

United States Court of Appeals
For the Eighth Circuit

No. 18-1103

Brian Doe; Jane Doe; Robert Doe

Plaintiffs - Appellants

v.

Pleasant Valley School District; Mississippi Bend Area Education Agency

Defendants - Appellees

Appeal from United States District Court
for the Southern District of Iowa - Davenport

Submitted: November 20, 2018

Filed: December 18, 2018

[Unpublished]

Before BENTON, BOWMAN, and ERICKSON, Circuit Judges.

PER CURIAM.

In this action alleging violations of Section 504 of the Rehabilitation Act of 1973 and Title II of the American with Disabilities Act (ADA), Brian Doe, Jane Doe,

and Robert Doe appeal from the order of the District Court¹ granting summary judgment to the defendants. After de novo review, we conclude that the District Court properly granted summary judgment because the Does could not establish that the defendants acted in bad faith or with gross misjudgment when they offered student Brian Doe an individualized education plan. See B.M. ex rel. Miller v. S. Callaway R-II Sch. Dist., 732 F.3d 882, 886, 887 (8th Cir. 2013) (describing the standard of review and explaining that “where alleged ADA and § 504 violations are based on educational services for disabled children, the plaintiff must prove that school officials acted in bad faith or with gross misjudgment”) (cleaned up). We affirm.

¹The Honorable Stephanie M. Rose, United States District Judge for the Southern District of Iowa.