



# LAW UPDATE

## SPECIAL EDUCATION

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### *U.S. SUPREME COURT DECISION ENDREW F. V. DOUGLAS COUNTY SCHOOL DISTRICT*

Today, the Supreme Court came out with its opinion in the *Endrew* case. In its decision, the Court further refined the “merely more than de minimis” definition of FAPE from *Rowley*. The Court has shifted to a student-centered test articulated as follows:

“[The student’s] educational program must be appropriately ambitious in light of his circumstances, just as advancement from grade to grade is appropriately ambitious for most children in the regular classroom. The goals may differ, but every child should have the chance to meet challenging objectives.”

While parents’ attorney will invariably focus on the stated chance to meet “challenging objectives,” we should remember that the Court is focusing on the standard of what is appropriate based on the circumstances of the child.

Further and more detailed discussions of the *Endrew* ruling will be forthcoming. In the meantime, our advice is to continue to ensure that the program provided in an IEP is focused and tied to the child’s needs.

— Darren J. Bogié

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*Education Law Updates are intended to alert clients to developments in legislation, opinions of courts and administrative bodies and related matters. They are not intended as legal advice in any specific situation. Please consult legal counsel as to how the issue presented may affect your particular circumstances.*