

The Plaintiff, Miguel Perez, who is now 27 years old, attended the Sturgis Public School District ("Sturgis" or the "School") from ages 9 through 20. When Sturgis stated that it would not permit Mr. Perez to graduate, he and his family initially filed a due process complaint against Sturgis with the Michigan Department of Education. The due process complaint alleged that Sturgis supplied Mr. Perez with unqualified sign language interpreters and misrepresented his educational progress in violation of the IDEA. Mr. Perez and his family reached a settlement agreement with Sturgis in which the School promised to provide him with forward-looking relief, including additional schooling.

Mr. Perez's Federal District Court Case Filed Against Sturgis

After Mr. Perez reached the settlement agreement with Sturgis for his IDEA claims, he filed a lawsuit against Sturgis for monetary compensatory damages in Michigan's federal district court under the ADA. Sturgis filed a motion to dismiss the federal complaint. Sturgis' motion argued that a provision in the IDEA prohibited Mr. Perez from bringing an ADA claim without first "exhausting" all of the IDEA's dispute resolution procedures. The District Court agreed with Sturgis, granted its motion to dismiss the complaint, and dismissed Mr. Perez's federal ADA lawsuit against the School. Mr. Perez appealed the matter to the federal appellate court, which affirmed the district court's dismissal of the complaint. Mr. Perez then sought the United States Supreme Court's review of his case.

The Supreme Court's Decision

In delivering the unanimous opinion, the Supreme Court reversed the lower court's ruling and held that the IDEA does not preclude Mr. Perez's lawsuit under the ADA because the seeking of monetary damages is not something the IDEA can provide. While the IDEA prohibits claimants from seeking relief under other federal laws unless they first exhaust the procedures under the IDEA, that prohibition does not apply to **all** lawsuits. Rather, the IDEA's "exhaustion" requirement applies only to lawsuits that seek relief that is also available under the IDEA. That condition is not met where a claimant files a lawsuit under another federal law for compensatory damages which the IDEA does not provide.

What Does the Result of This Case Mean for Schools?

Schools are often presented with the threat of special education lawsuits. Now, and with the Supreme Court's decision in *Perez*, schools should be vigilant and made aware that they can now also be sued under statutes such as the ADA – independently and in addition to – due process claims under the IDEA.

The best way to cut off any prolonged litigation is through active compliance with the law, collaboration with all stakeholders, and communication. Many schools that find themselves on the precipice of a due process hearing enter settlement agreements that dispense of the due process claims. A well-crafted settlement agreement should include the student's and/or parents' waiver of all claims related to the IDEA – including claims under the ADA. Had this been done in *Sturgis* perhaps the years-long litigation could have been avoided.

Barton Gilman offers special education legal services, which include compliance audits of its school clients' special education programming. Please contact your Barton Gilman education law attorney to schedule a special

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