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LEGAL PRIMER

IDEA. A FAPE "free appropriate public instruction" includes both special education and related services. 20 U.S.C. § 1412(a)(1). Special education is specially designed instruction to meet the unique needs of a child with a disability. § 1401(26). Related services are the support services required to assist a child to benefit from that instruction. § 1401(29).

IEP. "The IEP is the means by which special education and related services are 'tailored to the unique needs' of a particular child. *Endrew F.* at 3 (quoting *Rowley.* 458 U.S. at 181).

***Board of Ed. of Hendrick Hudson Central School Dist. Westchester City v. Rowley*, 458 U.S. 176 (1982).**

- The U.S. Supreme Court held that a child receives a FAPE if the IEP sets forth an educational program "that is reasonably calculated to enable the child to receive educational benefits." 458 U.S. at 207.
- This decision held that a FAPE is generally provided to a child who makes progress from instruction received in the regular classroom.

***Endrew F. v. Douglas County Sch. Dist.*, 580 U.S. (2017).**

- "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."
- "Accordingly, for a child fully integrated in the regular classroom, an IEP typically should, as *Rowley* put it, be 'reasonably calculated to enable the child to achieve passing marks and advance from grade to grade." At 12.
- *Endrew F.* addresses the FAPE requirement for children whose progress is not necessarily aligned with the regular classroom goals. Rather, the IDEA "requires an educational program reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." At 15.
- In other words, "the goals may differ, but every child should have the chance to meet challenging objectives." 14. The Court created no clear rule for what "appropriate progress" will look like, and "the adequacy of a given IEP turns on the unique circumstances of the child for whom it was created." At 16.

***William A. v. Clarksville-Montgomery County, School System*, 127 F.4th 656 (6th Cir. 2025)**

- Found denial of FAPE school failed to teach student to read
- Student had been served with multiple technological tools and accommodations in IEP
- But all the accommodations masked a lack of progress in reading