

High Court Levels ADA Playing Field For Disabled Students

By **Katie Buehler**

Law360 (June 12, 2025, 10:44 AM EDT) -- The U.S. Supreme Court on Thursday ruled students claiming disability discrimination in public schools should not face a higher standard of proof than plaintiffs in other Americans with Disabilities Act and Rehabilitation Act lawsuits.

In a unanimous opinion, the justices reversed an Eighth Circuit order tossing a Minnesota student's lawsuit that accused Osseo Area Schools of discriminating against her by failing to adjust the start time and length of her school day to accommodate her severe epilepsy and cognitive deficits.

The appellate panel applied too high a standard of proof when it found the student, identified as A.J.T. and referred to in court documents as Ava, had failed to show the school district acted with "bad faith or gross misjudgment," the Supreme Court ruled. Nothing in the text of either the ADA or Rehabilitation Act suggests school-related claims should be subject to a distinct standard, the court said.

"There is no textual indication that the protections of either disability discrimination statute apply with lesser force to certain qualified individuals bringing certain kinds of claims," Chief Justice John Roberts wrote for the court.

Latham & Watkins LLP partner Roman Martinez, who represented Ava, applauded the Supreme Court for getting the law "exactly right" in its opinion.

"Today's decision is a great win for Ava, and for children with disabilities facing discrimination in schools across the country," he said in a statement. "We are grateful to the Supreme Court for its decision holding that these children should enjoy the same rights and protections as all other Americans with disabilities."

Counsel for the school district didn't immediately respond to requests for comment.

Thursday's ruling revives Ava's lawsuit, which, along with asserting ADA and Rehabilitation Act claims, accuses Osseo Area Schools of violating her right to a free and appropriate public education under the Individuals with Disabilities Education Act, or IDEA. Ava claims she needs to start school later to accommodate her epilepsy, which is worse in the morning, and therefore needs additional after-hours instruction to stay on top of her coursework.

In March 2024, a three-judge Eighth Circuit panel found the school district had violated Ava's rights

under the IDEA, but that the district's actions didn't meet the "bad faith or gross misjudgment" standard of proof required by circuit precedent for public education-related ADA and Rehabilitation Act suits. That precedent, established in 1982, requires plaintiffs like Ava to prove officials acted with more than the normal deliberate indifference required under the ADA. It has also been adopted by the Second, Fourth, Fifth and Sixth circuits.

Ava argued on appeal that the Eighth Circuit's precedent wasn't supported by the history or plain text of either the ADA or Rehabilitation Act, neither of which authorizes courts to impose higher standards of proof in public education-related cases. But the school district claimed the higher standard was needed to protect public schools from federal court scrutiny whenever good faith efforts to accommodate students fail.

The circuit precedent relied on in Ava's case is based on reasoning that is no longer valid, Justice Roberts wrote Thursday.

Just a few years after the Supreme Court issued a similar ruling in 1984 in *Smith v. Robinson*, which applied "virtually identical reasoning" to the Eighth Circuit precedent in finding that the IDEA was the sole avenue for students to pursue disability discrimination claims against schools, Congress amended the IDEA to add a provision that overruled the high court's holding.

That provision, 20 U.S.C. Section 1415(l), states that nothing in the IDEA "shall be construed to restrict or limit the rights, procedures, and remedies available" under the Constitution, the ADA, the Rehabilitation Act or other federal laws. The Eighth Circuit's approach is now "irreconcilable with the unambiguous" directive in the IDEA, Justice Roberts wrote.

The court's majority declined Thursday to opine on an additional argument Osseo Area Schools raised in its merits briefing and at oral arguments in April, which suggested the Eighth Circuit's heightened standard of proof should be applied to all ADA and Rehabilitation Act claims. It would be unfair, Justice Roberts wrote, to address those arguments without proper opposition briefing.

But Justice Clarence Thomas, joined by Justice Brett Kavanaugh, and Justice Sonia Sotomayor, joined by Justice Ketanji Brown Jackson, touched on the argument in separate concurrences.

Justice Thomas wrote that the court should consider the argument in "an appropriate case." He said he found some merit in the school district's argument that it was improper for courts to not require proof of intent to discriminate to assert claims or obtain injunctive relief but to then require it for damages.

"I share the district's skepticism that the same statutory language can mean two different things depending on the relief sought," Justice Thomas wrote.

He added later that whether federal courts are applying the correct legal standard "under two widely utilized federal statutes is an issue of national importance" that should be addressed.

Justice Sotomayor, on the other hand, sees a "foundational flaw" in the school district's argument.

"Respondents contend that the 'bad faith or gross misjudgment' standard is appropriate because the statutes require a showing of 'improper purpose' or 'animus,'" she said. "That is incorrect. The statutes' text and history, as well as this court's precedent, foreclose any such purpose requirement."

The statutes only require plaintiffs to claim they were discriminated against "by reason of" or "because of" their disability, Justice Sotomayor continued. Under the school district's interpretation, a wheelchair user couldn't sue a city planner for failing to install a ramp to access a public space, or a blind person couldn't sue over the failure to include Braille on election ballots, she said.

"Respondents' proposed improper-purpose requirement would thus eviscerate the core of both the ADA and Rehabilitation Act, leaving millions of our fellow citizens without the protections Congress intended," Justice Sotomayor wrote.

The Supreme Court's decision to forgo addressing the school district's broader argument is a win for disabled students, legal experts and advocates said Thursday.

"That position is flatly inconsistent with the law and would have stripped millions of people with disabilities of the protections Congress put in place to prevent systemic discrimination," Shira Wakschlag, general counsel for advocacy group The Arc, said in a statement. "The very foundation of disability civil rights was on the line."

Ava and her parents are represented by Roman Martinez, Peter A. Prindiville, Uriel Hinberg, Graham Ambrose and Nicholas Rosellini of Latham & Watkins LLP and Amy J. Goetz of the School Law Center LLC.

The school district is represented by Lisa S. Blatt, Charles L. McCloud, Aaron Z. Roper, Rohit P. Asirvatham, Megan R. Izzo, Hallie Saunders and Garrett M. Wen of Williams & Connolly LLP and Laura Tubbs Booth, Christian R. Shafer and Adam J. Frudden of Ratwik Roszak & Maloney PA.

The federal government is represented by Nicole F. Reaves, Sydney A.R. Foster, Ellen Noble, Charles W. Scarborough and Catherine Padhi of the U.S. Solicitor General's Office and Thomas Wheeler and Joshua S. Kleinfeld of the U.S. Department of Education.

The case is A.J.T. v. Osseo Area Schools, Independent School District No. 279 et al., case number 24-249, in the Supreme Court of the United States.

--Editing by Daniel King.