

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: 12/8/25; 12/9/25
v.)	Hearing Officer: Michael Lazan
)	Case No. 2025-0162
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 under the Individuals with Disabilities Act (“IDEA”). A due process complaint (“Complaint”) pursuant to the IDEA was received by District of Columbia Public Schools (“DCPS” or “Respondent”) on September 16, 2025. The Complaint was filed by the Student’s parent (“Petitioner”). The resolution period expired on October 16, 2025. On November 18, 2025, Respondent filed a late 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. 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.

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

III. Procedural History

A prehearing conference was held on November 17, 2025. Attorney A, Esq., counsel for Petitioner, appeared. Attorney B, Esq., counsel for Respondent, appeared. A prehearing conference order was issued on November 25, 2025, summarizing the rules to be applied in the hearing and identifying the issues in the case. The prehearing conference order was revised on December 3, 2025.

On November 26, 2025, Respondent moved, on consent, to extend the Hearing Officer Determination (“HOD”) timeline from November 30, 2025, to December 29, 2025. An order was granted on November 29, 2025, extending the timeline for the decision to December 29, 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 December 8, 2025, and December 9, 2025. Closing arguments were presented after the completion of testimony on December 9, 2025. During the proceeding, Petitioner moved into evidence exhibits P-1 through P-54. Objections were filed with respect to exhibits P-12 through P-17, P-50, and P-52. These objections were overruled. Exhibits P-1 through P-54 were admitted. Respondent moved into evidence exhibits R-1, R-2, and R-5 through R-18. Petitioner objected to exhibits R-6, R-12, and R-14 though R-17. These objections were overruled. Exhibits R-1, R-2, and R-5 through R-18 were admitted.

Petitioner presented as witnesses, in the following order: the Student; Witness A, an educational advocate (expert in special education, special education eligibility, and

Individualized Education Program (“IEP”) programming and placement); and herself.

Respondent presented as witnesses, in the following order: Witness B, a social worker at School A (expert in school-based social work); and Witness C, director of special education at School A (expert in special education programming and planning).

IV. Issues

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

- 1. Did DCPS deny the Student a Free Appropriate Public Education (“FAPE”) when it failed to timely provide the Student with a finalized IEP from the 2024-2025 school year to the present?**
- 2. Did DCPS deny the Student a FAPE when it failed to revise its IEP for the Student from the 2024-2025 school year to the present?**
- 3. Did DCPS deny the Student a FAPE when it failed to timely implement an IEP for the Student from the 2024-2025 school year to the present?**
- 4. Did DCPS deny the Student a FAPE when it failed to conduct triennial reevaluations of the Student and to timely and comprehensively reevaluate the Student after his/her enrollment in DCPS at the start of the 2024-2025 school year and/or pursuant to Petitioner’s written request on or about October 22, 2024?**

As relief, Petitioner seeks: a) an order that DCPS shall reconvene an eligibility meeting and/or IEP meeting and develop and finalize an appropriate IEP for the Student within fifteen days of this HOD; b) an order that DCPS shall conduct or fund an occupational therapy evaluation and an assistive technology assessment of the Student, provide a copy of the results to Petitioner and Petitioner’s counsel, and reconvene the IEP team within fifteen days of receiving the results (or within thirty days of receiving the results if the evaluations are conducted independently) to review the results and amend the Student’s IEP as appropriate; c) an order that DCPS shall provide the Student with

compensatory education with transportation services as needed; d) an order that DCPS shall ensure that independent providers secured by Petitioner for the Student are timely compensated for their services; e) an order that reserves for Petitioner the right to request additional compensatory education upon completion of the aforementioned evaluations; and f) related relief.

V. Findings of Fact

1. The Student is an X-year-old who is eligible for services as a student with emotional disability. The Student can have a hard time getting to school and also has difficulty listening in school for a long period. The Student can get overwhelmed in school and feel like s/he has to go to the bathroom for a break. Testimony of Student.

2. The Student has had school attendance issues for years. Testimony of Witness B. The Student does not like to be singled out or considered a child with special needs and might therefore reject special education teachers. Testimony of Witness C. The Student is in the average range cognitively. P-4.

3. An independent psychological evaluation of the Student was conducted in June 2022. The Student reported to the evaluator that s/he was sad and had had thoughts of suicide during the preceding year. The Student also indicated to the evaluator that s/he struggled with reading and had difficulties with schoolwork. The Student also reported a history of being bullied and teased at school. The Student was noted to have a history of school changes and forty-three absences during the 2021-2022 academic school year. The evaluator administered, among other measures, the Behavior Assessment System for Children (“BASC”), Patient Health Questionnaire (“PHQ”), and Generalized Anxiety Disorder (“GAD”) scale. In reading and writing, the Student scored in the very low

range, and the Student scored in the low-average range in math. The BASC results suggested that the Student sometimes disliked school and felt that his/her teachers could be unfair or demanding at times. The evaluation also reported that the Student generally exhibited an anxious mood and that anxiety disorders could be “additional diagnostic considerations.” The Student also showed indicators of having issues with aggression and attention. P-4.

4. The Student attended a DCPS school for the 2022-2023 school year. On June 7, 2023, DCPS held an IEP meeting was held for the Student. The IEP indicated that the Student’s struggles with emotional issues prevented him/her from completing work, and the IEP recommended fifteen hours of specialized instruction per week (ten hours inside general education, five hours outside general education), with 180 minutes of behavioral support services per month. P-11.

5. Petitioner rejected the IEP and, during the 2023-2024 school year, placed the Student in an online school. The Student was also hospitalized during this period. The Student eventually stopped attending the online school because Petitioner could not afford the tuition. Testimony of Petitioner.

6. Petitioner sought to place the Student at School A, a DCPS school, for the 2024-2025 school year. During the summer of 2024, Petitioner spoke to School A staff and advised them that the Student required an IEP for the forthcoming school year. Testimony of Petitioner. The Student ended up attending School A, with classes from 8:30 a.m. to 2:00 p.m. For the rest of the day, until 5:00 p.m., the Student attended arts programs. Testimony of Witness C.

7. The Student had difficulty keeping up with schoolwork. Testimony of Student. On the beginning-of-year (“BOY”) reading diagnostic (STAR Reading Assessment) for the 2024-2025 school year, the Student scored at the 35th percentile nationally for his/her grade level. On “formative” classroom assessments, the Student scored an average of 55% on comprehension questions for grade-level literature and 60% on informational text comprehension. On a classroom vocabulary assessment on October 15, 2024, the Student correctly identified the meaning of six out of fifteen “Tier II” academic vocabulary words in context. P-13-13.

8. On October 22, 2024, Petitioner requested a psychological evaluation, an assistive technology assessment, a Functional Behavior Assessment (“FBA”), an occupational therapy assessment “with sensory processing,” and a speech and language evaluation for the Student. Petitioner said that this request was a result of the Student’s ongoing academic difficulties. P-6.

9. In or about the fall of 2024, a Strengths and Difficulties Questionnaire about the Student was administered through questions posed to the Student’s teachers. The Student’s English teacher felt that the Student was functioning in the average range across all domains. This teacher’s answers suggested that the Student was a low risk for emotional, behavioral, or hyperactivity disorders. The Student’s math teacher scored the Student as close to average across all domains, except for hyperactivity, concentration issues, difficulty expressing kind and helpful behavior, and related issues. This teacher’s answers suggested that the Student was a medium risk for “any disorder” and for hyperactivity/concentration disorder. The math teacher also indicated that her feedback might be limited by the fact that she had only known the Student for six weeks, and that

the Students' attendance had been inconsistent. In fact, by early November 2024, the Student had been absent eleven times without an excuse. Nevertheless, the Student had mostly passing grades (six "A" grades, three "C" grades, and one "F" grade). P-13-16.

10. An IEP meeting was held for the Student on November 7, 2024. A draft IEP was written, but the meeting did not result in a finalized IEP. P-12; Testimony of Petitioner. Another IEP meeting was held on November 22, 2024, where, again, a draft IEP was presented but not finalized. The draft IEP included three goals: a math goal, a reading goal, and a writing goal. The draft IEP recommended four hours of specialized instruction per week outside general education and two hours of behavioral support services per month. The IEP indicated that the Student struggled with spelling, demonstrated "emerging proficiency" in foundational math concepts aligned with Common Core standards, and struggled with reading comprehension of grade-level texts. The IEP said that the Student's specialized instruction would be in the structured environment of a "learning lab" which would provide "tailored" instruction with scaffolded supports and "targeted" interventions in comprehension and writing that would align with the Student's current levels of performance. P-13.

11. Witness B began providing the Student with counseling services in or about November 2024. Witness B met with the Student six or seven times on a 1:1 basis in Witness B's office during the school year, working on identifying "triggers" and conducting "in the moment" self-assessments, among other areas. Witness B assessed the Student's risk for suicide and determined that the Student was not at risk for suicide but was at risk for self-harm. The Student was scheduled to attend counseling for thirty

minutes per week, and a “goal plan” was written for the Student, who was provided with resources about how to manage his/her emotional issues. Testimony of Witness B.

12. The Student and Petitioner left the United States for Africa in or about November 2024. The Student and Petitioner stayed in Africa until approximately late February 2025. The Student ended up failing the second term of school because s/he was in Africa. Testimony of Witness C; Testimony of Petitioner; R-16.

13. A “reintegration meeting” was held for the Student in April 2025. The parties discussed the Student’s grades, which included failing grades, and the Student’s need to attend summer school. Petitioner asked for the Student’s absences to be removed from his/her record, but DCPS denied this request. No IEP was finalized at the meeting. Testimony of Witness B. During the meeting, DCPS said that the Student’s emotional difficulties were preventing him/her from engaging in class. DCPS also expressed that assessments were needed and asked for additional time to write the Student’s IEP. Petitioner assented to this request. Testimony of Witness C; Testimony of Petitioner.

14. An FBA was written for the Student in April 2025. The FBA indicated that the Student’s problems included significant attendance concerns and distractibility due to peer issues outside the classroom. The FBA indicated that sensory stimulation could be the primary motivation for the Student’s behaviors. The FBA reflected observations of the Student on April 28, 2025, and April 29, 2025, when the Student mostly acted appropriately in school. Teachers were consulted in connection with the creation of the FBA. A special education teacher said that the Student was engaged in the material and very mature. However, the Student missed many classes and was distracted by social issues outside the classroom. This teacher noted that the Student did

well when working in proximity to teachers. One general education teacher indicated that the Student would rather “chit chat” than complete work, and that s/he routinely arrived toward the end of class and did not appear to have a sense of urgency around engaging in work when s/he arrived. The same teacher reported that the Student was not a strong reader and that it was difficult to determine if s/he was avoiding the class due to this weakness. A math teacher indicated that the Student required structured support, specifically that s/he needed tasks to be broken down or shortened. P-19.

15. DCPS conducted a psychological evaluation of the Student in May 2025. The evaluator wrote that educational records for the Student’s prior school year were not provided, so there was uncertainty as to the Student’s entitlement to specialized instruction. The evaluator administered, among other things, the Wechsler Abbreviated Scales of Intelligence-2nd Edition (“WASI-2”), the Woodcock-Johnson Tests of Achievement-4th Edition (“WJ-IV Ach.”), and the BASC. On the WASI-2, the Student scored a 112 in Full Scale IQ, at the 79th percentile. On the WJ-IV Ach., the Student scored below grade level in reading and math, in the low-average range. In writing, the Student scored in the very low range, and in academic skills, s/he scored in the extremely low range. The evaluator reviewed the Student’s standardized testing during the 2022-2023 and 2023-2024 school years and determined that the Student scored below grade level or well below grade level in every measure. Teacher responses on the BASC indicated that the Student was deemed to be average in almost all scales and composites. The evaluator concluded that the Student was performing below grade-level expectations, and consistently below the district average on standardized tests in both math and English language arts. The evaluator said that, although the Student’s reading skills were below

level, his/her comprehension had increased 2.8 grade levels and that his/her vocabulary had increased 3.8 grade levels within four months, despite the Student being absent from school during the period between assessments. The evaluator also said that, since the Student returned to school in February of 2025, his/her attendance had improved, as had his/her engagement with schoolwork and academic performance across all classes. R-5.

16. The Student attended School A's learning lab every other day for forty-five minutes during at least a portion of the 2024-2025 school year. The Student benefitted from this class and felt that its teacher was superior. Most of the instruction in the learning lab was for English language arts, much of which was a review of prior material. Testimony of Petitioner; Testimony of Student; Testimony of Witness C.

17. The Student's report cards for the three terms of the 2024-2025 school year contained grades ranging from "F" to "A," with three of the four "F" grades coming in the second term. The Student ended the year with final grades of "B" in history, "A-" (in algebra), "A" in biology, and "C-" in English. R-14.

18. The Student received summer school services during the summer of 2025, but s/he did not enjoy the classes. The Student was at least sometimes denied an opportunity to use accommodations in these classes, including through the use of extra time. Testimony of Student. Petitioner sought an IEP meeting during this summer, but no "summer team" was in place at School A, and therefore no meeting was scheduled. Testimony of Witness C.

19. The Student has continued at School A for the 2025-2026 school year. At least some of the Student's classes during this school year have been "co-taught." After starting the year with a class in Spanish, the Student was again assigned to the learning

lab. The learning lab had a new teacher, and the Student's instruction has been largely for math. Testimony of Student.

20. An eligibility meeting was scheduled for the Student on October 24, 2025. R-11. A new IEP was written for the Student on December 5, 2025. Testimony of Witness C. The Student's grades for the first term of the 2025-2026 school year were all in the "A" or "B" range. R-15.

VI. Conclusions of Law

Based on the above findings of fact, the arguments of counsel, and this Hearing Officer's legal research, this Hearing Officer's conclusions of law are as follows:

The burden of proof in District of Columbia special education cases was changed by the local legislature through the District of Columbia Special Education Student Rights Act of 2014. That burden is expressed as the following: "Where there is a dispute about the appropriateness of the child's individual educational program or placement, or of the program or placement proposed by the public agency, 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 shall retain the burden of production and shall establish a *prima facie* case before the burden of persuasion falls on the public agency." D.C. Code 38-2571.03(6)(A)(i). The issues raised in the Complaint do not directly relate to the appropriateness of the plan for the Student's IEP and placement. The issues instead relate to the existence of the plan and to evaluations. Accordingly, the burden of persuasion is on Petitioner.

1. Did DCPS deny the Student a FAPE when it failed to timely provide the Student with a finalized IEP from the 2024-2025 school year to the present?

2. Did DCPS deny the Student a FAPE when it failed to revise its IEP for the Student from the 2024-2025 school year to the present?

3. Did DCPS deny the Student a FAPE when it failed to timely implement an IEP for the Student from the 2024-2025 school year to the present?

These issues are discussed together because of the overlap between the claims.

Pursuant to federal law and regulations, IEPs for all eligible special education students must be in effect at the beginning of the school year. The IEPs must also be implemented as soon as possible after they are drafted. 34 CFR 300.323(a); and 34 CFR 300.323(c)(2). As interpreted by courts, the language of the IDEA permits some reasonable delay in the implementation of the IEP. Gadsby v. Grasmick, 109 F.3d 940, 954 n. 5 (4th Cir.1997); Bd. of Educ. of Montgomery Cnty. v. Brett Y., 155 F.3d 557 (4th Cir. 1998). But the United States Department of Education has indicated that there are “very limited exceptions” to this rule. 64 Fed. Reg. 12406, 12579 (Mar. 12, 1999); see also D.D. ex rel. V.D. v. New York City Bd. of Educ., 465 F.3d 503, 514 (2d Cir. 2006), opinion amended on denial of reh’g, 480 F.3d 138 (2d Cir. 2007).

DCPS argued that failing to finalize an IEP for the Student in both the 2024-2025 and 2025-2026 school years (until the day before this hearing) was merely a procedural violation of the IDEA. DCPS pointed out that the Student received counseling from Witness B in the 2024-2025 school year (during the periods when the Student attended school), that the Student went to School A’s learning lab for much of the 2024-2025 and 2025-2026 school years, and that the learning lab was, in effect, a special education classroom (noting that the Student’s draft IEPs specifically mentioned the learning lab).

DCPS is correct that a procedural violation, such as a school district’s failure to provide an IEP by the beginning of the school year, constitutes a FAPE denial only if it

results in loss of educational opportunity for the student. Leggett v. District of Columbia, 793 F.3d 59, 67 (D.C. Cir. 2015). However, this Hearing Officer has found no authority to suggest that a failure to finalize an IEP for a student for a period of fifteen or so months can be deemed to be merely procedural. To the contrary, the Supreme Court has said that the IEP is the “centerpiece” of the IDEA. Honig v. Doe, 484 U.S. 305, 311 (1988). In Andrew F. v. Douglas County School District, 137 U.S. 988 (2017), the Court carefully laid out federal requirements for every IEP, including that the IEP must be reasonably calculated “in light of the child’s circumstances” and that parents can fairly expect school authorities to offer a “cogent and responsive explanation” for their decisions. Id. at 1001-1002.

Accordingly, in Alfono v. District of Columbia, 422 F. Supp. 2d 1, 5–8 (D.D.C. 2006), where DCPS made a similar argument when an IEP was not finalized until two months after the start of the school year, the court found that DCPS’s failure to incorporate evaluation findings into a student’s IEP prior to the first day of school amounted to a denial of a FAPE for two months (until the student's goals, objectives, or a means for measuring progress were incorporated into the IEP). The court stated that “a written, complete IEP is important to serve a parent’s interest in receiving full appraisal of the educational plan for her child, allowing a parent both to monitor her child’s progress and determine if any change to the program is necessary.” Id. at 6; cf. Damarcus S. v. District of Columbia, 190 F. Supp. 3d 35, 52-53 (D.D.C. 2016) (“the wholesale repetition” of goals and objectives “indicates an ongoing failure to respond to [a student’s] difficulties”). In this case, since the Student’s IEPs were not finalized and

no IEP goals were formally written,² DCPS never provided Petitioner with any IEP progress reports during the 2024-2025 and 2025-2026 school years. The Student was not given a formal IEP until December 5, 2025, which was the last business day before the hearings for this case commenced. The school district also did not rebut the Student's own contentions that s/he was falling behind in class in part because s/he did not get the in-class accommodations that s/he needed.

An IEP was also necessary to address the Student's significant issues attending school. The record suggests that the Student's struggles with reading might be causing the Student to avoid class. No IEP was in place to address these issues, though courts have consistently held that, if a student's disability affects the student's attendance such that the student's academics are also affected, it is incumbent on the school district to come up with a plan to address the issues. 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").

Nor is there anything in the record to suggest that the fifteen-month or so delay in providing the Student with an IEP was a function of Petitioner's failures, including Petitioner's trip with the Student to Africa from late 2024 to early 2025. The school

² IEPs must contain a "statement of measurable annual goals, including academic and functional goals" designed to "meet the child's needs that result from the child's disability, to enable the child to be involved in and make progress in the general education curriculum" and to meet "each of the child's other educational needs that result from the child's disability." 34 CFR 300.320(a)(2)(i).

district did not clearly dispute Petitioner's claim that she alerted School A about the Student's enrollment and need for an IEP during the summer of 2024. Had the school district reacted promptly to this request, an IEP could have been written by late November 2024, based on the available data.

Accordingly, DCPS denied the Student a FAPE by failing to have an IEP in effect for the Student during the 2024-2025 and 2025-2026 school years, up and until December 5, 2025. The period of FAPE denial commenced in late August 2024, since the Student's earlier IEP expired in June 2024 and Petitioner notified DCPS about the need for a new IEP in the summer of 2024.

4. Did DCPS deny the Student a FAPE when it failed to conduct triennial reevaluations of the Student and to timely and comprehensively reevaluate the Student after his/her enrollment in DCPS at the start of the 2024-2025 school year and/or pursuant to Petitioner's written request on or about October 22, 2024?

The evaluations requested for the Student included a psychological evaluation, an assistive technology assessment, an FBA, an occupational therapy assessment "with sensory processing," and a speech and language evaluation.

The evaluation procedures of the IDEA are designed to position an IEP team to create an IEP tailored to a student's special educational needs. Failure to follow those procedures may yield an IEP that is not appropriately tailored to the student, denying the student an appropriate education. Z. B. v. District of Columbia., 888 F.3d 515, 522-23 (D.C. Cir. 2018). A child's initial evaluation or reevaluation must consist of two steps. First, the child's evaluators must "review existing evaluation data on the child," including any evaluations and information provided by the child's parents, current assessments, classroom-based observations, and observations by teachers and other service providers.

34 CFR 300.305(a)(1). Then, based on a review of the existing data and input from the child's parent, the school district must identify what additional data, if any, is needed to assess whether the child has a qualifying disability and, if so, administer such assessments and other evaluation measures as needed. 34 CFR 300.305(a)(2)(c). The local education agency ("LEA") must 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." 34 CFR 300.304(b). A student must be "assessed in all areas related to the suspected disability." 34 CFR 300.304(c)(4).

The IDEA and its implementing regulations do not set a time frame within which the LEA must conduct a reevaluation, even after one is requested by a student's parent. Herbin ex rel. Herbin v. District of Columbia, 362 F. Supp. 2d 254, 259 (D.D.C.2005). In light of the lack of statutory guidance, Herbin concluded that reevaluations should be conducted in a "reasonable period," or "without undue delay," as determined in each individual case.

The Student enrolled in a DCPS school at the start of the 2024-2025 school year. At the time, evaluations were available in order to assess the Student's functioning and to prepare an IEP for the Student, namely the June 2022 psychological evaluation. The school district was, at that time, reacquainting itself with the Student after s/he had spent a year away from DCPS. Nothing in the record suggests that an evaluation of the Student was necessary at that time.

On October 22, 2024, Petitioner requested an evaluation of the Student. But the record indicates that the Student was absent from the United States because of a trip to Africa from late November 2024 to late February 2025. Petitioner suggested that some

evaluations could possibly have been conducted while the Student was in Africa, but this testimony was speculative and unpersuasive. Additionally, a classroom observation of the Student could not have been conducted while s/he was in Africa. When the Student returned to the United States, DCPS did conduct a psychological evaluation in April 2025 and wrote an FBA in May 2025. The Student's triennial evaluation was due in late June 2025, after the completion of the psychological evaluation and the FBA. This Hearing Officer therefore finds that DCPS conducted these evaluations within a reasonable timeframe, given the circumstances.

Parenthetically, Petitioner did not call an expert witness to explain why the Student needed a speech evaluation, an assistive technology evaluation, or an occupational therapy evaluation. There is a reference in the Student's FBA to the effect that s/he had sensory issues related to his/her behavioral concerns, but Petitioner's witnesses did not point this out or otherwise explain why an occupational therapy evaluation was needed to provide the Student with sensory supports. Petitioner did not meet her burden on this issue, so this claim must be dismissed.

RELIEF

When school districts deny students a FAPE, courts have wide discretion to ensure that students receive a FAPE going forward. As the Supreme Court stated, 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 ordinary meaning of these words confers broad discretion on a hearing officer, since the type of relief is not further specified, except that it must be "appropriate." 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., 401 F.3d at 524; see also 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”). A petitioner 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).

Petitioner seeks an award of 378 hours of independent, 1:1 tutoring and thirty hours of independent counseling for the Student. Since the Student’s FAPE denial period commenced at the start of the 2024-2025 school year and ended on December 5, 2025, when the Student’s IEP was finally issued, the Student was denied a FAPE for approximately fifteen months of school, inclusive of summer school.

Petitioner’s award calculation would have been fairer if she had factored in the Student’s unavailability for instruction during the three months that s/he was in Africa. Petitioner also did not factor in the nature of the services that the Student received during the 2024-2025 and 2025-2026 school years at School A, especially from the Student’s special education teacher in the 2024-2025 school year, which benefited the Student.

But the Student’s absence from class often seemed to be a function of his/her disability. And the record suggested that the Student is struggling in the general education classroom, where s/he was functioning below the levels of his/her peers without any support. As Witness A pointed out, the lack of an IEP made it difficult for

the Student to get the accommodations s/he needed to keep up in general education classrooms. DCPS's own testing indicated that the Student was below grade level in reading and math. In writing, the Student scored in the very low range. In "academic skills," the Student scored in the extremely low range, though s/he recently scored in the high average range in IQ.

Accordingly, this Hearing Officer will award the Student 200 hours of specialized instruction and reimbursement of reasonable transportation costs to and from the tutoring sessions. This Hearing Officer will also order thirty hours of counseling for the Student (a reasonable award, given that this Student has missed school as a result of attendance issues that are a function of his/her disability) and reimbursement of reasonable transportation costs to and from the counseling sessions.

Petitioner also seeks an order that DCPS reconvene an eligibility meeting and/or IEP meeting and develop and finalize an appropriate IEP for the Student within fifteen days of this HOD. But there is no dispute that an IEP was already created for the Student on December 5, 2025. Petitioner also seeks an order that DCPS shall conduct or fund an occupational therapy evaluation and an assistive technology assessment of the Student, provide a copy of the results to Petitioner and Petitioner's counsel, and reconvene the IEP team within fifteen days of receiving the results (or within thirty days of receiving the results if the evaluations are conducted independently) to review the results and amend the Student's IEP as appropriate, as well as related relief. However, the claim based on Issue #4 in this case, pertaining to evaluations, has been denied. Since relief should generally correspond to the underlying violation of law, it is not appropriate to order evaluations of the Student here.

VII. Order

As a result of the foregoing:

1. Respondent shall, in a timely manner, pay for 200 hours of tutoring sessions for the Student, to be provided by a certified special education teacher at a usual and customary rate in the community, and shall reimburse Petitioner for the reasonable costs of transportation to and from the tutoring;
2. Respondent shall, in a timely manner, pay for thirty hours of counseling for the Student, to be provided by a licensed provider at a usual and customary rate in the community, and shall reimburse Petitioner for the reasonable costs of transportation to and from the counseling;
3. All other requests for relief are denied.

Dated: December 29, 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: December 29, 2025

Michael Lazan
Impartial Hearing Officer