

DISTRICT OF COLUMBIA
OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
Office of Dispute Resolution
810 First Street, N.E., 2nd Floor
Washington, DC 20002

OSSE
Office of Dispute Resolution
April 19, 2016

STUDENT, ¹)	
through the PARENT,)	Hearing Officer: NaKeisha Sylver Blount
<i>Petitioner,</i>)	
)	Case No: 2016-0021
v.)	
)	Date Issued: April 18, 2016
District of Columbia Public Schools,)	
<i>Respondent.</i>)	

Hearing Officer Determination

SUBJECT MATTER JURISDICTION

Subject matter jurisdiction is conferred pursuant to the Individuals with Disabilities Education Act (“IDEA”), as modified by the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. Section 1400 et. seq.; the implementing regulations for the IDEA, 34 Code of Federal Regulations (“C.F.R.”) Part 300; Title V, Chapter E-30, of the District of Columbia Municipal Regulations (“D.C.M.R.”); and D.C. Code 38-2561.02(a).

PROCEDURAL BACKGROUND

This is a due process complaint (“DPC”) proceeding pursuant to the Individuals with Disabilities Education Act (“IDEA”), as amended, 20 U.S.C. §§1400 et seq.

The DPC was filed on February 3, 2016 by Petitioner (Student’s parent), a resident of the District of Columbia, against Respondent, District of Columbia Public Schools (“DCPS”). On February 13, 2016, Respondent filed its timely Response, denying that Respondent denied Student a free appropriate public education (“FAPE”).

The parties convened a Resolution Session Meeting (“RSM”) in this matter on February 17, 2016. The parties did not reach an agreement during the RSM; however, they agreed to keep the resolution process open for the entire 30-day resolution period. Accordingly, the parties agree that the 45-day timeline for the Hearing Officer’s Determination (“HOD”) in this matter began to run on March 5, 2016, and 45-day period will conclude on April 18, 2016.

The undersigned Impartial Hearing Officer (“IHO” or “Hearing Officer”) held a Pre-hearing Conference (“PHC”) on March 7, 2016, during which the parties discussed and clarified the issues and the requested relief. At the PHC, the parties agreed that five-day disclosures

¹ Personal identification information is provided in Appendix A.

would be filed by March 10, 2016 and that the DPH would be held on March 17, 2016.² The PHC was summarized in the Pre-Hearing Conference Summary and Order (the “PHO”) issued on March 8, 2016.

The DPH was held on April 5, 2016 and April 7, 2016 at the Office of Dispute Resolution, 810 First Street, NE, Room 2006 and Room 2004. Petitioner elected for the hearing to be closed. Petitioner was represented by [PETITIONER’S COUNSEL], Esq. and DCPS was represented by [RESPONDENT’S COUNSEL], Esq.

Petitioner’s and Respondent’s disclosures were timely filed. At the DPH, Petitioner’s exhibits P-1 through P-35 were admitted without objection. Respondent’s exhibits R-1 through R-8-1 and R-9 through R-26 were admitted without objection. Respondent did not offer into evidence R-8-2.

Petitioner called the following witnesses at the DPH:

- (a) Parent
- (b) Psychologist (Parent)³
- (c) Educational Advocate⁴

Respondent called the following witnesses at the DPH:

- (a) General Education Teacher⁵
- (b) Social Worker⁶
- (c) Special Education Teacher⁷
- (d) School Psychologist⁸

Petitioner and Respondent gave oral closing arguments.

ISSUES

As discussed at the PHC and reflected in the PHO, the following issues were presented for determination at the DPH.

- (a) Whether DCPS denied Student a FAPE by failing to identify Student as eligible for special education services as either a student with Emotional Disturbance

² By mutual agreement of the parties, the DPH was subsequently rescheduled for April 5, 2016.

³ Qualified, without objection, as an expert in clinical and school psychology.

⁴ Qualified, over Respondent’s objection, as an expert developing and analyzing assessments, measurements and educational data for students.

⁵ Qualified, without objection, as an expert in elementary education for first grade students in a general education curriculum.

⁶ Qualified, over Petitioner’s objection, as an expert in school social work.

⁷ Qualified, over Petitioner’s objection, as an expert in the determination and implementation of special education services.

⁸ Qualified, without objection, as an expert in school psychology, specifically in the performance and interpretation of psychological evaluations and educational assessments for the purpose of making determinations for eligibility for special education services.

(“ED”) or Other Health Impairment (“OHI”) at a meeting held on or about December 10, 2015.

- (b) Whether DCPS denied Student a FAPE by failing to comprehensively evaluate Student, in that it did not conduct a functional behavioral assessment (“FBA”) as recommended by the November 2015 independent psychological evaluation and/or as requested by Parent in March 2015.

RELIEF REQUESTED

Petitioner requested the following relief:

- (a) a finding that Student has been denied a FAPE;
- (b) an Order that Student shall be determined eligible for special education services under the classification of OHI and/or ED;
- (c) an Order that DCPS immediately convene Student’s IEP team to develop an IEP that contains measurable goals appropriate for her disabilities and that provides Student with 15 hours per week of specialized instruction in reading, writing, and mathematics, as well as related counseling services;
- (d) an Order that DCPS fund an FBA and reconvene the multidisciplinary team (“MDT”) upon completion to develop a behavior plan for Student;
- (e) an Order that Student’s MDT discuss whether a safety plan needs to be put in place for Student.

FINDINGS OF FACT

1. Student is [AGE] years old and is in the [GRADE] grade. Student resides with her guardian (“Petitioner”/“Parent”) in Washington, D.C.¹⁰

2. Student attends District School, and has not been determined eligible for special education services.¹¹ Due to when her birthday falls, she is one of the youngest students in her class.¹²

Diagnoses

3. Prior to and on November 2, 2015, Student has been diagnosed with Attention Deficit Hyperactivity Disorder (“ADHD”).¹³

4. In August 2012, Children’s National Medical Center diagnosed Student with Disruptive Behavior Disorder, a diagnosis not recognized in the DSM-V.¹⁴ Based on this 2012 diagnosis, Psychologist (Parent) diagnosed Student with Unspecified Disruptive, Impulse-

⁹ Student’s legal guardian is relative, but not her biological mother. For purposes of this decision, “mother” or “Parent” shall refer to Student’s guardian, the Petitioner in these proceedings. “Biological mother” shall refer to student’s biological mother, with whom Student also has a close relationship and regular contact, though Student does not reside with her.

¹⁰ Testimony of Parent.

¹¹ P-6-2; P-8-1.

¹² P-3-13.

¹³ Testimony of Psychologist (Parent); P-1-11.

¹⁴ P-5-2.

Control and Conduct Disorder (“Conduct Disorder”) as the diagnosis in the DSM-V most closely resembling Disruptive Behavior Disorder.¹⁵

Evaluations

5. Prior to her entering school for the first time, Student received an evaluation through DCPS Early Stages on December 18, 2012 due to concerns about her behavior. Student’s pre-academic knowledge and skills fell in the average range for her age, and the evaluator did not note any major academic concerns.¹⁶

6. Prior to her entering school for the first time, Student received a second evaluation through DCPS Early Stages on January 16, 2013 to determine whether she would qualify for special education services. Parent and Student’s biological mother described Student to the evaluator as significantly aggressive, having emotional outbursts at least ten times every day, and as having a propensity for walking around staring and not talking, rather than communicating her needs. The evaluator, however, found Student to be shy, cooperative, attentive and generally distraction-free throughout the assessment. Student’s cognitive abilities fell in the average range for her age. Parent and biological mother completed a BASC-2 (a subjective assessment of a student’s behavior administered by way of a parent, teacher or other rater)¹⁷ which fell in the “extreme caution” range for validity, indicating that many items were answered in an excessively negative manner.¹⁸ The evaluation did not recommend that Student be determined eligible for special education services.¹⁹

7. Once Student was in school, she received a comprehensive psychological evaluation from DCPS on June 9, 2015 to determine whether Student was eligible for special education services. When interviewed, Student’s 2014-2015 teacher reported that Student was often quiet, soft-spoken and complies with adult requests and instructions with ease, indicating that Student often modeled appropriate behavior for others in the class, and was not a discipline problem. Student was attentive and participated well during the testing. Student’s cognitive abilities and academic scores fell in the average range for her age. Student’s 2014-2015 teacher completed the BASC-2 to assess Student’s behavior, and Student’s scores fell in the acceptable range. Parent and the biological mother were invited to complete the BASC-2, but did not do so for this evaluation. The evaluator did not recommend that Student was eligible for special education under the disabilities classifications “Specific Learning Disability” or ED.²⁰

8. Student received an independent comprehensive psychological evaluation from Psychologist (Parent) on November 2, 2015 (“IEE”). The IEE indicated that Student has internalizing behaviors and depression in addition to ADHD and Conduct Disorder, and recommended that Student receive a functional behavior assessment.²¹ Student’s cognitive

¹⁵ Testimony of Psychologist (Parent); P-1-11.

¹⁶ P-4.

¹⁷ Testimony of School Psychologist.

¹⁸ P-1-2.

¹⁹ P-5; P-1-2.

²⁰ P-3.

²¹ Testimony of Psychologist (Parent); P-1-11.

abilities and academic scores fell in the average range for her age. Student's teacher from 2014-2015 completed an additional BASC-2 with significantly different results from the one she had recently completed for the June 9, 2015 DCPS evaluation. In the June 2015 DCPS evaluation when she was Student's current teacher, she indicated that Student's behavioral scores fell in the acceptable range. In the November 2015 IEE when she was Student's former teacher, she scored Student's behavior in the clinically significant and at-risk range in some domains. Student's 2015-2016 art teacher completed the BASC-2 and indicated that Student's behaviors fell in the average range. Student's 2015-2016 classroom teacher did not complete a BASC-2 for the evaluation, initially informing the evaluator that she did not yet know Student well enough to assess her (as the school year had recently begun), but that she had experienced no behavior problems from Student. Parent completed a BASC-2 and scored Student in the clinically significant and at-risk range in each domain. The IEE recommended that Student be found eligible under the disability classifications ED and "Other Health Impairment" ("OHI").²²

Student's Academic Classroom Performance

9. Student is below grade level in reading, and her reading deficits impact her other academic areas.²³ Student is not likely to reach grade level in reading by the end of this current school year.²⁴ However, she has realized significant growth in reading, rising by over 4 book levels to-date during the 2015-2016 school year. This is a significant amount of progress, relative to the time period.²⁵

10. Student is not on grade level in mathematics, and she is not on target to reach her benchmarks in mathematics by the end of the 2015-2016 school year.²⁶ However, Student is at approaching grade-level expectations level in mathematics, has made some progress, and can work on grade level with teacher assistance.²⁷

11. Student needs and receives daily support in all academic areas.²⁸ Student is a part of a group of general education students in General Education Teacher's classroom who receive daily support, such as extra time to complete assignments, the teacher sitting at the table with the students at the beginning of the assignment to help them get started.²⁹

12. For report card purposes, students at District School can receive one of four progress marks for each subject: "4" – advanced/exceeds grade-level expectations; "3" – proficient/meets grade-level expectations; "2" – basic/approaches grade level expectations; "1" – below basic/does not show basic working knowledge of skills/concepts; seldom produces work of satisfactory quality.

²² P-1.

²³ Testimony of General Education Teacher; P-20-8; P-28.

²⁴ Testimony of Educational Advocate; P-25-2.

²⁵ Testimony of General Education Teacher.

²⁶ [Testimony of Educational Advocate].

²⁷ Testimony of General Education Teacher; R-6-1; R-9.

²⁸ R-6-1.

²⁹ Testimony of General Education Teacher.

13. During terms 1, 2 and 3 of the 2014-2015 school year, Student achieved “2”s and “3”s in most subjects; however, she received “1”s in reading and writing & language.³⁰ By term 4, Student had achieved “2”s or “3”s in all subjects, including reading and writing and language.³¹

14. During terms 1 and 2 of the 2015-2016 school year, Student achieved “2”s and “3”s in most subjects; however, she received “1”s in reading, and a “0” (term 1) and then a “1” (term 2) in writing & language.³²

Attendance History

15. During the 2014-2015 and the 2015-2016 school years, Student missed a significant amount of instructional time due to absences and tardies.³³ As of June 11, 2015, Student had been late for school approximately 83 times, and had been absent from school approximately 10 times (at least two of which were excused absences).³⁴ As of approximately February 16, 2016, Student had been late for school over 20 times (some of which were excused tardies).³⁵ As of March 8, 2016, Student had been absent from school at least 9 times (at least three of which were excused absences).³⁶

16. Due to the amount of morning instruction Student missed, she missed a great deal of reading instruction in the 2014-2015 and 2015-2016 school years.³⁷

17. When Student misses information, there will be a gap in her academic performance.³⁸

Student’s Behavioral at District School

18. Parent reports frequent aggressive and uncooperative behaviors from Student at home, in an aftercare program not associated with District School, and in other non-school settings.³⁹

19. In school, Student is generally pleasant, desires to please the teacher, and gets along well with her peers. Student does not act aggressively in the school setting. Student sometimes has to be redirected by her teacher, and reminded to sit down and do her schoolwork. However, overall, Student’s in-school behavior falls within the range of what would be

³⁰ P-20.

³¹ R-15.

³² R-6.

³³ Testimony of Parent; testimony of Social Worker; testimony of General Education Teacher; R-11; R-12; R-13.

³⁴ P-3-1.

³⁵ R-14.

³⁶ P-32-1

³⁷ Testimony of Parent; R-20.

³⁸ Testimony of Psychologist (Parent).

³⁹ Testimony of Parent.

considered age-appropriate, and she does not exhibit internalizing or externalizing adverse behaviors in the class/school setting.⁴⁰

20. For report card purposes, students at District School can receive one of four ratings for various categories under the heading “Work Habits, Personal and Social Skills.” The student is either rated to achieve the skill: (1) independently (“I”), (2) with limited prompting (“LP”), (3) with frequent prompting (“FP”), or (4) rarely (“R”).

21. During the first two terms of the 2015-2016 school year, Student achieved a number of “I”s, but achieved “LP” and/or “FP” in such categories as “follows directions,” “completes classwork on time,” “uses time wisely,” and “listens while others speak.”⁴¹

22. During the first three terms of the 2014-2015 school year, Student achieved a number of “I”s, but achieved “LP” and/or “FP” in such categories as “follows directions,” “completes classwork on time,” “uses time wisely,” and “works well with others/cooperate,” and “completes and returns homework.”⁴² By the fourth term of the 2014-2015 school year, Student had achieved “I” or “LP” in all areas, except “completes and returns homework,” in which she received an “R.”⁴³

December 10, 2015 Eligibility Meeting

23. On December 10, 2015 Student’s MDT met to determine whether Student was eligible for special education services under the disability classifications ED and/or OHI. The team considered the following data: Student’s attendance records, passing vision and hearing screenings, medical history (including her diagnoses), and the IEE report.⁴⁴

24. The school-based members of the MDT did not find that Student met either of the two eligibility criteria for ED. Parent and her advocate disagreed.⁴⁵

25. The school-based members of the MDT found that Student met one of the two eligibility criteria for OHI (she has ADHD), but that the ADHD did not result in adverse educational impact for Student. Parent and her advocate disagreed.⁴⁶

Student Support Team and 504 Plan

26. Beginning in the 2014-2015 school year, District School began providing Student with interventions such as small group instruction, peer tutoring, and one-on-one support through

⁴⁰ Testimony of General Education Teacher; testimony of Social Worker; testimony of Special Education Coordinator.

⁴¹ R-6.

⁴² P-20-8.

⁴³ R-15-4.

⁴⁴ R-3.

⁴⁵ R-4-1 and R-4-2.

⁴⁶ R-5-1.

its Student Support Team, in part due to the significant amount of instruction Student had missed.⁴⁷

27. On March 8, 2016, Student's MDT developed a 504 plan for her based on her ADHD diagnosis.⁴⁸ The 504 plan provided the following accommodations: (1) specific communications with Parent regarding Student's attendance; (2) small group reading instruction in the general education setting (25 minutes per day); (3) peer partner support; (4) preferential seating in class; (5) teacher check-ins for understanding; (5) participation through a reading support services contractor to the school 2 times per week (45 minutes each session).⁴⁹ Student had been receiving many of these accommodations prior to the development of the 504 plan.⁵⁰

CONCLUSIONS OF LAW

"Based solely upon evidence presented at the hearing, an impartial hearing officer shall determine whether the party seeking relief presented sufficient evidence to meet the burden of proof that the action and/or inaction or proposed placement is inadequate or adequate to provide the student with a FAPE." 5 D.C.M.R. E-3030.3. The burden of proof in an administrative hearing is properly placed upon the party seeking relief. *Schaffer v. Weast*, 546 U.S. 49 (2005). Through documentary evidence and witness testimony, the party seeking relief must persuade the impartial hearing officer by a preponderance of the evidence. DCMR 5-E3022.16; *see also*, *N.G. v. District of Columbia*, 556 F.Supp.2d 11, 17 n.3 (D.D.C. 2008).

A hearing officer's determination of whether a child received a FAPE must be based on substantive grounds. 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 student'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 C.F.R. 300.513(a).

(a) Whether DCPS denied Student a FAPE by failing to identify Student as eligible for special education services as either a student with ED or OHI at a meeting held on or about December 10, 2015.

The IDEA defines a student as eligible for special education and related services under the disability classification "Emotional Disturbance" when the student exhibits "one or more of the following characteristics over a long period of time and to a marked degree that adversely affects [the] child's educational performance." 34 C.F.R. § 300.8(c)(4).

(A) An inability to learn that cannot be explained by intellectual, sensory, or health factors. Student has not demonstrated an inability to learn. Though she is not on grade level in reading and math, she has made significant progress in these areas, even though she has missed significant amounts of instructional time (particularly in reading) over the past two school years.

⁴⁷ Testimony of School Psychologist; P-3-1.

⁴⁸ Testimony of Educational Advocate; testimony of General Education Teacher; P-30-1.

⁴⁹ P-13.

⁵⁰ Testimony of General Education Teacher; testimony of School Psychologist.

Witnesses for Petitioner dispute the accuracy of District School's attendance reports for Student. Additionally, Parent, Educational Advocate and Psychologist (Parent) testified that perhaps Student is in the building, but not in her classroom, on some of the occasions when she is marked absent or tardy. The Hearing Officer, however, credits the witnesses from the school who are in the school building on a daily basis that students are met by staff at the door, and that staff members communicate with each other if a student is sent, for example, from the cafeteria to the classroom unsupervised. Based on the testimony from the school-based witnesses, and considering Student's young age, the Hearing Officer does not find it to be more likely than not that Student is frequently in the school building without being accounted for. Moreover, even if the attendance reports are not 100% accurate, the Hearing Officer finds them to be at least a close approximation of Student's overall attendance history, including because concerns about Student's attendance are repeated at multiple points throughout the documentary evidence.

(B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers. Based on the evidence, the Hearing Officer does not conclude that Student has difficulty maintaining relationships with her peers at school and her teachers. Student's teachers, as well as the various evaluators who have assessed Student, describe her as pleasant and cooperative. The Hearing Officer does not find any persuasive evidence that Student is aggressive with or in frequent conflict with her peers at school. Parent testified that Student is aggressive and uncooperative at home; however, the record indicates that she presents entirely differently in school. To the extent that Parent testified to witnessing Student act aggressively in the school building, and to the fact that Student's sister reports that she acts this way in the school building, the Hearing Officer credits the testimony of General Education Teacher and Respondent's other witnesses because they are with Student on a regular basis in the classroom and in the school building, because their testimony was more precise about the specific nature of Student's behaviors in school, and because their testimony is generally corroborated by the various evaluators who have assessed Student, other than Educational Advocate who did informal assessments with Student at the end of a full school day.

(C) Inappropriate types of behavior or feelings under normal circumstances. Psychologist (Parent)'s assessments of Student led her to conclude that Student has internalized behaviors. However, this conclusion was significantly impacted by Parent's reports of behaviors outside the school setting, as well as the BASC-2 Student's previous teacher from the 2014-2015 school year completed for the November 2, 2015 IEE. The Hearing Officer does not find the evidence to be persuasive that Student is experiencing inappropriate types of behavior or feelings, especially in the school setting. General Education Teacher's testimony that Student's behaviors are within the range of what is appropriate for her age is persuasive.

(D) A general pervasive mood of unhappiness or depression. As described in paragraph (C) above, the Hearing Officer does not find evidence that Student has a general or pervasive mood of unhappiness or depression, especially in the school setting.

(E) A tendency to develop physical symptoms or fears associated with personal or school problems. Student is described, for example in the IEE, as having somatic concerns. However, the record does not include specific enough examples for the Hearing Officer to conclude that she has a tendency toward these types of behaviors.

The Hearing Officer does not find that Student exhibits one or more of the five characteristics above over a long period of time and to a marked degree that adversely affects her educational performance. The fact that Student is below grade level in two subject areas is of great concern to the Hearing Officer. However, even if Student had met one of the five characteristics above, the Hearing Officer would not have found adverse educational impact based on the record. The amount of key instructional time Student has missed over the past two school years is too significant to not weigh heavily in the analysis. When a student consistently misses instruction in foundational skills and has to repeatedly catch up upon returning to school, while new material is also being taught, it is bound to have an impact on the student's educational performance. If for no other reason, such significant missed instruction and the necessity to regularly catch up while learning newly taught material as well would be a good reason to provide Student the type of extra daily support she receives. While Student is not on grade level in reading and mathematics, she has made progress in each area, even with a great deal of missed instruction. It is possible for a student to have missed as much school as Student has, yet still have a disability requiring special education. Ultimately, the totality of the circumstances in this case, including progress Student has made, does not lead the Hearing Officer to conclude that she has experienced adverse educational impact due to the disability ED.

Similarly, the Hearing Officer does not find that Student has the disability OHI. Pursuant to 34 CFR § 300.8(c)(9), OHI means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that (i) is due to chronic or acute health problems such as ADHD, and (ii) adversely affects a child's educational performance. No party disputes that Student has ADHD. However, consistent with the discussion above, the Hearing Officer does not find that Student has experienced an adverse educational impact due to her ADHD. Her progress has been inconsistent, which Educational Advocate testified is a function of Student's ADHD. However, the Hearing Officer finds it just as likely that the timing and frequency of the absences and tardies themselves impact the consistency of Student's academic progress. She at times needs prompting in the classroom setting, but she responds well to the prompting and redirection.

The Hearing Officer does not find that Petitioner met the burden of proving that DCPS denied Student a FAPE by failing to determine her eligible for special education services on December 10, 2015 as a student with ED or OHI.

(b) Whether DCPS denied Student a FAPE by failing to comprehensively evaluate Student, in that it did not conduct a functional behavioral assessment ("FBA") as recommended by the November 2015 independent psychological evaluation and/or as requested by Parent in March 2015.

As a part of an initial evaluation, an LEA must review existing evaluation data on the student and on the basis of that review, and input from the child's parents, identify what additional data, if any are needed to determine whether the student is a child with a disability. 34 C.F.R. §300.305(a). Parent provided input requesting an FBA. Psychologist (Parent) and Educational Advocate also recommended an FBA, largely based on Parent's concerns, as well as the second BASC-2 Student's 2014-2015 teacher completed. Apart from the second BASC-2 the

teacher from last school year prepared, no District School members have observed anything about Student's behavior that exceeds the range of appropriate behavior. The IEE does not offer an explanation for the sharp differences between the BASC-2 last year's teacher completed for Student when Student was assigned to her class (which was favorable) and the BASC-2 she completed once Student was no longer in her class (which indicated concerns). For these reasons, the Hearing Officer does not find the conclusion of the school-based members of the MDT that an FBA was not needed to make a determination about Student's eligibility following the November 2015 IEE, or at Parent's request in March 2015 to have been unreasonable, or to have denied Student a FAPE.

ORDER

As no denial of FAPE was found on the issues alleged, Petitioners' requested relief must be **DENIED**. The complaint is **DISMISSED** with prejudice.

IT IS SO ORDERED.

Date: April 18, 2016

/s/ NaKeisha Sylvester Blount
Impartial Hearing Officer

Copies to:
Petitioner (by U.S. mail)
Petitioner's Attorney (electronically)
DCPS' Attorney (electronically)
Chief Hearing Officer Virginia Dietrich, Esq. (electronically)
OSSE-SPED (electronically)
ODR (electronically)

NOTICE OF RIGHT TO APPEAL

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 U.S.C. §1415(i).