

Delaware Department of Justice Statement on U.S. Supreme Court's Decision to Review Services for Children With Disabilities

Today, the Supreme Court of the United States agreed to hear a case from the state of Colorado involving the level of educational services that must be provided to public school students with disabilities. The case, *Endrew F. v. Douglas County School District*, is significant because it will be the first time in decades that the U.S. Supreme Court has addressed this issue, and different federal courts around the country have come to different conclusions on the question.

“This case may not have significant implications for Delaware public schoolchildren with disabilities,” Delaware Attorney General Matt Denn said. “Delaware state law was changed in 2010, in a bill I worked on as Lieutenant Governor with Representative Quinn Johnson and Senator David Sokola, to require that Delaware public schools provide services to Delaware students with disabilities that matches the highest level of services required by federal courts interpreting this issue. However, sometimes the language that the U.S. Supreme Court uses in issuing its decisions can be as important as the decisions themselves. For that reason, the Delaware Department of Justice will be seeking to advocate – potentially with other state Attorneys General – for the U.S. Supreme Court to find that the highest level of services for children with disabilities currently recognized by federal courts is the correct level for all of the nation’s children, and for the Supreme Court to provide specific guidance to the states as to how to implement its decision in order to ensure that children

with disabilities have an opportunity to fulfill their potential.”