

## **US Supreme Court Finds Public Schools Must Provide A Higher Standard of Special Education**

The United State Supreme Court unanimously ruled today that public school systems must have special education programs that meet higher standards than “just a minimal”. The decision in Endrew F. v. Douglas County School District could have far-reaching implications for the 6.5 million students with disabilities in the United States.

The case of Endrew F. v. Douglas County School District has been followed closely by many families and school districts in trying to determine what is considered adequate progress for a child with special needs. The family in this suit had a student with Autism whom they felt was not making adequate progress in his education in Denver, Colorado and chose to pull the child into a private placement. The family then sought reimbursement from the school district. Colorado Department of Education and lower courts ruled that the school district had met their obligation to provide to offer more than a “de minimus” effort.

Today’s ruling bolsters the beliefs of many families and advocates that programs for children in special education must be more ambitious and vigorous to grow a child’s progress and close the educational gap from their peers. A statement from the National Association of State Directors of Special Education is simply: "A standard more meaningful than just above trivial is the norm today." However, comments from Chief Justice John Roberts shows the high court disagreed.

"It cannot be right that the IDEA generally contemplates grade-level advancement for children with disabilities who are fully integrated in the regular classroom, but is satisfied with barely more than de minimis progress for children who are not," read the opinion, signed by Chief Justice John Roberts.

Chief Justice John Roberts is quoted as saying “When all is said and done, a student offered an educational program providing merely more than de minimus progress from year to year can hardly be said to have been offered an education at all. 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.”

While there will be more to come in determining how to measure that progress and what it will look like, it appears that children with disabilities will start to see changes in the perceived opinions of what to offer them in terms of education. In a similar fashion, Judge Neil Gorsuch , who is currently in confirmation hearings for the empty seat at the United States Supreme Court, has changed his thoughts and opinion on special education and the adequate amount of progress required. When questioned by Senator John Cornyn about his previous rulings on the matter, Judge Gorsuch said "I was wrong, Senator, because I was bound by circuit precedent, and I'm sorry."

**Links to news articles and the ruling:** <http://www.scotusblog.com/wp-content/uploads/2016/11/15-827-amicus-neither-party-NASDSE.pdf> <http://www.denverpost.com/2017/03/22/supreme-court-learning-disabled-students-ruling/>  
<http://www.pbs.org/newshour/rundown/high-court-bolsters-rights-learning-disabled-students/>  
<http://wuum.com/post/supreme-court-rules-favor-special-education-student#stream/0>