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The Importance of Endrew: Analyzing the Influence of A New Legal Precedent in Pennsylvania Due Process Hearing Officer Decisions Before and After COVID-19 Closures

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Abstract

In 2017, a new standard for determining substantive violations of the Individuals with Disabilities Education Act (*IDEA)* was established with the ruling for *Endrew F. v. Douglas County School District.* Recently, the United States Department of Education and State Education Agencies have cited the *Endrew* decision as being important in defining what constitutes a free and appropriate public education (FAPE) under the *IDEA,* in light of mandated school closures due to the *COVID-19 Pandemic.* Despite its noted importance, there has been limited analysis into how this new legal precedent has influenced special education due process hearing officer decisions. To address this research gap, the author of this study analyzed special education hearing officer decisions in the Commonwealth of Pennsylvania to establish if relationships of significance could be established between *Endrew,* hearing officer ruling outcomes, and the *COVID-19 Pandemic.* Findings indicate relationships between the citing of *Endrew* and these two variables in Pennsylvania based hearing decisions.

The Importance of *Endrew*: How a New Legal Precedent is Influencing Special Education Due Process Decisions in the Commonwealth of Pennsylvania

The Individuals with Disabilities Education Act (IDEA) is a federal legislation that makes available a Free and Appropriate Public Education (FAPE) to children with disabilities through the facilitation and procurement of Early Intervention, special education, and other rehabilitative services (United States Department of Education, 2023). Similar to other laws, if an individual feels that their rights protected under the *IDEA* have been violated, they may take legal action. The term for such a method of litigation is a special education due process hearing. The *IDEA* can be violated through procedural or substantive errors. A procedural error is a failure to follow the processed based mandates of the *IDEA*. A substantive error arises when the content of the student's services does not meet the standards of the *IDEA*s purpose of providing a FAPE (Yell, Collins, Kumpiene, & Bateman, 2020; Berney & Gilsbach, 2017). When reviewing allegations of *IDEA* violations, hearing officers use the legislation itself, as well as the legal precedents set forward in higher courts, when coming to their decisions.

Under the *IDEA*, specific guidelines are given for determining what procedural errors are considered violations of significant merit to deny a student their educational rights (20 U.S.C. § 1415(f)(3)(E)(i-iii). In ruling on allegations of substantive violations of the *IDEA*, hearing officers for over 30 years used the legal precedents set forward in *Board of Education of the Hendrick Hudson Central School District v. Rowley, 458 U.S. 176*, to make their decisions. In this case, the Supreme Court of the United States (SCOTUS) offered guidance to lower courts on how to determine disputes of FAPE denial on substantive grounds. When reaching their decision for *Rowley*, SCOTUS acknowledged that determining what constitutes educational benefit is not an easy task (Rosalski, Yell, & Warner, 2021). Without establishing one specific test for

determining the adequacy of educational benefits, lower courts were left to create their own systems of determining FAPE denials on substantive grounds (Yell & Bateman, 2017). In 2017, lower courts were given clearer guidance on determining adequacy of educational benefits, with the SCOTUS decision for *Endrew F. v Douglas County Schools*.

While the *Endrew* decision does not reverse that of *Rowley,* it offered clarification of what meaningful benefit means in relation to services promised under the *IDEA.* With the *Endrew* decision, SCOTUS dictated that an appropriate education depends on the child's circumstances and should focus on their progress and not merely their benefit (O'Brien, 2018). The *Endrew* decision offers families the ability to advocate for their students and request services that don't just offer the bare minimum benefit but opportunities to be successful in light of their condition (Kern & George, 2020). With relation to the recent *COVID-19 Pandemic*, the *Endrew* decision plays a key role in dictating how hearing officers shape their decisions of FAPE denial in post-*COVID* special education due process hearings (Brady, Dietrich, & Snyder, 2022).

Despite its noted importance, there has been limited analysis as to how the *Endrew* case is shaping post-*COVID* special education due process hearing officer decisions. There have been few studies conducted to review the citation of this case as a factor in influencing hearing officer ruling outcomes in recent special education due process hearings. In order to address this research gap, an analysis of hearing officer decisions occurring in the Commonwealth of Pennsylvania were reviewed to see if a relationship of significance could be established between *Endrew*, hearing officer ruling outcomes, and the *COVID-19 Pandemic*.

Literature Review

A special education due process hearing is similar to a civil trial. The hearing is overseen by an impartial figure known as a due process hearing officer. In special education due process hearings, there are two parties. One is a student and their family, and the other is an educational agency. The educational agency is represented by a lawyer and the student and their family may either utilize legal counsel or chose to represent themselves pro-se. Similar to other forms of

litigation, witnesses are questioned and cross-examined and evidence is admitted to the record. Upon the end of the hearing, the due process hearing officer issues a written decision which serves as a legally enforceable document. This written decision acts as the guiding principles of what legal obligations must be enforced by parties involved in the special education due process hearing (The Office for Dispute Resolution, 2023).

Parties involved in special education due process hearings may raise allegations of either procedural or substantive violations of the *IDEA*. Under the *IDEA*, specific guidelines are given for determining what procedural errors are considered violations of significant merit to deny a student their educational rights. The legislation states three instances in which procedural errors would lead to a student's denial of education as promised under the law. The first is if the procedural error significantly impeded the child's right to a FAPE. The second is if the procedural error significantly denied the parent's opportunity in the decision-making process regarding the provision of a FAPE to their student. The third is if the procedural error led to a deprivation of the student's educational benefits as promised under the law (20 U.S.C. § 1415(f)(3)(E) (i-iii). For determining the merit of alleged substantive violations of the *IDEA*, hearing officers are guided by the decisions of higher courts.

From Rowley to *Endrew* an Evolution of Substantive FAPE Standards

In ruling on allegations of substantive violations of the *IDEA*, hearing officers for over 30 years used the legal precedents set forward in *Board of Education of the Hendrick Hudson Central School District v. Rowley, 458 U.S. 176*, to make their decisions. In *Rowley*, a student named Amy Rowley had a hearing impairment. While she was passing her classes using the specialized services provided to her by the local school district, her parents felt that she could have greater educational benefit if her school offered her a sign language interpreter. The local school district argued that since Amy was passing, a sign language interpreter was not necessary and she could continue using the services provided by the school. Unhappy with this decision, the Rowley family took legal action against the school arguing that her rights to a FAPE were

violated (Rowley, 2008).

The eventual outcome was a Supreme Court of the United States (SCOTUS) decision in favor of the local school district. In reaching their decision, the SCOTUS offered guidance to lower courts on how to determine disputes of FAPE denial on substantive grounds. Known as the "Rowley Standard", SCOTUS gave a two-part test in determining whether or not a FAPE was being offered to a student. The first part of the test related to the procedural components of the *IDEA*. Were all of the procedures of the *IDEA* followed in order to offer a student a FAPE? The second part was a review of a student's educational programing. Did the program offered allow the student to receive educational benefit in their classes? (Rosalski, Yell, & Warner, 2021). SCOTUS argued that because Amy had passed her classes without a sign language interpreter, she did receive benefit with the special education services being provided to her. Therefore, as all procedures of the law had been followed, and she was passing her classes, the school was not obligated to offer more services (*Rowley*, 1982).

In reaching their decision for *Rowley*, SCOTUS discussed that determining what constitutes educational benefit is difficult for the hearing officer and courts involved in legal disputes over the *IDEA* (Rosalski, Yell, & Warner, 2021). Without one specific test for defining what educational benefits implies, lower courts had to use their own discretion on determining FAPE denials on substantive grounds (Yell & Bateman, 2017). This would change in with the 2017 SCOTUS decision for *Endrew F. v Douglas County Schools*. In *Endrew*, a young boy with autism qualified for special education services under the *IDEA*. His local school district offered him programming for his 5th grade year that mirrored that of his 4th grade. His parents argued that he would have better educational results if he received different services. His teachers argued that since he had passed his classes the services should stay the same. Dissatisfied with this answer, his family withdrew him from his local school and enrolled him in one specializing in serving children with autism. At the new school, Endrew's grades and behaviors had significant improvement. As such, since his local school didn't offer the resources that the new

school did, and he had a better outcome in this setting, the parents wanted reimbursement for his private education. The local school, feeling they offered a sufficient education program, refused. As such, the family pursued legal action (Department of Education, 2017).

The *Endrew* case, like *Rowley*, made its way through the lower courts and eventually ended up in front of SCOTUS. In a unanimous decision, SCOTUS ruled in favor of the family. In the written opinion of the court the following statement was issued:

> "When all is said and done, a student offered an educational program providing "merely more than de minimis" progress from year to year can hardly be said to have been offered an education at all…The *IDEA* demands more. It requires an educational program reasonably calculated to enable a child to make progress appropriately in light of the child's circumstances." (SCOTUS, 2017, p. 14-15).

The decision in *Endrew* didn't reverse that of *Rowley* but built upon the previous standard. It gave further guidance to the two-part test of determining a substantive denial of FAPE by defining what a FAPE means under the confines of the law. Where *Rowley* offered opportunity for bare minimum, as a definition of meeting expectation, *Endrew,* made an argument that a sound educational program must allow a student to do their best. It guides the special education team in defining proper service procurement and facilitation. *Endrew* shapes how due process hearing officers determine what constitutes a substantively sound special education program under the *IDEA*. According to the United States Department of Education the *Endrew* case is one of importance because it: "informs efforts to improve academic outcomes for children with disabilities." (2017).

Endrew* and the *COVID-19 Pandemic

With the *COVID-19 Pandemic*, the definition of what constituted a FAPE for students with disabilities became a subject to debate. On February 27, 2020, a public school district in the state of Washington became the first to fully close its in-person learning opportunities due to the global health crisis. By the end of March, of the same year, only one public school district in the

United States was still offering live educational services. All other public schools had switched to online learning platforms (Zviedrite et. al, 2021). When guiding educators on how to appropriately accommodate students with disabilities amidst the *COVID-19 Pandemic*, the United States Department of Education and State Education Agencies, used *Endrew* as a source for defining how to properly offer a FAPE in light of a global health crisis.

The Office of Special Education Programs (OSEP) stated that "all children with disabilities must continue to receive FAPE and must have "the chance to meet challenging objectives." (2020, p.2-3). The "chance to meet challenging objectives" was as a direct quote from syllabus of SCOTUS' decision in *Endrew* (2017, p.3). State Education Agencies also utilized *Endrew* when defining what constituted a FAPE during the *COVID-19 Pandemic*. The Vermont Agency of Education stated that when determining how to make an Individualized Education Program (IEP) appropriate in light of the *COVID-19 Pandemic*: "It is also important to emphasize, as the decision in Endrew F. did, the individualized nature of making determinations about student need" (2020, p.5). When defining the duties of offering appropriate education services despite the mandated closures due to the *COVID-19 Pandemic*, the Oregon Department of Education stated:

> "As always, FAPE must be determined individually for each eligible child, and the IDEA establishes the IEP team, as defined in OAR 581-015-2210, as the group of people responsible for making that determination. School districts "must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. Endrew F. v. Douglas County School Dist. Re–1, 137 S. Ct. 988" (2021, p.2).

Due to the recent nature of the *COVID-19 Pandemic* there has been limited analysis of its effects on special education due process hearings. Under the *IDEA* there is a two-year statute of limitations for raising complaints relating to improper implementations of special education services under the legislation (20 U.S.C. Sec. 1415(f)(3)(C).) According to experts in the field of

special education law, the date of filing for alleged violations due to *COVID-19* closures can be as late as March 18, 2022, since pandemic induced closing occurred March 18, 2020 (Spar, 2021). Trends in due process hearing decisions from between March 2020-August 2020, found fewer hearings occurring after the *COVID-19 Pandemic* (Zirkel & Jones, 2020). Similar findings were reported for the full 2020-2021 school years (Zirkel, 2021). While scholars noted a decline in special education due process hearings during the *COVID-19 Pandemic,* some believe that an incline will be coming soon. Their argument is that parents are taking their time to gather evidence and obtain legal counsel (Mitchell, 2020). Accounting for both state complaints and impartial hearings during the early stages of the *COVID-19 Pandemic*, *Endrew* based FAPE disputes were noted as the most commonly raised issue. What was not explained was the influence the case had on hearing officer ruling outcomes. (Zirkel, 2021).

Research Gap

For special education due process hearing officers, the *Endrew* case serves as a source of guidance on determining the merits of alleged substantive FAPE denials related to the *COVID-19 Pandemic* (Zirkel, 2022). With the recent nature of both *Endrew* and the *COVID-19 Pandemic*, there has been limited analysis of how either of these variables are influencing hearing officer decisions. While two studies reviewed *Endrew* as a means of outcome for federal court decisions, neither of these studies investigated special education due process hearing officer decisions, or examined cases that occurred after the *COVID-19 Pandemic* mandated school closures (Connolly & Wasserman, 2021; Moran, 2019). A Pennsylvania based dissertation examined *Endrew* as a means of hearing officer decision outcomes, but failed to utilize samples that differentiated between from before and after the *COVID-19 Pandemic* (Rush, 2022).

The Commonwealth of Pennsylvania is among the ten most litigious states in matters related to disputes of services promised under the *IDEA* (Blackwell & Gomez, 2019). The Office for Dispute Resolution (ODR), serves as the facilitator of special education due process hearings. In their fiscal report ODR issued the following statement relating to hearings occurring after the *COVID-19 Pandemic* induced closures:

> "The statistics from those years are outliers, and difficult to reconcile within a five-year comparison of ODR services" (Office for Dispute Resolution, 2023, p.5).

Despite its noted importance by both the United States Department of Education and State Education Agencies, there has been limited analysis as to how the citing of *Endrew* influenced hearing officer decisions. With a new legal precedent relatively unexplored as a means of effecting ruling outcomes, and Pennsylvania contributing such a high volume of legal activity, a justification could be made for answering the following research questions using a Pennsylvania based sample of hearing officer decisions:

> Question 1: Can any relationships of significance be established between the citing of the *Endrew* case and the *COVID-19 Pandemic*?
>
> Question 2: Can any relationships of significance be established between the citing of the *Endrew* case and hearing officer ruling outcome?

Methodology

The primary purpose of this study was to explore the influence that the *Endrew* case has had on special education due process hearing officer decisions. The first research question sought to explore if a relationship of significance existed between *Endrew* and hearing officer ruling outcomes. The second clarified if a possible relationship between *Endrew* and the *COVID-19*

Pandemic exists. In order to answer these proposed questions, a unique research method needed to be implemented that could retrospectively analyze hearing officer decisions to see if a causational relationship could be found between *Endrew* and these specific variables.

Research Design

The incorporated research design for this study was an ex-post facto method. In this design, a researcher takes previously occurring events and examines them retrospectively in order to understand or find answers to the nature of why current conditions exist. A quasi-experimental design, the ex-post facto study utilizes data that is in existence already. As such, the research subjects are not being subjected to any experimentation or manipulation by the author (Simon & Goes, 2013). The validity for this design's incorporation was because all of the composed research questions required retrospective analysis of due process hearing officer decisions for the two years prior and the two years after the *COVID-19 Pandemic*.

Research Setting and Participants

ODR serves as the source of all special education due process hearing officer decisions for the Commonwealth of Pennsylvania. All of the due process hearing decisions since 2006 are available for public review within the ODR website. Student names and other identifying information are heavily redacted for purposes of anonymity (Office for Dispute Resolution, 2023). The research setting for this study was the Commonwealth of Pennsylvania the participants of the study were the students, educational institutions, and hearing officers involved in published special education due process hearings decisions occurring in the Commonwealth of Pennsylvania and uploaded to the ODR website between March 16, 2018-March 15, 2022.

Data Collection Procedures and Analysis

The first step of data collection procedures was to download all hearing officer decisions published between March 16, 2018-March 15, 2022. Within the ODR database a search filter was incorporated to show only hearing decisions published between these dates. Under this filtration, 347 publications were available for review. Some publications served as duplicates of the same hearing officer decision. For the 347 hearings, there were 24 instances in which this happened. For these 24 duplicates, a removal from the overall population was implemented. This left a final count of 323 hearing officer decisions that could be used as a part of the study. For every decision an analysis occurred to determine whether the *Endrew* case was cited by the hearing officer, the date it was uploaded for publication, and the subsequent ruling outcome issued by the hearing officer.

To determine the presence of *Endrew*, a function search for the name occurred. If the name appeared, it was determined that the hearing officer had cited the case as part of their decision. For hearing officer ruling outcomes, a five-point system was incorporated. The choices for hearing officer ruling outcome were: completely in favor of the student, mostly in favor of the student, in part for both parties, mostly in favor of the educational institution, or completely in favor of the educational institution. Finally, the decision was given a *COVID-19* label based on its date of publication. Any publications with an upload date between the March 16, 2018 and March 15, 2020 were labeled as occurring before the *COVID-19 Pandemic*. Those uploaded between March 16, 2020 and March 15, 2022 were labeled as occurring after the *COVID-19 Pandemic*.

In this study the citing of the *Endrew* case in decisions, was being tested for correlation between the variables of the *COVID-19 Pandemic* and hearing officer ruling outcome. Since all of the research questions attempted to answer questions relating to relationships of significance,

chi-square tests were performed as the tool of data analysis. Chi-square tests are performed to determine if changes in observations are due to chance or based on incorporation of variables (Turhan, 2020). In order to make the analyses of these variables of the highest quality, a Bonferroni adjustment was administered as multiple tests were being performed and this correction helps in lowering the chances of the results having an accidental type one error when reviewing the probability value (Armstrong, 2014).

Delimitations

ODR served as the data source for this study. They are not only the publisher of due process hearing decisions, they also are the facilitator for providing all dispute resolution services for the Commonwealth of Pennsylvania. One of the purposes of this study was to see if there was a relationship between the *Endrew* decision and the *COVID-19 Pandemic.* As stated in their annual reports, ODR closed in-person services due to the *COVID-19 Pandemic* and began to operate virtually on March 16, 2020 (2020). Since this is an official date that can be quoted and found within public record, it was determined that this date would be the dividing line for defining decisions occurring before and after the *COVID-19 Pandemic*. Any decisions uploaded in the two full years prior to March 16, 2020 were labeled as occurring before the *COVID-19 Pandemic* and any uploaded in the two years after were labeled as occurring after the *COVID-19 Pandemic*. It should be noted that although in person hearings eventually did resume, there was no noted date on which this service was officially provided.

When discussing hearing officer ruling outcomes, ODR acknowledges there is difficulty in measuring this variable. For their own reporting on special education due process hearing activity, the hearing officer ruling outcome is reported as not being a precisely calculable metric. For this reason, when analyzing the variable, ODR asks hearing officers to make their best

judgement when determining whether their decision is in favor of the parent or the educational institution (The Office for Dispute Resolution, 2023). To alleviate this issue, the author utilized a metric incorporated by the authors of a previous study that attempted to answer questions also relating to hearing officer ruling outcome. In the prior study, full favorability for a student occurred when the hearing officer agreed with a student and their family on all raised claims. Full favorability for an educational institution occurred when the hearing officer either rejected all of the raised claims by a student and their family, or granted all requests by the school. When offering the outcome of mostly in favor of a student and their family the authors gave an example of a request for three different types of Independent Education Evaluations (IEEs) being raised and the hearing officer only ordering a school to be responsible for two. For mostly in favor of the school, the authors gave examples of minor revisions to an IEP being ordered for the school to initiate. Finally, partial favorability was defined as a split or inconclusive decision (Skidmore & Zirkel, 2015).

In all of the analyzed decisions of the present study, hearing officers would use specific phrases such as “in part for”, and “mostly in favor of”, when discussing their rulings. for the purposes of data collection, the author would offer an appropriate label based on such statements. For instance, if a hypothetical statement occurred such as “For this reason I rule in favor of student and their family on all claims except”, the ruling would be labeled as being mostly in favor of the student and their family. Similarly, if a hearing officer made a statement such as, “I find in favor of the parents in part”, then the decision would be labeled as a split decision. Inconclusive decisions would be any in which the hearing officer did not make a ruling. As neither party would be in favor, like in the outcome scale of Skidmore and Zirkel (2015) and in part favorability would be implemented.

According to the Office of Special Education and Rehabilitative Services, when reviewing hearing officer decisions for the purposes of research, the information can only be used for the purposes of helping to educate and inform of better practices in providing services (Zirkel & Vander Ploeg, 2019). The use of Pennsylvania as a setting was an attempt to align with these goals. Prior to the mandated office closures due to the *COVID-19 Pandemic*, ODR reported that the Commonwealth of Pennsylvania was on track to break its record in special education due process complaint activity (Office for Dispute Resolution, 2020). By utilizing Pennsylvania as a setting, findings could be used to help in educating education institutions and hopefully alleviate this high volume.

Results

The purpose of this study was to answer two research questions relating to the citing of *Endrew* by special education due process hearing officers in their written decisions. The first research question examined if there was a relationship of significance that could be established between the *COVID-19* shutdown dates and the citing of the *Endrew* by hearing officers. The second research question examined if there was a relationship of significance between the citing of *Endrew* and a hearing officer's subsequent ruling outcome. In the present study, there were 323 hearing officer decisions that were reviewed by the author for the purposes of answering these research questions.

. Table 1 shows a distribution of *Endrew* citations in hearing officer decisions from before and after the *COVID-19 Pandemic.* Of the 323 analyzed hearings, 181 were uploaded before the *COVID-19* shutdown. 122 of these hearings cited *Endrew* and the remaining 20 hearings did not. For the 142 hearings uploaded after the *COVID-19 Pandemic*, 114 cited *Endrew* and the remaining 29 did not. The null hypothesis that there is no significant relationship

between *COVID-19* shutdown dates and *Endrew* citations in a hearing officer's decision was rejected. The answer to the first research question is that a relationship of significance could be established between the *Endrew* case and *COVID-19* in hearing officer decisions

For the hearing officer's ruling outcome and *Endrew* citations, Table 2 displays the distribution across the five means of ruling. In cases which the hearing officer ruled solely in favor of the educational institution there were 127 occurrences of which 90 cited *Endrew* as part of the decision. In hearings that the hearing officer ruled mostly in favor of the educational institution, there were 13 total occurrences of which five cited *Endrew* as part of their decision. In hearings that ruled only in favor of the student and their families there were 73 total occurrences of which 49 mentioned *Endrew* as part of the decision. In instances where the hearing officer ruled mostly in favor of the student and their families, there were 16 total occurrences, of which 14 had citations of *Endrew*. Finally, 94 hearings had a partial ruling in favor of both parties. In these hearings, there were 77 decisions that cited *Endrew*. The second research question of the study examined if a relationship of significance could be established between hearing officer's ruling outcomes and the citing of *Endrew* in decisions. A relationship of significance between *Endrew* and hearing officer ruling outcomes could be established since the p value was 0.005 and this is less than 0.025.

Discussion

When reviewing the literature, it was reported that special education due process hearings occurred with more frequency before the *COVID-19 Pandemic* than after (Zirkel & Jones, 2020; Zirkel, 2021). While the date of when the *COVID-19 Pandemic* officially began is subject to debate (Hao et. al, 2022), ODR cites March 16, 2020, as the day they had to begin working remotely due to this global health crisis (2021). There were 323 special education hearing officer

decisions that were reviewed by the author in this study. 181 were uploaded by ODR in the two years prior to March 16, 2020. The remaining 142 were uploaded in the two years after this date. These results show similarity to the findings of previous authors that more legal activity took place before the *COVID-19 Pandemic* than afterwards.

For the early stages of the *COVID-19 Pandemic, Endrew* based FAPE disputes were cited as the most commonly raised compliant in hearings (Zirkel, 2021). When reviewing the results of the present study, it is evident that *Endrew* plays a role in Pennsylvania based *IDEA* due process disputes. Across the 323 analyzed hearings, *Endrew* is cited by hearing officers in 235 of 323 decisions. This means that for more than 70% of the analyzed hearings, the *Endrew* case was used as a source for decision making. When equating for comparison of hearings from before and after the *COVID-19 Pandemic* closure date, , hearing officers were more likely to cite *Endrew* in their decisions . Measuring for a relationship between the citing of *Endrew* and *COVID-19* as correlational variables, it was determined that a relationship of significance could be established between the citing of *Endrew* and *COVID-19 Pandemic*.

In a dissertation, also using Pennsylvania as a research setting, a relationship of significance could not be established between the citing of *Endrew* and hearing officer ruling outcomes (Rush, 2022). The present study found a relationship of significance between these two variables. Possible reasons for changes in findings could be related to differing outcome scales and sample sizes. Where the dissertation utilized only the two full school years since the *Endrew* ruling occurred, the present study incorporated four years of analysis from the perspective of *COVID-19 Pandemic*. The dissertation also had three outcomes, whereas the present study had five. A notable similarity between the dissertation and the present study is that close to 70% of analyzed decisions make reference to *Endrew*.

SCOTUS reached their ruling for *Endrew* in March 2017. The first analyzed due process hearing for this study occurred in March 2018. In the four years of analysis, 70% of the hearings referenced *Endrew*. Yet despite this heavy presence, the likelihood of an educator being aware of the case is relatively low. Most professionals involved in the field of education have not been in school within the last five years. Their textbooks, classwork, and professional training, likely catered to the 35 plus year old "Rowley Standard". While the "Rowley Standard" is still of use in decision making of *IDEA* due process disputes, by not knowing about *Endrew*, people involved with the process of facilitating specialized services are not fully equipped and prepared to create education plans that align with the current rules and regulations of the law. It is for this reason that the author proposes several ideas for future research and training.

First, a national analysis of *Endrew* as a variable in special education due process hearings should be conducted using a similar methodology as the one incorporated in the present study. . When performing the present study, one limitation of note is the lack of inter observers in checking the researcher's collection of data. For a national analysis, each state can conduct similar research, and then have their data analyzed by a researcher from another state to help in promoting a highly valid set of results in national standards on the subject.

Second, a qualitative study of specialized service team members' knowledge of *Endrew* should be conducted. Using a survey, information can be collected relating to knowledge of *Endrew*, years of experience in the field of education, years since graduation from college, and specific team member roles. From this qualitative study, insight into whether or not *Endrew* is a known part of service development can be confirmed or denied. If findings indicate that specific professionals are not knowledgeable of *Endrew*, trainings can be created for educating them on the subject.

Finally, more analysis of decisions from after the *COVID-19 Pandemic* should be subject for discourse. Future research should analyze decision trends with more data available from a post-*COVID* sample. Legal scholars argue the statute of limitations on *COVID-19* related FAPE violations could be as late as the end of March 2022 (Spar, 2022). The sampling of the present study ends with a publication date of March 15, 2022. Since only two years of data was collected, results could possibly be subject to change as not all decisions relating to this phenomenon were available for analysis.

For the Commonwealth of Pennsylvania alone, *Endrew* is cited in the majority of due process hearing officer decisions. The case is a major part of determining the outcome of perceived violations of the *IDEA*. Therefore, it is imperative that teachers, parents, administrators, and everyone else involved in a student's special education services, be made aware of the changes it brings to the facilitation of a FAPE. In conclusion, the Department of Education is correct in their statement that "*Endrew* is important" (2017).

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Tables

Table 1

The Citing of *Endrew* in Special Education Due Process Hearing Decisions Before and After *COVID-19*

Endrew Cited	Before *COVID-19*	After *COVID-19*	**Total**
Yes	122	113	235
No	59	29	88
Total	181	142	323

Chi-Squared Tests

	Value	**df**	**P**
X^2	5.950	1	0.015
N	323		

Table 2

Distribution of the *Endrew* Case Being Cited in Decisions by Subsequent Ruling Outcomes *(N=323)*

Ruling Outcome Favorability	Cited *Endrew*	*Endrew* Not Cited
Fully Student	49	24
Mostly Student	14	2
In Part Both	77	17
Mostly Education Institution	5	8
Fully Education Institution	90	37
Total	235	88

Chi-Squared Tests

	Value	**Df**	**P**
X^2	14.843	4	0.005
N	323		