

Supreme Court Rules in Favor of Students with Disabilities

By Thomas Conway, Esq.

On March 22, 2017, the United States Supreme Court issued an important ruling expanding the rights of special education students.

The case before the Supreme Court, *Endrew F. v. Douglas County School District*, involved a student with autism who was making little progress in his public school. The student's individualized educational plan (IEP) largely included the same educational goals and objectives from year to year, despite the fact that he was not making progress toward those goals. Endrew's parents removed him from the school and placed him in a private school where he made significant academic and social improvement. The parents requested reimbursement of the cost of the private school tuition from the school district, but the district denied the request.

The lower courts ruled in favor of the school district, holding that the Individuals with Disabilities Education Act (IDEA) does not guarantee students any particular level of education. The lower courts held that the law requires only that school districts provide students with disabilities an educational program that is "merely more than *de minimis*." This "merely more than *de minimis*" standard had been adopted by most mid-level federal appeals courts and was the standard by which the appropriate level of special education benefits was being measured throughout most of the country.

In a unanimous decision written by Chief Justice Roberts, the Supreme Court rejected the "merely more than *de minimis*" standard. Chief Justice Roberts stated: "When all is said and done, a student offered an educational program providing 'merely more than *de minimis*' progress from year to year can hardly be said to have been offered an education at all." Quoting favorably from an earlier Supreme Court decision, Chief Justice Roberts expressed the Court's view that: "For children with disabilities, receiving instruction that aims so low would be tantamount to 'sitting idly . . . awaiting the time when they were old enough to drop out.'"

Chief Justice Roberts stated that "every child should have the chance to meet challenging objectives" and concluded by holding that the IDEA requires that students with disabilities be provided "an educational program reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances."

The Court noted that it would not attempt to elaborate on what appropriate progress will look like from case to case and that in creating a student's IEP, deference will continue to be given to the expertise and judgment of school authorities. However, the new heightened

standard by which an IEP, and a student's progress, must now be measured is an important victory for all students with disabilities and will empower parents nationwide as they advocate for their children in schools.

Rebranded November 2022