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M&M's Study Hall: School Law Updates



U.S. Supreme Court unanimously establishes educational benefit standard under the IDEA

On March 22, 2017, the U.S. Supreme Court held that “[t]o meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress in light of the child’s circumstances.”

The Court’s holding rejected the standard adopted by the Tenth Circuit Court of Appeals, which provided that a child’s IEP was adequate if it conferred an “educational benefit [that is] merely . . . more than de minimis.” The Court’s rejected this standard because, “[f]or children with disabilities, receiving instruction that aims so low would be tantamount to ‘sitting idly . . . awaiting the time when they were old enough to drop out.’” (internal quotations omitted).

The Court was also clear in distinguishing a prior case (based upon the children’s respective placements) and concluding that grade-level advancement is not a blanket requirement of the IDEA: “If that is not a reasonable prospect for a child, his IEP need not aim for grade-level advancement. But his 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 regular classrooms. The goals may differ, but every child should have the chance to meet challenging objectives.”

Because the Court emphasized that “this [is] a standard, not a formula,” lower courts will address how to apply this standard to specific factual scenarios.

For more on the implications of this ruling on schools, please attend our upcoming School Leaders Series seminar and contact a member of our Education Law Practice Group.

UPCOMING EVENT

- Marshall & Melhorn’s School Leaders Series

March 29, 2017
8:00am-11:45am

Email lorenzen@marshall-melhorn.com to register

Please contact a member of our Education Law Practice Group:

Amy M. Natyshak
419.249.7106

Margaret J. Lockhart
419.249.7147

Roman Arce
419.249.7111

Jennifer J. Dawson
419.249.7139

Michael S. Scalzo
419.249.7129

Matthew J. Fischer
419.249.7119

Shawn A. Nelson
419.249.7164

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