

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Cruz v. Banks

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

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