Exhaustion of IDEA Administrative Remedies Is Not Required to Pursue Non-IDEA Remedies, Such as Compensatory Damages Under the ADA

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The U.S. Supreme Court, in *Perez v. Sturgis Pub. Sch.* (2023) ___U.S.___ [143 S.Ct. 859], unanimously ruled that a student who settled an administrative proceeding for relief under the Individuals with Disabilities Education Act (IDEA) may thereafter seek relief in federal court under the Americans with Disabilities Act (ADA) because his lawsuit sought compensatory damages—a type of relief that is not available under the IDEA. This decision creates a substantial risk that school districts, after settling administrative proceedings advancing claims under the IDEA, will now face additional federal lawsuits under the ADA and other federal laws when those lawsuits are framed to seek remedies that were not available under the IDEA.

Background

Petitioner Miguel Luna Perez was a deaf student who attended schools in Michigan's Sturgis Public School District (Sturgis) from ages 9 through 20. Upon being informed that Sturgis would not permit him to graduate, Perez filed an administrative complaint with the Michigan Department of Education alleging that Sturgis failed to provide him with a "Free Appropriate Public Education" (FAPE) as required under the IDEA through, among other things, its failure to provide him with qualified interpreters and accurately represent his educational progress. The parties settled the administrative proceeding, and Sturgis agreed to provide prospective relief, including providing Perez with additional schooling. Shortly after settling the administrative complaint, Perez sued in federal district court seeking compensatory damages under the ADA.

Sturgis moved to dismiss, arguing that the ADA claim was barred under section1415(l), of the IDEA (section 1415(l)), because a plaintiff cannot bring an ADA claim without first exhausting all of the IDEA's administrative dispute resolution procedures. The district court agreed and dismissed the complaint, and the Sixth Circuit Court of Appeals affirmed.

The Supreme Court's Rationale

Reversing the Sixth Circuit, the Supreme Court reasoned that the IDEA, under section 1415(l), provides two general rules:

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(1) "Nothing . . . shall be construed to restrict" a student's ability to seek "remedies" under the ADA or "other Federal laws protecting the rights of children with disabilities."

(2) "[E]xcept that before the filing of a civil action under such [other federal] laws seeking relief that is also available" under the IDEA, "the procedures under subsections (f) and (g) shall be exhausted."

Sturgis argued that section 1415(l) requires a plaintiff to exhaust the IDEA administrative processes before pursuing a lawsuit under another federal law whenever that lawsuit seeks relief for the same underlying harm that the IDEA addressed. In contrast, Perez argued that section 1415(l) requires a plaintiff to exhaust the IDEA administrative processes only when the plaintiff pursues a lawsuit under another federal law for duplicative remedies that the IDEA also provides.

Interpreting the statutory terms "remedies" and "relief" to be synonymous, the Supreme Court unanimously agreed with Perez's position, determining that the exhaustion requirement "does not apply to *all* suits seeking relief that other federal laws provide." Rather, the exhaustion requirement "applies only to suits that 'see[k] relief . . . also available under' IDEA." The Supreme Court ruled that Perez was not precluded from seeking compensatory damages under the ADA, despite his failure to exhaust all administrative procedures under the IDEA, because compensatory damages are not a type of relief that is also available under the IDEA. In so ruling, however, the Court observed that section 1415(l) would preclude some unexhausted claims: "for example, a plaintiff who files an ADA action seeking both damages and the sort of equitable relief IDEA provides may find his request for equitable relief barred or deferred if he has yet to exhaust § 1415(f) and (g)."

Takeaways

The Supreme Court's ruling arguably creates a clearer rule in an area of law that was often the subject of uncertainty, dispute, and litigation. Under *Perez*, students may file suit under non-IDEA federal laws if and when they seek remedies that are not already available under the IDEA. Given this new direction from the Supreme Court, school districts may find themselves facing additional federal lawsuits, even after settling administrative claims for denials of FAPE, if a student frames the federal litigation as seeking relief (such as compensatory damages) that is not available under the IDEA. Accordingly, school districts should consider whether to include global settlements of all claims, including non-IDEA claims, when resolving administrative proceedings brought for alleged violations of FAPE.

If you have any questions about the Exhaustion Under the IDEA Is Not Required to Pursue Compensatory Relief Under the ADA, please contact the authors of this Client News Brief or an attorney at one of our eight offices located statewide. You can also subscribe to our podcasts, follow us on Facebook, Twitter and LinkedIn or download our mobile app.

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