United States Court of Appeals

for the

Eighth Circuit

Case No. 25-3407

D.L., a Minor Child, by and through her Parents and Next Friends; DUC LE; ANH LE,

Plaintiffs-Appellants,

– v. –

OMAHA PUBLIC SCHOOLS,

Defendant-Appellee.

ON APPEAL FROM AN ORDER ENTERED IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA (OMAHA)
CASE NO. 8:25-CV-00402-RFR
HONORABLE ROBERT F. ROSSITER, JR., CHIEF DISTRICT JUDGE

MOTION FOR LEAVE TO FILE BRIEF FOR *AMICUS CURIAE* COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC. IN SUPPORT OF PLAINTIFFS-APPELLANTS AND REQUEST FOR REVERSAL

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Pursuant to Fed. R. App. P. 29, **Council of Parent Attorneys and Advocates** (**COPAA**), hereby respectfully move for leave to file the attached brief as *Amicus Curiae* in support of Plaintiffs-Appellants. This motion is accompanied by *Amicus*'s proposed brief as required by Fed R. App. P. 29(b).

ARGUMENT

A. Interests of Proposed *Amicus Curiae*

The Council of Parent Attorneys and Advocates (COPAA) is a not-for-profit organization for parents of children with disabilities, their attorneys and advocates. COPAA believes effective educational programs for children with disabilities can only be developed and implemented with collaboration between parents and educators as equal parties. COPAA does not represent children but provides resources, training, and information for parents, advocates, and attorneys to assist in obtaining the free appropriate public education (FAPE) such children are entitled to under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 *et seq*.[1] Our attorney members represent children in civil rights matters. COPAA also supports individuals with disabilities, their parents, and advocates, in attempts to safeguard the civil rights guaranteed to those individuals under federal laws,

[1] The statute was originally named the Education of the Handicapped Act or EHA; it was renamed IDEA in 1990. *See Fry v. Napoleon Cmty. Schs.,* 580 U.S. 154, 160 n.1 (2017). For the sake of simplicity, we refer only to IDEA in this motion. *Id.*

including the Civil Rights Act of 1871, ch. 22, 17 Stat. 13 (codified as amended at 42 U.S.C. §1983), Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504) and Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq*. (ADA).

COPAA brings the unique perspective of parents, advocates, and attorneys for children with disabilities. COPAA has filed as *amicus curiae* in the United States Supreme Court, including in *A.J.T. v. Osseo Area Schs.*, 605 U.S. 335 (2025); *Perez v. Sturgis Public Schs.,* 598 U.S. 142 (2023); *Endrew F. v. Douglas Cnty. Sch. Dist. RE-1*, 580 U.S. 386 (2017); *Fry v. Napoleon Cmty. Schs.*, 580 U.S. 154 (2017); *Forest Grove Sch. Dist. v. T.A.*, 557 U.S. 230 (2009); *Bd. of Educ. v. Tom F.*, 552 U.S. 1 (2007); *Arlington Cent. Sch. Dist. Bd. of Educ. v. Murphy*, 548 U.S. 291 (2006); *Schaffer v. Weast*, 546 U.S. 49 (2005); and *Winkelman v. Parma City Sch. Dist.*, 550 U.S. 516 (2007), and in the twelve United States Courts of Appeal that routinely hear special education appeals.

Amicus interest in this case stems from its deep commitment to ensuring that students obtain appropriate relief when the school district has denied them their statutory rights to a FAPE. Many of these children experience significant challenges. Their success depends on the right to secure the IDEA's guarantee of a FAPE.

Amicus has moved for permission to file this brief. Counsel for Appellants has consented to this brief, and counsel for Appellee declined to consent. *Amicus* is therefore filing this Brief with an accompanying Motion for Leave to File *Amicus Curiae*.

B. Why an Amicus Curiae Brief from COPAA Is Relevant and Desirable

This *Amicus Curiae* brief is both relevant and desirable. *See* Fed. R. App. P. 29(b)(2). The legal issues presented in the appeal are of great importance to *Amicus* and their members represent students with disabilities. IDEA was enacted pursuant to Congress's power under the Spending Clause and "offers federal funds to States in exchange for a commitment: to furnish a 'free appropriate public education' – more concisely known as FAPE- to all children with certain physical or intellectual disabilities." *Fry*, 580 U.S. at 158. Thus, IDEA provides a "substantive right" to special education and related services. *Id.* The Supreme Court held that IDEA "requires an educational program reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances," and programs that provided merely "some" progress were inadequate. *Endrew F.*, 580 U.S. at 402-03. Instead, the Court explained that children with disabilities (regardless of the severity of their disability) are entitled to an IEP that considers their present levels of achievement, disability, and potential for growth to develop appropriately ambitious goals. *Id.* at 400. If progressing smoothly through the

general education curriculum is not a reasonable prospect for a child, the "IEP need not aim for grade-level advancement. But his educational program must be appropriately ambitious in light of his circumstances, just as advancement from grade to grade is appropriately ambitious for most children in the regular classroom. The goals may differ, but every child should have the chance to meet challenging objectives." *Id.* at 402.

Despite clear guidance from the Supreme Court, the district court failed to apply the appropriate legal standard. Instead, the district court determined that the student, D.L., received FAPE from Omaha Public Schools (OPS). However, OPS failed to implement the IEP in the Alternate Curriculum Program (ACP). The ACP program was supposed to provide D.L. with "constant support from an adult to attend any activity." (App.43). Unfortunately, the ACP program failed to provide any type of support for D.L. and subjected her to a chaotic and "bad situation." (App. 195-96). Ultimately, D.L. became too afraid to attend school.

The court's decision in this case created a lower standard for FAPE that is in direct conflict with the Supreme Court's decision in *Endrew F.* The decision must be reversed.

Amicus thus offers the Court relevant information not brought to Court's attention by the parties. *See Neonatology Assocs., P.A. v. Comm'r,* 293 F.3d 128, 133 (3d Cir. 2002); *see also Funbus Sys., Inc. v. Cal. Pub. Util. Comm'n*, 801 F.2d 1120, 1124-25 (9th Cir. 1986).

CONCLUSION

For the foregoing reasons, COPAA respectfully requests that the Court grant their motion to file the attached brief *Amicus Curiae* in support of Plaintiffs-Appellants.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that on February 20, 2026 the foregoing document was served on all parties or their counsel of record through the CM/ECF .

/s/Selene Almazan-Altobelli
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Attorney for *Amicus Curiae*

CERTIFICATE OF COMPLIANCE WITH RULES 29(c)(7), 29(d) and 32(a)(7)

The undersigned certifies that this Motion is presented in Times New Roman font 14, in compliance with the Court's Rules.

The undersigned also certifies that the sections of the Motion application to the length requirements contain 950 words in compliance with the Court's Rules, as measured by Word 2010, the word processing program used to create the brief.

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United States Court of Appeals

for the

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CORPORATE DISCLOSURE STATEMENT

Pursuant to FRAP 26.1 the following disclosure is made on behalf of these entities:

Council of Parent Attorneys and Advocates
1. No amicus is a publicly held corporation or other publicly held entity;
2. No amicus has parent corporations; and
3. No amicus has 10% or more of stock owned by a corporation.

Respectfully submitted,

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INTERESTS OF THE *AMICUS*[1]

Council of Parent Attorneys and Advocates (COPAA) is a national not-for-profit organization for parents of children with disabilities, their attorneys and advocates. COPAA does not undertake individual representation but provides resources, training, and information for parents, advocates, and attorneys to assist in obtaining the free appropriate public education (FAPE) that children are entitled to under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.* (IDEA or Act).[2] COPAA also supports its members in their efforts to safeguard the civil rights guaranteed to those individuals under federal laws, including the Civil Rights Act of 1871, ch. 22, 17 Stat. 13 (codified as amended at 42 U.S.C. § 1983) (Section 1983), Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504), and Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131, *et seq*. (ADA).

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[1] Pursuant to Fed. R. App. P. 29(5), COPAA affirms that (1) counsel for *amicus* authored the brief in whole with comments from COPAA members; and (2) no other person contributed money that was intended to fund the preparation or submission of the brief.

[2] The statute was originally named the Education of the Handicapped Act or EHA; it was renamed IDEA in 1990. *See Fry v. Napoleon Cmty. Schs*., 580 U.S. 154, 160 n.1 (2017). For the sake of simplicity, we refer only to IDEA in this brief. *Id.*

COPAA brings the unique perspective of parents, advocates, and attorneys for children with disabilities. COPAA has filed as *amicus curiae* in the United States Supreme Court, including in *A.J.T. v. Osseo Area Schs.*, 605 U.S. 335 (2025); *Perez v. Sturgis Public Schs.,* 598 U.S. 142 (2023); *Endrew F. v. Douglas Cnty. Sch. Dist. RE-1*, 580 U.S. 386 (2017); *Fry v. Napoleon Cmty. Schs.*, 580 U.S. 154 (2017); *Forest Grove Sch. Dist. v. T.A.*, 557 U.S. 230 (2009); *Bd. of Educ. v. Tom F.*, 552 U.S. 1 (2007); *Arlington Cent. Sch. Dist. Bd. of Educ. v. Murphy*, 548 U.S. 291 (2006); *Schaffer v. Weast*, 546 U.S. 49 (2005); and *Winkelman v. Parma City Sch. Dist.*, 550 U.S. 516 (2007), and in the twelve United States Courts of Appeal that routinely hear special education appeals.

Amicus interest in this case stems from its deep commitment to ensuring that students obtain appropriate relief when the school district has denied them their statutory rights to a FAPE.

Amicus requested consent to file this *Amicus Curiae* brief from counsel for both parties. Appellants have consented to the filing of this brief, Appellees declined to consent.

SUMMARY OF ARGUMENT

The Supreme Court has made clear that children with disabilities eligible under IDEA are entitled to an Individualized Education Program (IEP) that is "appropriately ambitious" to enable them to make meaningful progress. *Endrew F.*,

580 U.S. at 388. The Supreme Court held that IDEA "requires an educational program reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances," and programs that provided merely "some" progress were inadequate. *Id.* at 402-03. Instead, the Court explained that children with disabilities (regardless of the severity of their disability) are entitled to an IEP that considers their present levels of achievement, disability, and potential for growth to develop appropriately ambitious goals. *Id.* at 400. If progressing smoothly through the general education curriculum is not a reasonable prospect for a child, the "IEP need not aim for grade-level advancement. But his educational program must be appropriately ambitious in light of his circumstances, just as advancement from grade to grade is appropriately ambitious for most children in the regular classroom. The goals may differ, but every child should have the chance to meet challenging objectives." *Id.* at 402. Despite clear guidance from the Supreme Court, the district court failed to apply the appropriate legal standard. Instead, the district court determined that the student, D.L., received FAPE from Omaha Public Schools (OPS).

The court's decision in this case created a lower standard for FAPE that is in direct conflict with the Supreme Court's decision in *Endrew F.* The decision must be reversed.

ARGUMENT

I. CONGRESS ENACTED IDEA TO ENSURE AN APPROPRIATE EDUCATION FOR ALL CHILDREN WITH DISABILITIES

In the 1970s, Congress held hearings investigating the quality of educational instruction provided to children with disabilities. These hearings established that public school districts throughout the county had wholly excluded millions of children with a multitude of disabilities or placed those children in programs where they received no educational benefit. *Education for All Handicapped Children, 1973-74: Hearings on S.6 Before the Subcommittee on the Handicapped of the Senate Committee on Labor and Public Welfare,* 93d Cong., 1st Sess. (1973-74). At that time, statistics showed that "only 55 percent of the school-aged [disabled] children and 22 percent of the pre-school-aged [disabled] children [were] receiving special educational services." Senator Randolph, *Hearings on S. 6 before the Subcommittee on the Handicapped of the Senate Committee on Labor and Public Welfare*, 94th Cong., 1st Sess. 1 (1975).

Parents and educators discussed the widespread failure of states to provide the extent of supportive services necessary to meet the needs of children with varying degrees and forms of disabilities. Statistics compiled for Congress by the Office of Education at that time revealed that children of all ages and with a range of disabilities were affected. For example, pupils excluded or receiving inappropriate

education included 82% of "emotionally disturbed" children; 82% of "hard-of-hearing" children; 67% of "deaf-blind" and "other multi-handicapped" children; and 88% of those classified "learning disabled." S. Rep. No. 168, 94th Cong., 1st Sess. 5-8 (1975) *reprinted in* 1976 U.S.C.C.A.N., 1425, 1429-32; H.R. Rep. No. 332, 94th Cong., 1st Sess. 11-12 (1975).

In light of these gross disparities regarding access to educational programming for students with disabilities, Congress enacted Public Law 94-142, the Education for All Handicapped Children Act in 1975, which, following various amendments, is now known as IDEA. IDEA requires that state and local public education agencies enact policies and procedures to ensure that all students with disabilities receive a "free appropriate public education 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).

Since 1975, Congress has acted to guarantee that children with disabilities receive a quality public education, just as their non-disabled peers do. This right was termed a "free appropriate public education" under that law, and this nomenclature has remained ever since. Education for All Handicapped Children Act, Pub. L. No. 94-142, 89 Stat. 773 (EHA). After the EHA was passed, Congress and the courts have, on a number of occasions, clarified and updated what the student

with a disability's right to a "free appropriate public education" means.

Early on, the most prominent clarification came in the Supreme Court's decision in *Board of Education v. Rowley*, 458 U.S. 176 (1982). In *Rowley,* the Court held that a "free appropriate public education is the requirement that the education to which access is provided be sufficient to confer some educational benefit upon the handicapped child." *Id.* at 200. Therefore, the Court concluded that the "basic floor of opportunity provided by the Act simply consists of access to specialized instruction and related services which are individually designed to provide educational benefit to the handicapped child." *Id.* (citation modified).

However, in the decades since the guarantee of a FAPE was created and then clarified through *Rowley*, special education policy and education policy as a whole have developed and shifted to keep up with our changing world and advancements in educational research. Indeed, the educational landscape today is one that, because of the data and evidence-based developments in general education instruction and specialized academic intervention, provides much higher possibilities and expectations for our students. In 2017, the Supreme Court issued a landmark decision in *Endrew F.,* acknowledging the broader education policy scheme at play for nearly all students (with and without disabilities), and further clarifying the right to a FAPE for all students eligible under IDEA regardless of the severity of their disabilities. 580 U.S. at 400.

In *Endrew F.,* the Court clarified that, just as their non-disabled peers are challenged by rigorous general education standards, all children with disabilities are to be challenged to reach their own potential *regardless* of the severity of their disabilities. *Id.* at 399 (citing *Rowley*, 458 U.S. at 202-03). Thus, for most children "being educated in regular classrooms, . . . the IEP should be reasonably calculated to enable the child to achieve passing marks and advance from grade to grade." *Id.* at 394 (quoting *Rowley*, 458 U.S. at 204). But for students whose education cannot (with accommodations or modifications) track the grade-level general education curriculum instruction to which they would otherwise be entitled, the Court held that IDEA still "requires an educational program reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances," keeping grade-level academic content standards and general education curriculum in mind to the maximum extent possible. *Id.* at 402.

The Supreme Court's decision in *Endrew F.* thus clarified two prevalent issues in the post-*Rowley* special education arena: (1) the Court corrected those who had misread the *Rowley* educational benefit standard under IDEA, 458 U.S. at 200-02, to mean students were entitled to "merely more than *de minimis*" educational benefit; and (2) the Court reiterated the importance of complying with all aspects of IDEA's procedures as critical for ensuring, and for evaluating whether a child has received "sufficient educational benefits." *Endrew F.*, 580 U.S. at 397 (citing

Rowley, 458 U.S. at 200 and 202). These two principles are fundamental to evaluating FAPE claims for students under IDEA. Unfortunately, the district court in this case failed to take these two *Endrew F.* principles into consideration and therefore committed legal error that this Court must rectify.

II. THE SUPREME COURT'S *ENDREW F.* DECISION ADDRESSED THE FAPE STANDARD FOR STUDENTS WITH DISABILITIES

To receive federal funds under IDEA, states must provide FAPE to all eligible children. *Endrew F.*, 580 U.S. at 390 (citing 20 U.S.C. § 1412(a)(1)). "A focus on the particular child is at the core of the IDEA. The instruction offered must be '*specially* designed' to meet a child's '*unique* needs' through an '[*i*]*ndividualized* education program.'" *Id.* at 400 (quoting 20 U.S.C. §§ 1401(29) & (14)) (emphasis in original); *see also Indep. Sch. Dist. No. 283 v. E.M.D.H.*, 960 F.3d 1073, 1078-79 (8th Cir. 2020). Thus, the "adequacy of a given IEP turns on the unique circumstances of the child for whom it was created." *Endrew F.*, 580 U.S. at 404.

In *Endrew F.*, the Supreme Court announced a clear standard for the level of educational benefit IDEA requires for the receipt of a FAPE as well as addressing the importance of IDEA's procedural requirements in developing the child's IEP. In so doing, the Court rejected the Tenth Circuit's low standard for a FAPE: that "merely . . . more than *de minimis*" educational benefit was sufficient. *Id.* at 386. The Supreme Court instead held that: "The IDEA demands more. It requires an

educational program reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." *Id.* at 399; *E.M.D.H.*, 960 F.3d at 1082. The Court emphasized that the IEP must be "appropriately ambitious," and the objectives must be "challenging." *Id.* at 402.

Further, the Supreme Court emphasized the importance of compliance with IDEA's procedures as a means to develop an appropriate IEP. The Supreme Court rejected the argument that such provisions governing the IEPs required components "impose only procedural requirements – a checklist of items the IEP must address – not a substantive standard enforceable in court." *Id*. at 401-02. As the Supreme Court explained, the "procedures are there for a reason" and provide insight into what it means to meet the unique needs of a child with a disability.

As the Supreme Court recognized, the IEP is the roadmap to the child's academic and functional advancement, "constructed only after careful consideration of the child's present levels of achievement, disability, and potential for growth." *Id.* at 400 (citing 20 U.S.C. §§ 1414(d)(1)(A)(i)(I)-(IV), (d)(3)(A)(i)-(iv)). The IEP must be drafted in compliance with a detailed set of procedures, which emphasize collaboration among parents and educators and careful consideration of the child's individual circumstances. *See id.* at 391.

Every IEP must include "a statement of the child's present levels of academic achievement and functional performance," describe "how the child's disability

affects the child's involvement and progress in the general education curriculum," and set out "measurable annual goals, including academic and functional goals," along with a "description of how the child's progress toward meeting" those goals will be measured. 20 U.S.C. § 1414(d)(1)(A)(i)(I)-(III). The IEP also must describe the "special education and related services . . . that will be provided: so that the child may "advance appropriately toward attaining the annual goals" and, when possible, "be involved in and make progress in the general education curriculum." 20 U.S.C. § 1414(d)(1)(A)(i)(IV).

If the parents of the child are dissatisfied with the IEP, or with the manner in which the IEP is developed or implemented, they "may turn to dispute resolution procedures established by the IDEA. The parties may resolve their differences informally, through a 'preliminary meeting,' or, somewhat more formally, through mediation. If these measures fail to produce accord, the parties may proceed to what the Act calls a 'due process hearing' before a state or local educational agency. And at the conclusion of the administrative process, the losing party may seek redress in state or federal court." *Endrew F.*, 580 U.S. at 391 (citation modified). The court "(i) shall receive the records of the administrative proceedings; (ii) shall hear additional evidence at the request of a party; and (iii) 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).

Congress passed IDEA's predecessor, the EHA, in part, to end the exclusion of most students with disabilities from public schools. Perhaps because the backdrop for the passage of this landmark legislation was the 1960s and 1970s trend towards remediation of exclusionary policies based on race and disability, educational policy for students with disabilities at this time was focused primarily on *access* rather than on what actually *happened* in the classroom. Through this lens, the Supreme Court's conclusion that the 'basic floor of opportunity' provided by the Act consists of *access to specialized instruction and related services* which are individually designed to provide educational benefit to the handicapped child," *Rowley*, 458 U.S. at 201 (emphasis added), is understandable.

But since the early 1980s, our nation's broader education policy has matured from one seeking mere access to education to one that requires substantive and achievement-driven measures to ensure that our students receive a quality and effective education. *See* Brief for Council of Parent Attorneys and Advocates, et al. as Amici Curiae in Support of Petitioner, *Endrew F. v. Douglas Cent. Sch. Dist. RE-1*, at 10-17.[3]

Thus, in 2017, when the Supreme Court decided *Endrew F.*, it clarified that

[3] Available at https://www.scotusblog.com/wp-content/uploads/2016/11/15-827-amicus-petitioner-Council_of_Parent_Attorneys_and_Advocates.pdf (last viewed February 16, 2026).

IDEA requires a more robust standard for the level of educational benefit in order for a student to receive a FAPE. 580 U.S. at 401-02. In requiring "an educational program reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances," the Supreme Court soundly rejected the Tenth Circuit's incorrect lower "merely more than *de minimis*" standard. *Id.* at 402. Further, the Court emphasized that in order for a student to receive FAPE, the IEP must be "appropriately ambitious," and the objectives must be "challenging." *Id.* at 400.

III. THE DISTRICT COURT'S "STANDARD" OF REASONABLENESS IS NOT PART OF FAPE

Here, after an IEP was developed with parental participation and parental consent, OPS failed to implement the IEP in the Alternate Curriculum Program (ACP). The ACP program was supposed to provide D.L. with "constant support from an adult to attend any activity." (App.43). Unfortunately, the ACP program failed to provide any type of support for D.L. and subjected her to a chaotic and "bad situation." (App. 195-96). Ultimately, D.L. became too afraid to attend school.

The district court acknowledged that the student's IEPs and educational progress "would leave any reasonable parent unsatisfied." (App. 205-06). It found "more than a grain of truth in the plaintiffs' observations that OPS's arguments sound – at times – more like an explanation for its failures, especially in the ACP

classroom at Prairie Winds than 'a cogent and responsive explanation for [its] decisions that' show it provided D.L. an individualized education and related services that were 'reasonably calculated to enable here to make appropriate progress in light of her circumstances." (App. 206), quoting *Endrew F.*, 580 U.S. at 404.

Nonetheless, despite acknowledging the serious shortcomings in the ACP classroom, and describing D.L.'s situation as "unnecessarily messy for a short time," the district court concluded that plaintiffs' rights under IDEA were not violated, stating that the district court failed to explain how D.L.'s "unnecessarily messy" educational program was in any way reasonable. Further, the district court failed to analyze the delivery of FAPE through the *Endrew F.* lens: "The IDEA demands more. It requires an educational program reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." *Id.* at 399.

Thus, in assessing whether a student's program is reasonable, *Endrew F.* requires the court to analyze whether the program was "reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." *Id.* Here, the court acknowledged that the established facts were that the student had been hit and scratched on her face and neck multiple times, and the student found this experience so upsetting that, by the second week, she was afraid to go to school. A program that has been demonstrated to be unsafe for a student and result in the

student being afraid to attend school is clearly not "reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." *See Endrew F.*, *id*.

CONCLUSION

For the reasons stated above and in appellants' brief, COPAA respectfully requests that this Court reverse the Order of the district court.

Dated: February 20, 2026

Respectfully submitted,

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CERTIFICATION OF COMPLIANCE PURSUANT TO FED. R. APP. 32(a)(7)(C)

I certify that, pursuant to Fed. R. App. P. 32(a)(7)(C), the attached amicus brief is proportionately spaced, has a typeface of 14 points and contains 3,043 words.

Dated: February 20, 2026

/s/ Selene Almazan-Altobelli
Attorney for Amicus Curiae

CERTIFICATE OF SERVICE

I certify that on February 20, 2026 the foregoing document was served on all parties or their counsel of record through the CM/ECF if they are registered users.

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