U.S. Supreme Court: The IDEA Exhaustion Requirement Does Not Apply to ADA Claims

Mar 22, 2023

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There is no longer a need to exhaust administrative remedies under the Individuals with Disabilities Education Act (IDEA) prior to filing those claims as American with Disabilities Act (ADA) claims seeking compensatory damages.

This is an important clarification for practitioners of special education, because it removes an often-used defense to ADA claims that are based on the same facts that gave rise to an alleged violation of the IDEA.

In *Perez v. Sturgis Public Schools*, et al., slip op., No 21-887 (S. Ct. Mar. 21, 2023), a hearing-impaired student in Sturgis Public School District in Michigan was not permitted to graduate. He filed an administrative complaint alleging the district violated the IDEA, by not only neglecting him, but by lying to him about the progress he had made. The district settled this claim. He then sued the school district under the ADA, based on those same allegations.

Because he had settled the IDEA complaint, he had not exhausted the administrative procedures under the IDEA. The District used that fact to claim that his failure to exhaust the IDEA remedies barred his ADA claims.

The basis for this argument was 20 U.S.C. §1415(*l*). That statute requires a plaintiff "seeking relief that is also available under" IDEA to first exhaust IDEA's administrative procedures. The issue was whether the student's claim for relief under the ADA—based on the same facts giving rise to the IDEA claim—was barred if the plaintiff had not yet exhausted the IDEA's administrative procedures?

The federal courts of appeal are split on this issue, some holding that exhaustion is required, some holding it is not. In *Perez*, the federal district court, and then the Sixth Circuit on appeal, both held yes: exhaustion was required, and the student's ADA claims were barred.

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The Supreme Court accepted this case to resolve the split among the circuits. On March 21, 2013, the Supreme Court unanimously reversed the Sixth Circuit, and held that no, exhaustion was *not* required.

The Supreme Court noted that the first clause of 20 U.S.C. §1415(*l*) states that "[n]othing [in IDEA] shall be construed to restrict" the ability to seek "remedies" under "other Federal laws protecting the rights of children with disabilities." This language would appear to permit a plaintiff to proceed under both IDEA and ADA simultaneously.

However, the second clause of this statute then creates an exception: before a plaintiff can file a civil action under other federal laws "seeking relief that is also available" under IDEA, "the procedures under (f) and (g) shall be exhausted."

In this case, the parties had settled the IDEA claim. The plaintiff was proceeding solely on his ADA claim, seeking compensatory damages. The Supreme Court noted that that the ADA provides relief (in this case, compensatory damages) not available under the IDEA. Therefore, the exhaustion requirement from the second clause does not apply, because the IDEA does not provide compensatory damages as available relief.

In other words, even though an underlying claim is one for the denial of a free and appropriate education under the IDEA, as long as a plaintiff seeks relief that the IDEA cannot provide (i.e., monetary damages via an ADA claim), a plaintiff is not required to first exhaust administrative remedies under the IDEA.

If you have any questions, please contact the author of this article or any attorney with Frost Brown Todd's Government Services practice group.

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