

## TA Tuesday: Andrew F., January 24th, 2023

### Purpose

Hello Special Education Directors,

Every Tuesday, (sent on Wednesday this week) the AOE will be sending a technical assistance email to LEAs as a reminder and to provide any updates on available resources or professional development for a particular topic related to upcoming special education rule changes. Today's TA topic is *Andrew F.*

The materials shared below are intended to support the Andrew F. Standard and its connection to upcoming rule changes. *Andrew F.* refers to a 2017 Supreme Court decision that clarified the standard of a free, appropriate public education (FAPE) under the IDEA. The Supreme Court determined that, "to meet its substantive obligation under the IDEA, a school must offer an individualized education program (IEP) that is reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." The Court additionally emphasized the requirement that "every child should have the chance to meet challenging objectives."

### Andrew F. Standard

"To meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances" (Andrew F. v. Douglas County School District, 2017, p. 15).

The "reasonably calculated" standard recognizes that developing an appropriate IEP requires a prospective judgment by the IEP team.

The Team will make decisions that are informed by:

- their own expertise,
- the progress of the student,
- the student's potential for growth,
- and the views of the student's parents

In determining whether an IEP is reasonably calculated to enable a student to make progress, the IEP team should consider factors such as:

- The student's previous rate of academic growth
- Whether the student is on track to achieve or exceed grade-level proficiency
- Any behaviors interfering with the student's progress
- Additional information and input provided by the student's parents

### Contact Information:

If you have questions about this document or would like additional information, please contact:

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Progress appropriate in light of a child’s circumstances under Endrew:

- Supreme Court did not specifically define the phrase “in light of the child’s circumstances”,
- Supreme Court emphasized the individualized decision-making required in the IEP process,
- And the need to ensure that student with disabilities should have the chance to meet challenging objectives.

## **Endrew F. Resources**

[Endrew F. Court Ruling](#): The complete text of the Supreme Court’s ruling, decided on March 22<sup>nd</sup>, 2017.

[Endrew F. and Considerations for Rule Changes Recorded Office Hours](#) and [Slide deck](#): This webinar and slide deck reviews the Endrew F. Standard and considerations for special education rule changes.

[Questions and Answers on Endrew F. v. Douglas County School District Re-1](#): This document, released by the United States Department of Education offers an overview of the case and Questions and Answers (Q&A) on the U. S. Supreme Court Case Decision in *Endrew F. v. Douglas County School District Re-1*.

Happy Tuesday,

Special Education Program Team