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U.S. Supreme Court Finds School Districts Can Be Sued For Damages Even When IDEA Administrative Process Has Not Been Exhausted

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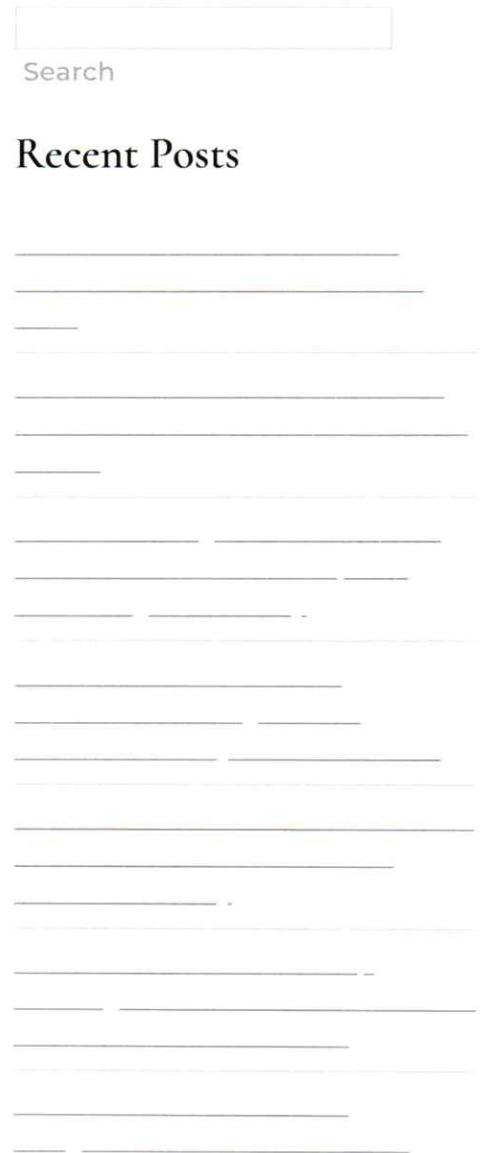
March 27, 2023

Introduction

On March 21, 2023, the United States Supreme Court issued its written unanimous, 9-0 opinion, in the case of *Perez vs. Sturgis Public Schools, et al.* At issue in the case was whether students and parents were required to “exhaust” or run through the procedural hurdles under the Individuals with Disabilities Education Act (the “IDEA”) before bringing claims under another related law – in this case – the Americans with Disabilities Act (the “ADA”) for compensatory damages, which are monetary in nature.

In ruling for the student, the Court held that if a student and/or the parent or guardian of a student is seeking monetary damages in conjunction with claims under the IDEA, they can file their non-IDEA lawsuit in court without first proceeding for due process before a state administrative agency for the IDEA claims (ex. the Office for Dispute Resolution (PA), the Office of Administrative Hearings (NJ), the New York State Department of Education (NY), the Connecticut State Department of Education Bureau of Special Education Due Process Unit (CT), the Rhode Island Department of Education (RI), and the Massachusetts Bureau of Special Education Appeals (MA)).

Mr. Perez's Initial Due Process Complaint



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.

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