
LEGAL UPDATE

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UNITED STATES SUPREME COURT DECISION — EDUCATION-RELATED CLAIMS UNDER THE ADA AND THE REHABILITATION ACT

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A.J.T. v. Osseo Area Schools

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No. 24-249

www.supremecourt.gov/opinions/24pdf/24-249_a86c.pdf

Factual and Procedural Background. A.J.T. has epileptic seizures in the mornings that make it difficult for her to attend school before noon; however, she is alert and able to learn from noon until roughly 6:00 p.m. Osseo Area Schools denied A.J.T.'s parents' requests to include evening instruction in her individualized educational program (IEP). A.J.T. and her parents brought a successful claim against Osseo Area Schools under the Individuals with Disabilities Education Act (IDEA) for Osseo Area Schools' failure to provide A.J.T. with a free appropriate public education due to the school's refusal to provide afterhours instruction. A.J.T. and her parents then sued Osseo Area Schools, alleging violations of the Americans with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1973 (Rehabilitation Act) and requested a permanent injunction, reimbursement for costs, and compensatory damages. The trial court granted Osseo Area Schools' motion for summary judgment, holding that A.J.T. did not state a prima facie case under the ADA or the Rehabilitation Act because she failed to show that school officials "acted with bad faith or gross misjudgment." The United States Court of Appeals for the Eighth Circuit affirmed, explaining that when alleged ADA and Rehabilitation Act violations are based on educational services for children with disabilities, a school's simple failure to provide reasonable accommodation is not enough to trigger liability. Instead, a plaintiff must prove the school officials acted with either bad faith or gross misjudgment. A.J.T. appealed, and the United States Supreme Court (Court) granted certiorari.

Issue. Whether schoolchildren bringing ADA or Rehabilitation Act claims relating to their education must make a heightened showing of "bad faith or gross misjudgment."

Holding. The Court held that schoolchildren bringing ADA or Rehabilitation Act claims relating to their education are subject to the same standards that apply in other disability discrimination contexts and are not required to make a heightened showing of "bad faith or gross misjudgment."

Analysis. While the claim under the IDEA was successful, which required the school district to provide evening school instruction, A.J.T. seeks damages under the Rehabilitation Act and the ADA which are generally applicable antidiscrimination laws that prohibit discrimination on the basis of disability in a variety of contexts and authorize individuals to seek redress for violations by bringing suits for injunctive relief or monetary damages. Outside of the context of elementary and secondary education, courts generally allow plaintiffs to establish a statutory violation and obtain injunctive relief under the ADA or the Rehabilitation Act

without proving the defendant intended to discriminate. However, when a plaintiff is seeking compensatory damages under the ADA or the Rehabilitation Act, courts generally require the plaintiff to show intentional discrimination on the part of the defendant.

The Court provided some background by stating the source of the “bad faith or gross misjudgment” standard started with *Monahan v. Nebraska*, 687 F.2d 1164 (8th Cir. 1982). The *Monahan* court reasoned “bad faith or gross misjudgment” was the proper showing in the context of a Rehabilitation Act claim related to education because of the court’s duty to harmonize the Rehabilitation Act and the IDEA. The Court applied this same reasoning in *Smith v. Robinson*, 468 U.S. 992 (1984), when it held the IDEA was “the exclusive avenue through which a child with a disability . . . could challenge the adequacy of his education.” The *Smith* Court observed the comprehensive nature of the procedures in the IDEA and found that it was difficult to believe Congress wanted children with disabilities to be able to go directly to court with a Rehabilitation Act claim. The *Smith* Court indicated this would allow a plaintiff to circumvent the detailed procedures established in the IDEA. Two years after *Smith* was decided, Congress added a new provision to the IDEA stating, in part, “[n]othing in [the IDEA] shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, the [ADA], [or] title V of the Rehabilitation Act of 1973”

The Court stated “ADA and Rehabilitation Act claims based on educational services should be subject to the same standards that apply in other disability discrimination contexts.” There is no textual basis that suggests such claims should be subject to the heightened “bad faith or gross misjudgment” standard. Osseo Area Schools argued *Monahan*’s rule survives the passage of 20 U.S.C. §1415(l) because the *Monahan* court derived the “bad faith or gross misjudgment” standard from the Rehabilitation Act’s text, not the IDEA. The Court rejected this argument by stating the “*Monahan* court’s discussion of [the Rehabilitation Act] was inextricably bound with concomitant references to the IDEA” and its reasoning was grounded “in an effort to strike what it believed was the appropriate balance between the two statutes.”

During oral argument, Osseo Area Schools pursued a new argument, contending that “bad faith or gross misjudgment” is the correct standard under the ADA and the Rehabilitation Act for both injunctive relief and for damages, and in all contexts, not just the educational context. The Court refused to engage with this argument because it had not been addressed or resolved by the lower courts.

Concurrences. Justice Thomas wrote a concurring opinion joined by Justice Kavanaugh. Justice Thomas wrote separately to indicate a willingness to consider in later cases certain additional issues raised by Osseo Area Schools during the merits stage in this case.

In another concurring opinion, Justice Sotomayer joined by Justice Jackson emphasized the new argument pursued by Osseo Area Schools, namely the use of the “bad faith or gross misjudgment” standard in all disability discrimination cases, was the incorrect standard.

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