

U.S. Department of Education Assesses Implications of High Courts Decision

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The U.S. Department of Education has issued a [Questions and Answers](#) on the U.S. Supreme Court's March decision in [Endrew F. v. Douglas County School District](#).

The release covers clarification of the Individuals with Disabilities Act's free and appropriate public education requirement and considerations for implementation of individualized education program (IEP) requirements in light of the Court's decision. Highlights of the document include:

- Discussion of how the decision further clarified that for all students, including those performing at grade level and those unable to perform at grade level, a school must offer an IEP that is "reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." Each child's educational program must be appropriately ambitious, and every child should have the chance to meet challenging objectives, regardless of the child's disability, age or current placement.
- IEP team members should consider how special education and related services have been provided to the child in the past, including the effectiveness of specific instructional strategies and supports and services with the student. Teams should look to the child's previous rate of academic growth, whether the child is on track to achieve or exceed grade-level proficiency, behaviors interfering with the child's progress and additional information and input provided by the child's parents.
- While the Court did not specifically define "in light of the child's circumstances," the decision emphasized the individualized decision-making required in the IEP process and the need to ensure that every child should have the chance to meet challenging objectives.
- IEP teams must give careful consideration to the child's present levels of achievement, disability and potential for growth when deciding progress and ambitious goals.
- The importance of appropriately tracking progress, communicating effectively with parents and swiftly making revisions where necessary.
- Nothing in the decision changes or amends the procedural rights provided to parents under the IDEA.

Due to its far-reaching impact on current federal regulations, the department's Office of Special Education and Rehabilitative Services is seeking comments from families, teachers, administrators and other stakeholders to assist them in identifying implementation questions and best practices. All comments and questions can be sent directly to the office at EndrewF@ed.gov.

If you have any additional questions, or if we can provide any assistance as you review your current practices, please

do not hesitate to contact any of the attorneys in Barley Snyder's [Education Practice Group](#).