United States Court of Appeals
For the Second Circuit

August Term 2025

Argued: April 15, 2026
Decided: August 20, 2026

No. 25-2327

JHOANA JUCA,
as Parent and Natural Guardian of K.A.
and Individually,

Plaintiff-Appellant,

v.

DAVID C. BANKS,
in his official capacity as Chancellor of the New York
City Department of Education,
NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of New York
No. 24-cv-07154, Jessica G. L. Clarke, *Judge*.

Before: CHIN, SULLIVAN, *Circuit Judges*, and VACCA, *District Judge*.*

* Judge Meredith A. Vacca, of the United States District Court for the Western District of New York, sitting by designation.

Plaintiff-Appellant Jhoana Juca, the parent of a teenager with developmental and physical disabilities, appeals from an order of the district court (i) dismissing her claims against the New York City Department of Education (the "DOE") under the Individuals with Disabilities Education Act ("IDEA") and (ii) denying her motion for a preliminary injunction as moot. Upon review, we conclude that (a) we have jurisdiction to consider this appeal, (b) the district court did not err in dismissing Juca's amended complaint for failure to exhaust her administrative remedies under the IDEA, and (c) Juca's claims related to the 2024–25 school year are moot. We therefore **AFFIRM** in part the district court's August 26, 2025 judgment and order and **DISMISS** the remainder of this appeal.

AFFIRMED IN PART AND DISMISSED IN PART.

NICOLE LANCIA (Rory J. Bellantoni, *on the brief*), Liberty & Freedom Legal Group, New York, NY, *for Plaintiff-Appellant*.

MACKENZIE FILLOW (Richard Dearing and Claude Platton, *on the brief*), Assistant Corporation Counsel, *for* Muriel Goode-Trufant, Corporation Counsel of the City of New York, New York, NY, *for Defendants-Appellees*.

RICHARD J. SULLIVAN, *Circuit Judge*:

Plaintiff-Appellant Jhoana Juca, the parent of a teenager with developmental and physical disabilities, appeals from an order of the district court (i) dismissing her claims against the New York City Department of Education (the "DOE") under the Individuals with Disabilities Education Act ("IDEA") and (ii) denying her motion for a preliminary injunction as moot. Upon review, we conclude that (a) we have jurisdiction to consider this appeal, (b) the district court did not err in dismissing Juca's amended complaint for failure to exhaust her administrative remedies under the IDEA, and (c) Juca's claims related to the 2024–25 school year are moot. We therefore **AFFIRM** in part the district court's August 26, 2025 judgment and order and **DISMISS** the remainder of this appeal.

I. BACKGROUND

In 2023, as required by the IDEA, the DOE developed an individualized education plan (an "IEP") for K.A. Juca disagreed with the plan and instead enrolled her child in a private school called the International Institute for the Brain ("iBrain"), a private school in New York City providing educational services for children with special needs. Juca then filed an administrative complaint pursuant to the IDEA alleging that the DOE had failed to provide her child with a free appropriate public education ("FAPE") during the 2022–23 and 2023–24 school years. Juca subsequently filed a similar complaint for the 2024–25 school year.

As to the 2022–23 school year, the state's first-level adjudicator – the Impartial Hearing Officer (the "IHO") – determined that the DOE did not provide K.A. with a FAPE but held that equitable considerations weighed against reimbursing Juca for K.A.'s private-school tuition. After an appeal, the state's second-level adjudicator – the State Review Officer (the "SRO") – reversed the IHO's ruling and ordered reimbursement in a decision handed down in July 2024 (the "SRO's July 2024 Determination").

As to the 2023–24 school year, the IHO determined that the DOE had offered K.A. a FAPE, so no reimbursement was given to Juca for that school year. Juca again appealed and the SRO again reversed, ruling that the DOE had not offered K.A. a FAPE. But rather than ordering the DOE to reimburse Juca, the SRO remanded for the IHO to weigh whether equitable considerations justified reimbursement. In February 2025, the IHO ruled that those considerations weighed against reimbursing Juca. There is no indication in the record that Juca appealed that ruling to an SRO.

And finally, as to the 2024–25 school year, the IHO determined that the DOE did not provide K.A. with a FAPE but ruled that equitable considerations weighed against reimbursement. Juca again appealed, and the SRO again sided with Juca, ordering the DOE to "directly fund the costs of the student's full program at iBrain during the 2024–25 extended school year, including tuition, related services, special transportation services provided by Sisters Travel, and 1:1 nursing services provided by B&H Health Care at the contracted[-]for rates." *Application of a Student with a Disability*, SRO Dec. No. 24-610, at 30 (N.Y. Educ. Dep't May 27, 2025) (cited in Juca Br. at 31 n.4).

On December 3, 2024, Juca filed an amended complaint in the district court alleging that the DOE failed to provide K.A. with a FAPE. She also moved for a preliminary injunction to compel the DOE to comply with the terms of the SRO's July 2024 Determination for the 2023–24 and 2024–25 school years, even though that determination applied on its face only to Juca's claims for the 2022–23 school year. The district court denied Juca's motion and dismissed her complaint because Juca (i) had failed to exhaust the administrative remedies required by the IDEA for the 2023–24 and 2024–25 school years and (ii) did not allege a violation of the IDEA's so-called stay-put provision (which, as discussed below, will ordinarily excuse a failure to exhaust). *See* 20 U.S.C. § 1415(j). Juca timely appealed.

II. Discussion

A. We Have Appellate Jurisdiction.

We must determine, as a threshold matter, whether we have jurisdiction to consider this appeal. Generally speaking, we lack jurisdiction to hear appeals of non-final judgments. *See* 28 U.S.C. § 1291. And the record below makes clear that the order from which Juca appeals was not a final judgment because the complaint was dismissed without prejudice, and Juca was given leave to amend.[1]

"However, an appellant can render such a non-final order 'final' and appealable by disclaiming any intent to amend." *Slayton v. Am. Express Co.*, 460 F.3d 215, 224 (2d Cir. 2006). And we have held that appellants can disclaim such intention at oral argument or in their appellate briefing, either of which will cure the "potential obstacle to appellate jurisdiction." *Jewish People for the Betterment of Westhampton Beach v. Vill. of Westhampton Beach*, 778 F.3d 390, 394 (2d Cir. 2015) (exercising appellate jurisdiction pursuant to section 1291 where the "[p]laintiffs' reply brief disclaim[ed] any intent to revive their dismissed claim"); *16 Casa Duse, LLC v. Merkin*, 791 F.3d 247, 254–55 (2d Cir. 2015) (treating the district court's order as final when appellant agreed to dismissal with prejudice at oral argument); *Goldberg v. Pace Univ.*, 88 F.4th 204, 209 n.7 (2d Cir. 2023) (explaining that plaintiff's submission of "a statement of his binding intention to abandon [the]

[1] Juca did not assert jurisdiction pursuant to 28 U.S.C. § 1292, which permits interlocutory review of a denial of an order for a preliminary injunction, and instead relies on 28 U.S.C. § 1291, which permits appeals only of final orders.

claim" in response to an order to show cause issued by our Court "cleared the way for our [Court's] exercise of appellate jurisdiction" under section 1291).

Here, Juca disclaimed any intent to amend the complaint in her opening brief. And at oral argument, Juca further disclaimed any intent to amend. Consequently, we have jurisdiction to consider Juca's challenge to the district court's dismissal of her IDEA claims.[2]

B. Juca Failed to Exhaust Her Claim to Enforce the SRO's July 2024 Determination as to the 2023–24 School Year.

We review *de novo* a district court's dismissal of a complaint under Federal Rule of Civil Procedure 12(b)(6), "accepting the allegations in the complaint as true and drawing all reasonable inferences in favor of the plaintiff." *Palmer v. Amazon.com, Inc.*, 51 F.4th 491, 503 (2d Cir. 2022). To survive a motion to dismiss, a plaintiff must plead "enough facts to state a claim to relief that is plausible on its face," *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007), which would "allow[] the

[2] Although Juca has disclaimed any intention of amending her complaint, she nonetheless asserts on appeal that the district court erred in limiting the scope of the allegations to be included in any amended pleading. *See* Juca Br. at 31–33. But Juca cannot simultaneously contend that the district court erroneously narrowed the scope of her amended pleading while also disclaiming any intent to amend her pleadings in the first place. Given Juca's representations that she wishes to give up her ability to file an amended complaint, we deem her challenge to the scope of the amended pleading to be waived. *See supra* at 6–7.

court to draw the reasonable inference that the defendant is liable for the misconduct alleged," *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

Juca does not dispute that she failed to exhaust her administrative remedies under the IDEA. *See* Juca Br. at 21; App'x at 105. Instead, she alleges that the DOE violated 20 U.S.C. § 1415(j) (the "stay-put provision"), which, if true, exempts her from the requirement to exhaust her administrative remedies. *See Ventura de Paulino v. N.Y.C. Dep't of Educ.*, 959 F.3d 519, 536 (2d Cir. 2020) ("An action that alleges a violation of the stay-put provision falls within one or more of the exceptions to the exhaustion-of-administrative-remedies requirement of the [IDEA]."). Consequently, her complaint rises and falls on the question of whether she plausibly alleged a violation of the stay-put provision. She has not.

"The IDEA contains a stay-put or pendency provision[,] which provides that 'during the pendency of any proceedings,' the child is entitled to 'remain in her then-current educational placement' at public expense." *Mendez v. Banks*, 65 F.4th 56, 59 (2d Cir. 2023) (alteration adopted) (quoting 20 U.S.C. § 1415(j)). "Parents can also unilaterally change their child's placement during the pendency of review proceedings – for instance, by enrolling them in private school – but they do so at their own financial risk." *Id.* (alteration adopted and internal quotation marks omitted); *see also Ventura de Paulino v. N.Y.C. Dep't of Educ.*, 959 F.3d 519, 531 (2d Cir. 2020) ("We have interpreted this provision to require a school district to continue funding whatever educational placement was last agreed upon for the child until the relevant administrative and judicial proceedings are complete." (internal quotation marks omitted)).

Juca argues that the SRO's July 2024 Determination (which applied only to the 2022–23 school year) necessarily covered the 2023–24 school year as well; she therefore contends that the DOE's refusal to reimburse her for the 2023–24 school year violated the stay-put provision. In making this argument, she relies on our decision in *Mackey ex rel. Thomas M. v. Board of Education for Arlington Central School District*, 386 F.3d 158 (2d Cir. 2004). But that case differs markedly from this one. In *Mackey*, we exercised our "equitable authority" to order a prior year's "SRO decision [to] be applied retroactively" to a subsequent school year "[*o*]*nly because* the SRO was derelict, through no fault of the parents," in issuing his decision. *Id.* at 164–65 (emphasis added). No such facts are pleaded here. Indeed, from our review of the record, it seems clear that any delay is attributable to Juca, who did not appeal the IHO's February 2025 determination (on remand from the SRO) concerning the 2023–24 school year. Because Juca has not alleged sufficient facts from which we can infer that the DOE violated the stay-put provision, the district court did not err in concluding that Juca failed to exhaust her administrative remedies and dismissing her complaint.

C. Juca's Claim to Enforce the SRO's July 2024 Determination as to the 2024–25 School Year is Moot.

Juca's claims related to the 2024–25 school year are moot both because Juca has already obtained the relief she requested for that year and, in any event, the complained-of school year has long since ended. It is well settled that a claim becomes moot when a claimant gets everything she could have gotten on that claim. *See Ruesch v. Comm'r of Internal Revenue*, 25 F.4th 67, 70 (2d Cir. 2022) (dismissing claims as moot because "no live controversy remains where a party has obtained all the relief she could receive on the claim through further litigation" (internal quotation marks omitted)); *see also, e.g.*, *Ramos v. Samuels*, No. 25-1321, 2026 WL 1346852, at *3 (2d Cir. May 14, 2026) ("Because the 2024–2025 school year has ended, Plaintiffs-Appellants cannot now claim that any child's placement at iBrain for that school year is at risk."). Accordingly, we need not address this issue on appeal if Juca has already obtained complete relief.

We conclude that she has. On May 27, 2025 – about six months after Juca filed her amended complaint – an SRO again sustained Juca's administrative appeal and ordered the DOE to "directly fund the costs of [K.A.]'s full program at iBrain during the 2024–25 extended school year, including tuition, related services, special transportation services provided by Sisters Travel, and 1:1 nursing services provided by B&H Health Care at the contracted[-]for rates." *Application of a Student with a Disability*, SRO Dec. No. 24-610, at 30 (N.Y. Educ. Dep't May 27, 2025) (cited in Juca Br. at 31 n.4). With respect to the 2024–25 school year, Juca's amended complaint sought "[a]n order that DOE fund the pendency placement at iBRAIN with transportation and nursing services for the 2024–2025 year," App'x at 117, and "[a] preliminary injunction or other order finding that the July 2024 SRO Decision is the basis of K.A.'s pendency relative to the 2024–2025 Case," *id.* The first request for relief has now been fully achieved by virtue of the SRO's May 2025 decision. *See supra* at 10. And the second is now legally irrelevant because the DOE is already required – by a subsequent, unchallenged order from the SRO – to pay for K.A.'s placement. *See Radha Geismann, M.D., P.C. v. ZocDoc, Inc.*, 909 F.3d 534, 541 (2d Cir. 2018) (holding that "a lawsuit – or an individual claim – becomes moot when a plaintiff *actually receives* all of the relief he or she could receive on the claim" (internal quotation marks omitted)); *see also, e.g.*, *Scheff v. Banks*, No. 23-1006, 2024 WL 3982986, at *3 (2d Cir. Aug. 29, 2024) (dismissing appeal because "now that the underlying IDEA proceedings have ended in [the Appellant]'s favor, we can no longer grant [the Appellant] any effectual relief"). Because Juca has already achieved the relief that she sought, we must dismiss this aspect of her appeal as moot.

But Juca's claim is doubly moot. Regardless of whether she had "obtained all the relief she could receive on the claim through further litigation," *Ruesch*, 25 F.4th at 70, her claim became moot once the school year ended. That is so because "the IDEA's stay-put provision does not create an entitlement to immediate payment or reimbursement." *Mendez*, 65 F.4th at 63 (2d Cir. 2023). Rather, "[p]arents or guardians may . . . obtain such relief *if* they establish that a delay or failure to pay has jeopardized their child's [*current*] *educational placement*." *Id.* (emphases added). Because the failure to pay for a since-ended school year – without more – is insufficient to permit the inference that "the then-*current* educational placement of the child" is in any way at risk, 20 U.S.C. § 1415(j) (emphasis added), we hold that the IDEA's stay-put provision does not provide an avenue for recovery against DOE for school years that have ended. Of course, if a parent or guardian can make the rare "showing" that DOE's "delay or failure to pay" for a *past* school year "has jeopardized their child's educational placement" in the *current* school year, then the IDEA's stay-put provision springs back to life. *Mendez*, 65 F.4th at 63. But because Juca does not come close to alleging such facts here, we must again conclude that her claim is moot. *See* App'x at 20 (alleging in conclusory manner that DOE's "failure to fund K.A.'s pendency jeopardizes her placement because, without timely funding, iBRAIN, the transportation provider, and the nursing provider will not be able to continue to provide her with services, and she will lose her placement.").

Finally, in a post-argument submission, Juca urges us to resuscitate this moot claim because the DOE has yet to pay for K.A.'s "nursing and transportation services . . . totaling at least $807,753" for the 2024–25 school year. App. Doc. No. 49 at 1 (Juca's Rule 28(j) Letter). But as we have previously said, unless plaintiffs "establish that a delay or failure to pay has jeopardized their child's educational placement," they may not invoke "the IDEA's stay-put provision" as a shortcut to get "the DOE to automatically fast-track funding for the educational placements." *Mendez*, 65 F.4th at 63 (emphasis omitted). And since Juca's Rule 28(j) Letter does not even purport to specify how or why this delay in paying a past-year's bill "jeopardize[s] [her] child's educational placement," we so no reason why "the IDEA's stay-put provision" applies here. *Id.*

III. CONCLUSION

For these reasons, we **AFFIRM** the judgment and order of the district court with respect to the 2023–24 school year and **DISMISS** the appeal with respect to the 2024–25 school year.