

District of Columbia
Office of the State Superintendent of Education
Office of Dispute Resolution
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Parent, on behalf of Student,¹)	
Petitioner,)	
)	Hearing Dates: 7/21/25; 7/22/25; 8/4/25
)	Case No. 2025-0074
)	Hearing Officer: Michael Lazan
District of Columbia Public Schools,)	
Respondent.)	

HEARING OFFICER DETERMINATION

I. Introduction

This case involves an X-year-old student who is currently eligible for services (the “Student”). On April 21, 2025, a due process complaint (“Complaint”) was received by District of Columbia Public Schools (“DCPS” or “Respondent”) and Office of the State Superintendent of Education (“OSSE”), pursuant to the Individuals with Disabilities Education Act (“IDEA”). The Student’s parent (“Petitioner”) filed the Complaint. A resolution meeting was held on May 8, 2025. The matter was not settled. OSSE moved for summary judgment on May 23, 2025. This motion was granted by order, without opposition, on June 5, 2025. On June 10, 2025, DCPS filed a response.

II. Subject Matter Jurisdiction

This due process hearing was held, and a decision in this matter is being rendered, pursuant to the IDEA, 20 U.S.C. 1400 et seq., its implementing regulations, 34 C.F.R.

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

Sect. 300 et seq., Title 38 of the D.C. Code, Subtitle VII, Chapter 25, and the District of Columbia Municipal Regulations, Title 5-A, Chapter 30.

III. Procedural History

OSSE moved to dismiss on April 28, 2025. This motion was withdrawn. OSSE then moved for a sufficiency determination on May 8, 2025. This motion was denied by order on May 20, 2025. OSSE then moved for summary judgment on May 23, 2025. This motion was granted by order, without opposition, on June 5, 2025.

A prehearing conference was held on June 9, 2025. Attorney A, Esq., counsel for Petitioner, appeared. Attorney B, Esq., counsel for Respondent, appeared. A prehearing conference order summarizing the rules to be applied in the hearing and identifying the issues in the case was issued on June 17, 2025.

The hearing was conducted through the Microsoft Teams videoconferencing platform, without objection. Petitioner was again represented by Attorney A, Esq. Respondent was again represented by Attorney B, Esq. This was a closed proceeding. Hearings were held on July 21, 2025, July 22, 2025, and August 4, 2025.

During the proceeding, Petitioner moved into evidence exhibits P-1 through P-39, P-41, P-47 through P-54, P-56, P-63 through P-86, P-91 through P-108, P-112, P-113, P-115, P-117, P-119, and supplemental exhibits P-1S through P-13S. Objections were overruled except with respect to exhibit P-108, for which the objection was sustained. Exhibits P-112 and P-115 were withdrawn. Exhibits P-1 through P-39, P-41, P-47 through P-54, P-56, P-63 through P-86, P-91 through P-107, P-113, P-117, P-119, and supplemental exhibits P-1S through P-13S were admitted. Respondent moved into evidence exhibits R-1, R-2, R-5 through R-8, R-10 through R-14, R-19 through R-27, R-

29 through R-32, R-34, and R-36 through R-38. An objection was sustained with respect to exhibit R-38. Exhibits R-1, R-2, R-5 through R-8, R-10 through R-14, R-19 through R-27, R-29 through R-32, R-34, R-36, and R-37 were admitted.

Petitioner presented as witnesses, in the following order: Witness A, a legal assistant; Petitioner; and Witness B, an educational advocate (expert in special education). DCPS presented as witnesses: Witness C, manager of special education at School D (expert in special education and Individualized Education Program (“IEP”) programming and implementation); Witness D, director of special education at School E (expert in special education programming); Witness E, principal of School E (expert in special education and IEP programming); and Witness F, a DCPS monitoring specialist. After the conclusion of testimony on August 4, 2025, the parties presented oral closing statements.

IV. Issues

As identified in the Prehearing Conference Order and in the Complaint, the issues to be determined in this case are as follows:

1. Did DCPS fail to implement the Student’s IEPs from the start of the 2023-2024 school year to the present? If so, did DCPS deny the Student a Free Appropriate Public Education (“FAPE”)?

Petitioner contended that the Student did not receive his/her full mandate of transportation, speech-language pathology, occupational therapy, and/or behavioral support services. The transportation claim related only to the 2024-2025 school year.

2. Did DCPS fail to timely and comprehensively evaluate the Student during the 2023-2024 school year? If so, did DCPS deny the Student a FAPE?

Petitioner contended that DCPS failed to conduct a timely and comprehensive functional behavioral assessment (“FBA”) of the Student.

3. Did DCPS fail to respond to Petitioner’s request for documents?

4. Did DCPS fail to provide the Student with an appropriate IEP and placement and/or location of services from the start of the 2023-2024 school year? If so, did DCPS deny the Student a FAPE?

V. Findings of Fact

1. The Student is an X-year-old who is eligible for services as a student with Multiple Disabilities. The Student has issues with attention and sensory integration and is very sensitive to peer interactions. Testimony of Petitioner. The Student functions far below grade level in all domains. Testimony of Witness C. The Student could not speak until s/he was six years old. Testimony of Petitioner. The Student was deemed eligible for special education services during his/her pre-kindergarten years. The Student was diagnosed with Pervasive Developmental Disorder and for several years received special education services with a classification of autism spectrum disorder. Following an independent psychological evaluation and subsequent review by DCPS in 2018, the Student’s disability classification was changed from autism to Specific Learning Disability and Other Health Impairment. P-4-1.

2. In 2019, Center A evaluated the Student. The evaluator ruled out autism and diagnosed the Student with a learning disability in reading and mathematics, attention and concentration deficits, and mixed receptive/expressive language disorder. Presenting behaviors and functions were attributed to chronic encephalopathy, a general medical diagnosis. P-4-1.

3. After attending self-contained classes within a DCPS school, the Student attended School A, a non-public school, starting in the 2020-2021 school year. The Student started to read and did especially well with virtual learning during the COVID-19 pandemic. The Student continued at School A for the 2021-2022 school year. Testimony of Petitioner. On January 28, 2022, on testing through the i-Ready measure, the Student scored at the first-grade level overall in math and reading. P-4-10.

4. School A conducted a comprehensive psychological evaluation of the Student in February 2022. The corresponding report, dated February 13, 2022, included an interview with the Student's teacher, who said that the Student had improved academically but required staff support throughout the day, including prompting, reminders, and repeated directions to complete academic tasks. The Student was often unmotivated to initiate tasks. S/he also struggled to let go of (and sought revenge for) past situations. The teacher reported concerns regarding the Student's attention during class. The Student was observed for 30 minutes during an English language arts ("ELA") class on February 1, 2022. The class typically contained two students, but that day the classmate was absent and the Student was alone. The Student spent "earned free time" watching YouTube videos, then had issues with the room temperature. The Student worked on words, and the teacher offered ongoing prompting and some correction and redirection. For the most part, the Student was focused and attentive while s/he worked with the teacher. The evaluator concluded that the Student continued to present behaviors typically aligned with individuals with autism spectrum disorder. P-4.

5. School A conducted a comprehensive speech and language evaluation of the Student in February 2022. The corresponding report, dated March 3, 2022, included

testing on the Woodcock-Johnson IV Tests of Achievement, Form A (“WJ-IV”), which indicated that the Student’s reading was in the very low range in all domains and sub-domains. The evaluator indicated that the Student would benefit from specific writing goals to address appropriate sentence formation and word agreement, as well as a goal to target vocabulary acquisition. Goals were also suggested for reading comprehension, decoding, and reading fluency. A wide range of accommodations were also suggested for the Student. P-5-6.

6. On or about June 8, 2022, School A told Petitioner that the Student was no longer a fit for School A’s facilities. School A indicated that the Student had benefited from the school’s self-contained classroom and frequent 1:1 student-to-staff ratio, but that s/he had to transition to a different site. School A said that this site did not provide the same level of staff support in academic classes, and that the site had a different kind of peer group and more academic rigor. School A indicated that the Student needed a low student-to-staff ratio, social skills training, and behavioral supports. P-94.

7. Petitioner sought a new educational placement at about this time, trying to get the Student into School B, a non-public school. Testimony of Petitioner. On or about June 7, 2022, the Student was accepted at School B. On or about July 5, 2022, DCPS assigned the Student to that school. P-36.

8. The Student attended School B for about two days, and then an incident occurred at the school that traumatized the Student, who subsequently did not want to return to the school. Testimony of Petitioner. Petitioner expressed to DCPS at the time that she wanted the Student in a public school placement. Other non-public schools would likely have accepted the Student at this time. Testimony of Witness F.

9. An amended IEP was written for the Student on September 22, 2022. To synchronize with a public placement, this IEP reduced the Student's services mandate, recommending that s/he receive twenty hours of specialized instruction per week outside general education, with 120 minutes of related services per week (sixty minutes of speech-language pathology, thirty minutes of behavioral support services, and thirty minutes of occupational therapy). R-1.

10. The Student was placed in a Specialized Learning Support ("SLS") program at School C, a DCPS school, in or about November 2022. Testimony of Petitioner. The Student had immediate issues with peers and expressed that s/he was being bullied. Testimony of Petitioner. Still, the Student maintained passing grades and was placed on the honor roll at School C. The Student's IEP progress reports indicated that s/he progressed on all goals, though s/he did not master any goals. P-33.

11. Another IEP was written for the Student on March 3, 2023. This IEP said that the Student could present with difficulty answering questions from comprehension-based academic tasks/passages, demonstrating an understanding of and using higher-level target vocabulary, and formulating complex, grammatically and syntactically correct sentences. The IEP suggested that accommodations in the classroom to promote the Student's language abilities should include repetitions of directions as needed, prompts to expand upon his/her thoughts when answering, reinstruction, and making associations as needed. Low-tech assistive technology was also suggested. The IEP indicated that the Student appeared happy at school and followed school-wide rules without incident, but the IEP also reported that the Student had frustration with peers and might elope when frustrated. This IEP again recommended twenty hours of specialized instruction per

week outside general education, but changed related services to 180 minutes of speech-language pathology per month, 180 minutes of behavioral support per month, and ninety minutes of occupational therapy per month, plus seventy-five minutes of consultation services per month (fifteen minutes for occupational therapy and sixty minutes for behavioral support services). P-14.

12. The Student's IEP progress reports for the final two reporting periods of the 2022-2023 school year said that the Student had progressed on one goal in reading, but had not progressed on one goal in writing and had mixed progress on another goal in writing. Progress was reported on communication/speech and language goals, but no progress was reported on adaptive/daily living skills goals. P-29.

13. The Student continued at School C for the 2023-2024 school year. During the first part of the school year, the Student's behavioral issues escalated. Testimony of Petitioner. A safety plan was written for the Student in September 2023, but the plan did not produce the desired results. P-47; Testimony of Petitioner. The Student completed a Strengths and Difficulties Questionnaire ("SDQ") in October 2023. The SDQ is designed to identify emotional or behavioral concerns. The Student's scores indicated strengths in the following areas: low scores for conduct problems and hyperactivity/inattention, and a high score for prosocial behavior. P-15-17.

14. An IEP was written for the Student on December 23, 2023. This IEP said that the Student had expressive and receptive language deficits, including with respect to vocabulary words and comprehension. The IEP said that the Student required low-tech assistive technology (visual class schedules and directions) for optimal comprehension in the academic instructional setting, that pictorial aids were recommended for transitions,

and that the Student needed predictability and access to speech-to-text and text-to-speech software. The IEP stated that the Student had a diagnosis of sensory integration disorder and “specific sensitivities about [his/her] body” that could significantly disrupt his/her concentration. The IEP said that the Student also had tactile defensiveness, which made him/her sensitive to touch, and that s/he did not like to be touched anywhere on the body. The IEP also stated that the Student’s behavior did not significantly impact his/her work in the classroom. The IEP contained goals in reading; math; communication/speech and language; motor skills/physical development; and emotional, social, and behavioral development. The IEP said that the Student appeared to desire good relationships with school staff, that his/her behavior in school was generally quite good, and that s/he demonstrated negative behaviors only in context. This IEP set the Student’s speech-language pathology services to three hours (180 minutes) per month, occupational therapy to one hour (sixty minutes) per month, and behavioral support to ninety minutes per month. The IEP also continued to recommend twenty hours of specialized instruction per week outside general education. P-15.

15. The December 2023 IEP provided for a wide range of other classroom aids and services, including visual schedules, checklists with picture support regarding assignment expectations, front-row seating, flexible seating choices, reduced distractions, a quiet corner/space in the room, modified assignments, and related interventions. The IEP stated that all staff implementing the IEP and speaking/interacting with the Student should use appropriate tone and positive reinforcement, and that the Student’s sensory integration disorder should be accommodated. P-15.

16. In or about March 2024, a behavioral incident occurred that involved the Student. Another student and that student's friends called the Student names, used profanity with racial overtones, threatened him/her, and punched him/her in the head. The Student's glasses fell to the floor and (possibly) a student picked them up and placed them on their face. P-72-2.

17. The Student was afraid to name the children who hit him/her and stated that s/he was encouraged not to talk about the incident by a member of the school staff. At this time, the Student was afraid and had a difficult time sleeping. Testimony of Petitioner. On or about April 12, 2024, a social worker updated the Student's safety plan. P-48. The Student's IEP progress report for the third term of the 2023-2024 school year indicated progress on one of three math goals, one of two writing goals, and two of three reading goals, with the other reading goal being mastered. R-15.

18. The Student's issues in school continued. An incident involving another student looking at the Student in a bathroom stall greatly disturbed the Student, who was continuing to have difficulties with basic functioning at home. Petitioner continued to reach out to DCPS staff for assistance and was not satisfied with the lack of response. By this time, Petitioner was seeking a non-public school for the Student. The Student received "A," "B," and "C" grades during this time, though his/her attendance had suffered; s/he had missed forty periods of math and fifty-seven periods of English. The Student's absences increased as the school year went along. Staff members disturbed the Student by saying things to trigger him/her and touching him/her. P-21; P-97; Testimony of Petitioner. Other students would write derogatory words in the Student's notebook

and s/he had some “encounters” with another student. School staff felt that the Student would perceive any school directive as a form of bullying. Testimony of Witness E.

19. The IEP progress report for the fourth reporting period of the 2023-2024 school year indicated that the Student had mastered three reading goals and one goal relating to using coping strategies, and was progressing on most of the other goals. R-15. The Student’s final report card, however, contains several “F” final grades due to his/her poor attendance. The Student also received a “B+” final grade in science and an “B” final grade in English. R-24.

20. For the 2024-2025 school year, the Student moved to School D, a DCPS public school. The Student’s IEP was amended on September 20, 2024, to add supplemental aids and services. However, School D was not able to implement this IEP. Petitioner and the school indicated that they would try the program anyway, and the Student was placed in general education classes. The Student started fairly well, though s/he had issues adjusting to the new setting and felt threatened by other students. Eventually, the Student did not want to go to School D, feeling overwhelmed. The Student had attendance issues, problems sleeping, and was not eating well. The Student’s IEP progress report for the first reporting period of this school year indicated progress on one math goal and one reading goal, but indicated that absences were making it difficult for the Student to learn. P-34; Testimony of Petitioner; Testimony of Witness C.

21. A private neuropsychological evaluation of the Student was conducted in November 2024. The Student’s full-scale IQ was measured at 74. Academic testing found that the Student was in the extremely low range in reading and writing, and in the moderately low range in math. The psychologist found that the Student demonstrated a

variable neuropsychological profile, with the greatest challenges being difficulties with maintaining attention and concentration, executive functioning, and language processing. The evaluator also concluded that the Student presented with a general nervousness that often manifested through avoidance, negative thoughts about the world, feeling cut off from others, and/or insomnia. These issues had a broad adverse effect on the Student's functioning. The evaluator concluded that, based on the evaluation results, the Student required a therapeutic setting and the use of alternative learning strategies with supplemental behavioral support. P-7.

22. On or about December 13, 2024, a new IEP was written for the Student. This IEP had no significant changes, except that speech-language pathology services were reduced to two hours (120 minutes) per month because of a staff shortage. The IEP said that the Student had not been able to attend school for the previous month due to anxiety and issues stemming from depression, and indicated that the Student's behavior impacted his/her academic performance and/or the performance of others. Other classroom aids and services in the IEP included providing a safe space when the Student felt overwhelmed or anxious, implementing a check-in system with a designated staff member to discuss the Student's emotional well-being regularly, using visual schedules and reminders to help the Student stay organized and focused on tasks, using modified group work assignments, and related interventions. P-16.

23. On December 16, 2024, DCPS decided to transfer the Student to School E. R-29. No transportation was requested by Petitioner. Testimony of Witness C. Petitioner opposed the placement. Testimony of Petitioner. A transition meeting was held at the start of the 2025 calendar year. Petitioner was concerned about the

challenging behaviors of the other children in the proposed SLS classroom, which included one teacher and an aide with nine children. Testimony of Witness D.

24. The Student started attending School E in about February 2025. An issue with transportation occurred because no bus was required by the IEP, which was still aligned with the Student's placement at School D. DCPS then amended the IEP so that the bus services could proceed. Testimony of Witness D; R-5. The transportation issue was resolved by March 11, 2025. Testimony of Petitioner.

25. On or about April 2, 2025, Petitioner requested a full battery of testing for the Student and sought to get him/her back into a non-public school setting. The Student complained about School E to Petitioner and talked of suicide. Testimony of Petitioner.

26. The parties held an Analysis of Existing Data ("AED") meeting in April 2025. A new safety plan was initiated on April 29, 2024, which addressed the Student's peer interactions and use of private bathrooms, prohibited any communication with a certain staff member, and provided the Student with two designated adults to speak to when concerns arose during the school day. Testimony of Witness B; P-49.

27. On May 19, 2025, DCPS issued a speech and language evaluation of the Student. The evaluation included an interview with the Student's teacher, who said that the Student was quiet, frequently absent, and at times slept in class. The teacher indicated that she provided the Student with accommodations in class, including redirection, 1:1 assistance, check-ins, a peer buddy, and scaffolded assignments, but that despite these accommodations, the Student had only achieved writing his/her name on his/her paper. The Student had not been observed to initiate interactions with peers or teachers and did not participate in class or small-group discussions. Due to "severely

decreased” attendance and lack of participation in class, it was difficult to determine the Student’s present levels of performance and ability. The evaluation included an observation, during which the Student was observed to stare straight ahead and not look at the worksheet on the desk in front of him/her. A clinician asked if the Student wanted to leave the classroom, to which s/he answered “yes.” Overall, the Student demonstrated oral language scores that, when compared to age-matched peers, ranged from below average to the deficient range. The Student’s receptive vocabulary was found to be in the average range, while his/her expressive vocabulary was in the below-average range. P-8.

28. A psychological evaluation of the Student was conducted in May-June 2025. The ensuing report, dated May 2, 2025, indicated that the Student’s academic achievement scores were similar to his/her scores in an independent evaluation from October 2024. S/he scored in the very low range on reading, math, and written expression. The scores were equivalent to a student in kindergarten to first grade, with a few outlying areas at the third-grade level. Concerns were noted with respect to the Student’s executive thinking, behavior, and social functioning. The evaluator said that the Student’s combined difficulties with attention/executive functioning, language, and emotional functioning negatively impacted his/her ability to function effectively across home and school settings to a greater degree than any of the disorders alone, which placed him/her at considerable risk for continued difficulties in academic achievement and development of independence. The evaluator noted that the Student’s performance was consistent with a learning disability in reading. The evaluator wrote that the Student continued to require appropriate therapeutic and educational interventions and the use of alternative learning strategies with supplemental behavioral support. The evaluator said

that an SLS classroom could address the Student's reading deficits. The evaluator also said that the Student continued to have a diagnosis of encephalopathy and "attention concentration deficit," both of which caused him/her to have issues with school. P-10.

29. An occupational therapy evaluation of the Student was conducted in May 2025. The ensuing report, dated May 27, 2025, indicated that the Student presented with several strengths, had improved when compared to the similar assessment in 2022, continued to produce legible handwriting, and continued to show some deficits with visual perception. P-9.

30. At a meeting between the parties on or about June 2, 2025, Petitioner sought a non-public placement, but DCPS insisted that the Student's IEP was appropriate and that School E could implement that IEP. Petitioner wrote a letter of dissent on June 9, 2025. P-105. During an eligibility meeting for the Student in June 2025, it became clear that School E would be the Student's placement during the 2025-2026 school year. Testimony of Petitioner.

VI. Conclusions of Law

The burden of proof in special education litigation in the District of Columbia is defined as follows: "Where there is a dispute about the appropriateness of the child's individual educational program or placement, the public agency shall hold the burden of persuasion on the appropriateness of the existing or proposed program or placement," provided that the party requesting the due process hearing establishes a *prima facie* case. D.C. Code Sect. 38-2571.03(6)(A)(i). Issue #1, Issue #2, and Issue #3 do not directly relate to the appropriateness of the Student's program or placement. As a result, for those issues, the burden of persuasion is on Petitioner. Schaffer v. Weast, 546 U.S. 49 (2005).

On Issue #4, relating to the appropriateness of the proposed program for Student, the burden of persuasion is on DCPS if Petitioner presents a *prima facie* case.

1. Did DCPS fail to implement the Student's IEPs from the start of the 2023-2024 school year to present? If so, did DCPS deny the Student a FAPE?

Petitioner contended that the Student did not receive his/her full mandate of transportation, speech-language pathology, occupational therapy, and/or behavioral support services. The transportation claim related only to the 2024-2025 school year.

The IDEA is violated when a school district materially deviates from a student's IEP. Wilson v. District of Columbia, 770 F. Supp. 2d 270, 275 (D.D.C.2011). A material failure occurs when there is a "more than a minor" discrepancy between services a school provides to a disabled child and services required by the child's IEP. Van Duyn ex rel. Van Duyn v. Baker Sch. Dist. 5J, 502 F.3d 811, 822 (9th Cir.2007). "(T)he materiality standard does not require that the child suffer demonstrable education harm in order to prevail." Wilson, 770 F. Supp. 2d at 275 (quoting Van Duyn, 502 F.3d at 822). Rather, "it is the proportion of services mandated to those provided that is the crucial measure for purposes of determining whether there has been a material failure to implement." Turner v. District of Columbia, 952 F. Supp. 2d 31, 41 (D.D.C. 2013) (citing Wilson, 770 F. Supp. 2d at 775).

Courts in this jurisdiction have deemed deviations to be material where there is an approximately 20% shortfall in service delivery. In Middleton v. District of Columbia, 312 F. Supp. 3d 113, 145 (D.D.C. 2018), the parent argued that either 40% or 20% of the student's instruction was not performed in conformity with the student's IEP. The court ruled that such a deviation is not *de minimis* and determined that the student was denied a

FAPE because of the 20% shortfall. See also Wade v. District of Columbia, 322 F. Supp. 3d 123, 133 (D.D.C. 2018) (hearing officer reversed after ruling that “a little more than one-fourth” of the student’s specialized instruction was not a material deprivation).

March 2023 IEP at School C

During the 2023-2024 school year, through the December 23, 2023, IEP, the Student’s related services mandates were as follows: speech-language pathology, 180 minutes per month; behavioral support services, 180 minutes per month; and occupational therapy, ninety minutes per month. The school district should not be faulted for making good-faith efforts to provide the required services. Robles v. District of Columbia, No. 1:21-CV-02568 (CJN), 2022 WL 3700947, at *12 (D.D.C. Aug. 26, 2022). Accordingly, DCPS will receive credit for services that were offered but not delivered to the Student because of the Student’s absence.

According to a calculation of speech-language pathology services, based on exhibit R-30 (excluding the first days of school at the end of August 2023), the Student received or was offered less than the monthly mandate in September 2023 (120-minute shortfall) and October 2023 (forty-five-minute shortfall). However, the Student received or was offered more than the monthly mandate in November 2023 (thirty-minute surplus) and December 2023 (thirty-minute surplus). Overall then, during the subject four-month period, the Student received or was offered all but 105 minutes of the total mandate of 720 minutes of speech-language services, or more than 85% of services. This Hearing Officer finds that this shortfall in speech-language pathology services did not deny the Student a FAPE.

According to a calculation of behavioral support services, the Student received or was offered less than the monthly mandate in November 2023 (twenty-minute shortfall) and December 2023 (120-minute shortfall). Overall then, during the subject four-month period, the Student received or was offered all but 140 minutes of the total mandate of 720 minutes of behavioral support services, or more than 80% of services. Applying the same principles established in the preceding analysis, this Hearing Officer finds that this shortfall did not deny the Student a FAPE.

With respect to occupational therapy services during the subject four-month period, the mandate of ninety minutes per month was met only once, in October 2023. No services were provided or offered in November 2023 or December 2023, and there was a sixty-minute shortfall in September 2023. This Hearing Officer therefore finds that the Student was denied a FAPE when s/he was not provided regular occupational therapy services during the first part of the 2023-2024 school year.

December 2023 IEP at School C

The December 2023 IEP did not change the Student's mandate of 180 minutes per month of speech-language pathology services, but it did change the other related services mandates to ninety minutes per month for behavioral support and sixty minutes per month for occupational therapy.

According to a calculation of speech-language pathology services, the Student missed 135 minutes in January 2024 but received or was offered at least the mandate of 180 minutes every month thereafter through May 2024. In fact, the Student received or was offered more than the mandate in February 2024 (by five minutes), March 2024 (by fifteen minutes), and April 2024 (by thirty minutes). The Student did not receive speech-

language services in June 2024 (the last month of the school year, which is ordinarily truncated in District of Columbia schools), but it is fair to assume that the Student was due half of the service mandate for that month (equating to 90 minutes). Overall, then, during the subject six-month period, the Student received or was offered all but 175 minutes of the total mandate of 990 minutes of speech-language services, or over 80% of services. Applying the same principles established in the previous analysis, this Hearing Officer finds that this shortfall did not deny the Student a FAPE under the applicable law.

According to a calculation of behavioral support services, the Student missed fifteen minutes in February 2024 and sixty minutes in May 2024, but received or was offered more than the monthly mandate in January 2024 (by forty-five minutes) and March 2024 (by ten minutes). The Student did not receive behavioral support services in June 2024, but again, overall, during the subject six-month period, DCPS offered the Student more than 80% of the mandated services and did not deny the Student a FAPE.

With respect to occupational therapy, DCPS did not deliver any services to the Student between January 2024 and June 2024, denying the Student a FAPE.

December 2023 IEP at School D

The December 2023 related services mandates extended through the first part of the 2024-2025 school year (until December 2024, the date of the next full IEP revision). During the first part of the 2024-2025 school year, the Student was not offered his/her full mandate of speech-language pathology services in October 2024 (sixty-minute shortfall), November 2024 (thirty-minute shortfall), and December 2024 (120-minute shortfall). Overall, then, during the subject four-month period (excluding the first days of school at the end of August 2024), the Student was offered only about 70% of the total

mandate of 720 minutes of speech-language services. Applying the same principles established in the previous analyses, this failure to provide at least 80% of the mandated speech-language pathology services denied the Student a FAPE.

During this same four-month period, the Student received or was offered the entire mandate of occupational therapy services. The Student also received or was offered at least the monthly mandate for behavioral support services in September 2024, November 2024, and December 2024 (when the Student received or was offered 30 minutes more than the mandate). While the Student did not receive any behavioral support services in October 2024, the overall shortfall did not deny the Student a FAPE, according to the same principles established in the previous analyses.

December 2024 IEP at School D and School E

The December 2024 IEP changed the Student's speech-language pathology mandate to 120 minutes per month but left the occupational therapy and behavioral support services mandates as they were in the previous IEP.

DCPS provided or offered the Student the full mandate of speech-language pathology, or more, every month during the second part of the 2024-2025 school year, except in February 2025, when the Student had a shortfall of ninety minutes. However, the Student received surpluses of eighty minutes of services in March 2025 and 120 minutes of services in April 2025. The delivery of speech-language pathology services during this six-month period therefore does not constitute FAPE denial under the IDEA.

With respect to behavioral support services, the Student neither received nor was offered services in January 2025, February 2025, and June 2025. Though the Student did receive or was offered fifteen minutes more than the mandate in April 2025 and sixty minutes

more than the mandate in March 2025, overall the Student missed more than 20% of the mandated services during this six-month period, which denied the Student a FAPE.

With respect to occupational therapy services, DCPS met or exceeded the Student's mandate for this entire six-month period.

Finally, with respect to transportation, it is true that DCPS did not provide the Student with transportation for the first weeks that the Student attended School E, during the last week of February 2025 and the first week of March 2025. However, the record indicates that this was because the Student's IEP did not provide for transportation. DCPS quickly amended the IEP and provided transportation services starting on March 11, 2025. Even if bus services were required the whole time the Student was at School E, this kind of minor transportation failure does not rise to the level FAPE denial.

Accordingly, this Hearing Officer finds that DCPS denied the Student a FAPE by failing to provide the Student with enough occupational therapy during the first part of the 2023-2024 school year, enough speech-language pathology during the second part of the 2023-2024 school year, and enough behavioral support services during the second part of the 2024-2025 school year.

2. Did DCPS fail to timely and comprehensively evaluate the Student during the 2023-2024 school year? If so, did DCPS deny the Student a FAPE?

Petitioner contended that DCPS failed to conduct a timely and comprehensive FBA of the Student.

Pursuant to 34 CFR 300.303(a), a public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with 34 CFR Sect. 300.304 through 34 CFR 300.311, if the public agency determines that the child's educational or

related service needs, including improved academic achievement and functional performance, warrant a reevaluation, or if the child's parent or teacher requests a reevaluation. For both initial evaluations and reevaluations of students with disabilities, the IDEA requires that evaluators (1) use "a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent"; (2) use multiple measures and assessments; (3) use "technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors"; (4) "[r]eview existing evaluation data on the child," including information from parents, classroom or state assessments of the child, and teacher observations; and (5) identify whether and what additional data needs to be obtained and reviewed. 34 CFR 300.304 and 300.305.

While the IDEA does not literally require an FBA or a Behavior Intervention Plan ("BIP") in this kind of non-disciplinary fact pattern, District of Columbia courts have held that it is "essential" for the local education agency ("LEA") to address behavioral issues. Long v. District of Columbia, 780 F. Supp. 2d 49 (D.D.C. 2008) (in ruling that DCPS failed to provide an FBA/BIP for a student, the court stated that "the quality of a student's education is inextricably linked to the student's behavior"). The school district is required to "consider the use of positive behavioral supports and other strategies" if the student's behavior impedes the student's learning. 20 USC 1414(d)(3)(B)(i); 34 CFR 300.324(a)(2)(i). Moreover, according to the U.S. Department of Education's Office of Special Education and Rehabilitative Services ("OSERS"), if the FBA focuses on the educational and behavioral needs of a specific child, the FBA qualifies as an evaluation

or reevaluation under Part B and triggers all of the accompanying procedural safeguards, including the need to seek parental consent. OSERS has stated that schools are expected to have properly trained professionals available to conduct FBAs and to formulate and provide positive behavioral interventions and supports, though OSERS is reconsidering its position that an FBA is an evaluation under the IDEA. Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions, 81 IDELR 138 (OSERS 2022).

On this issue, Witness B testified for Petitioner that the Student needed an FBA because s/he was being bullied in school. However, an FBA is typically designed to help understand the “function” of the subject child’s errant behavior. In a case like this, where a student is allegedly being bullied, an FBA is not ordinarily indicated, since the subject child is (allegedly) a victim, not a bad actor. Indeed, this Hearing Officer does not find any authority to support the proposition that an alleged bullying victim, like the Student, should be assessed through an FBA to resolve the bullying concerns.

It was also telling that when Witness B was asked during cross-examination about the problematic behavior that an FBA was supposed to target, she responded, “I cannot answer this question.”

This Hearing Officer finds that Petitioner did not meet the burden of persuasion on this issue, and this claim should be dismissed.

3. Did DCPS fail to respond to Petitioner’s request for documents?

The IDEA regulations provide: “(t)he parent of a child with a disability must be afforded, in accordance with the procedures of Sects. 300.613 through 300.621, an opportunity to ‘examine’ or ‘inspect and review’ all education records with respect to the

identification, evaluation, and educational placement of the child and the provision of FAPE to the child.” 34 CFR 300.501(a); see 5-A DCMR 2600.1. The term “education records” means the type of records covered under the definition of “education records” in 34 CFR Part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974). 34 CFR 300.611-300.625.

Additionally, pursuant to the Office of Dispute Resolution Standard Operating Procedures, parents have the right to examine all records maintained by the school. Section 410 states: “the parents of a child with a disability must be afforded an opportunity to inspect and review all educational records with respect to: (1) the identification, evaluation, and educational placement of the child” and “(2) the provision of FAPE to the child.” Where, as here, a parent requests such educational records, “[the school district] must comply...without unnecessary delay and before...any [due process] hearing,’ and a failure to do so ‘is a procedural violation of the IDEA.’” Malloy v. District of Columbia, No. 20-cv-3219, 2022 WL 971208, at *5 (D.D.C. Mar. 30, 2022).

Petitioner sent at least three records requests in this case: first on February 10, 2025, to School D; then on February 24, 2025, to School C; and then on March 3, 2025, to School E. There is no dispute that some of those records have not been produced. Petitioner pointed to the failure of DCPS to provide her with IEP progress reports for the 2023-2024 school year; attendance records for the 2023-2024 and 2024-2025 school years; incident reports, behavior and discipline logs, and reports about standardized assessments for the 2023-2024 and 2024-2025 school years; and service trackers. Petitioner presented Witness A in support of this claim, who testified about her repeated attempts to get access to this information.

Since DCPS should be totally responsive to Petitioner's records requests for her own child, this Hearing Officer will order that DCPS produce all of the Student's educational records for the last three years, pursuant to the authority granted under 34 CFR 300.513(a)(3). However, for claims relating to a failure to provide educational records, a hearing officer may find that a child was denied a FAPE only if the procedural inadequacies (i) impeded the child's right to a FAPE; (ii) significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE to the parent's child; or (iii) caused a deprivation of educational benefit. 34 CFR 300.513(a)(2).

Petitioner suggested that her right to a due process hearing has been impeded by DCPS's failure to produce the Student's school records. However, Petitioner did not clearly explain how her right to a hearing has been limited by the incomplete production of documents in this case, where this Hearing Officer was presented with over 1,000 pages of documents by Petitioner in support of her case, including the Student's evaluations, IEPs, and report cards from 2023-2024 and 2024-2025.

Moreover, Petitioner is now in possession of all the subject IEP progress reports and related services trackers. Petitioner could have tried to explain how her inability to receive these documents earlier in the year prevented her from raising causes of action in the Complaint, but Petitioner did not do so. In cases involving claims based on document requests, parents cannot establish FAPE denial by painting in the "broadest of strokes," asserting that the evidence would have provided the basis for a claim. Simms v. District of Columbia, No. 17-CV-970 (JDB/GMH), 2018 WL 4761625, at *23 (D.D.C. July 26, 2018), report and recommendation adopted, No. CV 17-970 (JDB)(GMH), 2018 WL

5044245 (D.D.C. Sept. 28, 2018); compare Amanda J. v. Clark Cty Sch. Dist., 267 F.3d 877, 894 (9th Cir. 2001) (missing records revealed the student was autistic).

Accordingly, DCPS's failure to provide all the requested documents to Petitioner is a procedural violation that does not rise to the level of FAPE denial.

4. Did DCPS fail to provide the Student with an appropriate IEP and placement and/or location of services from the start of the 2023-2024 school year? If so, did DCPS deny the Student a FAPE?

The IEP is the “centerpiece” of IDEA. Honig v. Doe, 484 U.S. 305, 311 (1988). In Endrew F. v. Douglas County School District, 580 U.S. 386 (2017), the Court held that an IEP must be reasonably calculated “in light of the child’s circumstances.” Id. at 399. The Court also held that parents can fairly expect school authorities to offer a “cogent and responsive explanation” for their decisions, and that its ruling “should not be mistaken for an invitation to the courts to substitute their own notions of sound educational policy for those of school authorities, to whose expertise and professional judgment deference should be paid.” Id. at 404. However, the “educational program must be appropriately ambitious in light of...circumstances, just as advancement from grade to grade is appropriately ambitious for most children in the regular classroom. The goals may differ, but every child should have the chance to meet challenging objectives.” Id. at 402. The District of Columbia Circuit Court of Appeals has accordingly found that Endrew F. raised the bar on what counts as adequate education under the IDEA. Z. B. v. District of Columbia., 888 F.3d 515, 517 (D.C. Cir. 2018).

December 20, 2023, IEP/Placement at School C

Petitioner contended that the Student’s December 20, 2023, IEP was inappropriate because it: (1) did not provide sufficient behavioral intervention or a BIP; (2) provided

insufficient behavioral support services and/or inappropriate social emotional and behavioral goals; (3) did not provide appropriate academic goals in reading or math; (4) removed the Student's consultation services relating to occupational therapy and behavioral support; and (5) did not provide sufficient specialized instruction hours.

The testimony and evidence in this case indicates that the Student did not regularly misbehave in class during the 2023-2024 school year. In fact, the Student's behavior in the classroom was, according to the December 2023 IEP, quite good. This IEP reported that the Student required support when confronted with negative behaviors from others, but was not initiating misbehavior him/herself. Corroborating this statement was the SDQ from October 2023, which scored the Student low for conduct problems, low for hyperactivity/inattention, and high for prosocial behavior. While the Student was the target of bullies during the 2023-2024 and 2024-2025 school years, Witness B's testimony to the effect that a BIP could have helped the situation was not persuasive. Nor did Witness B clearly explain how this IEP's ninety-minute reduction of behavioral support services and elimination of consultation services (fifteen minutes per month for occupational therapy and sixty minutes per month for behavioral support) would have had any impact on the Student's performance during the 2023-2024 school year.

Witness B also commented on the goals of this IEP, suggesting that the reading and math goals "appeared to be somewhat misaligned" with the Student's actual needs. Witness B said that the Student had issues with math goals involving word problems, but she did not explain exactly why the Student would have issues with such word problems, except to point out that the Student read well below grade level. However, the goal did not set a reading level for the word problems. Witness B also suggested that the goals did

not focus enough on multiplication and division, but both the fraction goal and the word problem goal did specifically relate to multiplication and division.

Witness B also said that the IEP's reading goals (which related to understanding informational text and decoding compound words) should have focused more on building vocabulary and developing tools to use context clues. Certainly, the Student needed to work on many areas in reading, including vocabulary, since, according to the most recent DCPS psychological evaluation, the Student scored in the very low range on reading, math, and written expression, equivalent to a student in kindergarten to first grade, with a few outlying areas at the third-grade level. But the record also makes clear that the Student has additional significant deficits in reading comprehension and decoding. A school district is entitled to some discretion in writing IEP goals, which cannot encompass every single sub-area of deficit that a given student might have. Accordingly, this Hearing Officer finds Petitioner's claims concerning IEP goals to be without merit.

Finally, this Hearing Officer was not convinced, based on this record, that the Student's specialized instruction hours or the setting at School C were inappropriate for the 2023-2024 school year. The record suggests that Petitioner specifically requested that the Student attend a public-school program with a self-contained special education class, and that is what the Student was offered when DCPS offered twenty hours of specialized instruction per week for the 2022-2023 school year. The Student did reasonably well in the SLS program at School C during the 2022-2023 school year; by the end of that year, the Student was progressing on every one of his/her goals. Additionally, there was no rebuttal of the contention in the March 2023 IEP that the Student appeared happy at school and followed school-wide rules without incident. Moreover, the Student's report

card for the first reporting period of the 2023-2024 school year indicated that s/he received “A” or “A-” grades in three subjects, including math, a “B” grade in English, and a “C” grade in reading. When the IEP team met in December 2023, it had sufficient evidence to conclude that the Student should continue in the SLS classroom at School C. This Hearing Officer therefore finds that DCPS offered the Student a FAPE through its December 2023 IEP throughout the 2023-2024 school year.

2024-2025 School Year at School D

For the 2024-2025 school year, the Student transferred to School D. However, this transfer was immediately problematic because School D could not implement the Student’s IEP, which called for self-contained special education classes. Petitioner and the school district decided to try the program anyway, but the Student had issues adjusting to the new setting and felt threatened by other students. Eventually, the Student did not want to go to school, feeling overwhelmed to the point where s/he had issues with sleeping and eating. Further, DCPS’s witnesses did not affirmatively testify that School D was appropriate for the Student for the 2024-2025 school year. The Student was therefore denied a FAPE during his/her time at School D, which lasted until mid-February 2025.

December 2024 IEP at School D and School E

Petitioner contended that the December 2024 IEP was inappropriate because the IEP: (1) did not provide sufficient behavioral intervention (no BIP) and/or sufficient behavioral support services; (2) did not provide appropriate academic goals in reading or math; (3) did not provide sufficient specialized instruction hours; and (4) reduced the Student’s direct related service minutes for speech-language pathology.

Staff at School D, which was inappropriate for the Student, wrote a new IEP for the Student on December 13, 2024. But the IEP team did not do much to change this IEP, notwithstanding the Student's recent issues in school. In particular, there was no change to DCPS's judgment that the Student should again be placed in an SLS classroom with twenty hours of specialized instruction per week.

However, by this time, the Student had changed. This Hearing Officer credits the testimony of Petitioner that the Student was so traumatized by his/her experiences over the previous year that s/he simply refused to go to school. Petitioner's testimony was corroborated by Center A's neuropsychological evaluation of the Student in November 2024. The independent evaluator at Center A said that the Student presented with a general nervousness that often manifested with avoidance, negative thoughts about the world, feeling cut off from others, and/or insomnia, which had a broad adverse effect on the Student's functioning. The evaluator concluded that, based on the evaluation results, the Student required appropriate therapeutic and educational interventions and the use of alternative learning strategies with supplemental behavioral support. A more secure and therapeutic setting, such as a full-time special education school, was clearly necessary to get the Student to actually go to school.

But the December 2024 IEP did not provide the Student with any such therapeutic setting, as the neuropsychologist suggested. Nor did the IEP provide for any kind of new strategy to help the Student get to the school, even though school districts have a duty to address student attendance issues when, as here, the issues are related to a disability.

Middleton v. District of Columbia, 312 F. Supp. 3d 113, 146 (D.D.C. 2018); Garris v. District of Columbia, 210 F. Supp. 3d 187, 191–92 (D.D.C. 2016); Presely v. Friendship

Pub. Charter Sch., No. 12-0131, 2013 WL 589181, *8–9 (D.D.C. Feb. 7, 2013); M.M. v. New York City Dep’t of Educ., 26 F. Supp. 3d 249, 256 (S.D.N.Y. 2014) (the “government must find ways to open the school house doors, by helping children who suffer from emotional problems to attend school”).

As a result, the Student’s attendance at school was very poor for the rest of the 2024-2025 school year. And when the Student did attend, s/he made very little progress. According to the Student’s teacher at School E, the Student was quiet, frequently absent, and at times slept in class. The teacher indicated that she provided the Student with accommodations in class, including redirection, 1:1 assistance, check-ins, a peer buddy, and scaffolded assignments. But despite these accommodations, the Student had only achieved writing his/her name on his/her paper. The Student was not observed to initiate interactions with peers or teachers and did not participate in class or small-group discussions. Also, due to the Student’s “severely decreased” attendance and lack of participation in class, it had been difficult to determine his/her present levels of performance and ability. An observation confirmed these conclusions. During the classroom observation, the Student was observed to stare straight ahead, not looking at a worksheet on the desk in front of him/her. A clinician asked the Student if s/he wanted to leave the classroom, to which s/he answered “yes.”

Indeed, the Student did not make any progress on any IEP goals in the second, third, or fourth reporting periods of the 2024-2025 school year. And the most recent DCPS psychological evaluation indicated that the Student was reading at a kindergarten to first-grade level, lower than several years ago.

It is noted that schools have an obligation to ensure that a student with a disability who is the target of bullying behavior continues to receive a FAPE. The school should, as part of its appropriate response to the bullying, convene the IEP team to determine whether, as a result of the effects of the bullying, the student's needs have changed such that the IEP is no longer designed to provide a FAPE. Dear Colleague Letter, 61 IDELR 263 (OSERS/OSEP 2013). The bully's motivation is irrelevant in terms of the victim's right to FAPE under the IDEA. Whether or not the bullying is related to the student's disability, any bullying of a student with a disability that results in the student not receiving meaningful educational benefit constitutes a denial of FAPE under the IDEA, which must be remedied. Dear Colleague Letter: Responding to Bullying of Students with Disabilities, 64 IDELR 115 (OCR 2014). This Hearing Officer agrees that the Student was not provided with a FAPE through the placements at School D and School E, and the IEP dated December 2024.²

RELIEF

When a student is denied a FAPE, the statute directs the Court to "grant such relief as [it] determines is appropriate." School Committee of the Town of Burlington v. Dep't of Education, Massachusetts, 471 U.S. 359, 371 (1985). The Supreme Court has

² As for the other contentions relative to the December 2024 IEP, this Hearing Officer agrees with Petitioner that the Student's speech-language services were improperly reduced, given the testimony from School D to the effect that these services were reduced only because the school's speech and language pathologist could not service all the students in her caseload. However, this Hearing Officer is not convinced that the IEP's reading and math goals were deficient. (Witness B's objections to these goals were the same as the objections to the goals in the December 2023 IEP.) This Hearing Officer is also not convinced that the addition of a BIP or more behavioral support services would have had any practical effect on the Student's issues with the SLS classrooms.

indicated that due process decision-makers have as much discretion as that of courts in IDEA cases. Forest Grove Sch. Dist. v. T.A., 557 U.S. 230, 243 n.11 (2009).

Petitioner seeks compensatory education. 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 516, 521-23 (D.C. Cir. 2005). The 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. Id., 401F.3d at 524. A parent need not “have a perfect case” to be entitled to a compensatory education award. Stanton v. District of Columbia, 680 F. Supp. 201 (D.D.C. 2011).

This Hearing Officer has found that the Student was denied a FAPE during the 2023-2024 school year due to DSCPS’s failure to implement the Student’s IEP with respect to occupational therapy, and that the Student was denied a FAPE during the 2024-2025 school year due to DSCPS’s failure to implement the Student’s speech-language pathology and behavioral support services mandates. This Hearing Officer has also found that DCPS denied the Student a FAPE for the entire 2024-2025 school year by providing the Student with an inappropriate IEP in December 2024 and inappropriate placements at School D and School E.

As compensatory education, Petitioner seeks sixty hours of speech-language pathology, fifty-five hours of behavioral support services, and twenty-five hours of occupational therapy. In support, Petitioner submitted Witness B’s testimony and compensatory education plan, which ties the compensatory education award to the FAPE denial. Given the extent of FAPE deprivation, throughout the 2023-2024 and 2024-2025

school years, Petitioner's compensatory education request seems modest, and this Hearing Officer will order the requested compensatory education by a certified provider at a reasonable and customary rate.

Petitioner also seeks placement of the Student at a non-public school. In Branham v. District of Columbia, 427 F.3d 7 (D.C. Cir. 2005), the circuit court laid forth rules for determining when it is appropriate for independent hearing officers to order funding of non-public placements. First, the court indicated that "(i)f no suitable public school is available, the [school system] must pay the costs of sending the child to an appropriate private school." Id. at 9 (citing Jenkins v. Squillacote, 935 F.2d 303, 305 (D.C. Cir. 1991)). The circuit then explained that such relief "must be tailored" to meet a student's "unique needs." Id. at 11-12 (citing to Carter, 510 U.S. at 16). To inform this individualized assessment, courts must consider "all relevant factors," including the nature and severity of the student's disability, the student's specialized educational needs, the link between those needs and the services offered by the private school, the placement's cost, and the extent to which the placement represents the least restrictive educational environment. Id. at 12.

While of course not all non-public schools are appropriate for this Student, and while it is possible that a public school could be appropriate for the Student, this Hearing Officer agrees with Petitioner that this Student needs a more restrictive environment; namely, a full-time special education setting with special educators and special education students in each classroom. This setting should provide the Student with a safe, supportive, therapeutic environment with licensed professionals who are trained to work with students who have been bullied. The record suggests that such schools may have

“ongoing openings.” Accordingly, this Hearing Officer will order DCPS to seek such a school for the Student immediately, so that the Student can be so placed for the upcoming 2025-2026 school year.

VII. Order

As a result of the foregoing:

1. Respondent shall pay for sixty hours of speech-language pathology, fifty-five hours of behavioral support services, and twenty-five hours of occupational therapy for the Student, to be provided by a licensed provider at a usual and customary rate in the community;
2. Respondent shall immediately seek to place the Student in a full-time special education program that will provide the Student with a safe, supportive, therapeutic environment with licensed professionals who are trained to work with students who have been bullied;
3. DCPS shall provide Petitioner will all previously requested educational records for the Student corresponding to the 2022-2023, 2023-2024, and 2024-2025 school years;
4. Petitioner’s other requests for relief are denied.

Dated: August 13, 2025

Michael Lazan
Impartial Hearing Officer

cc: Office of Dispute Resolution
Attorney A, Esq.
Attorney B, Esq.

VIII. Notice of Appeal Rights

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

Dated: August 13, 2025

Michael Lazan
Impartial Hearing Officer