

United States Court of Appeals
for the
Fourth Circuit

C.D., in his own capacity;
N.D., as attorney-in-fact,

Plaintiffs-Appellants,

— v. —

ARLINGTON SCHOOL BOARD,

Defendant-Appellee.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
IN NO. 1:23-CV-01627, HONORABLE LEONIE M. BRINKEMA, JUDGE

**BRIEF FOR *AMICUS CURIAE* COUNCIL OF PARENT
ATTORNEYS AND ADVOCATES, INC. IN SUPPORT OF
PLAINTIFFS-APPELLANTS AND REVERSAL**

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COUNCIL OF PARENT ATTORNEYS AND ADVOCATES (COPAA)

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3. Amicus does not have 10% or more of stock owned by a corporation.

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INTEREST OF *AMICUS CURIAE*¹

Council of Parent Attorneys and Advocates (COPAA) is a national not-for-profit organization for parents of children with disabilities, their attorneys and advocates. COPAA does not undertake individual representation but provides resources, training, and information for parents, advocates, and attorneys to assist in obtaining the free appropriate public education (FAPE) that children are entitled to under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.* (IDEA).² COPAA also supports its members in their efforts to safeguard the civil rights guaranteed to those individuals under federal laws, including the Civil Rights Act of 1871, ch. 22, 17 Stat. 13 (codified as amended at 42 U.S.C. § 1983) (Section 1983), Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504), and Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131, *et seq.* (ADA). COPAA brings the unique perspective of parents, advocates, and attorneys for children with disabilities. COPAA has filed as *amicus curiae* in the United States Supreme Court, including in *A.J.T. v. Osseo Area Schs.*, 145 S. Ct. 1647 (2025);

¹ Pursuant to Fed. R. App. P. 29, *Amicus* certifies that no party's counsel in this matter authored this brief in whole or in part; no party or party's counsel contributed money intended to fund the brief's preparation or submission; and no person other than *amici* and their members and counsel contributed money intended to fund the brief's preparation or submission.

² The statute was originally named the Education of the Handicapped Act or EHA; it was renamed IDEA in 1990. *See Fry v. Napoleon Cmty. Schs.*, 580 U.S. 154, 160 n.1 (2017). For the sake of simplicity, we refer only to IDEA in this brief. *Id.*

Perez v. Sturgis Public Schs., 598 U.S. 142 (2023); *Endrew F. v. Douglas Cnty. Sch. Dist. RE-1*, 580 U.S. 386 (2017); *Fry v. Napoleon Cmty. Schs.*, 580 U.S. 154 (2017); *Forest Grove Sch. Dist. v. T.A.*, 557 U.S. 230 (2009); *Bd. of Educ. v. Tom F.*, 552 U.S. 1 (2007); *Arlington Cent. Sch. Dist. Bd. of Educ. v. Murphy*, 548 U.S. 291 (2006); *Schaffer v. Weast*, 546 U.S. 49 (2005); and *Winkelman v. Parma City Sch. Dist.*, 550 U.S. 516 (2007), and in the twelve United States Courts of Appeal that routinely hear special education appeals.

Amicus' interest in this case stems from its commitment to ensuring that students with disabilities have access to a free appropriate public education in all areas of disability with programming reasonably calculated to result in academic and functional progress.

Both parties have consented to the filing of this brief.

SUMMARY OF ARGUMENT

For nearly forty years, the Supreme Court has interpreted the IDEA broadly and advanced the position that Congress, in enacting the statute, did not intend to create a right without a meaningful remedy. *See Forest Grove Sch. Dist. v. T.A.*, 557 U.S. 230, 244-45 (2009); *Winkelman v. Parma City Sch. Dist.*, 550 U.S. 516, 532 (2007). The plain language of the statute makes clear that IDEA's statute of limitations starts to run when the parents knew or should have known about the facts

which give rise to their cause of action (discovery rule), not when the events occurred (occurrence rule).

Application of the discovery rule fits within the larger context of IDEA's goal of ensuring appropriate education for all children with disabilities. School district personnel, with their expertise, are appropriately charged with knowing what it means to assess a child in all suspected areas of disability. When schools fail to comprehensively assess a student, the disturbing result is a delay in necessary interventions. Parents, by contrast, do not have the background to determine what evaluations should be administered. When parents rely upon a school to comprehensively assess their child, and the school fails, the parents cannot know what to do and the child suffers the loss of an appropriate education.

The text of the statute explicitly states that the timeline for requesting a hearing “is 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.” 20 U.S.C. Section 1415(f)(3)(C). This approach encourages school districts to vigorously pursue their obligation to assess all areas of disability and ensure children with disabilities have a full and meaningful remedy as Congress intended. The decision below fails to fulfill the Congressional mandate in IDEA to “enabl[e] each child with special needs to reach his or her full potential.” *G.L. v. Ligonier Valley Sch. Dist.*, 802 F. 3d 601, 626 (3d Cir. 2015). The district court’s approach frustrates

the Congressional mandate in IDEA to “enabl[e] each child with special needs to reach his or her full potential.” *Id.* at 626.

ARGUMENT

I. IN CONSTRUING FEDERAL LAW, COURTS CONSIDER THE PLAIN MEANING OF THE STATUTE AS WELL AS STATUTORY PURPOSE

Federal courts must “apply faithfully the law Congress has written.” *Perez* 598 U.S. at 150 (quoting *Henson v. Santander Consumer USA Inc.*, 582 U.S. 79, 89 (2017)) (internal citation omitted). Federal courts, when interpreting a statute, “are guided by the fundamental canons of statutory construction and begin with the statutory text.” *Avila v. Spokane Sch. Dist.* 81, 852 F.3d 936, 941 (9th Cir. 2017). “When . . . statutory ‘language is plain, the sole function of the courts - at least where the disposition required by the text is not absurd - is to enforce it according to its terms.’” *Arlington Cent. Sch. Dist. Bd. of Educ. v. Murphy*, 548 U.S. 291, 296-297 (2006) (quoting *Hartford Underwriters Ins. Co. v. Union Planters Bank, N. A.*, 530 U.S. 1, 6 (2000) (citations omitted)). Thus, federal courts proceed with the understanding that, unless otherwise defined, statutory terms should be interpreted in accordance with their ordinary meaning. *Bostock v. Clayton Cnty.*, 590 U.S. 644, 654 (2020); *Groff v. DeJoy*, 600 U.S. 447, 468 (2023).

At the same time, courts do not construe federal laws in a vacuum. “It is a fundamental canon of statutory construction that the words of a statute must be read

in their context and with a view to their place in the overall statutory scheme.” *Home Depot U.S.A., Inc. v. Jackson*, 587 U.S. 435, 441 (2019) (quoting *Davis v. Michigan Dep’t of Treasury*, 489 U.S. 803, 809 (2019)); see also *Sturgeon v. Frost*, 577 U.S. 424, 438 (2016); *Avila*, 852 F.3d at 943 (interpreting IDEA statute of limitations in light of law’s wide-ranging remedial purpose intended to protect the rights of children with disabilities and their parents).

This approach makes “statutes into more coherent schemes for the accomplishment of specified goals than they might otherwise be.” David M. Driesen, *Purposeless Construction*, 48 Wake Forest L. Rev. 97, 128 (2013)

As Professor Driesen notes:

Coherence in turn helps legitimate law. To the extent we treat statutes as coherent schemes for accomplishing public ends, the law commands respect and obedience. Hence, when judges create rationales for statutory construction tying particular results to public objectives motivating congressional enactment, they increase the likelihood of faithful administration of the law, public acceptance of the law, and compliance with the law.

48 Wake Forest L. Rev. at 128. When the statutory language is unambiguous and the statutory scheme coherent and consistent, judicial inquiry ceases. *Sebelius v. Cloer*, 569 U.S. 369, 380 (2013).

Sturgeon, supra, interpreting the Alaska National Interest Lands Conservation Act, 16 U.S.C. § 3101 (ANILCA), *et seq.* is instructive. ANILCA set aside 104 million acres of land in Alaska for preservation. It also specified “that the Park

Service could not prohibit on those lands certain activities of particular importance to Alaskans.” 577 U.S. at 431. The plaintiff in *Sturgeon* challenged a National Park Service regulation banning the use of hovercraft on certain lands in Alaska. He argued that “ANILCA created an Alaska-specific exception to the Park Service’s general authority over boating and related activities in federally managed preservation areas.” *Id.* at 434. This Court held that the Park Service had the authority to enforce regulations on both “public” and “non-public” property in Alaska, as long as those regulations were nationally applicable. The Court rejected this interpretation.

The Court noted that the reading of the statutory phrase adopted below “may be plausible in the abstract, but it is ultimately inconsistent with the text and context of the statute as a whole.” *Id.* at 438. This is because the interpretation under review would preclude the Park Service from applying Alaska-specific regulations to non-public lands in that state. *Id.* However, ANILCA is full of Alaska-specific exceptions reflecting “the simple truth that Alaska is often the exception, not the rule.” *Id.* at 440. “Yet the reading below would prevent the Park Service from recognizing Alaska’s unique conditions.” *Id.*

Similarly, in *Sebelius*, the Court rejected a statutory interpretation of the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. 300aa-1, *et seq.* (NCVIA) based upon inconsistency with plain language and statutory purpose. The

Court rejected the federal government’s proposed definition of the term “filed,” because it is commonly understood that a claim is “filed” when it is delivered to and accepted by the appropriate court. 569 U.S. 379. Further, the Court observed, the government’s position would undermine the goals of the fee provision in the NCVIA. A stated purpose of the fee provision was to enhance the opportunity for individuals to present claims by making fee awards available for “non-prevailing good faith claims.” 569 U.S. at 380 (citation omitted). The government’s interpretation would have discouraged counsel from representing NCVIA petitioners, which would undermine the statutory purpose.

Following this precedent, in construing IDEA's statute of limitations [20 U.S.C. §1415(f)(3)(C)] and a school district’s obligation to assess in all areas of suspected disability, federal courts must consider the plain meaning of the statute and the overall objective to ensure appropriate education for children with disabilities. As the Ninth Circuit explained in *Avila*:

[T]he broader context of the IDEA shows that it has a wide-ranging remedial purpose intended to protect the rights of children with disabilities and their parents. One express purpose of the IDEA is “to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.” 20 U.S.C. § 1400(d)(1)(A). As the Supreme Court stated, “[a] reading of the [IDEA] that left parents without an adequate remedy when a school district unreasonably failed to identify a child with disabilities would not comport with Congress’ acknowledgment of the paramount importance of properly identifying each child eligible for

services.” *Forest Grove Sch. Dist. v. T.A.*, 557 U.S. 230, 245 (2009). The broad purpose of the IDEA is clear and has been acknowledged repeatedly by our court. See *E.M. ex rel. E.M. v. Pajaro Valley Unified Sch. Dist. Office of Admin. Hearings*, 758 F.3d 1162, 1173 (9th Cir. 2014) (citing *Forest Grove*, 557 U.S. at 244-45); *Michael P. v. Dep’t of Educ.*, 656 F.3d 1057, 1060 (9th Cir. 2011) (same); *Compton Unified Sch. Dist. v. Addison*, 598 F.3d 1181, 1184 (9th Cir. 2010) (same). Cutting off children's or parents’ remedies if violations are not discovered within two years . . . is not consistent with the IDEA’s remedial purpose.

852 F.3d at 943.

The discovery rule fits within the larger context of IDEA's goal of ensuring appropriate education for all children with disabilities. If school district personnel, with all their training and experience, failed to evaluate C.D. for additional special education, his parents, likewise, should not be charged with knowledge of facts necessary to establish their cause of action.

II. TO ENSURE PROVISION OF APPROPRIATE EDUCATION TO ALL CHILDREN, IDEA PLACES ON SCHOOL DISTRICTS THE CRITICAL DUTY OF EVALUATING CHILDREN IN ALL AREAS OF SUSPECTED DISABILITY

IDEA has an indisputable and well-recognized statutory purpose. For decades preceding passage of IDEA, “school districts routinely denied children with disabilities an adequate education. They provided no educational assistance or accommodations to disabled children in school, ‘warehoused’ children in institutions thereby segregating them from their non-disabled peers or excluded them from school altogether.” Jennifer Rosen Valverde, *A Poor IDEA: Statute of*

Limitations Decisions Cement Second-Class Remedial Scheme for Low-Income Children in the Third Circuit, 41 Fordham Urb. L.J. 599, 600-601 (2013). In the 1970s, Congress held hearings investigating the quality of educational instruction provided to children with disabilities. These hearings established that public school districts throughout the country had wholly excluded millions of children with a multitude of disabilities or placed those children in programs where they received no educational benefit.

Thus, IDEA “was designed to reverse a history of educational neglect” for children with disabilities. *Timothy O. v. Paso Robles Unified Sch. Dist.*, 822 F.3d 1105, 1109 (9th Cir. 2016) (citing *Schaffer v. Weast*, 546 U.S. 49, 52 (2005)). “At the time of its passage, the need for institutional reform was pervasive: millions of children with a multitude of disabilities were entirely excluded from public schools, and others, while present, could not benefit from the experience because of undiagnosed – and therefore unaddressed – disabilities.” *Id.* (citing 20 U.S.C. § 1400(c)(2)). IDEA attempts to remedy these systemic problems by ensuring a free appropriate public education for all children with disabilities between the ages of three and twenty-one. *Id.* at 1110. To that end, school districts have a critical responsibility to evaluate children in *all* areas of suspected disability, “so that the school district can begin the process of determining what special education and

related services will address the child’s individual needs.” *Timothy O.*, 822 F.3d at 1110 (citing 20 U.S.C. §§ 1412(a)(7), 1414(a)-(c)).

Such evaluations must be done early, thoroughly, and reliably. “Otherwise, many disabilities will go undiagnosed, neglected, or improperly treated in the classroom.” *Id.* (citing 20 U.S.C. § 1400(c)). To ensure timely and appropriate evaluation and re-evaluation, IDEA imposes numerous procedural requirements on school districts.

First, evaluations must not only determine whether a child has a disability but also collect relevant functional, developmental, and academic data to identify the child’s specific educational needs in *all* areas. The failure to do so results in an incomplete evaluation and an inadequate understanding of the child’s needs. *Id.* at 1111.

Second, the school district must notify the parents of any proposed evaluation procedures and explain the reasons for those decisions, as required by 20 U.S.C. § 1414(b)(1) and 34 C.F.R. 300.304(a). *Id.* In conducting evaluations, schools must use a variety of assessment tools and strategies, 20 U.S.C. §§ 1414(b)(2)(A) & (B), use “technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors,” 20 U.S.C. § 1414(b)(2)(C), and “ensure that all assessments are conducted by trained and knowledgeable personnel, in accordance with instructions provided

by the producer of the assessment, and for purposes which the assessments or measures are valid and reliable. 20 U.S.C. § 1414(b)(3)(A).” *Timothy O.*, 822 F.3d at 1111. In short, “IDEA requires that, if a school district has notice that a child has displayed symptoms of a covered disability, it must assess that child in all areas of that disability using the thorough and reliable procedures specified in the Act.” *Id.* at 1118-1119.

In addition to providing an individualized education program (IEP) for all students known to have disabilities, states receiving IDEA funding have an ongoing obligation to ensure that all children with disabilities who are in need of special education and related services are identified, located, and evaluated. 20 U.S.C.S. § 1412(a)(3)(A). This obligation, known as Child Find, extends to all children who are suspected of being a child with a disability and in need of special education. 34 C.F.R. § 300.111(c). Failure to meet this obligation may constitute a procedural violation of the IDEA. But such a procedural violation will be actionable only if it affected the student's substantive rights. *T.B. v. Prince George's Cnty. Bd. of Educ.*, 897 F.3d 566, 569 (4th Cir. 2018). A procedural violation of the IDEA may not serve as the basis for recovery unless it resulted in the loss of an educational opportunity for the disabled child. A mere technical contravention of the IDEA that did not actually interfere with the provision of a FAPE is not enough. Rather, the procedural violation must have caused substantive harm. Specifically, the prospect

of recovery for a procedural violation of the IDEA depends on whether the student's disability resulted in the loss of a FAPE. *Id.* at 569.

When students who require special education receive no special education in the areas of disability because of the school districts' failures to identify their disabilities, they suffer substantive harm. As such, a Child Find violation is both serious and actionable.

III. THE DISTRICT COURT'S APPLICATION OF EQUITABLE ESTOPPEL IS INCONSISTENT WITH IDEA'S STATUTE OF LIMITATIONS PROVISION

Children with disabilities and their parents "face daunting challenges on a daily basis." *A.J.T. v. Osseo Area Sch. Dist.*, 2025 U.S. LEXIS 2279, at *14 (June 12, 2025). The challenges borne by parents do not include taking on the burden of ensuring that the school district complies with its statutory obligation to evaluate in all areas of suspected disability.

The Hearing Officer and the district court faulted the parent for the delay in raising an objection to the April 7, 2021, decision to not recommend further testing of C.D. Both tribunals relied on equitable estoppel as the basis for their decision. When the decision is based on principles of equitable estoppel, the standard of review is abuse of discretion. A district court abuses its discretion when it acts arbitrarily or irrationally, fails to consider judicially recognized factors constraining its exercise of discretion, relies on clearly erroneous factual or legal premises, or

commits an error of law. *Franklin v. Cleo AI Inc.*, No. 24-1817, 2025 U.S. App. LEXIS 13201, at *1 (4th Cir. May 30, 2025).

However, in invoking the principle of equitable estoppel, the district court and Hearing Officer erred. “[F]or equitable estoppel to apply ... there must be evidence that a party was misled by another's conduct or that the party significantly and justifiably relied on that conduct to its disadvantage.” *Liberty Mut. Ins. Co. v. Atain Specialty Ins. Co.*, 126 F.4th 301, 303 (4th Cir. 2025). C.D.’s mother was entitled to rely upon the expertise of school officials and to assume that they were discharging their duty under federal law to evaluate in all areas of suspected disability. *J.R. v. Ventura Unified Sch. Dist.*, 668 F. Supp. 3d 1054, 1063 (C.D. Cal. 2023). Applying equitable estoppel to these facts presumes that parents have the same access to relevant information as school district personnel. This is simply not the case.

As the Supreme Court recognized in *Schaffer* school districts have a “natural advantage” in information and expertise. *Schaffer*, 546 U.S. at 60-61. This advantage “derives from the wealth of professionals from a variety of disciplines (e.g., teachers, school psychologists, social workers, occupational and physical therapists, learning disabilities teaching consultants, etc.) they employ, or with whom they contract, to teach, evaluate, provide therapies and services to, and consult regarding children with disabilities.” Jennifer N. Rosen Valverde, *A Panoramic*

IDEA: Cabining the Snapshot Rule in Special Education Disputes, 55 Ariz. St. L. J. 1445, 1482 (2023). Parents, by contrast, “may lack the expertise needed to formulate an appropriate education for their child.” *Lascari ex rel. Lascari v. Bd. of Educ.*, 560 A.2d 1180, 1188 (N.J. 1989). Indeed, in recognizing the importance of publicly funded independent educational evaluations, *Schaffer, supra*, emphasized that parents need access to experts “who can evaluate all the materials that the school must make available, and who can give an independent opinion.” 546 U.S. at 60-61.

In *Amanda J.*, the Ninth Circuit found that the school’s failure to disclose records suspecting Autism was a denial of FAPE. The Court’s reasoning was clear:

The IEP team could not create an IEP that addressed Amanda's special needs as an autistic child without knowing that Amanda was autistic. Even worse, Amanda's parents were not informed of the possibility that their daughter suffered from autism — a disease that benefits from early intensive intervention — despite the fact that the district's records contained test results indicating as much. Not only were Amanda's parents prevented from participating fully, effectively, and in an informed manner in the development of Amanda's IEP, they were not even aware that an independent psychiatric evaluation was recommended, an evaluation that Amanda's mother testified she would have had performed immediately. These procedural violations, which prevented Amanda's parents from learning critical medical information about their child, rendered the accomplishment of the IDEA's goals — and the achievement of a FAPE — impossible.

Amanda J., 267 F.3d at 894.

This underscores that schools often have information about a student that the parents do not and the importance of schools sharing information with parents and

recognizing when a disability is part of the diagnostic picture of a student, it is critical to act on that early.

IDEA requires parents to bring an action within two years of the date they “knew or should have known of the alleged action that form the basis of the complaint.” 20 U.S.C. § 1415(b)(6)(B). This is similar to language in securities law that the statute of limitations begins to run when a reasonably diligent plaintiff would have discovered the facts constituting the violation. *Regents of the Univ. of Cal. v. Willis Watson Towers LLC*, 937 F.3d 297, 303 (4th Cir. 2019). When raising a statute of limitations defense, the burden is on the defendant to demonstrate that a reasonably diligent plaintiff would have discovered the violations. *York Cnty. v. HP, Inc.*, 65 F.4th 459, 465 (9th Cir. 2023). To evaluate whether the complaint is time-barred, the court must identify the “critical date,” that is, the date two years before the filing of the Complaint. *Id.* at 465-66. Next, the court must determine “which facts the complaint alleged occurred before and after that date.” *Id.* at 466. Finally, the court must evaluate whether the facts constituting the violation were discoverable prior to the critical date.

The claim is time-barred if the defendant “conclusively shows that either (1) the plaintiff could have pleaded an adequate complaint based on facts discovered prior to the critical date and failed to do so, or (2) the complaint does not include any facts necessary to plead an adequate complaint that were discovered following the

critical date.” *Id.* If any element of the claim was discovered after the critical date, then the claim is timely. *Id.* at 467.

In *York Cnty.*, the lead plaintiff, Maryland Electrical Industry Pension Fund (the Fund), alleged in the complaint that HP made all the false statements and misrepresentations in 2015 and 2016, well before the critical date. However, an SEC Order, issued at the end of September 2020, put HP’s prior statements in a new context, “revealing that ostensibly innocuous statements were actually intentional misrepresentations.” *Id.*

Because the Fund had alleged facts that occurred after the critical date, HP could establish a limitations defense in two ways. First, HP could demonstrate that The Fund could have based its claim solely on things that it knew or should have known prior to the critical date. In the alternative, HP could show that the SEC Order provided no information necessary to The Fund’s claim. *Id.*

The Fund knew of the statements that HP made prior to the critical date. However, the Fund had no reason to know that the statements were misleading until the SEC Order provided context. The Fund could not have pleaded scienter without knowledge provided by the SEC Order and had no reason to know that HP’s statements were fraudulent. *Id.*

In this case, C.D.’s mother knew what District personnel had done prior to the critical date. However, as was the case with the Fund, she did not know the import

of the District's action (or lack of action) until later. Because she filed within two years of the date of the "knew or should have known" date, the claims were timely. Applying equitable estoppel to a parent's claims in these circumstances is entirely inconsistent with the "knew or should have known" language in IDEA's statute of limitations.

CONCLUSION

For the foregoing reasons, the judgment below should be REVERSED.

Dated: August 6, 2025

Respectfully submitted,
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