

*A.J.T. v. Osseo Area  
Schools, Independent  
School District No. 279  
(2025)*

The Supreme Court  
Rules on Disability  
Discrimination



# Section 504 of the Rehabilitation Act and the Americans with Disabilities Act prohibit discrimination broadly.

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“No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . .”

29 U.S.C. § 794

“...[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”

42 U.S.C. § 12132

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# *A.J.T. v. Osseo Area Schools, Independent School District No. 279,* 605 U.S. 335 (June 12, 2025)

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- A.J.T., a teenager, has a severe form of epilepsy, causing seizures continually throughout the day and intellectual capacity of an 18-month-old child. She has been served under the IDEA throughout her years of schooling.
- Seizures are so severe early in the day that she is unable to attend school in the morning.
- A.J.T.'s previous school district in KY provided evening instruction. Osseo agreed to provide instruction starting at noon but not into the evening.
- A.J.T. pursued an IDEA due process claim and prevailed at the ALJ, trial court, and court of appeals, all of which found Osseo had not provided FAPE.



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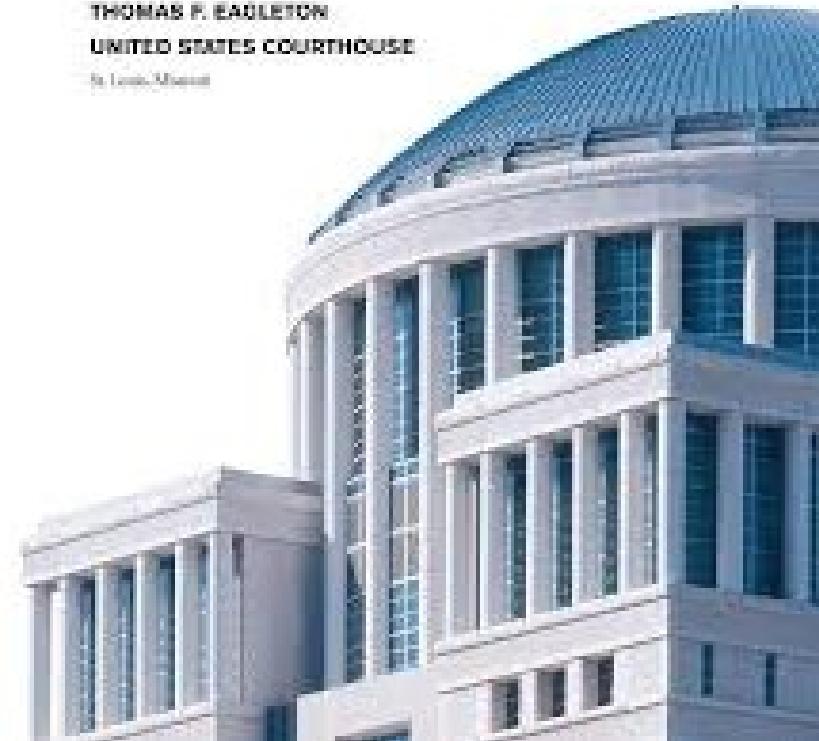
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A.J.T. filed a discrimination claim under Section 504 and the ADA for money damages, claiming the school district discriminated against A.J.T. by not providing evening instruction, as she was not provided a day close in length to that of her peers.

The district court ruled that school district could not be held liable because it did not act with “bad faith or gross misjudgment.”

The U.S. Court of Appeals for the 8<sup>th</sup> Circuit affirmed, but reluctantly. It decided that it was bound by its own precedent, but that the standard was not tied to the statutory text.

THOMAS F. BAILEY  
UNITED STATES COURTHOUSE  
St. Louis, Missouri



# At the Supreme Court:

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A.J.T. argued that children with disabilities seeking relief for education-related discrimination should not have to satisfy a more stringent legal test than all other plaintiffs suing under ADA and Section 504.

Osseo SD argued that the Court should not disturb more than forty years of precedent from U.S. courts of appeals considering this unique subset of ADA and Rehabilitation Act claims:

“When a plaintiff directly challenges educational services provided through the IDEA, she must establish more than a bare violation of the IDEA. The plaintiff must show that educators acted with discriminatory intent by demonstrating that their decisions were premised on “bad faith or gross misjudgment.”





# AASA-NSAA-CASE Amicus Brief

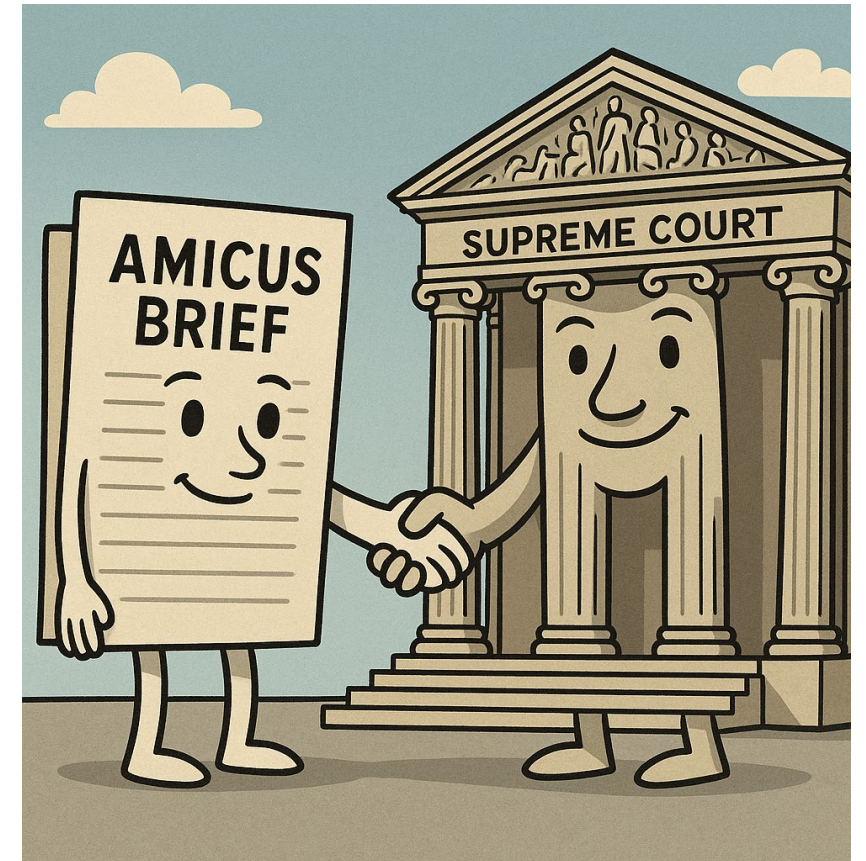
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NSAA, AASA, and CASE filed amicus brief :

Urging the court to uphold the “bad faith or gross misjudgment” for FAPE-related claims under Section 504 and the ADA;

Explaining that the bad faith/gross misjudgment standard brings FAPE-related discrimination claims within the text and structure of these statutes because it reflects the discretionary decision-making educators are legally required to undergo; and

Encouraging the Court to consider this case carefully due to its importance for schools. If the Court imposes a standard that does not recognize the expertise and discretion of school personnel, schools will face potential liability unforeseen by Congress.



## *A.J.T. v. Osseo Area Schools*, 605 U.S. 335 (June 12, 2025)

The Court issued a unanimous decision authored by Chief Justice Roberts:

- Students with disabilities **do not have to satisfy a more stringent standard of proof** than other plaintiffs to establish discrimination under Title II of the ADA and Section 504 of the Rehabilitation Act in a case where the child is served under IDEA.
- ADA and Rehabilitation Act claims based on educational services should be subject to the same standards that apply in other disability discrimination contexts.
- The 8th Circuit's "bad faith or gross misjudgment" standard placed a condition on relief that Congress did not intend when it revised Section 1415 of IDEA to make clear that nothing in the IDEA restricts or limits the rights or remedies that other federal laws, including antidiscrimination statutes, confer on children with disabilities.





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The Court did not provide a standard for determining what constitutes discrimination under 504-ADA in this specific context - where a child's education program developed under the IDEA is challenged.

Generally, appellate courts say:

- To establish a statutory violation and obtain injunctive relief under the ADA and Rehabilitation Act – no requirement that the plaintiff show intent to discriminate.
- To obtain compensatory damages, the plaintiff must show intentional discrimination through proof that the defendant acted with "**deliberate indifference**."
  - The plaintiff does not have to show personal ill will or animosity toward the disabled person.
  - The plaintiff must simply prove the defendant disregarded a strong likelihood that the challenged action would result in a violation of federally protected rights.







## What you should know:

- In its last three special education cases, the Supreme Court has ruled 9-0 in favor of the student.
- After *Fry* and *Perez*, parties seeking to sue school districts based on alleged violations of disability discrimination laws (504 and ADA) have an easier path *to the courthouse*.
- Now that the Court has abandoned the “bad faith or gross misjudgment” standard, it will be easier for families **in some circuits** to *prove* a case challenging an education program.
- Families are regularly filing Section 504/ADA suits at same time as IDEA complaint.
- In some federal circuits, the law did not change.