

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

EUGENE J. NELSON and LISA J.)
NELSON, as Parents and Next)
Friends of C.N., a Minor,)

No. 16 cv 2074 EJM

Plaintiff,)

ORDER

vs.)

CHARLES CITY COMMUNITY)
SCHOOL DISTRICT,)

Defendant.

Before the court is plaintiffs' resisted motion to reconsider judgment, filed December 2, 2016. Denied.

Plaintiffs brought this action against defendant Charles City Community School District (CCCSD) under the Rehabilitation Act, 29 U.S.C. §794, for allegedly failing to provide a reasonable educational alternative to accommodate the disabilities of their daughter. Jurisdiction under 28 U.S.C. §1331.

This court entered judgment for defendant on November 4, 2016, because plaintiffs failed to exhaust administrative remedies under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 et seq. Plaintiffs contended then and contend now that they are relieved of the exhaustion requirement because they are seeking monetary damages, which are not available under the IDEA. However, the statutory requirement contemplates cases like this and still requires exhaustion of administrative remedies. JB. ex re. Bailey v. Avilla R-XIII School District, 721 F.3d 588, 592-593 (8th Cir. 2013); Polera v. Board of Education of Newburgh Enlarged City

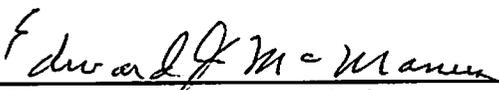
School District, 288 F.3d 478, 484 (2nd Cir. 2002). Nothing new on this question is offered by plaintiff.

It is therefore

ORDERED

Motion to reconsider denied.

January 18, 2017



Edward J. McManus, Judge
UNITED STATES DISTRICT COURT