

Rights for Students with Disabilities

The Individuals with Disabilities Education Act (IDEA), passed in 1975, requires public schools provide equal access to education to children with disabilities. Similarly, the Rehabilitation Act of 1973, “prohibits discrimination on the basis of disability ... in programs receiving federal financial assistance.” And, passed in 1990, the Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities in several areas, including employment, transportation, public accommodations, communications and access to state and local government programs and services. The following case takes a peek into how these federal laws have been applied in daily life.

Fry v. Napoleon Community Schools (2017)

Ehlana Fry was born with cerebral palsy which impaired her motor skills and mobility. Doctors prescribed a service dog to assist with everyday tasks like opening doors, turning on lights, and assisting her when she transferred between her walker and a chair. Her service dog, Wonder, gave her more independence.

Her elementary school (a Napoleon Community School) did not allow Wonder to accompany Ehlana to school arguing her human aide provided all the necessary help she needed to satisfy her Individualized Education Plan (IEP) under the Individuals with Disabilities Education Act (IDEA). Ehlana’s parents, represented by the Americans Civil Liberties Union (ACLU), sued the school for damages for the 2009-10, 2010-11 and 2011-12 school years. Her parents argued the school denied Ehlana equal access by prohibiting the use of Wonder which gave their daughter confidence in her abilities to move throughout her environment. They asserted that the right to have the dog at school was covered by the Americans with Disabilities Act (ADA).

The district court granted the Napoleon Community Schools’ motion to dismiss the lawsuit for failing to exhaust administrative remedies under IDEA. The Frys weren’t satisfied and appealed to the U.S. Court of Appeals for the Sixth Circuit. However, the appellate court affirmed the lower court’s dismissal.

Wishing to prove a point, not so much for Ehlana but for all students who require service animals, the Frys applied to the Supreme Court of the United States.

In a unanimous 8-0 decision siding with the Frys, the Court held that, when a suit is not for a denial of a free and public education, exhaustion of IDEA remedies is not required. In the opinion for the majority, Justice Kagan explained how a court might identify whether the issue was one of a violation of IDEA or ADA. She stated, in part, “could the plaintiff have brought essentially the same claim if the alleged conduct had occurred at a public facility that was not a school — say, a public theater or library?” Simply put IDEA protects one’s right to a free and public education and ADA protects one’s right to equal access to public programs and services.

Newspaper Activity: Look through the news, in print or online, for examples of people fighting for the equal treatment of others. Do any examples involve issues under IDEA or ADA? Discuss findings as a class.

Next installment: **Fair Admissions Practices**

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