

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY, BOWLING GREEN DIVISION

Melissa Warsitz, Individually and as Custodian and Next Best Friend
of K.B., a Minor v. Metcalfe County Board of Education et al.

Warsitz v. Metcalfe County Board of Education, Civil Action No. 1:25-CV-00156-GNS (W.D. Ky. May 6, 2026)
· No. 1:25-CV-00156-GNS · Decided May 6, 2026

SUMMARY

The United States District Court for the Western District of Kentucky addresses a motion to dismiss claims arising from alleged discrimination, mistreatment, harassment, and denial of educational services involving a disabled student. The court holds that the Individuals with Disabilities Education Act and its Kentucky analogue require administrative exhaustion and dismisses those claims without prejudice. It denies dismissal of the remaining claims because they seek compensatory or punitive damages that are not available under the IDEA.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky, Bowling Green Division
WRITING FOR THE COURT	Greg N. Stivers
JURISDICTION	United States District Court for the Western District of Kentucky, Bowling Green Division
DECIDED	May 6, 2026
DOCKET	1:25-CV-00156-GNS
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), arguing that the complaint was barred by the Individuals with Disabilities Education Act's administrative exhaustion requirement.
STANDARD OF REVIEW	For Rule 12(b)(6), the court accepted factual allegations as true and construed the complaint in the plaintiff's favor, dismissing only if the complaint lacked sufficient factual matter to state a facially plausible claim. The court analyzed the IDEA exhaustion issue under Rule 12(b)(6) rather than Rule 12(b)(1) because the Sixth Circuit had indicated that the exhaustion requirement is not jurisdictional.

PRECEDENTIAL VALUE	Unknown
PARTIES	Melissa Warsitz, individually and as custodian and next best friend of K.B., a minor v. Metcalfe County Board of Education, Joseph Eaton, Dwayne Hadley, Unknown employees of Metcalfe County School District

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QUESTIONS PRESENTED

1. Whether the IDEA's administrative exhaustion requirement should be treated as a jurisdictional defect under Rule 12(b)(1) or as a failure to state a claim under Rule 12(b)(6).
2. Whether the IDEA and Kentucky law claim implementing the IDEA were barred by failure to exhaust administrative remedies.
3. Whether the IDEA exhaustion requirement barred the remaining claims under the Kentucky Civil Rights Act, Title II of the ADA, Section 504 of the Rehabilitation Act, intentional infliction of emotional distress or outrage, malicious prosecution, and negligence.

HOLDINGS

1. The IDEA's administrative exhaustion requirement is analyzed under Rule 12(b)(6), rather than Rule 12(b)(1), because the requirement is not treated as jurisdictional.
2. Claims brought under the IDEA and Kentucky law enacted to implement IDEA requirements must be dismissed without prejudice when the plaintiff has not exhausted the IDEA's administrative procedures.
3. The IDEA exhaustion requirement applies only to claims seeking relief that is also available under the IDEA; claims seeking relief unavailable under the IDEA, including compensatory or punitive damages, are not barred on the basis of nonexhaustion.

KEY QUOTATIONS

“To survive dismissal for failure to state a claim under Fed. R. Civ. P. 12(b)(6), “a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.”” (Section III)

“First, 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? And second, could an adult at the school—say, an employee or visitor—have pressed essentially the same grievance?” (Section IV)

FACTUAL BACKGROUND

K.B., a seventeen-year-old disabled student, attended Metcalfe County Schools. Her grandmother, Melissa Warsitz, alleged that school personnel were reluctant to provide special education classroom services and transportation and that K.B. experienced bullying, harassment, and mistreatment, including public questioning about feminine hygiene products, failure to address a defaced school photograph, and allegedly inadequate responses to threats of sexual violence and suicide. Warsitz also alleged that she was arrested for terroristic threatening after requesting copies of school records, but the grand jury returned a no true bill and the charges were dismissed.

PROCEDURAL HISTORY

Plaintiff filed federal and state claims arising from alleged discrimination, mistreatment, harassment, and other conduct involving a disabled student and the student's school. Defendants moved to dismiss. The court treated the IDEA exhaustion issue under Rule 12(b)(6), dismissed the IDEA claim and the analogous Kentucky claim without prejudice, and denied dismissal of the remaining claims.

DISPOSITION

other

CASES CITED

- Li v. Revere Local School District, No. 21-3422, 2023 WL 3302062, at *10 (6th Cir. May 8, 2023)
- J.A. by & through S.A. v. Williamson County Board of Education, 731 F. Supp. 3d 938, 950 (M.D. Tenn. 2024)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Hill v. Blue Cross & Blue Shield of Michigan, 409 F.3d 710, 716 (6th Cir. 2005)
- Fry v. Napoleon Community Schools, 580 U.S. 154, 158-60, 165, 169, 171, 173 (2017)
- Honig v. Doe, 484 U.S. 305, 311 (1988)
- Perez v. Sturgis Public Schools, 598 U.S. 142, 147-48 (2023)
- W.A. v. Clarksville/Montgomery County School System, No. 3:23-CV-00912, 2024 WL 2702436, at *12 (M.D. Tenn. May 24, 2024)
- William A. by & through E.A. v. Clarksville-Montgomery County School System, 127 F.4th 656 (6th Cir. 2025)
- W.R. v. Ohio Health Department, 651 F. App'x 514, 519 (6th Cir. 2016)
- Horton, 2013 WL 4875025, at *2-*3
- Fayette County Board of Education v. M.R.D. ex rel. K.D., 158 S.W.3d 195, 199 (Ky. 2005)
- Bragdon v. Faneuil, Inc., No. 5:21-323-DCR, 2022 WL 507430, at *3 (E.D. Ky. Feb. 18, 2022)
- A. J. T. by & through A. T. v. Osseo Area Schools, Independent School District No. 279, 605 U.S. 335, 339 (2025)
- Barnes v. Gorman, 536 U.S. 181, 189 (2002)
- Burgess v. Taylor, 44 S.W.3d 806, 814 (Ky. App. 2001)
- Raine v. Drasin, 621 S.W.2d 895, 902 (Ky. 1981)

- Martin v. O'Daniel, 507 S.W.3d 1 (Ky. 2016)
- Henderson City Railway Co. v. Lockett, 98 S.W. 303, 304 (Ky. 1906)

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