High court rules for disabled girl, service dog

WASHINGTON — The proverb "every dog has its day" came true at the Supreme Court on Wednesday for the family of a 13-year-old girl with cerebral palsy and her goldendoodle, Wonder.

In a case that was closely watched by the disability community, the high court ruled unanimously that Ehlena Fry's family can pursue a lawsuit against her former public school district for denying access to her service dog.

Lower courts had ruled that the family first had to exhaust all administrative remedies under the Individuals with Disabilities Education Act before seeking damages under the Americans with Disabilities Act. But the justices ruled that if the family did not pursue a solution under IDEA, it can sidestep that process in search of its real goal: providing Ehlena with greater physical and emotional independence.
"Nothing in the nature of the Frys’ suit suggests any implicit focus on the adequacy of (Ehlena's) education," Justice Elena Kagan wrote. "The Frys could have filed essentially the same complaint if a public library or theater had refused admittance to Wonder."

Even so, the 8-0 ruling leaves open the possibility that a lower federal court still could require exhaustion of the IDEA administrative process, depending on further fact-finding.

As often happens as court proceedings drag on, Ehlena was moved to a different Michigan elementary school that welcomed Wonder — now 10 and retired as a service dog — and even put the pooch's mug shot in its yearbook. Over the years, the lawsuit against the Napoleon Community Schools became more about principle than keeping the girl and her goldendoodle together.

A number of justices had seemed sympathetic to the Frys' argument during oral arguments in October. Forcing them to negotiate with school officials over Ehlena's educational program seemed unfair, they said, when her education wasn't the problem. Rather, the Frys wanted Wonder — not a human aide — to perform such tasks as helping Ehlena in the bathroom and through doorways.

Chief Justice John Roberts and Justice Stephen Breyer expressed concern that a decision in the Frys' favor could allow families of children with disabilities to gain an advantage over school districts by threatening ADA lawsuits while negotiating their educational programs. But Roberts acknowledged that requiring the Frys to go through the IDEA process when their concerns were not about education was "a kind of charade."

The case was the first of two heard this term that could influence how schools handle children with disabilities. In January, the justices also appeared to side with the family of a Colorado student with autism seeking a more substantial education under the IDEA law. That case, likely to be decided this spring, could have a broader impact on thousands of students with disabilities.