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Supreme Court Reaffirms Special Education Precedent

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The United States Supreme Court ruled yesterday in a unanimous decision clarifying the legal standard federal courts must apply in evaluating individualized education plans (IEPs) for students with disabilities under the Individuals with Disabilities Education Act (IDEA). In *Andrew F. v. Douglas County School District*, the Court held that, under IDEA, IEPs for students with disabilities should be “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” The decision reaffirms and clarifies the Court’s prior findings, notably in *Board of Education of Hendrick Hudson Central School District, Westchester County v. Rowley*, 458 U.S. 176 (1982).

The Court’s decision largely rejected the arguments for the application of a more stringent standard, as urged by both the petitioners in the case and the U.S. government. Instead, the *Andrew* decision – as with the *Rowley* decision before it – stopped short of presenting a bright-line standard, offered significant deference to the professional judgment of educators, and underscored that the federal courts should not substitute their judgments for the reasoned assessments of educational experts.

The ruling and discussion in the opinion significantly reflect the legal arguments set forth in an *amicus curiae* brief presented to the Court by the Council of the Great City Schools, the primary coalition of urban public school systems in the United States. The brief was authored by the legal team for the Council and a team of attorneys from Husch Blackwell’s Education group led by partner John W. Borkowski.

“We are pleased the Supreme Court appears to have heard the arguments we raised and been sensitive to the concerns of urban school districts,” said Michael Casserly, Executive Director of the Council of the Great City Schools. “This ruling is workable and will encourage our districts to continue their

important work to develop education programs for all students that are designed to help them make educational progress.”

“While numerous commentators are suggesting that this decision heightens the legal standard for assessing IEPs, the Court’s actual holding is more properly seen as a reaffirmation and clarification of longstanding precedent,” said Borkowski. “This decision should not be a problem for any school district that is implementing an appropriate IEP process.”