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Legal Alerts

U.S. Supreme Court Eliminates Exhaustion of Administrative Remedies Requirement for ADA Damage Suits Against School Districts

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Summary of the ruling (& its underlying alphabet soup):

The federal Individuals with Disabilities Education Act ("IDEA") requires school districts to provide their disabled students a Free Appropriate Public Education ("FAPE"). The Americans with Disabilities Act ("ADA") provides disabled students protections as well.

Before yesterday's unanimous U.S. Supreme Court ruling in *Perez v. Sturgis Public Schools*, — U.S. –, 2023 WL 2575928 (March 21, 2023), a student in the Ninth Circuit who had been denied FAPE under the IDEA could not sue their school district for compensatory damages under the ADA until that student had exhausted the often lengthy administrative procedures provided under IDEA. *D. D. v. Los Angeles Unified School District*, 18 F.4th 1043 (9th Cir. 2021).

The plaintiff in *Perez v. Sturgis Public Schools* did not pursue damages under those administrative procedures. Instead, he filed a Complaint for ADA damages directly in federal court. The U.S. District Court and Sixth Circuit dismissed that student's Complaint for failure to exhaust administrative remedies - a result consistent with the Ninth Circuit's *D.D.* holding.

Citing the dissenting opinion in the *D.D.* case noted above, however, the U.S. Supreme Court reversed - holding that a student can file an ADA Complaint seeking only compensatory damages without exhausting IDEA administrative remedies first.

Impact:

Yesterday's high court ruling opens the door for immediate damages claims against school districts. This simultaneously exposes districts to liability on two separate fronts: (1) federal court damages claims under the ADA, and (2) administrative proceeding equitable claims under the IDEA.

Especially in light of the long list of *amicus* parties in the *Perez* case - Arc of the United States; The Autistic Self-Advocacy Network (ASAN); Communication First; Coelho Center for Disability Law, Policy and Innovation; Council of Parent Attorneys and Advocates; Education Law Center; Innisfree Foundation (Innisfree); Learning Rights Law Center; National Center for Learning Disabilities (NCLD); National Center for Youth Law (NCYL); National Disability Rights Network (NDRN); and National Federation of the Blind

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(NFB) - school districts can expect to be on both fronts in the future.

Key issues:

The Supreme Court ruling in *Perez v. Sturgis Public Schools* reiterated that federal law provides a disabled student at least two distinct types of relief: (1) backward-looking compensatory damages under the ADA, and (2) forward-looking equitable relief under the IDEA. Its holding yesterday established that a disabled student can now pursue those two types separately.

How we can help:

Foster Garvey's School District attorneys have several decades of experience advising and representing public school districts with the ever-growing variety of challenges our schools are facing in today's world. Please contact us if you have any questions or concerns about a challenge being encountered in your school district.

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