

SCOTUS: Public School Children with Disabilities Can Get Compensatory Damages

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Can public school children with disabilities sue their schools for violations of the federal antidiscrimination statutes and collect compensatory damages before exhausting their administrative remedies under the Individuals with Disabilities Education Act ("IDEA")? In a unanimous **decision** issued on March 21, 2023, the U.S. Supreme Court answered in the affirmative.

Miguel Perez, a deaf student at Sturgis Public School District—a small district in southwest Michigan—complained that his assigned aides were unqualified or absent from the classroom. Perez and his parents also complained that the district misled them to believe he was on track to earning a high school diploma, when in fact he was not eligible for graduation. Perez and his parents filed a due process complaint with Michigan's Department of Education, alleging the district fell short in meeting its obligations under IDEA. IDEA guarantees students with disabilities a "free appropriate public education" to prepare them for further education, a career, and a fulfilled independent life. 20 U.S.C. § 1400(d)(1)(A). The district eventually settled and promised to provide Perez with certain relief, including additional schooling at the Michigan School for the Deaf. But the settlement did not provide either Perez or his family with money.

Perez then filed a lawsuit in the U.S. District Court for the Western District of Michigan, claiming a violation of the Americans with Disabilities Act ("ADA"), and sought compensatory damages for the emotional distress he endured based on the years of educational deprivation. The district court dismissed, and the U.S. Court of Appeals for the Sixth Circuit affirmed, finding that because Perez had settled his IDEA claim, he did not fully "exhaust" the dispute-resolution mechanism available under the IDEA before filing his federal lawsuit.

In an opinion authored by Justice Neil Gorsuch, the Supreme Court reversed. The ADA, like other federal anti-discrimination laws, provides compensatory damages that are not available under IDEA. Therefore, a plaintiff is not barred from pursuing the panoply of remedies under the antidiscrimination laws even if the administrative remedies under IDEA have not been fully pursued.

School districts should carefully review settlement agreements to ensure they contain the full and complete release of all claims in connection with any IDEA-related dispute. Should you have any questions about the decision's impact on your school district, please contact your Miller Canfield attorney or one of the authors of this alert.