

News & Insights

United States Supreme Court Rules in Favor of Dykema Client Ehlana Fry

8-0 Decision clears the way for disabled children to seek justice in their educational systems

February 22, 2017

The U.S. Supreme Court today ruled in favor of Dykema pro bono client Ehlana Fry in her lawsuit against the Napoleon, Michigan Community Schools. In ruling that Fry, a 13-year-old with cerebral palsy, may sue for violations of the Americans with Disabilities Act (ADA) without first exhausting administrative proceedings, the Court removes significant and time-consuming legal hurdles for disabled children who are victims of discrimination in their education systems.

Prior to today's decision, families had to undergo a strenuous dual process in which they had to go through both the ADA and the Individuals with Disabilities Education Act (IDEA) before they could pursue any sort of solution. This process often caused delays that discouraged families from seeking justice.

"Today's decision is a victory for disabled children and their families. The ruling effectively removes time-consuming administrative proceedings which previously blocked disabled children from immediately seeking redress through our courts," said Jill Wheaton, leader of Dykema's Appellate practice. "The Supreme Court agreed with us that the process set by the lower courts of seeking justice for ADA violations in an educational setting was too burdensome, and we welcome this decision both for Ehlana and for all of children in situations like hers who will now be able to more efficiently fight for their rights."

At age five, Fry was supported by a service dog specially trained to assist her with retrieving dropped items, opening doors, turning on light switches and other tasks challenging to somebody with her disability. The Napoleon, Michigan Community Schools district prevented Fry from bringing that service animal – a Goldendoodle named Wonder – to her elementary school. As a result, Fry was homeschooled until her parents were able to find another public school which welcomed both Fry and Wonder.

The ACLU-Michigan and Dykema partnered to represent the Fry family before the United States District Court and Sixth Circuit. After the Sixth Circuit affirmed a district court decision to dismiss the case for failure to exhaust administrative remedies under the IDEA, the case was brought before the Supreme Court in October, 2016. At the heart of the appeal was whether students in certain circumstances can bring claims under the Americans with Disabilities Act without first exhausting administrative processes under the IDEA, an extremely time-consuming and daunting legal process for families.

Dykema member Jim Hermon led the case at the district and appeals court level, with support from Wheaton. University of Michigan Law School professor Sam Bagenstos, a nationwide expert in disability rights law and former disability rights attorney at the Department of Justice, argued the case before the Supreme Court last fall, with Wheaton as co-counsel.

The case is now remanded for further findings.

Attorneys

James F. Hermon

Heidi A. Naasko

Jill M. Wheaton

Practice Areas

Appellate and Complex Motion Practice