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## Perez v. Sturgis Public Schools

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# PEREZ V. STURGIS PUBLIC SCHOOLS

ADRIANA A. SNEDAKER

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## INTRODUCTION

The Individuals with Disabilities Education Act<sup>1</sup> (“IDEA”) is a law that requires all students with disabilities to be provided with a free and appropriate education.<sup>2</sup> More specifically, IDEA “governs how states and public agencies provide early intervention, special education, and related services to” disabled youth.<sup>3</sup> However, the remedies available under IDEA are limited. Common remedies for violations of IDEA include tuition reimbursement, compensatory education, and attorney’s fees.<sup>4</sup> Because monetary compensation is not available under IDEA, disabled students often have to bring a claim under other federal statutes, such as the Americans with Disabilities Act (“ADA”) in order to receive the full relief they are entitled to.

In *Perez v. Sturgis Public Schools*,<sup>5</sup> the petitioner is a deaf student who attended school in the Sturgis Public School District from ages nine through twenty.<sup>6</sup> Petitioner alleges that the public school system failed to provide him a free and appropriate education, and instead inflated his grades and allowed him to move up grade by grade when he was not ready.<sup>7</sup> Petitioner and his family brought an action under IDEA, which ultimately reached a settlement, granting petitioner “forward-looking relief,” including compensatory education by

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1. Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400-1482 (2015).

2. *About IDEA*, U.S. DEPT. OF EDUCATION, <https://sites.ed.gov/idea/about-idea/> (last visited Apr. 21, 2023).

3. *Id.*

4. *See* 20 U.S.C. § 1412(a)(10)(C)(ii); 20 U.S.C. § 1415(i)(3)(B); *G.L. v. Ligonier Valley Sch. Dist. Authority*, 802 F.3d 601 (3rd Cir. 2015).

5. *Perez v. Sturgis Pub. Sch.*, 143 S. Ct. 859 (2023).

6. *Perez*, 143 S. Ct. at 98.

7. *Id.*

Sturgis.<sup>8</sup> Following the settlement, the petitioner sued in federal district court, seeking compensatory relief under the ADA.<sup>9</sup> The district court dismissed the lawsuit, and the Sixth Circuit affirmed, stating that IDEA § 1415 requires the petitioner to exhaust the administrative remedies available through IDEA before bringing an action under another statute.<sup>10</sup> The Supreme Court granted certiorari.

### I. ISSUE

Under what circumstances must a plaintiff who brought an action under IDEA and another federal law for the same underlying harm exhaust the administrative remedies provided in IDEA § 1415(f) and (g)?<sup>11</sup> This is the primary issue in *Perez v. Sturgis Pub. Sch.* The construction subsection of IDEA, section 1415(l), consists of two features.<sup>12</sup> First, the general rule states that “[n]othing in [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.’”<sup>13</sup> Second, the carve-out states that “‘before the filing of a civil action under such [other Federal] laws seeking relief that is also available under this subchapter, the procedures under subsections (f) and (g) shall be exhausted.’”<sup>14</sup> Subsection (f) provides the parents of disabled children the opportunity to have an impartial due process hearing,<sup>15</sup> and subsection (g) allows an aggrieved party to appeal the aforementioned hearing.<sup>16</sup>

Petitioner, Mr. Perez, interpreted the statute to “require a plaintiff to exhaust the administrative process found in subsections (f) and (g) only to the extent he pursues a [law]suit under another federal law for *remedies* IDEA also provides.”<sup>17</sup> In contrast, respondent Sturgis Public Schools contends § 1415(l) requires a plaintiff to “exhaust subsections (f) and (g) before he may pursue a suit under another federal law if the [second law]suit seeks relief for the same *underlying*

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8. *Id.*

9. *Id.*

10. *Id.*

11. *Perez*, 143 S. Ct. at 100.

12. 20 U.S.C. § 1415(l); *see also id.*

13. *Perez*, 143 S. Ct. at 100.

14. *Id.*

15. 20 U.S.C. § 1415(f).

16. *Id.* at § 1415(g).

17. *Perez*, 143 S. Ct. at 100.

*harm* IDEA exists to address.”<sup>18</sup> Under Mr. Perez’s interpretation, IDEA § 1415 does not foreclose his current ADA claim because the ADA lawsuit seeks compensatory damages, which IDEA does not provide.<sup>19</sup> Conversely, Sturgis Public Schools believes Mr. Perez’s ADA lawsuit is barred “because it seeks relief for harms flowing from Sturgis’s alleged past shortcomings in providing a free and appropriate public education—a harm IDEA exists to address—and Mr. Perez chose to settle his [IDEA] complaint rather than exhaust § 1415(f) and (g)’s remedial process.”<sup>20</sup>

## II. DEVELOPMENT

Prior to 1975, disabled children were often denied educational opportunities, and were discriminated against by the public school system.<sup>21</sup> Some states had laws designed to exclude certain disabled students, “including children who were deaf, blind, emotionally disturbed, or had an intellectual disability.”<sup>22</sup> By the early 1970s, courts began to recognize states’ responsibility to educate disabled children.<sup>23</sup> In 1975, the Education for All Handicapped Children Act was passed into law.<sup>24</sup> The “purpose of [the] Act [was] to assure that all handicapped children have available to them . . . a free appropriate public education which emphasize[d] special education and related services designed to meet their unique needs, to assure that the rights of handicapped children and their parents or guardians are protected, to assist States and localities to provide for the education of all handicapped children, and to assess and assure the effectiveness of efforts to educate handicapped children.”<sup>25</sup>

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18. *Id.*

19. *Id.*

20. *Id.* at 100-01.

21. *A History of the Individuals With Disabilities Education Act*, U.S. DEPT. OF ED., <https://sites.ed.gov/idea/IDEA-History#1975>.

22. *Id.*

23. *Id.*; see also *Mills v. Board of Education*, 348 F. Supp. 866, 873 (D.C. 1972) (determining denying certain special needs children from attending public school is a violation of the Due Process Clause); *Pennsylvania Ass’n for Retarded Children v. Pennsylvania*, 343 F. Supp. 279 (E.D. Pa. 1971) (overturning a state law that denied public school services to children “who have not attained a mental age of five years” before they enter first grade).

24. Education for All Handicapped Children Act of 1975, Pub. L. No. 94-142, 89 Stat. 773.

25. *Id.* at § 3(c).

The 1990 reauthorization of the Education for All Handicapped Children Act changed its name to the Individuals with Disabilities Education Act, or IDEA.<sup>26</sup> Additionally, this reauthorization added autism and traumatic brain injury to the list of disability categories.<sup>27</sup> In 1997, IDEA was again reauthorized, providing parents with an “opportunity to attempt to resolve disputes with schools and local educational agencies . . . through mediation.”<sup>28</sup> As written today, the Individuals with Disabilities Education Act provides mediation, submission of a formal written complaint, and ultimately, a due process hearing for any dispute resolution.<sup>29</sup>

### III. ANALYSIS OF *PEREZ V. STURGIS PUBLIC SCHOOLS*

Miguel Luna Perez, a deaf individual, attended public school in Michigan’s Sturgis school district from ages nine through twenty.<sup>30</sup> The school district provided Mr. Perez with aids who “translate[d] classroom instruction into sign language.”<sup>31</sup> Mr. Perez and his family contend that the aides “were either unqualified (including one who attempted to teach herself sign language) or absent from the classroom for hours on end.”<sup>32</sup> In addition, Mr. Perez and his family purport that Sturgis “misrepresented Mr. Perez’s educational progress” by awarding him grades higher than he had earned and “advancing him from grade to grade regardless of his progress.”<sup>33</sup> Just months before Mr. Perez was supposed to graduate high school, Sturgis informed the Perez family that they would not be awarding Mr. Perez a diploma.<sup>34</sup>

Upon learning that Mr. Perez wouldn’t graduate from the Sturgis Public School District, “Mr. Perez and his family filed a complaint with the Michigan Department of Education,” alleging violations of IDEA, among other laws.<sup>35</sup> The parties reached a settlement in the matter, whereby Sturgis “promised to provide Mr. Perez all the forward-looking equitable relief he sought, including additional

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26. Individuals with Disabilities Education Act, Pub. L. No. 101-476, 104 Stat. 1103; see also U.S. DEPT. OF ED., *supra* note 11.

27. 104 Stat. 1103 at § 101(a)(1)(A).

28. Individuals With Disabilities Act, Pub. L. No. 105-17, 37 Stat. 111.

29. See 20 U.S.C. § 1415.

30. *Perez*, 143 S. Ct. at 99.

31. *Id.*

32. *Perez*, 143 S. Ct. at 99-100.

33. *Id.* at 100.

34. *Id.*

35. *Id.*

schooling at the Michigan School for the Deaf.”<sup>36</sup> Shortly thereafter, Mr. Perez filed a lawsuit against Sturgis in the District Court for the Western District of Michigan, seeking compensatory damages for violations of the ADA.<sup>37</sup> Sturgis responded to the complaint with a motion to dismiss, arguing the claim was barred until Mr. Perez exhausted all administrative remedies under IDEA.<sup>38</sup> The trial court agreed with Sturgis and dismissed the lawsuit.<sup>39</sup> The appellate court affirmed, citing circuit precedent decided in *Covington v. Knox Cty. School System*.<sup>40</sup> The Supreme Court granted certiorari to resolve the “courts of appeals disagree[ment] about how best to read the statute.”<sup>41</sup>

Section 1415(l) of IDEA begins by setting forth the general rule, which states that “[n]othing in this chapter shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, the [ADA], . . . or other Federal laws protecting the rights of children with disabilities.”<sup>42</sup> The Act then qualifies the general rule, stating that “before the filing of a civil action under such laws seeking relief that is also available under [IDEA], the procedures under subsections (f) and (g) shall be exhausted.”<sup>43</sup> Subsection (f) provides “children and their parents with the right to a ‘due process hearing’ before a local or state administrative official,”<sup>44</sup> and subsection (g) grants children and their parents the right to “‘appeal’ to the state education agency.”<sup>45</sup> The question turns on whether the administrative remedies set forth in IDEA must be exhausted before filing suit under another federal law for *remedies* IDEA also provides, as Mr. Perez contends, or for relief from the same *underlying harm* IDEA exists to address, as Sturgis contends.<sup>46</sup>

The Court began by interpreting the general rule, emphasizing that the language “focuses [the reader’s] attention on ‘remedies,’

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36. *Id.*

37. *Id.*; Perez ex rel. Perez v. Sturgis Public Schools, 2019 WL 6907138 (W.D. Mich. Dec. 19, 2019).

38. *Perez*, 143 S. Ct. at 100; see also 20 U.S.C. § 1415(l).

39. *Perez ex rel. Perez*, 2019 WL at \*3–\*4.

40. *Perez v. Sturgis Public Schools*, 3 F. 4th 236, 241 (2021) (citing *Covington v. Knox Cty. School System*, 205 F.3d 912, 916–17 (CA6 2000)).

41. *Perez*, 143 S. Ct. at 100-01.

42. 20 U.S.C. § 1415(l).

43. *Id.*

44. *Perez*, 143 S. Ct. at 101 (citing 20 U.S.C. at § 1415(f)(1)(A)).

45. *Perez*, 143 S. Ct. at 101 (citing 20 U.S.C. at § 1415(g)(1)).

46. *Id.*

[which] denote[] ‘the meaning of enforcing a right.’”<sup>47</sup> Next, the rule continues to state that “[n]othing’ in [the act] shall be construed as ‘restrict[ing] or limit[ing]’ the availability of any of these [remedies] ‘under’ other federal statutes like the ADA.”<sup>48</sup> The Court then moved on to the exemption to the general rule, found in the second part of § 1415(l). By analyzing the plain language of the statute, the Court unanimously held that § 1415(l)’s “exhaustion requirement applies *only* to suits that ‘see[k] relief . . . also available under’ IDEA.”<sup>49</sup> Because Mr. Perez’s ADA lawsuit is seeking compensatory damages, and it is agreed that IDEA does not allow for compensatory damages as a form of relief, the Court held that Mr. Perez did not have to exhaust the administrative remedies set forth in IDEA before bringing an ADA lawsuit.<sup>50</sup>

The holding reached by the Court relies on the treatment of the word “remedies” in the general rule as being synonymous with “relief” as it is phrased in the exemption to the rule.<sup>51</sup> However, the Court used contextual clues to determine that this reading “is exactly how an ordinary reader would understand this particular provision.”<sup>52</sup> Additionally, “at least two other places” in the statute treat “‘remedies’ and ‘relief as synonyms.’”<sup>53</sup> IDEA is not the only place where ‘remedies’ and ‘relief’ are treated in this manner; other provisions in the United States Code treat the words synonymously.<sup>54</sup>

#### IV. IMPLICATIONS OF *PEREZ V. STURGIS PUBLIC SCHOOLS*

The Court’s holding in *Perez* solidifies that disabled students across the United States may seek out remedies through other federal laws that are not provided for in IDEA without having to exhaust IDEA’s administrative remedies. Students will, in turn, have an opportunity to get the full relief they’re entitled to by suing under various statutes. In addition, the holding will make it easier for

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47. *Id.* (quoting Black’s Law Dictionary 1320 (8th ed. 2004)). The court notes that a remedy may come in a variety of forms, including “money damages, an injunction, or a declaratory judgment.” *Id.* The Oxford English Dictionary defines remedy as “[l]egal redress.” 13 Oxford English Dictionary 584–85 (2d ed. 1991).

48. *Perez*, 143 S. Ct. at 101. (quoting 20 U.S.C. § 1415(l)).

49. *Perez*, 143 S. Ct. at 101.

50. *Id.*

51. *Id.*

52. *Id.*

53. *Id.* at 102; *see* 20 U.S.C. at § 1415(i)(2)(C)(iii); 20 U.S.C. at § 1415(i)(3)(D)(i)(III).

54. *Perez*, 143 S. Ct. at 102; *see* 18 U.S.C. § 3626(d); 28 U.S.C. § 3306(a)(2)-(3).



“students with disabilities . . . to bypass the often slow-moving administrative proceedings under [] IDEA when their chief claim is for damages under other federal laws.”<sup>55</sup> This case, however, leaves open the question of “whether IDEA’s exhaustion requirement is susceptible to a judge-made futility exception.”<sup>56</sup> If this question is answered in the future, its outcome will not hinder on the essence of *Perez*’s holding – where a claimant is seeking a remedy *other than* one offered under IDEA, they will not have to exhaust IDEA’s administrative process.

#### CONCLUSION

In conclusion, *Perez v. Sturgis Public Schools* sheds light on the plain text meaning of IDEA’s section 1415 and when individuals with disabilities must exhaust the administrative procedures under the act before seeking relief elsewhere. Whether Mr. Perez is entitled to compensatory relief under the ADA is still unanswered, but this holding should be considered a win not only for Mr. Perez, but for disabled students across the United States.

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55. Mark Walsh, *Supreme Court Rules Deaf Student Can Sue School District Over Alleged Failures*, EDUCATIONWEEK (Mar. 21, 2023), <https://www.edweek.org/policy-politics/supreme-court-rules-deaf-student-can-sue-school-district-over-alleged-failures/2023/03>.

56. *Perez*, 143 S. Ct. at 103.

