

IN THE SUPREME COURT OF THE UNITED STATES

No. 24-249

A.J.T., BY AND THROUGH HER PARENTS, A.T. & G.T., PETITIONER

v.

OSSEO AREA SCHOOLS, INDEPENDENT SCHOOL DISTRICT NO. 279, ET AL.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

MOTION OF THE UNITED STATES FOR LEAVE TO
PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE
AND FOR DIVIDED ARGUMENT

Pursuant to Rule 28 of the Rules of this Court, the United States respectfully moves for leave to participate in the oral argument in this case as amicus curiae supporting petitioner and requests that the United States be allowed ten minutes of argument time. Petitioner has agreed to cede ten minutes of argument time to the United States and consents to this motion. Accordingly, if this motion were granted, the argument time would be divided as follows: 20 minutes for petitioner, ten minutes for the United States, and 30 minutes for respondents.

This case concerns the legal standards for claims brought under Title II of the Americans with Disabilities Act of 1990

(ADA), 42 U.S.C. 12131 et seq., and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, in the context of elementary and secondary education. The case also concerns the effect of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400 et seq., on claims brought under other federal statutes. The question presented asks whether Title II and Section 504 require students who seek relief for disability discrimination related to their elementary or secondary education to make a heightened intent showing -- bad faith or gross misjudgment -- that some courts have applied only to Title II and Section 504 claims brought in the educational context.

The United States has a significant interest in the question presented. The Department of Justice is authorized to bring civil actions to enforce Title II and Section 504. See 29 U.S.C. 794a(a)(2); 42 U.S.C. 12133. In addition, the Department of Justice has promulgated regulations implementing Title II and is responsible for coordinating federal agencies' implementation and enforcement of Section 504. See 42 U.S.C. 12134(a); 28 C.F.R. Pts. 35 and 41; Exec. Order No. 12,250, 3 C.F.R. 298 (1980 comp.); see also 28 C.F.R. 0.51(b)(3). The Department of Education has promulgated regulations implementing Section 504; is authorized to investigate and administratively enforce compliance with Section 504; and generally has authority to investigate, negotiate admin-

istrative resolutions, and refer to the Department of Justice unresolved Title II matters. See 29 U.S.C. 794a(a)(2); 42 U.S.C. 12133; 34 C.F.R. Pt. 104; see also 28 C.F.R. 35.190(b)(2) and (e); 34 C.F.R. 104.61. And the Department of Education administers the IDEA and has promulgated regulations implementing it. See 20 U.S.C. 1402, 1406; 34 C.F.R. Pt. 300.

The United States has frequently participated in oral argument as amicus curiae in cases concerning the scope or application of the ADA, the Rehabilitation Act, and the IDEA. See, e.g., Stanley v. City of Sanford, No. 23-997 (argued Jan. 13, 2025) (ADA); Acheson Hotels, LLC v. Laufer, 601 U.S. 1 (2023) (ADA); Luna Perez v. Sturgis Pub. Sch., 598 U.S. 142 (2023) (ADA and IDEA); Cummings v. Premier Rehab Keller, P.L.L.C., 596 U.S. 212 (2022) (Rehabilitation Act); Fry v. Napoleon Cmty. Sch., 580 U.S. 154 (2017) (ADA, Rehabilitation Act, and IDEA); Endrew F. v. Douglas Cnty. Sch. Dist. RE-1, 580 U.S. 386 (2017) (IDEA); Forest Grove Sch. Dist. v. T.A., 557 U.S. 230 (2009) (IDEA); Winkelman v. Parma City Sch. Dist., 550 U.S. 516 (2007) (IDEA); Barnes v. Gorman, 536 U.S. 181 (2002) (ADA and Rehabilitation Act); Toyota Motor Mfg., Ky., Inc. v. Williams, 534 U.S. 184 (2002) (ADA); PGA Tour, Inc. v. Martin, 532 U.S. 661 (2001) (ADA). In light of the substantial federal interest in the question presented, the United States' participation at oral argument would materially assist the Court in its consideration of this case.

Respectfully submitted.

CURTIS E. GANNON
Deputy Solicitor General*

MARCH 2025

* The Acting Solicitor General is recused in this case.