

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Cruz v. Banks

No. 24-1147 · No. 24-1147 · Decided April 7, 2026

SUMMARY

The United States Court of Appeals for the Second Circuit affirmed a judgment concerning the placement of a student with disabilities in a 12:1:4 classroom under 8 N.Y.C.R.R. § 200.6(h)(4). Following the New York Court of Appeals’ determination that the regulation provides alternative placement options rather than cumulative requirements, the court held that the placement was lawful and declined to disturb the administrative findings that it best served the student’s needs.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
WRITING FOR THE COURT	Guido Calabresi; Park; Nathan
JURISDICTION	United States Court of Appeals for the Second Circuit
DECIDED	April 7, 2026
DOCKET	24-1147
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment of the United States District Court for the Southern District of New York in an action challenging the educational placement of a student with disabilities under the IDEA and New York class-size regulations. The Second Circuit previously certified a question of state-law interpretation to the New York Court of Appeals and, after receiving its answer, resolved the appeal.
STANDARD OF REVIEW	Federal courts' review of state educational decisions under the IDEA is circumscribed; courts defer to a state review officer's decision on matters requiring educational expertise unless the decision is inadequately reasoned.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Neysha Cruz, as parent and natural guardian of O.F. and individually v. David C. Banks, New York City Department of Education

TOPICS

appellate procedure

statutory interpretation

standard of review

administrative law

judicial review of agency action

PRACTICE AREAS

education law

special education

administrative law

appellate practice

disability rights

QUESTIONS PRESENTED

1. Whether 8 N.Y.C.R.R. § 200.6(h)(4) imposes cumulative class-size requirements when a student falls within more than one regulatory category or instead provides alternative placement options.
2. Whether O.F.'s placement in a 12:1:4 classroom violated his right to a free appropriate public education.
3. Whether the state review officer reasonably determined that a 12:1:4 placement best served O.F.'s individual needs.

HOLDINGS

1. Section 200.6(h)(4) provides alternative classroom placements rather than stacking or cumulative requirements; the committee on special education must select the listed alternative that best serves the student's individual needs.
2. O.F.'s placement in a 12:1:4 classroom did not violate his right to a free appropriate public education.
3. The court would not disturb the state review officer's reasonable finding that a 12:1:4 classroom was appropriate for O.F.

KEY QUOTATIONS

“the regulation requires a [committee on special education] to exercise its knowledge and expertise to select the listed alternative that would best serve a student’s individual needs.” (at 2)

“His placement in the former did not violate his right to a free appropriate public education.” (at 3)

FACTUAL BACKGROUND

O.F., a student with severe multiple disabilities and highly intensive management needs, was placed in a 12:1:4 classroom under his June 2021 individualized education program. His parent argued that 8 N.Y.C.R.R. § 200.6(h)(4) required the district to satisfy multiple class-size restrictions independently and that a 12:1:4 placement was therefore unlawful. The state review officer and impartial hearing officer concluded that the 12:1:4 placement best served O.F.'s needs because he required increased adult support from various professionals and had made little progress and had poor attendance during the preceding year in a 6:1:1 placement.

PROCEDURAL HISTORY

The district court entered judgment for the defendants concerning O.F.'s June 2021 individualized education program and placement in a 12:1:4 classroom. The Second Circuit previously addressed the appeal and certified to the New York Court of Appeals whether the class-size provisions in 8 N.Y.C.R.R. § 200.6(h)(4) impose

cumulative requirements or provide alternative placement options. After the New York Court of Appeals held that the provisions establish alternative placements, the Second Circuit affirmed the district court's judgment.

DISPOSITION

affirmed

CASES CITED

- Cruz v. Banks, 134 F.4th 687 (2d Cir. 2025)
- Cruz v. Banks, 2026 WL 436354, at *4-*5 (N.Y. Ct. App. Feb. 17, 2026)
- Gagliardo v. Arlington Central School District, 489 F.3d 105, 112 (2d Cir. 2008)
- R.E. v. New York City Department of Education, 694 F.3d 167, 189 (2d Cir. 2012)

OPINION

PER CURIAM.

24-1147 Cruz v. Banks 1 United States Court of Appeals 2 for the Second Circuit 3
_____ 4 5 August Term 2024 6 7 Argued: December 20, 2024 8 Decided: April 7,
2026 9 10 No. 24-1147 11 _____ 12 13 NEYSHA CRUZ, AS PARENT AND
NATURAL GUARDIAN OF O.F. AND INDIVIDUALLY, 14 15 Plaintiff-Appellant, 16 17 v. 18
19 DAVID C. BANKS, NEW YORK CITY DEPARTMENT OF EDUCATION, 20 21
Defendants-Appellees.

22 23 _____ 24 25 On Appeal from the United States District Court 26 for the
Southern District of New York 27 _____ 28 29 Before: CALABRESI, PARK, and
NATHAN, Circuit Judges. 30 31 In this appeal from a judgment of the United States District Court
for the 32 Southern District of New York, we certified a question to the New York Court of 33
Appeals, which it has now answered.

In light of that answer, the judgment is 34 affirmed. 35
_____ 1 24-1147 Cruz v. Banks 1 2 RORY J.
BELLANTONI, Brain Injury Rights Group, Ltd, 3 New York, New York, for Plaintiff 4 5 D.
ALAN ROSINUS, JR., of Counsel, MURIEL GOODE- 6 TRUFANT, Acting Corporation Counsel
of the City of 7 New York, New York, New York, for Defendants 8
_____ 9 10 PER CURIAM: 11 We return to this appeal
from a judgment of the United State District Court 12 for the Southern District of New York
(Jennifer L. Rochon, Judge).

We assume the 13 parties’ familiarity with the facts and procedural history of this case, set forth in
14 detail in our earlier decision. Cruz v. Banks, 134 F.4th 687 (2d Cir. 2025). 15 On April 15,
2025, we certified a question to the New York State Court of 16 Appeals: “When a student is

covered by more than one class size regulation under 17 § 200.6(h)(4), do the varying restrictions serve as distinct requirements that must 18 be independently fulfilled or as a list of class size options from which the DOE 19 may pick?” Id. at 698-99.

The Court of Appeals has answered, concluding that the 20 required classroom sizes described in [8 N.Y.C.R.R.] § 200.6(h)(4) represent 21 alternative placements, rather than stacking requirements, for students with the 22 described levels of management needs and disabilities. Cruz v. Banks, --- N.E.3d -- 2 24-1147 Cruz v. Banks 1 -, No. 1, 2026 WL 436354, at *4 (N.Y.

Ct. App. Feb. 17, 2026). In light of that decision, 2 we affirm the judgment of the district court. 3 DISCUSSION 4 “[T]he role of the federal courts in reviewing state educational decisions 5 under the IDEA is circumscribed.” Gagliardo v. Arlington Cent. Sch. Dist., 489 F.3d 6 105, 112 (2d Cir. 2008) (citation modified).

Accordingly, “a court must defer to the 7 SRO’s decision on matters requiring educational expertise unless it concludes that 8 the decision was inadequately reasoned.” R.E. v. N.Y.C. Dep’t of Educ., 694 F.3d 9 167, 189 (2d Cir. 2012). 10 Cruz argues that the June 2021 individualized education program (IEP) 11 placed O.F. in a 12:1:4 classroom in violation of § 200.6(h)(4).

12 But as the Court of Appeals makes clear, “8 NYCRR 200.6(h)(4) provides 13 alternatives.” Cruz, 2026 WL 436354, at *5. As such, “the regulation requires a 14 [committee on special education] to exercise its knowledge and expertise to select 15 the listed alternative that would best serve a student’s individual needs.” Id. 16 Accordingly, because O.F. “has both severe multiple disabilities and highly 17 intensive management needs,” Cruz, 134 F.4th at 694, he could properly be placed 18 in either a 12:1:4 classroom, pursuant to § 200.6(h)(4)(iii), or a 6:1:1 classroom, 3 24-1147 Cruz v. Banks 1 pursuant to § 200.6(h)(4)(ii)(a).

His placement in the former did not violate his 2 right to a free appropriate public education. 3 Cruz also argues that even if placement in a 12:1:4 classroom was lawful, the 4 SRO improperly found that the 12:1:4 placement recommended in O.F.’s June 2021 5 IEP would best serve O.F.’s needs. 6 But the SRO reasonably concluded, in agreement with the impartial hearing 7 officer, that placement in a 12:1:4 classroom was appropriate due to O.F.’s need for 8 increased adult support from a variety of professionals and his lack of progress 9 and poor school attendance over the previous year, when he had a 6:1:1 placement.

10 We decline to disturb these findings. 11 In our earlier decision, we considered Cruz’s other arguments and found 12 them to be without merit. We have considered the remaining arguments and also 13 find them to be without merit.

The judgment of the district court is, therefore, 14 AFFIRMED. 4