

Section 1983 Damages No Longer Available for IDEA Violations

Recently, the Third Circuit in *A.W. v. The Jersey City Public Schools* revisited its original ruling in *W.B. v. Matula* and overwhelmingly concluded compensatory and/or punitive damages were not available to parties seeking relief under Section 1983 for violations of the IDEA or Section 504 of the Rehabilitation Act. In finding parents may not sue under Section 1983, the court concluded the IDEA and Section 504 provided a comprehensive remedial scheme for violations of any right relating to the identification, evaluation, or educational placement of a child.

In general, the purpose of the procedural requirements of the IDEA is to preserve the right to a free appropriate public education for students identified under the statute. Embedded within the procedural mechanisms of the IDEA is a comprehensive remedial scheme in which an aggrieved party may present a complaint regarding the identification, evaluation, or educational placement of the child in question. Prior to 1996, school district liability in special education disputes that focused on identification, evaluation, or educational placement of a child was generally limited to equitable remedies under the IDEA's remedial scheme.

Typically, hearing officers and/or state and federal judges awarded compensatory education, tuition reimbursement, and programmatic relief as the sole remedies available under the IDEA to remediate deficiencies in the programming for disabled children under the Act.

However, since 1996, following the Third Circuit's seminal ruling in *Matula*, school district liability in special education litigation has not been limited to the equitable remedies described above. *Matula* significantly expanded district liability to include the prospect of compensatory and potentially punitive damages under Section 1983 of the Civil Rights Act of 1964 for violations of the IDEA. The Third Circuit's ruling in *Matula* ushered in an era that not only saw the prospect of school districts facing large jury awards for tort-like damages of pain and suffering, emotional distress, and other consequential damages caused by a lack of a free appropriate public education, but also the prospect of individual liability on the part of teachers and administrators under Section 1983 for violation of the IDEA.

In rendering its decision, the *A.W.* Court, in part, was persuaded by post-*Matula* decisions in the Fourth and Tenth Circuit that considered the issue of whether parties could seek relief under Section 1983 for IDEA violations. The Court of Appeals for the Fourth Circuit in *Sellers v. the School Board of the City of Manassas*, determined that a party may not sue a school entity under Section 1983 and relied on the pre-*Matula* U.S. Supreme Court ruling in *Smith v. Robinson*. In that case, the Court found the EHA's (IDEA's predecessor) comprehensive remedies demonstrated Congress' intent that disabled children pursue claims to a FAPE solely through the remedial mechanisms established by the statute.

Due to the fact the *Sellers* decision occurred following *Matula* and following the 1986 revisions of the EHA, which negated a significant portion of the *Smith* decision, the *Sellers* Court inquiry also considered the interplay between the *Smith* decision and the 1986 amendments to the EHA. Based on a thorough analysis of the 1986 amendments, the *Sellers* Court concluded that a closer reading of the 1986 revisions reveals that subsequent amendments to the EHA/IDEA left intact *Smith's* implication that the IDEA may not provide a basis for Section 1983 claims.

The A.W. Court recognized that the convincing arguments in *Sellers* may have “tipped the scales” toward reconsidering *Matula* years ago. However, it was the U.S. Supreme Court’s 2005 discussion of the availability of Section 1983 as a vehicle for redressing violations of federal statutory rights in *City of Rancho Palos Verdes v. Abrams* that tipped the scales “definitively,” therefore convincing the Third Circuit that *Matula* is no longer good law.

For several years the Supreme Court had held violations of certain federal statutory rights were actionable under Section 1983. However, following *Matula*, and culminating with the Supreme Court’s finding in *Rancho Palos Verdes*, it became clear Congress did not intend that Section 1983 remedies be available to individuals with a private cause of action under a federal statute, when the federal statute, like the IDEA, included private remedial provisions already built into the statute itself. *Rancho Palos Verdes* is one of a long line of Supreme Court cases that has continued to refer to the IDEA as an example of a statutory enforcement scheme that precludes a Section 1983 remedy. While *Rancho Palos Verdes* analyzed Section 1983 in light of violations of the Telecommunications Act, there was little question that the Supreme Court’s finding in *Rancho Palos Verdes*, along with post-*Matula* cases in other Circuits, clearly made *Matula* no longer sound.

While the A.W. Court conceded Section 504’s remedial scheme is far less detailed than the IDEA’s remedial scheme, the Court concluded remedies for violation of Section 504 “are coextensive with the remedies available in a private cause of action brought under Title VI of the Civil Rights Act of 1964.” These remedies include compensatory damages, injunctive relief, and other forms of relief traditionally available in suits for breach of contract. Therefore, the court concluded that Section 1983 is not available as a remedy for violations of Section 504.

Ultimately, how the *Matula* era ends has yet to be written. Presumably, this matter may be appealed to the Supreme Court by the Plaintiffs. The Supreme Court’s willingness to hear a potential appeal may focus less on the interplay between a federal statute and Section 1983, and more on the question of what the EHA’s amendments of 1986 addressed in response to the *Smith* decision by the Supreme Court.

Clients who have questions regarding issues discussed in this article, or any education law matter, should feel free to call us at 215-345-9111.