District of Columbia
Office of the State Superintendent of Education
Office of Dispute Resolution
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Parent, on behalf of Student,[1]	)	
Petitioner,	)	
	)	**Hearing Dates: 5/7/19 (Room**
	)	**111); 5/29/19 (Room 432)**
v.	)	
	)	**Hearing Officer: Michael Lazan**
	)	**Case No.: 2019-0073**
District of Columbia Public Schools,	)	
Respondent.	)	

HEARING OFFICER DETERMINATION

I. Introduction

This is a case involving an X-year-old student who is currently ineligible for services. A Due Process Complaint ("Complaint") was received by District of Columbia Public Schools ("DCPS" or "Respondent") pursuant to the Individuals with Disabilities Education Act ("IDEA") on March 15, 2019. On March 26, 2019, Respondent filed a response (one day late). The resolution period expired on April 14, 2019.

II. Subject Matter Jurisdiction

This due process hearing was held, and a decision in this matter is being rendered, pursuant to the Individuals with Disabilities Education Improvement Act ("IDEIA"), 20 U.S.C. Sect. 1400 et seq., its implementing regulations, 34 C.F.R. Sect. 300 et seq., Title

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

38 of the D.C. Code, Subtitle VII, Chapter 25, and the District of Columbia Municipal Regulations, Title 5-E, Chapter 30.

III. Procedural History

On March 15, 2019, Petitioner filed the Complaint together with a motion to expedite the hearing. The motion to expedite was denied by an order of this Hearing Officer dated March 27, 2019. On April 15, 2019, this Hearing Officer held a prehearing conference. Attorney A, Esq., and Attorney C, Esq., counsel for Petitioner, appeared. Attorney B, Esq., counsel for Respondent, appeared. A prehearing conference order was issued on April 22, 2019, summarizing the rules to be applied in this hearing and identifying the issues in the case. A hearing was conducted on May 7, 2019. On this date, testimony took longer than expected and the parties did not finish presenting their cases. On May 20, 2019, Respondent moved for a continuance on consent. On May 29, 2019, a continuance order was issued, extending the due date for the Hearing Officer Determination to June 10, 2019. A second hearing was conducted on May 29, 2019. On this date, Respondent moved for a directed finding in its favor. The motion was denied on the record by this Hearing Officer. At the end of testimony at this hearing, the parties presented oral closing arguments.

This was a closed proceeding. Petitioner was represented by Attorney A, Esq., and Attorney C., Esq. Respondent was represented by Attorney B, Esq. Petitioner moved into evidence exhibits 1-26 and 31-36. Objections were made to exhibits 33 and 34. These objections were overruled. Exhibits 1-26 and 31-36 were admitted. Respondent moved into evidence Exhibits 3-35 and 41. There were no objections. Exhibits 3-35 and 41 were admitted.

Petitioner presented as witnesses: herself; Witness A, a psychologist (an expert in adolescent and child psychology); Witness B, the owner of an educational firm (an expert in compensatory education); Witness C, an advocate; and the Student. Respondent presented as witnesses: Witness D, a school psychologist (an expert in school psychology, evaluation, and recommendations for special education); Witness E, a teacher; Witness F, a teacher; and Witness G, a counselor.

IV. Issues

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

1. Did Respondent fail to determine the Student to be eligible for services at the meetings of August, 2017, May, 2018, and February, 2019? If so, did Respondent violate 34 CFR Sect. 300.306, 34 CFR Sect. 300.300.8(c)(4), and related provisions? If so, did Respondent deny the Student a Free and Appropriate Public Education **(“**FAPE”)?

Petitioner contended that Respondent should have determined the Student to be eligible for services as a child with emotional disturbance, but instead improperly relied on the Student’s year-end grades to determine the Student to be ineligible for services.

2. Did Respondent fail to provide Petitioner with Prior Written Notice before the Individualized Education Program (“IEP”) meetings of August, 2017, May, 2018, and February, 2019? If so, did Respondent violate 34 CFR Sect. 300.503 and related provisions? If so, did Respondent deny the Student a FAPE?

Petitioner conceded that additional claims, pursuant to Sect. 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, must be dismissed because this Hearing Officer has no jurisdiction over such claims.

As a remedy, Petitioner seeks: a determination that the Student is eligible for services as a child with emotional disturbance; compensatory education the form of mentoring, tutoring, and counseling, or a compensatory education study; a determination that the Student's absences must be excused and grade point average adjusted; a credit recovery program; reimbursement of tutoring costs; and a return to School A.

V. Findings of Fact

1. The Student is an X-year-old who is currently ineligible for services. The Student is average to above-average in cognitive ability, and is at least on grade level in most domains. However, the Student has not attended school for the 2018-2019 school year because s/he is resistant to going to classes at School A, where s/he has been assigned since the 2016-2017 school year. Testimony of Petitioner; Testimony of Witness A; Testimony of Witness D; Testimony of Witness E.

2. In elementary school, the Student was "slow to warm" and cautious, but experienced no behavioral or academic issues, and performed well academically. At middle school, School B, the Student initially had a difficult adjustment and expressed that s/he did not want to go to school. But Petitioner sought counseling for the Student, and s/he improved. The Student ended up performing well in grade seven, when s/he was absent only three times. P-6-2; P-10-1.

3. In grade eight, the Student exhibited some difficulties with organization, time management, and completing work. Petitioner had to develop strategies to help the Student catch up on work. However, the Student did not manifest clear signs of anxiety and/or depression until s/he had to apply to high schools. The Student was absent ten times during this school year. The Student received final grades of "A" in all classes except algebra, where s/he received a "B." Testimony of Petitioner; P-6-2; R-23.

4. The Student was admitted to School A, a highly competitive high school. To be accepted at School A, students must: attend a panel interview; get "4" or "5" scores on Partnership for Assessment of Readiness for College and Careers ("PARCC") tests; have "A" or "B" grades; and have no behavioral or attendance issues. Students at School A are expected to have a high capacity for work, and are given about three hours of homework per night. The school does not follow Respondent's system-wide curriculum requirements; instead, it prepares students to pass advance placement exams or earn international baccalaureate degrees. Students may be asked to leave School A if they do not attend regularly, fail to maintain at least a 2.5 grade point average, or do not perform community service requirements. Testimony of Petitioner; Testimony of Witness D; Testimony of Witness E; Testimony of Witness G.

5. The Student was overwhelmed by the demands of the rigorous program at School A. S/he had difficulty with organization and time management, trouble completing his/her assignments, and difficulty with memory and focus. But the main issue was that the Student would not regularly go to school. Though the Student was able to do the classwork without scaffolding, the Student was distressed by the workload at the school to the point where s/he exhibited suicidal ideation. On or about March 3, 2017, Counseling Center A recommended that the Student be considered for home instruction, a Section 504 plan, a reduced workload, flexible due dates, access to the guidance office via a "flash pass," and an option to complete work at home. On or about March 31, 2017, Hospital X admitted the Student and diagnosed him/her with Generalized Anxiety Disorder ("GAD") and Major Depressive Disorder ("MDD"). P-6-5; P-10-2.

6. In or about May, 2017, the Student returned to School A, though s/he did not return to Latin or Algebra class. S/he ended up missing seventy-one days of school during the 2016-2017 school year. Even so, the Student passed all of his/her courses, with final grades ranging from "B+" to "C." P-4-1; P-6-2.

7. A Section 504 Plan was written for the Student by June 9, 2017. The plan provided for extra time on tests, late submission of assignments, alternate locations, passes to see a counselor if needed, use of coping strategies, permission to step out of class (in view of the teacher), recordings of lectures, weekly communication logs to the parent, and a library pass to work on assignments. The plan was revised, with limited adjustments, on August 31, 2017, and September 5, 2017. P-26.

8. At about this time, Petitioner's meetings with school staff included discussions about the possibility of placing the Student at other schools. Respondent offered to waive the lottery and application process for several schools, but Petitioner decided that she did not want the Student to transfer schools. Testimony of Petitioner.

9. A Functional Behavior Assessment ("FBA") of the Student was conducted in or about June, 2017. The FBA indicated that the Student struggled with concentration, and that concentration seemed to improve when the Student was away from peers. The Student's behavior appeared to be triggered by being bored, having friends around, or feeling overwhelmed. The FBA indicated that the Student tended to self-correct when s/he "spaces out." P-6-4.

10. A Behavior Intervention Plan ("BIP") was created for the Student in or about June, 2017. The BIP provided for frequent breaks, quiet time, improved attendance, a "clutter-free" physical environment, and related interventions. R-5.

11. A multidisciplinary team meeting was conducted for the Student on June 14, 2017. At this meeting, the members of the team examined the Student's existing information and determined that more information was required. R-17.

12. A psychological evaluation of the Student was subsequently conducted by Evaluator A, as reflected in a report dated July 17, 2017. Evaluator A thoroughly reviewed the Student's records and administered tests to the Student. On the Wechsler Intelligence Scale for Children-IV ("WISC-IV") test, the Student was found to have a full scale IQ of 102, with average scores in most areas ("high average" for "Verbal Comprehension Index"). On the Woodcock Johnson IV Test of Achievement ("WJ-IV"), the Student scored in the average range on every test except written expression, where the Student was in the "high average" range. On the Behavior Assessment System for Children, Third Edition ("BASC-3") questionnaire, the Student indicated that s/he had at-risk behaviors in attitude toward school, attitude toward teachers, school problems, depression, sense of inadequacy, somatization, internalizing problems, attention problems, and related areas. Also on the BASC-3, the Student's mother indicated that the Student was at risk in regard to depression, internalizing problems, adaptability, social skills, and adaptive skills. Both the Student and his/her mother indicated that the Student was "clinically significant" for anxiety. Overall, the evaluation concluded that the Student may be in need of special education under the disability classification of emotional disturbance. P-6.

13. An eligibility meeting was held for the Student on August 22, 2017. Petitioner stated her concerns, but Respondent's team pointed to the Student's grades and test scores, indicating that the Student was in the average range. Respondent's staff also

indicated that they did not see any academic or behavioral issues in the classroom. The team resolved to conduct another FBA (this time an "FBA #1") and another Section 504 plan. The Student was then determined to be ineligible for services. R-18; Testimony of Petitioner; Testimony of Witness G.

14. A Prior Written Notice was sent to Petitioner on or about September 9, 2017, providing notice that the Student was determined to be ineligible for services because no educational impact was observed by the school team. The notice indicated that the Student would receive an Independent Educational Evaluation ("IEE"). R-10.

15. The Student returned to School A for the 2017-2018 school year but immediately had more difficulties. The Student was unable to complete assignments on time, exhausted when s/he came home, and refused to go to school almost every day because s/he wanted to avoid the anxiety associated with the workload. The Student also threatened self-harm. The school accommodated the Student by providing him/her with interventions, such as extended time to turn in assignments. Nevertheless, the Student received some "F" grades because s/he did not turn in work on time. Testimony of Witness F; Testimony of Witness A; Testimony of Petitioner.

16. Another FBA of the Student was conducted on September 27, 2017, with a corresponding BIP on October 17, 2017. The BIP provided that the Student would benefit from the use of sensory tools, breaks, 1:1 support, behavioral support services, and encouragement, among other things. R-6; R-7.

17. An IEE of the Student was conducted by Evaluator B in or about November, 2017, as reflected in a report dated January 23, 2018. On the Woodcock-Johnson IV Tests of Cognitive Abilities-IV (Woodcock-IV) and the Wide Range

Assessment of Memory-2 ("WRAML-2"), the Student's short-term working memory was deemed to be "above average," but his/her General Memory Index scores were found to be "low average." The Student exhibited some difficulty in processing speed. Conners-3 rating scales and Clinical Assessment of Behavior questionnaires were filled out by a teacher, Petitioner, and the Student. The Student's science teacher determined that the Student's behavior was average and that the Student did not experience significant deficits in attention, concentration, or executive functioning. Evaluator B, in her "Summary and Recommendations," suggested that School A was not "the best fit" for the Student and that, instead, the Student needed an academic program with accelerated and on-level classes, as well as classes that might spur pleasurable interests. P-10.

18. For the 2017-2018 school year, the Student was absent sixty-seven days and received final grades of: "D" in AP World History (with "F" grades for term 3, term 4, and the final exam); C+ in Chemistry (with an "F" on the midterm exam); "C+" in Geometry; "A" in Pre-AP English II; and "A-" in French. P-13.

19. Another eligibility meeting was held for the Student on or about June 13, 2018. The team assessed whether the Student was eligible as a Student with respect to the classifications of emotional disturbance and other health impairment. Evaluator A reviewed her testing results with the team and indicated that she did not feel that the Student was eligible for services. Witness E indicated that the Student was succeeding in Witness E's class. Over Petitioner's objection, the team determined that that the Student was not eligible because the Student's disability did not impact the Student's educational performance. R-18; P-15; Testimony of Witness G; Testimony of Petitioner.

20. A Prior Written Notice determining the Student to be ineligible for services was sent to Petitioner on June 14, 2018, indicating that the Student's disability did not impact his/her educational performance. R-13.

21. Except for one day, the Student has not attended School A for the 2018-2019 school year. Petitioner sought home instruction for the Student in the 2018-2019 school year, but this request was not approved. The Student instead received private academic tutoring three times a week, for about four hours per session. Testimony of Petitioner.

22. In conversations during December, 2018, and January, 2019, school staff and Petitioner discussed the Student's transition plan back to School A, the Student's educational program at home, the possibility of a partial day schedule at School A, and the Student's attendance issues. A meeting in December, 2018, which lasted over ninety minutes, was contentious. During that meeting, Petitioner indicated that she was still committed to sending the Student to School A. The Student participated in one of the meetings in January, 2019, during which the Student was asked about, among other things, his/her attendance, interests, and medical issues. Testimony of Witness A; Testimony of Petitioner; P-20; P-21; P-27; P-28; P-29.

23. Another eligibility meeting was held in February, 2019, where the Student was again deemed to be ineligible for services because his/her educational performance did not impact instruction. At this meeting, the discussion covered: the Student's standardized test scores, including those from the IEE; the Student's attendance issues, per the inquiry of Petitioner's counsel; the Student's grades and performance in classes; and the Student's Section 504 plan, which Petitioner considered insufficient. Petitioner

indicated that she wanted additional services in the Section 504 plan but was unable to specify the services that she wanted. Respondent did not conduct any new assessments of the Student prior to this meeting. P-30; Testimony of Witness D; Testimony of Witness G; R-20.

24. On February 25, 2019, a Prior Written Notice was sent indicating that the Student was ineligible for services because the Student's disability did not impact his/her educational performance. R-16.

25. Currently, the Student is not on track to graduate and will have to repeat a grade during the 2019-2020 school year. Testimony of Witness G.

26. School A's policies allow for student accommodations, such as providing extra time to complete work. However, the school does not allow adjustments to workload. Per a letter dated February, 2019, the Student is no longer welcome back at School A. Testimony of Witness G.

VI. Conclusions of Law

Based upon the above Findings of Fact, the arguments of counsel, and this Hearing Officer's own legal research, the Conclusions of Law of this Hearing Officer are as follows:

The burden of proof in District of Columbia special education cases was changed by the local legislature through the District of Columbia Special Education Student Rights Act of 2014. That burden is expressed in statute as the following:

> Where there is a dispute about the appropriateness of the child's individual educational program or placement, or of the program or placement proposed by the public agency, the public agency shall hold the burden of persuasion on the appropriateness of the existing or proposed program or placement; provided, that the

> party requesting the due process hearing shall retain the burden of production and shall establish a prima facie case before the burden of persuasion falls on the public agency. The burden of persuasion shall be met by a preponderance of the evidence.

D.C. Code Sect. 38-2571.03(6)(A)(i).

Since both of the issues in this case do not directly relate to the appropriateness of the Student's IEP and placement, the burden of persuasion is on Petitioner. Schaffer v. Weast, 546 U.S. 49 (2005).

1. Did Respondent fail to determine the Student to be eligible for services at the meetings of August, 2017, May, 2018, and February, 2019? If so, did Respondent violate 34 CFR Sect. 300.306, 34 CFR Sect. 300.300.8(c)(4), and related provisions? If so, did Respondent deny the Student a FAPE?

Petitioner contended that Respondent should have determined the Student to be eligible for services as a child with emotional disturbance, but instead improperly relied on the Student's year-end grades to determine the Student to be ineligible for services.

Pursuant to the IDEA, the term "child with a disability" means a child with intellectual disabilities, hearing impairments, speech or language impairments, visual impairments, emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities who "by reason thereof, needs special education and related services." 20 U.S.C. § 1401(3).

Federal regulations provide:

> (i) Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:
> (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
> (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
> (C) Inappropriate types of behavior or feelings under normal circumstances.

> (D) A general pervasive mood of unhappiness or depression.
> (E) A tendency to develop physical symptoms or fears associated with personal or school problems.

34 C.F.R. Sect. 300.8(c)(4).

The evidence and testimony make clear that, as a result of his/her GAD and MDD, the Student becomes extremely anxious and depressed about the amount of work required by School A. As a result, the Student often refuses to go to school, which should be viewed as an "inappropriate" type of behavior under "normal" circumstances. 34 CFR 300.8(c)(4)(i)(C). Additionally, the Student meets the criteria in 34 CFR 300.8(c)(4)(i)(D) because s/he has, for three years, manifested "(a) general pervasive mood of unhappiness or depression" because s/he could not manage the workload at School A.

There is no genuine dispute between the parties as to whether the Student should be deemed to have an emotional disturbance. Respondent nevertheless contended that Petitioner did not establish that the Student has a right to eligibility. Respondent suggested that the Student's disabling condition did not have an "adverse impact" on the Student, pointing to the fact that the Student appeared to do perfectly fine in the classroom with modest accommodations (which have been provided through the Student's Section 504 plan).

However, testimony and evidence convincingly established that the Student's attendance issues were ultimately due to his/her disabling condition. Unable to manage the workload at school, the Student became anxious and resistant to going to school. This point of view was expressed by Respondent's own psychologist, Evaluator A, whose report indicated that the Student's GAD and MDD "interferes with [his/her] educational

attendance and progress" at School A. None of Respondent's witnesses pointed to any other reason why the Student would have stayed home from so many days. As stated in M.M v. New York City Department of Education, 26 F. Supp. 3d 249, (S.D.N.Y. 2014): "(f)ew things could be more indicative of an emotional problem that 'adversely affected' a student's education than one that prevented her from attending school." 26 F. Supp. 3d at 256. See also Middleton v. District of Columbia, 312 F. Supp. 3d 113, 146 (D.D.C. 2018) (duty to provide for a plan to address disabled student's attendance issues).

But this conclusion does not end the inquiry, because the statute requires more than just "adverse effect." The Student's emotional disturbance must cause an "adverse" effect *that requires the student to receive specialized instruction*. Alvin Independent School District v. A.D., 503 F.3d 378 (5th Cir. 2007), concerned a child with Attention Deficit Hyperactivity Disorder who had formerly been eligible for services and had exhibited significant behavior problems in middle school. The court found that the student's academic success, among other things, suggested that he did not need special education. See also Hood v. Encinitas Union Sch. Dist., 486 F.3d 1099 (9th Cir. 2007) (finding insufficient support for conclusion that the child needed special education when accommodations were provided under a Section 504 plan); D.L. v. Clear Creek Indep. Sch. Dist., No. H-15-1373, 2016 WL 4704919 (S.D. Tex. Aug. 16, 2016) (magistrate judge report and recommendation) (holding that the need for special education was not shown), adopted sub nom.; Devon L. v. Clear Creek Indep. Sch. Dist., 2016 WL 4702446 (S.D. Tex. Sept. 7, 2016), aff'd sub nom.; D.L. v. Clear Creek Indep. Sch. Dist., 695 F. App'x 733, 70 IDELR 32 (5th Cir. June 2, 2017); M.P. v. Aransas Pass Indep. Sch. Dist., No. 2:15-CV-23, 2016 WL 632032 (S.D. Tex. Feb. 17, 2016) (child with mood disorder

and other conditions was not eligible under IDEA, reasoning that evidence did not provide sufficient connection between the child's disability and need for special education services, despite student's behavior difficulties leading to alternative education placement, and despite academic decline).

Respondent accordingly posited that the Student does not need specialized instruction, pointing out that the Student simply needs to be in a "typical" general education setting to be able to manage his/her problems with school. In fact, the record is clear that School A is not a typical high school. To be accepted, students have to pass a panel interview, get a "4" or "5" on PARCC tests, have "A" or "B" grades, and have no behavioral or attendance issues. School A also requires students to have a high capacity for work, with a workload of three hours of homework per day. The school does not follow Respondent's system-wide curriculum and instead prepares students to pass advance placement exams or earn international baccalaureate degrees.

Evaluator B's IEE suggested a new school for the Student, and Respondent had proposed that the Student try other schools as far back as June, 2017. In fact, Respondent went so far as to waive some lottery requirements to get the Student into a new school, which is a meaningful intervention. However, Petitioner was resistant to moving the Student to any other school (with the exception of School C, which is apparently not available to the Student).

The record suggests that the Student should be able to manage a more "typical" educational setting with a less stressful workload. The Student was in such a setting in middle school at School B, where s/he did well. In the Student's final year of middle school, s/he received almost straight "A" academic grades, with no indication that these

grades were inflated in any way, and was absent only ten times. In contrast, at school A, the Student was absent seventy-one days during his/her first year, sixty-seven days during his/her second year, and then stopped attending at all. The Student's grades also plummeted at School A, even with a somewhat forgiving grading system (the Student received passing grades in Latin and Algebra in the 2016-2017 school year, even though s/he stopped going to class).

None of Petitioner's witnesses clearly addressed the issue of whether the Student would be able to function in a "more typical" general education setting, like School B, even though Petitioner bears the burden of persuasion on this claim.[2] Moreover, Petitioner did not clearly address this point during closing argument. While one can certainly understand Petitioner's viewpoint in this case, especially given Respondent's overemphasis on the Student's test scores and grades during some of the eligibility meetings, this claim must be dismissed.

2. Did Respondent fail to provide Petitioner with Prior Written Notice before the IEP meetings of August, 2017, May, 2018, and February, 2019? If so, did Respondent violate 34 CFR Sect. 300.503 and related provisions? If so, did Respondent deny the Student a FAPE?

A school district must provide parents with prior written notice whenever it proposes or refuses "to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child." 34 CFR 300.503(a). The United States Department of Education's Office of Special Education Programs ("OSEP") explained in Letter to Chandler, 59 IDELR 110 (OSEP 2012), that the notice

[2]Though Petitioner indicated in the pre-hearing conference that the eligibility meetings focused exclusively on the Student's grades, this contention was not stated clearly during closing argument. In fact, the record is clear that the meetings focused on more than the Student's grades, including the Student's test scores and performance in class.

must be provided so that parents have enough time to fully consider the change and respond to the action before it is implemented.

However, the notice is not supposed to be sent to parents before an IEP meeting, such as the one in question. Rather, the notice must be sent to parents after the team makes its decision to propose or refuse a change. 71 Fed. Reg. 46,691 (2006). In fact, requiring notice to be sent before such a meeting was proposed and considered when the United States Department of Education ("DOE") revised the regulations in 2006, but the DOE explicitly rejected this view. As stated in the commentary to the regulations: "Providing prior written notice in advance of meetings could suggest, in some circumstances, that the public agency's proposal was improperly arrived at before the meeting and without parent input. Therefore, we are not changing Section 300.503 to require the prior written notice to be provided prior to an IEP Team meeting."

Petitioner's claim is therefore insufficient as a matter of law, and must be dismissed.

VII. Order

As a result of the foregoing, the Complaint is hereby dismissed with prejudice.

Dated: June 10, 2019
Corrected: June 17, 2019

Michael Lazan
Impartial Hearing Officer

cc: Office of Dispute Resolution
Attorney A, Esq.
Attorney B, Esq.
Attorney C, Esq.
OSSE Division of Specialized Education
[redacted]/DCPS
[redacted]/DCPS

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 (90) days from the date of the Hearing Officer Determination in accordance with 20 USC §1415(i).

Date: June 10, 2019

Michael Lazan
Impartial Hearing Officer

Appendix A