



BAZELON CENTER COMMENTS ON SPECIAL EDUCATION SUPREME COURT CASE ENDREW F. V. DOUGLAS COUNTY SCHOOL DISTRICT

Supreme Court to Hear Oral Arguments on January 11, 2017 in Critical Case for Children with Disabilities

Washington, D.C (Jan. 10, 2017)- The Judge David L. Bazelon Center for Mental Health Law, a national legal advocacy organization advancing the rights of people with mental disabilities, weighs in on Supreme Court case *Endrew F. v. Douglas County School District*, one of the most important education cases in decades. The case asks the Court to decide how far public schools must go to educate children with disabilities. The Supreme Court is scheduled to hear oral arguments on January 11, 2017.

"The Bazelon Center has long advocated for students with disabilities to receive the educational opportunities other students receive," said Ira Burnim, Legal Director, Bazelon Center for Mental Health Law. "We hope that the Supreme Court will issue a decision in *Endrew F.* that recognizes that an 'appropriate' education for students with disabilities is one that reflects the expectations we have for all students."

Endrew F. (Drew) is a student with autism whose Colorado public school wanted to continue to give him limited services, despite clear evidence that he was making little progress toward his educational goals. After several years of frustration, his parents placed him in a private school, where Drew flourished and progressed academically. Drew's parents sued the public school for failing to provide Drew a "free appropriate public education," as required by the Individuals with Disabilities Act (IDEA), but lost in the U.S. Court of Appeals for the Tenth Circuit. The Tenth Circuit ruled that the school district was required to provide Drew only with an education that gave him a "benefit" that was "more than de minimis" - and that the school district had done that. The Supreme Court accepted Drew's parents' challenge to that decision.

In the Supreme Court, the Bazelon Center and the law firm Kellogg Huber Hansen filed a "friend of the court" or "amicus" brief on behalf of six former U.S. Department of Education officials responsible for implementing the IDEA. The brief explains that with advances in special education practice, the great majority of students with disabilities can perform as well in school as other students, and that schools across the country are implementing these practices today to help students with even significant disabilities, like Drew's, achieve proficiency in math, language arts, science, and other subjects. These educational advances, the brief argues, are the foundation for the changes Congress made to the IDEA in 1997 and 2004 to ensure that public schools provide students with disabilities the individualized instruction and supportive services they need to learn and meet the grade level standards to which other students are held.



Click [here](#) to access a fuller description of the case and a summary of Bazelon's advocacy work in the case, as well as links to all the briefs filed in *Andrew F. v. Douglas County School District*. **Available for media interviews and commentary:** Ira Burnim, Legal Director, Bazelon Center for Mental Health Law.

About The Judge David L. Bazelon Center for Mental Health Law

The Judge David L. Bazelon Center for Mental Health Law is a national legal advocacy organization protecting and advancing the rights of people with mental disabilities. The Center promotes laws and policies that enable people with mental disabilities to live independently in their own homes and communities, and to enjoy the same opportunities that everyone else does. For more information, visit www.bazelon.org.

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