

School-Funded Services

The United States Supreme Court decision in *Endrew F. v. Douglas* makes it clear that the requirement for a school to provide a Free Appropriate Public Education (FAPE) is a meaningful benefit that entitles a child with a disability, such as a child with autism spectrum disorder, to accommodations that address his/her functional and educational needs and enable a child to “make progress appropriate in light of the child’s circumstances.” In a regular education classroom:

“Regular examinations are administered, grades are awarded, and yearly advancement to higher grade levels is permitted for those children who attain an adequate knowledge of the course material.” Id., at 203. Progress through this system is what our society generally means by an “education.” And access to an “education” is what the IDEA promises.

I. Free Appropriate Public Education must:

- a) Be “specially designed” to meet a child’s “unique needs”;
- b) Be the product of an agreement (IEP) between all members of the treatment team, including the parents/caregivers;
- c) Provide the child an opportunity to achieve his/her full potential;
- d) Address educational and functional needs;
- e) Be provided in the regular classroom “whenever possible” [§1412(a)(5)]; and
- f) Be reasonably calculated to enable the child to receive educational benefits
 - o In a regular classroom, this includes passing grades and moving from grade to grade.

II. Individualized Educational Program (IEP) must:

- a) Set out a plan for pursuing academic and functional advancement (§§1414(d)(1)(A)(i)(I)-(IV));
- b) Be “specially designed” to meet a child’s “unique needs” §§1401(29), (14);
- c) Involve the parents/caregivers;
- d) Have goals that change from year to year;
- e) Ensure the child has the opportunity to meet challenging objectives; and
- f) Reasonably calculated to enable the child to achieve passing marks and advance from grade to grade (Rowley, 203-204).

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