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U.S. Supreme Court Decides Reverse Discrimination Case *by Michael Barbella*

In June 2025, the U.S. Supreme Court unanimously sided with an Ohio woman, sending her case back to a lower court and giving her another chance to prove she was a victim of reverse discrimination. The case is *Ames v. Ohio Department of Youth Services*.

Reverse discrimination refers to claims of discrimination, most often in areas of employment, made by a member of a majority or historically advantaged group, such as white males, against an employer or employee policy that favors a minority or historically disadvantaged group, such as members of the LGBTQ+ community.

The case

In 2019, Marlean Ames, a white, straight woman, sued the Ohio Department of Youth Services (ODYS) after being bypassed for a promotion, then demoted. She claimed both decisions were based on her sexual orientation, violating



Title VII of the Civil Rights Act of 1964. It is important to note that Title VII protects all individuals, including those in majority groups, from unfair treatment.

Ames began working for ODYS in 2004 as an executive secretary. After a decade with the organization, she was appointed as a program administrator. A 2018 performance review, submitted as evidence in the case, revealed that Ames met expectations in 10 categories and exceeded them in another.

In April 2019, Ames and two other candidates applied for a new post—the department’s Bureau Chief of Quality. She interviewed with her supervisor, a gay woman, and that supervisor’s boss, a straight woman. According to both of their

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Rulings Address Needs of Students with Disabilities *by Sylvia Mendoza*

According to the National Center for Education Statistics, in the 2022–23 school year, approximately 7.5 million students, ages 3 to 21, were receiving special education services in U.S. public schools—which represents about 15% of all public school students. Today, federal laws offer protection for students with disabilities who attend public schools, protecting their rights and making sure they receive the services to which they are entitled.

That wasn’t always the case.

Prior to federal law protections, Jack Schneider, an education professor and director of the Center for Education Policy at the University of Massachusetts Amherst, told *neaToday*, “Students with disabilities weren’t educated in most cases. They were turned away, and their families were told that the school didn’t have the facilities, didn’t have the resources to serve their kids.”

After two 1971 district court cases brought to light the lack of educational opportunities for students with disabilities, the U.S. Congress launched an investigation to determine the number of children with special education needs that weren’t being adequately served. The 1972 investigation, conducted by the Bureau of Education for the Handicapped, revealed that



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Abortion Rights Three Years After *Dobbs* by Robin Roenker

The U.S. Supreme Court's June 2022 decision in *Dobbs v. Jackson Women's Health Organization* stripped away constitutional protections for abortion, a medical procedure to intentionally end a pregnancy. The *Dobbs* decision overturned the Court's ruling in the landmark 1973 *Roe v. Wade* case, which had made abortion legal across all 50 states.

To be clear, the Court's decision in *Dobbs* did not make abortion illegal. It simply left the legality of the procedure up to the individual states. Thirteen states had "trigger laws" prepared so that if *Roe v. Wade* were to be overturned, laws that either banned the procedure outright or restricted abortion would automatically be put in place.

The result in the aftermath of the Court's *Dobbs*' decision, has been a hodgepodge of differing rules and restrictions regarding whether—or in what cases—abortion is allowed across the nation, with many of these rulings continually shifting as they are challenged in court.

According to the Kaiser Family Foundation, a leading source of U.S. health policy information, as of June 2025, 12 U.S. states have banned abortion entirely; six states restrict abortions past 12 weeks of gestation, which refers to the time of development within the womb; four states prohibit abortion past 22 weeks gestation; and 19 states outlaw abortion after the point at which the **fetus** is viable on its own, usually defined as around 23 or 24 weeks gestation.

In the District of Columbia and nine U.S. states—including New Jersey—abortion is legal without gestational limits. New Jersey's Freedom of Reproductive Choice Act, signed into law in January 2022, ahead of the Court's *Dobbs* decision, eliminated restrictions on abortion procedures and established abortion as a fundamental right under the state constitution, protecting access at any point during pregnancy.

Within almost every U.S. state, the issue of abortion access remains volatile. Abortion rights advocates, who believe a woman should have the right to choose whether to keep or terminate a pregnancy, and pro-life advocates, who argue that life should be protected, wage court challenges to nearly every new law that advances the other group's agenda.

"In some cases, we're sort of watching the state laws shift, not every day necessarily, but frequently," says Kimberly Mutcherson, a professor at Rutgers Law School in Camden whose scholarship focuses on reproductive justice, bioethics and family and health law. "As states pass these laws and come up with new abortion policies, they are finding themselves facing challenges in state court or in federal court very quickly."

Federal case decisions

In the wake of *Dobbs*, the U.S. Supreme Court issued two federal rulings related to abortion access. In *Food and Drug Administration (FDA) v. Alliance for Hippocratic Medicine*, decided in June 2024, the Court voted unanimously against the Alliance for Hippocratic Medicine's attempt to block pharmacies

and telemedicine providers from issuing Mifepristone, a widely used abortion medication.

Mifepristone is part of a two-drug regimen for medication-induced abortion that was first approved for usage by

the FDA in 2000. Medication-induced abortion is now the most commonly used method of abortion in the United States, accounting for more than half of all abortions, according to the Center for Reproductive Rights.

The Court's decision in *FDA v. Alliance for Hippocratic Medicine* did not center on the legality or illegality of medical abortion but rather on a procedural issue. Namely, the Court deemed that the **plaintiff** lacked sufficient legal standing to "bring the case," meaning they felt that the Alliance for Hippocratic Medicine—a group of anti-abortion doctors and organizations—failed to prove a direct, **redressable** injury caused by the FDA's regulatory actions relating to its Mifepristone approval.

As a result, the Court's ruling reaffirmed Mifepristone's availability under current FDA rules. However, some states, like Louisiana, are exploring ways to potentially restrict access to Mifepristone by classifying it as a controlled substance—a status that is currently under legal challenge there.

Another key case, *Idaho v. United States* (consolidated with a similar case called *Moyle v. United States*) centered on a challenge by the U.S.



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government (under former President Joseph Biden's administration) against Idaho's near-total abortion ban. The case alleged that Idaho's abortion ban conflicted with federally mandated requirements for medical providers to provide life-saving, emergency care to patients as outlined under the Emergency Medical Treatment and Labor Act (EMTALA), enacted by Congress in 1986. Plaintiffs in the case argued that Idaho was restricting abortion access, even for women whose medical conditions meant they might die without one, in violation of federal law.

The U.S. Supreme Court ultimately dismissed the case in June 2024 for being "improvidently granted," a term that means the Court made a mistake in taking the case in the first place. One of the reasons for this is that the Ninth Circuit Court of Appeals never fully ruled on the case before the U.S. Supreme Court agreed to hear it. The dismissal returned the matter to Idaho's lower courts. In the meantime, however, there was a change in presidential leadership, and in March 2025, the Trump administration decided to drop the federal challenge to the case entirely.

Professor Mutcherson says there are many questions about abortion care that the U.S. Supreme Court is not answering, and those questions will continue to "bubble up."

"Maybe you can ban abortion, but are you constitutionally required to have exceptions for life? Are you constitutionally required to have exceptions for health?" Professor Mutcherson asks. "Can a state ban abortion even when there's a fetal anomaly? Can a state make it illegal for someone to cross state lines to get an abortion? There are so many questions that remain to be sorted out."



Major state decisions

At the state level, various abortion protections and restrictions since *Dobbs* have come in the form of new state legislation and/or ballot decisions by constituents. At times, however, these two processes

have been in direct conflict with one another, further complicating the abortion access issue.

For example, in November 2024, 51.6% of Missouri voters approved Amendment 3, which called for codifying the right to abortion up until fetal viability into the Missouri State Constitution. That decision directly opposed Missouri's existing "trigger law," which created a near-total ban on abortion in the state, effective as of June 2022, following the *Dobbs* decision. The status of abortion in the state is now in limbo, with some abortion access restored in February 2025, only to be halted again by challenges from lower state courts. The case currently awaits a pending January 2026 Missouri State Supreme Court trial that will, presumably, establish a final resolution between Missouri's constitutional amendment and the conflicting trigger law.

In all, 10 states voted on ballot measures in 2024 seeking to affirm that the right to abortion is protected under their state's constitution. Measures protecting abortion rights succeeded in seven states — Arizona, Colorado, Maryland, Missouri, Montana, Nevada, and New York—but failed in three, Florida, Nebraska and South Dakota. In addition, a ballot measure that prohibited abortions after the first trimester passed in Nebraska.

Is it healthcare?

In Wyoming, the state's Supreme Court heard oral arguments in April 2025 in the case of *Johnson v.*

Wyoming. The case focuses on the issue of whether abortion care is, by definition, a form of health care. The case was filed as an attempt to block two impending near-total bans on both surgical and medical abortion passed by the Wyoming Legislature.

Specifically, the case references a 2012 Wyoming state constitutional amendment protecting residents' "health care freedoms." Abortion rights plaintiffs in the case argue that abortion access is health care and should therefore be protected under the state constitution.

The attorney for the state, meanwhile, has argued that elective abortions are not health care, on the basis that they do not treat an illness or medical condition. The state's position is that the legislature, not the courts, decide when abortion is considered "health care."

In November 2024, a lower court in Wyoming blocked the abortion bans as unconstitutional, finding that they violated Article 1, Section 38 of its state constitution, which protects an individual's fundamental right to personal autonomy in medical decisions. The state appealed that decision to the Wyoming Supreme Court. At press time, the Wyoming State Supreme Court had not issued its ruling in the case.

Going forward

As lawsuits surrounding abortion access continue to be waged in the courts, one perhaps surprising truth has emerged: abortion rates have actually slightly risen since *Dobbs*, according to KFF and an analysis by the Associated Press. In 2024, roughly 1.1 million abortions were performed in the U.S., slightly more than the 1,056,000 performed in 2023. Those numbers are lower than the historic peak of nearly 1.6 million annual abortions charted in the late 1990s. •



1. As the article points out, the laws concerning abortion vary by state—from outright bans to complete access, with differing regulations in between. What do you see as the drawbacks of not having a consistent law regarding abortion? What are the benefits of such a variety of laws? Explain your answer.
2. What is your opinion on the Missouri case where a majority of voters called for codifying the right to abortion in the state's constitution, but the state is fighting against it. Should the will of the voters win out? Why or why not?

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depositions in the case, the managers told Ames she lacked the “vision” and the leadership skills necessary for the new job. Soon after the interview for the promotion, the department fired Ames from her administrator position and offered to reinstate her in her prior role. The demotion came with a 40% pay cut.

Ames accepted the demotion. Shortly after, according to the opinion of the Sixth Circuit U.S. Court of Appeals, ODYS hired a 25-year-old gay man to replace Ames in her previous position. Then, in December 2019, ODYS hired a gay woman to be its Bureau Chief of Quality—the promotion Ames sought.

Higher standard for majority groups?

While Title VII does not differentiate between discrimination against a minority or majority group, some courts have required majority group accusers to prove their employers have historically discriminated against the larger majority. Such a stipulation, commonly referred to as “background circumstances,” sets a higher standard for majority group members trying to prove discrimination. Ames was held to this higher standard.

In its 1973 ruling in *McDonnell Douglas Corp. v. Green*, the U.S. Supreme Court established a three-step framework to help decide employment discrimination cases. The framework, which shifts the **burden of proof** from the **plaintiff** to the employer to the plaintiff again, would come to be known as the McDonnell Douglas framework.

The first step in the framework requires the plaintiff to establish a “**prima facie**” case. *Prima facie* is a low-threshold requirement to establish the basic elements of a claim. For example, to establish a *prima facie* case in an employment dispute, the plaintiff would need to show they are qualified for a job, suffered an adverse action, and that similarly situated employees were treated more favorably. If the plaintiff establishes a *prima facie* case, the burden shifts to the employer to provide a legitimate, non-discriminatory reason for their action. If the employer provides this reason, then the burden again shifts to the plaintiff who would now need to prove that the employer’s reason is just an excuse and not the real reason for the discrimination.

“In ‘reverse discrimination’ cases with white, male, or other majority plaintiffs, some jurisdictions had modified the first part of this burden-shifting test under McDonnell Douglas to require additional proof that the employer is the ‘unusual employer that discriminates against the majority,’” explains Stacy Hawkins, a professor at Rutgers Law School in Camden who has worked as a

labor and employment attorney. “Only some, not all, jurisdictions required this additional proof, creating a circuit split ripe for the U.S. Supreme Court to resolve.”

Splitting the circuit

A circuit split refers to a situation where two or more U.S. Courts of Appeals (also known as circuit courts) reach different decisions on the same legal issue, resulting in federal law being applied inconsistently across different regions of the country. That means that similarly situated **litigants** may receive different outcomes depending on their **jurisdiction**. The existence of a circuit split is a factor that the U.S. Supreme Court takes into consideration when deciding whether to hear certain cases.

The circuit split in the *Ames* case concerned the “background circumstances” requirement. The Sixth, Seventh, Eighth, Tenth, and D.C. Circuits apply the background circumstances requirement in reverse discrimination cases. The First, Second, Fourth Fifth and Ninth circuits don’t apply the requirement in those types of cases, while the Third (this is the circuit that applies to New Jersey) and Eleventh circuits have expressly rejected it.

The U.S. District Court for the Southern District of Ohio and the U.S. Court of Appeals for the Sixth Circuit required Ames to provide additional proof of ODYS discriminating against majority groups, and found none, thus rejecting her lawsuit. The district court concluded that Ames could not produce statistical evidence showing the department historically considered sexual orientation in its employment decisions. The lower courts also pointed to a performance evaluation done a month before her demotion, which was entered into evidence. In the review, Ames scored “opportunity to improve” in three categories.

The decision

With both lower courts rejecting her claim, Ames **appealed** to the U.S. Supreme Court. In October 2024, the Court agreed to review the case and heard oral arguments in February 2025. The Court was asked to decide whether a plaintiff who belongs to a majority group needs to demonstrate “background circumstances” in order to establish a *prima facie* case of discrimination under Title VII of the Civil Rights Act of 1964.

During oral arguments, Professor Xiao Wang, director of the Supreme Court Litigation Clinic at the University of Virginia School of Law who represented Ames, told the Court, “What this case is all about are the four words on the side of this building—equal justice under law. I know that sometimes we don’t fulfill that promise. But at the heart of this case, all Ms. Ames is asking for is equal justice under law. Not more justice, but certainly not less, and certainly not less because of the color of her skin or because of her sex or because of her religion.”

In June 2025, the U.S. Supreme Court issued its unanimous opinion in *Ames v. Ohio Department of Youth Services*, rejecting the “background circumstances” requirement for Title VII discrimination claims brought by majority-group plaintiffs.

Justice Ketanji Brown Jackson wrote the Court’s opinion and noted that



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discrimination against any individual—regardless of their status or group membership—is unlawful under Title VII.

“By establishing the same protections for every ‘individual’—without regard to that individual’s membership in a minority or majority group—Congress left no room for courts to impose special requirements on the majority-group plaintiffs.”

Referring to the McDonnell Douglas framework, Justice Jackson said the first step (of three) in proving workplace discrimination is providing enough proof to infer an employer intended to discriminate. She noted that this step is not a high bar.

“A plaintiff may satisfy it simply by presenting evidence that she applied for an available position for which she was qualified, but was rejected under circumstances which give rise to an inference of unlawful discrimination,” Justice Jackson wrote, and added that the court of appeals incorrectly added an additional requirement directing Ames to “establish ‘background circumstances to support the suspicion that the defendant is that unusual employer who discriminates against the majority.’”

In other words, using the “background circumstances” requirement makes the assumption that discrimination against a majority group is “unusual,” therefore the group is being subjected to a higher standard in order to overcome that presumption.

In a **concurring opinion**, Justices Clarence Thomas and Neil Gorsuch took issue with the three-step test in the McDonnell Douglas framework, saying the test “lacks any basis in federal employment discrimination law” and has been difficult for courts to apply.

With the Court’s ruling, Ames’ case is **remanded** to the lower court where the proper standard will be applied. Critics of the Court’s ruling say that it will cause a flood of reverse discrimination cases. In fact, Justice Amy Coney Barrett addressed this during oral arguments asking Professor Wang, who represented Ames, “What do you have to say to the...contention that this is just going to throw the door wide open to Title VII suits because now everybody can say, hey, this was discrimination on the basis of race, gender, et cetera?”

In reply, Professor Wang pointed out that more than half of the circuit courts don’t apply the background circumstances rule, saying, “We don’t see those circuits having some sort of flood of litigation.”

Professor Hawkins says the Court’s ruling could help discrimination claims survive initial stages of a court standoff, but they are not more likely to succeed overall.

“Going forward, Ames obviously eliminates the additional burden for reverse discrimination plaintiffs at the first stage of the McDonnell Douglas test,” she says. “However, neither the prior standard nor the decision in Ames alters the burden at the second and third stages of the McDonnell Douglas test. These cases are now more likely to survive **motions to dismiss**, but they are no more likely to succeed overall since the ultimate burden of proof at the third stage remains unchanged.” •



1. What do you think of the Court’s decision in *Ames v. Ohio Department of Youth Services*? Should someone from a majority group face more scrutiny when bringing a claim of employment discrimination? Why or why not?
2. What do you think of the concept of a “circuit split”? Why would having a circuit split be a problem in this case or any case? Explain your answer.

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approximately eight million children required special education services. Of those students, 3.9 million were adequately having their educational needs met, 2.5 million were receiving a substandard education and 1.75 million weren't in school at all.

In 1975, former President Gerald Ford signed into law Public Law 94-142, also known as the Education for All Handicapped Children Act. According to the law, all states that accepted money from the federal government were required to provide equal access to education for children with disabilities.

In 1990, the law signed by President Ford was amended and became known as the Individuals with Disabilities Education Act (IDEA), which established the requirement that children with disabilities receive a free, appropriate public education (FAPE) in the least restrictive environment (LRE). That means that students with disabilities are entitled to specialized services, individualized education programs (IEPs), and the right to attend school in a regular education classroom when possible.

There are 13 disability categories covered under IDEA. Some of those categories include Specific Learning Disability, such as dyslexia; Autism Spectrum Disorder; Intellectual Disability, such as Down syndrome; Emotional Disturbance, for example, anxiety or bipolar disorder; Orthopedic Impairment, such as cerebral palsy; and Deaf-blindness.

In addition to IDEA, two other federal laws address discrimination against those with disabilities—the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973. Both are federal laws that prohibit discrimination based on disability in any program or activity receiving federal financial assistance, which includes public schools and institutions of higher education. The laws require reasonable

accommodation in education for those with disabilities. For example, providing extended time for tests, services such as interpreters, alternative formats of educational materials, as well as making modifications to buildings to ensure equal access in all public schools.

When a school district fails to provide an appropriate education to a student with a disability, they, or their parents, can seek relief or compensation under these federal laws.

U.S. Supreme Court makes things easier

A recent ruling from the U.S. Supreme Court made it easier for students with disabilities to bring discrimination lawsuits. The case, *A.J.T. v.*

Osseo Area Schools, involved a teenage girl in Minnesota with a rare form of epilepsy. Her disability causes her to have near-daily seizures, usually in the morning or late in the evening. That made it unsafe for A.J.T. to attend school before noon. Her parents requested that Osseo Area Schools provide A.J.T. with evening instruction so that her school day was of comparable length to her peers. The school district denied the request.

In 2018, A.J.T.'s parents sued the school district for discrimination under the ADA and Section 504 of the Rehabilitation Act. A U.S. District Court in Minnesota ruled, and the U.S. Court of Appeals for the Eighth Circuit **affirmed**, the parents had not shown that the school acted with "bad faith or gross misjudgment."

Since 1982, the Eighth Circuit Court applied a different standard for people litigating discrimination on the basis of disability under ADA and 504, when those cases concerned elementary and secondary education, explains Jennifer Valverde, a professor at the Education and Health Law Clinic at Rutgers Law School in Newark.

"*A.J.T.* is a really interesting case concerning what is the standard that should be applied when a court is deciding a disability discrimination case in the education context versus a public entity," says Professor Valverde. "Basically, in every other non-education context, like suing a movie theater, they had one standard that they were applying, but they had a heightened standard that students had to meet if they were making claims of disability discrimination against school districts."

The U.S. Supreme Court was asked to decide whether the ADA and Rehabilitation Act required children with disabilities to satisfy the more stringent "bad faith or gross misjudgment" standard when filing discrimination claims relating to their education.

In June 2025, the U.S. Supreme Court sided with A.J.T. in a unanimous decision, **overturning** both lower court rulings. The Court's decision makes it easier for students with disabilities and their families to seek monetary damages for alleged discrimination under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

Chief Justice John G. Roberts Jr. wrote the Court's unanimous opinion.

"We hold today that ADA and Rehabilitation Act claims based on educational services should be subject to the same standards that apply in other disability discrimination contexts and not a distinct, more demanding analysis," Chief Justice Roberts wrote. "That our decision is narrow does not diminish its import for A.J.T. and a great many children with disabilities and their parents. Together they face daunting challenges on a daily basis. We hold today that those challenges do not include having to satisfy a more stringent standard of proof than other **plaintiffs** to establish discrimination under the two federal laws."

The Court offers clarification

Another special education case, *Perez v. Sturgis Public Schools*, decided by the U.S. Supreme Court in 2023, clarified procedures when bringing suit



ADA

Americans With Disabilities Act

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under the ADA and the Rehabilitation Act after settling an IDEA dispute.

The case centered on Miguel Perez, a deaf student in Michigan. While in high school Perez was assigned a classroom aide. However, the aide was not trained to work with deaf students and did not know sign language. Shortly before graduation, the school notified Perez's parents that Miguel would not qualify for graduation.

Perez filed an IDEA complaint with the Michigan Department of Education alleging that the school denied him an adequate education and violated federal and state education laws. Before a hearing on the IDEA claim, the parties settled,

and the school agreed to pay for sign language instruction and any post-secondary education for Perez.

Perez also sued the school district and board of education in federal court under the ADA, claiming that the school discriminated against him by not providing the resources necessary for him to participate in class. Lower courts ruled against Perez stating that he needed to exhaust all “administrative remedies” under IDEA before filing suit under another federal law—in this case the ADA.

“The IDEA has been used as a shield to say you can’t pursue these other pathways of having

relief or remedies,” explains Amy Saji, a professor at Seton Hall Law School and director of the Medical Legal Partnership Clinic at the Center for Social Justice.

In March 2023, the U.S. Supreme Court ruled in favor of Perez, citing that students with disabilities do not need to fully exhaust the administrative process with the IDEA in order to file claims under other civil rights laws. The outcome in this case means that Perez’s claim for monetary damages can go forward, returning to the federal district court for the Western District of Michigan.

“The Court really struck that down to say that’s not what the **statute** was intended for.

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Beyond the Special Education Rulings

Under federal law, students with disabilities must learn in a classroom with non-disabled peers “to the maximum extent” possible. Some advocates say classrooms made up of only students with disabilities can limit their learning capabilities. Other advocates say that placing a student with disabilities in a general education classroom with no support can be harmful.

According to the U.S. Department of Education’s Office of Special Education Programs, various states lag behind the 68% national inclusion rates for students with disabilities. For example, only 45% of New Jersey students with disabilities are in general education classrooms for at least 80% of the school day—that is less than any other state.

“There are certain districts, or states, where the default may simply be to place the child in general education and say, ‘Well, best of luck,’” Joe Novack, clinical director for Autism New Jersey, told *The Hechinger Report*, a nonprofit news organization that provides independent journalism on education. “New Jersey is probably doing a lot of things right, because it means we’re probably really customizing what makes sense for the individual.”

Other experts disagree.

“Research on the benefits of inclusion has not wavered,” Elizabeth Athos, Education Law Center’s Senior Attorney said in a press release.

“The fact that New Jersey’s rate of inclusion of students with disabilities in general education classrooms has been virtually stagnant while other states

have improved is a strong wake-up call that the Legislature and Governor Phil Murphy’s administration must make a bigger and more sustained commitment to integrating public school classrooms.”

The research shows that including students with disabilities in general education classes promotes higher academic outcomes and better social skills for them, increases self-esteem, while fostering a greater acceptance and respect from their non-disabled peers

As an example, Terri Joyce, of Cinnaminson, whose son has Down syndrome, continually advocates for him to be educated in a general education classroom. She told nj.com that when he was educated in a classroom with children who had trouble communicating, his speech development stalled. Once he was back in a general education setting, after a

period of adjustment, he thrived.

“It’s much bigger than just his education and being included in the classroom,” Joyce told nj.com. “Being included in school means he’s more included in life, and he’s more included in our community, and he’s more valued.”

Resources for students with disabilities have limitations. The National Center for Education Statistics reports that in the 2024-25 school year, 74% of elementary and middle schools had difficulty filling special education teaching vacancies, especially in rural districts, urban schools and low-income communities. This shortage can lead to heavier workloads for educators and less individualized attention for students.



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Sturgis opened the door to federal courts to say, hey, parents can bring claims under the ADA for compensatory damages, even without the IDEA exhaustive requirement,” Professor Valverde says.

Professor Valverde also points to the 2017 case of *Fry v. Napoleon Community Schools*, which preceded *Perez v. Sturgis* and was cited as **precedent** in the case. The *Fry* case involved a child in Michigan with cerebral palsy who was not allowed to bring her service dog to school. The parents filed suit against the school district for discrimination under the ADA and the Rehabilitation Act.

A federal district court and the Sixth Circuit Court of Appeals dismissed the claim for similar reasons to those in *Perez v. Sturgis*—the exhaustive requirement of IDEA. However, the U.S. Supreme Court held that when a claim is not really about education, the plaintiff does not need to meet the IDEA’s exhaustion requirement. With its ruling in

Perez v. Sturgis, the Court provided more clarification on the exhaustive requirement.

The hurdles for students with disabilities can be daunting.

“This is a group that has primarily been vulnerable to discrimination,” Professor Saji says. “Some districts are really great about enforcing special education and the rights for students with disabilities; some districts are very poor at that job in terms of the resources that they can provide. These systems are not built to protect families overall, but these cases are a good example of

what these statutes were intended for. Meeting the standards protects parents and decreases the hurdles that they’re facing.” •



1. What do you think of the hurdles that students with disabilities and their families face? If you had to, would you fight to secure educational opportunities that you are entitled to? Explain your answer.
2. Read the “Beyond the Special Education Rulings” sidebar. What do you think the benefits are for students with disabilities in attending general education classes? What could be potential drawbacks?

Glossary

affirm—to uphold, approve or confirm. **appeal**—a request that a higher court review the decision of a lower court.

burden of proof—the obligation to prove by evidence in a case that your argument is truthful. **concurring opinion**—a separate opinion delivered by one or more justices or judges that agrees with the decision of the court but not for the same reasons.

deposition—a formal, pre-trial procedure where a witness provides sworn oral testimony that is recorded for court records.

fetus—offspring that is in the prenatal stage of development. **jurisdiction**—authority to interpret or apply the law.

litigant—a person involved in a lawsuit. **motion to dismiss**—an application made to a court to discharge a lawsuit

without further consideration such as a trial. **plaintiff**—person or persons bringing a civil lawsuit against another person or entity.

precedent—a legal case that will serve as a model for any future case dealing with the same issues. **prima facie**—presumed to be a fact unless disproved with evidence to the contrary. **overturned**—in the law, to void a prior legal precedent.

redress—satisfaction, in the form of compensation or punishment, for an injury or wrongdoing. **remand**—to send a case back to a lower court. **statute**—legislation that has been signed into law.