

## 21-887 PEREZ V. STURGIS PUBLIC SCHOOLS

DECISION BELOW: 3 F.4th 236

LOWER COURT CASE NUMBER: 20-1076

### QUESTION PRESENTED:

The Individuals with Disabilities Education Act (IDEA) preserves the rights of children with disabilities to bring claims under the Constitution and other federal anti-discrimination statutes, so long as they exhaust the IDEA's administrative procedures if their non-IDEA suit "seek[s] relief that is also available under [the IDEA]." 20 U.S.C. § 1415(*l*). In the decision below, the Sixth Circuit affirmed the dismissal of petitioner's claim under the Americans with Disabilities Act for failure to exhaust-even though that claim had been dismissed from petitioner's IDEA administrative proceedings, and even though petitioner had settled his IDEA claim with the school district to the satisfaction of all parties. The Sixth Circuit broke with eleven other circuits by holding that Section 1415(*l*)'s exhaustion requirement is not subject to a futility exception. The Sixth Circuit also held that Section 1415(*l*)'s exhaustion requirement applies even when the plaintiff is seeking money damages, a remedy that is *not* available under the IDEA.

The questions presented are:

1. Whether, and in what circumstances, courts should excuse further exhaustion of the IDEA's administrative proceedings under Section 1415(*l*) when such proceedings would be futile.
2. Whether Section 1415(*l*) requires exhaustion of a non-IDEA claim seeking money damages that are not available under the IDEA.

CERT. GRANTED 10/3/2022