

SCHOOL LAW

INFORMATION MEMO

JUNE 18, 2025

Supreme Court Issues Decision on Legal Standard for Students Claiming Disability Discrimination Under Section 504

The Supreme Court recently issued a unanimous decision in *A. J. T. v. Osseo Area Schools, Independent School Dist. No. 279* that changes the standard for students pursuing disability discrimination claims against schools under Section 504.

The case was initiated by the parents of a teenager with epilepsy that caused her to be unable to attend school before noon. The student's parents requested the school district provide the student with evening instruction to compensate for her inability to attend a full school day. The district denied this request. The parents prevailed at special education due process and subsequent federal appeals as the district was unable to demonstrate it offered the student a free appropriate public education ("FAPE") when the student was educated for 4.25 hours per day compared to the 6.50 hour day of her general education peers. The district was ordered to provide several hundred hours of compensatory education and at-home instruction on the student's IEP from 4:30 p.m. to 6:00 p.m. each school day.

The parents then initiated another action under Section 504 and requested a permanent injunction, reimbursement for costs and compensatory damages. This action was dismissed based on a previous federal standard that required a plaintiff to prove the conduct by school officials rose to the level of bad faith or gross misjudgment. The lower court held that a "school district's simple failure to provide a reasonable accommodation is not enough to trigger liability" under Section 504.

The Supreme Court disagreed with the lower courts' opinions and ruled the standard for a student's Section 504 claim should be the same as discrimination claims under the Americans with Disabilities Act ("ADA") and Rehabilitation Act. Such claims under the ADA and Rehabilitation Act do not require the plaintiff to prove intentional discrimination through bad faith or gross misjudgment as was previously required by some federal courts for Section 504. Rather, to be entitled to compensatory damages, such claims are subject to the "deliberate indifference" standard – which only requires demonstrating the "defendant disregarded a strong likelihood that the challenged action violated federally protected rights."

The Supreme Court found it was not equitable to impose a higher standard for students alleging discrimination under Section 504 when compared with general discrimination claims under the ADA and Rehabilitation Act. The Court therefore remanded the student's claim for further consideration under the deliberate indifference standard.

Students with qualifying disabilities who attend schools that receive federal funding are protected against disability discrimination under Section 504. This includes students with individualized education programs ("IEPs"), Section 504 Plans (due to having a physical or mental impairment that substantially limits one or more major life activities) and those who have a record of a 504

impairment or are regarded as having such an impairment. Therefore, this ruling from the Supreme Court has made it easier for students with disabilities to obtain compensatory damages from their schools when such schools are found to have disregarded a strong likelihood that their actions violated a student's federal rights. In practice, such cases are rare. Regardless, this case highlights the importance of federally funded schools addressing the needs of students with disabilities in a manner that is consistent with the law.

If you have questions about the topics referenced in this memo, please contact [Anne M. McGinnis, Ph.D.](#), [Jeffrey J. Weiss](#), any attorney in Bond's [school law practice](#) or the attorney at the firm with whom you are regularly in contact.

