

**District of Columbia**  
**Office of the State Superintendent of Education**  
Office of Dispute Resolution  
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<b>Parent, on behalf of Student,<sup>1</sup></b>	)	<b>Room: 2003</b>
	)	
<b>Petitioner,</b>	)	<b>Date Issued: May 19, 2015</b>
	)	
<b>v.</b>	)	
	)	
<b>District of Columbia Public Schools,</b>	)	<b>Hearing:</b>
	)	
<b>Respondent.</b>	)	<b>Hearing Officer: Michael Lazan</b>

**HEARING OFFICER DETERMINATION**

**I. Introduction**

This is a case involving a \_\_\_\_\_ year old student who is eligible for services as a student with a Multiple Disabilities. (“the Student”).

A Due Process Complaint (“Complaint”) was received by District of Columbia Public Schools (“DCPS” or “Respondent”) pursuant to the Individuals with Disabilities Education Act (“IDEA”) on February 3, 2015 in regard to the Student. On February 12, 2015, Respondent filed a response. A resolution meeting was held on February 13, 2015. The resolution period expired on March 5, 2015.

**II. Subject Matter Jurisdiction**

This due process hearing was held, and a decision in this matter is being rendered, pursuant to the Individuals with Disabilities Improvement Act (“IDEIA”), 20 U.S.C. Sect. 1400 et seq., its implementing regulations, 34 C.F.R. Sect. 300 et seq., Title 38 of

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<sup>1</sup> Personally identifiable information is attached as Appendix A and must be removed prior to public distribution.

the D.C. Code, Subtitle VII, Chapter 25, and the District of Columbia Municipal Regulations, Title 5-E, Chapter 30.

### **III. Procedural History**

On March 9, 2015, this Hearing Officer held a prehearing conference. Elizabeth Jester, Esq., counsel for Petitioner, appeared. Tanya Chor, Esq. counsel for Respondent, appeared.

A prehearing conference order issued on March 12, 2015 summarizing the rules to be applied in this hearing and identifying the issues in the case. Petitioner sought revisions in the prehearing order, which was revised on March 31, 2015.

A hearing date was scheduled for April 9, 2015 in this matter. The HOD date was then due on April 19, 2015. At the hearing on April 9, 2015, at the start of the case, Petitioner was not able to appear because of a personal emergency. Respondent agreed to an adjournment. I granted the request for an adjournment. The parties also agreed to seek a joint continuance, which was filed by Petitioner on April 15, 2015. Chief Hearing Officer Virginia Dietrich thereby signed an Interim Order on Continuance Motion extending the HOD due date to May 19, 2015.

The hearing was rescheduled for May 11, 2015. This was a closed proceeding. Petitioner was represented by Elizabeth Jester, Esq. Respondent was represented by Tanya Chor, Esq.

Petitioner moved into evidence Exhibits 1-35. There were no objections. Exhibits 1-35 were admitted. Respondent moved into evidence Exhibits 1-15. Petitioner objected to Exhibit 5 on relevance grounds. This objection was overruled. Exhibits 1-15 were admitted.

The parties presented closing statements orally, on the record, after completion of testimony on May 11, 2015.

Petitioners presented as witnesses: Petitioner; Witness A, Registrar from School A PCS. Respondent presented no witnesses.

#### **IV. Credibility**

I found both witnesses credible in this proceeding. There were no material inconsistencies uncovered in connection to any witness, and all witnesses presented their testimony with reasonable candor.

#### **V. Issues**

As identified in the Prehearing Conference Summary and Order and in the Due Process Complaint, the issues to be determined are as follows:

1. Did DCPS fail to obtain the Student's IEP from his prior school in a different LEA, namely School M, in Prince George's County, Maryland, prior to the Student's enrollment in DCPS for the 2014-2015 school year, and also during the course of the school year? If so, did DCPS deny the Student a FAPE?
2. Did DCPS fail to implement the School M IEP at School A PCS for the 2014-2015 school year? If so, did DCPS deny the Student a FAPE?
3. Did DCPS fail to provide the Student with an IEP at the start of the 2014-2015 school year? If so, did DCPS deny the Student a FAPE?
4. Did the DCPS IEP for the Student created in October, 2014 provide the Student with an inadequate amount of special education hours, insufficient occupational therapy, insufficient assistive technology, and inappropriate and insufficient goals and objectives? If so, did DCPS deny the Student a FAPE?

5. Did DCPS fail to consider available evaluative data when creating the October, 2014 IEP, including the results of most recent evaluations of the Student? If so, did DCPS deny the Student a FAPE?

6. Did DCPS fail to consider the concerns of the parent when writing the October 2014 IEP? If so, did DCPS deny the Student a FAPE?

7. Did DCPS improperly convene an IEP team at the October, 2014 IEP meeting without the presence of a general education teacher? IF so, did DCPS deny the Student a FAPE?

As relief, as articulated in the closing statement, Petitioner is seeking 15 hours of pull-out instruction in the IEP, an IEP meeting to review the existing speech and language and occupational therapy assessments, an independent evaluation in assistive technology, and an independent psychological evaluation to assess the Student in terms of his academic levels and to determine whether the Student is manifesting continued signs of autism.

## **VI. Findings of Fact**

1. The Student is a \_\_\_\_\_ year old who is eligible for services as a student with multiple disabilities. (P-1-2)

2. The Student has been characterized as having a PDD-NOS diagnosis. (“Pervasive Developmental Disorder, Not Otherwise Specified”) This is a diagnosed condition that is on the autism spectrum. (P-16-8)

3. The Student has a significant stutter that impacts on his educational performance because he will be hesitant to ask questions. (Testimony of Petitioner; R-2-2)

4. He functions in the below basic level in math. He has difficulty focusing in the classroom and has to be redirected. (P-1-4)

5. In reading, he is functioning in the below basic range. He is able to read 4<sup>th</sup> grade materials independently. (P-1-5)

6. He responds best when materials are presented to him visually and verbally to reinforce his comprehension and retention of information. (P-1-5)

7. He requires additional time to respond to questions because of his expressive language issues. (P-1-5)

8. He has difficulty attending to task, participating in classroom discussions, and completing follow-up assignments, especially written assignments. (P-1-5)

9. He needs additional support in letter formation, spacing and size. He has difficulty expressing his thoughts in written form. He needs additional support to write a simple sentence. (P-1-6)

10. He needs graphic organizers, a vocabulary list, and writing prompts. (P-1-6)

11. A psychological assessment of February 27, 2013 examined the Student on the Beery-Buktenica Developmental Test of Visual-Motor Integration, 6<sup>th</sup> Ed., the Behavior Assessment System for Children, Second Edition (BASC-2), and the Universal Nonverbal Intelligence test (UNIT). He scored above average on the UNIT, with a score of 111. His memory quotient was above average, his reasoning quotient was average. His “Symbolic Quotient” was at the Superior range. (P-12-2-5)

12. On the BASC-2, the Student was at risk in a number of areas, including learning problems, attention problems (at risk to clinically significant), study skills, and functional communication. (P-12-4)

13. The Student attended school in Maryland during the 2013-2014 school year, at School M. (Testimony of Petitioner)

14. An IEP was written for the Student on April 9, 2014, in Maryland. (“the Maryland IEP”) The IEP calls for 5 classes of instruction outside general education for 4 hours and 45 minutes per day from April 9, 2014 through June 13, 2014. Then, the IEP calls for 5 classes of instruction outside general education for 3 hours per day per day from August 25, 2014 through April 8, 2015. The IEP recommends 60 minutes of speech and language therapy per month. No assistive technology is offered in this IEP. (P-3-18)

15. The Student did well when he was at School M. (Testimony of Petitioner)

16. In School M, the Student was provided academic classes that were solely comprised of special education students in Math, English, and History. (Testimony of Petitioner)

17. A speech and language evaluation was conducted of the Student in June 2014. This included administration of the Test of Childhood Stuttering, which resulted in a scaled score of 58 and a percentile rank of below the first percentile. The report concluded that the Student’s difficulties with expressive language may make him more reluctant to participate in classroom discussions. (P-10-2-4)

18. An occupational therapy evaluation was conducted of the Student in June, 2014. The assessment consisted of clinical observations, the Bruininks-Oseretsky Test of Motor Proficiency, 2d Ed., the Beery-Buktenica Developmental Test of Visual-Motor

Integration, 6<sup>th</sup> Ed., and an informal handwriting sample. The Student tested as below average in fine motor control, in the very low range in visual motor/visual perception skills, and was deemed to have limited hand manipulation and low muscle tone. (P-11)

19. In July, Petitioner enrolled the Student at School A PCS, a DCPS school. He went to the school, presented the school with the Student's Maryland report card, spoke to the enrollment officer, and told him/her that the Student had an IEP.

(Testimony of Petitioner)

20. He then talked to a Ms. A at the school, who gave him a form to fill out. She indicated that fulfilling the mandates of the Maryland IEP should not be a problem.

(Testimony of Petitioner)

21. Witness A then sent out a request to School M for the Maryland IEP.

22. Typically, the school will send out records requests for transfer students via mail in August. (Testimony of Witness A)

23. School M did not respond to the written request for an IEP and records.

(Testimony of Witness A)

24. If School A PCS does not receive the records from the school that the student has transferred from, they will usually follow up with a fax. (Testimony of

Witness A)

25. This was not done for this Student. (Testimony of Witness A)

26. No IEP was ever sent to School A PCS by School M. (Testimony of Witness A)

27. School A PCS never called School M for his IEP or records. (Testimony of Witness A)

28. Petitioner spoke to Ms. A in October. Ms. A said that she had not received an IEP from School M and that the Student was in general education classes without any services. A special education teacher was in the classroom part of the time, however, since School A PCS is an “inclusion” school. (Testimony of Petitioner; P-9-3; R-2-2)

29. At the IEP meeting on October 14, 2014, attending were Petitioner, a special education teacher of the Student, Ms. A, and a speech and language pathologist. (P-2-1; R-2-1; Testimony of Petitioner)

30. This IEP recommended 10 hours per week of specialized instruction inside general education, with 120 minutes per month of speech and language pathology, and 120 minutes per month of occupational therapy. There was a recommendation for a calculator and a word processor. The IEP also called for repetition of directions, simplification of oral directions, translation of words and phrases, reading of test questions, interpretation of oral directions, and oral responses to tests. (P-2-13)

31. The special education teacher in the Student’s classroom discussed the Student’s performance in math, and the speech and language pathologist indicated that the Student had recently been added to her caseload. The team did not review the occupational therapy evaluation or the speech and language evaluation that had been written in June, 2014. Petitioner did not think the services were adequate. (R-2-2; Testimony of Petitioner)

32. At the meeting, there was a speech and language therapist and an occupational therapist who said he could benefit from a laptop to copy homework. (Testimony of Petitioner)

33. The District finally received the IEP from the Student's mother, who got the IEP from School M in October, 2014. (P-5)

34. A speech assessment and an occupational therapy assessment were also sent to Ms. A in October, 2014. (Exhs. 10, 11; Testimony of Petitioner)

35. Another IEP meeting was held in November, 2014. The Student's IEP dated November 18, 2014 recommended 10 hours per week of specialized instruction inside general education, with 120 minutes per month of speech and language pathology, and 60 minutes per month of occupational therapy. There was also a recommendation for a word processor. (Testimony of Witness A; P-1-12)

36. At the November, 2014 IEP meeting, the general education teacher said that the Student would benefit from a small class setting. (Testimony of Petitioner)

37. At School A PCS, currently, there are two teachers who push into the classroom. The Student also receives modifications of his assignments and interventions in the classroom. He also receives speech and language therapy and occupational therapy, in small groups. Typically, classes have between 18 and 25 children in the room. (P-9-3)

38. The Student has been struggling at School A PCS. He does not understand what is on the board sometimes. (P-9-6)

39. Teachers need to "check on him" every two minutes to make sure he gets his work done. (P-9-6)

40. At School A, for the first advisory, the Student's grades were F for Algebra, Biology, and English 9, and C for Spanish. (P-6)

41. For the second advisory, the Student's grades were the same except for a C in Algebra. (P-6)

42. For the third advisory, the Student received F grades in Algebra I, World History I, and C grades in the rest of his academic courses (Biology, English 9, Spanish). (P-35-1)

43. During this the school year he would lose focus in Biology, fail to turn in work and fail tests in English, failed to complete his work in World History. He had trouble completing assignments in class, he was not always engaged, and he had a hard time retaining information non-verbally. He also showed organizational issues. (P-6-1-2; P-35-2; R-4-1-2)

44. A laptop was never provided to the Student. (Testimony of Petitioner)

45. The Student is currently in danger of failing four classes: World History I; English 9; Algebra 1, and Biology. The Student is also in danger of having to attend summer school. (P-34-1)

## **VII. Conclusions of Law**

Based upon the above Findings of Fact, the arguments of counsel, as well as this Hearing Officer's own legal research, the Conclusions of Law of this Hearing Officer are as follows:

The burden of proof in a special education due process hearing lies with the party seeking relief. 5-E DCMR 3030.3; Schaffer v. Weast, 546 U.S. 49 (2005).

The central purpose of the IDEA is to ensure that all children with disabilities have available to them special education and related services designed to meet their unique needs and provided in conformance with a written IEP (i.e., free and appropriate

public education, or “FAPE”). 20 U.S.C. Sects. 1400(d)(1(A), 1401(9)(D), 1414(d); 34 C.F.R. Sects. 300.17(d), 300.320; Shaffer v. Weast, 546 U.S. 49, 51 (2005).

Pursuant to the Supreme Court's decision in Board of Education of the Hendrick Hudson Central School District, Westchester County v. Rowley, 458 U.S. 176, (1982), the IEP must, at a minimum, “provid[e] personalized instruction with sufficient support services to permit the child to benefit educationally from that instruction.” Branham v. District of Columbia, 427 F.3d 7 (D.C. Cir. 2005).

In matters alleging a procedural violation, a hearing officer may find that a child did not receive a FAPE only if the procedural inadequacies: (i) Impeded the child's right to a FAPE; (ii) Significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE to the parent's child; or (iii) Caused a deprivation of educational benefit. 34 CFR Sect. 300.513(a).

1. The School M IEP.

Petitioner contends that DCPS failed to obtain the School M IEP before the year started, and then provided the Student with no services, denying the Student a FAPE. Petitioner also contends that DCPS was obligated to have an IEP ready for the Student upon his entry into the school.

The IDEA and the Part B regulations only specifically address districts' obligations with regard to transfer students with disabilities who move *during* the school year. 34 CFR Sect. 300.323(f). When a student transfers intrastate *between* school years, the new district need only develop and implement a program that offers the student FAPE. Clovis Unified Sch. Dist., 52 IDELR 236 (SEA CA 2009). As a result, a district that takes in a transfer student between school years need not obtain or adopt the IEP of

the prior LEA. However, that district *must* have an IEP in effect at the school year to allow the Student to benefit from services. 34 CFR Sect. 300.323(a).

DCPS's failure to obtain the IEP from School M therefore did not violate and regulation and did not, by itself, deny the Student a FAPE. However, the consequences of that failure did have an impact on the Student. Without the Maryland IEP, or any IEP, the Student received no services, at least until the writing of the October 14, 2014 IEP<sup>2</sup>. The undisputed testimony establishes that this failure to provide services had a significant impact on the Student, who got off to a poor start at School A PCS and failed two of his classes in the first advisory. DCPS did not offer any witnesses to contest this assertion.

It is noted that there was a special education teacher in the Student's classroom at School A PCS at least part of this time. However, without an IEP in place for the Student, I deduce that this teacher focused those that he knew were eligible for special education services. Certainly, there is nothing in the record to establish that the special education teacher in the room had any sort of awareness of the Student's special needs in August, September, and October through to the date of the IEP.

As a result, DCPS denied the Student a FAPE for the from the start of school, 2014-2015 school year, through to October 14, 2014.

2. The October 14, 2014 IEP.

Petitioner contends the IEP team did not include a general education teacher and failed to consider the speech and language evaluation and the occupational therapy evaluation created for the Student in June, 2014. Petitioner also contends that the IEP team failed to provide the Student with an appropriate amount of special education hours,

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<sup>2</sup> Petitioner characterizes the October, 2014 IEP as a "draft" in her Exhibit List, but there is nothing in the record to suggest that this IEP was a draft.

sufficient occupational therapy, sufficient assistive technology, and that the IEP contained inappropriate goals and objectives. Petitioner also contends that the team failed to consider his point of view at the time.

In regard to Petitioner's contentions that the IEP failed to provide sufficient specialized instruction, the record supports Petitioner. The Student received twenty-three hours and forty-five minutes per week of specialized instruction per week outside general education for the 2013-2014 school year in Maryland. Given the Student's progress that year, the carefully written Maryland IEP – which was credited by DCPS in its closing argument -- recommended that the level of services be reduced to 15 hours per week outside of general education for the 2014-2015 school year.

There is no evidence that anything suddenly changed for the Student upon arrival at DCPS. On the contrary, it is fair to deduce that this Student – who reads at the 4<sup>th</sup> grade level, according to the Maryland IEP – might need *more* than 15 hours of special education services in ninth grade at School A PCS. At School A PCS, the Student was no longer in small, self-contained special education classes for academic subjects. Instead, he was placed in larger, “inclusion” classes with up to 25 students — including general education students who are presumably at or near grade level. A significant amount of modification is necessary for a child with a 4<sup>th</sup> grade reading level to manage such a 9<sup>th</sup> grade setting. Ten hours of specialized instruction inside the general education setting is not enough for this Student, as conceded by DCPS in the resolution meeting.

In this connection, it is worth pointing out that the Student has failed many of his classes during the school year and appears headed for summer school. No DCPS witnesses were called to rebut the Petitioner's contentions in this regard.

Petitioner also contends that DCPS failed to include a general education teacher at the IEP meeting. The regulations do require that an IEP team include a general education teacher “of the child.” 34 CFR Sect. 300.308(a)(1). Petitioner testified that there was no general education teacher at the meeting, and the minutes reveal that there was in fact no such teacher at the meeting. I agree with Petitioner that the lack of a general education teacher at this review was troubling. While a special education teacher was at the review, there was a limited report from this teacher, who, the minutes suggest, was not assigned to the Student during the previous months. The participation of a general education teacher would have allowed the team to thoroughly assess how (or whether) this Student could manage an inclusion setting after having been in a self-contained setting for much of the day in Maryland.

The team also did not review the speech and language or occupational therapy evaluations that had been conducted of the Student in June, 2014. As part of any reevaluation, the IEP Team must review existing evaluation data on the child, including current classroom-based, local, or State assessments. 34 CFR Sect. 300.305(a)(ii). Nevertheless, the IEP did provide the Student with 120 minutes of speech and language therapy per month and 120 minutes of occupational therapy per month. The question is whether the failure to review these assessments resulted in a substantive FAPE denial. As stated by the D.C. Circuit: “(a)n IDEA claim is viable only if those procedural violations affected the student’s substantive rights.” Lesesne ex rel. B.F. v. D.C., 447 F.3d 828, 834 (D.C. Cir. 2006); see also Kruvant v. District of Columbia, 99 Fed. App’x. 232, 233 (D.C. Cir. 2004).

Neither the occupational therapy assessment nor the speech and language assessment from June, 2014 recommends a particular amount of services. Moreover, the DCPS IEP ended up providing the Student with more speech and language therapy than the Maryland IEP did. Under the circumstances, I find DCPS's failure to review the speech and language assessment and the occupational therapy assessment at the October 2014 review did not deny the Student a FAPE.

Petitioner also contends that the IEP contained an insufficient amount of assistive technology. The record does not support this assertion. There is no documentation in the record to explain what the Student might need in terms of assistive technology, and Petitioner did not call a witness to explain what assistive technology might have been left out of the IEP. The Maryland IEP did not recommend any assistive technology, and Petitioner indicated that the Student did well in Maryland. Moreover, the October, 2014 IEP does provide for a word processor for some written assignments. This claim is unsupported and without merit.

Petitioner also contends that his point of view was not considered at the IEP meeting. Congress sought to protect individual children by providing for parental involvement in the formulation of a child's individual educational program. Hendrick Hudson Dist. Bd. of Educ. v. Rowley, 458 U.S. 176, 208 (1982). Accordingly, the regulations require that parents of a child with a disability be afforded an opportunity to participate in meetings with respect to the educational placement of the child. 34 C.F.R. Sect. 300.501(b)(1); 20 U.S.C. Sect. 1414(e). To this end, Districts have a duty to insure that parents meaningfully participate in an IEP review. Paolella ex rel. Paolella v. Dist. of Columbia, 210 F. App'x 1, 3 (D.C. Cir. 2006); A.M. v. Dist. of Columbia, 2013 WL

1248999 (D.D.C. Mar. 28, 2013); T.T. v. Dist. of Columbia, 2007 WL 2111032 (D.D.C. July 23, 2007).

The tenor of Petitioner's testimony was that the IEP team disagreed with him, not that they failed to consider his point of view. Petitioner did not state that he was not allowed to ask questions at the review, did not state he was stopped from speaking at the review. Petitioner also did not mention this claim during closing argument, which is without merit.

Finally, regarding the goals and objectives of the IEP, the IEP contains two goals in math, four goals in reading, and three goals in writing. There is also one goal in adaptive/daily living skills which relates to copying language, and three speech and language goals.

This amounts to goals in every area of the Student's need, since it is clear that the adaptive/daily living skills goal relates to occupational therapy. There is no testimony from any educator or related services provider to explain why these goals are inappropriate. This contention also was not mentioned by Petitioner during closing argument. I find this claim to be without merit.

In sum, I find that the failure to have a general education teacher at the review contributed to the Student receiving an inadequate amount of specialized instruction in the October, 2014 IEP. It is noted that the November, 2014 IEP did not increase the insufficient 10 hours per week of specialized instruction inside general education, which continued through the school year. As a result, DCPS denied the Student a FAPE during the 2014-2015 school year.

### **VIII. Relief**

As relief, Petitioner is seeking 15 hours of “pull-out” instruction on the IEP, an IEP meeting to review the existing speech and language and occupational therapy assessments, an independent evaluation in assistive technology, and an independent psychological evaluation to assess the Student in terms of his academic levels and to determine whether autism is contributing to the Student’s difficulties.

When school districts deny Students a FAPE, courts have wide discretion to insure that students receive a FAPE going forward. As the Supreme Court stated:

The statute directs the court to “grant such relief as [it] determines is appropriate.” The ordinary meaning of these words confer broad discretion on the court. The type of relief is not further specified, except that it must be “appropriate.” Absent other reference, the only possible interpretation is that the relief is to be “appropriate” in light of the purpose of the Act. As already noted, this is principally to provide handicapped children with “a free appropriate public education which emphasizes special education and related services designed to meet their unique needs.

School Committee of the Town of Burlington v. Dep't of Education, Massachusetts, 471 U.S. 359, 371 (1985).

Petitioner’s request for 15 hours of “pull-out” instruction (or, specialized instruction outside general education) on the IEP is straight from the resolution meeting, where Ms. A stated that the Student requires this level of service. (P-9-3) This level is consistent with the level recommended in the Maryland IEP. There is no objection from DCPS on this request, which is hereby granted.

Petitioner also seeks independent evaluations relative to assistive technology and psychoeducational testing. I am not convinced that the record supports the need for an assistive technology assessment. Petitioner points to the IEP meeting notes for the November, 2014 IEP, but these meeting notes do not provide support for this contention. The notes merely say the Student needs the option to use a word processor, which is

already on the IEP. There is nothing more in the record to support the notion that the Student requires an assistive technology evaluation. As noted, the Student did not have any assistive technology at School M, where Petitioner testified that he was doing well.

Petitioner's request for a psychoeducational assessment is more reasonable. The record shows that the Student has not had a recent thorough assessment in terms of his IQ or academic functioning. Moreover, given that the Student has been diagnosed with PDD-NOS, it is reasonable for the evaluator to also conduct testing that relates to autism spectrum disorders. There is nothing in the record to suggest that an independent assessment is needed, however. I will order that such an evaluation be conducted, and that, afterward, the IEP team shall meet to discuss the results, and the results of the existing speech and language and occupational assessments, to determine an appropriate program and placement for the Student for the 2015-2016 school year.

### **IX. Order**

As a result of the foregoing, it is hereby ordered that:

1. The Student shall receive 15 hours of specialized instruction outside of general education, which is hereby placed on his IEP;
2. The Student shall receive a psychoeducational assessment within 30 days of this order, which assessment shall include testing relating to the Student's IQ, achievement levels, and to the possibility of an autism spectrum disorder diagnosis;
3. Within 30 days of the completion of that assessment, the IEP team will meet to review the results of the assessment and all other current assessments of the Student and shall formulate an appropriate program and placement for the Student for the 2015-2016 school year.

Dated: May 19, 2015

*Michael Lazan*  
Impartial Hearing Officer

cc: Office of Dispute Resolution  
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Chief Hearing Officer

### **X. Notice of Appeal Rights**

This is the final administrative decision in this matter. Any party aggrieved by this Hearing Officer Determination may bring a civil action in any state court of competent jurisdiction or in a District Court of the United States without regard to the amount in controversy within ninety (90) days from the date of the Hearing Officer Determination in accordance with 20 USC §1415(i).

Date: May 19, 2015

Michael Lazan  
Impartial Hearing Officer