Accordingly, the district court erred when it dismissed School District's motion to dismiss. This Court should reverse the district court's decision and hold that the comprehensive nature of IDEA precludes claims under 42 U.S.C. § 1983 for violations of IDEA statutory rights.

ARGUMENT

THIS COURT SHOULD REVERSE THE DISTRICT COURT BECAUSE ALLOWING ACTIONS UNDER 42 U.S.C. § 1983 WOULD BE INCONSISTENT WITH BOTH THE REMEDIAL SCHEME OF 20 U.S.C. § 1415 AND THE INTENT OF CONGRESS IN ENACTING IT.

This case has the potential to chill the current resolve of states to accept federal funds under IDEA to provide free, appropriate public education for children with disabilities. The holding of the district court for District of Clearwater has the potential to hinder State governments desire to cooperate with Congress to fund education for disabled students. By allowing an administrative action based on a comprehensive federal statute to become the basis of § 1983 actions, the district court has adopted a standard that will expose state governments to tort-like judgments of exorbitant proportion. As such, the district court should be reversed.

The district court abused its discretion by denying School District's motion to dismiss. *Gen. Elec. Co. v. Joiner*, 522 U.S. 136 (1997). Andrew filed the complaint under IDEA via § 1983 seeking $2,000,000 in general, compensatory damages. [1] IDEA is a comprehensive statute with administrative remedies, however, thus precluding awards of general, compensatory damages and suit via § 1983. For the following reasons the district court should be reversed and the case dismissed. The evolution of § 1983 as part of the corpus of civil rights law in the United States supports the conclusion that general compensatory damages are not available in IDEA

[1] 20 U.S.C. §§ 1400-1419 (2005). The statute was first enacted in 1975 under the title Education for All Handicapped Children Act. Pub. L. No. 94-142, 89 Stat. 773 (1975). Hereafter "IDEA" refers to this act in its current form and to its predecessors, regardless of title.

actions or other comprehensive statutes. Second, IDEA only supersedes *Smith v. Robinson* with reference to statutes that specifically protect children with disabilities. Third, IDEA was enacted under the spending clause, which allows Congress to regulate the states if Congress enacts clear, unambiguous conditions; conditions which must relate to Congress' interest in a federal program. Thus, the holding of the district court should be reversed and the case dismissed.

A. The development of Civil Rights Law Supports the Conclusion That General Compensatory Damages are not Available in IDEA Actions Because IDEA is a Comprehensive Administrative Statute.

The development of civil rights law in the United States supports the conclusion that general compensatory damages are not available in IDEA actions for three reasons. First, because IDEA is a comprehensive administrative statute, Andrew is not entitled to general compensatory damages. Second, the Supreme Court of the United States affirmed that the remedies created by Congress in IDEA are comprehensive. Congress' Amendment of IDEA in 1986 does not support the notion that IDEA had been incorporated into existing civil rights laws.

1. Andrew is Not Entitled to General Compensatory Damages Because IDEA is a Comprehensive Administrative Statute.

The comprehensive nature of IDEA provides remedies to students who are denied a free, appropriate public education, but precludes awarding general compensatory damages. The first version of IDEA was enacted in 1975 after Congress determined that children with disabilities were frequently miseducated or excluded from publicly funded education. 20 U.S.C. § 1400(c)(2)(C) (2005). The Act employed administrative law, progressive educational research about disabled students, and school-parent cooperation, to address the widespread problem of disabled children being denied public education. *Id*. § 1414. Under IDEA, the IEP is the central channel through which a disabled student's rights are protected. *Id*. § 1414(d). The IEP team must

annually review the IEP to ensure the child's learning is progressing. *Id*. Thus, as written, IDEA is a potent administrative tool to ensure free, appropriate public education to children with disabilities. Also, IDEA encourages parental involvement in special education to foster conflict resolution, rather than litigation. *Honig v. Doe*, 484 U.S. 305, 311 (1988).

Administrative mechanisms encourage parental involvement with school district officials. First, parents are empowered to request a hearing if the IEP is unsatisfactory. 20 U.S.C. § 1415 (b)(b) (2005). Second, if they are unable to agree with school officials on the IEP, parents may request mediation with the school officials. *Id*. § 1415(e). Third, if the disagreement cannot be resolved at a mediation, the state must provide an administrative hearing, which is be held before an impartial officer. *Id*. § 1415(f); 34 C.F.R. § 300.511(a)(1) (2000). Fourth, if a final determination cannot be reached at that hearing, the IDEA expressly provides parents with standing to sue in federal district court and empowers courts to provide "appropriate relief." 20 U.S.C. 1415 (i)(2) (2005). Last, the statute provides parents with equitable remedies: the court may order special education programs, parents may be reimbursed for money spent seeking educational services, a court may order school's to pay parents attorneys' fees, and parents have standing to request injunctive relief from a federal court. *Id*. § 1415(i). Taken together, these provisions act as a comprehensive remedial scheme, one which ensures that disabled students receive a free appropriate education.

In the case at hand, the School District cooperated with Andrew so that he received each of these statutory remedies and has not been denied a free, appropriate, public education. Andrew's parents met with a school officials to formulate an individualized education program for Andrew. (R. 3) Ms. Moss and Superintendent Orange met with Andrew's parents for a

successful mediation session, consistent with IDEA section 1415(e), after Andrew's parents became uncomfortable with Andrew's initial IEP and filed an administrative complaint. (R. 5) Unfortunately, Ms. Franklin failed to follow the mediation agreement and again used the blanket technique on Andrew. (R. 5) Andrew's parents immediately filed another complaint and requested an administrative due process hearing as provided for in IDEA section 1415(f). (R. 5)

At the hearing, the School District was ordered to pay the Andrew's tuition and other expenses so that he could Andrew enroll in a private school for the remainder of his education. (R. 5) School District complied with the administrative order and is paying Andrew's private school tuition. (R. 15) Thus, Andrew's case affirms that Congress succeeded in its purpose of making IDEA a comprehensive statute; Andrew is receiving a free, appropriate public education.

2. Comprehensive Statutes Preclude Civil Actions Via 42 U.S.C. § 1983.

The Supreme Court of the United States affirmed that the remedies created by Congress in IDEA are comprehensive. *Smith v. Robinson*, 468 U.S. 992, 1009-13 (1984). In 1984, the Supreme Court denied a claim for attorney's fees when parents of a child with cerebral palsy relied on § 1983 to enforce IDEA. *Id.* Two features of IDEA convinced the Supreme Court that attorney's fees could not be obtained for IDEA actions under § 1983. *Id.* at 1012-13. First, the Supreme Court observed the comprehensive nature of the procedures and rights set forth in IDEA. *Id.* at 1012. Second, the Court ruled that Congress' express goal was to make local and state educational agencies the primary vehicle for the educational needs of each child. *Id.* From these features, the Supreme Court concluded that permitting an IDEA statutory violation claim via § 1983 circumvented the administrative scheme, making the comprehensive remedies of the statute moot. *Id.* The Court believed it implausible that Congress would intend such a scenario.

Id. at 1013. This reasoning compelled the Supreme Court to deny the petitioners' request for attorney's fees under § 1983. *Id.* at 1015.

The historical evolution of § 1983 itself supports the *Smith* ruling. In 1980, the Supreme Court made clear that §1983 is not limited to claims of deprivation of Constitutional rights only, but also claims arising from statutory federal laws. *Maine v. Thiboutot*, 448 U.S. 1, 6 (1980). Before *Maine*, the Supreme Court had only allowed non-constitutional claims via § 1983 if the claim was plead together with a constitutional claim. *Id*. at 5-6. After *Maine* a § 1983 cause of action is permitted to remedy constitutional claims and violations of federal statutes by government agents. *Id*.

In dissent, Justice Powell presented a cataclysmic vision of the impact of *Maine* on administrative law. *Id.* at 22-27 (Powell, J., dissenting). In his view, plaintiffs would be able to sue under § 1983 for any administrative decision in a grant program by the federal government to the states. *Id.* at 22. Powell saw the possibility of administrative decisions governing subjects ranging from school lunches to noxious weeds becoming the subject of § 1983 actions. *Id.* at 23. The 1984 *Smith* decision prevented Powell's bleak prediction. *Smith*, at 1012. Thus, the Court prevented the whole body of administrative law from being rewritten into civil rights law by recognizing that comprehensive statutes signal Congress' intent to keep certain actions in the jurisdiction of administrative agencies. *Id.* The Supreme Court saw that allowing IDEA statutory violations cases to be plead via § 1983 would make the detailed procedures outlined in IDEA superfluous. *Id.* The administrative procedures were built to foster cooperation between parents and school officials and to avoid the adversarial nature of civil law. *Id.*

In the present case, the district court abused its discretion by ignoring the policy concern of *Smith*. (R. 15) The district court focused on the "difficult showing" standard, which places a burden on parties to show that a statute is one that Congress carefully tailored to exclude relief under § 1983. (R. 16) As set-forth above, the Supreme Court, in *Smith*, already identified IDEA as a statute that Congress carefully tailored to exclude § 1983 damages. The Supreme Court already recognized that IDEA consists of comprehensive procedures and rights; rights Andrew has claimed already. (R. 13-14) Thus, the district court abused its discretion by failing to recognize that the Supreme Court declared IDEA a comprehensive statute; one that Congress has carefully tailored to exclude relief under § 1983.

3. Congress' Amendment of IDEA in 1986 Does Not Support the Notion That IDEA Had Been Incorporated Into Existing Civil Rights Laws.

Congress' Amendment of IDEA in 1986 does not support the notion that IDEA had been incorporated into existing civil rights laws. Congress responded to the Supreme Court's decision in *Smith* very quickly by amending IDEA. *See* Handicapped Children's Protection Act of 1986, Pub. L. No. 99-372, §§ 2-5 100 Stat. 796 (1986) (codified at 20 U.S.C. § 1415(i)(3)(B); § 1415(l)[2] (2005)); *see generally*, Myron Schreck, *Attorneys' Fees for Administrative Proceedings Under the Education of the Handicapped Act: Of Carey, Crest Street, and Congressional Intent*, 60 Temp. L.Q. 599, note at 612 n.91, 639-51 (1987) (providing an extensive discussion of the Congressional Record related to the 1986 amendment of IDEA.) Congress supplanted the Supreme Court's decision in *Smith* in three ways. *Id.* First, Congress attached an amendment to IDEA that expressly allowed successful plaintiff's to recover

[2] Hereafter "§ 1415(l)" refers to this amendment in its current form and to its predecessors, regardless of title. The amendment originally codified as § 1415(f) and subsequently modified to § 1415(l).

attorney's fees. *Id.* § 1415(i)(3). Second, Congress included the clause detailing a rule of construction for IDEA:

> Nothing in this chapter shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under such laws seeking relief . . . the procedures under . . . this section shall be exhausted.

Id. § 1415(l). This clause refined the Supreme Court's decision by clarifying what other federal laws provided relief for children with disabilities. *Id.* Third, it required that plaintiffs exhaust IDEA's administrative remedies before filing a civil action in federal court, thus affirming that Congress intends administrative remedies for IDEA claims. *Id.*

In the present case, the history of IDEA, *Smith*, and the amendment to § 1415 support the notion that general compensatory damages are unavailable to Andrew under § 1983. By requiring that parties exhaust administrative remedies before being allowed to have the administrative decision reviewed by a federal judge, Congress kept IDEA in the realm of administrative law. This occurred after the Supreme Court had permitted statutory claims to be brought via § 1983 on their merits in *Maine*. Congress could have abandoned the administrative requirements of IDEA and incorporated the act into civil rights law. This would have been simple. But, instead, Congress reinforced the administrative nature of IDEA by adding the exhaustion requirement. Thus, neither the text of § 1415, the jurisprudence of the Supreme Court, nor the Constitution support general compensatory damages by § 1983 for IDEA.

B. 20 § 1415(l) Supersedes *Smith v. Robinson* With Reference to Statutes That Specifically Protect Children With Disabilities, But Not 42 U.S.C. § 1983.

The 1986 amendment to IDEA does not supersede the Supreme Court's reasoning in *Smith* that § 1983 claims are precluded by IDEA's comprehensive nature. First, the canon of

statutory interpretation, *ejusdem generis*, confirms that this clause refers only to disability laws, not broader laws like § 1983. Second, the Supreme Court has upheld this application of *Smith* on a number of occasions since IDEA was amended in 1986, revealing that in the Supreme Court's estimation *Smith*, is still the law.

1. The rule of *ejusdem generis* requires that § 1415(l) refers only to disability laws, not broader laws, such as § 1983.

First, the rule of *ejusdem generis* requires that § 1415(l) refers only to disability laws, not broader laws, such as § 1983. *Cir. City Stores, Inc. v. Adams*, 532 U.S. 105, 106 (2001). The Supreme Court defined this statutory canon as "where general words follow specific words in a statutory enumeration, the general words are construed to embrace only objects similar in nature to those objects enumerated by the preceding specific words." *Id.* When the Fourth Circuit reviewed the application of § 1983 damages in IDEA actions, that Court employed *ejusdem generis* to interpret the final clause of § 1415(l). *Sellers v. Sch. Bd*., 141 F.3d 524, 530 (4th Cir. 1998). The Court held that nothing in § 1983 fits the requirement of § 1415(l) as it "mentions neither disability nor youth." *Id.*

The rule of *ejusdem generis* is a textual rule which works in conjunction with the "plain meaning rule." *Arlington C. Sch. Dist. v. Murphy*, 548 U.S. 291, 296-97 (2006). The plain meaning rule says that when a statute is enacted in plain language a court may only enforce the statute according to its terms. *Id.* at 297. A court is required to enforce the text and may not rely on legislative materials, which may distort congressional intent. *Id.* 302-03.

Applying these rules to § 1415 is straightforward. Congress listed three legal authorities, using the disjunctive conjunction "or" to link them to a final clause. The first three referents are specific legal authorities. The first is the Constitution, the second, is the Americans with

Disabilities Act, and the third, the Rehabilitation Act of 1973. The final clause, however, is not a specific legal authority, but is instead a catchall phrase: "other Federal laws protecting the rights of Children with disabilities." By applying the rule of *ejusdem generis*, as the Supreme Court did in *Circuit City*, the final clause must be interpreted within the parameters of those previously listed. This application would exclude a broader law, such as § 1983. Further, the rule of *esjusdem generis* is stronger than the present application requires. To wit, "other Federal laws," is unambiguous, because it is modified by the gerund-clause "protecting the rights of Children with disabilities."

Despite the relative ease in applying this rule, the United States District Court for the District of Clearwater interpreted § 1415(l) broadly. (R. 15) Noting School District's reliance on *Sellers*, the district court explained that Congress was certainly aware of § 1983 when it added § 1415(l). Despite Congress' failure to explicitly mention § 1983, it is "difficult to imagine that it was not among those means of enforcement contemplated by Congress." (R. 15-6) The district court, however, did not provide an alternative rule of statutory interpretation or explain why it believed Congress shifted from expressly identifying federal disability statutes to making a broad reference to federal law.

The district court departed from the rule that statutes means what they say and assumed the text means what it *might* say, by referencing Congress' failure to explicitly include § 1983 and then assuming Congress must have intended to include it. As such, the district court's failure to dismiss Andrew's complaint was an abuse of its discretion and should be reversed.

2. The Supreme Court has applied the holding of *Smith* many times since § 1415(l) was added as an amendment in 1986.

Second, the Supreme Court has applied the holding of *Smith* many times since § 1415(l) was added, indicating the Court deems *Smith* to continue to be sound law. *See Wright v. City of Roanoke Redevelopment & Hous. Auth.*, 479 U.S. 418, 423 (1987); *Blessing v. Freestone*, 520 U.S. 329, 333 (1997); *City of Rancho Palos Verdes v. Abrams*, 544 U.S. 113, 120 (2005). Only a year after the 1986 amendment, the Supreme Court characterized *Smith* as saying that to allow plaintiffs to ignore IDEA's administrative remedies would be inconsistent with Congress' "carefully tailored [remedial] scheme." *Wright*, at 423. Similarly, relying in part on *Smith*, the Court unanimously held that another statute was comprehensive and did not grant individuals federal rights to force states to comply with that statute. *Blessing*, at 333. The Court stated that the *Smith* ruling requires § 1983 actions be dismissed when Congress has specifically foreclosed § 1983 as a remedy. *Id*. at 330. The Supreme Court cited *Smith* for the proposition that Congress forecloses a § 1983 remedy by implication if it "creates comprehensive enforcement scheme." *Id.* This reference to *Smith* leaves no other conclusion but that the Supreme Court, even after § 1415(l), continues to view IDEA as a comprehensive scheme precluding a remedy through § 1983.

In fact, the Supreme Court has used *Smith* to limit the use of § 1983 actions as recently as 2005. *See City of Rancho Palos Verdes v. Abrams*, at 120. In this unanimous opinion, the Supreme Court provided an extensive exposition of *Smith* and its implications. *Id.* 120-24; 129-31 (Stevens, J., concurring). Justice Stephens explained that the court must interpret Congress' intent, even when Congress is silent. *Id.* at 129-31; *see Cannon v. University of Chicago*, 441 U.S. 677 (1979) (Congressional silences implies a cause of action); *and Maine v.*

Thibout, 448 U.S. 1 (1980) (finding Congress intended the Court to enforce § 1983 despite Congress' silence); *and Smith v. Robinson*, 468 U.S. 992 (1984) (holding that a comprehensive remedial scheme precludes § 1983 actions). Thus, there is no indication that the Court's view of *Smith* has changed since the addition of § 1415(l) to the statute.

In the case at hand, the district court referenced *Rancho Palos Verdes* and *Wright*, but failed to distinguish why the district courts reasoning differed from the Supreme Court's reasoning. (R. 15) Instead, the district court stated the standard of *Blessing*. (R. 16) As mentioned above, a party should not need to prove IDEA meets the difficult showing standard of *Blessing* because the Supreme Court already declared IDEA a comprehensive statute. Additionally, *Smith* was specifically affirmed by the unanimous rulings of the Supreme Court in both *Blessing* and *Rancho Palos Verdes*. Thus, the district court erred by not finding IDEA was a comprehensive statute. As such, the district court must be reversed.

C. Because 20 U.S.C. § 1415 Was Enacted Under Congress' Spending Clause Powers, Andrew is Precluded From Receiving General Compensatory Damages

Andrew cannot use § 1983 as a private cause of action to receive general compensatory damages under IDEA. IDEA was enacted under the Spending Clause. U.S. CONST. art. 1, § 8. This constitutional authority allows Congress to regulate the states if Congress creates clear, unambiguous conditions; those conditions must relate to Congress' interest in a federal program. *South Dakota v. Dole*, 483 U.S. 203, 206 (1987). In this instance, IDEA does not states a clear, unambiguous reference to § 1983 liability. Additionally, awarding Andrew $2,000,000 does not relate to Congress' interest in IDEA.

The Constitution grants Congress power to "pay the Debts and provide for the common Defense [*sic*] and general Welfare of the United States." U.S. CONST. art. 1, § 8. In the

exercise of this power, Congress may attach conditions, such as federal statutory or administrative directives to the state's receipt of funds. *Dole*, at 206. In this way, the Supreme Court has allowed Congress to use the Spending Clause as a vehicle to regulate the states, so long as the conditions are not coercive. *New York v. U.S.*, 505 U.S. 144, 176 (1992).

Regulation of the states through the spending power is not unlimited. *Dole*, at 207. The Supreme Court has recognized four constraints on Congress. *Id*. First, exercise of spending power must be in pursuit of the general welfare. *Id.* Second, Congress must enact the condition unambiguously so that a state is aware of the consequences of accepting the federal funds. *See, Arlington C. Sch. Dist.*, at 295-96; *Pennhurst State Sch. v. Halderman*, 451 U.S. 1, 17 (1981). Third, the condition must relate to a federal interest. *Dole*, at 207. Fourth, other constitutional provisions may act as an "independent bar" to the condition. *Id*. at 208. At issue, is the second constraint.

The Supreme Court used this Spending Clause analysis to find that parents should not be reimbursed for expert-witness' fees when seeking remedies through IDEA. *Arlington*, at 297. In *Arlington*, the Supreme Court created an objective test for determining if such a condition was attached to IDEA and if so, whether that condition was unambiguous. *Id.* The Court explained, "We must view the IDEA from the perspective of a state official who is engaged in the process of deciding whether a State should accept IDEA funds and the obligations that go with those funds." *Id.* The Court also noted IDEA provides that a court might "award reasonable attorney's fees as part of the costs" to parents who prevail under the Act. *Id.* at 293. Based on that language, the Court held that a state official would not be given notice of potential liability for

expert-witness' fees because Congress did not clearly and unambiguously include that requirement in the statute. *Id.* at 297-300.

In the present case, the district court erred by failing to recognize IDEA does not state that schools might be forced to pay general compensatory damages; a statement required for the Spending Clause. (R. 16) A Clearwater employee contemplating receipt of federal funds under IDEA, would not have notice of liability to pay general compensatory damages. Under the Spending Clause, however, Clearwater must have notice of all conditions. Such must be stated clearly, without ambiguity. IDEA does not contain a provision for general compensatory damages. The only language that permits IDEA actions in conjunction with other federal statutes is § 1415(l). *See* Part B *supra*. However, that amendment does not clearly and unambiguously state that private § 1983 actions are available under IDEA. Interpreted properly, § 1415(l) excludes § 1983.

The district court partially conceded this point when it reasoned that "[w]hile section 1983 was not mentioned explicitly in the amendment, it is difficult to imagine that it was not among those means of enforcement contemplated by Congress when it referred to 'other Federal statutes protecting the rights of handicapped children and youth.' " (R. 16) A true statement; Congress might have contemplated § 1983 as an available remedy, the history of *Smith* and § 1415(f) support that reasoning. But, Congress cannot create a condition upon the states by *merely contemplating a remedy*. Instead, Congress must enact explicit language stating that § 1983 is a remedy. The district court's observation does not meet the Supreme Court's test for spending clause conditions. Thus, use of § 1983 for the recovery of general compensatory damages under IDEA is precluded by the second limitation of the spending clause.

Additionally, in *Arlington*, the Supreme Court was unwilling to extend states' liability for a relatively small amount of money, *i.e.*, expert-witness' fees. If the extension of liability for a small amount is precluded, then liability for general compensatory damages, which can be *limitless*, is excluded *a fortiori*. That is to say, if parents are not compensated for the thousands of dollars associated with expert-witness' fees, it is difficult to believe that they should receive million dollar judgments that are associated with plaintiff-jury verdicts. Thus, *Arlington* indicates the Supreme Court would not extend IDEA to include § 1983 actions.

Further, the third limitation on the Spending Clause precludes Clearwater from liability under § 1983. Payments of general compensatory damages, such as the $2,000,000 requested by Andrew, are not related to the goal of § 1415. (R. 6) That is, general compensatory damages do not further the federal interest of Congress to provide a free, appropriate public education for all children with disabilities. Each dollar of compensatory damages given to Andrew would be taken from the funds appropriated to teach other students with disabilities. As such, allowing awards of general compensatory damages under § 1983 undermines Congress' interest. If this case is allowed to proceed, the result might be that Clearwater is forced to withdraw from the federal program entirely. Fear of enormous tort-like liability would paralyze Clearwater's ability to provide basic education services to handicapped children.

By allowing a private § 1983 action for IDEA, the district court has undermined the ability of Clearwater to provide a free, appropriate public education to all handicapped students. (R. 16) IDEA was enacted under the Spending Clause, which grants Congress power to regulate the states by enacting clear, unambiguous conditions. Such conditions must fully relate to Congress' interest in a federal program. In this instance, IDEA does not state a clear,

unambiguous reference to § 1983 liability. In addition, awarding Andrew $2,000,000 does not relate to Congress' national interest in IDEA. As such, the district court must be reversed and the case dismissed.

D. Even if This Court Determines That IDEA Claims May Be Brought Via § 1983, Granting Andrew General Compensatory Damages Would Be Unprecedented.

Even if this Court determines that IDEA claims may be brought via § 1983, granting Andrew general, compensatory damages would be unprecedented. While the Supreme Court has not ruled on this issue since *Smith*, most circuit Courts of Appeals have viewed general, compensatory damages for IDEA suits inconsistent with IDEA. First, the majority of Courts of Appeals have barred suit under IDEA via § 1983. Second, a minority of Courts of Appeals have allowed IDEA claims via § 1983, but nevertheless restricted general, compensatory damage awards for IDEA. Third, although the second circuit Court of Appeals allowed general, compensatory damages under IDEA via §1983, the present action does not fall within the limits of that holding because the facts are dissimilar.

The majority of the federal circuit Courts of Appeals have relied on *Smith* and denied IDEA statutory violation claims via § 1983 because IDEA is a comprehensive statute. The Fourth Circuit found that § 1415(l) was not intended to allow parties to circumvent IDEA remedies by suing under § 1983 because IDEA is a comprehensive statute. *Sellers*, at 530. The Tenth Circuit agreed with the Fourth Circuit and adopted the holding from *Sellers*. *Padilla v. Sch. Dist. No. 1*, 233 F.3d 1268, 1273 (10th Cir. 2000). Similarly, the Third Circuit found that nothing in § 1415(l) overturns the rule from *Smith* that the comprehensive nature of IDEA precludes statutory violation claims via § 1983. *A.W. v. Jersey City Pub. Sch.*, 486 F.3d 791, 797-99 (3rd Cir. 2007) (overturning a previous decision that allowed IDEA statutory violation