In the

United States Court of Appeals

For the Seventh Circuit

No. 25-2991

E.W., individually and by her parent and next friend, B.W.,

Plaintiffs-Appellants,

v.

MT. VERNON COMMUNITY SCHOOL CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court for the Southern District of Indiana, Indianapolis Division.
No. 1:23-cv-01992 — **M. Kendra Klump**, *Magistrate Judge*.

ARGUED MAY 15, 2026 — DECIDED SEPTEMBER 8, 2026

Before JACKSON-AKIWUMI, LEE, and KOLAR, *Circuit Judges*.

KOLAR, *Circuit Judge*. E.W.'s depression and anxiety hinder her ability to learn.[1] She enrolled as a sixth grader in Mt. Vernon Community School Corporation, a public-school

[1] The district court found that exceptional circumstances warrant pseudonymity in this case based primarily on E.W.'s status as a minor and victim of sexual assault. Having reviewed its analysis, we agree.

district, and stayed there for nearly two years. Because E.W. lived outside the School district, she attended the school pursuant to its Transfer Policy and Indiana law, which let her enroll subject to certain eligibility criteria and the Superintendent's annual approval.

E.W. struggled with her anxiety and depression, which concerned both school officials and her parents. To address E.W.'s mental health, and accommodate her disability, they worked together to adopt an Alternative Learning Plan under Section 504 of the 1973 Rehabilitation Act. This Section 504 Plan granted E.W. several accommodations, including frequent class breaks, testing accommodations, and a "hot pass" for her to flash anytime she wanted to see a counselor or nurse.

Unfortunately, these efforts did not allow E.W. to meet the School's requirements for its students. E.W. kept acting up in school—from threatening teachers to hitting classmates, swearing, and disrupting lessons. This misconduct resulted in E.W. receiving ten out-of-school suspension days, and her records also reflect 18 non-suspension-related full-day absences. The Superintendent eventually denied E.W.'s application to reenroll, citing provisions of the Transfer Policy and state law that allow districts to deny reenrollment if a student has ten or more out-of-school suspension days in one academic year. E.W. and her father sued the School, alleging that it denied E.W.'s reenrollment application based on her disability, but the district court granted summary judgment to the School.

We affirm that decision. The record confirms that the School reasonably accommodated E.W.'s disability through

its Section 504 and Safety Plans and had a valid, non-pretextual basis for denying her reenrollment.

I. Background

Because this appeal arises from an order granting summary judgment, we cast the facts in the light most favorable to E.W. and draw all reasonable inferences in her favor. *Taylor v. Schwarzhuber*, 132 F.4th 480, 486 (7th Cir. 2025).

A. Sixth Grade and Section 504 Plan Implementation

E.W. attended the Mt. Vernon school district from sixth to eighth grade (2020–2023). Each year, she was approved as a "transfer" student because she and her father, her custodial parent, lived outside the district.

Sometime after enrolling at the School, E.W. was diagnosed with depression and anxiety, leading the School to classify her as disabled. Her disability manifested as panic attacks, rages, impulsivity, irritability, poor concentration, confrontationality, moodiness, and suicidal ideation, among other characteristics. By the end of April 2021, School counselors became worried about E.W.'s mental health when they learned that she had searched the web for information about suicide. E.W. also told School officials that she had dreams about self-harm. The School relayed that information to E.W.'s father.

The School and E.W.'s parents convened in May 2021 to address these concerns and look for ways to accommodate E.W.'s disability. Together, they devised and implemented an Alternative Learning Plan under Section 504 of the 1973 Rehabilitation Act ("Section 504 Plan"). This Plan afforded E.W. frequent breaks from class with the use of a "hot pass," which

she could use to leave class to see a counselor if she felt anxious, as well as small group testing and earplugs when working on tests and assignments.

B. Seventh Grade and Safety Plan Addition

E.W. misbehaved when she entered her seventh-grade school year (2021–2022). She was disciplined for shouting during lessons, hitting students, talking back to teachers, swearing, and otherwise disrupting class. E.W.'s Section 504 Plan was amended in May 2022 to require an adult escort for E.W. when she would use her hot pass for a break. Three days later, and in response to a suicide attempt by E.W., the School added a Safety Plan to E.W.'s Section 504 Plan.

The Safety Plan required that E.W. never be left alone on school property, only use the restroom in the nurse's office, surrender her purse to a staff member before entering that restroom, and never be given sharp objects. The amended Section 504 and Safety Plans were circulated to E.W.'s teachers at the start of E.W.'s third year with the district, eighth grade, which began in August 2022.

C. Eighth Grade and Section 504 Plan Revision

E.W. continued to struggle in eighth grade. She would tell School counselors that she "wanted to hurt herself," and reported other students for bullying and harassing her late into the fall. At least one counselor spoke to E.W. about these allegations and alerted School administrators. And E.W.'s mother thanked the counselor for taking E.W.'s "reports of harassment and bullying seriously."

E.W.'s misbehavior continued as well. In January 2023 alone, she was disciplined at school for lying, talking back to staff members, swearing, and using her phone without

permission. One month later, E.W. was harassed by a male student, who stalked her and made sexual advances toward her. These advances were severe. The male student followed E.W. around a classroom while telling her he was "aroused," grabbed E.W.'s chest, and remarked that she "looked good in leggings." E.W. reported this conduct to school officials. The School's principal, assistant principal, and a counselor investigated the incident and disciplined the male student. The School also separated E.W. from the male student by putting them in different classes, reassigning their lockers, and specially supervising both students, among other measures.

The record does not reflect that E.W. faced any additional incidents of harassment after February 7. Still, E.W. and her parents were understandably concerned and felt that the School could have done more after the incident to accommodate E.W.'s disability and separate her from her assailant.

Later in February, and throughout spring 2023, E.W.'s behavioral issues persisted. School officials disciplined her for disrupting a science class, swearing at teachers, and insubordination. As early as March 6, E.W.'s mother met with a school counselor and the principal to discuss E.W.'s behavior. Three days later, E.W. took a laptop off her teacher's desk without permission to record herself kissing another student, and the very next day, she dumped a carton of milk on another student's head. The School called E.W.'s father about the laptop incident and held a meeting on or around March 27 to revisit E.W.'s Section 504 Plan.

E.W. and her parents joined the School principal, counselor, therapist, and E.W.'s educational liaison at this meeting. There, E.W.'s parents told these officials that E.W.'s mental health was deteriorating, and that E.W. was being disciplined

for behaviors that were a manifestation of her disability. As a result, E.W.'s Section 504 Plan was amended to allow E.W. to email, or ask a teacher to email, any of the officials present at the meeting if she needed a break at school. The revised Section 504 Plan also granted E.W. a midday break to see a counselor, subject to the counselor's availability.

In the days that followed, E.W. emailed a school counselor several times threatening to hit other students and teachers. At one point during these email exchanges, the counselor told E.W. to "stay calm" and that she would meet with E.W. to discuss the emails. In April 2023, the principal emailed E.W.'s parents to enlist their help with E.W.'s "[t]hreatening behavior, insubordinate behavior and language, and disruptive behaviors." Among other concerns, she advised that E.W. had been suspended for eight days and that "another significant infraction" would result in "progressive discipline."

D. Manifestation-Determination Meeting Denial

By early May, E.W. had ten out-of-school suspension days—meaning she was barred from all school activities during that time—and at least four days of in-school suspension for the 2022–23 academic year. E.W. also had 62 days with some manner of absence, including 18 non-suspension-related, full-day absences. The record is unclear as to which, if any, of these absences were excused.

On May 11, 2023, E.W.'s parents requested a "manifestation determination" meeting to review whether E.W.'s bad behavior was related to her disability. Four days later, they met with School officials, where they expressed their view that E.W. had been suspended enough times to trigger a manifestation determination meeting. But the School refused to

hold any such meeting, and—according to the parents—told them to "go back through the record and count the suspensions" if they wanted it to reconsider. E.W.'s mother emailed the principal to again request a manifestation-determination meeting a week later, but the School never responded.

E. Reenrollment Denial

Under School Policy C125 ("Transfer Policy"), students like E.W. who live outside the school district may be enrolled as "transfer" students under Indiana Code § 20-26-11-32. The School may deny a transfer application or discontinue enrollment under the Transfer Policy "if the student has been suspended for ten (10) or more school days" or "has had a history of unexcused absences" and the School believes that "attendance would be a problem."

On June 7, the School sent E.W.'s father a letter that explained E.W.'s transfer application for the 2023–24 school year was denied. It did so because E.W. had been absent for 18 days and had spent ten days on out-of-school suspension during the prior school year.

F. Procedural Background

E.W. and her father sued the School for compensatory damages in November 2023. They brought claims of discrimination and retaliation under Title IX, the Americans with Disabilities Act, the Rehabilitation Act, and other claims not raised on appeal. With the parties' consent, a magistrate judge presided over the case.

The magistrate judge granted summary judgment in the School's favor. The court ruled that E.W. and her father waived their Title IX claim, the School reasonably accommodated E.W.'s disability, and the School did not retaliate

against E.W. for requesting accommodations. E.W. and her father appealed.

II. Discussion

We address only what has been raised on appeal, namely claims of discrimination under Title IX, the ADA, and Section 504, as well as retaliation for requesting disability accommodations.

Summary judgment is proper "if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). We review orders granting summary judgment *de novo*, making all inferences favorable to the non-movants.[2] *Miller v. Gonzalez*, 761 F.3d 822, 826 (7th Cir. 2014). Because we find the magistrate judge's decision granting summary judgment on all claims proper, we affirm.

A. Title IX Claim

Title IX bans sex discrimination in "any education program or activity receiving Federal financial assistance." 20 U.S.C. § 1681(a). E.W. and her father brought a claim under this statute in their Complaint, alleging without further detail that the School "treated E.W. differently on the basis of her sex." They questioned whether the School did all it could to

[2] Jurisdiction is secure. E.W. and her father appealed through 28 U.S.C. § 1291, which gives us jurisdiction over "final decisions of the district courts." We treat appeals "from a judgment by a magistrate judge in a civil case" just like "an appeal from any other district court judgment." Fed. R. App. P. 3(a)(3). The notice of appeal comports with Federal Rule of Appellate Procedure 3(c)(1), and all parties consented to have this case heard by the magistrate judge in the Case Management Plan.

protect her under the law, and they supported this claim with evidence that E.W. would occasionally see the male student who had harassed her in school hallways and in certain classrooms. But they omitted this Title IX claim from their statement of claims—a list of "claims or defenses" and supporting "legal theories" for trial required by the Southern District of Indiana's Local Rules and Uniform Case Management Plan. According to the School, that error waived the claim. The magistrate judge agreed.

We have long held that "district courts may require strict compliance with their local rules," and we review the judge's dismissal of the Title IX claim for failure to comply with court rules only for an abuse of discretion. *Hinterberger v. City of Indianapolis*, 966 F.3d 523, 528 (7th Cir. 2020) (citing *Friend v. Valley View Community School District 365U*, 789 F.3d 707, 710 (7th Cir. 2015)). And we give "considerable weight" to how a district court applies its local rules. *Cichon v. Exelon Generation Co.*, 401 F.3d 803, 810 (7th Cir. 2005) (citation omitted). Because statements of claims are prescribed by the case management plans required by Local Rule 16-1(c), the Southern District of Indiana has consistently treated claims omitted from a statement of claims as abandoned, forfeited, or waived. *See Dysland v. Shetler Moving & Storage, Inc.*, No. 3:21-cv-00004, 2022 WL 18540516, at *2 (S.D. Ind. Sept. 7, 2022) (collecting cases). And we have affirmed that practice. *Zemlick v. Burkhart*, 164 F.4th 1004, 1015–16 (7th Cir. 2026).

So too here. Though the School briefed Title IX in its summary-judgment motion, it said up front that it "is not required to respond" to that claim because the plaintiffs "failed to include Title IX" in their statement of claims. Dismissing the Title IX claim was not an abuse of discretion, especially because

the plaintiffs ignored the School's waiver argument in their summary-judgment response, and the School again highlighted waiver in its reply. The plaintiffs could have asked the magistrate judge to excuse strict compliance with the district court's rules, but they did not do so.

We cannot say that the magistrate judge abused her discretion in deciding that E.W. and her father failed to press their Title IX claim in accordance with the district court's rules, so we do not reach that claim's merits.

B. Discrimination Claims

E.W. and her father also sued the School for intentional discrimination and failure to accommodate E.W.'s disability under the ADA and Section 504 of the 1973 Rehabilitation Act. They only argue failure to accommodate on appeal.

Title II of the ADA protects any "qualified individual with a disability" from being "excluded from participation in or be[ing] denied the benefits of the services, programs, or activities of a public entity, or be[ing] subjected to discrimination by any such entity," because of the person's disability.[3] 42 U.S.C. § 12132. The Rehabilitation Act extends near-identical protections to "any program or activity receiving Federal financial assistance." 29 U.S.C. § 794(a). Given how similar these statutes and their implementing regulations are, we

[3] A "qualified individual with a disability" is anyone who, "with or without reasonable modifications to rules, policies, or practices … meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity." 42 U.S.C. § 12131(2). A "public entity" means "any State or local government," as well as "any department, agency, special purpose district, or other instrumentality of a State ... or local government." *Id.* § 12131(1)(A), (B).

"construe and apply them in a consistent manner." *Radaszewski ex rel. Radaszewski v. Maram*, 383 F.3d 599, 607 (7th Cir. 2004).

E.W. and her father now challenge the magistrate judge's ruling on their failure to accommodate claims. They do so in two ways. First, they say that the court held them to the wrong intent requirement. Second, they argue that the court erred in finding the School reasonably accommodated E.W.'s disability. We reject both arguments.

1. Intent Requirement

During summary-judgment briefing, the Supreme Court decided *A.J.T. ex rel. A.T. v. Osseo Area Schools Independent School District No. 279*, 605 U.S. 335 (2025). There, it explained that plaintiffs with a qualified disability in a school setting seeking damages for discrimination need only show that the school acted with "deliberate indifference" toward them based on their disability. *Id.* at 345. This standard, while demanding, does not require plaintiffs like E.W. and her father to show "ill will or animosity" by the School—only that the School "disregarded a 'strong likelihood' that the challenged action would 'result in a violation of federally protected rights.'" *Id.* at 344–45 (citation omitted).

The magistrate judge responded to this new authority by ordering supplemental briefing on *A.J.T.* before ruling on summary judgment. She then evaluated the plaintiffs' discrimination claims under the "deliberate indifference" standard applied in *A.J.T.* Here, the magistrate judge correctly explained that, to prevail, "Plaintiffs must show that the School failed to provide reasonable accommodations and acted deliberately indifferent when doing so."

On appeal, E.W. and her father simply say without more that the magistrate judge continued to place "heightened" burdens on them despite *A.J.T.* But that is wrong. The magistrate judge stated the correct deliberate-indifference standard, discussed the "rigorous" analysis it requires, and found no evidence suggesting that the School mistreated E.W. because of her disability. We therefore reject any claim that the magistrate judge misapplied *A.J.T.* in granting summary judgment.

2. Reasonable Accommodation

E.W. and her father argue that the School failed to reasonably accommodate her disability by declining to hold a manifestation-determination meeting before "denying enrollment based on disability-related conduct." But the ADA and Section 504 entitle qualified individuals with a disability only to *reasonable* accommodation, not their *preferred* accommodation. *See A.H. ex rel. Holzmueller v. Illinois High School Association*, 881 F.3d 587, 592 (7th Cir. 2018) (regulations implementing the ADA and Section 504 require "reasonable accommodations [for] the disabled"). Manifestation-determination meetings are a procedure borrowed from another statute, the Individuals with Disabilities Education Act, that E.W. and her father do not invoke here.[4] They have identified nothing in the ADA, Section 504, or our caselaw on these statutes requiring the School to observe this procedure before denying reenrollment. We have found no such authority either.

[4] The Individuals with Disabilities Education Act requires that school officials and parents of a misbehaving disabled student "review all relevant information" to determine if the student's misconduct "was caused by, or had a direct and substantial relationship to, the child's disability." 20 U.S.C. § 1415(k)(1)(E).

E.W. and her father stress that the School should have held a manifestation-determination meeting to find out if E.W.'s disability caused her absences—and thereby her termination as a student—from the School. And they argue that the magistrate judge improperly drew inferences against them at summary judgment by characterizing her absences as "unexcused."

But whatever the reason for E.W.'s absences (excused or unexcused), no one disputes that she separately had ten separate out-of-school suspension days in eighth grade. Recall that the School's Transfer Policy authorizes discontinuing enrollment for any student who "has been suspended for ten (10) or more school days" *or* "has had a history of unexcused absences." By those terms, E.W.'s ten out-of-school suspension days *alone* justify the School's decision to deny reenrollment—even if *all* of her absences were related to her mental health. A manifestation-determination meeting on E.W.'s absences would not have changed the threshold number of suspensions sufficient to deny reenrollment.

Suspensions aside, we acknowledge that a refusal to engage in a manifestation-determination meeting with E.W.'s caregivers could suggest deliberate indifference. But in reviewing the full record, we cannot say that showing has been made.

The record shows that the School reasonably accommodated E.W.'s anxiety and depression by making "reasonable modifications" to its "policies, practices, or procedures." 28 C.F.R. § 35.130(b)(7)(i); *see id.* § 41.53. The School implemented a Section 504 Plan when it learned about E.W.'s disability. It later amended that Plan—and added a Safety Plan—to grant her additional breaks and access to counselors when her

mental health deteriorated in seventh grade. With these plans, E.W. was entitled to midday breaks, a "hot pass" for more breaks, testing accommodations (like earplugs and small group seating), access to the nurse's office restroom, adult chaperoning in between classes, and email access to request meetings whenever she wanted with the School counselor or therapist.

These accommodations, developed and implemented with input from E.W.'s parents, defeat any claim the School acted with deliberate indifference toward E.W.'s disability. We conclude that the magistrate judge did not err in treating these measures as reasonable accommodations for ADA and Section 504 purposes.

C. Retaliation Claim

The ADA and Section 504 prohibit retaliation "for the exercise of rights conferred by those statutes." *Stanek v. St. Charles Community Unit School District No. 303*, 783 F.3d 634, 641 (7th Cir. 2015). A disabled plaintiff can prove retaliation by using either direct or indirect proof. *Dickerson v. Board of Trustees of Community College District No. 522*, 657 F.3d 595, 601 (7th Cir. 2011). Because E.W. and her father have identified no direct proof of retaliation in the record, either in their complaint or at argument, we focus on the indirect method of proof. *See Cassimy v. Board of Education of Rockford Public Schools, District No. 205*, 461 F.3d 932, 938 (7th Cir. 2006).

To prevail on their retaliation claim against the School, E.W. and her father must prove (1) "a statutorily protected activity;" (2) "an adverse action; and (3) a causal connection between the two." *Koty v. DuPage County, Illinois*, 900 F.3d 515, 519 (7th Cir. 2018) (quoting *Dickerson*, 657 F.3d at 601). If they

make that preliminary showing, then the School must present evidence of a "non-invidious reason" for the adverse action at issue. *Dickerson*, 657 F.3d at 602. If the School does so, then E.W. and her father must show that the School's proffered reason is pretextual. *See Burton v. Board of Regents of University of Wisconsin System*, 851 F.3d 690, 698 (7th Cir. 2017).

We agree with the magistrate judge that E.W. and her parents engaged in "protected activity" when they contacted the School and "asserted [their] rights under the ADA." *Trahanas v. Northwestern University*, 64 F.4th 842, 856 & n.6 (7th Cir. 2023) (citation omitted). And, taking the facts in the light most favorable to E.W., we also agree that the School took adverse action when it denied E.W.'s application for transfer admission at the start of ninth grade.

Thus, the retaliation claim depends on whether E.W. and her father have shown that their requests for disability accommodations were a "but for" cause driving the School's decision to deny reenrollment; and assuming the School's explanation was legitimate, whether the plaintiffs have shown pretext. *Kotaska v. Federal Express Corp.*, 966 F.3d 624, 632 (7th Cir. 2020). E.W. and her father make two arguments. First, they argue that the temporal proximity of the adverse action to the protected activity proves but-for causation. And second, they contend that the June 7 letter proves that the School's reasons for denying reenrollment were pretextual. Both arguments fail.

1. Temporal Proximity

As to timing, a point that can support causation, E.W. and her father contend that E.W.'s parents requested a manifestation-determination meeting on May 11, 2023 and again on

May 17, and that the School denied E.W.'s transfer application less than a month later, on June 7. This timeline, they argue, tucks their retaliation theory within the tight timeline we have required for causation. *See, e.g.*, *Turner v. The Saloon, Ltd.*, 595 F.3d 679, 690 (7th Cir. 2010) (rejecting plaintiff's causal-connection argument where temporal proximity between the protected activity and adverse action was two months). We find that argument unpersuasive.

Here, the School warned E.W.'s parents about her poor behavior and absences in eighth grade. For example, just four months into that academic year, the School explained to them that E.W. had ten absences, noting the value of class attendance and stating that the "school's administrator may have resources to help minimize additional absences." Between that correspondence and June 7, 2023, E.W. was disciplined for lying, talking back to staff, swearing, using her phone without permission, disrupting a science class, taking her laptop without permission, and pouring milk on another student. Based on that conduct, and the correspondence timeline with E.W.'s parents, no reasonable jury could conclude the School's re-enrollment decision was pretextual. *Cf. Taylor-Novotny v. Health Alliance Medical Plans, Inc.*, 772 F.3d 478, 496 (7th Cir. 2014) ("[A] case based on suspicious timing is particularly weak where a plaintiff's protected activity follows a performance warning for the very same conduct that ultimately led to her termination." (citation modified)).

2. Pretext

As to pretext, E.W. and her father only argue that the June 7 denial letter cited excessive absences (without mentioning the suspensions at all) and that the School failed to comply with its own policy and state law. But regardless of whether

E.W.'s absences were excused, the undisputed evidence shows that she had at least ten out-of-school suspension days. As we previously noted, that reality independently justifies the School's decision to deny re-enrollment under its Transfer Policy and Indiana law. *See* Ind. Code § 20-26-11-32(i) (a "school corporation" may "deny a request for a student to transfer" or "discontinue enrollment" if "the student has been suspended" for "ten (10) or more school days").

Ultimately, E.W. and her father offer nothing other than their say-so, which is not enough to make the required pretext showing. *See Friend*, 789 F.3d at 712 (disregarding factual statements unsupported by designated admissible evidence); *see also, e.g.*, *Novak v. Board of Trustees of Southern Illinois University*, 777 F.3d 966, 976 (7th Cir. 2015) (explaining that a plaintiff "must demonstrate that th[e] reason [for the adverse action] constitutes a mistruth—a lie on the part of the defendants"—to show pretext). We therefore conclude that the magistrate judge correctly granted the School summary judgment on the retaliation claim.

III. Conclusion

We AFFIRM the magistrate judge's order granting summary judgment to the School.