

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

P.F., a minor, by A.F. v. Carolyn S. Taylor

P.F., a minor, by A.F. v. Carolyn S. Taylor, 914 F.3d 467 (7th Cir. 2019) · No. 17-3266 · Decided January 22, 2019

SUMMARY

Under Wisconsin's open-enrollment program, nonresident school districts may deny transfer applications from disabled students if they lack the capacity or services required by the student's IEP. The Seventh Circuit held that such differential treatment does not violate Title II of the ADA or Section 504 of the Rehabilitation Act because decisions are based on the student's actual special needs rather than stereotypes, and the requested accommodation would fundamentally alter the program. The court affirmed summary judgment for defendants, emphasizing that federal law permits programs to consider actual disability-related attributes when determining eligibility.

CASE DETAILS

COURT	United States Court of Appeals for the Seventh Circuit
WRITING FOR THE COURT	SYKES; BARRETT; DURKIN
JURISDICTION	Federal
DECIDED	January 22, 2019
DOCKET	17-3266
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from summary judgment entered in favor of defendants.
STANDARD OF REVIEW	De novo
PRECEDENTIAL VALUE	Published
PARTIES	P.F., a minor, by A.F., his parent, A.F., in his individual capacity, R.W., a minor, by E.W., his parent, E.W., in her individual capacity, S.B., a minor, by N.B., his parent, N.B., in her individual capacity v. Carolyn Stanford Taylor, State Superintendent of Public Instruction, Wisconsin Department of Public Instruction, Paris J1 School District, Muskego-Norway School District, Shorewood School District

TOPICS

- civil rights
- statutory interpretation
- appellate procedure
- summary judgment

PRACTICE AREAS

civil rights

education

disability law

QUESTIONS PRESENTED

1. Whether Wisconsin's open-enrollment program violates the ADA and Rehabilitation Act by allowing nonresident school districts to deny transfer applications based on a disabled student's special needs.

HOLDINGS

1. The program does not violate federal law. It bases decisions on the actual attributes of the disability rather than stereotypes, and the plaintiffs are not qualified individuals because they do not meet the essential eligibility requirement of available capacity. Additionally, the requested modification would fundamentally alter the program, which is not required by federal law.

KEY QUOTATIONS

"Federal law 'forbids discrimination based on stereotypes about a handicap, but it does not forbid decisions based on the actual attributes of the handicap.'" (2)

"Neither the ADA nor the Rehabilitation Act requires modifications that 'would fundamentally alter the nature of the service, program, or activity.'" (9)

FACTUAL BACKGROUND

Wisconsin's open-enrollment program allows public-school students to transfer to nonresident districts if space is available. The program distinguishes between regular and special education spaces. Disabled students with IEPs may be denied transfer if the nonresident district lacks capacity to meet their special needs. Three disabled students (R.W., P.F., S.B.) were denied transfer because the districts determined they could not meet the students' IEP requirements. The students sued under Title II of the ADA, Section 504 of the Rehabilitation Act, and the Equal Protection Clause, arguing the program discriminates against disabled children. The district court granted summary judgment for the defendants.

PROCEDURAL HISTORY

The plaintiffs filed suit in the United States District Court for the Western District of Wisconsin, alleging violations of the ADA, Rehabilitation Act, and Equal Protection Clause. The district court granted summary judgment for the defendants on all claims except one, which was later dismissed. The plaintiffs appealed the ADA and Rehabilitation Act claims.

DISPOSITION

affirmed

CASES CITED

- *Anderson v. Univ. of Wis.*, 841 F.2d 737 (7th Cir. 1988)

- Pain Ctr. of Se. Ind. LLC v. Origin Healthcare Sols. LLC, 893 F.3d 454 (7th Cir. 2018)
- CTL ex rel. Trebatoski v. Ashland Sch. Dist., 743 F.3d 524 (7th Cir. 2014)
- Wagoner v. Lemmon, 778 F.3d 586 (7th Cir. 2015)
- Knapp v. Nw. Univ., 101 F.3d 473 (7th Cir. 1996)
- Tennessee v. Lane, 541 U.S. 509 (2004)

CITED IN

- P.F., a minor, by A.F. v. Carolyn S. Taylor, P.F. by A.F. v. Taylor, 914 F.3d 467, 471 (7th Cir. 2019)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/seventh-circuit/2019/p-f-a-minor-by-a-f-v-carolyn-s-taylor-s3p0h7l8>