

SPECIAL EDUCATION LEGAL UPDATE
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This month's update identifies two recent court decisions that cumulatively illustrate limits in IDEA cases, including the statute of limitations and the scope of the complaint, as applied to the substantive appropriateness of high-stakes IEPs. For previous monthly updates and related publications, see perryzirkel.com

On February 14, 2025, the D.C. Circuit Court of Appeals issued an officially published decision in *M.R. v. District of Columbia*, addressing the appropriateness of consecutive IEPs for a middle-school student with autism and ADHD. His 2017–18 IEP (grade 5) included, outside of general education, 21.25 hours/week of specialized instruction, 4 hours/month of speech/language therapy (SLT), 2 hours/month of occupational therapy (OT), and 30 minutes/month of behavioral services. His 2018–19 IEP (grade 6) provided the same services except with the addition of an aide and reduction to 3 hours/month of SLT. At the start of 2019–20 (grade 7), his triennial evaluation reported generally low and inconsistent performance. His resulting IEP reduced the SLT to 2 hours/month and the OT to 30 minutes/month on a consultative basis. His parent filed for a due process hearing in June 2020, specifying a set of alleged deficiencies in the substantive appropriateness of the IEPs (e.g., reductions of SLT and OT) from grades 3 to grade 7. In a preliminary proceeding, the hearing officer determined that, based on what the parent knew or had reason to know of the alleged substantive deficiencies for each of these years, only the last two IEPs were within the statute of limitations of the IDEA. After the hearing on these two IEPs, the hearing officer ruled that both met the substantive standard of *Endrew F.*, which focuses on whether the IEPs were reasonably calculated for appropriate progress under the individual circumstances. The parent appealed to the federal district court, which affirmed the hearing officer's decision, including his rulings for the statute of limitations, the reduction of SLT and OT services, and the peer-reviewed research (PRR) provision of the IDEA. The parent filed an appeal with the D.C. Circuit Court of Appeals, which focused on a few specific issues that the parent had raised.

First, the appellate court addressed the repetition of several goals in each of the two IEPs.	Applying the snapshot approach, the court found the repeated goals to be reasonable because the student had yet to achieve these goals and needed consistency/repetition.
Second, the court addressed the student's alleged lack of "meaningful" progress.	Applying <i>Endrew F.</i> , the court concluded that "the proper measure is the reasonableness of [each] IEP's design," which the parent failed to show to be fatally flawed.
Third, the court similarly rejected the parent's PRR challenge to the SLT and OT services.	The court reasoned that "the record shows that [the student] <i>did</i> receive research-based instruction in [SLT and OT], even if his IEPs were silent on the matter."
Finally, the parent claimed that the district did not provide the ABA services specified in the IEPs.	The court concluded that this claim was in the failure-to-implement category of FAPE, which was not within the parent's due process complaint and, thus, beyond the appeal.

In addition to revealing the ponderously slow adjudicative process of IDEA cases that reach the precedential level of officially published federal appellate decisions, this case illustrates the largely prevailing minimalist judicial application of substantive requirements for FAPE as compared to the higher prevailing perceptions of parents and professional norms of educators of students with disabilities.

On February 27, 2025, a federal district court in Illinois issued an unpublished decision in *H.P. v. Board of Education of Oak Park and River Forest School District 200*, addressing tuition reimbursement both on the merits and as a matter of stay-put. At an early age, the student received a diagnosis of aphasia following epilepsy. His original school district found him eligible under the classification of intellectual disabilities (ID). In 2015–16 (grade 6), when he was in a therapeutic day placement per his IEP, the parents moved to the present district. The IEP team maintained his private day placement until 2018–19 (grade 9), when his parents arranged for a private evaluation that resulted in a more accurate diagnosis of Landau-Kleffner Syndrome along with ID and that concluded that the therapeutic day placement was not sufficient. The IEP team met and unanimously agreed to a residential placement at Camphill School in Pennsylvania, which was on the Illinois-approved list. He remained there beyond his 21st birthday, because in July 2021 Illinois passed a statute that extended eligibility to the 22nd birthday or, if that date is during the school year, until the end of that year. In fall 2021, the district notified Camphill and the parents that it would not continue funding after 2022–23 based on its interpretation that the statute applied to the academic calendar of the serving school. The student’s 22nd birthday (8/22/23) was after the start of the district’s, but before the start of Camphill’s, school year for 2023–24. In January 2022, the district conducted the student’s triennial evaluation, which recommended continuation of residential placement. Because Camphill released the student’s seat for 2023–24, his parents searched for a new residential placement in 2022–23 and found one in Connecticut that appeared comparable and had an available seat. However, the district did not accept their choice because it did not have Illinois approval. The parents hired a private firm to search the Illinois-approved residential placements for availability and appropriateness. At a meeting in March 2023, the IEP team continued to recommend residential placement after Camphill representatives reported the student’s progress and limitations. However, not long thereafter, the private firm determined that none of the ISBE-approved residential schools were available and appropriate. After arranging for another private evaluation, the parents sought an emergency IEP meeting for the Connecticut residential placement. However, the June 2023 IEP meeting resulted in a proposed placement in the district’s day-level community integration transition program. The parents immediately filed for a due process hearing to seek tuition reimbursement, asserting that the district’s change in placement lacked support of a corresponding change in the student’s needs. In July, they moved the student to the Connecticut placement. In August, the IEP team formally adopted its proposed day-level placement. In the fall, the district proposed an ISBE-approved residential placement in Tennessee. In the spring, the hearing officer issued a decision in the parents’ favor. The district appealed to federal court.

The district argued that the hearing officer exceeded his authority by deciding various issues not raised in the parents’ complaint.	The court agreed with the district, concluding that the various rulings of procedural violations and substantive deficiencies were not part of or directly related to the parents’ complaint.
The district also contended that the hearing officer’s finding that the district changed the student’s placement without supporting evidence of a corresponding change in the student’s needs was fatally incomplete.	Again agreeing with the district, the court concluded that the ultimate question was whether the proposed placement met the <i>Endrew F.</i> standard for appropriateness and that the hearing officer relied on six factual errors in his FAPE analysis.
As a separate matter, the district argued that the Connecticut placement was not the stay-put, because the hearing officer’s decision was in error.	Disagreeing, the court cited the long-established rule that the final administrative adjudication amounts to the stay-put and concluded that the district defaulted by not arranging for a placement comparable to Camphill until fall 2024.
This decision is clearly questionable in terms of the contradiction between its first two rulings and the incompleteness of its third ruling. Absent settlement, it is subject to further costly proceedings, showing the limits of law in addressing pressing educational issues.	