Understanding the ENDREW F. DECISION and What It Means for Your School
Special education in American public schools can point to a handful of landmark legislative and court decisions over the last 42 years that have transformed education practices. Starting with 1975’s Education for All Handicapped Children Act (EHA)—later becoming The Individuals with Disabilities Education Act (IDEA)—to 1982’s Rowley case, to NCLB (now ESSA), each decision set a new precedent in the way educators supported children with special needs in public schools.

While each decision improved upon its predecessor, all fell short of clearly defining a specific standard that special education programs should provide to children with special needs. Simply relying on subjective interpretations of a free, appropriate education, many schools are trying to find the right balance of services and support.

As American public schools experience a rise in children with special needs—now making up nearly 13 percent of all public school children in the U.S. have special needs. This new ruling will raise the standard of education for nearly 6.5 million students.
school children—a new landmark ruling will finally raise the standard of education for nearly 6.5 million students$^1$.

The Supreme Court’s recent 8-0 decision in the case of *Endrew F. v. Douglas County School District* means schools will have a greater responsibility to provide a higher standard of education to children with special needs.

Clarity can be found in the court’s official opinion, written by Chief Justice John Roberts: a child’s “educational program must be appropriately ambitious in light of his circumstances,” adding that “every child should have the chance to meet challenging objectives.”

Simply put, children with special needs will be exposed to more challenging, age-respectful content that provides greater opportunities for them to show what they know. It will no longer be acceptable for schools to accept minimal progress from students with special needs.

But to keep up with the court’s new standard, school districts must find new ways to help all children with special needs show academic progress every year. The key concern here is that most teachers aren’t trained to, nor have much time to, make the kinds of curriculum adaptations that will be required of them. Regardless, they must find a way.

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This guide will give you the information you need to understand the details of this key ruling and recommendations for how teachers, administrators, specialists, parents and other advocates can work together to meet the court’s higher standard.

Increased Struggles, Unchanged Standards

From the time he was an infant, Endrew feared things like buzzing flies, spilled drinks and public restrooms. These fears are a result of autism spectrum disorder, a neurological condition that leads to restrictive or repetitive behaviors and difficulty with social interactions.

By fourth grade, his fears had developed into more noticeable and aggressive behaviors in the classroom. Endrew often screamed, banged his head, ran out of the school building, and climbed over desks and students.

Endrew’s parents feared these behaviors were becoming worse and that his individualized education plan (IEP) was doing little to address them. They removed him from his public school and enrolled him at nearby Firefly Autism House, a private school specializing in in-home and clinic-based services,
specifically ABA—an intensive, widely accepted therapy for those with autism spectrum disorder.

After one full year at Firefly Autism House, Endrew made marked academic, social and personal growth. Subsequently, in an effort to recoup tuition and related costs incurred from enrolling Endrew at Firefly (now approximately $70,000 per year), Endrew’s parents filed a complaint with the Colorado Department of Education. They claimed that keeping Endrew’s IEP virtually unchanged from year to year failed to enhance their son’s education. Their claim was denied, so they appealed.

A Federal District Court and the Tenth Circuit Court affirmed the Colorado Department of Education’s decision, ruling that Endrew’s IEP did provide the required free, appropriate education as defined in the 1982 Rowley ruling, leaving Endrew’s parents to foot the private school’s tuition bill.

Appealing once more, the case was sent to the United States Supreme Court, where arguments were heard in January 2017.
Setting a Higher Standard for Special Education

The court was tasked with deciding what level of educational benefit a school district is required to provide to students with special needs to meet the “free, appropriate education” guaranteed by IDEA.

In a unanimous ruling in favor of Endrew and his family, the Supreme Court agreed that the law requires a program to be reasonably calculated to a child’s circumstances and must provide meaningful and appropriate access to curriculum.

Like the landmark cases that came before it, the Endrew ruling sends a clear message to parents, educators and advocates across the country: you will be held accountable for doing more.

It Takes a Village

Under IDEA, the federal government was supposed to provide 40 percent of special education funding. It currently pays 16 percent. With 8 percent of students in public school having

https://www.theatlantic.com/education/archive/2017/01/is-the-bar-too-low-for-special-education/514241/
autism, 21 percent with speech or language impairments, and another 13 percent having health impairments like heart conditions and diabetes, schools and parents need more resources\(^3\).

These already tight budgets may become tighter, given the House’s recent proposal of $880 billion in Medicaid cuts through their American Health Care Act (a majority of students with special needs qualify for Medicaid)\(^4\).

Despite this lack of funding, school districts must find new funding and new resources to uphold the law.

Money aside, the Endrew decision places a greater personal accountability on parents and advocates, as well as educators. Measurable progress will require deeper levels of understanding and commitment from parents and educators as they work together to create more rigorous IEPs.

This means more preparation, more planning, more time and more effort to improve three key areas:

- Present Levels of Academic Achievement and Functional Performance (PLAAFP)
- Relevant and measurable goals (and in some states, short-term objectives)
- Explicit progress monitoring plans

16% of special education funding is currently paid by the federal government. Under IDEA, the federal government should provide 40%.

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\(^3\) https://nces.ed.gov/programs/coe/indicator_cgg.asp

Finding a Way

As most who work in education know, waiting for clarity about new laws or expecting a fair funding model is likely an exercise in futility. With the continued rise in the number of students with special needs, school community members will have to rise to the challenge.

Under this new ruling, teachers must continue to provide meaningful access to general education curriculum, no matter the circumstances. This means providing both skills and knowledge.

Classrooms across the country, in urban and rural communities, are filled with students who have different learning styles and abilities. Coupled with an effort to change laws to better serve everyone, teachers often find it difficult to differentiate instruction, especially to meet the needs of students like Endrew.

In many cases, technology helps to level the playing field. From assistive technology for students with special needs to software that provides modified curriculum for all grade levels, teachers have a number of resources available today to help navigate some of these challenges.

While technology can help teachers meet students’ needs, it does not solve every problem. Districts and teachers alike must find resources to stay legally compliant. Teachers will be asked to give more of their most vital resource—time—while districts look for cost-effective solutions to help them.
Must-haves for Meeting the New Standard

Ideally, districts across the country take a proactive approach to integrating this higher standard into their special education curriculum. To do so, they’ll need resources that are cost-efficient, save teachers’ time and maintain legal compliance.

To begin elevating special education learning models, classroom resources must provide all students with special needs access to knowledge as well as skills. This could include the following:

- Standards-based materials and activities
- Age-respectful materials for all students
- Adapted methods for rigorous, daily classroom instruction
- Convenient, interactive lesson plans with instructional targets for each themed activity, instructional routines, learning goal(s) and academic vocabulary
- A variety of access and feedback methods including text to speech, drag and drop, and auditory and visual feedback
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