

District of Columbia
Office of the State Superintendent of Education

Office of Dispute Resolution
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Parents, on behalf of Student,¹)	Hearing Officer: Michael Lazan
Petitioners,)	
)	Hearing Dates:
v.)	5/22/25; 5/23/25; 5/28/25
)	
District of Columbia Public Schools,)	Case No. 2025-0059
Respondent.)	

HEARING OFFICER DETERMINATION

I. Introduction

This case involves an X-year-old student (the “Student”) who is currently eligible for services. A due process complaint (“Complaint”) pursuant to the Individuals with Disabilities Education Act (“IDEA”) was filed by the Student’s parents (“Petitioners”) and received by District of Columbia Public Schools (“DCPS” or “Respondent”) on March 21, 2025.

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 (“DCMR”), 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

The prehearing conference was waived by the parties in view of the earlier prehearing conference on identical issues in case 2024-0246, which was held on February 12, 2025. Participating in that prehearing conference were Attorney A, Esq., and Attorney C, Esq., attorneys for Petitioners, and Attorney B, Esq., attorney for Respondent. On May 13, 2025, a prehearing conference order was issued, summarizing the rules to be applied in the hearing and identifying the issues in the case. This order was revised on May 14, 2025.

The matter proceeded to trial on May 22, 2025, May 23, 2025, and May 28, 2025. The hearing was conducted through the Microsoft Teams videoconferencing platform, without objection. During the proceeding, Petitioners moved into evidence exhibits P-1 through P-115. DCPS objected to exhibits P-1 through P-16, P-18 through P-31, P-33 through P-36, P-39 through P-52, P-54, P-55, P-57, P-60, P-64, P-66, P-67, P-71 through P-77, P-79, P-82, P-84, P-85, P-87, P-89 through P-104, P-108, P-110, and P-115. These objections were overruled. Exhibits P-1 through P-115 were admitted. Respondent moved into evidence exhibits R-1, R-5, R-14 through R-18, R-20 through R-26, R-30, R-35, R-37 through R-42, R-44, R-45, R-66, R-68, and R-71 through R-76, without objection.

Petitioners presented as witnesses, in the following order: Witness A, a clinical social worker (expert in clinical social work for adolescents and young adults); the Student's mother ("Mother"); Witness B, an assistant clinical manager at Residential Treatment Center B (expert in social work in an adolescent psychiatric hospital setting); Witness C, Head of School at School A (expert in the administration of academic

programming in an independent school); and the Student's father ("Father"). Respondent presented as witnesses, in the following order: Witness D, a DCPS Central Individualized Education Program ("CIEP") specialist (expert in special education determinations, eligibility, programming, and placement); Witness E, a special educator and administrator (expert in special education programming and placement); Witness F, a DCPS home and hospital instruction program specialist; and Witness G, a school and clinical psychologist and neuropsychologist (expert in school psychology and neuropsychology).

On May 29, 2025, after the presentation of testimony and evidence, Petitioners moved to extend the timelines for the Hearing Officer Determination ("HOD") to July 1, 2025, to allow the parties to submit written closing statements. An order was issued granting the extension on June 2, 2025. The parties filed written closing statements on June 20, 2025.

IV. Issues

As identified in the prehearing conference order and in the Complaint, the issues to be determined in this case are as follows:

1. Did DCPS deny the Student a Free Appropriate Public Education ("FAPE") by failing to abide by its child-find obligations, because DCPS should have proceeded with finding the Student to be eligible for special education services and created an Individualized Education Program ("IEP") for them by the beginning of the 2023-2024 school year?

Petitioners contended that this violation continued every day until the Student received a location of services at the start of the 2024-2025 school year.

2. Did DCPS deny the Student a FAPE by failing to provide them with any IEP or an appropriate corresponding educational placement capable of addressing their needs and in which they could access the learning environment from August 2023 to the beginning of the 2024-2025 school year?

3. Did DCPS deny the Student a FAPE by failing to provide the Student with an educational placement or location of services starting in August 2023 and continuing through the end of the summer of 2024?

As relief, Petitioners seek: (1) a finding that DCPS denied the Student a FAPE in the ways alleged in the Complaint; (2) an order requiring DCPS to reimburse Petitioners for their out-of-pocket costs incurred for private services on behalf of the Student due to DCPS failing to offer the Student an appropriate IEP and placement, including application fees, deposits, tuition, and related services, including the full out-of-pocket costs associated with sending the Student to Residential Treatment Center A, the full out-of-pocket costs associated with sending the Student to Residential Treatment Center B, the full out-of-pocket costs associated with educating the Student at School A during the 2023-2024 school year and summer of 2024, and the full out-of-pocket costs associated with outpatient services provided by Provider A, including but not limited to individual therapy, family therapy, and the multifamily skills group from March 13, 2024, until August 19, 2024; (3) an order requiring DCPS to pay for any other mental health costs incurred as a result of DCPS's failure to offer the Student a timely and appropriate IEP and placement; and (4) an order requiring DCPS to fund Petitioners' compensatory education plan or a compensatory education plan ordered by this Hearing Officer after a fact-specific inquiry.

V. Findings of Fact

1. The Student is an X-year-old who is eligible for services as a student with Emotional Disturbance. The Student has been diagnosed with a wide range of disorders, including attention deficit hyperactivity disorder ("ADHD"), inattentive type, sleep apnea, atypical anorexia nervosa, chronic daily headache, acute encephalopathy, gender

dysphoria, generalized anxiety disorder, major depressive disorder, opioid use disorder, post-traumatic stress disorder (“PTSD”), and borderline personality disorder. P-108-7;
Testimony of Mother.

2. The Student first began to experience mental health issues during the 2019-2020 school year. In or about November 2020, the Student was admitted to Hospital A because of abdominal pain and suicidal ideation with a plan. The Student denied the suicidal ideation and the desire for self-harm, but then, when asked what the likelihood was that the Student would end their life by cutting in the next two weeks if they went home, the Student said 75%. The Student was reportedly angry and impulsive, engaging in verbal and physical fights at school, and experiencing panic-like attacks. P-108-106.

3. During the 2021-2022 school year, the Student attended Public Charter School A, where the Student received grades of 91% in advisory, 89% in wealth management, 79% in English, 90% in engineering, 95% in health, 96% in history, 92% in Chinese, 94% in algebra, 99% in physical education, and 93% in biology. P-56-2.

4. During the 2022-2023 school year, the Student continued to attend Public Charter School A. In or about November 2022, the Student was admitted to Hospital A, due to psychiatric issues, where the Student stayed until December 16, 2022. P-108-94. Hospital A staff continued to assess and treat the Student thereafter, until the social work team at Hospital A got the Student accepted into an out-of-state residential treatment program. The plan was to discharge the Student from the hospital and then, the next morning, fly the Student to the out-of-state program, to minimize time between treatment. P-108-190.

5. The Student went to the out-of-state residential treatment center but was discharged early because the Student engaged in self-harm, did not always follow the rules, and engaged in verbal altercations. P-44-3; P-108; Testimony of Mother. The Student was again hospitalized at Hospital A from approximately April 6, 2023, to May 4, 2023. The Student was admitted for treatment after the Student engaged in serious self-injury. After admission, the Student was found unresponsive and treated for possible ingestion of a harmful substance and respiratory arrest. P-54-9.

6. On or about June 5, 2023, Petitioners sent correspondence to DCPS asking for an evaluation of the Student for special education services, and Petitioners provided a consent for evaluation. The correspondence, which indicated that the Student had been released from a residential treatment program, indicated that Petitioners sought an IEP and an appropriate offer of placement from DCPS. P-1. DCPS then reached out to the Student's prior school for documents in June 2023. Testimony of Witness E.

7. During the 2022-2023 school year, at School A PCS, the Student received grades of 75% in advisory, 89% in business, 76.5% in English, 90.5% in history, 79.5% in Chinese, 88% in geometry, and 61.5% in chemistry. P-56-2.

8. On or about June 30, 2023, the Student attempted suicide by ingesting rubbing alcohol. Testimony of Mother; P-108-76-77. The Student was subsequently hospitalized again, admitted to Hospital A on July 16, 2025. P-108-70. On or about August 12, 2023, Petitioners enrolled the Student in DCPS while the Student was still at Hospital A. Testimony of Witness E. On or about October 16, 2023, the Student was discharged from Hospital A, after more than three months of services. P-108-70. The Student was sent to another residential treatment center, Residential Treatment Center A.

The Student spent about two weeks at this facility, which was “attached” to a therapeutic school. The Student went to a hospital emergency room five times during this two-week period. While at Residential Treatment Center A, Petitioners tried to arrange home and hospital services for the Student from DCPS, but by the time these services were to be set up, the treatment center had discharged the Student. A staff member at the treatment center advised Petitioners to get the Student evaluated to determine if the Student should be diagnosed with autism spectrum disorder (“ASD”). Testimony of Mother; P-11; P-12.

9. Petitioners picked up the Student from Residential Treatment Center A and took them back to Hospital A. Hospital A staff told Petitioners that the Student did not meet the requirement for hospitalization because the Student was not in an “acute” state. Petitioners then provided the Student with home-based psychological care. The Student was hospitalized at least twice during this time, once for drinking bleach.

Testimony of Mother. On November 15, 2023, Petitioners were notified that the Student had been referred for special education services as of October 31, 2023. R-16. In or about November 2023, Petitioners identified another treatment center for the Student, Residential Treatment Center B. Testimony of Mother.

10. A comprehensive psychological evaluation report on the Student was written by a DCPS psychologist on January 24, 2024. The evaluator administered the Behavior Assessment Scale for Children-Third Edition (“BASC-3”), Wechsler Adult Intelligence Scale-Fourth Edition (“WISC-V”), Wechsler Individual Achievement Test-Fourth Edition (“WIAT-IV”), and Wechsler Adult Intelligence Scale-Fourth Edition (WAIS-IV). The Student’s performance on cognitive tasks revealed a full-scale IQ of 87. The Student performed in the borderline range on processing speed tasks. The Student’s

academic performance was below age and grade expectation, with scores in the very low range in written expression, math, math fluency, and achievement. BASC-3 scales completed by the Mother indicated that the Student's overall level of "externalizing problems" and "internalizing problems" were clinically significant. P-54-8.

11. In January 2024, DCPS wrote a Functional Behavior Assessment ("FBA") for the Student. The FBA indicated that the Student had a history of maladaptive behaviors that impacted the Student's ability to remain in an academic environment for extended periods. The FBA also indicated that the Student had a history of emotional dysregulation, depressive symptoms, issues with body image, atypical eating habits, suicidal ideations, and suicide attempts, which resulted in the Student having difficulty succeeding in the academic environment. The FBA suggested that the Student would benefit from an environment where interventions and accommodations were in place and implemented with fidelity. In connection to the FBA, the Student was observed on January 16, 2024, "in two-minute increments," from 11:00 a.m. until 12:45 p.m. The Student cooperated with the examiner, expressed a desire to do well, and completed assigned tasks. P-54-25.

12. The Student was admitted to Residential Treatment Center B in or about late January 2024. The program at this treatment center is designed to offer stabilization and assessment for adolescents who have psychiatric disorders or co-occurring disorders. Residential Treatment Center B told Petitioners that its program included a certified private school teacher who works with the children, their parents, and their schools to develop individualized plans for completing academic work during each child's period of hospitalization. Every weekday morning, two hours would be devoted to academics.

Staff would also provide the children with group therapy, 1:1 therapy, music therapy, and related interventions and services. Testimony of Mother; Testimony of Witness B; P-102; P-103.

13. Residential Treatment Center B examined the Student's medications, behavior, and history, and adjusted the Student's medications. Testimony of Witness B. Still, the Student reportedly attempted suicide approximately ten times in total while at Residential Treatment Center B (with means including cutting, overdosing, and drinking rubbing alcohol), requiring hospitalization in four instances. The Student demonstrated significant emotional and behavioral dysregulation, kicking doors, climbing furniture, and eventually becoming physically aggressive, requiring extensive supervision and safety precautions. The Student's team psychiatrist requested a psychological assessment to aid in diagnosing potential neurodevelopmental and personality disorders. The Student showed no evidence of remorse and seemed to have limited understanding of social causality (e.g., suggesting that the team should "forget" that the Student's behavior had occurred, that physical aggression "doesn't count" when directed toward staff, and that staff had "deserved" to be hit for their routine enforcement of ordinary unit rules). Residential Treatment Center B staff met on February 7, 2024, to evaluate the Student's safety, and they determined that an administrative discharge was indicated. On February 8, 2024, the team held a meeting with the Mother to discuss diagnostic conceptualization and recommendations for future treatment, and the Student was discharged later that day. The staff recommended a different residential treatment center for the Student and identified a program with availability for immediate transfer, but the Mother opted to

pursue outpatient treatment. The majority of planned testing could not be completed due to the Student's early discharge. P-46; Testimony of Mother; Testimony of Witness B.

14. The Student self-inflicted a stab wound in or about March 2024. The Student was then referred to a psychiatric hospital, but this hospital indicated that it could not care for the Student. Petitioners sought home instruction from DCPS, but this request was denied because DCPS said that the Student had to be enrolled in a school before it could provide services. The Student then returned to Hospital A. Testimony of Mother.

15. On or about March 13, 2024, the Student met Witness A, a clinical social worker with Provider A, who initiated dialectical behavior therapy ("DBT") for the Student. This approach is more structured than cognitive behavior therapy ("CBT") and includes skills training, a family skills group, coaching, and a consultation team. The Student was seen approximately three times a week for a total of four hours weekly. The Student "did well" and attended regularly, but appeared sad and low-energy. Witness A concluded that the Student angered quickly, at least in part because of untreated PTSD. DBT therapy appeared to reduce the Student's substance use, and the therapist was not aware of any suicide attempts or hospitalizations during this time. Initially, the Student's eating disorder also appeared to resolve, but the Student eventually required additional treatment for that. The Student worked with Witness A through March 3, 2025.

Testimony of Witness A.

16. An eligibility meeting was held for the Student in March 2024, wherein the Student was determined to be eligible for services as a student with Emotional Disturbance. P-56-13. At about this time, Petitioners sought private instruction for the

Student. They considered School D as an option, once the Student was medically cleared by Hospital A. Testimony of Mother.

17. School D is an independent school that provides students with 1:1 instruction and assigned grades. The school also offers socialization in a study hall/homework class. The school has campuses in the greater District of Columbia area, each with forty-five to fifty full-time students. The academic credentials of the teachers at School D include, at minimum, a bachelor's degree. Students in the school vary: some are diagnosed with learning disabilities, some with ADHD, some with ASD, and some with anxiety and depression. Each course at School D has twenty-five classroom sessions and twenty-five periods with independent practice or homework. Instructors teach to each student's abilities and provide individualized instruction within the school's curriculum. Credits can be used to graduate. Classes are in person. The Student was placed in a math class from May to June and received an A- in the class. The Student was engaged in the course, according to the two teachers. P-72; Testimony of Witness C.

18. An IEP was written for the Student on May 14, 2024. The IEP described the Student as being diagnosed with an eating disorder, a major depressive disorder, and gender dysphoria. The IEP said that the Student had exhibited maladaptive behaviors that had impacted the Student's ability to fully engage in an academic environment, that the Student had been hospitalized at Hospital A five times, and that the Student had been admitted to three residential treatment facilities. The IEP recommended thirty hours of specialized instruction per week outside general education, with four hours per month of behavior support services. R-26.

19. After the IEP meeting, DCPS and Petitioners agreed to send the Student to a residential treatment center. However, the parties subsequently agreed to place the Student at a non-public day school during the 2024-2025 school year. DCPS agreed to fund this placement, where the Student has functioned relatively well, though behavioral issues have still occurred. This school has provided the Student with a therapeutic environment, including 1:1 time with staff. Testimony of Witness A.

VI. Conclusions of Law

The burden of proof in District of Columbia special education cases changed in 2014. The law states that “(w)here there is a dispute about the appropriateness of the child’s individual educational program or placement, the public agency shall hold the burden of persuasion on the appropriateness of the existing or proposed program or placement” provided that the party requesting the due process hearing establishes “a *prima facie* case.” D.C. Code Sect. 38-2571.03(6)(A)(i). In this case, the burden of persuasion is on Petitioners for all issues.

1. Did DCPS deny the Student a FAPE by failing to abide by its child-find obligations, because DCPS should have proceeded with finding the Student to be eligible for special education services and created an IEP for them by the beginning of the 2023-2024 school year?

2. Did DCPS deny the Student a FAPE by failing to provide them with any IEP or an appropriate corresponding educational placement capable of addressing their needs and in which they could access the learning environment from August 2023 to the beginning of the 2024-2025 school year?

3. Did DCPS deny the Student a FAPE by failing to provide the Student with an educational placement or location of services starting in August 2023 and continuing through the end of the summer of 2024?

Because these issues overlap, this section addresses all the issues together.

The Child Find provisions of the IDEA (“Child Find”) require each state to have policies and procedures in effect to ensure that all children with disabilities who reside in the state and who need special education services are identified, located, and evaluated. 20 U.S.C. Sect. 1412(a)(3)(A); 34 C.F.R. Sect. 300.111(a). Child Find obliges a school district to oversee any child suspected of being a child with a disability and in need of special education, even though they are advancing from grade to grade. 34 C.F.R. Sect. 300.111(c)(1); Reid v. District of Columbia, 401 F.3d 516, 518-19 (D.C. Cir. 2005); Hawkins v. District of Columbia, 539 F. Supp. 2d 108 (D.D.C. 2008).

Child Find is an “affirmative obligation.” Montuori v. District of Columbia, No. CV 17-2455 (CKK), 2018 WL 4623572, at *6 (D.D.C. Sept. 26, 2018). As soon as a student is identified as a potential candidate for special education services, the school district has a duty to locate that student and complete the evaluation process. N.G. v. District of Columbia, 556 F. Supp. 2d 11, 25–26 (D.D.C. 2008). School districts may not ignore disabled students’ needs, nor may they await parental demands before providing special instruction. The District of Columbia Circuit Court of Appeals has stated that the Child Find obligation is among the IDEA’s “most important” requirements for a Local Educational Agency (“LEA”). D.L. v. District of Columbia, 860 F.3d 713, 717 (D.C. Cir. 2017). Child Find applies to children (among others) who have complex medical needs and who reside in nursing homes because of serious health problems. Dear Colleague Letter, 67 IDELR 245 (U.S. Department of Education Office of Special Education and Rehabilitative Services (“OSERS”) 2016). To hold a school district liable for failing to identify a student who should be evaluated for purposes of receiving special education, a claimant must show that school officials overlooked clear signs of disability

and were negligent in failing to order testing, or that there was no rational justification for not deciding to evaluate. H.S. v. District of Columbia, No. 1:23-CV-2982-RCL, 2025 WL 1019300, at *11 (D.D.C. Apr. 4, 2025).

Petitioners contended that DCPS's Child Find obligation started on June 5, 2023, when they advised DCPS of the Student's issues at Public Charter School A, told DCPS that the Student was in a residential setting, advised that the Student needed an IEP and placement, and provided a consent to evaluate the Student. A parent of a child (or a public agency) may initiate a request for an initial evaluation to determine if the child is a child with a disability. 34 CFR 300.301(b). Federal law requires the evaluation to be completed within sixty days of consent unless state law provides otherwise. 34 CFR 300.301(c). In fact, in the District of Columbia, the law is the same. D.C. Code Section 38-2561.02(a)(2)(a) states that the LEA is required to "assess and evaluate" any student who may have a disability and who may require special education services within sixty days from the date that the student's parent or guardian provides consent for the evaluation or assessment. Accordingly, by the plain letter of the federal and local laws, DCPS had sixty days from June 5, 2023 (i.e., until August 14, 2023), to evaluate the Student and determine if the Student needed special education services. Since the IDEA requires that a district hold an IEP meeting to develop a child's initial IEP within thirty days of determining that the child needs special education and related services (34 CFR 300.323(c)(1)), the Student should have had an IEP by September 13, 2023. Since each public agency must ensure that "as soon as possible following development of the IEP, special education and related services are made available to the child in accordance with

the child's IEP" (34 CFR 300.323(c)(2)), the Student, if found eligible for services, should have started to receive services by late September 2023.

DCPS suggested that Petitioners' consent was improper because it was not on a DCPS form, but there is no requirement that parental consent be on a particular form created by a school district to be effective, and DCPS submitted no authority in support of this proposition. DCPS also suggested that it had to wait until the Student's residency was established before it could evaluate the Student, and that it did schedule an Analysis of Existing Data ("AED") meeting for the Student in October 2023, when the residency issue was resolved. But there is nothing in the record to suggest that residency should have been in question, or that residency issues were so difficult to manage that DCPS needed to delay reviewing the existing data for this Student in October 2023. Nor did DCPS present any authority to suggest that a school district can extend the time that is required for an initial evaluation because of residency concerns.

It should be pointed out that if the Student had, in fact, been evaluated between June 2023 and September 2023, the Student should have been found to be eligible for special education services. The Student's May 2024 IEP deemed the Student to be a student with Emotional Disturbance and offered the Student a full-time special education program with thirty hours of specialized instruction per week. DCPS did not offer a clear argument opposed to the view that the Student would have been deemed to be eligible for services after an evaluation in 2023. In fact, in its brief, DCPS suggested that the Student should have been referred for services well before June 5, 2023. Indeed, the Student's mental health issues over the past several years have been so severe that they have impeded the Student's ability to even get to school, and the Student's academics have

slipped to the point where the Student was tested in the very low range in written expression, math, math fluency, and achievement.

Accordingly, this Hearing Officer deems DCPS to have violated the IDEA and Child Find and to have denied the Student a FAPE due to its failure to locate, identify, and evaluate the Student and due to its corresponding failure to provide the Student with an IEP and placement as of September 23, 2023. Petitioners argued that the FAPE denial continued until the parties resolved the Student's placement issue at the start of the 2024-2025 school year. Though DCPS did create an IEP for the Student in May 2024, it did not assign a school for the Student for the remainder of the 2023-2024 school year and for the summer of 2024. As a result, this Hearing Officer agrees with Petitioners that the period of FAPE denial runs to the end of the 2023-2024 school year, including the summer of 2024.

RELIEF

When a student is denied a FAPE, the court is directed to “grant such relief as [it] determines is appropriate.” School Committee of the Town of Burlington v. Dep't of Education, Massachusetts, 471 U.S. 359, 371 (1985). The Supreme Court has indicated that due process decision-makers have as much discretion as that of courts in IDEA cases. Forest Grove Sch. Dist. v. T.A., 557 U.S. 230, 243 n.11 (2009).

A school district may be required to pay for educational services obtained for a student by the student's parents if the services offered by the school district are inadequate or inappropriate, the services selected by the parents are “proper under the Act,” and equitable considerations support the parents' claim, even if the private school in which the parents have placed the child is unapproved. Florence County School

District Four et al. v. Carter by Carter, 510 U.S. 7 (1993). In this connection, courts must consider “all relevant factors,” including the nature and severity of the student’s disability, the student’s specialized educational needs, the link between those needs and the services offered by the private school, the placement’s cost, and the extent to which the placement represents the least restrictive educational environment. Branham v. District of Columbia, 427 F.3d 7, 12 (D.C. Cir. 2005).

Petitioners seek an order requiring DCPS to reimburse Petitioners for their out-of-pocket costs incurred for private services on behalf of the Student due to DCPS failing to offer the Student an appropriate IEP and placement, including application fees, deposits, tuition, and related services, including the full out-of-pocket costs associated with sending the Student to Residential Treatment Center A, the full out-of-pocket costs associated with sending the Student to Residential Treatment Center B, the full out-of-pocket costs associated with educating the Student at School A during the 2023-2024 school year and summer of 2024, and the full out-of-pocket costs associated with outpatient services provided by Provider A, including but not limited to individual therapy, family therapy, and the multifamily skills group from March 13, 2024, until August 19, 2024. Petitioners also seek an order requiring DCPS to pay for any other mental health costs incurred as a result of DCPS’s failure to offer the Student a timely and appropriate IEP and placement, and an order requiring DCPS to fund Petitioners’ compensatory education plan or a compensatory education plan ordered by this Hearing Officer after a fact-specific inquiry.

Petitioners argued that, pursuant to cases like the recently decided SPB, NH, and JHB v. Washoe Cty. Sch. Dist., No. 3:22-CV-00340-ART-CLB, 2025 WL 1638121, at

*5 (D. Nev. June 6, 2025), parents may be reimbursed for the costs of diagnostic and evaluation services as related services where there is a Child Find violation. Referencing Dep't of Educ., State of Hawaii v. Cari Rae S., 158 F. Supp. 2d 1190, 1200 (D. Haw. 2001), the court stated that, in a Child Find case, costs incurred for a student's treatment, diagnosis, and evaluation at a hospital were "related services" under the Act. 158 F. Supp. 2d at 1191. Indeed, in Washoe County, Residential Treatment Center B itself was at issue. Like Petitioners, the parents in Washoe County had to manage a child in an acute crisis and arranged for their child to get emergency diagnostic and evaluation services in a hospital. Also like Petitioners, the parents in Washoe County sought to arrange for their child to take courses where possible. The court ordered reimbursement for all such diagnostic, evaluative, and academic expenses. Cf. Leggett v. Dist. of Columbia, 793 F.3d 59 (D.C. Cir. 2015) (recognizing that parents who have no choice should not be faulted in the absence of alternatives).

These principles apply here, particularly because both Residential Treatment Center A and Residential Treatment Center B have an in-school component. Also, DCPS did not present any caselaw or argument to oppose Petitioners' argument that reimbursement in a Child Find claim can take many forms, including reimbursement for diagnostic and evaluative expenses and reimbursement for facilities that provide related services. Neither did DCPS present any caselaw or argument to oppose Petitioners' request for out-of-pocket expenses associated with these placements and services. Respondent argued that *laches* should bar Petitioners' relief because the Complaint relies on DCPS's earlier actions, including during the 2018-2019 and 2019-2020 school years. However, all Petitioners' claims and requested relief relate to FAPE violations and

corresponding services that were provided to the Student within the last two years, within the two-year statute of limitations in special education cases in the District of Columbia. A parent or agency must request an impartial due process hearing within two years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the complaint. 20 USC 1415(f)(3)(C). This Hearing Officer will therefore order that DCPS reimburse Petitioners for all services and expenses associated with the costs of School A, Residential Treatment Center B, Residential Treatment Center B, and Provider A for the 2023-2024 school year through the summer of 2024.

Petitioners also seek compensatory education, pointing out that the Student effectively missed most of the 2023-2024 school year, even with the services that are subject to reimbursement. 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. A parent need not “have a perfect case” to be entitled to a compensatory education award. Stanton v. District of Columbia, 680 F. Supp. 201 (D.D.C. 2011).

Petitioners seek an order that requires an independent compensatory education assessment to be completed in order to fashion a compensatory education award. While hearing officers do have this authority, this Hearing Officer is concerned that this approach would delay the award to the Student and might encourage further litigation between the parties. As a result, compensatory education will be awarded to the Student now.

Petitioners ask for additional DBT therapy as compensatory education. However, the record does not necessarily establish DBT as an appropriate way to allow the Student to make up the instruction that they missed during the 2023-2024 school year. Petitioners also ask for 1:1 credit recovery courses as compensatory education, which seems more appropriate as compensatory education in light of Reid. The request also makes sense in light of the Student's ability to succeed at School A. This Hearing Officer will therefore order that the Student be awarded the cost of three courses at School A as compensatory education for the services missed during the 2023-2024 school year.

VII. Order

As a result of the foregoing:

1. Respondent shall reimburse Petitioners for their full out-of-pocket costs associated with the Student's attendance at School A, the Student's placement at Residential Treatment Center A, and the Student's placement at Residential Treatment Center B during the 2023-2024 school year, including the summer of 2024;
2. Respondent shall reimburse Petitioners for their full out-of-pocket costs for the individual therapy, family therapy, and multifamily skills group services delivered by Provider A to the Student from March 13, 2024, until August 19, 2024;
3. The Student is hereby awarded compensatory education in the form of tuition for three courses at School A;
4. All other requests for relief are denied.

Dated: July 1, 2025

Michael Lazan
Impartial Hearing Officer

Hearing Officer Determination
Michael Lazan, Hearing Officer
Case # 2025-0059

cc: Office of Dispute Resolution
Attorney A, Esq.
Attorney B, Esq.
Attorney C, 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: July 1, 2025

Michael Lazan
Impartial Hearing Officer