

## Supreme Court Hears Arguments That Could Affect 6 Million Public School Children With Disabilities

### Andrew F. v. Douglas County School District

There are six million children with disabilities in the public school system. On January 11, 2017 the Supreme Court heard arguments as to whether or not they should set a national standard for a level of education that all public schools must provide to children with disabilities.

It all began with Andrew F. (Drew) a student with autism whose parents withdrew him from public school because they felt he was not getting an adequate education. They enrolled him in private school and then asked the Douglas County School District in Colorado to pay for it.

The District refused to pay and the Colorado Courts upheld the District's refusal to pay. The Court agreed that under the Federal Individuals with Disabilities Education Act (IDEA), which ensures all children a free and appropriate education, that Drew was receiving minimum educational benefits to comply with this law.

The problem is that the term "appropriate education" is subject to interpretation and currently it is not defined. Because there is no Federal Law, Courts in other States have ruled in different ways. Some State Courts have ruled that schools must provide "meaningful benefits" while other State Courts have ruled that it just has to be just above a de minimis education. This means that children with disabilities can receive different levels of educational benefits depending on which state they live in.

Parents on behalf of the child want the Supreme Court to equal out the inequities among the states and set one national standard. They believe **higher standards** will allow children with disabilities better access to new therapies and advanced technologies.

Others believe that the cost of implementing these higher standards will take money away from other educational programs and put further constraints on school districts that are already strapped for cash.

The Court is expected to make a decision spring 2017.

[Supreme Court Transcript](#)