

THE U.S. SUPREME COURT EXPANDS THE RIGHTS OF DISABLED STUDENTS TO SEEK RELIEF AGAINST SCHOOL DISTRICTS

Hodgson Russ Special Education Alert
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On March 21, 2023, the United State Supreme Court issued a unanimous decision that will significantly affect how parents of students with disabilities can litigate claims under the Individuals with Disabilities Education Act (“IDEA”) and Title II of the Americans with Disabilities Act (“ADA”).

In *Perez v. Sturgis Public Schools*, __U.S. __ (2023), the Court ruled that parents are not required to exhaust their administrative remedies under the IDEA before seeking compensatory damages under Title II of the ADA. This ruling allows a parent to potentially circumvent the IDEA’s restriction against monetary damages as a remedy.

The Petitioner, Miguel Perez, is a 23 year old deaf student who filed an IDEA complaint alleging that his school district failed to assign a classroom aide who was proficient in sign language. He also alleged that the school district wrongly inflated his grades and misrepresented to his family that he would receive a high school diploma.

Perez and the school district were able to successfully settle the IDEA claims. However, shortly thereafter, Perez filed a federal lawsuit against the school district under the ADA and sought compensatory damages based on the same allegations. The school district immediately moved to dismiss Perez’s ADA claims on the grounds that he must first exhaust his administrative remedies under the IDEA. The District Court and Sixth Circuit Court of Appeals agreed, but the Supreme Court reversed these decisions.

The Supreme Court ruled that the IDEA’s exhaustion requirement does not preclude Perez from filing a claim under the ADA to seek compensatory damages because the IDEA does not provide for this type of remedy. The Court highlighted Section 1415 (l) of the IDEA, which states in part that “*nothing in the IDEA shall be construed to restrict the ability of individuals to seek remedies under the ADA or other federal laws protecting the rights of children with disabilities.*” The Court concluded that Perez should be able to pursue this form of relief under the ADA to the degree that compensatory damages is not a form of relief available under the IDEA.

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The *Perez* decision significantly expands the various pathways that parents and students with disabilities may seek legal recourse against school districts. It also makes available a form of relief that was previously unavailable under the IDEA, via an ADA federal lawsuit. While a successful claim for compensatory damages under the ADA requires a showing of intentional discrimination-- a very high level of proof-- the mere fact that petitioners can seek this type of relief is significant. Ultimately, the *Perez* decision will prompt an increase in litigation involving students with disabilities.

If you have any questions regarding this alert or any other matter, please feel free to contact a member of the Hodgson Russ [Special Education Practice](#).

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