

**DISTRICT OF COLUMBIA  
OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION  
STUDENT HEARING OFFICE**

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STUDENT,<sup>1</sup> )  
By and through PARENT, )  
 )  
    *Petitioner,* )  
v. )  
 )  
DISTRICT OF COLUMBIA )  
PUBLIC SCHOOLS, )  
 )  
    *Respondent.* )

Case No.

Bruce Ryan, Hearing Officer

Issued: May 8, 2011

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STUDENT HEARING OFFICE

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**HEARING OFFICER DETERMINATION**

**I.    INTRODUCTION/ PROCEDURAL BACKGROUND**

This is a due process complaint proceeding pursuant to the Individuals with Disabilities Education Act ("IDEA"), as amended, 20 U.S.C. §§1400 *et seq.*, against Respondent District of Columbia Public Schools ("DCPS"). The Complaint was filed February 22, 2011, on behalf of a year old student (the "Student") who resides in the District of Columbia, and has been determined to be eligible for special education and related services as a child with a disability under the IDEA. He currently attends a special-education, public school (the "School") operated by DCPS. Petitioner is the Student's foster parent.

The Complaint alleges that DCPS has denied the Student a free appropriate public education ("FAPE") by: (1) failing to develop an appropriate individualized education program ("IEP"); (2) failing to provide an appropriate educational placement and/or location of services; and (3) failing to implement the Student's IEP as written. DCPS filed its Response on March 4, 2011, which responds that DCPS has not denied the Student a FAPE.

Prehearing Conferences ("PHCs") were held on March 18 and 28, 2011, at which the parties discussed and clarified the issues and requested relief. A resolution session was held on

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

March 23, 2011, between the dates of the two PHCs. It failed to resolve the Complaint; the statutory 30-day resolution period ended as of March 24, 2011; and the case proceeded to hearing.

Five-day disclosures were then filed as directed on April 4, 2011; and the Due Process Hearing (“DPH”) was held on April 11, 2011. Petitioner elected for the hearing to be closed. During the DPH, the following Documentary Exhibits were admitted into evidence without objection:

**Petitioner’s Exhibits:** P-1 through P-14.<sup>2</sup>

**Respondent’s Exhibits:** DCPS-1 through DCPS-11.

In addition, the following Witnesses testified on behalf of each party at hearing:

**Petitioner’s Witnesses:** (1) Parent; (2) Independent Speech-Language Pathologist (“SLP”); (3) Social Worker; (4) Clinical Psychologist; and (5) Private School Director.

**Respondent’s Witnesses:** (1) DCPS Speech-Language Pathologist (DCPS SLP”); and (2) Dean of Students of the School.

## II. JURISDICTION

The Due Process Hearing was held pursuant to the IDEA, 20 U.S.C. §1415 (f); its implementing regulations, 34 C.F.R. §300.511; and the District of Columbia Code and Code of D.C. Municipal Regulations, *see* DCMR §§ 5-E3029, E3030. This decision constitutes the Hearing Officer’s Determination (“HOD”) pursuant to 20 U.S.C. §1415 (f), 34 C.F.R. §300.513, and Section 1003 of the *Special Education Student Hearing Office/Due Process Hearing Standard Operating Procedures (“SOP”)*. The HOD deadline is May 8, 2011.

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<sup>2</sup> Exhibit P-15, the Professional Vitae for Petitioner’s speech-language pathologist (“SLP”) witness, was withdrawn.

### III. ISSUES AND REQUESTED RELIEF

As confirmed at the PHC and in opening statements at the DPH, the following issues were presented for determination at hearing:

- (1) **Failure to Develop an Appropriate IEP** — Did DCPS deny the Student a FAPE by failing to develop an appropriate IEP (*i.e.*, one that is reasonably calculated to provide meaningful educational benefit) at the February 10, 2011 MDT/IEP team meeting?

Specifically, Petitioner alleges that the 2/10/2011 IEP provides an insufficient amount of speech/language services. Petitioner claims that DCPS inappropriately reduced the level of services from two hours per week to one hour per week, although it was clear that the Student continued to have severe speech delays as of the date of that meeting.

- (2) **Failure to Provide an Appropriate Educational Placement** — Did DCPS deny the Student a FAPE by failing to provide the Student with an appropriate educational placement and/or location of services during the current (2010-11) school year?

Specifically, Petitioner alleges that the School cannot meet the Student's unique special education needs due to (a) the severity of his speech impediment, and (b) his educational needs as a student with an Intellectual Disability ("ID"), as of December 2010 and/or February 2011.

- (3) **Failure to Implement IEP** — Did DCPS deny the Student a FAPE by failing to implement the Student's previous IEP since 9/15/2010 because he allegedly has not received all of his specialized instruction in a special education classroom and/or from a special education teacher?

Petitioner requests that DCPS be ordered to provide the Student with an appropriate IEP, and to place and fund the Student in a more appropriate educational placement/setting. The Complaint does not request any compensatory education relief, and Petitioner's counsel confirmed at the PHCs that she did not intend to put on such evidence at hearing. *Prehearing Order* (April 4, 2011), ¶ 7. Due to a written settlement agreement (described below), Petitioner does not assert any claim for denial of FAPE occurring prior to 9/15/2010.

### IV. FINDINGS OF FACT

1. The Student is a -year old student who resides in the District of Columbia. He has been determined to be eligible for special education and related services under the IDEA as a child with Multiple Disabilities ("MD"). *See P-2* (IEP dated 02/11/2011); *DCPS-6* (same); *Parent*

*Test.* He currently attends a special-education, public school (the "School") operated by DCPS, where he is in the grade. *Id.*

2. On September 15, 2010, the parties entered into a written settlement agreement ("SA") by which DCPS authorized Petitioner to obtain an independent comprehensive psychological evaluation and a speech/language evaluation at the expense of the District of Columbia, and agreed to convene an IEP meeting to review the results. *DCPS-3.* The 9/15/2010 SA provided that it was in "full satisfaction and settlement of all claims contained in the [then] pending Complaint, including those claims under IDEA and §504 the Parent now asserts or could have asserted within the statute of limitations as of the date of the signed [SA]." *DCPS-3, p. 2.*
3. At the time of the 09/15/2010 SA, the Student's IEP appeared to provide for 28.15 hours per week of specialized instruction, one hour per week of behavioral support services, and 45 minutes per *day* of speech-language services, all in a setting Outside General Education. *See P-6 (12/15/09 IEP), p. 7.*
4. On or about October 26, 2010, a comprehensive psychological evaluation was completed by an independent clinical psychologist at Interdynamics, Inc. *P-7.* The psychologist's report notes that the Student "has had a very difficult life from the time he was born. He has displayed significantly negative behaviors in school and at home, some of which has led to two psychiatric hospitalizations...and has difficulty expressing himself due to a severe speech impediment." *Id., p. 12.*
5. On or about October 28, 2010, a speech-language re-evaluation was completed by an independent speech-language pathologist at Interdynamics, Inc. *P-8.* The evaluator found, *inter alia*, that the Student's receptive vocabulary skills were severely below average for his age; his expressive language skills were moderately below average; and his articulation and overall speech intelligibility were also significantly below average. *Id., p. 14.* The evaluator recommended that the Student continue to receive speech-language therapy three times per week for 45-60 minutes "to increase his overall Lexical Semantic, Syntactic, and Supralinguistic skills." *Id.*
6. On or about December 6, 2010, DCPS convened a meeting of the Student's MDT/IEP team to review the independent comprehensive psychological evaluation and independent speech/language evaluation pursuant to the 09/15/2010 SA. *P-4; DCPS-7.* At this meeting,

it was noted that another independent evaluation was brought to the meeting. *Id.* This appears to refer to a November 17, 2010 Diagnostic Assessment conducted by Petitioner's testifying clinical psychologist at Launch, LLC. *P-9.* The DCPS Compliance Case Manager stated that DCPS was not prepared to review such evaluation on such short notice. *DCPS-7, p. 1.* The DCPS School Psychologist also recommended adaptive and non-verbal evaluations (*i.e.*, Vineland and CTONI) to assess whether the Student had an intellectual disability ("ID"), and the team agreed to conduct them and then reconvene. *DCPS-7, pp. 4-6.* The team agreed at that time that the School "is an appropriate placement for [Student] until the assessments are conducted." *Id., p. 5.*<sup>3</sup>

7. At the time of the 12/06/2010 meeting, the Student was not making progress toward his reading and written expression goals. *DCPS-7, p. 6.* His algebra teacher also stated that the Student was exhibiting behavioral concerns and refused to complete work. *Id. See also P-13 (12/06/10 Progress Report)* (noting Student "appears to be highly influenced by his peers to perform inappropriate behavior").
8. On or about January 10, 2011, the DCPS School Psychologist completed a further confidential psychological evaluation to determine whether the Student met the criteria for an ID classification. *P-10.* He determined that the Student did meet the ID criteria since his IQ score of 65 indicated significant limitations in cognitive functioning; his nonverbal IQ was also in the Very Poor range; and his scores on the Vineland-II met the adaptive functioning criterion. *Id., pp. 6-7.* Based on these results and prior data, the examiner recommended that the Student be given the educational disability classification of Multiple Disabilities. *Id., p. 7.*
9. On or about February 10, 2011, the MDT/IEP team reconvened and developed an IEP for the Student, which provides for 30.5 hours per week of specialized instruction, four (4) hours per *month* of behavioral support services, and one hour per week of speech-language services, all in a setting Outside General Education. *See P-2; DCPS-6, p. 9.* The IEP also includes Extended School Year ("ESY") services. *Id., p. 12.* The team confirmed that the Student has multiple disabilities, consisting of ID and OHI (due to his ADHD symptoms), and the content of the IEP was agreed upon. *See DCPS-5 (02/10/11 meeting notes), pp. 3-6.*

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<sup>3</sup> Also at the 12/06/2010 meeting, the team agreed that compensatory education was warranted for missed speech/language services, in the amount of two (2) hours per week for three (3) months. *DCPS-7, p. 5. See also DCPS-6 (02/10/11 IEP), p. 11* ("The student is entitled to Comp. Ed for speech and language. See MDT notes dated 12/6/10.")

10. According to the 02/10/2011 IEP, the Student performs on a second-grade level in math, reading, and written expression. *DCPS-6, pp. 2-4*. The Student also “exhibits behavioral and academic challenges in the school setting as evidenced by inattention, refusal to comply with school rules, refusal to complete classroom assignments, throwing objects at peers without provocation and verbal aggression.” *Id., p. 7*. The IEP further states that “Student requires intensive, therapeutic support to successfully participate in the general education curriculum.” *Id.*
11. The IEP also attempts to address the Student’s severe speech/language delays. According to the IEP, he has been “diagnosed with Tourette’s syndrome and severe dysfluent/stuttering behavior (characterized by blocks, part-word repetitions, and revisions),” and “continues to present with severe vocabulary, articulation, and stuttering behaviors.” *DCPS-6, pp. 5-6*. The team further found that “Deficits in the areas of receptive/expressive language skills negatively impact his educational performance.” *Id. at 6*.
12. With respect to placement, the 02/10/2011 IEP team discussed whether the program at the School was appropriate. The team “felt [Student] needs a program more suited for a student with Intellectual Deficiency with vocational components, along with addressing his functional skills.” *DCPS-5, p. 3*. The team also noted that a decision regarding diploma or certificate track would be determined. *Id.*

## V. DISCUSSION AND CONCLUSIONS OF LAW

### A. Summary

The Hearing Officer concludes that Petitioner has met her burden of proving that DCPS denied the Student a FAPE by failing to (a) develop an appropriate IEP (*i.e.*, one that is reasonably calculated to provide meaningful educational benefit), and (b) failing to provide the Student with an appropriate educational placement as of February 2011. However, Petitioner did not meet her burden of proving that DCPS denied the Student a FAPE by failing to implement the Student’s prior IEP in any material respect between September 2010 and February 2011. Petitioner is awarded appropriate equitable relief in the form of a prospective placement of the Student at Private School beginning with ESY services as required in the IEP for the 2011 summer.

## **B. Burden of Proof**

The burden of proof in a special education due process hearing is on the party seeking relief. DCMR 5-3030.3; *see Schaffer v. Weast*, 546 U.S. 49 (2005). Based solely upon the evidence presented at the due process hearing, an impartial hearing officer must determine whether the party seeking relief presented sufficient evidence to prevail. *See* DCMR 5-E3030.3. The recognized standard is preponderance of the evidence. *See, e.g., N.G. v. District of Columbia*, 556 F. Supp. 2d 11 (D.D.C. 2008); *Holdzclaw v. District of Columbia*, 524 F. Supp. 2d 43, 48 (D.D.C. 2007); 20 U.S.C. §1415(i)(2)(C)(iii).

## **C. Issues/Alleged Denials of FAPE**

The IDEA requires that all students be provided with a Free Appropriate Public Education (“FAPE”). FAPE means:

[S]pecial education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the SEA...include an appropriate preschool, elementary school, or secondary school education in the State involved; and are provided in conformity with the individualized education program (IEP)...” 20 U.S.C. § 1401(9); 34 C.F.R. § 300.17; DCMR 5-E3001.1.

In this case, Petitioner has proved by a preponderance of the evidence that DCPS denied the Student a FAPE under **Issues 1 and 2**, but she has not proved that DCPS denied the Student a FAPE under **Issue 3**.

### **1. Failure to Develop an Appropriate IEP**

Petitioner claims that the February 10, 2011 IEP was inappropriate (*i.e.*, was not reasonably calculated to provide meaningful educational benefit to the Student) because the IEP provides an insufficient amount of speech/language services. Petitioner claims that DCPS inappropriately reduced the level of services from two hours per week to one hour per week, although it was clear that the Student continued to have severe speech delays as of the date of that meeting. The Hearing Officer concludes that Petitioner has met her burden of proof on this issue, to the extent discussed herein.

The “primary vehicle” for implementing the goals of the IDEA is the IEP, which the statute “mandates for each child.” *Harris v. District of Columbia*, 561 F. Supp. 2d 63, 65

(D.D.C. 2008) (citing *Honig v. Doe*, 484 U.S. 305, 311-12 (1988)). An IEP is a comprehensive written plan that must include, among other things: (1) “a statement of the child’s present levels of academic achievement and functional performance, including ... how the child’s disability affects the child’s improvement and progress in the general education curriculum”; (2) “a statement of measurable annual goals, including academic and functional goals, designed to ... meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum...and meet each of the child’s other education needs that result from the child’s disability”; (3) “a description of how the child’s progress toward meeting the annual goals...will be measured”; (4) “a statement of the special education and related services and supplementary aids and services ...and a statement of the program modifications or supports for school personnel that will be provided for the child”; and (5) an explanation of the extent, if any, to which the child will not participate with non-disabled children in any regular classes. 20 U.S.C. 1414(d)(1)(A)(i).

To be sufficient to provide FAPE under the IDEA, an “IEP must be ‘reasonably calculated’ to confer educational benefits on the child, but it need not ‘maximize the potential of each handicapped child commensurate with the opportunity presented non-handicapped children.” *Anderson v. District of Columbia*, 109 LRP 18615 (D.D.C. 2009), slip op. at 6, quoting *Board of Education v. Rowley*, 458 U.S. 176,200,207 (1982).<sup>4</sup> Judicial and hearing officer review of IEPs is “meant to be largely prospective and to focus on a child’s needs looking forward; courts thus ask whether, at the time an IEP was created, it was ‘reasonably calculated to enable the child to receive educational benefits.’”<sup>5</sup> Moreover, DCPS must periodically update and revise an IEP “in response to new information regarding the child’s performance, behavior, and disabilities.” *Maynard v. District of Columbia*, 54 IDELR 158 (D.D.C. 2010), slip op. at p. 6.; see 34 C.F.R. 300.324.

The issue of whether an IEP is appropriate is a question of fact for hearing. See, e.g., *S.H. v. State-Operated School Dist. of Newark*, 336 F. 3d 260, 271 (3d Cir. 2003). “Ultimately,

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<sup>4</sup> See also *Kerkam v. McKenzie*, 862 F. 2d 884 (D.C. Cir. 1988); *J.G. v. Abington School*, 51 IDELR 129 (E.D. Pa. 2008), slip op. at 8 (“while the proposed IEP may not offer [the student] the best possible education, it is nevertheless adequate to advance him a meaningful educational benefit. “).

<sup>5</sup> *Schaffer v. Weast*, 554 F.3d 470,477 (4th Cir. 2009) (citing *Rowley*, 458 U.S. at 207); see also *Fuhrmann v. East Hanover Bd. of Educ.*, 993 F.2d 1031, 1040 (3d Cir. 1993) (whether an IEP is appropriate “can only be determined as of the time it is offered for the student, and not at some later date”).

the question ...is whether or not [the] defects in the ...IEP are so significant that [DCPS] failed to offer [the Student] a FAPE.” *N.S. v. District of Columbia*, 2010 WL 1767214, Civ. Action No. 09-621 (CKK) (D.D.C. May 4, 2010), p. 20).

In this case, it is undisputed that the Student continues to experience severe speech/language difficulties that adversely affect his educational performance. At the December 2010 and February 2011 IEP meetings, the team discussed the Student’s needs and appeared to determine that two hours per week of speech/language therapy services were warranted. The only disagreement was whether the second hour should consist of direct pull-out services or indirect “consultation” inside the classroom (to minimize missed classroom instruction and to work collaboratively with teachers). *See DCPS-5; DCPS-7*. Yet the 02/10/11 IEP provides only one hour of services in any form. *DCPS-6, p. 9*.

Under these circumstances, the Hearing Officer concludes that the Student’s 02/10/2011 IEP was not reasonably calculated to confer educational benefits on the Student at the time it was created, and that DCPS thereby denied the Student a FAPE. DCPS should revise the IEP to provide for an additional hour of services per week, at least on a consultative basis, as both the independent SLP and DCPS’ SLP recommended and the IEP team appeared to decide. *See, e.g., Indep. SLP Test* (cross examination) (agreeing that a combination of pull-out therapy and going into the classroom for about two hours/week would be appropriate).

## **2. Failure to Provide an Appropriate Educational Placement**

Petitioner claims that DCPS denied the Student a FAPE by failing to provide the Student with an appropriate educational placement and/or location of services during the current (2010-11) school year. Specifically, Petitioner alleges that the School cannot meet the Student’s unique special education needs due to (a) the severity of his speech impediment, and (b) his educational needs as a student with an Intellectual Disability (“ID”). The Hearing Officer concludes on the basis of the evidence and findings described herein that Petitioner has met her burden of proof on Issue 2.

As noted above, under the IDEA, FAPE includes “an appropriate preschool, elementary school, or secondary school education ... provided in conformity with the [IEP].” 20 U.S.C. § 1401(9); 34 C.F.R. § 300.17; DCMR 5-E3001.1. In determining the educational placement of a child with a disability, DCPS must ensure that the placement decision is made at least annually

by a group of people that includes the parent, 34 C.F.R. 300.116; it must ensure that a continuum of alternative placements is available to meet the needs of such child, *id.* § 300.115 (a); and it must place a student with a disability in “*an appropriate special education school or program*” in accordance with the IDEA. D.C. Code 38-2561.02 (emphasis added). *See also Branham v. District of Columbia*, 427 F. 3d 7, 12 (D.C. Cir. 2005) (affirming “placement based on *match between a student’s needs and the services offered at a particular school*”) (emphasis added); *Jenkins v. Squillacote*, 935 F. 2d 303, 305 (D.C. Cir. 1991) (“If no *suitable public school* is available, the District must pay the costs of sending the child to an appropriate private school”) (emphasis added); *T.T. v. District of Columbia*, 48 IDELR 127 (D.D.C. 2007) (“Once developed, the IEP is then implemented through an *appropriate placement in an educational setting suited to the student’s needs*”).

Here, the evidence shows that, at least by February 2011, the School did not provide an appropriate special education program and setting suited to the needs of the Student. The Student has been placed into an ED program that is not well suited to his needs as an ID/OHI student. While DCPS argues that the School can provide the specific services listed on the IEP, the evidence is largely undisputed that the School was not an appropriate fit for the Student’s unique special education needs, as recognized by a consensus of the IEP team including professional staff at the School. *See, e.g., Social Worker Test.* (testifying to 2/10/11 meeting discussion that School was “not an appropriate fit”); *DCPS-5, p. 3* (meeting notes reflecting that IEP team “felt [Student] needs a program more suited for a student with Intellectual Deficiency with vocational components, along with addressing his functional skills”); *Parent Test.; Psychologist Test.*

In particular, Petitioner’s expert clinical psychologist testified that the Student would be at serious risk for abuse within the School’s ED program, given his low cognitive functioning (in the range of moderate MR, according to this witness) and tendency to “act out” due to feelings of academic inadequacy and the like. *See Psychologist Test.* She was formerly a DCPS Supervising Psychologist from 2005-2008 and had extensive knowledge of the School and the program in which DCPS has placed the Student. The Hearing Officer finds her testimony to be highly credible, and DCPS presented no testimony to rebut her opinions and conclusions.

### **3. Failure to Implement IEP**

Petitioner claims that DCPS denied the Student a FAPE by failing to implement the Student's IEP since approximately 9/15/2010 because he allegedly did not receive all of his specialized instruction in a special education classroom and/or from a special education teacher.

As the statute indicates, the failure to provide services in conformity with a student's IEP can constitute a denial of FAPE. *See* 34 C.F.R. §300.17(d). However, "a party challenging the implementation of an IEP must show more than a *de minimus* failure to implement all elements of that IEP, and, instead, must demonstrate that the school board or other authorities failed to implement substantial or significant provisions of the IEP. This approach affords local agencies some flexibility in implementing IEPs, but it still holds those agencies accountable for material failures and for providing the disabled child a meaningful educational benefit." *Wilson v. District of Columbia*, 111 LRP 19583 (D.D.C. March 18, 2011), slip op. at 5 (*quoting Houston Independent School District v. Bobby R.*, 200 F.3d 341, 349 (5th Cir. 2000) for consensus approach to this question among the federal courts"). A "material failure occurs when there is more than a minor discrepancy between the services a school provides to a disabled child and the services required by the child's IEP." *Wilson, quoting Howard Road Academy*, 585 F. Supp. 2d at 68. *See also Catalan v. District of Columbia*, 478 F. Supp. 2d 73 (D.D.C. 2007), *quoting Bobby R* (aspects of an IEP not followed must be "substantial or significant," and "more than a *de minimus* failure"; in other words, the deviation from the IEP's stated requirements must be "material."); *S.S. ex rel. Shank v. Howard Road Academy*, 585 F. Supp. 2d 56, 68 (D.D.C. 2008).

At most, Petitioner has alleged and shown that the Student may have received Spanish language instruction from a general education teacher for a limited period of time following the 09/15/2010 SA. The Hearing Officer concludes that this does not constitute a material failure to implement the IEP requirements. In any event, Petitioner has failed to demonstrate any educational harm.

### **D. Requested Relief**

The IDEA authorizes the Hearing Officer to fashion "appropriate" relief, *e.g.*, 20 U.S.C. §1415(i)(2)(C)(iii), and such authority entails "broad discretion" and implicates "equitable considerations," *Florence County Sch. Dist. Four v. Carter*, 510 U.S. 7, 15-16 (1993); *Reid v.*

*District of Columbia*, 401 F.3d 516, 521-24 (D.C. Cir. 2005). In this case, the primary relief Petitioner requests is to place and fund the Student in a more appropriate educational school or program.

With respect to prospective placement, both DCPS and hearing officers are directed to determine an appropriate placement based on a match between a student's needs and the services offered at a particular school. *Branham v. District of Columbia*, 427 F. 3d 7, 12 (D.C. Cir. 2005); *McKenzie v. Smith*, 771 F.2d 1527, 1531 (D.C. Cir. 1985). Based on the consideration of the entire record herein, the Hearing Officer concludes that Private School would be an appropriate educational placement based on a fit between the Student's needs and the services offered at that school/program, and the absence of any alternative public school program offered by DCPS that would meet his unique special education needs. *See, e.g., Parent Test.; Psychologist Test.; Private School Director Test.* The Private School can provide an academic and vocational program that is well suited to ID students with needs such as the Student's, including functional life skills training as well as therapeutic services, within a small structured setting. Its regular school year runs until June 16, 2011, with ESY services scheduled to begin July 5, 2011.

## VI. ORDER

Based upon the above Findings of Fact and Conclusions of Law, and the entire record herein, it is hereby ORDERED:

1. Within **30 calendar days** of this Order, DCPS shall issue a notice of proposed placement for **Private School**<sup>6</sup> for enrollment to begin no later than the start of ESY services on **July 5, 2011**, and continuing for the **2011-12 school year**.
2. Within **30 calendar days**, of this Order, DCPS shall also revise the Student's IEP to include an additional one hour per week of speech-language therapy services, which may be provided either on a pull-out basis or a consultative basis inside the classroom. location of services that can meet the Student's needs and implement an appropriate revised IEP.
3. Any delay in meeting any of the deadlines in this Order caused by Petitioner or Petitioner's representatives (*e.g.*, absence or failure to attend a meeting, or failure to respond to scheduling requests) shall extend the deadlines by the number of days attributable to such delay.

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<sup>6</sup> Private School is identified in the Appendix to this HOD.

4. Petitioner's other requests for relief in her Due Process Complaint filed February 22, 2011 are hereby **DENIED**.
5. This case shall be, and hereby is, **CLOSED**.

***IT IS SO ORDERED.***



Dated: May 8, 2011

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Impartial Hearing Officer

**NOTICE OF RIGHT TO APPEAL**

This is the final administrative decision in this matter. Any party aggrieved by the findings and decision made herein has the right to bring a civil action in any District of Columbia 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 Decision of the Hearing Officer in accordance with 20 U.S.C. §1415(i)(2).