

# Free Appropriate Public Education and Academic Achievement for Students With Disabilities

## Overview

Since the passage of the Individuals with Disabilities Education Act (IDEA) (originally titled the Education for All Handicapped Children Act) in 1975, federal law has recognized that students with disabilities have the right to a free appropriate public education (FAPE). Each year, an Individualized Education Program (IEP) must be designed to meet the needs of each child with a disability. The Supreme Court recently ruled that IDEA “requires an educational program reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.”<sup>1</sup> In other words, IEPs must be “appropriately ambitious” and set challenging standards for each child. Despite this ruling and [guidance](#) from the U.S. Department of Education in 2015 suggesting that IEPs must be designed to help students reach grade-level standards, many students are not making the progress they have the potential to.

## FAST FACTS

- More than 70% of students with learning disabilities spend more than 80% of their day in the general classroom.<sup>2</sup>
- Fewer than 1 in 50 students with disabilities participate in Advanced Placement courses.<sup>3</sup>
- In 2018, only 18 states developed plans under the Every Student Succeeds Act (ESSA) that aimed to help students with disabilities reach the same goals as students without disabilities. For example, one state set a graduation rate goal of 84% for the class of 2022, but for students with disabilities the goal was only 60%.



## NCLD believes:

1. IEP goals must be aligned with grade-level content standards for all children with disabilities and be designed to help every child make progress toward grade-level standards.
2. Individual student goals may differ, but every child should have the chance to meet challenging objectives.
3. If a child is not making expected progress toward his or her annual goals, the IEP team must revise, as appropriate, the IEP to address the lack of progress.

## To ensure that every student has access to a free appropriate public education aligned to high standards, NCLD advocates for:

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- [Maintaining](#) a strong federal accountability framework within the Every Student Succeeds Act (ESSA) through the COVID-19 pandemic and beyond, incentivizing innovation in assessment, and supporting districts' use of data in holding high standards and improving outcomes for every student subgroup.
- Increasing access to advanced placement coursework, i.e., the Advanced Coursework Equity Act, by providing grants to states and school districts to expand enrollment in advanced courses, cover the costs of exam fees for students impacted by poverty, and train and hire teachers to teach advanced courses.
- Annually and universally administering the Civil Rights Data Collection (CRDC) – which provides data on how many students with disabilities enroll in AP or IB programs, take the SAT or ACT exams, enroll preschool programs, and more – and to disaggregate the data based on 504 plan status, IDEA disability category, and the racial/ethnic categories used in American Community Survey categories.

- 1 Endrew F. v. Douglas County School Dist. RE–1, 580 U. S. \_\_\_\_ (2017)
- 2 U.S. Department of Education, EDData Data Warehouse (EDW): “IDEA Part B Child Count and Educational Environments Collection,” 2019–20. Data extracted as of May 3, 2021.
- 3 U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection, 2015–16, available at <http://ocrdata.ed.gov>; Data notes are available at <https://ocrdata.ed.gov/Downloads/Data-Notes-2015-16-CRDC.pdf>



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