

U.S. Supreme Court Sides with Student In Disability Discrimination Case

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Last week, the U.S. Supreme Court enunciated a new rule regarding parents' obligation to exhaust their administrative remedies under the Individuals with Disabilities Education Act (IDEA) when they file suit alleging disability discrimination under other federal laws. E.F., a 13 year old with cerebral palsy, was denied permission to bring her service dog to class in a public school district in Michigan. The school district refused the request because it had provided a one-to-one assistant as part of her individualized education program (IEP), which it believed served the same purposes the dog would have served. The family did not dispute that the district offered a free appropriate public education (FAPE), but contended the dog was necessary to allow the student to develop independence in all settings. The family moved to a different school district which allowed the dog, and filed suit in federal court, claiming discrimination under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. They did not pursue a due process complaint under the IDEA prior to filing suit.

The lower courts had ruled that the family had to first exhaust all administrative remedies under the IDEA before they could pursue their discrimination claim under the ADA and Section 504. The Supreme Court vacated the ruling of the Sixth Circuit and remanded. The Supreme Court held that the IDEA's exhaustion requirement applies when the lawsuit seeks the only relief that is available under the IDEA—relief for the denial of a FAPE. Courts are to look at the substance, or gravamen of the complaint to determine the need for exhaustion under the IDEA, regardless of whether the complaint explicitly challenges the denial of FAPE or not. The Supreme Court remanded for further consideration by the trial court whether exhaustion was required in this case.

We will continue to provide updates on this case as available.

PRACTICE AREAS

- Students and Special Education