

Supreme Court Makes It Easier For Students With Disabilities To Sue Schools

by Michelle Diamant | June 13, 2025

In a ruling with broad implications, the U.S. Supreme Court said unanimously that claims of disability discrimination at schools should not be held to a higher standard than those originating from other settings.

The decision released Thursday comes in a case known as *A.J.T. v. Osseo Area Schools*, which centered on whether students with disabilities must show that schools acted in “bad faith or gross misjudgment” in order to claim that their rights were violated under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

The high court sided with the family of Ava Tharpe, a Minnesota teenager who has a severe form of epilepsy and is unable to attend school in the morning because her seizures are most frequent during that part of the day. Her parents brought the case after their school district, Osseo Area Schools, declined to accommodate Tharpe by providing a full day of school beginning at noon.

The U.S. Court of Appeals for the Eighth Circuit had previously determined that the school district failed to provide Tharpe with a free appropriate public education in violation of the Individuals with Disabilities Education Act. However, the court dismissed discrimination claims brought under the ADA and the Rehabilitation Act, determining that because the alleged wrongdoing was related to educational services, it must meet a higher standard.

Tharpe’s family appealed to the Supreme Court highlighting that lower courts have been divided on whether to impose the higher standard, which has only been used in disability discrimination cases occurring in schools. Ultimately, all of the justices ruled against the more stringent approach.

“We hold today that ADA and Rehabilitation Act claims based on educational services should be subject to the same standards that apply in other disability discrimination contexts,” Chief Justice John Roberts wrote in the unanimous decision. “Nothing in the text of Title II of the ADA or Section 504 of the Rehabilitation Act suggests that such claims should be subject to a distinct, more demanding analysis.”

Just before the Supreme Court heard the case, attorneys for the Osseo Area Schools widened their argument to suggest that the higher standard should apply to all claims, not just those

arising in schools. Tharpe's attorneys said that the new argument amounted to a "massive flip-flop" and threatened to "gut the ADA and Rehabilitation Act."

In the ruling this week, the justices declined to address that broader argument, saying that it fell outside the scope of what the court was initially asked to consider.

Advocates said the ruling is a big win for people with disabilities.

"Today's decision confirms that students with disabilities have the right to seek justice for discrimination in schools without facing legal barriers that don't exist in workplaces, housing or other areas of public life," said Shira Wakschlag, senior executive officer of legal advocacy and general counsel at The Arc of the United States. "The court also refused to consider a sweeping argument seeking to gut federal disability rights laws by requiring people with disabilities to prove intent in every case of discrimination. 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. The very foundation of disability civil rights was on the line."

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