

CLIENT NEWS BRIEF

United States Supreme Court to Consider How Much Educational Benefit IDEA Requires

The United States Supreme Court has decided to take up an issue that has long divided federal courts: How much educational benefit must Individualized Education Programs (IEPs) provide to special needs students?

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On September 29, the high court granted review of *Endrew F. v. Douglas County School District RE-1* (No. 15-827), a case decided by the 10th Circuit Court of Appeals in Denver on August 25, 2015. In that case, the court affirmed a lower court holding that the district did not deny the plaintiff a free and appropriate public education (FAPE) because the IEP it drafted for him offered "some educational benefit." The plaintiff argued that the law requires IEPs to provide a "meaningful educational benefit," a standard that has been articulated by other federal circuits.

The high court's decision could have a major impact on the way schools draft IEPs for special needs students and on the level – and cost – of services that must be provided in order to ensure students have been provided a FAPE.

For more than a decade, the courts generally applied the standard articulated in another Supreme Court case, *Board of Education of the Hendrick Hudson School District v. Rowley* (1982) 458 U.S. 176. In that case, the high court held that federal law required IEPs to provide "some educational benefit" to students, adding that states are required to provide a "basic floor of opportunity" to disabled students, not a "potential-maximizing education." But some federal circuits have interpreted amendments to the Individuals with Disabilities Education Act to mean that a higher standard – that IEPs should provide a "meaningful educational benefit" – should apply, leading to a split in authority among federal circuit courts.

In 2009, the Ninth Circuit Court of Appeals made clear that it would adhere to the *Rowley* standard in *J.L. v. Mercer Island School District* (9th Cir. 2010) 592 F.3d 938, calling it the "proper standard to determine whether a disabled child has received a free appropriate public education." In a footnote, the court explained that its reading of the *Rowley* decision led the judges to the conclusion that the phrases "educational benefit," "some educational benefit" and "meaningful educational benefit" all applied to the same standard, adding that school districts must confer at least some educational benefit on disabled students in order to make such access meaningful.

Lozano Smith will be watching this case closely and will report on any additional developments and the Supreme Court's decision as soon as they happen.

For more information on the *Endrew F.* decision, educational benefit standards or special education law in general, please contact the authors of this Client News Brief or an attorney at one of our [10 offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [Client News Brief App](#).



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