United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
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Lyle W. Cayce
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No. 25-30449

SHIRAH HERBERT, *individually and on behalf of D.H., a minor child*,

Plaintiff—Appellant,

versus

ST. JAMES PARISH SCHOOL BOARD,

Defendant—Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:25-CV-758

Before STEWART, ENGELHARDT, and DOUGLAS, *Circuit Judges*.

CARL E. STEWART, *Circuit Judge*:

In 2024, the St. James Parish School Board (the "School Board") disenrolled a disabled child, D.H., from Cypress Grove Montessori Academy ("Cypress Grove") after learning that he did not reside in St. James Parish, Louisiana. Shirah Herbert, D.H.'s mother, filed several requests with the Louisiana Department of Education before she sued the School Board in federal court, alleging violations of the Individuals with Disabilities Education Act (the "IDEA"), 20 U.S.C. § 1415(j), the Rehabilitation Act of 1973 (the "Rehabilitation Act"), 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act (the "ADA"), 42 U.S.C.

§§ 12131–12134. For the following reasons, we AFFIRM the district court's judgment in full.

I. Background

On August 7, 2024, Herbert submitted an enrollment application for D.H. to attend Cypress Grove, which is operated by the School Board in St. James Parish. The School Board requires that parents and students reside together in St. James Parish for the student to be enrolled in one of its schools. Additionally, for purposes of enrollment, the parent's residence determines the student's parish of residence. In the application packet, Herbert stated that D.H. was disabled, that Herbert lived in St. John the Baptist Parish, Louisiana,[1] and that D.H. lived in St. James Parish due to Herbert's "work arrangements." Contrary to Herbert's statement in the application packet that she and D.H. lived in different parishes, she signed a sworn affidavit attesting that D.H. lived with her in St. James Parish. The School Board approved D.H.'s enrollment at Cypress Grove thereafter.

On October 22, 2024, Cypress Grove determined that D.H. was eligible for special education services and scheduled an individualized

[1] Herbert testified that she is married and that both she and her husband have custody of D.H.

education program ("IEP")[2] hearing for November 7, 2024. Before D.H.'s IEP hearing, the principal of Cypress Grove informed Amy Laiche, the School Board's Chief of Schools and Student Support, that D.H. did not live in St. James Parish.[3] Laiche then began investigating D.H.'s residency and discovered that Herbert owned property in St. John the Baptist Parish, not St. James Parish, which indicated that she did not reside in St. James Parish.

On November 1, 2024, Laiche called Herbert to confirm whether D.H. and Herbert lived in St. James Parish. Herbert admitted to living in St. John the Baptist Parish, but she also maintained that D.H. lived in St. James Parish. Upon hearing this, Laiche stated that D.H. would be disenrolled from Cypress Grove because, under the School Board's policy, *both* a parent and their child must live in St. James Parish for the student to be enrolled

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[2] "The IEP is the means by which special education and related services are 'tailored to the unique needs' of a particular child." *Endrew F. ex rel. Joseph F. v. Douglas Cnty. Sch. Dist. RE-1*, 580 U.S. 386, 391 (2017) (quoting *Bd. of Educ. of Hendrick Hudson Cent. Sch. Dist. v. Rowley*, 458 U.S. 176, 181 (1982)). It details a disabled child's current "functional performance" and articulates the special education services that a school will provide. *See id.* (citations omitted); *White ex rel. White v. Ascension Par. Sch. Bd.*, 343 F.3d 373, 378 (5th Cir. 2003) ("[A] written IEP specifies the program of benefits to which the student is entitled in order to receive a FAPE."). "In the event that parents and educators disagree about what a child's [IEP] should contain, they may resolve their differences informally, through a meeting or mediation." *Boone v. Rankin Cnty. Pub. Sch. Dist.*, 140 F.4th 697, 704 (5th Cir. 2025) (citing 20 U.S.C. § 1415(e), (f)(1)(B)(i)). However, "[i]f those measures prove fruitless, the parties may proceed to a 'due process hearing' before a state or local educational agency. . . . And at the conclusion of that administrative process, aggrieved parties may seek redress in court." *Id.* (first citing § 1415(f)(1)(A), (g); and then citing § 1415(i)(2)(A)).

[3] According to the record, D.H.'s former teacher visited Cypress Grove and told the principal that D.H. and Herbert did not live together in St. James Parish.

there.[4] She also recommended enrolling D.H. in a school district where Herbert resided. The School Board then sent Herbert a letter stating that, effective November 4, 2024, D.H. would be disenrolled from Cypress Grove.

On November 27, 2024, Herbert filed the following requests with the Louisiana Department of Education: a due process hearing pursuant to 20 U.S.C. § 1415(f), a stay-put order,[5] and an independent educational evaluation ("IEE").[6] In her request for a due process hearing, she alleged that the School Board denied D.H. a free appropriate public education ("FAPE")[7] by

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[4] The School Board maintains that D.H.'s enrollment was a "clerical error[]" because it relied exclusively on Herbert's affidavit, which attested that both she and D.H. resided in St. James Parish. The School Board further contends that it obtained actual knowledge that D.H. did not reside in St. James Parish when Herbert told Laiche that she lived in St. John the Baptist Parish over the phone.

[5] Under the IDEA, a stay-put order "requires a child to remain in his or her 'then-current educational placement' during the pendency of an IDEA hearing." *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49, 59 (2005) (citing 20 U.S.C. § 1415(j)).

[6] If a parent is unsatisfied with the outcome of an IEP, they can request an IEE. *Id.* at 53. An IEE is an evaluation of a disabled student, "conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question." 34 C.F.R. § 300.502(a)(3)(i).

[7] A FAPE requires each state to provide a disabled child, who is at least three years old, with an IEP. 34 C.F.R. § 300.101(b). Whether a child qualifies for a FAPE is to be determined "by . . . the child's [local education agency]." *Id.* § 300.101(c)(2); *A.J.T. ex rel. A.T. v. Osseo Area Schs.*, 605 U.S. 335, 347 (2025) ("[T]he comprehensive nature of the . . . [IDEA] evince[s] Congress'[s] express efforts to place on local and state educational agencies the primary responsibility for developing a plan to accommodate the needs of each individual handicapped child." (citation modified)). Under 20 U.S.C. § 1401(19), a school board is considered a "local education agency."

> (1) failing to conduct a thorough investigation or provide [Herbert] with sufficient notice of her rights to appeal [the] School [Board's] residency determination that [D.H. was] not a resident in [the] School [Board's] geographical area; and (2) refusing and failing to convene an [IEP] team meeting or implement any services after finding [D.H.] eligible for special education services.

On December 6, 2024, the School Board responded by filing a peremptory exception of lack of subject-matter jurisdiction under Louisiana Code of Civil Procedure article 927(A)(8), arguing that it was not required to provide D.H. a FAPE because he did not reside in St. James Parish.

On January 13, 2025, an administrative law judge ("ALJ") granted Herbert's request for a stay-put order and directed the School Board to keep D.H. enrolled in Cypress Grove "during the pendency of the due process proceedings." Three days later, the ALJ held an evidentiary hearing, focusing solely on whether D.H. resided in St. James Parish. The ALJ determined that D.H. was not a resident because Herbert's residence in St. John the Baptist Parish was D.H.'s residence "for purposes of [the] IDEA." Accordingly, she granted the School Board's peremptory exception of lack of subject-matter jurisdiction before dismissing Herbert's request for a due process hearing and terminating adjudication of the matter.[8]

On April 17, 2025, Herbert sued the School Board in federal court, alleging that it violated the IDEA, the Rehabilitation Act, and the ADA. 20 U.S.C. § 1415(j); 29 U.S.C. § 794; 42 U.S.C. §§ 12131–12134. Herbert sought to reverse the ALJ's residency holding, reinstate the ALJ's stay-put

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[8] Once the ALJ granted the School Board's peremptory exception of lack of subject-matter jurisdiction and terminated adjudication, its stay-put order was terminated. LA. CODE CIV. PROC. ANN. art. 3 (2025) ("A judgment rendered by a court which has no jurisdiction over the subject matter of the action or proceeding is void.").

order with a preliminary injunction, and obtain an IEP for D.H.[9] On June 16, 2025, the district court denied Herbert's preliminary injunction request after she failed to submit "additional evidence [during her hearing], choosing instead to rely on the administrative record and an affidavit she submitted in support of her preliminary injunction motion." The district court then dismissed Herbert's claims with prejudice on July 8, 2025, holding that Herbert did not state a claim upon which relief could be granted. Herbert appealed.

II. Jurisdiction

The district court had subject-matter jurisdiction because this case presents a federal question. 28 U.S.C. § 1331. We have appellate jurisdiction under 28 U.S.C. § 1291.

On appeal, Herbert argues that the district court erred by (1) dismissing her disability-discrimination and retaliation claims with prejudice at the pleading stage; (2) failing to review the ALJ's dismissal de novo; (3) holding that residency is a jurisdictional bar under the IDEA; and refusing to (4) reinstate the ALJ's stay-put order or (5) grant Herbert's request for compensatory education. We address each claim in turn.

III. The Dismissal of Herbert's Claims

A.

First, we address Herbert's argument that the district court erroneously dismissed her disability-discrimination and retaliation claims with prejudice at the pleading stage. We review a district court's decision to grant a motion to dismiss pursuant to Federal Rule of Civil Procedure

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[9] Herbert also filed a motion for a temporary restraining order, which the district court denied.

12(b)(6) de novo, "accepting all well-pleaded facts as true and viewing those facts in the light most favorable to the plaintiffs." *Hickson v. St. David's Healthcare P'ship, L.P., L.L.P.*, 168 F.4th 282, 288 (5th Cir. 2026) (citation modified). To survive a motion to dismiss, the complaint "must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Id.* (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). "[L]egal conclusions; mere labels; threadbare recitals of the elements of a cause of action; conclusory statements; and naked assertions devoid of further factual enhancement" are not presumed to be true. *Id.* (quoting *Harmon v. City of Arlington*, 16 F.4th 1159, 1162–63 (5th Cir. 2021)).

B.

The Rehabilitation Act prohibits "any program or activity receiving [f]ederal financial assistance" from discriminating against individuals with disabilities. 29 U.S.C. § 794(a). Likewise, the ADA states that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C. § 12132. The Rehabilitation Act and the ADA "are judged under the same legal standards, and the same remedies are available under both Acts." *Kemp v. Holder*, 610 F.3d 231, 234–35 (5th Cir. 2010) (citing *Delano-Pyle v. Victoria Cnty.*, 302 F.3d 567, 574 (5th Cir. 2002)). Accordingly, to successfully allege a disability-discrimination claim under the ADA or the Rehabilitation Act, a plaintiff must prove

> (1) that [he] is a qualified individual within the meaning of the ADA; (2) that he is being excluded from participation in, or being denied benefits of, services, programs, or activities for which the public entity is responsible, or is otherwise being discriminated against by the public entity; and (3) that such

> exclusion, denial of benefits, or discrimination is by reason of his disability.

Carter ex rel. Carter v. City of Shreveport, 144 F.4th 809, 813 (5th Cir. 2025) (citing *Cadena v. El Paso Cnty.*, 946 F.3d 717, 723 (5th Cir. 2020)).

A "qualified individual" under the Rehabilitation Act or the ADA is "an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, . . . meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity." 42 U.S.C. § 12131(2).

C.

The district court did not err when it dismissed Herbert's disability discrimination claim with prejudice at the pleading stage.[10] Herbert's complaint does not "contain sufficient factual matter" that states a plausible disability discrimination claim. *Hickson*, 168 F.4th at 288 (quoting *Iqbal*, 556 U.S. at 678). Instead, Herbert rearticulates legal principals bereft of factual support and swiftly concludes that D.H. is a "qualified individual with a disability." Further, notwithstanding Herbert's threadbare conclusion that the School Board denied D.H. a FAPE because of his disability, Herbert does not provide "sufficient factual matter" to show how the School Board is responsible for providing D.H. a FAPE when he does not reside in St.

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[10] On appeal, Herbert only focuses on whether the district court correctly dismissed her disability-discrimination and retaliation claims with prejudice at the pleading stage. However, the School Board aptly recognizes that Herbert raises a new retaliation claim on appeal. Despite Herbert's brief description of the School Board's conduct as "retaliatory" in her complaint, she does not discuss a retaliation claim. Therefore, Herbert forfeited that argument on appeal. *See Rollins v. Home Depot USA*, 8 F.4th 393, 397 (5th Cir. 2021) ("A party forfeits an argument by failing to raise it in the first instance in the district court—thus raising it for the first time on appeal—or by failing to adequately brief the argument on appeal." (citations omitted)).

James Parish,[11] which is an "essential eligibility requirement." *Id.*; LA. STAT. ANN. §§ 17:1941, 17:1942(B)(3)(a) (explaining that local educational agencies are obliged to provide special education services to residents); 42 U.S.C. § 12131(2). Therefore, we hold that the district court did not err when it dismissed Herbert's complaint with prejudice at the pleading stage.

IV. The District Court's Review of the ALJ's Decision

A.

Next, we address whether the district court correctly reviewed the ALJ's decision de novo. "The district court, reviewing the decision of a hearing officer under the IDEA, accords 'due weight' to the hearing officer's findings but ultimately reaches 'an independent decision based upon the preponderance of the evidence' that is 'virtually de novo.'" *R.H. v. Plano Indep. Sch. Dist.*, 607 F.3d 1003, 1010 (5th Cir. 2010) (quoting *Cypress–Fairbanks Indep. Sch. Dist. v. Michael F.*, 118 F.3d 245, 252 (5th Cir. 1997)). "Whether the district court applied the correct standard of review is a question of law that we review de novo." *Wade v. Hewlett-Packard Dev. Co. LP Short Term Disability Plan*, 493 F.3d 533, 537 (5th Cir. 2007) (citation omitted), *abrogated on other grounds by Hardt v. Reliance Standard Life Ins.*, 560 U.S. 242 (2010).

B.

Under the IDEA, "[a] parent has the right to an [IEE] at public expense if the parent disagrees with an evaluation obtained by the public agency." 34 C.F.R. § 300.502(b). As stated previously, an IEE is an evaluation of a disabled student, "conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child

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[11] *See supra* Part V.C.

in question." *Id.* § 300.502(a)(3)(i). After a parent requests an IEE, the school board must expeditiously:

> (i) File a due process complaint to request a hearing to show that its evaluation is appropriate; or (ii) Ensure that an [IEE] is provided at public expense, unless the agency demonstrates in a hearing pursuant to [sections] 300.507 through 300.513 that the evaluation obtained by the parent did not meet agency criteria.

Id. § 300.502(b)(2). However, we have held that the school district in which a plaintiff *resides* is responsible for providing a FAPE, and thus, an IEE. *See Lauren C. ex rel. Tracey K. v. Lewisville Indep. Sch. Dist.*, 904 F.3d 363, 367 (5th Cir. 2018) ("As [the plaintiff's] *resident* district, [it] was responsible for providing her a [FAPE] under [the] IDEA." (emphasis added)); *Dall. Indep. Sch. Dist. v. Woody*, 865 F.3d 303, 306 (5th Cir. 2017) ("The [IDEA] requires public school districts to provide all *resident* disabled students with a . . . 'FAPE.'" (emphasis added)).

C.

The district court correctly reviewed the ALJ's decision de novo. In the district court's July 2025 order, it explicitly stated that it "reviewed the administrative record and other limited evidence presented by the parties (nearly all of which was referenced in Herbert's complaint)." After doing so, it independently held that D.H. was not a resident and was therefore unable to seek relief under the IDEA. In the district court's words, "Herbert readily admits that she resides in St. John [the Baptist Parish], and that she has not relinquished custody of D.H. It follows, then, that D.H. is a resident of St. John [the Baptist Parish] under Louisiana law, and that St. John [the Baptist Parish] is the local education authority responsible for providing him with a FAPE," not the School Board. Thus, the district court independently determined that imposing an IEE obligation was unnecessary. *See Tracey K.*,

904 F.3d at 367; *Woody*, 865 F.3d at 306. Therefore, we hold that the district court correctly reviewed the ALJ's decision de novo.

V. The District Court's Residency Holding

A.

We will now address whether residency is a jurisdictional bar to relief under the IDEA. For cases concerning the IDEA, "mixed questions should be reviewed under the clearly erroneous standard if factual questions predominate, and de novo if the legal questions predominate." *Seth B. ex rel. Donald B. v. Orleans Par. Sch. Bd.*, 810 F.3d 961, 967 (5th Cir. 2016) (citation modified). Here, because the issue of whether residence bars relief under the IDEA is a question of law, we review de novo. *See Nat'l Oilwell Varco, L.P. v. Auto-Dril, Inc.*, 68 F.4th 206, 213 (5th Cir. 2023) ("Issues of subject-matter jurisdiction are questions of law reviewed de novo." (citation modified)); *United States v. Lauderdale Cnty.*, 914 F.3d 960, 964 (5th Cir. 2019) ("We review questions of statutory interpretation de novo." (citation omitted)).

B.

The purpose of the IDEA is "to ensure that all children with disabilities have available to them a [FAPE] that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living." 20 U.S.C. § 1400(d)(1)(A). The statute "offers federal funds to states in exchange for a commitment to furnish the core guarantee of a FAPE to all children with certain physical or intellectual disabilities." *A.J.T. ex rel. A.T. v. Osseo Area Schs.*, 605 U.S. 335, 339–40 (2025) (citation modified). "Once a state accepts the IDEA's financial assistance, it must provide special education and related services, including instruction tailored to meet a child's unique needs and sufficient support services to permit the child to benefit from that instruction." *Id.* at 340 (citation modified). Crucially, the

IDEA requires states to enact their own regulations to provide disabled children with a FAPE. 20 U.S.C. § 1415(a).

Under Louisiana state law, "state and local educational agencies . . . [must] provide a [FAPE] in the least restrictive environment to every student with an exceptionality, ages three through twenty-one, who is a *resident* therein." LA. STAT. ANN. § 17:1941 (emphasis added). A student is a resident if they live "within the geographical boundaries of the local education agency in which the student's parent or parents have their legal residence." *Id.* § 17:1942(B)(3)(a).

States typically provide an IEP to ensure that each child receives "the promised FAPE." *Fry v. Napoleon Cmty. Schs.*, 580 U.S. 154, 158 (2017) (first citing *Honig v. Doe*, 484 U.S. 305, 311 (1988); and then citing 20 U.S.C. § 1414(d)). If a child has a qualifying disability, an IEP formulates "a personalized plan to meet all of the child's 'educational needs.'" *Id.* (quoting § 1414(d)(1)(B)). Additionally, an IEP "is developed through a collaborative process between a child's parents, teachers, and school officials." *A.T.*, 605 U.S. at 340 (citing *Fry*, 580 U.S. at 158). Because "'parents and school representatives sometimes cannot agree' on all aspects of an IEP, 'the IDEA establishes formal procedures for resolving disputes,' starting with administrative review in a local or state educational agency, followed by the availability of judicial review in state or federal court." *Id.* (citing *Fry*, 580 U.S. at 159).

C.

The district court correctly held that the School Board was not responsible for providing D.H. a FAPE. Because Herbert admitted to having custody of D.H., under Louisiana law, Herbert's residence determined whether the School Board owed D.H. a FAPE. 20 U.S.C. § 1415; LA. STAT. ANN. § 17:1942(B)(3)(a). Additionally, and contrary to

Herbert's arguments, she held the burden of proving that D.H. was a resident and thus entitled to an IEP from the School Board. *See Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49, 62 (2005) ("The burden of proof in an administrative hearing challenging an IEP is properly placed upon the party seeking relief. In this case, that party is [the disabled student], as represented by his parents."). However, Herbert cannot show that she maintained a "legal residence" in St. James Parish, which she has conceded. LA. STAT. ANN. § 17:1942(B)(3)(a).Thus, the School Board was not responsible for providing D.H. a FAPE.

The School Board was also not estopped from refusing to provide D.H. a FAPE. While Herbert listed two residential addresses in two different parishes, she nevertheless signed an affidavit attesting that she and D.H. exclusively resided in St. James Parish. Furthermore, despite initially approving D.H.'s enrollment, once the School Board learned that D.H. was not a resident, it explained its policy requiring exclusive residence in St. James Parish, over the phone and via email through several School Board employees, notified Herbert that she should enroll D.H. in a school where he resided, and even offered to keep D.H. enrolled if the family moved to St. James Parish. Therefore, we hold that the district court correctly determined that the School Board was not responsible for providing D.H. a FAPE.

VI. The Equitable Remedies

A.

Finally, we address Herbert's arguments that the district court abused its discretion when it failed to (1) reinstate the ALJ's stay-put order and (2) grant Herbert's request for compensatory education. We address each claim separately.

We review a district court's decision to deny a stay-put order for abuse of discretion. *St. Tammany Par. Sch. Bd. v. Louisiana*, 142 F.3d 776, 782 (5th

Cir. 1998). We also "review a district court's decision to grant or deny compensatory education for abuse of discretion." *Boone v. Rankin Cnty. Pub. Sch. Dist.*, 140 F.4th 697, 707 (5th Cir. 2025). "A district court abuses its discretion if it: (1) relies on clearly erroneous factual findings; (2) relies on erroneous conclusions of law; or (3) misapplies the law to the facts." *In re Chamber of Com. of U.S.*, 105 F.4th 297, 311 (5th Cir. 2024) (citation omitted).

B.

1. Stay-Put Order

Under the IDEA, an ALJ may impose a stay-put order "during the pendency of any proceedings [and], . . . unless the [s]tate or local educational agency and the parents otherwise agree, the child shall remain in the then-current educational placement of the child." 20 U.S.C. § 1415(j). The purpose of a stay-put order is to maintain the "status quo." *Tina M. v. St. Tammany Par. Sch. Bd.*, 816 F.3d 57, 59 (5th Cir. 2016). A stay-put order is an "automatic" injunction, which does not require the moving party to analyze the traditional factors of a preliminary injunction.[12] *Id.* at 60.

Additionally, under Louisiana state law, a party may object to whether an ALJ has jurisdiction to hear a case by filing a declinatory exception. LA. CODE CIV. PROC. ANN. art. 925A(6) (2025). One type of declinatory exception is a peremptory exception of lack of subject-matter jurisdiction. *Id.*

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[12] Herbert only argues on appeal that she was entitled to an automatic stay-put order in the district court. She does not argue that the district court misapplied the preliminary injunction factors. *See Starbucks Corp. v. McKinney*, 602 U.S. 339, 346 (2024) ("A plaintiff seeking a preliminary injunction must make a clear showing that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." (citation modified)). Therefore, that issue is also forfeited. *See Rollins*, 8 F.4th at 397.

art. 927. Consequently, once an ALJ determines that it does not have subject-matter jurisdiction and terminates an adjudication, a stay-put order ends. *See id.* art. 3 ("A judgment rendered by a court which has no jurisdiction over the subject matter of the action or proceeding is void."). Likewise, a district court, after reviewing the record of the administrative proceedings, hearing additional evidence from the parties, and "basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate." 20 U.S.C. § 1415(i)(2)(C)(iii).

The district court did not err when it refused to reinstate the ALJ's stay-put order. Once "the ALJ rightfully determined [that] she did not have jurisdiction over the matter," all adjudication ceased, and all orders were voided. *Id.* § 1415(j), (i)(2)(C). And the district court did not "misappl[y] the law to the facts," rely on erroneous factual conclusions, or make erroneous conclusions of law when it denied Herbert's preliminary injunction request to reinstate the stay-put order. *In re Chamber of Com. of U.S.*, 105 F.4th at 311. Instead, the district court appropriately held that a stay-put order was unnecessary because D.H. did not reside in St. James Parish. LA. STAT. ANN. § 17:1942(B)(3)(a). Therefore, we hold that the district court did not abuse its discretion by refusing to reinstate the ALJ's stay-put order.

2. Compensatory Education

Compensatory education awards are common equitable remedies under the IDEA that "provide 'services prospectively to compensate for a past deficient program.'" *Spring Branch Indep. Sch. Dist. v. O.W.*, 961 F.3d 781, 800 (5th Cir. 2020) (quoting *Draper v. Atlanta Indep. Sch. Sys.*, 518 F.3d 1275, 1280 (11th Cir. 2008)). Such awards may include "tutoring, after-school classes, or academic summer camps where a school failed to provide a sufficient educational program." *Eltalawy v. Lubbock Indep. Sch. Dist.*, 816 F. App'x 958, 964 n.9 (5th Cir. 2020) (per curiam) (citation

modified). The goal of providing a compensatory education award is to "place children in the position they would have been in but for the violation of the [IDEA]." *Boone*, 140 F.4th at 712 (quoting *Spring Branch*, 961 F.3d at 800). A compensatory education award requires a "corresponding finding of an IDEA violation" and a plaintiff "bear[s] the burden to establish entitlement to compensatory education." *Id.* (citation omitted). Furthermore, "[c]ourts have 'broad discretion' in awarding compensatory education." *Id.* (citation omitted).

The district court did not err in denying Herbert's compensatory education request. The district court had broad authority to award compensatory education, and Herbert held the burden of showing that the School Board violated the IDEA. *Id.* However, she failed to do so. As we have already explained, there was no IDEA violation. Herbert enrolled D.H. in a school district where he did not reside despite signing a sworn affidavit that apprised her of the School Board's residence policy. Furthermore, the School Board advised her to enroll D.H. into a school where he resided when it learned that D.H. was not a resident, but she failed to do so. Therefore, we hold that the district court did not abuse its discretion by refusing to grant D.H.'s request for compensatory education.

VII. Conclusion

For the aforementioned reasons, we AFFIRM the district court's judgment in full.