

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

James McCall and Samia McCall, Administrators and Personal
Representatives of the Estate of M.M. and Heirs, Individually and on
Behalf of C.M. and S.M., Minors by and Through Their Guardians
James McCall and Samia McCall v. Boise School District, the Idaho
Department of Education, Ryan Gant, Pamela Dietz, Helga
Frankenstein, Angela Kulm, Dave Wagers, John and/or Jane Doe(s)
in Their Individual Capacities

McCall · No. 1:25-cv-00533-DCN · Decided May 11, 2026

SUMMARY

The United States District Court for the District of Idaho addresses motions to dismiss claims arising from the alleged failure of a school district and state education agency to accommodate students with disabilities and provide a free appropriate public education. The court holds that the ADA and Section 504 claims may proceed because the plaintiffs seek compensatory and punitive damages and allege discrimination independent of denial of a FAPE, but dismisses the IDEA claims for failure to exhaust administrative remedies. The court also dismisses associational-discrimination, constitutional, failure-to-train, and certain wrongful-death claims on pleading, sovereign-immunity, or notice grounds.

CASE DETAILS

COURT	United States District Court for the District of Idaho
WRITING FOR THE COURT	David C. Nye
JURISDICTION	United States District Court for the District of Idaho
DECIDED	May 11, 2026
DOCKET	1:25-cv-00533-DCN
DISPOSITION	other
PROCEDURAL POSTURE	The court considered Boise School District's and Idaho Department of Education's motions to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(1) motion, the court considered whether the complaint alleged facts from which federal subject-matter jurisdiction could be inferred. On a Rule 12(b)(6) motion, the court accepted well-

	pleaded factual allegations as true and required facts sufficient to state a plausible claim for relief; dismissal without leave to amend was inappropriate unless the complaint could not be saved by amendment.
PRECEDENTIAL VALUE	unpublished
PARTIES	James McCall and Samia McCall, Administrators and Personal Representatives of the Estate of M.M. and Heirs, Individually and on Behalf of C.M. and S.M., Minors by and Through Their Guardians James McCall and Samia McCall v. Boise School District, Idaho Department of Education, Ryan Gant, Pamela Dietz, Helga Frankenstein, Angela Kulm, Dave Wagers, John and/or Jane Doe(s) in Their Individual Capacities

TOPICS

motions to dismiss

civil procedure

ada / disability

section 1983

due process

PRACTICE AREAS

civil procedure

disability rights

education law

constitutional civil rights

tort claims against governmental entities

QUESTIONS PRESENTED

1. Whether James McCall's representation of himself and the other plaintiffs required dismissal.
2. Whether the plaintiffs' ADA and Section 504 claims were barred by the IDEA's administrative-exhaustion requirement.
3. Whether the plaintiffs' IDEA claims or claims seeking IDEA-available remedies were barred for failure to exhaust administrative remedies.
4. Whether James and Samia McCall adequately pleaded associational discrimination under the ADA and Section 504.
5. Whether the plaintiffs stated Fourteenth Amendment substantive-due-process and § 1983 failure-to-train claims.
6. Whether the wrongful-death claims complied with Idaho Tort Claims Act notice requirements.

HOLDINGS

1. Dismissal was not warranted at the pleading stage based solely on James McCall's representation arrangement because he is a licensed attorney and the defendants had not identified controlling authority clearly barring him from proceeding as then situated.
2. The IDEA exhaustion requirement did not bar Counts I through VI because the complaint sought compensatory and punitive damages unavailable under the IDEA and alleged disability discrimination whose gravamen was not solely denial of a FAPE.

3. The IDEA claims and claims seeking remedies available under the IDEA were dismissed because plaintiffs failed to exhaust IDEA administrative procedures and did not establish an exception.
4. The associational ADA and Section 504 claims in Count VII failed because James and Samia McCall did not allege a specific, direct, and separate injury to themselves caused by disability discrimination.
5. Counts VIII and IX failed because the complaint did not allege an applicable exception to the general rule against liability for government omissions, did not plausibly allege foreseeability or deliberate indifference, and did not identify a training-policy omission that was the moving force behind a constitutional violation. The claims against the Idaho Department of Education were also barred by Eleventh Amendment immunity.
6. The wrongful-death claims by C.M. and S.M. were dismissed because they had not filed the required tort claims, and all wrongful-death claims against IDOE were dismissed because plaintiffs did not show that the claim was filed with the Idaho Secretary of State. James and Samia McCall's wrongful-death claim against BSD survived the notice challenge.

KEY QUOTATIONS

“In determining whether a plaintiff seeks relief for the denial of a FAPE, what matters is the gravamen of the plaintiff's complaint, setting aside any attempts at artful pleading.” (Section IV.B)

“The Fourteenth Amendment does not impose an affirmative obligation on the State to ensure that those interests do not come to harm through other means.” (Section IV.E)

“Compliance with the Idaho Tort Claims Act's notice requirement is a mandatory condition precedent to bringing suit, the failure of which is fatal to a claim, no matter how legitimate.” (Section IV.F)

FACTUAL BACKGROUND

The McCall children attended Boise School District schools and had disabilities, social difficulties, and mental-health struggles. M.M. attempted suicide in 2020 and 2023 and died by suicide on November 2, 2023. Plaintiffs alleged that school-district and Idaho Department of Education actions and omissions involving disability accommodations, FAPE, and training contributed to the children's injuries and asserted federal disability, constitutional, and wrongful-death claims. Plaintiffs did not use the IDEA's administrative procedures and, for the relevant tort claims, only James and Samia McCall filed a tort claim with Boise School District; the court found no evidence that the claim against the Idaho Department of Education was filed with the Idaho Secretary of State.

PROCEDURAL HISTORY

Plaintiffs filed an eleven-count action asserting claims under the ADA, Section 504 of the Rehabilitation Act, the IDEA, 42 U.S.C. § 1983, and Idaho wrongful-death law. Defendants moved to dismiss, arguing, among other things, lack of exhaustion under the IDEA, failure to state claims, improper representation of minor plaintiffs, and failure to comply with Idaho's tort-claim notice requirements. The court granted the motions in part and denied them in part, dismissed Counts VII through X, partially dismissed Count XI, allowed Counts I through VI to proceed only insofar as they did not seek IDEA-available remedies, and granted leave to amend most claims within thirty days.

DISPOSITION

other

CASES CITED

- *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 506 (2006)
- *Demarest v. United States*, 718 F.2d 964, 965 (9th Cir. 1983)
- *White v. Lee*, 227 F.3d 1214, 1242 (9th Cir. 2000)
- *Safe Air for Everyone v. Meyer*, 373 F.3d 1035, 1039 (9th Cir. 2004)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007)
- *Neitzke v. Williams*, 490 U.S. 319, 326 (1989)
- *Harris v. Amgen, Inc.*, 573 F.3d 728, 737 (9th Cir. 2009)
- *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th Cir. 1987)
- *Johns v. County of San Diego*, 114 F.3d 874, 876-77 (9th Cir. 1997)
- *Burka v. U.S. Department of Health & Human Services*, 142 F.3d 1286, 1291 (D.C. Cir. 1998)
- *Huffman v. Lindgren*, 81 F.4th 1016, 1021 (9th Cir. 2023)
- *Rappaport v. Vance*, 812 F. Supp. 609, 612 (D. Md. 1993)
- *Spangler v. Pasadena City Board of Education*, 537 F.2d 1031, 1035 n.6 (9th Cir. 1976) (Wallace, J., dissenting)
- *Fry v. Napoleon Community Schools*, 580 U.S. 154, 155, 171 (2017)
- *Luna Perez v. Sturgis Public Schools*, 598 U.S. 142, 147-48 (2023)
- *Hawai'i Disability Rights Center v. Kishimoto*, 122 F.4th 353, 366-67 (9th Cir. 2024)
- *Hoeft v. Tucson Unified School District*, 967 F.2d 1298, 1303-05 (9th Cir. 1992)
- *Paul G. by and through Steve G. v. Monterey Peninsula Unified School District*, 933 F.3d 1096, 1101-02 (9th Cir. 2019)
- *Christopher W. v. Portsmouth School Committee*, 877 F.2d 1089, 1093, 1095-97 (1st Cir. 1989)
- *Espino v. Regents of the University of California*, 666 F. Supp. 3d 1065, 1084 (C.D. Cal. 2023)
- *Bragdon v. Abbott*, 524 U.S. 624, 632 (1998)
- *Glass v. Hillsboro School District 1J*, 142 F. Supp. 2d 1286, 1288 (D. Or. 2001)
- *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997)
- *DeShaney v. Winnebago County Department of Social Services*, 489 U.S. 189, 195 (1989)
- *Munger v. City of Glasgow Police Department*, 227 F.3d 1082, 1086 (9th Cir. 2000)
- *Patel v. Kent School District*, 648 F.3d 965, 971-74 (9th Cir. 2011)
- *Martinez v. City of Clovis*, 943 F.3d 1260, 1273 (9th Cir. 2019)
- *Hernandez v. City of San Jose*, 897 F.3d 1125, 1133 (9th Cir. 2018)
- *Wood v. Ostrander*, 879 F.2d 583, 590 (9th Cir. 1989)

- *City of Canton v. Harris*, 489 U.S. 378, 389-91 (1989)
- *Flores v. County of Los Angeles*, 758 F.3d 1154, 1159 (9th Cir. 2014)
- *Joseph v. Boise State University*, 998 F. Supp. 2d 928, 948-49 (D. Idaho 2014)
- *McQuillen v. City of Ammon*, 747 P.2d 741, 744 (Idaho 1987)
- *Union Block Associates et al. v. Tim Keane et al.*, 2026 WL 883634, at *13 (D. Idaho Mar. 31, 2026)

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