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THE ENDREW F. SUPREME COURT DECISION

AT A GLANCE

Endrew F. is a March 22, 2017 decision by the United States Supreme Court. The decision in this case (Endrew F. versus Douglas County School District) is one of the most important court decisions ever regarding special education.

WHAT IS ENDREW F. ABOUT?

In the Endrew F. decision, the United States Supreme Court addresses the central issues of how courts should decide whether:

- A child's Individualized Education Program (IEP) adequately meets the child's unique needs; and
- Whether the services provided pursuant to his or her IEP adequately meet the requirement that each child with a disability receive a free appropriate public education (FAPE).



Both the Federal Individuals with Disabilities Education Act (IDEA) and Delaware state law require that FAPE, based on a child's IEP, be made available to each eligible child with a disability. In the 1982 Rowley decision, the United States Supreme Court decided that a child would receive FAPE if the child's IEP was "reasonably calculated to enable the child to achieve educational benefits." Since that time, many courts have interpreted the IDEA to require that this requirement is met if a child receives only more than "de minimis" (a little more than none) educational benefit.





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The Supreme Court's March 2017 decision in *Endrew F.* reexamines the issues of what constitutes FAPE, and of how much benefit children with disabilities are entitled to in order to receive FAPE. The Court focuses on the need to address each child's unique needs, as set forth in the child's IEP, and clarifies the standard for determining whether a child's IEP is sufficient to give the child "educational benefit."

WHAT DID THE SUPREME COURT DECIDE?

In *Endrew F.*, the Supreme Court makes clear that the IEP for each child with a disability must be "reasonably calculated" to allow the child to make progress appropriate in light of the child's unique circumstances. The Court holds that all children with disabilities, including children with the most significant disabilities, are entitled to receive educational services that will enable them to make meaningful progress toward challenging goals. The IDEA requires that the IEP for each child with a disability must address how the child's disability affects the child's ability to be involved and progress in the general education curriculum, and include goals and services designed to enable the child to be involved and progress in the general education curriculum.

The Court acknowledges that each child has unique abilities and needs, and that not all children will be able to progress from grade to grade. The Court emphasizes, however, that each child's IEP, including the IEP for a child for whom advancing from grade to grade is not a realistic goal, must include goals that are appropriately ambitious in light of that child's unique circumstances.

The Court holds that, "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. The IDEA demands more."

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To summarize, the Supreme Court's decision means that the educational program for each child with a disability must be appropriately ambitious in light of his or her circumstances and every child should have the chance to meet challenging objectives.

WHAT DOES THIS MEAN FOR YOUR CHILD'S IEP?

This means that:

- Your child's IEP must identify appropriately ambitious goals in light of the child's unique circumstances. The circumstances of individual children with disabilities will vary greatly. While what constitutes appropriately ambitious goals will differ from child to child, the IEP for each child with a disability must address how the child will be able to be involved and progress in the general education curriculum.
- Your child's IEP must include an accurate statement of the child's academic performance and functional performance, which must address how the child's disability affects the child's ability to be involved and progress in the general education curriculum. This statement is critical in identifying what constitutes appropriately ambitious goals for that child.
- The IEP team for your child with a disability must carefully consider that child's unique strengths, needs, and previous services and progress in identifying appropriately challenging goals and the services that the child needs in order to have, in light of that child's unique circumstances, a reasonable opportunity to achieve those challenging goals.
- If the same goals are included from year to year in a child's IEP, and/or the child has shown only minimal progress over time, the IEP team should carefully consider whether the services provided or offered to the child are sufficient to constitute FAPE.

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ENDREW F. FACT SHEET

YOU CAN FIND THE FOLLOWING ADDITIONAL RESOURCES RELATED TO THE ENDREW F. DECISION ON OUR WEBSITE AT www.picofdel.org

- **March 22, 2017 decision of the United States Supreme Court in Endrew F. , et al. v Douglas County School District RE-1**
- **Questions and Answers (Q&A) on U. S. Supreme Court Case Decision Endrew F. v. Douglas County School District Re-1**, United States Department of Education, Office of Special Education Programs, December 7, 2017
- **Endrew F. Advocacy Toolkit -- Endrew F. Worksheet for Strengthening Your Child's IEP**, UNDERSTOOD, National Center for Learning Disabilities
- **Endrew F. Advocacy Toolkit -- Talking Points to Advocate for Your Child**, UNDERSTOOD, National Center for Learning Disabilities
- **IEP (Individualized Education Program) Meeting Planner**, Parent Information Center of Delaware
- **Endrew F. Parent Questions for IEP Meetings**, Parent Information Center of Delaware



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