	
Plaintiffs,	:	Hon. Joseph H. Rodriguez
	:	
v.	:	CIVIL ACTION
	:	
UNION BEACH BOARD OF EDUCATION,	:	DOCKET NO. 97-2842 (JHR)
<u>et al.</u> ,	:	
	:	
Defendants.	:	

INTRODUCTION

With this brief, Amici Curiae seek to bring to the Court’s attention the critical role that the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, et seq. (“IDEA”), Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131, et seq. (“the ADA”) and Section 504 of the Rehabilitation Act, 29 U.S.C. § 794 (“Section 504”) play in enforcing the rights of persons with disabilities, with an emphasis on the rights of children with disabilities to an appropriate education.

Defendants’ Motion to Dismiss the IDEA, the ADA and Section 504 claims on Eleventh Amendment immunity grounds goes well beyond affecting the rights of Plaintiff Johnarlen Hallen who is fighting to obtain the educational services to which he was entitled. It affects all children with disabilities who encounter the State’s failure to provide them with an appropriate education. And indeed, it affects all persons with disabilities in New Jersey who are being denied the benefits of any state services and programs or are being discriminated against by the State by reason of their