

OSSE
Office of Dispute Resolution
July 31, 2023

Hearing Date: July 26, 2023

¹ Personal identification information is provided in Appendix A.

resolve the issues in dispute. On June 13, 2023, I convened a telephone prehearing conference with counsel to discuss the issues to be determined, the hearing date and other matters. My final decision in this case is due by August 13, 2023.

With the parents' consent, the due process hearing was held online and recorded by the hearing officer, using the Microsoft Teams videoconference platform. The hearing, which was closed to the public, was convened before the undersigned impartial hearing officer on July 26, 2023. MOTHER and FATHER appeared online for the hearing and were represented by PETITIONERS' COUNSEL. Respondent DCPS was represented by LEA REPRESENTATIVE and by DCPS' COUNSEL.

Petitioners' Counsel and DCPS' Counsel opening statements. Mother testified and called PRIVATE SLP as an additional witness. DCPS called as witnesses LEA Representative and DCPS SLP. Petitioners' Exhibits P-1 through P-45, P-47 and P-48 were admitted into evidence, including Exhibits P-2 and P-38 admitted over DCPS' objections. I sustained DCPS' objection to Exhibit P-46. DCPS' Exhibits R-1 through R-62 were all admitted into evidence without objection. After the taking of the evidence, counsel for the respective parties made oral closing arguments. There was no request to submit written closings.

JURISDICTION

The hearing officer has jurisdiction under 20 U.S.C. § 1415(f) and D.C. Regs. tit. 5-A, § 3049.1.

ISSUE AND RELIEF SOUGHT

At the July 26, 2023 due process hearing, Petitioner's Counsel, on the record, withdrew several issues pleaded by the parents in their due process complaint. The remaining issue for determination is:

Whether DCPS has denied the student a free appropriate public education (FAPE) since DCPS inappropriately terminated the student's IEP and exited him/her from special education beginning on December 22, 2022.

For relief, the parents seek reimbursement from DCPS for their costs for private speech and language services obtained for Student after December 22, 2022.

FINDINGS OF FACT

After considering all of the evidence received at the due process hearing in this case, as well as the argument of counsel, my findings of fact are as follows:

1. Student, an AGE child, resides with the parents in the District of Columbia. Testimony of Mother.
2. In February 2017, when Student was enrolled at PUBLIC CHARTER SCHOOL 1, Student was evaluated by a speech-language pathologist and the PCS eligibility team found Student eligible for an Individualized Education Program (IEP) as having a Speech or Language Impairment (SLI) disability. Exhibit P-4. Student was served at PCS through the 2019-2020 school year. Exhibit P-5.
3. The parents enrolled Student in CITY SCHOOL, a DCPS public school, at the start of the 2020-2021 school year. At the time, Student was in STARTING GRADE. Exhibits P-6, P-8.

4. The City School IEP team developed an IEP for Student on October 8, 2020. The DCPS IEP identified Student's disability as SLI. The October 8, 2020 IEP provided for Student to receive 1 hour per week of Specialized Instruction Services in the general education setting and 180 minutes per month of Speech-Language Pathology services outside general education. Exhibit P-9.

5. The City School IEP team conducted an annual review of Student's IEP on May 7, 2021. The IEP team determined that Student no longer required Specialized Instruction Services. The IEP team continued Student's speech and language services at 180 minutes per month. Exhibit P-10.

6. The City School IEP team conducted the next annual review of Student's IEP on April 7, 2022. The IEP team reduced Student's speech and language services to 120 minutes per month, divided equally between services inside of and outside of the general education setting. Exhibits P-15, P-16.

7. Throughout the 2021-2022 school year, Student's end-of-term grades were all 3's (Proficient) or 4's (Advanced). At the end of Term 3, Student's classroom teacher reported that Student had emerged as a leader in book club groups and that he/she frequently contributed to class discussions. On the end-of-year report card the teacher reported that Student earned 100% on the end of year math assessment and that Student was reading beyond grade level expectations in both fluency and comprehension. Exhibit P-17. Student was reported to be "progressing" on the April 7, 2022 IEP Speech and Language goals. CITY SCHOOL SLP, who provided IEP speech

and language services to Student, reported that peers were able to understand Student well and Student's articulation errors did not appear to affect Student's writing. Exhibit P-18.

8. For the 2022-2023 school year, Student was in LAST GRADE at City School. Because Student's speech-language pathologist, City School SLP, would be out on leave in spring 2023, City School initiated Student's triennial reevaluation in fall 2022. Testimony of LEA Representative. An Analysis of Existing Data (AED) meeting for Student was convened on October 17, 2022. At that meeting, school staff reported that Student was reading at or above grade level expectations, and met grade-level expectations, with prompting, in written expression. For Communications/Speech and Language, it was reported that in his/her most recent speech therapy session, all of Student's sounds were produced with 90 to 100% accuracy. The parents reported at the meeting that while Student's speech had become more intelligible, he/she still struggled with articulating /r/ and r-controlled vowels. Exhibit P-20. At the AED meeting, the team, including the parents, agreed to proceed with ordering a comprehensive speech and language reevaluation of Student. Exhibit R-12. Mother electronically signed a written consent for the evaluation on October 28, 2022. Exhibit R-11.

9. On November 3 and 4, 2022, City School SLP conducted a triennial Speech and Language reevaluation of Student. Assessments administered by City School SLP included, *inter alia*, the Peabody Picture Vocabulary Test 5th Edition-Form A, Expressive Vocabulary Test 3rd Edition-Form B, Clinical Evaluation of Language

Fundamentals Fifth Edition (CELF-5), Goldman Fristoe test of Articulation (GFTA-3), as well as classroom and pragmatic, vocal and fluency observations. In her December 5, 2022 Speech and Language Triennial Review of Records and Re-evaluation Report, City School SLP reported, *inter alia*, that Student had made excellent progress in his/her speech and language skills, as evidenced by his/her improved scores on assessments, teacher report, therapy data, and observations. She reported that Student presented with the speech and language skills necessary to access the general education curriculum; that Student's articulation and expressive language skills allowed him/her to clearly verbalize his/her basic wants/needs, ask/answer questions to gain understanding, and improve his/her overall communication effectiveness in the classroom environment with adults and peers, as well as access the general education curriculum. To assess articulation skills, City School SLP administered the GFTA-3. On this test, Student achieved a Sounds-in-Words standard score of a 108, which City School SLP reported was the highest score achievable on this assessment and considered age appropriate. City School SLP reported that no errors were observed throughout sounds-in-words, sounds-in-sentences, or spontaneous speech and that Student's speech is judged to be 100% intelligible in connected speech. Exhibit P-24.

10. With regard to Student's articulation, Student's classroom teacher reported that Student "always" imitated sounds correctly in words, enjoyed speaking in front of the class, was understood when the topic was known or when the topic was

unknown, was able to sound-out unfamiliar words when reading aloud in class and was able to spell words correctly. Exhibit P-24.

11. City School SLP obtained input input from two other City teachers to help determine if a sound production problem existed which adversely affected Student's educational performance or peer relationships. Student's "focus teacher" reported his/her intelligibility is not reduced to the extent she found it difficult to understand Student; that Student had age-appropriate awareness of sounds in words and ability to rhyme, segment, and manipulate sounds in words; that Student was a social kid who participated in class without hesitation and that Student was on grade level with reading and writing. The focus teacher opined that Student's articulation skills do not adversely affect his/her educational performance. Student's Art teacher reported that Student's intelligibility was not reduced to the extent she found it difficult to understand him/her; that Student did not appear frustrated or embarrassed by his/her speech; that Student's speech did not distract others from what Student was saying and that Student did not seem limited socially or academically due to his/her speech. The Art teacher opined that Student's articulation skills did not adversely affect his/her educational performance. Exhibit P-24.

12. City School SLP reported that she observed Student in his/her general education class during transition and writing. She observed that when Student asked the teacher for support on a computer issue, Student was able to effectively articulate his/her need and obtain the expected support. City School SLP observed that both peers

and staff that interacted with Student appeared to understand him/her without supports; that Student appeared confident in his/her sounds and the ability to get his/her wants and needs met in the classroom setting; that during a whole group collaboration time, Student engaged in conversation with peers for up to 5-6 conversational turns and the peers appeared to understand everything Student said; that Student was not asked to repeat him/herself or to clarify his/her message and that Student appeared comfortable with teachers and peers and readily engaged in conversation when it was initiated. Exhibit P-24.

13. In her December 5, 2022 report, City School SLP concluded that based on the data from her reevaluation, Student's language system was "functional" and did not appear to negatively impact his/her ability to access the general education curriculum and that there was no potential educational impact in the areas of academic, behavioral, or cognitive struggles. Exhibit P-24.

14. Student's City School eligibility team met on December 16, 2022. The parents attended the meeting. City School SLP's December 5, 2022 report was discussed, including that Student achieved a standard score of 108 on the GFTA-3 indicating performance in the average range. The team reviewed the speech-language reevaluation, progress data, parent information, and teacher information. The school members of the team concluded that Student's communication skills were commensurate with developmental expectations and communication skills no longer adversely affected Student's educational performance. The school representatives

determined that Student was no longer eligible to receive speech-language services in the school environment and that Student did not continue to be a child with a disability who needed special education and related services. The parents indicated their disagreement with the eligibility determination. Exhibits R18, R-19.

15. The City School speech-language pathologist did not provide services to Student after November 30, 2022. Exhibit R-51.

16. On December 21, 2022, the parents requested DCPS to fund an Independent Educational Evaluation (IEE) of Student. Exhibit R-17. DCPS authorized an IEE Speech and Language Assessment on January 10, 2023. Exhibit R-20.

17. IEE SLP conducted a speech therapy evaluation of Student on February 8, 2023. IEE SLP administered to Student the Comprehensive Assessment of Spoken Language, Second Edition (CASL-2) and the Goldman Fristoe Test of Articulation, Third edition (GFTA-3). Information regarding Student's speech and language skills was also provided by Student's general education teacher. IEE SLP did not conduct a classroom observation. The classroom teacher reported that Student talked in front of the whole group, in small groups and with individual students; that Student had several strong friendships in the classroom and appeared to be understood by peers in social and academic contexts; that she had not seen classmates ask Student to repeat him/herself, with the exception being to repeat names of dinosaurs and that as Student's teacher, she was able to understand Student's speech and did not need to ask Student to repeat him/her self any more than a typical [REDACTED] grader. IEE SLP reported that Student

presented with strengths in his/her overall expressive and receptive language skills as well as use and understanding of pragmatic language and that Student's voice and fluency were within normal limits for age and gender. Exhibit R-21.

18. In her March 22, 2023 evaluation report, IEE SLP reported that Student presented with a performance impairment, namely, speech characterized by the use of the phonological process of vowelization. This phonological process occurred for all forms of vocalic /r/ from the single word to conversation level. Student also presented with distortions of /r/ in r-blends. IEE SLP reported that these errors were not considered age appropriate, impacted Student's overall speech intelligibility and that this reduced intelligibility of speech had the potential to negatively impact functional social interactions as well as academic participation. IEE SLP recommended that classroom teachers should encourage Student to decrease his/her rate of speech or repeat him/herself, as necessary, to improve his/her speech intelligibility. Exhibit R-21. On March 27, 2023, DCPS SLP reviewed IEE SLP's report on Student and did not report disagreement with any of IEE SLP's findings. Exhibit R-24, Testimony of DCPS SLP.

19. On March 3, 2022, DCPS SLP observed Student in the classroom setting at City School. In the classroom, DCPS SLP did not observe any concerns for Student. Teachers reported no concerns to her with how Student articulated or communicated. DCPS SLP observed that Student had no difficulty communicating with peers. DCPS SLP also reviewed the IEE speech-language evaluation. DCPS SLP concluded that the errors noted by IEE SLP in Student's speech did not prevent Student from making

progress in the school setting in the general education classroom with reading, or speech intelligibility in social relationships. Testimony of DCPS SLP, Exhibit R-24.

20. On March 27, 2023, City School convened a multidisciplinary team meeting to review the IEE speech and language report. The school members of the team determined that Student was ineligible for school-based speech services. The parents disagreed with this decision. Exhibit P-35.

21. Over the 2022-2023 school year, Student's performance on the Lexile reading comprehension measure increased from 981 to 1126. Student's June 2023 score was above grade level. On the i-Ready Diagnostic math assessment, Student's score increased from 483 to 528 over the school year. Student's June 2023 i-Ready math score was above grade level. On the i-Ready reading score administered in May 2023, Student scored 613, mid- or above grade level. Testimony of LEA Representative, Exhibits R-27, R-28, R-29.

22. In January 2023, the parents engaged Private SLP to provide speech services to Student. Since February 9, 2023, Private SLP has provided weekly speech services to Student to work on the child's articulation difficulties. Student is making progress. Testimony of Private SLP. As of the hearing date, Private SLP had provided Student 18 1-hour sessions at \$160 per session. Testimony of Mother.

23. In a written statement, Mother reported a number of instances at City School during the 2022-2023 school year, when Student related to Mother how his/her articulation impairment affected school participation. In October 2022, Student was

distressed that classmates did not understand his/her oral presentation about a visit to a museum in Florida. In November 2022, Mother observed that two new staff members struggled to understand Student during morning check-in. Also in November 2022, a substitute teacher did not comprehend Student's request to finish an oral presentation on family traditions. From February to April 2023, Student faced consistent difficulties in being understood in music class taught by a substitute teacher, when it was Student's turn to perform in the class. In March 2023, a substitute teacher was unable to comprehend Student's contributions in math class and during a reading discussion. There were also out-of-school incidents where listeners had difficulty understanding Student. Testimony of Mother, Exhibit P38.

24. For the 2023-2024 school year, the parents have transferred Student from DCPS to a public charter school local education agency. Representation of Petitioners' Counsel.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact and argument of counsel, as well as this hearing officer's own legal research, my Conclusions of Law are as follows:

Burden of Proof

As provided in the D.C. Special Education Student Rights Act of 2014, the party who filed for the due process hearing, the parents in this case, shall bear the burden of production and the burden of persuasion, except that where there is a dispute about the appropriateness of the child's IEP 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 parents hold the burden of persuasion in this case. The burden of persuasion shall be met by a preponderance of the evidence. *See* D.C. Code § 38-2571.03(6).

ANALYSIS

From February 2019 until December 2022, Student had been determined to be a child with a disability and eligible for IEP speech-language pathology services on the basis of having a Speech or Language Impairment (SLI) disability. Student was initially determined eligible when he/she attended Public Charter School 1. At the start of the 2020-2021 school year, Student enrolled in City School, a DCPS public school. On December 16, 2022, the City School eligibility team determined that Student no longer qualified for services as a child with an SLI disability and exited Student from special education. In this proceeding, the parents seek a determination that DCPS' decision to exit Student from special education was erroneous resulting in a denial of FAPE. For the reasons explained below, I agree with the parents.

The IDEA regulations define "Child with a disability" to mean a child evaluated as having one of 13 enumerated disability categories, including Speech or Language Impairment (SLI) "and who, by reason thereof, needs special education and related

services.” 34 C.F.R. § 300.8(a)(1). Speech or Language Impairment (SLI) means “a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child’s educational performance.” 34 C.F.R. § 300.8(c)(11); 5A DCMR § 3011.12(a).

The parents have established in this case that at the time Student was exited from special education in December 2022, he/she had an impaired articulation communication disorder. As IEE SLP explained in her March 22, 2023 independent evaluation report, Student presented with a speech performance impairment, namely, speech characterized by the use of the phonological process of vowelization. This phonological process occurred for all forms of vocalic [relating to vowels] /r/ from the single word to conversation level. Student also presented with distortions of /r/ in r-blends. IEE SLP reported that these errors impacted Student’s overall speech intelligibility. *See* 5A DCMR § 3011.12 (Child’s IEP Team shall consider assessments and child data related to whether the child displays an articulation impairment, including atypical production of speech sounds characterized by substitutions, omissions, additions, or distortions that interferes with intelligibility in conversational speech.)

Where the parties disagree in this case goes to the second part of the SLI definition – whether in December 2022 Student’s communication disorder adversely affected his/her educational performance. It is undisputed that in the 2022-2023 school year, Student had a strong academic performance. However, for purposes of 34

C.F.R. § 300.8(c)(11) academic performance is not synonymous with “educational performance.”

The IDEA does not define the meaning of “adversely affects a child’s educational performance” used in the definition of SLI in both the IDEA regulations and the DCMR. *Day v. Kipp DC Pub. Charter Sch.*, No. 19-CV-1223-RBW-ZMF, 2021 WL 3507602, at *8 (D.D.C. Jan. 20, 2021). In 1980, the U.S. Department of Education provided guidance on point, which clarified the Department’s position that speech impaired children may be deemed to have an SLI disability even though they may have no problem in academic performance. *See Letter to Dublinske*, 211 IDELR 202 (OSEP 1980). In that guidance the Acting Assistant Secretary for Special Education and Related Services wrote,

I agree that an interpretation which denies needed services to speech impaired children who have no problem in academic performance is unreasonably restrictive in effect and inconsistent with the intent of the [IDEA] and regulations.

There is strong support in the Act and regulations for a broad constriction of the term “educational performance”. By its terms, the Act affords some services (and encourages States to provide more) to infants and preschoolers with the kinds of handicapping conditions listed in the statute. “Speech impaired” is one of those categories of handicapping conditions. . . . The meaning of “educational performance” cannot be limited to showing of discrepancies in age/grade performance in academic subject-matter areas

...

[A] speech/language impairment necessarily adversely affects educational performance when the communication disorder is judged sufficiently severe to require the provision of speech language pathology services to the child.

Id. at 1-2. More recently, in *Letter to Clarke* (OSEP March 8, 2007), the Director of the

Office of Special Education Programs, wrote that it remained the Department of Education's position that the term "educational performance" was not limited to academic performance.

Whether a speech and language impairment adversely affects a child's educational performance must be determined on a case-by-case basis, depending on the unique needs of a particular child and not based only on discrepancies in age or grade performance in academic subject areas. . . . Therefore, IDEA and the regulations clearly establish that the determination about whether a child is a child with a disability is not limited to information about a child's academic performance.

Id. at 1.

In *Mary P. v. Illinois State Bd. of Educ.*, 919 F.Supp. 1173 (N.D.Ill. 1996), the court considered a scenario analogous to the present case. The child in that case had small nodules on his vocal cords. Describing the effect of the child's condition on his ability and willingness to speak, the parent's witnesses cited episodes where the child's voice rendered him wholly unintelligible and where he was reluctant to offer vocal responses to oral questions. The school division's witnesses focused on the child's academic and social aptitude. They cited his ability to participate in all school activities with competency and his popularity among his classmates.

The court in *Mary P.* deferred to OSEP's interpretation in *Letter to Dublinske* and adopted the department's position with regard to the eligibility criteria for speech impairment.

"Educational performance" means more than a child's ability to meet academic criteria. It must also include reference to the child's development of communication skills, social skills, and personality, as the

Code, itself, requires. See 34 C.F.R. §300.533(a)(1) [currently 34 C.F.R. § 300.306(c)(1)(i)] (requiring analysis of a “variety of sources”). Whether the balance of these factors tips towards eligibility depends on the manner in which the specific disability afflicts the student. Today, the court simply holds that a child whom experts determine suffers from a speech impairment so severe as to inhibit his ability or desire to communicate with his teachers and peers meets the criteria of “speech impairment” which “adversely affects the child’s educational performance” under 34 C.F.R. § 300.7(b)(11) [currently 34 C.F.R. § 300.8(c)(11)] and, thus, is a “child with a disability” under 20 U.S.C. § 1401(a)(1).

Mary P. at 1180-81.

In the present case, determining whether Student’s impaired articulation adversely affects his/her educational performance cannot be limited to an analysis of Student’s strong academic performance. In *Letter to Dublinske, supra*, OSEP wrote that if the communication disorder is judged sufficiently severe to require the provision of speech language pathology services to the child, the impairment *necessarily* adversely impacts the child’s educational performance. At the due process hearing, the parents’ expert, Private SLP, testified that Student would not “outgrow” his/her articulation problems and that he/she requires the intervention of a Speech-Language Pathologist to correct it. DCPS’ experts did not rebut this opinion. In fact, since February 2023, Private SLP provided weekly speech language therapy to Student following DCPS’s determination that Student was no longer eligible. Deferring to OSEP’s guidance in *Letter to Dublinske*, I conclude that because Student’s articulation disorder is sufficiently severe to require speech-language pathology services, the disorder necessarily adversely impacts his/her educational performance.

Moreover, IEE SLP reported in her March 22, 2023 IEE speech and language evaluation report, that Student's articulation errors impacted Student's overall speech intelligibility and that this reduced intelligibility had the potential to negatively impact Student's functional social interactions as well as academic participation. This concern was borne out by Mother's report of several school incidents during the 2022-2023 school year, when Student related to Mother [REDACTED] distress about how his/her articulation impairment affected school participation. For example, in October 2022, Student was distressed that classmates did not understand his/her oral presentation about a visit to a museum in Florida. In November 2022, a substitute teacher did not comprehend Student's oral request to finish a presentation on family traditions. In spring 2023, substitute teachers in music and academic classes had difficulty understanding Student. When Mother picked Student up school after these incidents, Student expressed [REDACTED] distress to the parent. As the court pronounced in *Mary P., supra*, where a child's speech impairment is so severe as to inhibit [REDACTED] ability or desire to communicate with [REDACTED] teachers and peers, this meets the criteria of communication disorder which adversely affects the child's educational performance.

Even though Student's academic performance was strong during the 2022-2023 school year and, for the most part, Student's teachers and staff could understand him/her in class, based on Student's ongoing requirement for speech language pathology services for impaired articulation and the impact communication challenges had on the child in school, I conclude that Student continued to have an SLI disability in

December 2022. The parents have met their burden of persuasion that at the time of the December 2022 eligibility determination, Student still had a communication disorder – impaired articulation – that adversely affected the child’s educational performance. I find that by reason of that impairment, Student required speech-language pathology services. I conclude that DCPS’ December 2022 decision to exit Student from special education was a denial of FAPE.

Remedy

For relief in this case, the parents request that DCPS be ordered to reimburse them for the cost of the speech-language pathology services they obtained for Student from Private SLP from February 9, 2023 through June 23, 2023.² Reimbursement for privately-obtained speech-language pathology services is available under the IDEA, when the school division has failed to provide such services to a child with an SLI disability. Such reimbursement may be appropriate if the hearing officer finds that the school district denied FAPE to the student and that the private services are appropriate. *See E.L. v. Bedford Cent. Sch. Dist.*, No. 18 CIV. 3062 (NSR), 2022 WL 3667189, at *14 (S.D.N.Y. Aug. 25, 2022). *Cf. Leggett v. District of Columbia*, 793 F.3d 59, 66-67 (D.C. Cir. 2015) (School districts must reimburse parents for private-school expenses if: (1) school officials failed to offer the child a FAPE; (2) the private-school placement chosen by the parents was otherwise proper under the IDEA; and (3) the equities weigh in favor

² Student is transferring to a different local education agency in the District for the 2023-2024 school year. The parents do not seek an order for DCPS to reinstate Student’s special education eligibility.

of reimbursement.) Equitable considerations are relevant in fashioning relief. *See Sch. Comm. of Town of Burlington, Mass. v. Dep't of Educ. of Mass.*, 471 U.S. 359, 374, 105 S. Ct. 1996, 2005, 85 L. Ed. 2d 385 (1985).

In this decision, I have determined that DCPS denied Student a FAPE by exiting him/her from special education in December 2022 and not providing Speech-Language Pathology services after November 30, 2022. Student's April 7, 2022 IEP provided for him/her to receive 120 minutes per month of Speech-Language Pathology. Therefore, from December 2022 through June 2023, Student was deprived of some six months, or 12 hours, of IEP Speech-Pathology services.

After DCPS exited Student from special education, the parents obtained weekly Speech-Language therapy services for Student from Private SLP, from February through June 23, 2023, for a total of 18 hours. Private SLP holds a masters degree in Speech-Language Pathology and is certified by the American Speech-Language-Hearing Association (ASHA). She has been practicing for 17 years as a speech-language therapist. With Private SLP's services, Student made progress on his/her articulation impairment. Therefore, I find that the services obtained for Student from Private SLP were appropriate.

Considering that due to DCPS' erroneous decision in December 2022 to exit Student from special education, it fell to the parents to research, interview and engage a qualified Speech-Language Pathologist for Student and that the new therapist needed time to get to know Student and develop a therapy plan, I find that reimbursement to

the parents for 15 hours of Private SLP's services is an appropriate and equitable remedy in this case. *See Reid ex rel. Reid v. District of Columbia*, 401 F.3d 516, 525 (D.C. Cir. 2005) (Eschewing hour-for-hour formula.)

ORDER

Based upon the above Findings of Fact and Conclusions of Law, it is hereby

ORDERED:

1. Upon receipt of documentation of payment by the parents as may be reasonably required, DCPS shall, without undue delay, reimburse the parents their costs for Private SLP's services to Student for 15 one hour therapy sessions and
2. All other relief requested by the Petitioners herein is denied.

Date: July 31, 2023

s/ Peter B. Vaden
Peter B. Vaden, Hearing Officer

NOTICE OF RIGHT TO APPEAL

This is the final administrative decision in this matter. Any party aggrieved by this Hearing Officer Determination may bring a civil action in any state court of competent jurisdiction or in a District Court of the United States without regard to the amount in controversy within ninety (90) days from the date of the Hearing Officer Determination in accordance with 20 U.S.C. § 1415(i).

cc: Counsel of Record
Office of Dispute Resolution.