280.31 would return authority to school districts because of background state law providing for local control of schools, not because the ADA and Rehabilitation Act require local control. The ADA and Rehabilitation Act merely require that whatever entity has decision-making authority over school services must be permitted to make that evaluation unencumbered by State Defendants' threats.

CONCLUSION

For the foregoing reasons, the State Defendants' motion to dismiss should be denied.

Respectfully submitted,

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