

**THESIS: FAPE under the IDEA does not clarify methodology. While this keeps the decision of methodology in the hands of the local education agencies, discord based on methodology between parents and LEAs can lead to due process hearings.**

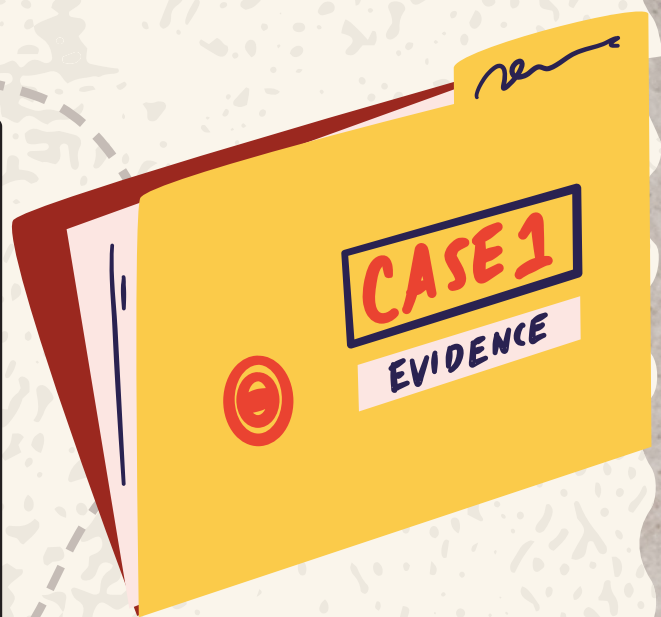


## Free Appropriate Public Education

FAPE = provision of the IDEA and provided in the student's IEP at public expense; must meet State Education Agency standards

## Board of Education v. Rowley (1982)

Parents requested a sign language interpreter for daughter and suggested the school district was in violation of a FAPE if no interpreter was assigned. Due to the student receiving an educational benefit from her IEP and her academic progression, the U.S. Supreme Court ruled the Hendrick Hudson School District complied with a FAPE under the IDEA (Yell, 2019).



## ROWLEY TWO-PART TEST

1. Did the school district comply with the procedures put in place by the EHCA (now, the IDEA)?
2. Was the IEP reasonably produced for the educational benefit of the student (Yell, 2012)?

## Due Process Hearing - Harmony Public Schools (2022)

Taking into account the Covid-19 pandemic, parents chose remote instruction for family safety. Parents requested special education services be provided via the school district sending a teacher to their home for in-person instruction. School district denied parent request due to safety concerns for staff and student. Due process hearing officer ruled in favor of the school district, citing that the district was not in violation of a FAPE by the IDEA. The school district provided a FAPE as the IEP was reasonably calculated to address the student's unique needs (Texas Education Agency, 2023).




## Connection

In the Rowley case, Amy Rowley's parents preferred her to have a sign language interpreter. The school district disagreed because Amy was progressing better than most of her peers without disabilities and she did not seem happy to have an interpreter in kindergarten. Per the courts, Amy was provided a FAPE through the IDEA even though her parents did not agree with the district's methodology. Disagreement in methodology can also be stated in the Harmony Public Schools due process hearing. The student received a FAPE through the IDEA, but not by the methods (in-person instruction) that the parents requested. School districts have the right to choose the methodology in which a FAPE is delivered.



# Additional Information



<b>Endrew Standard (2017)</b> The second part of the Rowley test was amended so that the IEP must be reasonably calculated to enable the student to make appropriate progress. The minimum educational benefit no longer stands.	
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**Table 1**

140 TEA Due Process hearings from Jan. 2011 - Dec. 2015 (Schanding et al., 2017)

Issue	Frequency	%
IEP	88	63%
EVALUATION	56	40%
PLACEMENT	53	38%
IDENTIFICATION	45	32%
PROCEDURAL SAFEGUARDS	39	28%
RELATED SERVICES	21	15%
DISCIPLINE	11	8%
EXTENDED SCHOOL YEAR SERVICES	6	4%
TRANSITION	2	1%

# References

- Schanding, G. T., Cheramie, G. M., Hyatt, H., Praytor, S. E., & Yellen, J. R. (2017). Analysis of special education due process hearings in Texas. *SAGE Open*, 7(2). <https://doi.org/10.1177/2158244017715057>
- Texas Education Agency. (2023, January 23). *Special education due process hearings 2022*. Texas Education Agency. <https://tea.texas.gov/about-tea/government-relations-and-legal/special-education-hearings/due-process-hearings/special-education-due-process-hearings-2022>
- Yell, M. L. (2012). *Chapter 8: Free appropriate education* [PowerPointSlides]. Blackboard@SRSU. <https://login.sulross.edu>
- Yell, M. L. (2019). *The law and special education* (5th ed.). Pearson.