

District of Columbia
Office of the State Superintendent of Education
Office of Review and Compliance
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OSSE
Office of Dispute Resolution
February 14, 2022

Confidential

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| <p>Parents on Behalf Student, ¹</p> <p>Petitioners,</p> <p>v.</p> <p>District of Columbia Public Schools (“DCPS”) Local Education Agency (“LEA”)</p> <p>Respondent.</p> <p>Case # 2021-0143</p> <p>Date Issued: February 14, 2022</p> | <p>HEARING OFFICER’S DETERMINATION</p> <p>Hearing Date: February 3, 2022,</p> <p>Counsel for Each Party listed in Appendix A</p> <p><u>Hearing Officer:</u> <u>Coles B. Ruff, Esq.</u></p> |
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¹ Personal identifiable information is in the attached Appendices A & B.

JURISDICTION:

The due process hearing was conducted, and this decision was written, pursuant to the Individuals with Disabilities Act (“IDEA”), P.L. 101-476, as amended by P.L. 105-17 and the Individuals with Disabilities Education Improvement Act of 2004, the District of Columbia Code, Title 38 Subtitle VII, and the District of Columbia Municipal Regulations, Title 5 Chapter E30.

BACKGROUND AND PROCEDURAL HISTORY:

The student who is the subject of this due process hearing (“Student”) resides with Student's parents ("Petitioners") in the District of Columbia, and the District of Columbia Public Schools ("DCPS") is Student's local educational agency ("LEA"). Student is currently age ___² and is eligible for special education pursuant to IDEA with a disability classification of Autism Spectrum Disorder (“ASD”)

Petitioners filed the current due process complaint (“DPC”) on September 15, 2021, and alleges that DCPS determined Student eligible for special education before the beginning of SY 2019-2020 and that DCPS denied Student a free appropriate public education (“FAPE”) by failing to provide Student any school placement for school year (“SY”) 2019-2020.

Relief Sought:

Petitioner seeks a finding that DCPS denied Student a FAPE for failing to provide Student any school placement for school year ("SY") 2019-2020, and an order directing DCPS to fund appropriate compensatory education for the denials of FAPE without restriction regarding when the compensatory education may be received.³ Petitioners’ counsel asserts that DCPS has agreed to fund that appropriate compensatory education, but only with unnecessary and inappropriate restrictions.

LEA Response to the Complaint:

The LEA filed a timely response to the complaint on September 23, 2021. The LEA denies that there has been any failure to provide Student with a FAPE. In its response, DCPS stated, inter alia, the following:

This is the fifteenth due process complaint filed by this parent since July 2015. To the extent that the Petitioner is complaining about implementing court orders or HODs, this hearing officer has no jurisdiction to hear such claims. DCPS has implemented all orders and even agreed to an extension for the parent. There has been no denial of FAPE. DCPS cannot determine the issue in the complaint but denies any allegation(s) of a denial of FAPE and requests that the case be dismissed, and all relief be denied.

² Student’s age and grade are listed in Appendix B.

³ Petitioners initially requested that compensatory education services be provided at market rates. Petitioners’ counsel withdrew that request on the record during the due process hearing.

DCPS asserted the following affirmative defenses: Petitioner's DPC is insufficient and fails to state a claim upon which relief may be granted; any attempt to collaterally attack prior HODs, district court decision, or appellate court decisions is barred by res judicata and claim preclusion. The hearing officer does not have jurisdiction over actions to enforce or challenge the implementation of prior HODs or court decisions.

Resolution Meeting, Pre-Hearing Conference, and Order:

The parties participated in a resolution meeting on October 19, 2021, and did not mutually agree to proceed directly to a hearing in this matter. The 45-day period began on October 15, 2021, and ended [and the Hearing Officer's Determination ("HOD") was initially due] on November 29, 2021. The parties and their witnesses were not available and agreed to a hearing date beyond the HOD due date. Petitioners' Counsel submitted continuance motions that were granted. The HOD is now due on February 14, 2022.

The undersigned independent hearing officer ("IHO") conducted a pre-hearing conference in this matter on October 21, 2021, and issued a pre-hearing order on November 5, 2021, outlining, among other things, the issue to be adjudicated.

The issue adjudicated is:

Does the IHO have jurisdiction to determine a denial of FAPE that has already been adjudicated by the November 20, 2019, HOD and the Court's October 1, 2020, memorandum and order. If so, are Petitioners' entitled to the relief requested: an order directing DCPS to fund appropriate compensatory education for the denials of FAPE without restriction regarding when the compensatory education services may be used.

DUE PROCESS HEARING:

Due to the COVID-19 emergency and the parties' request, the hearing was conducted via video teleconference on February 3, 2022, using the Microsoft Teams platform.

RELEVANT EVIDENCE CONSIDERED:

This Hearing Officer considered the following as evidence and the source of findings of fact: (1) the testimony of the witnesses and (2) the documents submitted in the parties' disclosures (Petitioners' Exhibits 1 through 18 and Respondent's Exhibits 1 through 3) that were admitted into the record and are listed in Appendix A.⁴ Witnesses' identifying information is in Appendix B.⁵

⁴ Any item disclosed and not admitted, or admitted for limited purposes, was noted on the record and is noted in Appendix A. ' 6

⁵ Petitioners presented Student's Mother as the sole witness. DCPS presented one witness, the Non-public Monitor and Manager of the Centralized IEP Team, who testified as an expert witness. The IHO found the witnesses

SUMMARY OF DECISION:

Petitioners held the burden of persuasion. Petitioners sustained the burden of persuasion by a preponderance of the evidence, and the IHO awarded Petitioners the requested relief.

FINDINGS OF FACT:⁶

1. Student resides with Petitioners in the District of Columbia and is a child with a disability pursuant to IDEA, with a disability classification of Autism Spectrum Disorder (“ASD”). (Petitioners’ Exhibit 3)
2. On November 29, 2019, the IHO issued a Hearing Officer Determination (“HOD”) for a prior due process complaint Petitioners filed on September 6, 2019. In the HOD, the IHO concluded that DCPS had denied Student a FAPE by failing to provide Student a school placement for SY 2019-2020 from the start of that school year until November 20, 2019. (Petitioner’s Exhibit 1)
3. The HOD directed DCPS to provide Petitioners authorization for an independent educational evaluation (“IEE”) at the OSSE prescribed rate to determine appropriate compensatory education for Student being without an educational placement for an approximate three-month period starting from the first school day of SY 2019-2020 until November 20, 2019, the date of the HOD. (Petitioner's Exhibit 1)
4. The HOD also ordered the following:

"Petitioner is hereby authorized to seek compensatory education for the denial of FAPE determined in this HOD, with the support of the evaluation that DCPS is directed to authorize in this order, either in a team meeting with DCPS and or through filing and adjudicating a due process complaint." (Petitioner's Exhibit 1)

5. Petitioner appealed the HOD to the U.S. District Court for the District of Columbia ("Court"). In Memorandum Opinion dated October 1, 2020, the Court upheld the HOD in part but also concluded that:

“The HOD erroneously permitted DCPS to deny [Student] a FAPE indefinitely, and [Student] is therefore entitled to compensatory education for the entire 2019-2020 school

credible unless otherwise noted in the Conclusions of Law. Any material inconsistencies in the testimony of witnesses that the IHO found are addressed in the Conclusions of Law.

⁶ The evidence (documentary and or testimony) that is the source of the Findings of Fact (“FOF”) is noted within parenthesis following the finding. Documents cited are noted by the exhibit number. If there is a second number following the exhibit number, it denotes the page of the exhibit (or the page number of the entire disclosure document) from which the fact was extracted. When citing an exhibit that has been submitted by more than one party separately, the Hearing Officer may only cite one party's exhibit.

year, as well as an independent educational evaluation to ascertain what, if any progress [Student] would have made during the 2019-2020 school year, and by extension determine the compensatory education that [Student] needs.” (Petitioner’s Exhibit 2)

6. In a companion order, the Court directed DCPS to fund an independent compensatory education evaluation at market rates to determine appropriate compensatory education for failure by DCPS to provide Student a FAPE for SY 2019-2020, and that DCPS identify by November 1, 2020, a new placement that complies with Student’s operative IEP. (Petitioner's Exhibit 2)
7. The HOD and the Court Order combined to cover the 2019-2020 school year. They both found a denial of FAPE, and each ordered the funding of the compensatory education evaluation. The evaluation conducted pursuant to the HOD recommended 100 hours of academic tutoring, 20 hours of speech-language services, and 15 hours of occupational therapy. The evaluation conducted pursuant to the Court's Order recommended the following services: 190 hours of academic tutoring, 32 hours of speech-language services, 32 hours of occupational therapy, and 25 hours of social-emotional counseling. (Petitioner's Exhibits 3 and 4)
8. DCPS and Petitioners had no meeting to discuss compensatory education except the resolution meeting in the current case. Petitioners' counsel provided both compensatory education evaluations to DCPS. The first was completed in June 2020, and the second was completed in March 2021. The parties do not dispute that those evaluations have determined the appropriate compensatory education.
9. DCPS presented Petitioners with authorization to obtain the following compensatory services related to the HOD:

| Service | Total hours | Maximum cost per hour | Maximum total cost |
|---------------------------|-------------|-----------------------|--------------------|
| Tutoring | 100 | \$71.90 | \$7,190.00 |
| Speech-language pathology | 20 | \$114.10 | \$2,282.00 |
| Occupational therapy | 15 | \$130.38 | \$1,955.70 |

(Respondent’s Exhibit 2-26)

10. DCPS presented Petitioners with authorization to obtain the following compensatory services related to the Court Order:

| Service | Total Hours | Maximum cost per hour* | Maximum Total Cost |
|-------------------------------|-------------|------------------------|--------------------|
| Tutoring | 190 | \$71.90 | \$13,661.00 |
| Speech-Language Therapy | 32 | \$114.10 | \$3,651.20 |
| Occupational Therapy | 32 | \$130.38 | \$4,172.16 |
| ABA Therapy and/or Counseling | 25 | \$128.62 | \$3,215.50 |

(Respondent’s Exhibits 2-25)

11. The authorizations letters contained, among other things, the following additional language:

“These services are to be rendered by an independent provider of your choice. A list of potential service providers for each independent service authorized under this letter can be found within the provider directory located in the compensatory education services section of the Parent Guide that you received accompanying this letter...Pursuant to local regulations, an employee of the District of Columbia may not provide these independent services...All independent services are to be provided outside of normal school hours of operation, and under no circumstances are any of these services permitted to be provided on school property. Independent services are not intended to replace school-based services, and your student must not receive compensatory service sessions during normal school hours if absent from school.”

(Respondent’s Exhibits 2-25, 2-26)

12. In a December 29, 2021, email that accompanied the authorizations, the DCPS representative who sent the authorizations stated the following:

"Attached, please find revised independent services authorizations for [Student]. The maximum cost per hour has been updated to reflect the most up-to-date OSSE rates on both authorizations. DCPS does not agree to waive the time-of-day restriction. As stated in the authorization letter, independent services are not intended to replace school-based services. Based on [Student's] schedule, the school day ends at 3:20 p.m. Independent services can begin any time after the school day has ended and can be provided at the time of parent's choice on weekends and student holidays when school is not in session. Please be advised that absences are not considered non-school days. DCPS parent guide is also attached and includes more information about when services are allowed."

(Respondent’s Exhibits 2-27)

13. Student is currently engaging in remote virtual learning based on a medical exception requested by Petitioners and agreed to by DCPS. The principal reason DCPS has restricted the time of use of the compensatory education services it has authorized is the District of Columbia compulsory education requirement and DCPS’s position that Student cannot be both in attendance at school during the school day and receive tutoring from an independent provider. (Witness 1’s testimony)

CONCLUSIONS OF LAW:

Pursuant to IDEA §1415 (f)(3)(E)(i), a decision made by a hearing officer shall be made on substantive grounds based on a determination of whether the child received a free appropriate public education (“FAPE”).

Pursuant to IDEA §1415 (f)(3)(E)(ii), in matters alleging a procedural violation, a hearing officer may find that a child did not receive FAPE only if the procedural inadequacies impeded the child's right to FAPE, significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of FAPE, or caused the child a deprivation of educational benefits. An IDEA claim is viable only if [DCPS'] procedural violations affected the student's substantive rights." *Lesesne v. District of Columbia*, 447 F.3d 828, 834 (D.C. Cir. 2006)

34 C.F.R. § 300.17 provides:

A free appropriate public education or FAPE means special education and related services that--
(a) Are provided at public expense, under public supervision and direction, and without charge;
(b) Meet the standards of the SEA, including the requirements of this part; (c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of Sec. 300.320 through 300.324

Pursuant to 5E DCMR 3030.14, the burden of proof is the responsibility of the party seeking relief. *Schaffer v. Weast*, 546 U.S. 49, 126 S.Ct. 528, (2005). Petitioners held burden of persuasion on the issue adjudicated.⁷ The normal standard is the preponderance of the evidence. See, e.g., *N.G. V. District of Columbia* 556 f. Sup. 2d (D.D.C. 2008) see also 20 U.S.C. §1451 (i)(2)(C)(iii).

Issue: Does the IHO have jurisdiction to determine a denial of FAPE that has already been adjudicated by the November 20, 2019, HOD and the Court's October 1, 2020, memorandum and order. If so, are Petitioners' entitled to the relief requested: an order directing DCPS to fund appropriate compensatory education for the denials of FAPE without restriction regarding when the compensatory education services may be used.

Conclusion: Petitioners sustained the burden of persuasion by a preponderance of the evidence that jurisdiction remains with the IHO to render a decision in this case because a remedy for the denials of FAPE has yet to be established. Petitioners' requested relief is granted in the order below.

⁷ Pursuant to DC Code § 38-2571.03 (6):

(A) In special education due process hearings occurring pursuant to IDEA (20 U.S.C. § 1415(f) and 20 U.S.C. § 1439(a)(1)), the party who filed for the due process hearing shall bear the burden of production and the burden of persuasion; except, that: (i) 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. The burden of persuasion shall be met by a preponderance of the evidence. (ii) Where a party seeks tuition reimbursement for unilateral placement, the party seeking reimbursement shall bear the burden of production and the burden of persuasion on the appropriateness of the unilateral placement; provided, that the hearing officer shall have the authority to bifurcate a hearing regarding a unilateral placement; provided further, that if the hearing officer determines that the program offered by the public agency is appropriate, it is not necessary to inquire into the appropriateness of the unilateral placement.

(B) This paragraph shall apply to special education due process hearings resulting from complaints filed after July 1, 2016.

A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21." 20 U.S.C. § 1412(a)(1)(A). A "child with a disability" is defined by statute as a child with intellectual disabilities, physical impairments, or serious emotional disturbance "who, by reason thereof, needs special education and related services." *Id.* § 1401(3)(A). The District is required to enact policies and procedures to ensure that "[a]ll children with disabilities residing in the State, including ... children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated." *Id.* § 1412(a)(3)(A).

The overall purpose of the IDEA is to ensure that "all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living." 20 U.S.C. § 1400(d)(1)(A). *See Boose v. Dist. of Columbia*, 786 F.3d 1054, 1056 (D.C. Cir. 2015) (the IDEA "aims to ensure that every child has a meaningful opportunity to benefit from public education").

Petitioners' current DPC alleged denial of FAPE for failing to provide Student any school placement for SY 2019-2020, a denial that Petitioners acknowledge has already been determined by the combined determinations made by the November 20, 2019, HOD and the Court's October 1, 2020, memorandum and order.

The IHO and the Court have already determined that Student was denied a FAPE that together cover the entire 2019-2020 school year. Both the HOD and the Court's order granted Petitioners the remedy of evaluations to determine compensatory education for the denials of FAPE. These evaluations were the prerequisite of the anticipated provision of compensatory education services to Student. The evaluations were conducted and resulted in recommendations for compensatory education services to remedy the denials of FAPE to the Student.

The parties do not dispute that those evaluations have determined appropriate compensatory education. Nonetheless, the parties reached an impasse regarding the compensatory education authorization because DCPS does not agree to waive the time-of-day restriction for Petitioners' use of the compensatory services.

DCPS asserts the IDEA does not provide jurisdiction to the IHO to hear this matter because the underlying determination of FAPE has already been made, and therefore, the case is barred by *res judicata* and claim preclusion. In addition, DCPS asserts as to the Court's order, Petitioners may not re-litigate the issues because the Court entered a final order which was not appealed; therefore, Petitioners claim should be dismissed.

As the U.S. District Court for the District of Columbia stated in *J.T. v. District of Columbia* 74 IDELR 253 (August 1, 2019):

...[J]urisdiction over a claim brought under the IDEA, as any other claim, exists only if the claim presents a live case or controversy. *See Olu-Cole*, 2019 WL 3242552. Put differently, the claim must not be moot. Enforcing "[m]ootness 'ensures compliance with Article III's case and controversy requirement by

limit[ing] federal courts to deciding actual, ongoing controversies.'" *Id.* (quoting *Aref v. Lynch*, 833 F.3d 242, 250 (D.C. Cir. 2016)). Even if a claim once involved a live controversy, federal jurisdiction depends on the parties' continued stake in the claim's disposition and a federal court lacks jurisdiction "when it is impossible ... to grant any effectual relief whatever to the prevailing party." *Chafin v. Chafin*, 568 U.S. 165, 172 (2013).

A defendant who asserts that a complaint is moot because of developments subsequent to its filing, raises a challenge to the court's subject matter jurisdiction. See *Flores ex rel. J.F. v. District of Columbia*, 437 F.Supp.2d 22, 28 (D.D.C.2006).

"A case is considered "moot when the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome ... [a] case ... is 'not moot so long as any single claim for relief remains viable, whether that claim was the primary or secondary relief sought." *Morris v. District of Columbia*, 38 F.Supp.3d 57, 66 (D.D.C. 2014) (citation omitted). In *Woodson v. District of Columbia* (119 LRP 28316), the Court noted that it had previously determined that "[w]here a school district has provided a parent with some forms of relief, but not with all of the specific relief requested by her, her claims are not moot." *Suggs v. District of Columbia*, 679 F.Supp.2d 43, 54 (D.D.C. 2010).

The November 30, 2019, HOD authorized Petitioners to seek compensatory education for the denial of FAPE determined in the HOD either in a team meeting with DCPS or through filing and adjudicating a due process complaint. The Court's October 1, 2020, order did not include a similar provision regarding future litigation. DCPS asserts that any additional relief under the Court's order should have been addressed through an appeal of the Court's order or by seeking some relief from the Court. However, judicial economy dictates that Petitioners seek an administrative remedy before seeking recourse from the Court. "Although the decision whether to reconsider an order lies within the Court's sound discretion, considerations of judicial economy and the obligation of the courts "to secure the just, speedy, and inexpensive determination of every action," *Brown v. District of Columbia* 74 IDELR 140 (April 30, 2019)

A finding of a denial of a FAPE is essential to an entitlement of compensatory education. "When a school district deprives a disabled child of free appropriate public education in violation of the Individuals with Disabilities Education Act, a court fashioning "appropriate" relief, as the statute allows, may order compensatory education, i.e., replacement of educational services the child should have received in the first place." *Reid v. District of Columbia*, 43 IDELR 32 (2005).

Petitioner still seeks relief of compensatory education following completion of the evaluations ordered by the HOD and the Court. DCPS's failure to provide the compensatory education free of the restrictions that Petitioners object to leaves the case or controversy open and the relief unfulfilled. Petitioner's unaddressed request for relief renders this case ripe for adjudication. The IHO, therefore, has jurisdiction to grant relief for denials of FAPE that have already been determined by the November 30, 2019, HOD and the Court's October 1, 2020, memorandum and order.

The parties do not dispute that the evaluations resulting from the HOD and Court order have determined appropriate compensatory education. Nonetheless, the parties reached an impasse regarding the compensatory education authorization because DCPS does not agree to waive the time-of-day restriction for Petitioners' use of the compensatory services.

DCPS's authorization letter states that independent services are not intended to replace school-based services; independent services can begin any time after the school day has ended and can be provided at the time of parent's choice on weekends and student holidays when school is not in session; absences are not considered non-school days.

The principal reason DCPS has restricted the time of use of the compensatory education services it has authorized is the District of Columbia compulsory education requirement and its position that Student cannot be both in attendance at school during the school day and receive tutoring from an independent provider.

The evidence demonstrates that Student is currently attending school through remote virtual learning. It is conceivable that during a period of the school day such as lunch, recess, or independent work, the compensatory education services might be beneficial to Student without any disruption in Student's school attendance. In addition, there was no evidence that Student has failed to attend school. If DCPS were to determine that Petitioners were not ensuring that Student was regularly attending school and engaging in classroom instruction, there are remedies available.

Title 38 of the D.C. Code § 38–202, concerning compulsory school attendance, provides:

(a) Every parent, guardian, or other person, who resides permanently or temporarily in the District during any school year and who has custody or control of a minor who has reached the age of 5 years or will become 5 years of age on or before September 30th of the current school year shall place the minor in regular attendance in an educational institution during the period of each year when the public schools of the District are in session. This obligation of the parent, guardian, or other person having custody extends until the minor reaches the age of 18 years. For the purpose of this section placement in summer school is not required.

Title 38 of the D.C. Code § 38–203 provides for enforcement and penalties for non-compliance with compulsory attendance:

(a) An accurate daily record of the attendance of all minors covered by § 38-202 and this section shall be kept by the teachers of each educational institution. These records shall be open for inspection at all times by the Board, the State Superintendent of Education, school attendance officers, or other persons authorized to enforce this subchapter.

(d) The parent, guardian, or other person who has custody or control of a minor covered by § 38-202(a) who is absent from school without a valid excuse shall be guilty of a misdemeanor.

(e) Any person convicted of failure to keep a minor in regular attendance in a public, independent, private, or parochial school, or failure to provide regular private instruction acceptable to the Board may be fined not less than \$100 or imprisoned for not more than 5 days, or both for each offense.

Given that there are enforcement provisions regarding compulsory attendance that are available should Student fail to attend school, and because it is conceivable that during lunch, recess, or independent work, the compensatory education services might benefit Student without disrupting Student's school attendance, and because there was no evidence that Student has failed to attend school, the IHO concludes that there is no justifiable reason for DCPS to impose restrictions on the compensatory education that the parties have otherwise agreed would compensate the Student for the denials of FAPE that have already been determined by the November 30, 2019, HOD and the Court's October 1, 2020, memorandum and order. Accordingly, Petitioners' requested relief is granted in the order below.

ORDER: ⁸

As compensatory education for the denials of FAPE determined by the November 30, 2019, HOD and the Court's October 1, 2020, memorandum and order, DCPS shall, within ten (10) business days of the issuance date of this order, authorize Petitioners to obtain the following compensatory education without any restriction as to when and what time of day the services are to be provided:

(a) Compensatory services for the denial of FAPE determined by the November 20, 2020, HOD:

| Service | Total hours | Maximum cost per hour | Maximum total cost |
|---------------------------|-------------|-----------------------|--------------------|
| Tutoring | 100 | \$71.90 | \$7,190.00 |
| Speech-language pathology | 20 | \$114.10 | \$2,282.00 |
| Occupational therapy | 15 | \$130.38 | \$1,955.70 |

⁸Any delay in Respondent meeting the timelines of this Order that is the result of action or inaction by Petitioner shall extend the timelines on a day for day basis.

(b) Compensatory services for the denial of FAPE determined by the U.S. District Court's October 1, 2020, Memorandum Opinion and Order:

| Service | Total Hours | Maximum cost per hour* | Maximum Total Cost |
|-------------------------------|-------------|------------------------|--------------------|
| Tutoring | 190 | \$71.90 | \$13,661.00 |
| Speech-Language Therapy | 32 | \$114.10 | \$3,651.20 |
| Occupational Therapy | 32 | \$130.38 | \$4,172.16 |
| ABA Therapy and/or Counseling | 25 | \$128.62 | \$3,215.50 |

APPEAL PROCESS:

The decision issued by the Hearing Officer is final, except that any party aggrieved by the findings and decision of the Hearing Officer shall have ninety (90) days from the date of the decision of the Hearing Officer to file a civil action concerning the issues presented at the due process hearing in a District Court of the United States or a District of Columbia court of competent jurisdiction, as provided in 20 U.S.C. §1415(i)(2).

/S/ Coles B. Ruff

Coles B. Ruff, Esq.
Hearing Officer
Date: February 14, 2022

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