

On January 4, 2012, the parties held a resolution meeting, which did not resolve the Complaint. The parties also did not agree to end the statutory 30-day resolution period early. The resolution period therefore ended January 20, 2012, and the 45-day timeline for issuance of the Hearing Officer Determination (“HOD”) was originally due to expire March 5, 2012.

On January 6, 2012, DCPS filed its Response to the Complaint, denying all of Petitioner’s claims.

On January 10, 2012, a Prehearing Conference (“PHC”) was held before Hearing Officer Seymour DuBow to discuss and clarify the issues and requested relief, as set forth below. At the PHC, the parties agreed to schedule the due process hearing for February 13, 2012. A Prehearing Order was issued on January 11, 2012. The parties then filed their five-day disclosures, as required, by February 6, 2012.

The Due Process Hearing was held before Hearing Officer DuBow in Hearing Room 2006 on February 13, 2012, at 9:00 A.M.³ Petitioner elected for the hearing to be closed. At the Due Process Hearing, the following Documentary Exhibits were admitted into evidence without objection:

Petitioner’s Exhibits: P-1 through P-43.

Respondent’s Exhibits: R-1 through R-11.

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

Petitioner’s Witnesses: (1) Parent-Petitioner; (2) Educational Advocate (“EA”); (3) Community Support Worker (“CSW”); and (4) Dr. Sharon Marie Lennon, Newlen Educational Services (regarding compensatory education).

Respondent’s Witnesses: DCPS presented no witnesses. .

Oral closing arguments were presented on the record at the conclusion of the hearing.

On February 16, 2012, the matter was reassigned to this Hearing Officer due to an emergency medical leave involving the prior hearing officer. On February 21, 2012, this Hearing Officer held a conference on the record with counsel for both parties to discuss how to proceed in light of the reassignment. The parties agreed that the Hearing Officer would obtain a transcript of the hearing and prepare the HOD based on the transcript and digital audio recording.

³ Hearing Officer DuBow denied Petitioner’s untimely motion for a continuance on February 10, 2012.

On March 2, 2012, following receipt of the hearing transcript, the parties conferred again and the Hearing Officer transmitted copies of the transcript to both counsel. In addition, counsel confirmed the contents of the administrative record and transmitted additional copies of their disclosures to the Hearing Officer. Petitioner then filed an unopposed motion for continuance to extend the HOD timeline by 10 days in order to allow sufficient time for review of the record and preparation of the decision. The motion was granted, and the HOD timeline was extended to March 15, 2012.

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* 5-E DCMR §§ 3029, 3030. 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 statutory HOD deadline is March 15, 2012.

III. ISSUES AND REQUESTED RELIEF

The issues presented for determination at hearing are:

- 1. Failure to Provide Appropriate Placement (2010-11)** — Did DCPS deny the Student a FAPE by failing to provide an appropriate educational placement at Special Education School for the 2010-11 school year, because the school allegedly did not provide a structured therapeutic setting to meet his emotional and academic needs ?
- 2. Failure to Provide Appropriate Placement (2011-12)** — Did DCPS deny the Student a FAPE by failing to provide an appropriate educational placement at High School for the 2011-12 school year, because the school allegedly cannot provide a small structured therapeutic setting to meet his emotional and academic needs? ⁴

The relief requested is placement of the Student at a non-public day special education program for students with emotional disturbance and an award of compensatory education. *See Prehearing Order*, ¶ 2. As the party seeking relief, Petitioner was required to proceed first at the hearing and carried the burden of proof on the issues specified above. 5-E DCMR §3030.3; *see Schaffer v. Weast*, 546 U.S. 49 (2005).

⁴ For purposes of this HOD, the order of the two issues has been reversed from the *Prehearing Order* so that the discussion of issues can proceed chronologically.

IV. FINDINGS OF FACT

Based upon the evidence presented at the due process hearing, this Hearing Officer makes the following Findings of Fact:

1. The Student is a 14-year old student who is a resident of the District of Columbia. Petitioner is the Student's mother. *See Parent Test.; P-1.*
2. The Student has been determined to be eligible for special education and related services as a child with multiple disabilities under the IDEA. *See P-2; Parent Test.*
3. The Student currently attends High School, where he is in the 9th grade. *See Parent Test.; P-2; R-10.* During the 2010-11 school year, the Student attended 8th grade at Special Education School. *Parent Test.; P-3; R-11.*
4. The Student's current individualized education program ("IEP") is dated December 16, 2011, and provides 31 hours per week of specialized instruction and 60 minutes per week of behavioral support services in an Outside General Education setting. *P-2, p. 7; see also R-8.*⁵ The Student's previous IEPs dated February 9, 2011, and March 9, 2010, provided these same level and type of services in the same setting. *See P-3; R-5.*⁶
5. In November 2009, when the Student was in 7th grade, Petitioner and DCPS entered into a written settlement agreement ("SA") of a previous due process complaint. Pursuant to the SA, Petitioner was authorized to obtain independent comprehensive psychological and speech/language evaluations of the Student, and DCPS agreed to conduct an FBA within 30 school days and then convene an IEP team meeting. *See R-1.*
6. An independent comprehensive psychological evaluation of the Student was conducted in January 2010. *See P-6.* The evaluator's written report dated February 1, 2010 found, *inter alia*, that the Student "seems to be dealing with a significant amount of emotional stress coupled with notable [academic] achievement impairments." *P-6, p. 16.* The evaluator concluded that the Student met the criteria for both a learning disability and an emotional disturbance, and also suffered from Attention Deficit Hyperactivity Disorder ("ADHD"). *Id., pp. 16-17.* Educational recommendations included a "well-structured learning

⁵ The 12/16/2011 IEP also appears to provide an unspecified level of behavior support services on a consultation basis. *P-2, p. 7.*

⁶ The 02/09/2011 IEP also appears to provide an unspecified level of occupational therapy services in a general education setting. *P-3, p. 6.*

environment that is carefully planned and consistently implemented in terms of the physical arrangement, schedule of activities, and expected behaviors.” *Id.*, p. 19.

7. DCPS completed an FBA of the Student in February 2010. *See R-3*. The Student was found, *inter alia*, to have “demonstrated a problem with poor impulse control and impulsivity, [and] verbal/physical aggression that impede the academic process.” *R-3, p. 000019*. The FBA concluded that the IEP team “should take in[to] consideration that the Student has to be consistently placed with structured and routine guidelines that can help him to understand what is expected of him and behaviors.” *Id.*
8. On or about March 9, 2010, DCPS convened an IEP team meeting with Petitioner in attendance to review the FBA and the independent evaluations and to review the IEP. *See R-4*. At this meeting, the team developed the IEP dated 03/09/2010. *R-5*. Petitioner asked if there was a more structured environment for the Student. *R-4, p. 000023*. The team also discussed and determined that the Student was entitled to compensatory education in the form of individual tutoring and a therapeutic summer camp, consistent with a plan developed by the DCPS Office of Special Education. *Id.*; *R-5, p. 000034*.
9. In November 2010, the Student was hospitalized for several days at the Psychiatric Institute of Washington (“PIW”) due to behavioral disturbances at school and at home. *See P-33*. The Student was discharged after responding to appropriate medication and treatment. *Id.*, p. 3. Petitioner reported the hospitalization to DCPS. *See Parent Test., Tr. 28, 35*.
10. On or about February 9, 2011, DCPS convened an IEP team meeting with Petitioner in attendance to conduct an annual review of the Student’s IEP. *See R-6*. At this meeting, the team developed the IEP dated 02/09/2011. *P-3; R-7*.
11. During the 2010-11 school year, the Student experienced repeated behavioral problems, which led to multiple suspensions and contributed to poor attendance. *See P-7; P-8, P-9; P-12; P-33; R-9; see also Parent Test.; CSW Test*.
12. In June 2011, the Student completed the 8th grade at Special Education School with passing grades in most subjects. However, he received an F in Pre-Algebra Support and D’s in both English 8 and Pre-Algebra. *R-11*.
13. On his 06/20/2011 IEP Progress Report, the Student showed no progress on any of his academic goals for the final reporting period (03/26/2011-06/17/2011). *See R-9*. On each

of the goals in the areas of Math, Reading, and Written Expression, the report made identical findings, *i.e.*: “Due to behavior and poor attendance [Student] did not make the predicted progress towards this standard as expected.” *Id.*, pp. 000081-83.

14. Similarly, in the area of Emotional, Social, and Behavioral Development, the Student also made no progress toward any of his IEP goals during the final 2010-11 reporting period. *R-9*, pp. 000083-84. Comments included: (1) “He continues to demonstrate a lack of respect towards school staff and is very oppositional. These behavior[s] often lead to disruptive outbursts. [Student] has left the school property several times without permission as a way of avoiding academic challenges or consequences for his behavior.”; (2) “[Student] has difficulty respecting boundaries, he is verbally aggressive towards staff and peers, and frequently test[s] limits.”; and (3) “He frequently attempts to disrupt peers during instructional time by throwing objects, hitting peers, teasing peers, and inciting/encouraging negative behavior.” *Id.*
15. On or about December 16, 2011, DCPS convened an IEP team meeting with Petitioner in attendance to conduct another annual review of the Student’s IEP. It was noted that the Student was making progress, but due to his behavior he was not doing as well as he could. *P-35* (advocate meeting notes). At this meeting, the team developed the current IEP dated 12/16/2011. *See P-2; R-8.*

V. DISCUSSION AND CONCLUSIONS OF LAW

For the reasons discussed below, the Hearing Officer concludes that Petitioner has met her burden of proof on Issue 1 (inappropriate educational placement for 2010-11 school year), but she did not meet her burden of proof on Issue 2 (inappropriate placement for 2011-12 school year). Compensatory education services in the type and amount specified herein is awarded as appropriate equitable relief for the denial of FAPE found during the 2010-11 school year.

Under the IDEA, FAPE means “special 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) (emphasis added); *see* 34 C.F.R. § 300.17;

DCMR 5-E3001.1. 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)). See 20 U.S.C. 1414(d)(1)(A)(i); 34 C.F.R. 300.320; DCMR 5-E3009.1. 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); see also *Kerkam v. McKenzie*, 862 F. 2d 884 (D.C. Cir. 1988).

Educational placement, in turn, must be “based on the child’s IEP.” 34 C.F.R. 300.116 (b) (2). Under the IDEA, “[d]esigning an appropriate IEP is necessary but not sufficient. DCPS must also implement the IEP, which includes *offering placement in a school that can fulfill the requirements set forth in the IEP.*” *O.O. v. District of Columbia*, 573 F. Supp. 2d 41, 53 (D.D.C. 2008) (emphasis added). Moreover, statutory law in the District of Columbia mandates that DCPS 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), citing *McKenzie v. Smith*, 771 F.2d 1527, 1534-35 (affirming “placement based on match between a student’s needs and the services offered at a particular school”); *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.”). DCPS must also ensure that its placement decision is made in conformity with the Least Restrictive Environment (“LRE”) provisions of the IDEA. See 34 C.F.R. §§ 300.114-300.116.

In this case, Petitioner does not challenge any goals or other content of the Student’s IEPs. Petitioner claims that DCPS denied the Student a FAPE by failing to provide him with an appropriate educational placement during both the 2010-11 and 2011-12 school years.

Issue 1: 2010-11 SY Placement at Special Education School

The evidence demonstrates that Special Education School did not constitute an appropriate special education school or program for the Student during the 2010-11 school year, in accordance with D.C. Code 38-2561.02 and the IDEA, because it was not able to provide a

well structured and consistently implemented learning environment to meet his documented behavioral/emotional and academic needs.

Petitioner presented extensive testimony on this issue that was not rebutted by DCPS. Parent first testified concerning the Student's repeated behavioral problems during the 2010-11 school year and the failure of Special Education School to provide the necessary structured, therapeutic environment to successfully address those problems. *See Parent. Test., Tr. 23-29.* In addition, the Community Support Worker (CSW)⁷ who regularly visited the school to work with the Student (usually on a weekly basis) described in specific detail what he observed there and why the program was not appropriate for the Student. *See CSW Test., Tr. 60-80.* Moreover, he testified that he spoke with the principal, teachers, and behavior specialist at the time, and they admitted that the school could not effectively handle the Student's extreme behaviors. *Tr. 61-65.*⁸

Specifically, the CSW testified that the Student was having "major incidents at least once a week" at the school, involving things like fighting, running the halls, cursing at teachers, and destroying property. *Tr. 61-62.* The CSW also testified that the school staff was unable to reduce the Student's disruptive behaviors, and he often had to intervene. *Id.; see also Tr. 57-59* ("So at [Special Education School] he was all over the place. Every time I went there, I've seen him running down the halls. And they couldn't find him when I get there except for the times they had him in the room with the police."); *Tr. 77* (Student "was able to run in and out of the classroom at will ...whenever he wanted.").

The CSW further testified that Special Education School was not "really set up for his behavior" and, as a result, was not successful in its attempts to redirect him. *Tr. 62-63.* In his expert opinion, the school was not appropriate to meet the needs of the Student. *Tr. 63-64.* He elaborated on the factual basis for his opinion as follows:

⁷ The CSW is a clinical therapist experienced in community-based intervention and is a certified school psychologist with a Master of Arts in Clinical Psychology. He served as a DCPS School Psychologist from 1999-2006. *See Tr. 52-53; P-41.* He was accepted without objection as an expert in school psychology for purposes of his testimony and opinions as to the appropriateness of what he observed at Special Education School while he worked with the Student there. *Tr. 56.*

⁸ For example, the CSW testified that he spoke with the DCPS behavior specialist when he visited the school and "he just told me that his behaviors were so egregious and so consistent and intense, that they just could not handle him there." *Tr. 64.* "They said he's not right for this place....he's too much for this school *Tr. 64-65.*

“They were doing a lot of redirecting verbally, but he didn’t really have a consistent behavior plan in place or a functional behavior assessment that I saw them trying to follow with him to reduce his behaviors. I think it was kind of off the cuff, just kind of whatever they could do at the moment. But there was nothing systematic, there was nothing planned to try to reduce his disruptive behaviors... they were actually exacerbating his behaviors. They were getting worse because they would argue back and forth with him.” *Tr.* 62-63.

The CSW also testified that the behaviors were impeding the Student’s learning in that program. *See Tr.* 63 (“He didn’t do well academically because his behavior was such a problem he was never in the classroom.”).

In response to this detailed testimony, DCPS presented no witness to dispute the CSW’s observations and opinions. The CSW’s testimony also appears to be consistent with the IEP Progress Reports for the 2010-11 school year presented by DCPS (*R-9*), as well as some of the Student’s course grades (*R-11*) and his emotional/behavioral needs as expressed in the February 2010 comprehensive psychological evaluation and FBA. *See Findings*, ¶¶ 6-7, 12-14.⁹

Accordingly, I conclude that Petitioner has met her burden of proof on Issue 1.

Issue 2: 2011-12 SY Placement at High School

The record is different on Issue 2. Based on the evidence adduced at hearing, Petitioner did not prove by a preponderance of the evidence that DCPS has failed to provide an appropriate educational placement at High School for the current 2011-12 school year.

Petitioner’s expert offered relatively little testimony regarding the 2011-12 school year. He only visited High School before the Student enrolled there, at a time when the new ED Center program was still being developed. While he testified to receiving a few phone calls from school staff thereafter, he was no longer working with the Student. *See CSW Test.*, *Tr.* 65-67; *see also Tr.* 71-72. Moreover, on cross examination, the CSW conceded that the ED Center program was new and not set up yet at the time he visited; that he wasn’t sure when the Student began attending the program; that he had no knowledge concerning the number of behavior technicians

⁹ DCPS counsel argued in closing that the mother’s reaction to the CSW’s testimony during the hearing suggested a lack of credibility. *See Tr.* 98; *see also email correspondence from DCPS counsel* (March 8, 2012). However, the transcript does not reflect such reaction, and no comments are audible on the digital audio recording.

currently working in the program; that he last worked at High School in 2004 or 2005; and that he has not worked with the Student for the past eight or nine months. *See Tr. 71-76.*

Petitioner did present the findings of an independent FBA conducted in November 2011, which noted severe off-task and aggressive behaviors by the Student observed in two classes on 11/10/2011. *See P-4.* On the other hand, the Student's IEP was recently revised in December 2011, following receipt of the updated FBA, to add new goals and to adjust interventions and strategies in both academic and Emotional/Social/Behavioral Development areas. *See P-2; R-8; P-35.* The revised 12/16/2011 IEP, which has not been challenged in this case, appears to incorporate at least some of the recommendations in the 11/2011 FBA. The revised IEP also notes under his Present Level of Performance that the Student "has utilized the counseling sessions as an opportunity to mature in his social and academic area." *P-2, p. 5; R-8, p. DCPS000066.* And it expands the statement of Needs to include the following measures:

"Wherever possible, [Student] should be provided with choice in his assignments and consequences (at most 2-3 choices). [Student] should have an adult that he trusts check-in with him regularly, regardless of his behavior in order to avoid incentivizing poor behavior with attention. He should be presented with a specific agenda and schedule of class assignments, as well as a means of tracking his behavior individually and visually." *Id.*

There is no evidence that High School cannot fulfill the requirements set forth in this latest IEP, which had just been put in place when the Complaint was filed.

In addition, Petitioner testified that the Student was recently placed in a residential shelter house as a result of court proceedings (in late January, during the course of this case), and that this may have had a positive effect on school attendance. *Parent Test., Tr. 19, 25.* Additional court proceedings and meetings were scheduled for shortly after the due process hearing in this case. *Tr. 23.* Petitioner also testified that the school social worker is currently working with the dean of students "to try to put some things in place" to address attendance issues. *Parent Test., Tr. 33* (cross examination).

All of these factors suggest that the record is at best unclear as to whether High School has been, or continues to be, a good fit for the Student. But the evidence presented by Petitioner is insufficient to prove that DCPS has denied the Student a FAPE during the 2011-12 school year. Under the circumstances, however, the Hearing Officer concludes that it would be advisable for DCPS to convene another IEP team meeting, even though only three months have

elapsed since the last meeting. This will enable the team to gather and review current information concerning the Student's behavioral challenges and other needs that result from his disabilities, including the court proceedings and related events about which Petitioner testified.

Appropriate 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, 521-23 (D.C. Cir. 2005). One of the equitable remedies available to a hearing officer, exercising his authority to grant "appropriate" relief under IDEA, is compensatory education.¹⁰

Under the theory of 'compensatory education,' courts and hearing officers may award 'educational services...to be provided prospectively to compensate for a past deficient program.'" *Reid v. District of Columbia*, 401 F. 3d at 521 (quotations omitted). "In every case, however, the inquiry must be fact-specific and, to accomplish IDEA's purposes, the ultimate award must be reasonably calculated to provide the educational benefits that likely would have accrued from special education services the school district should have supplied in the first place." 401 F. 3d at 524. *See also Henry v. District of Columbia*, Civ. No. 09-1626 (RBW) (D.D.C. Nov. 12, 2010), slip op. at 7 (quoting *Reid*, 401 F. 3d at 518) (remand to hearing officer "to permit her in the first instance to conduct the 'fact-specific exercise of discretion' required by *Reid*, and to craft an award that 'aims[s] to place [Student] in the same place [he] would have occupied but for the school district's violations of [the] IDEA'"); *Friendship Edison Public Charter School v. Nesbitt*, 532 F. Supp. 2d 121, 125 (D.D.C. 2008) (compensatory award must be based on a "'qualitative, fact-intensive' inquiry used to craft an award 'tailored to the unique needs of the disabled student'"). Thus, compensatory education awards are equitable in nature. They should be qualitative; they should be flexible; and they should be crafted so as to address the educational harm suffered by the Student as a result of the violation/denial of FAPE.

¹⁰ As noted above, Petitioner also requested placement of the Student at a non-public day special education program for students with emotional disturbance. However, Petitioner did not present the Hearing Officer with any example of an appropriate therapeutic private placement for the Student. *Tr. 95*. In any event, because Petitioner has not prevailed on Issue 2, she has not demonstrated that the Student's current placement at High School is inappropriate, and thus a private placement order is not warranted at this time.

In this case, Petitioner has met her burden of proving a denial of FAPE and establishing harm caused by the failure to provide an appropriate educational placement during the 2010-11 school year. The evidence shows that DCPS failed to employ appropriate behavioral interventions, supports, and strategies to address the Student's problematic behaviors at Special Education School, and that the uncontrolled behaviors prevented the Student from accessing classroom instruction and resulted in academic loss. Petitioner has also met her burden of proposing a well-articulated compensatory education plan that can remedy the harm. *See P-39; Lennon Test., Tr. 84-91.* However, the plan requires adjustment to correspond to the more limited denial of FAPE found herein, over a more limited period of time.

Petitioner proposed (a) 150 hours of academic tutoring and (b) 300 hours of mentoring and/or behavior support/counseling, designed to remedy all alleged denials of FAPE, including failure to provide an appropriate educational placement during both school years (2010-12) and failure to perform an FBA by August 2010. *See P-39, p. 3; Lennon Test.* Given the determination that DCPS denied a FAPE only with respect to the 2010-11 school year, and Petitioner's withdrawal of the FBA claims, an appropriate adjustment in these hours is necessary.

Accordingly, the Hearing Officer finds that 50 hours of individual academic tutoring and 100 hours of mentoring, counseling, and/or behavioral support services would be sufficient to provide the educational benefits that likely would have accrued from the special education services that the Student missed during this period. The Hearing Officer finds that these services are well suited to remedy the specific harm suffered by the Student and are supported by the record evidence.

VI. ORDER

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

1. Unless the parties agree in writing otherwise, Respondent DCPS shall pay for (a) **50 hours of individual academic tutoring services** and (b) **100 hours of individual mentoring, counseling, and/or behavioral support services** for the Student, to be provided by qualified independent providers of Petitioner's choice, at hourly rates not to exceed the current established market rates in the District of Columbia for such services. All such services shall be completed by **March 15, 2013**.
2. Within **30 days** of this Order (*i.e.*, by **April 14, 2012**), DCPS shall convene a meeting of the Student's MDT/IEP Team to review all updated information concerning the Student's educational needs, including any new information provided by Petitioner and any information from school staff concerning the Student's behaviors. To the extent warranted by any new information, DCPS shall review and revise, as appropriate, the Student's IEP dated December 16, 2011, and discuss and determine an appropriate school placement and/or location of services for the Student.
3. Any delay in meeting any deadline 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 deadline by the number of days attributable to such delay.
4. Petitioner's other requests for relief in her Due Process Complaint filed December 21, 2011, are hereby **DENIED**; and
5. The case shall be **CLOSED**.



Dated: March 15, 2012

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).