

# Wonder the Goldendoodle Service Dog Isn't the Question, Exhaustion Is

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A U.S. Supreme Court decision handed down Wednesday goes much further than whether a Michigan kindergartener can bring Wonder, her goldendoodle service dog, to school or not.

The Court determined the family of the kindergartener does not need to first exhaust the normal state administrative procedures through the Individuals with Disabilities Education Act (IDEA). Instead, it can go directly to federal court, which is normally the step after state administrative due process. The Court also provided future "tests" for lower courts to determine when administrative proceedings are necessary and when they can be bypassed.

In the highly publicized case tracked by the attorneys at Barley Snyder, the parents of a Michigan student with disabilities filed a federal suit against their school district, which wouldn't allow the kindergarten student to bring her service dog, Wonder, a goldendoodle, to school with her. The school argued that the student's IEP included a human aide to provide one-on-one support throughout the school day. Therefore, the service animal was not necessary in the school setting. The district wanted the case dismissed because it first didn't go through the required IDEA administrative proceedings.

The question before the Court in *Fry v. Napoleon Community Schools, et al.* was whether the family could take their case directly to federal court. The Court held that exhaustion of administrative remedies under the IDEA is not necessary when the gravamen of the plaintiff's complaint is something other than the denial of a Free Appropriate Public Education (FAPE).

In overturning the Sixth Circuit, the Supreme Court noted that the exhaustion rule hinges on whether a lawsuit seeks relief for the denial of a FAPE. The Court went on to conclude that in determining whether a suit seeks relief for a denial of FAPE, a court must look to the substance, or gravamen, of the plaintiff's complaint. The Court indicated that courts should consider two important "clues" when deciding whether the gravamen of the complaint concerns FAPE:

1. Could the plaintiff have brought essentially the same claim if the alleged conduct had occurred at a public facility that was not a school?
2. Could an adult at the school have pressed essentially the same grievance?

The Court notes that the original claim from the parents does not focus on FAPE; therefore the Court vacated the judgment of the Sixth Circuit and remanded the case for consideration of whether the gravamen of the complaint is actually a denial of FAPE utilizing the new standard established by the Court.

If you have any additional questions regarding the Court's decision, or if we can provide any assistance as you review

your current practices, please do not hesitate to contact any of the attorneys in [Barley Snyder's Education Group](#).