THE STATUTE OF LIMITATIONS FOR AN IMPARTIAL HEARING UNDER THE IDEA: A GUIDING CHECKLIST*

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Filling in a gap in the Individuals with Disabilities Education Act (IDEA)[1] that courts had subjected to various interpretations,[2] the 2004 amendments of the IDEA expressly specified the statute of limitations for filing for an impartial hearing.[3] The language is challenging for hearing officers, attributable in part to its appearance in two overlapping provisions, the first focused on the complaint and second focused on the hearing:

> [The complaint] sets forth an alleged violation that occurred not more than 2 years before the date the parent or public agency knew or should have known about the alleged action that forms the basis of the complaint, or, if the State has an explicit time limitation for presenting such a complaint under this subchapter, in such time as the State law allows…[4]

> A parent or agency shall request an impartial due process hearing within 2 years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the complaint, or, if the State has an explicit time limitation for requesting such a hearing under this subchapter, in such time as the State law allows.[5]

The two cross-referenced exceptions pose an interrelated source of legal interpretation, rendering the limitations period inapplicable "if the parent was prevented from requesting the hearing due to" either of the following two reasons:

> (i) specific misrepresentations by the local educational agency that it had resolved the problem forming the basis of the complaint; or

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[1] 20 U.S.C. §§ 1401 *et seq.* (2016).

[2] E.g., Perry A. Zirkel & Peter Maher, *The Statute of Limitations under the Individuals with Disabilities Education Act*, 175 Ed.Law Rep. 1 (2003).

[3] 20 U.S.C. §§ 1415(b)(6)(B) and 1415(f)(3)(C) (2016). The amendments also addressed the statute of limitations for filing for judicial review, which is a separate matter not addressed in this Article. *Id.* § 1415(i)(2)(B) (2016).

[4] *Id.* § 1415(b)(6)(B).

[5] *Id.* § 1415(f)(3)(C).

> (ii) the local educational agency's withholding of information from the parent that was required under this subchapter to be provided to the parent.[6]

The interpretation and application of the foregoing provisions can be of major practical import for the parties. For example, in some cases, it may result in dismissal of all of the parents' IDEA claims,[7] while in other cases, it may subject the school district to potential remedial liability[8] that extends well beyond two years.[9]

The courts have produced a substantial, although not uniform body of case law, as to the meaning of these foregoing provisions. The leading case is the Third Circuit's decision in *G.L. v. Ligonier Valley School Authority*,[10] that—among other rulings[11]—interpreted the two aforementioned[12] provisions as both referring to the same two-year period,[13] thus rejecting the lower court's 2+2 pleading approach.[14] Most other courts have followed this interpretation.[15]

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[6] *Id*. § 1415(f)(3)(D).

[7] *E.g.*, *Ms. S. v. Reg'l Sch. Unit 72*, 916 F.3d 41, 363 Ed.Law Rep. 1 (1st Cir. 2019); *Bd. of Educ. of N. Rockland Cent. Sch. Dist. v. C.M.*, 744 F. App'x 7, 360 Ed.Law Rep. 670 (2d Cir. 2018); *Somoza v. N.Y.C. Dep't of Educ*., 538 F.3d 106, 236 Ed.Law Rep. 30 (2d Cir. 2008); *Sharbowski v. Utica Cmty. Sch*., 73 IDELR ¶ 231 (E.D. Mich. 2019); *Brady v. Cent. York Sch. Dist*., 71 IDELR ¶ 215 (M.D. Pa. 2018); *B.B. v. Del. Coll. Preparatory Acad*., 70 IDELR ¶ 16 (D. Del. 2017), *reconsideration denied*, 73 IDELR ¶ 255 (D. Del. 2019); *R.B. v. N.Y.C. Dep't of Educ*., 57 IDELR ¶ 155 (S.D.N.Y. 2011); *cf. Avila v. Spokane Sch. Dist. #81*, 71 IDELR ¶ 172 (E.D. Wash. 2018); *J.K. v. Missoula Sch. Dist.,* 713 F. App'x 666 (9th Cir. 208); *D.C. v. Klein Indep. Sch. Dist*., 711 F. Supp. 2d 739, 260 Ed.Law Rep. 176 (S.D. Tex. 2010) (substantial part of parents' claims).

[8] "Remedial liability" here refers to the rather expansive forms of equitable relief that primarily includes tuition reimbursement and compensatory education but does not extend to money damages. *E.g*., Perry A. Zirkel, *The Remedial Authority of Hearing and Review Officers under the Individuals with Disabilities Education Act: The Latest Update*, 37 35 J. NAT'L ASS'N ADMIN. L. JUDICIARY 505 (2018); Perry A. Zirkel, *An Adjudicative Checklist of the Criteria for the Two Primary Remedies under the IDEA*, 354 Ed.Law Rep. 637 (2018).

[9] The potentially expansive period is attributable to two factors. First, if the filing is within the specified statute of limitations, the potential liability includes not only the segment from the discovery date forward to the filing date but also (a) the segment for any applicable exception, (b) the segment between the discovery date back to the alleged violative action, and (c) the period after the filing date until the final adjudicative decision per the IDEA's stay-put provision. Second, the potential liability extends further back if the jurisdiction follows the Third Circuit's open-ended remedial approach and/or the D.C. Circuit's qualitative approach for compensatory education. For an example that preceded and largely previewed the Third Circuit approach, see *K.H. v. N.Y.C. Dep't of Educ*., 63 IDELR ¶ 295 (E.D.N.Y. 2014) (potential liability for approximately 14 years of compensatory education).

[10] 802 F.3d 601, 322 Ed.Law Rep. 633 (3d Cir. 2015). For an analysis of this decision, see Perry A. Zirkel, *Of Mouseholes and Elephants: The Statute of Limitations for Impartial Hearings under the Individuals with Disabilities Education Act*, 35 J. NAT'L ASS'N ADMIN. L. JUDICIARY 30 (2015).

[11] *See infra* notes 27, 32, 37, and accompanying text.

[12] *See supra* notes 4–5 and accompanying text.

[13] *G.L. v. Ligonier Valley Sch. Auth*., 802 F.3d at 625.

[14] *Id*. at 615.

The purpose of this article is to provide a systematic and concise synthesis of this case law in a flowchart-like sequence, with the primary target—or the "you" in the checklist—being the hearing officer[16] but with the information also readily useful for the parties and their attorneys. Thus, it both updates and supplements my previous practice pointers.[17]

[15] *E.g.*, *Ms. S. v. Reg'l Sch. Unit 72*, 916 F.3d at 54; *Avila v. Spokane Sch. Dist. 81*, 852 F.3d 936, 341 Ed.Law Rep. 646 (9th Cir. 2018); *Damarcus v. District of Columbia*, 190 F. Supp. 3d 35, 338 Ed.Law Rep. 823 (D.D.C. 2016).

[16] Illustrating the importance of careful and thorough analysis of this issue in hearing officer decisions, see *Jessica E. v. Compton Unified Sch. Dist.*, 70 IDELR ¶ 103 (C.D. Cal. 2017) (remanding this issue to the hearing officer due to insufficient analysis); *cf. N.D.S. v. Acad. for Sci. & Agric. Charter Sch.*, 73 IDELR ¶ 114 (D. Minn. 2018) (remanding this issue to the hearing officer because the original determination was based on misunderstanding of plaintiff's claim).

[17] Zirkel, *supra* note 10, at 331–32.

Checklist for Applying the IDEA Limitations Period for Filing for a Hearing

1. Threshhold Matters—State law and waiver variations:

   a) Are you in one of the relatively few jurisdictions that have a state law specifying a different applicable period?[18]

   b) Is the limitations period an affirmative defense (i.e., subject to waiver if the defendant did not raise it at the hearing)[19] in your jurisdiction?[20]

2. Initial Calculation[21]—Unlike the limitations periods that use a look-back approach starting with the filing date,[22] the triggering determination is the date that "the parent or public agency knew or should have known about the alleged action that forms the basis of the complaint."[23]

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[18] As of mid-2018, the following states fit in three clusters different from the two-year period: (a) one year - Alaska (for parents, but 60 days for districts), Louisiana, North Carolina, Texas, and Wisconsin (for parents); (b) 90 days for unilateral placements - New Hampshire and Vermont; and (c) three years (and revised exceptions) - Kentucky. Perry A. Zirkel, *State Laws for Due Process Hearings under the Individuals with Disabilities Education Act*, 38 J. NAT'L ASS'N ADMIN. L. JUDICIARY 3, 17 nn.96–97 (2018). As a variation for the second cluster, Hawaii provides for a 180-day period for unilateral placements. HAW. REV. STAT. § 302A-443 (2017). Additionally, some states provide limited variations of the "knew or should have known" (KOSHK) reference point. *E.g.,* CAL. EDUC. CODE § 5605(*l*) (West 2017) (KOSHK of "the facts underlying the basis of the request"); 105 ILL. COMP. STAT. 5/14-8.02a(f) (2018) (KOSHK of "the event or events forming the basis of the request"). Wisconsin uses instead, as the triggering point, the date the district proposes or refuses to initiate or change the child's evaluation or IEP or, if not previously provided, the date that the district provides the parent with the procedural safeguards notice. WIS. STAT. § 115.80 (2017).

[19] As a more limited but sometimes significant difference, the defendant has the burden of persuasion for an affirmative defense. *E.g*., *K.H. v. N.Y.C. Dep't of Educ*., 63 IDELR ¶ 295 (E.D.N.Y. 2014).

[20] *E.g., M.G. v. N.Y.C. Dep't of Educ.*, 15 F. Supp. 3d 296, 310 Ed.Law Rep. 179 (S.D.N.Y. 2014); *Wong v. State Dep't of Educ*., 71 IDELR ¶ 128 (D. Conn. 2018); *Holden v. Miller-Smith*, 28 F. Supp. 3d 729, 312 Ed.Law Rep. 123 (W.D. Mich. 2014); *Jenna R.P. v. City of Chi. Sch. Dist. 299*, 3 N.E.3d 927, 301 Ed.Law Rep. 966 (Ill. Ct. App. 2103); *cf. Wall Twp. Bd. of Educ. v. C.M*., 534 F. Supp. 2d 487, 229 Ed.Law Rep. 669 (D.N.J. 2008) (IDEA statute of limitations for judicial review). The contrasting approach to an affirmative defense is a jurisdictional bar, which is not waivable. *Id*.

[21] "The first step in analyzing whether the Plaintiffs' [IDEA] claims are time-barred is to determine when the Plaintiffs "knew or should have known about the alleged IDEA violation." *K.C. v. Chappaqua Cent. Sch. Dist.*, 73 IDELR ¶ 47, at *14 (S.D.N.Y. 2018).

[22] Various courts used the look-back approach in a cursory or incidental manner. *E.g., Durbrow v. Cobb Cty. Sch. Dist.,* 887 F.3d 1182, 1193, 353 Ed.Law Rep. 33 (11th Cir. 2018); *Mr. P. v. W. Hartford Bd. of Educ.*, 885 F.3d 733, 750, 352 Ed.Law Rep. 961 (2d Cir. 2018); *Reyes v. Manor Indep. Sch. Dist.*, 850 F.3d 251, 340 Ed.Law Rep. 586 (5th Cir. 2017); *D.S. v. Trumbull Bd. of Educ*., 357 F. Supp. 3d 166, 170, 363 Ed.Law Rep. 216 (D. Conn. 2019); *Bentonville Sch. Dist. v. Smith,* 73 IDELR ¶ 293 (W.D. Ark. 2019); *Krawietz v. Galveston Indep. Sch. Dist*., 69 IDELR ¶ 207 (S.D. Tex. 2017), *aff'd on other grounds*, 900 F.3d 673 (5th Cir. 2018); *D.L. v. Clear Creek Indep. Sch. Dist*., 68 IDELR ¶ 166 (S.D. Tex. 2016); *T.C. v. Lewisville Indep. Sch. Dist*., 2016 WL 705930, *adopted*, 67 IDELR ¶ 215 (E.D. Tex. 2016); *D.C. v. Mount Olive Twp. Bd. of Educ*., 63 IDELR ¶ 78 (D.N.J. 2013); *Hooker v. Dallas Indep. Sch. Dist*., 55 IDELR ¶ 166 (N.D. Tex. 2010); *cf. R.S. v. Bd. of Dir. of Wood Charter Sch. Co*., 73 IDELR ¶ 252 (W.D.N.C. 2019) ("unless there is evidence that the parents did not know and could not have reasonably known about them until after that date").

[23] *See supra* text accompanying notes 4–5.

Initial Calculation (cont.):

a) Except for the limited possibility of a state difference,[24] what is the discovery date[25]?—i.e., when the moving party[26] …
   - "knew of should have known" (KOSHK)[27] of
   - the "alleged action"[28]

b) Did the moving party file for the hearing within the two-year[29] or, in applicable states,[30] other-specified period?

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[24] The triggering date in Alaska for parents is the date of the district's "written notice of the decision with which the parent disagrees." ALASKA STAT. § 14.30.193 (2017). The triggering date for districts in Alaska is when the "parent takes the action or inaction that is the subject of the complaint." ALASKA ADMIN. CODE tit. 4, § 52.550(a) (2018). The triggering in Wisconsin for parents is when the district refused or proposes to initiate or change the child's evaluation, IEP, placement, or FAPE or, if not previously provided, the date of the district's notice of the parent's right to file for a hearing. WIS. STAT. § 115.80 (2017). The triggering date in New Hampshire, Hawaii, and Vermont is the time of the unilateral placement. N.H. REV. STAT. ANN. § 186-C:16(b)(II) (2016); HAW. REV. STAT. § 302A-443 (2017); VT. STAT. ANN. tit. 16, § 2957(b) (2017). For the relevant meaning of "unilateral placement" in this context, see D.C. v. Dep't of Educ., 550 F. Supp. 2d 1238, 233 Ed.Law Rep. 630 (D. Haw. 2008).

[25] The use of the term "discovery" for the triggering date is attributable to the aforementioned leading position of the Third Circuit's *G.L.* decision. Some courts tend to use the alternate term of the "accrual" date. *E.g., Somoza v. N.Y.C. Dep't of Educ.*, 538 F.3d at 114.

[26] In the vast majority of the cases, the parent is the moving party. However, the district is the moving party in a limited but notable number of cases, including but not limited to those in which the district seeks to override parental lack of consent for evaluation/reevaluation (34 C.F.R. §§ 300.300(a)(3)(i) and 300.300(c)(1)(ii)) or seeks to avoid paying for an independent educational evaluation (*id.* § 300.502(b)(2)(i)). *E.g.*, Tracy Gershwin Mueller & Francisco Carranza, *An Examination of Special Education Due Process Hearings*, 22 J. DISABILITY POL'Y STUD. 131, 137 (2011) (finding that districts initiated 14% of the 2005-06 decisions in 41 states); Perry A. Zirkel, *The Two Decisional Dispute Resolution Mechanisms under the Individuals with Disabilities Education Act: An Empirical Comparison*, 16 CONN. PUB. INT. L.J. 169 (2017) (finding that districts initiated more than 10% of the hearing officer decisions in five of the most active states during the period from 2010-2016).

[27] For the "should have known" criterion, the limited authority is split with regard to its application to parents as the moving party. *Compare G.L. v. Ligonier Valley Sch. Auth.*, 802 F.3d at 614; *Brady v. Cent. York Sch. Dist.*, 71 IDELR ¶ 215 (M.D. Pa. 2018) (applying the Third Circuit's *G.L.* standard of "the reasonably diligent plaintiff" to the parents), *with Jessica E. v. Compton Unified Sch. Dist.*, 70 IDELR at *6 (citing Ninth Circuit's *Avila* dicta for a distinction between underlying facts and ultimate conclusion for parents who lack specialized knowledge); *cf. Sharbowski v. Utica Cmty. Sch.*, 73 IDELR ¶ 231 (E.D. Mich. 2019) (citing parent's specialized knowledge based on past experience with IDEA hearings); *Damarcus v. District of Columbia*, 190 F. Supp. 3d at 45 ("the inquiry should depend on the particular deficiency being asserted and the parent's ability to recognize it"); *K.H. v. N.Y.C. Dep't of Educ.*, 63 IDELR ¶ 295, at *16 (citing *Draper v. Atlanta Indep. Sch. Dist.*, 518 F.3d 1275 (11th Cir. 2008) for accrual only upon receiving specialized knowledge).

[28] For state variants of this reference point, *see supra* note 18. In any event, this element and KOSHK are interrelated, without clear consensus as to whether the key is the fact of the action/inaction or the conclusion as to its IDEA effect in terms of injury. *E.g., Draper v. Atlanta Indep. Sch. Dist.*, 518 F.3d 1340 ("'critical facts' which indicate the child has been hurt and the district is responsible for this injury"); *Vandell v. Lake Washington Sch. Dist.*, 74 IDELR ¶ 6 (W.D. Wash. 2019) (for denial of FAPE, "a lack of progress *that the parents attribute to the school district's failures"); Brady v. Cent. York Sch. Dist.*, 71 IDELR ¶ 215 (M.D. Pa. 2018) ("facts that provide notice of an existing or ongoing injury"); *E.G. v. Great Valley Sch. Dist.*, 70 IDELR ¶ 3 (E.D. Pa. 2017) (knowledge not of the action but that the action amounts to a violation on a "fine-grained" basis for each individual alleged violation, citing *Damarcus*). Moreover, the alleged actions may be multiple, warranting a claim-by-claim KOSHK analysis. *E.g., K.H. v. N.Y.C. Dep't of Educ.*, 63 IDELR ¶ 295 (E.D.N.Y. 2014).

[29] *See supra* notes 4–5 and accompanying text.

[30] *See supra* note 18 and accompanying text.

3. Fall-back calculation—If the answer to 2b is "no," did the moving party preponderantly prove[31] either (or both) of these two exceptions?[32]

   a) specific misrepresentation[33] – narrow scope[34]

   b) withheld information[35] – similarly narrow scope[36]

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[31] The burden of persuasion is on the moving party for the exceptions. *E.g.*, *G.I. v. Lewisville Indep. Sch. Dist.*, 61 IDELR ¶ 298, *adopted*, 62 IDELR ¶ 32 (E.D. Tex. 2013) (agency interpretation and collected cases); *Reg'l Sch. Unit 51 v. Doe*, 920 F. Supp. 2d 168, 197, 294 Ed.Law Rep. 722 (D. Me. 2013).

[32] First, state law differences are rare and not clearly authorized in the IDEA. *E.g.*, KY. REV. STAT. ANN. § 157.224(6) (2017) ("false representations" that the public agency "was attempting to resolve" the underlying problem; withholding of information "relevant to the hearing issues"; and failure to provide the prior written or procedural safeguards notices). Second and more significant, the prevailing view is that the two express exceptions are exclusive, thereby rejecting additional exceptions, such as continuing violations or equitable tolling, e.g., *Reyes v. Manor Indep. Sch. Dist.*, 850 F.3d at 255; *G.L. v. Ligonier Sch. Auth*., 802 F.3d at 625; *Vandell v. Lake Washington Sch. Dist*., 74 IDELR ¶ 6 (W.D. Wash. 2019); *Holden v. Miller-Smith*, 28 F. Supp. 3d at 737–38; *Piazza v. Fla. Union Free Sch. Dist*., 777 F. Supp. 2d 669, 691–92, 270 Ed.Law Rep. 189 (S.D.N.Y. 2011); *D.C. v. Klein Indep. Sch. Dist*., 711 F. Supp. 2d 739, 746–47, 260 Ed.Law Rep. 176 (S.D. Tex. 2010) (collected cases). *But cf. Z.J. v. Bd. of Educ. of Chi. Sch. Dist. 299*, 344 F. Supp. 3d 988, 1001–02, 361 Ed.Law Rep. 749 (N.D. Ill. 2018); *Krawietz v. Galveston Indep. Sch. Dist*., 69 IDELR at *6; *Jefferson Cty. Bd. of Educ. v. Lolita S*., 977 F. Supp. 2d 1091, 1124, 304 Ed. Law Rep. 280 (N.D. Ala. 2013), *aff'd on other grounds*, 581 F. App'x 761 (11th Cir. 2014) (limiting child find claims to look-back period when KOSHK date was earlier); *Michelle K. v. Pentauken Reg'l Sch. Dist*., 79 F. Supp. 3d 361, 372–73, 320 Ed.Law Rep. 133 (D. Mass. 2015) (allowing minority tolling if by student, not parents). A likely but limited exception, as recognized in 19 TEX. ADMIN. CODE § 89.1151(e), is the federal law requiring tolling for the period of military service. 50 U.S.C. § 3936 (2016).

[33] *See supra* note 6 and accompanying text.

[34] *E.g., Bd. of Educ. of N. Rockland Cent. Sch. Dist. v. C.M.*, 744 F. App'x at 11 (requiring knowing misrepresentation plus causal effect); *D.K. v. Abington Sch. Dist*., 696 F.3d 233, 245–47, 285 Ed.Law Rep. 730 (3d Cir. 2012); *R.S. v. Highland Park Indep. Sch. Dist*., 74 IDELR ¶ 10 (N.D. Tex. 2019) (must be intentional or egregious plus causal); *Shadie v. Forte*, 61 IDELR ¶ 40, at *5 (E.D. Pa. 2013), *aff'd on other grounds sub nom Shadie v. Hazleton Area Sch. Dist.,* 580 F. App'x 67 (3d Cir. 2014); *Tindall v. Evansville Sch. Corp*., 805 F. Supp. 2d 630, 644, 275 Ed.Law Rep. 630 (S.D. Ind. 2011) (requiring causation); *C.H. v. Nw. Indep. Sch. Dist*., 815 F. Supp. 2d 977, 985–86, 277 Ed.Law Rep. 268 (E.D. Tex. 2011) (requiring (a) during prior period; (b) specific misrepresentation; and (c) causation). *But cf. Ravenswood City Sch. Dist. v. J.S*., 870 F. Supp. 2d 780, 286 Ed.Law Rep. 377 (N.D. Cal. 2012) (granting this exception for misstatement that interfered with parent's ability to assert her right to file for a hearing).

[35] *See supra* note 6 and accompanying text.

[36] *E.g., M.M. v. Lafayette Sch. Dist*., 767 F.3d 842, 859, 309 Ed.Law Rep. 155 (9th Cir. 2014) (requiring causation); *D.K. v. Abington Sch. Dist*., 696 F.3d at 246–47 (required notices plus causation); *C.H. v. Nw. Indep. Sch. Dist*., 815 F. Supp. 2d at 986 (limited to written or procedural safeguards notices); *Avila v. Spokane Sch. Dist. #81*, 71 IDELR at *9 (not explanation of procedural safeguards notice); *El Paso Indep. Sch. Dist. v. F.A.*, 2010 WL 11506526 (Feb. 10, 2010), *adopted*, 2010 WL 11506518 (N.D. Tex. Apr. 15, 2010) (not written notice when not required); *cf. Bd. of Educ. of N. Rockland Cent. Sch. Dist. v. C.M.*, 744 F. App'x at 11 (recalculating the period as of the date of receipt of this notice rather than entirely open-ended exception). *But cf. S.H. v. Plano Indep. Sch. Dist.,* 487 F. App'x 850, 863–64, 287 Ed.Law Rep. 721 (5th Cir. 2012) (inadequately constituted IEP meeting); *Reg'l Sch. Unit 51 v. Doe*, 920 F. Supp. 2d at 197–203 (need not be intentional and previous notice did not suffice). Application of this otherwise rather restrictive view is problematic in child find cases. The first level of difficult is in cases where the parent has requested but not received an evaluation. *E.g.*, *Durbrow v. Cobb Cty. Sch. Dist.,* 887 F.3d at 1192–93; *Indep. Sch. Dist. No. 283 v. E.M.D.H*., 357 F. Supp. 3d 876, 363 Ed.Law Rep. 285 (D. Minn. 2019). More problematic are child find cases without such a request, with the exception potentially swallowing the rule. *Compare El Paso Indep. Sch. Dist. v. Richard R*., 567 F. Supp. 2d 918, 945–46, 236 Ed.Law Rep. 679 (W.D. Tex. 2008); *Wehrspann v. Dubuque Cmty. Sch. Dist.,* 118 LRP 33775, *adopted*, 72 IDELR ¶ 212 (D. Iowa 2018) (granting this exception), *Moyer v. Long Beach Unified Sch. Dist*., 60 IDELR ¶ 126 (C.D. Cal. 2013) (rejecting this exception).

4. Relief for Denial of FAPE—If the answer to item 2b or 3 is "yes" and if the decision on the merits is that the district denied FAPE,[37] is the basis for the calculation of the remedy limited to the period starting with (a) the KOSHK date, (b) the earlier date of the alleged action, or (c) neither?[38]

[37] In any event, the limitations period does not bar the exclusion of earlier evidence within the discretion of the hearing officer. *E.g., Phyllene W. v. Huntsville City Bd. of Educ*., 630 F. App'x 917, 925–26, 327 Ed.Law Rep. 648 (11th Cir. 2015); *Indep. Sch. Dist. No. 413 v. H.M.J*., 123 F. Supp. 3d 1100, 1113–14, 327 Ed.Law Rep. 213 (D. Minn. 2015); *Pangerl v. Peoria Unified Sch. Dist*., 67 IDELR ¶ 36 (D. Ariz. 2016).

[38] This question does not yet have sufficient judicial authority for a clear-cut answer, because the leading case law is ambiguous and arguably open-ended as to the scope of "redressability." *E.g., Ligonier Valley Sch. Auth*., 802 F.3d at 625–26 (interpreting timely and successful filings as entitling the parent to "be made whole with nothing less than a 'complete' remedy" which in cases of compensatory education equates to the period of the denial of FAPE excluding the time reasonably required for rectification); *cf. Avila v. Spokane Sch. Dist. 81*, 852 F.3d at 944 (interpreting the two-year discovery rule as applicable "without limiting redressability" to the two-year period preceding the KOSHK date); *Damarcus v. District of Columbia*, 190 F. Supp. 3d at 45 (adopting *G.L*. discovery approach but ambiguously including "full relief for that injury"). However, despite incidental practice otherwise (*supra* note 22), the limited authority to date appears to support an expansive answer, without clearly distinguishing between options 4b and 4c. *E.g., Rayna P. v. Campus Cmty. Sch.*, 72 IDELR ¶ 214 (D. Del. 2018); Letter to Zirkel, 66 IDELR ¶ 288 (OSEP 2015).