

**LEGAL UPDATE**  
**EDUCATION PRACTICE GROUP**  
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The U.S. Department of Education today [announced the release](#) of a 9-page [question-and-answer document](#) on the March 2017 [U.S. Supreme Court opinion](#) on the Individuals with Disabilities Education Act (IDEA)-related case *Endrew F. v. Douglas County School District* clarifying the scope of a free appropriate public education (FAPE). In *Endrew F.*, Chief Justice Roberts, writing for a unanimous court, ruled that a student's Individualized Education Program ("IEP") must provide for more than a *de minimus*, or minimal, educational benefit; and crafted a standard that requires an educational program "reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances".

The Q&A document provides a basic overview of the IDEA's FAPE requirement, and the facts and holding of *Endrew F.* Here is an excerpt:

13. How can IEP Teams determine if IEP annual goals are appropriately ambitious? As the Court stated, "advancement from grade to grade is appropriately ambitious for most children in the regular classroom;" however, the Court also noted that while these "goals may differ...every child should have the chance to meet challenging objectives". In order to make FAPE available to each eligible child with a disability, the child's IEP must be designed to enable the child to be involved in, and make progress in, the general education curriculum. The term "general education curriculum" is "the same curriculum as for nondisabled children". We have previously clarified that the phrase "the same curriculum as for nondisabled children" is the curriculum that is based on a State's academic content standards. This alignment, however, must guide, and not replace, the individualized decision-making required in the IEP process. This decision-making continues to "require careful consideration of the child's present levels of achievement, disability, and potential for growth" as discussed in question #11.

Source: Council of School Attorneys, 2017.

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