SPECIAL EDUCATION LEGAL UPDATE

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This month's update features a single recent court decision because it addresses a wide variety of IDEA issues (e.g., child find, FAPE, and compensatory education) and is illustrative of the time-consuming and non-nuanced approach of our congested and generalist courts. For related publications and special supplements, see **perryzirkel.com**

On April 14, 2026, a federal district court in New York issued an official published decision in *R.C. v. Garden City Union Free School District,* which addressed various IDEA issues. Starting in kindergarten, the parents expressed to school officials their concern with the academic as well as fine motor and organizational skills of their son. The kindergarten teacher had a colleague observe the child's handwriting. The first-grade teacher provided the parents with suggested at-home occupational therapy (OT) exercises for him; however, when the parents asked whether the school would provide him with OT, the teacher responded: "I don't see a disability, but a weakness is evident." The second-grade teacher sought extra help from administrators for the child's academic struggles, including a referral for multi-tiered system of strategies (MTSS) interventions. Not until the second half of grade 2 did the district conduct an evaluation and determine that he was eligible under the IDEA. At the IEP meeting, the parents asked to discuss possible compensatory education services, but the school psychologist conducting the meeting said that this topic was not within the purview of the IEP team. The resulting IEP, which covered the final few weeks in grade 2 and the entire grade 3, was unsatisfactory to the parents. They also expressed their disagreement with the comprehensiveness of the evaluation and the accuracy of its classification determination. Next, they arranged for an independent educational evaluation (IEE) that consisted of a psychological report, a vision assessment, and a reading assessment. In February of grade 3, they requested reimbursement. In response, the district funded only the vision assessment, citing the IDEA regulation that limited parents to one IEE at public expense per year. At the end of grade 3, the parents filed for a due process hearing, claiming that (a) the district violated its child find obligation by not evaluating the student earlier, (b) the evaluation was not appropriate, (c) the IEP did not meet the applicable procedural and substantive standards for FAPE; and (d) they were entitled to reimbursement for the other two parts of the IEE as well compensatory relief for the other violations. In July of the following year, after 17 hearing days, the hearing officer issued a decision that ruled in favor of the parents. The relief granted included reimbursement for the other two assessments along with $2510 for vision therapy, payment for 48 future weekly vision therapy sessions at $170 each, and 240 hours of compensatory education (with half for tutoring in reading and the other half for OT). Inasmuch as New York is one of the handful of states with a second tier, the district appealed to the state review officer (SRO), who reversed all the hearing officer's rulings, except for reimbursement of the other two assessments. The parents appealed to the federal district court. Both sides filed motions for summary judgment.

For child find, the parents argued that the SRO failed to consider the pattern that started before the end of grade 1, which marked the boundary for the two-year statute of limitations, and cumulatively continued thereafter.	The court agreed, finding such background evidence relevant. Explaining that the standard, rather than that of the first-grade teacher, is reasonable suspicion, the court deferred to the hearing officer's ruling in favor of the parents.
The parents argued that the district denied them the opportunity for meaningful participation by refusing to discuss compensatory education at the IEP meeting.	The court again agreed, concluding that the district's flat refusal violated its obligation is to at least consider, though not necessarily agree with, the parents' views on an aspect of FAPE.
The district counter-argued that the child find and parent-participation violations did not result in the requisite loss under the two-part test applicable to procedural FAPE.	The court rejected the district's contention, concluding that at least the child find violation resulted in the requisite substantive harm (presumably because the district determined that the child was eligible under the IDEA).
The parents sought additional compensatory education for the arguably harmful effect of the district's parental participation violation.	Not directly addressing the second, harmfulness step for the parental participation violation, the court concluded that the hearing officer's compensatory education award adequately covered both violations.
Both sides provided arguments about the substantive appropriateness of the evaluations and the IEP.	The court concluded that it need not address the substantive issues due to its conclusion that the procedural violations resulted in substantive loss.
Finally, the parents argued that they were entitled to IEE reimbursement for the psychological and vision assessments.	Again avoiding the issue of the appropriateness of the district's evaluation, the court ruled in the parents' favor because the district had failed to file for a hearing and its own evaluation consisted of multiple assessments.

This decision is not necessarily generalizable due to its particular facts and jurisdictional boundaries. It is also not necessarily final, because it is on appeal on the Second Circuit. These caveats contribute to a few overall personal observations:

- The adjudicative process under the IDEA is too often unduly time-consuming and costly. This case has already taken three years, starting with a 17-session due process hearing, and the federal appeals court decision will likely take another year or two. By that time, the child will be at or close to the high school level, and the attorneys' fees alone may exceed the cost of any remedial relief.
- Due in part to the individualized nature of the IDEA and the inevitably imprecise and often multi-factor or multi-step standards for its issues (e.g., child find, procedural FAPE, and IEEs), impartial adjudicators may reasonably differ in their rulings. Here, the hearing officer, SRO, and federal district court successively disagreed for most of the issues, and the Second Circuit's decision is subject to speculation.
- The federal courts have such a widely varied and heavily congested case load that they often do not delve into the factual particulars and the legal nuances in their IDEA decisions. Here, for example, the court (a) did not report what the student's disputed eligibility classification was; (b) only superficially analyzed the specific facts for its child find determination; and (c) did not at all explain the basis for the award of $2510 + (48 x $170) = $ 10,670 for vision therapy sessions. Similarly, the court effectively ducked deciding whether the evaluation was proper and whether the IEP was substantively appropriate.