

ADMINISTRATIVE EXHAUSTION

ADMINISTRATIVE LAW JUDGES IAN SPECHLER AND STEVE ELLIOT

SEPTEMBER 9, 2021

1

WHAT IS ADMINISTRATIVE EXHAUSTION?

- The doctrine of administrative exhaustion means that a party cannot obtain judicial relief for a supposed or threatened injury until the prescribed administrative remedy has been exhausted.
- Administrative exhaustion gives an agency an opportunity to cure its own alleged errors, so it is really an expression of the autonomy of the administrative branch in question.
- Administrative exhaustion also promotes judicial efficiency.

2

WHAT IS ADMINISTRATIVE EXHAUSTION?

- Courts should be reticent about “toppling” agency decisions.
- In order not to upset administrative agency authority, courts should only overturn an agency decision when the agency has not only erred, but has erred against an objection offered at the appropriate time under the relevant administrative rules.

3

WHAT IS THE IDEA?

- The Individuals with Disabilities Education Act (IDEA) is the statute aimed at ensuring all children with disabilities between the ages of 3-21 receive a Free Appropriate Public Education (FAPE).
- IDEA has a history dating back to 1966, when Congress amended the Elementary and Secondary Education Act of 1965 to send grant money to states to educate children with disabilities.
- In 1974, Congress greatly increased federal funding to the states and, for the first time, stated that its goal in providing federal aid to states was to provide “full educational opportunities to all [children with disabilities].”

4

WHAT IS THE IDEA?

- The Education for All Handicapped Children Act of 1975 built on Congress's 1974 effort by adopting specific conditions to receive federal funds.
- The Act provided federal money to states to assist in educating children with disabilities, provided that states met certain conditions to ensure all students with disabilities received a FAPE.
- Though it created individual rights for children with disabilities and an administrative structure for adjudicating those rights, the law did not contain any requirement to exhaust administrative remedies before seeking a remedy for a violation of those rights.

5

EXHAUSTION UNDER THE IDEA

- In 1984, the Supreme Court examined the exhaustion issue in detail.
- *Smith v. Robinson* involved a Petitioner's efforts to make claims under not only the Education for All Handicapped Children Act, but also Section 504 of the Rehabilitation Act of 1973 and Section 1983 of the Civil Rights Act of 1964.
- Supreme Court said that since relief was available under the Education for All Handicapped Children Act, no other "parallel statute" could be used to obtain relief.

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Administrative Exhaustion

Also available as part of the eCourse

[Answer Bar: Litigating the Administrative Law Case](#)

First appeared as part of the conference materials for the
16th Annual Advanced Texas Administrative Law Seminar session
"Exhaustion of Administrative Remedies"