

Survival Coalition: Encouraged by Supreme Court decision supporting expectation for schools to provide meaningful instruction

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(MADISON) – The Survival Coalition of more than 30 disability organizations is strongly encouraged by the unanimous decision yesterday by the U.S. Supreme Court in favor of the Colorado parents whose son has autism. The Court held that the child’s Colorado school district had failed to provide him with a “free and appropriate public education”.

School districts are required to provide a Free Appropriate Education (FAPE) to students under the Individuals with Disability Education Act. However, the definition of what that exactly means has been a source of contention. Federal courts across the country have differed in their interpretation as to whether it is sufficient for school districts to provide educational benefits that are merely more than minimal or must provide a more meaningful educational benefit.

The Supreme Court’s eight justices came down with a unanimous decision that in order to meet its substantive obligation under the Individuals with Disabilities Education Act, a school must offer an individualized education program reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances. This clearly reverses the idea that the law can be satisfied by the

low bar of students receiving minimal or trivial education benefit. “It cannot be right that the IDEA generally contemplates grade-level advancement for children with disabilities who are fully integrated in the regular classroom,” stated Chief Justice John Roberts in the opinion, “but is satisfied with barely more than *de minimis* progress for children who are not.”

The justices’ 8-0 decision supports the bipartisan nature of the belief that education for students with disabilities is a high priority in our country.

Nationally, students with disabilities lag significantly behind their non-disabled peers in academic performance, graduation rates, and advancement to post-secondary education. Survival Coalition members believe the high court’s decision can help lay the groundwork for raising expectations and fostering more meaningful college and career preparation for students with disabilities, including those with the most significant disabilities.

Survival Coalition is comprised of more than 30 statewide disability organizations that advocate and support policies and practices that lead to the full inclusion, participation, and contribution of people living with disability.