15-497 FRY V. NAPOLEON COMMUNITY SCHOOL

DECISION BELOW: 788 F.3d 622

LOWER COURT CASE NUMBER: 14-1137

QUESTION PRESENTED:

The Handicapped Children's Protection Act of 1986 (HCPA), 20 U.S.C. § 1415(*l*), requires exhaustion of state administrative remedies under the Individuals with Disabilities Education Act (IDEA) for non-IDEA actions "seeking relief that is also available under" the IDEA. The question presented, on which the circuits have persistently disagreed, is:

Whether the HCPA commands exhaustion in a suit, brought under the Americans with Disabilities Act and the Rehabilitation Act, that seeks damages-a remedy that is not available under the IDEA.

CERT. GRANTED 6/28/2016