

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)