

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

Student Hearing Office  
810 First Street NE, STE 2  
Washington, DC 20002

OSSE  
Student Hearing Office  
December 13, 2013

---

[Student],<sup>1</sup>

Date Issued: December 13, 2013

Petitioner,

Hearing Officer: Jim Mortenson

v

[Local Education Agency],

Respondent.

---

**HEARING OFFICER DETERMINATION**

**I. BACKGROUND**

The complaint in this matter was filed by the Petitioner on October 24, 2013. The Petitioner and Respondent are both represented by counsel. A response to the complaint was filed by the Respondent on November 4, 2013. A prehearing conference was convened on November 12, 2013, and a prehearing order was issued on that date.

November 25, 2013, was a busy day in this case. On that day a resolution meeting was held and resulted in no agreements. Both parties exchanged disclosures for hearing and filed them with the Undersigned. The Respondent also filed a motion to permit one of its witnesses to testify via telephone on that date. The Petitioner filed a reply to the motion on November 26, 2013, and the motion was denied in an order also issued November 26, 2013.

---

<sup>1</sup> All proper names have been removed in accordance with Student Hearing Office policy and are referenced in Appendix C which is to be removed prior to public dissemination. The Student is an emancipated adult.

The hearing was convened at 9:00 a.m. on Monday, December 2, 2013, in room 2003 at 810 First Street NE, Washington, D.C. The hearing was closed to the public. The hearing ended about 2:30 p.m.

The due date for this Hearing Officer's Determination (HOD) is January 7, 2014. This HOD is issued on December 13, 2013.

## **II. JURISDICTION**

This hearing process was initiated and conducted, and this decision is written, pursuant to the Individuals with Disabilities Education Improvement Act (IDEA), 20 U.S.C. § 1400 et seq., its implementing regulations at 34 C.F.R. Part 300, and D.C. Mun. Regs. tit. 5-E30.

## **III. ISSUES, RELIEF SOUGHT, and DETERMINATION**

The issues to be determined by the Independent Hearing Officer (IHO) are:

1. Whether the Respondent denied the Student a free appropriate public education (FAPE) when it failed to provide her with special education and related services in conformity with her individualized education program (IEP) for the 2012-2013 and 2013-2014 school years when no specialized instruction has been provided in either year?
2. Whether the Respondent denied the Student a FAPE when it failed to propose or provide an IEP reasonably calculated to enable her to be involved in and make progress in the general education curriculum, and meet each of her other educational needs that result from her disability, when: a) the Student was not involved in the IEP team meeting held prior to the IEP proposed April 17, 2013; b) the IEP proposed April 17, 2013 lacked

measurable annual goals; and c) the IEP lacked post-secondary goals and transition services based on age appropriate transition assessments?

The Petitioner is seeking an IEP team meeting to review evaluations, develop an appropriate IEP, and determine the Student's educational placement. The Petitioner is also seeking compensatory education to address the Student's lack of credits toward graduation consisting of credit recovery and tutoring.

The Respondent denied the Student a FAPE when it failed to provide her with specialized instruction in conformity with her IEP during the 2012-2013 and 2013-2014 school years. The Respondent denied the Student a FAPE when it significantly impeded her opportunity to be involved in the decision making process for her current IEP because it did not include her in the April 17, 2013, IEP team meeting and made an inadequate attempt to do so. It also denied her a FAPE when the IEP revised on April 17, 2013, lacked measurable annual goals and transition services.

#### **IV. EVIDENCE**

Five witnesses testified at the hearing, three for the Petitioner and two for the Respondent. The Petitioner's witnesses were: Educational Consultant, T.A.; Compensatory Education Provider, C.P.; and the Student herself, P. The Respondent's witnesses were the Student's Special Education Teacher for the 2012-2013 school year, E.R., and the Respondent's Compliance Case Manager, T.H. T.A. provided an expert opinion on the appropriateness of the April 17, 2013, revision of the IEP, that was largely consistent with legal requirements for IEPs. C.P. testified credibly about the services she can provide to the Student in compensation for the denials of FAPE found here. The Student testified credibly as she provided consistent testimony

and sufficient detail. E.R.'s testimony was largely credible, but lacked the specificity to rebut the evidence provided by the Petitioner regarding services provided and attempts to notify the Student of the April 17, 2013, IEP team meeting. (He provided evidence of the policies or practices of the Respondent, and lacked details about what was actually done and when.) T.H. testified credibly.

11 of the Petitioner's 15 disclosures were entered into evidence. The Petitioner's exhibits are listed in Appendix A. 10 of the Respondent's 11 disclosures were entered into evidence. The Respondent's exhibits are listed in Appendix B.

To the extent that the findings of fact reflect statements made by witnesses or the documentary evidence in the record, those statements and documents are credited. The findings of fact are the Undersigned's determinations of what is true, based on the evidence in the record. Findings of fact are generally cited to the best evidence, not necessarily the only evidence. Any finding of fact more properly considered a conclusion of law is adopted as such and any conclusion of law more properly considered a finding of fact is adopted as such.

## **V. FINDINGS OF FACT**

After considering all the evidence, as well as the arguments of both counsel, this Hearing Officer's Findings of Fact are as follows:

1. Student is a 21 year old learner with a disability.<sup>2</sup> The Student was determined to have met the definition of specific learning disability in all academic areas.<sup>3</sup>
2. The Student spent four years in the ninth grade and completed that grade after a year at School A, a special school.<sup>4</sup> She was placed at School A by a Hearing Officer Determination

---

<sup>2</sup> P 3.

<sup>3</sup> P 5, Undisputed Fact (UF).

and was successful at the school.<sup>5</sup> School A closed at the end of the 2011-2012 school year and the Student was told by the Respondent to attend School E, her neighborhood school, for the 2012-2013 school year.<sup>6</sup> The Student already knew she could not succeed at School E, which was a different educational setting than School A, and she enrolled herself at School B, another special school.<sup>7</sup>

3. For the 2012-2013 school year the Student's IEP required specialized instruction in the general education setting for 14.5 hours per week and specialized instruction outside of the general education setting for 5 hours per week.<sup>8</sup> E.R. was the only special education teacher at School B during the 2012-2013 school year.<sup>9</sup>
4. In April 2013 the IEP was revised to reduce the amount of specialized instruction provided in the general education setting to 11.5 hours per week.<sup>10</sup>
5. The Student did not do well at School B, earning only three credits toward graduation.<sup>11</sup> She did not receive specialized instruction in the general education setting.<sup>12</sup>
6. School B closed at the end of the 2012-2013 school year and the Student was not assigned or placed at another school based on her IEP.<sup>13</sup> The Respondent held an information session for students at School B prior to the close of the School, but the Student was never invited to a

---

<sup>4</sup> Testimony (T) of P.

<sup>5</sup> T of P, P 12.

<sup>6</sup> T of P.

<sup>7</sup> T of P.

<sup>8</sup> P 7

<sup>9</sup> T of E.R.

<sup>10</sup> R 4, P 10.

<sup>11</sup> T of P, P 12.

<sup>12</sup> T of P. (P's testimony is credited while the testimony of E.R. is not with regard to this fact. P's testimony was specific and E.R.'s testimony was more general. Further, the events surrounding the April 2013 IEP team meeting support the fact that E.R. did not see the Student often - he would have seen her in every class every day had the IEP been implemented - because he did not communicate with her regarding rescheduling the April 2013 IEP team meeting. E.R. did testify that he was not in the Student's regular education classes all of the time due to scheduling conflicts.)

<sup>13</sup> T of P.

team meeting to discuss placement or reassignment to another school.<sup>14</sup> The Respondent did not reassign the Student because she had stopped attending school in May 2013 and she was over compulsory education age.<sup>15</sup>

7. The Student attempted to enroll at School E for the 2013-2014 school year and was turned away by the School.<sup>16</sup> No educational services whatsoever have been provided to the Student during the 2013-2014 school year.<sup>17</sup>
8. The Student was sent a notice in March 2013 of an IEP team meeting for April 8, 2013.<sup>18</sup> The Student inquired of her Case Manager/Special Education Teacher, E.R., about this meeting and was told the meeting would not be occurring on April 8, 2013, and would have to be rescheduled.<sup>19</sup> There is no evidence E.R. or anyone from the school discussed the time or place for any meeting in April 2013 with the Student. The Respondent never informed the Student about the time and date the meeting was rescheduled for, April 17, 2013, and the Student did not participate in the meeting.<sup>20</sup>
9. The IEP revision of April 17, 2013, includes annual academic goals that are not measurable because the mastery level the Student was expected to attain in order to reach each goal had been removed.<sup>21</sup>

---

<sup>14</sup> T of P.

<sup>15</sup> T of T.H., T of P.

<sup>16</sup> T of P.

<sup>17</sup> T of P.

<sup>18</sup> T of P.

<sup>19</sup> T of P.

<sup>20</sup> T of P. (E.R. described policies about informing parents and students about meetings, but could not provide specifics about what happened in this case. R 2 is an exhibit of a certified mail form, which lacks any information about whether the invitation for the meeting, dated April 11, 2013, was ever mailed and, at most, shows it was not delivered. E.R. was supposed to be with the Student)

<sup>21</sup> R 4, P 10.

10. The IEP revised April 17, 2013, included post-secondary goals based on age appropriate transition assessments.<sup>22</sup> The IEP lacked transition services because they were to be provided by School A which no longer existed.<sup>23</sup>
11. Due to the lack of support in the Student's classes, she often left class and school and stopped attending altogether in mid-May 2013.<sup>24</sup> The Respondent never explored why the Student was leaving class or why she stopped attending, including not proposing a functional behavior assessment (FBA).<sup>25</sup> No specific evidence of the Student's attendance was provided.
12. The Student is not currently attending any school because she was turned away from School E and the Respondent made no placement or school assignment for the 2013-2014 school year for the Student.<sup>26</sup>
13. The Student's birthday is in April She currently has 12 of 24 credits required to graduate with a diploma.<sup>28</sup> She has zero of the 100 hours of community service required.<sup>29</sup>
14. School D is not a school per se but is a facilitator of special educational services that works with schools to help students with disabilities make educational progress.<sup>30</sup> School D uses a blended learning program which is a computer-based online program merged with strong

---

<sup>22</sup> R 4, P 10. (T.A. testified that the postsecondary goals were not appropriate because they were based on conversations with the Student and were not meaningful to her because they refer to her going to college. A review of the IEP shows, however, that transition assessment tools were used and the goals do mention college, but also career trade school, consistent with what T.A. believes is appropriate for the Student.)

<sup>23</sup> R 4, P 10.

<sup>24</sup> T of P, UF.

<sup>25</sup> T of P, T of E.R.

<sup>26</sup> T of P.

<sup>27</sup> P 12.

<sup>28</sup> P 12.

<sup>29</sup> P 12.

<sup>30</sup> T of C.P., P 14.

tutorial support.<sup>31</sup> School D can assist the Student in earning credits toward graduation as well as community services hours.<sup>32</sup> The Student will require educational services beyond the end of the 2013-2014 school year in order to earn all of her credits toward graduation.<sup>33</sup>

## **VI. 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:

1. The burden of persuasion in a special education due process hearing is on the party seeking relief. Schaffer v. Weast, 546 U.S. 49 (2005), *See also* D.C. Mun. Regs. 5-E3030.14. "Based solely upon the 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." D.C. Mun. Regs. 5-E3030.14. The recognized standard is a 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); 34 C.F.R. § 300.516(c)(3).
2. A free appropriate public education (FAPE) for a child with a disability under the IDEA is defined as:
  - special education and related services that –
  - (a) Are provided at public expense, under public supervision and direction, and without charge;
  - (b) Meet the standards of the SEA, including the requirements of this part;
  - (c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and
  - (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of §§300.320 through 300.324.

---

<sup>31</sup> T of C.P., P 14.

<sup>32</sup> T of C.P., P 14.

<sup>33</sup> T of C.P., P 14.

34 C.F.R. § 300.17. A “determination of whether a child received FAPE must be based on substantive grounds.” 34 C.F.R. § 300.513(a)(1). Involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children) is core to the IDEA’s purpose. *See*: 34 C.F.R. §§ 300.39, 300.304, 300.305, 300.311, 300.320, 300.321, 300.324, 300.530, 300.704. “[A]n IEP that focuses on ensuring that the child is involved in the general education curriculum will necessarily be aligned with the State’s content standards.” 71 Fed. Reg. 46662 (2006). In the District of Columbia all available information must be considered when making a determination about whether an IEP is reasonably calculated to provide these education benefits. Suggs v. District of Columbia, 679 F. Supp. 2d 43, 51 (D.D.C.2010). “An IEP may not be reasonably calculated to provide benefits if, for example, a child's social behavior or academic performance has deteriorated under his current educational program, *see Reid v. District of Columbia*, 401 F.3d [516,] 519-20 [(D.C.Cir. 2005)]; the nature and effects of the child's disability have not been adequately monitored, *see Harris v. District of Columbia*, 561 F. Supp. 2d [63,] 68 [(D.D.C. 2008)]; or a particular service or environment not currently being offered to a child appears likely to resolve or at least ameliorate his educational difficulties. *See Gellert v. District of Columbia Public Schools*, 435 F. Supp. 2d 18, 25-27 (D.D.C. 2006).” Suggs, 679 F. Supp. 2d at 51-52. This line of reasoning is supported by the statute and regulations themselves. The IEP is a living document that, once initially created and consented to, is reviewed “periodically, but not less than annually, to determine whether the annual goals for the child are being achieved[.]” 34 C.F.R. § 300.324(b). The IEP must then be revised to address:

- (A) Any lack of expected progress toward the annual goals described in § 300.320(a)(2), and in the general education curriculum, if appropriate;
- (B) The results of any reevaluation conducted under § 300.303;
- (C) Information about the child provided to, or by, the parents, as described under § 300.305(a)(2);
- (D) The child’s anticipated needs; or

(E) Other matters.

34 C.F.R. § 300.324(b)(2)(ii). The IEP team must, for a “child whose behavior impedes the child’s learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior[.]” 34 C.F.R. § 300.324(a)(2)(i).

3. The IDEA “is violated when a school district deviates *materially* from a student’s IEP.” Wilson v. D.C., 770 F.Supp. 2d 270, 275 (D.D.C. 2011), *citing*: Van Duyn ex rel. Van Duyn v. Baker Sch. Dist. 5J, 502 F.3d 811, 822 (9th Cir. 2007) (“[A] *material* failure to implement an IEP violates the IDEA. 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.”); *accord* S.S. ex rel. Shank v. Howard Road Acad., 585 F. Supp. 2d 56, 68 (D.D.C. 2008); Catalan ex rel. E.C. v. District of Columbia, 478 F. Supp. 2d 73, 75 (D.D.C. 2007), *aff’d sub nom. E.C. v. District of Columbia*, No. 07-7070 (D.C. Cir. Sept. 11, 2007). “[T]he materiality standard *does not require that the child suffer demonstrable educational harm* in order to prevail” on a failure-to-implement claim. Wilson, at 275 (emphasis in original), *citing*: Van Duyn, 502 F.3d at 822 (emphasis added); *cf.* MM ex rel. DM v. Sch. Dist. of Greenville Cnty., 303 F.3d 523, 537 n.17 (4th Cir. 2002) (rejecting the argument that parents must show actual developmental regression before their child is entitled to ESY services under the IDEA). “Rather, courts applying the materiality standard have focused on the proportion of services mandated to those actually provided, and the goal and import (as articulated in the IEP) of the specific service that was withheld.” Id., *See, e.g.*, Van Duyn, 502 F.3d at 822; S.S., 585 F. Supp. 2d at 65–68; Mary McLeod Bethune Day Acad. Pub. Charter Sch. v. Bland, 534 F. Supp. 2d 109, 115–16 (D.D.C. 2008); Catalan, 478 F. Supp. 2d at 76.

4. The Student's IEP was not implemented during the 2012-2013 school year when the Respondent failed to ensure the Student was provided 14.5 hours of specialized instruction per week inside the general education setting, and then 11.5 hours per week in that setting after the revision of the IEP in April. The Petitioner was persuasive that she only saw her special education teacher, the only one in her program, when she was in the self-contained special education class. Further, the IEP was not implemented in anyway during the current school year, 2013-2014, because the Respondent failed to ensure the Student's IEP team made an educational placement determination based on her IEP, or that if multiple and substantially similar placements were available, that the Student was assigned to one of them.
5. The Respondent argues that the Student failed to avail herself to the educational opportunity it offered her. However, the Petitioner, due to the failure of the Respondent to implement the Student's IEP as written, became consistently frustrated and repeatedly left the school as a result. The Respondent did not successfully rebuff this explanation by the Petitioner for her behavior. In fact, the Respondent offered no evidence about why the Student often would leave or not attend class and there is no evidence in the record of even an approximation of how often the Student was absent. Given the Petitioner's explanation, she has met her burden of persuading the Undersigned that her attendance issues, whatever the extent, was a direct result of the Respondent's failure to implement the IEP.
6. 34 C.F.R. § 300.322 prescribes the responsibilities of the LEA with regard to ensuring the participation of parents in the IEP team process:
  - (a) Public agency responsibility— general. Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including—
    - (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
    - (2) Scheduling the meeting at a mutually agreed on time and place.
  - (b) Information provided to parents.
    - (1) The notice required under paragraph (a)(1) of this section must—
      - (i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and

(ii) Inform the parents of the provisions in § 300.321(a)(6) and (c) (relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child), and § 300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C of the Act).

(2) For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, the notice also must

(i) Indicate—

(A) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with § 300.320(b); and

(B) That the agency will invite the student; and

(ii) Identify any other agency that will be invited to send a representative.

(c) Other methods to ensure parent participation. If neither parent can attend an IEP Team meeting, the public agency must use other methods to ensure parent participation, including individual or conference telephone calls, consistent with § 300.328 (related to alternative means of meeting participation).

(d) Conducting an IEP Team meeting without a parent in attendance. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case, the public agency must keep a record of its attempts to arrange a mutually agreed on time and place, such as—

(1) Detailed records of telephone calls made or attempted and the results of those calls;

(2) Copies of correspondence sent to the parents and any responses received; and

(3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

7. In this case the Respondent informed the Petitioner in March 2013 of an IEP team meeting to be held April 8, 2013. When the Petitioner inquired of the Special Education Teacher about the meeting, however, she was advised that it would not occur as scheduled and that she would be informed of the new date. There was no attempt to schedule the meeting at a mutually agreeable time and place as required, and the Petitioner was never even informed of the new meeting time and place. Assuming the Respondent's letter was mailed on April 11, 2013, the date it was written, it would not have reached the Petitioner until at least April 12, 2013, a Friday. The evidence shows the letter was never delivered. The meeting was scheduled for the following Wednesday, April 17, 2013. It is unclear why there was no further communication between E.R. and the Petitioner about rescheduling the meeting. The Respondent simply failed to reasonably ensure her participation. This failure significantly impeded her opportunity to participate in the decision-making process regarding the provision of FAPE. *See*, 34 C.F.R. § 300.513(a).

8. An IEP must include, among other things, a statement of measurable annual goals, including functional and academic goals designed to meet the child's needs that result from her disability to enable her to be involved in and make progress in the general education curriculum, and meet each of her other educational needs that result from her disability. 34 C.F.R. § 300.320(a)(2). The IEP must also include, since the Student is over sixteen years of age, appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills, and the transition services (including courses of study) needed to assist the child in reaching those goals. 34 C.F.R. § 300.320(b).
9. When the Student's IEP was revised in April 2013, the annual academic goals were revised to be unmeasurable because the mastery levels expected which would show whether the Student reached each goal were removed. Further, while the Petitioner has not been persuasive that the postsecondary goals were not appropriate or measurable, the IEP fails to include the services necessary to assist the Student in reaching those goals, because the services listed were to be provided by an agency that no longer existed when the IEP was revised. The Responded argues that the Student was at fault for her lack of educational progress due to attendance problems. The evidence does not show the extent of the Student's attendance problems, and more importantly, it shows that any attendance issues the Student had were the direct result of the lack of implementation of the Student's IEP. As a result, the Student was educationally harmed by not earning more than three credits during the 2012-2013 school year, and no credits thus far in the current school year.
10. This hearing officer has broad discretion to grant relief appropriate to ensure the Student is provided a FAPE. *See* 34 C.F.R. § 300.516(c)(3), Sch. Comm. of Burlington v. Dep't of

Educ., 471 U.S. 359, 369 (1985). Compensatory education is an equitable remedy that may be provided as relief in disputes under the IDEA. Reid ex rel. Reid v. District of Columbia, 401 F.3<sup>rd</sup> 516, 523, (D.C. Cir. 2005), *citing* G. ex rel. RG v. Fort Bragg Dependent Schs., 343 F.3d 295, 308 (4th Cir. 2003), and Florence County Sch. Dist. Four v. Carter, 510 U.S. 7, 15-16 (1993). If, in the hearing officer's broad discretion, compensatory education is warranted, the "goal in awarding compensatory education should be 'to place disabled children in the same position they would have occupied but for the school district's violations of IDEA.'" Wilson, at p 9, *citing* Reid, 401 F.3d at 518, and Carter at 15-16. "Once a student has established a denial of the education guaranteed by the IDEA, the Court or the hearing officer must undertake 'a fact-specific exercise of discretion' designed to identify those services that will compensate the student for that denial." Id., *citing* Reid, 401 F.3d at 524; *see* Stanton ex rel. K.T. v. District of Columbia, 680 F. Supp. 2d 201, 207 (D.D.C. 2010); Phillips ex rel. T.P. v. District of Columbia, 736 F. Supp. 2d 240, 247 (D.D.C. 2010).

11. As a result of the denials of FAPE found herein, the Student failed to earn a significant number of credits toward graduation. This harm can be remedied by the plan set forth by the Petitioner, which was not refuted. The Student's compensatory education plan is detailed in the order below, and is reasonably designed to put the Student in the place should would have been (closer to graduation) but for the educational harm (lack of credits) resulting from the denials of FAPE (Lack of IEP implementation, failure to include the Petitioner in the decision-making process, and lack of measurable annual goals). The Petitioner did not present evidence on what her IEP should look like, and instead requests that another IEP team meeting be held to review evaluation data and revise the IEP appropriately and

determine the Student's educational placement. Thus, this is all that can be ordered regarding the IEP, as specified below.

### **VII. DECISION**

The Respondent denied the Student a FAPE when it failed to provide her with specialized instruction in conformity with her IEP during the 2012-2013 and 2013-2014 school years.

The Respondent denied the Student a FAPE when it significantly impeded her opportunity to be involved in the decision making process for her current IEP because it did not include her in the April 17, 2013, IEP team meeting and made an inadequate attempt to do so. It also denied her a FAPE when the IEP revised on April 17, 2013, lacked measureable annual goals and transition services.

### **VIII. ORDER**

1. The Student will be provided the opportunity, at public expense, to earn credits towards graduation through School D. The Student will begin the program no later than January 6, 2014, and may continue in the program until October 1, 2014, in order to earn at least six credits toward graduation and participate in up to 50 community services hours necessary for graduation.
2. An IEP team meeting will be convened no later than January 17, 2014, including staff from School D, to revise the Student's IEP and make a subsequent determination about the Student's educational placement, including location and services, for the remainder of the school year. Prior written notice, in conformity with 34 C.F.R. § 300.503, of all proposals

and refusals from the meeting must be provided to the Student no later than January 31, 2014.

3. The Student will remain eligible for special education and related services through the end of the 2014-2015 school year.

**IT IS SO ORDERED.**

Date: December 13, 2013



---

Independent Hearing Officer

**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 USC §1415(i).