

BAZELON CENTER APPLAUDS SUPREME COURT'S DECISION IN *ENDREW F.*

The Judge David L. Bazelon Center for Mental Health Law applauds the Supreme Court's unanimous decision today in *Endrew F. v. Douglas County School District RE-1* as a significant step forward for students with disabilities and their families.

In *Endrew F.*, a case litigated by a Colorado student with autism and his parents, the U.S. Court of Appeals for the Tenth Circuit – following a prior decision written by President Trump's Supreme Court nominee, Judge Neil Gorsuch – held that, under the Individuals with Disabilities Education Act (IDEA), public schools need only provide a “merely more than *de minimis*” educational benefit to students with disabilities.

Today, in an opinion by Chief Justice Roberts, the Supreme Court unanimously rejected that standard, holding that students who are offered such minimal benefit “can hardly be said to have been offered an education at all.” Instead, schools must provide “an educational program reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.” The Court noted Congress's preference, in enacting and amending the IDEA over the years, that students with disabilities be fully integrated in regular education classrooms with students without disabilities, and that they should be expected to make progress in the general education curriculum, advancing from grade to grade, just like all other students. Even for those students not in the regular classroom, schools must provide an educational program that is “appropriately ambitious” and that will help the student meet “challenging objectives.” As the Court noted, “this standard is markedly more demanding than the ‘merely more than *de minimis*’ test applied by the Tenth Circuit.”

“The Supreme Court's decision today acknowledges what we all know: that virtually all students with disabilities can be educated in regular classrooms and can meet the same high expectations we have for students without disabilities,” said Ira Burnim, the Bazelon Center's Legal Director. “It is now clear that schools must provide students with disabilities the supports they need to help them achieve meaningful and substantive educational goals.”

The Bazelon Center and the law firm Kellogg Huber Hansen filed a “friend of the court” or “amicus” brief in the Supreme Court 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 practices, 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 *Endrew F.*, become proficient in math, language arts, science, and other subjects.

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 the Supreme Court's decision and all the briefs filed in *Endrew F. v. Douglas County School District RE-1*.

Available for media interviews and commentary: Lewis Bossing, Senior Staff Attorney, Bazelon Center for Mental Health Law

Judge Gorsuch. Based on his judicial record, the Bazelon Center opposes the nomination of Judge Gorsuch to the Supreme Court. Click [here](#) to access Bazelon's report on Judge Gorsuch's record, and [here](#) to access the letter Bazelon and 30 other groups advocating for people with disabilities sent to Congress opposing his nomination.

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.