

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-3131

J. F.,
by his parents and next friends J.F. and C.F.,
Appellant
v.

DELAWARE DEPARTMENT OF EDUCATION

On Appeal from United States District Court
for the District of Delaware
(D.C. Civil No. 1:24-cv-00833)
District Judge: Honorable Jennifer L. Hall

Submitted Pursuant to Third Circuit L.A.R. 34.1(a) on
July 2, 2026

Before: SHWARTZ, PHIPPS, and McKEE, *Circuit Judges*

(Opinion filed: August 26, 2026)

OPINION*

* This disposition is not an opinion of the full Court and under I.O.P. 5.7 does not constitute binding precedent.

McKEE, *Circuit Judge*.

J.F., by and through his parents and next friends, J.F. and C.F. (“Parents”), challenges the dismissal of his suit against the Delaware Department of Education (“DDOE”). For the reasons set forth below, we will affirm the District Court’s judgment.¹

J.F. contends that the District Court improperly dismissed the suit for lack of standing.² “Questions of law underlying a standing determination are reviewed *de novo*,”³ and “plaintiffs bear the burden of demonstrating that they have standing.”⁴ DDOE did not challenge the validity of J.F.’s factual allegations in its motion, so we accept those allegations as true and draw all reasonable inferences from them in J.F.’s favor.⁵ “To establish standing under Article III, a plaintiff must show that she suffered: ‘(1) an injury-in-fact; (2) that is fairly traceable to the defendant’s challenged conduct; and (3) that is likely to be redressed by a favorable judicial decision.’”⁶

¹ We have jurisdiction under 28 U.S.C. § 1291, including “jurisdiction to determine our own jurisdiction.” *United States v. Kwasnik*, 55 F.4th 212, 215 (3d Cir. 2022).

² Although the District Court cited Federal Rule of Civil Procedure 12(b)(6) in granting DDOE’s motion to dismiss, the parties agree that the dismissal appears to rely on Federal Rule of Civil Procedure 12(b)(1). Accordingly, we review the order as a dismissal under Rule 12(b)(1). Regardless, the same plenary standard of review applies when reviewing a facial challenge to standing under Rule 12(b)(1) or a motion to dismiss under Rule 12(b)(6). *In re Horizon Healthcare Servs. Data Breach Litig.*, 846 F.3d 625, 633 (3d Cir. 2017).

³ *Pub. Int. Legal Found. v. Sec’y Commonwealth of Pa.*, 136 F.4th 456, 461 (3d Cir. 2025), *cert. denied sub nom. Pub. Int. Legal Found. v. Schmidt*, 146 S. Ct. 1785 (2026).

⁴ *Blunt v. Lower Merion Sch. Dist.*, 767 F.3d 247, 278 (3d Cir. 2014).

⁵ *See In re Horizon*, 846 F.3d at 633.

⁶ *Huber v. Simon’s Agency, Inc.*, 84 F.4th 132, 144 (3d Cir. 2023) (quoting *St. Pierre v. Retrieval-Masters Creditors Bureau, Inc.*, 898 F.3d 351, 356 (3d Cir. 2018)).

J.F. relies on the informational injury doctrine to argue that he has suffered a concrete injury sufficient to confer standing. To establish an informational injury, a plaintiff “must be denied information to which she is legally entitled by statute, and the denial must cause some adverse consequences related to the purpose of the statute.”⁷

J.F. is a minor with a disability who attended school in the Appoquinimink School District. The Individuals with Disabilities Education Act mandates that DDOE, the state agency overseeing school districts like Appoquinimink, “shall establish and maintain procedures . . . [including] [a]n opportunity for the parents of a child with a disability to examine all records relating to such child.”⁸ In conflict with federal law, Delaware only required school districts to provide “all relevant” records.⁹ As a result, J.F. contends that when Parents received records from Appoquinimink, they did not know if they possessed all of J.F.’s records. J.F. attributes this uncertainty to DDOE, arguing it “fail[ed] to ensure that Delaware’s implementation of the IDEA conformed to Federal law.”¹⁰ J.F. asserts that he suffered an informational injury because Parents were denied the knowledge that they had received all his records.

This argument stretches the informational injury doctrine beyond its limit. “There is no more fundamental limitation on the informational injury doctrine than the need for a

⁷ *Id.* at 145 (citation modified).

⁸ 20 U.S.C. § 1415(a)-(b)(1).

⁹ Del. Code Ann. tit. 14, § 3130(a)(1)-(2) (2024); 14 Del. Admin. Code § 926.1.2.1.

¹⁰ Opening Br. 3.

plaintiff to show the denial of information to which she has entitlement.”¹¹ This is because the “injury-in-fact” requirement “helps assure that courts will not pass upon abstract, intellectual problems, but adjudicate concrete, living contests between adversaries.”¹² J.F. “does not allege that any particular records were missing from Appoquinimink’s production.”¹³ Rather, he alleges a deprivation of “the right to receive notice via statutory assurance that Parents received all of J.F.’s records”¹⁴—a guarantee that is not legally required by the IDEA.¹⁵ By failing to allege that any documents were withheld, J.F. raises an abstract problem lacking concreteness rather than a cognizable informational injury.¹⁶ As such, J.F. has not met his burden.

For the above reasons, we will affirm the District Court’s judgment.

¹¹ *Huber*, 84 F.4th at 144 (citation modified); *see, e.g., Kelly v. RealPage Inc.*, 47 F.4th 202, 214-15 (3d Cir. 2022) (concluding appellants had standing when they were denied disclosure of third-party vendors providing public record information on rental reports in violation of the Fair Credit Reporting Act); *Fed. Election Comm’n v. Akins*, 524 U.S. 11, 20-21 (1998) (concluding appellees had standing when they were denied lists of AIPAC donors and campaign-related contributions and expenditures in violation of the Federal Election Campaign Act); *Pub. Citizen v. U.S. Dep’t of Just.*, 491 U.S. 440, 448-49 (1989) (concluding appellants had standing when they were denied access to ABA Committee meetings and records in violation of the Federal Advisory Committee Act).

¹² *Akins*, 524 U.S. at 20 (citation modified).

¹³ Opening Br. 18.

¹⁴ Opening Br. 18.

¹⁵ *See* 20 U.S.C. § 1415(a)-(b)(1).

¹⁶ Moreover, even if J.F. had properly alleged that some record had been withheld, such injury would not be “fairly traceable to the defendant’s challenged conduct,” as J.F. has not pled that DDOE is responsible for record production. *Huber*, 84 F.4th at 144.