

**District of Columbia
Office of the State Superintendent of Education**

Office of Dispute Resolution
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OSSE
Office of Dispute Resolution
June 07, 2023

Parent, on behalf of Student,¹)	
Petitioner,)	
)	Hearing Date: 5/23/23
v.)	Hearing Officer: Michael Lazan
)	Case No. 2023-0052
School A PCS,)	
Respondent.)	

HEARING OFFICER DETERMINATION

I. Introduction

This is a case involving an X-year-old student (the “Student”) who is currently eligible for services as a student with Specific Learning Disability. A due process complaint (“Complaint”) pursuant to the Individuals with Disabilities Education Act (“IDEA”) was received by School A PCS and Office of the State Superintendent of Education (“OSSE”) on March 24, 2023. The Complaint was filed by the Student’s parent (“Petitioner”), who is appearing pro se. A resolution meeting was held on April 6, 2023. The matter did not settle, and the resolution period expired on April 23, 2023.

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.

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

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.

III. Procedural History

On April 3, 2023, School A PCS filed a notice of insufficiency. On April 4, 2023, OSSE filed a notice of insufficiency and motion to dismiss. On April 5, 2023, Petitioner filed a response to the insufficiency notices. On April 8, 2023, this Hearing Officer denied the insufficiency motions and the motion to dismiss and ordered that a prehearing conference be set to discuss the issues in the case. The prehearing conference was held on April 14, 2023. Appearing were Petitioner pro se, Attorney A, Esq., counsel for School A PCS, and Attorney B, Esq., attorney for OSSE. A Prehearing Conference Order was issued on April 19, 2023, clarifying the issues that were raised in the due process complaint. The order was corrected on April 25, 2023.

On May 1, 2023, OSSE filed a motion to dismiss the case on grounds of jurisdiction. On May 3, 2023, School A PCS filed a response to the due process complaint. On May 5, 2023, Petitioner filed a response to OSSE's motion to dismiss. On May 16, 2023, this Hearing Officer granted OSSE's motion to dismiss by written order.

The matter proceeded to trial on May 23, 2023. The hearing was conducted in person at 1050 N.E. 1st Street, Washington, DC 20002. During the proceeding, Petitioner moved into evidence exhibits P-1 through P-3 without objection. School A PCS moved into evidence exhibits R-1 through R-26 without objection. Petitioner presented as witnesses, in the following order: Witness A, a former teacher at School A PCS; Witness B, a counselor (expert in clinical counseling in the school setting); Witness C, a teacher at School A PCS; and Petitioner. School A PCS called as witnesses: Witness

D, director of student support services at School A PCS (expert in special education programming and placement); and Witness E, chief operating and finance officer for School A PCS. After the completion of testimony and evidence on May 23, 2023, the parties presented oral closing statements.

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 School A PCS amend the Student's Individualized Education Program ("IEP"), without including Petitioner, at the start of the 2022-2023 school year? If so, did School A PCS deny the Student a Free Appropriate Public Education ("FAPE")?**
- 2. Did School A PCS fail to adequately respond to Petitioner's requests for the Student's educational records in or about January 2023 through March 2023? If so, did School A PCS deny the Student a FAPE?**
- 3. Did School A PCS fail to conduct the October 2022 IEP meeting with the required experts on the IEP team? If so, did School A PCS deny the Student a FAPE?**
- 4. Did School A PCS fail to implement the Student's IEPs and provide the Student with a dedicated aide in all classes during the 2021-2022 and 2022-2023 school years? If so, did School A PCS deny the Student a FAPE?**
- 5. Did School A PCS fail to provide the Student with instruction in a general education setting (with an aide) during the 2021-2022 school year? If so, did School A PCS deny the Student a FAPE?**

As relief, Petitioner seeks placement of the Student at a general education private school, outstanding educational records, and the finding that School A PCS violated law.

V. Findings of Fact

1. The Student is an X-year-old who is currently eligible for services as a student with Specific Learning Disability. The Student lacks focus in the classroom and has difficulty controlling his/her impulses. R-4. The Student struggles to stay in the

classroom and can be defiant and disrespectful. The Student does not like it when people follow him/her around. The Student struggles at times to react appropriately to seemingly minor challenges or problems, which cause him/her to lash out disproportionately and create negative situations and consequences. Testimony of Witness B; Testimony of Witness C; R-13-9. The Student has been diagnosed with Persistent Depressive Disorder, with anxious distress, and Specific Learning Disability. R-4. Approximately during the 2017-2018 school year, the Student was determined to be eligible for special education services. R-4-1.

2. The Student attended School A PCS in a largely general education setting for the 2021-2022 school year, during which his/her academic performance suffered because of behavior problems. The Student frequently eloped from class. Testimony of Witness B. The Student engaged in work avoidance and typical attention-seeking behavior and struggled to make any progress academically. Testimony of Witness D. The Student often spent time roaming the hallways and going to classes that s/he did not belong in. R-6-35. No aide was provided for the Student's "pull-out" services during this school year. Testimony of Witness C.

3. An IEP was written for the Student on March 16, 2022. The Student was recommended for ninety minutes of specialized instruction per week inside general education, ninety minutes of specialized instruction per week outside general education in reading, and two hours of specialized instruction per week in math. The Student was also recommended for thirty minutes of behavioral support services per week. A dedicated aide for the Student was recommended for eight hours per day. This IEP included "Area of Concern" sections in math, reading, written expression, emotional, social and

behavioral development, and health/physical. The IEP reported that the Student was functioning below grade level in math and having issues with impulse control and completing work. R-1.

4. A Functional Behavior Assessment (“FBA”) of the Student was issued on March 25, 2022. The FBA concluded that the Student engaged in target behaviors to escape directives, get attention, and gain access to items or activities. A consultation with a board-certified behavior analyst (“BCBA”) was recommended. R-2. A Behavior Intervention Plan (“BIP”) for the Student, written by the BCBA, was issued on April 21, 2022. The BIP recommended a checklist, detailed a “level” system with reinforcers to encourage positive behavior and discourage negative behavior, and directed staff to ignore the Student’s target behaviors and collect data. R-3.

5. A comprehensive psychological evaluation report on the Student was issued by a psychologist on April 1, 2022. The report indicated that the Student lacked focus in the classroom (per a teacher interview), had difficulty controlling his/her impulses, and had other issues relating to social functioning. The psychologist diagnosed the Student with Persistent Depressive Disorder, with anxious distress, in addition to Specific Learning Disorder with impairment in reading, Specific Learning Disorder with impairment in writing, and Specific Language Disorder with impairment in math. The Student’s scores on the Wechsler Abbreviated Intelligence Scale-Second Edition (“WASI-2”) indicated a Full-Scale IQ of 85. On the Woodcock Johnson IV Test of Achievement Form A (“WJ-IV”), the Student scored in the low range in reading and written language and in the average range in math. R-4.

6. An IEP was written for the Student on May 18, 2022. At the IEP meeting, School A PCS agreed that the Student should be moved to a largely self-contained setting in Program A, with a small classroom, fewer students, and a slower pace. School A PCS staff felt that Petitioner assented. Testimony of Witness B; Testimony of Witness C; Testimony of Witness D. The IEP, however, recommended the Student for twenty-four hours of specialized instruction per week inside general education, with thirty minutes of behavioral support services per week. A dedicated aide for the Student was recommended for eight hours per day. This IEP had “Area of Concern” sections in math, reading, written expression, emotional, social and behavioral development, and health/physical. This IEP again reported that the Student was functioning below grade level in math and having issues with impulse control and completing work. R-5.

7. Petitioner did not receive a Prior Written Notice in connection with the new IEP or the change of placement to the smaller classroom. Testimony of Petitioner. The Student spent the rest of the school year in a small, self-contained, Program A classroom that was taught by Witness A. Testimony of Witness E.

8. During the 2021-2022 school year, on the “PARCC” test in math, the Student scored 685, at “level 1” (“not meeting expectations”), which was better than 4% of School A PCS students and 15% of students in the District of Columbia. On the PARCC test in English language arts, the Student scored 680, also at level 1 (not meeting expectations), which was better than 7% of students at School A PCS and 6% of students in the District of Columbia. R-8.

9. The Student’s report cards for the 2021-2022 school year indicated that s/he received “F” grades in three of four classes in the third quarter. Previous grades for

the 2021-2022 year were all “B,” “C,” or “P” (pass). It was reported that the Student did not complete assignments in math, science, English language arts, and media and technology. R-7.

10. The Student continued at School A PCS for the 2022-2023 school year, in the small, self-contained, special education classes of Program A. No 1:1 aide was assigned to the Student. The Student engaged in at least five or six behavioral incidents during the first month or so of school. Testimony of Witness A.

11. Witness A realized that the Student’s program, with its self-contained classes, did not match the Student’s IEP. Testimony of Witness A. School A PCS considered the Student’s father to be the Student’s primary “custodian,” and the father had filled out the Student’s registration forms. R-15-2. On October 20, 2022, school staff met with the Student’s father to address the Student’s behavior and amend his/her IEP to conform to the team’s intent at the May 2022 IEP meeting. The Student’s father signed a document agreeing to amend the Student’s IEP to remove the reference to the aide and to indicate that the specialized instruction hours were to be provided outside general education. Procedural safeguards were not provided to the Student’s father. The Student’s psychological evaluation and BIP were provided to the father. R-9; R-13; Testimony of Petitioner; Testimony of Witness D. Calls were made to Petitioner to attend the meeting, but Petitioner was not aware of the meeting. After the meeting, Petitioner asked School A PCS to reschedule the meeting. Petitioner did not agree with the change in the IEP. Testimony of Petitioner; Testimony of Witness D. On October 27, 2022, PCS staff met with Petitioner to discuss the Student. R-14.

12. On “MAP” testing in the winter of 2022, the Student performed at the 39th percentile in math, with growth at the 97th percentile. On MAP testing in reading, the Student scored at the 19th percentile, with growth at the 44th percentile. R-20.

13. On March 15, 2023, Petitioner requested records for all days that School A PCS had to de-escalate the Student and for any “dealings” with him/her. P-16-3. School A PCS replied to the records request two days later, on March 17, 2023. The responsive email included the Student’s attendance record, most recent report card, MAP testing for 2022-2023, PARCC testing for 2021-2022, current IEP, evaluation and eligibility determination, progress report, service trackers for 2022-2023 behavior support services, and enrollment records. R-17-1

14. The Student has improved in school over the last six months. The Student relates well to his/her new teacher, who is calming. The Student has had some behavioral issues, but his/her ability to manage frustration has improved and, after emotional episodes, the Student has returned to the classroom and performed work. Testimony of Witness B. The Student has progressed academically in math during the 2022-2023 school year. On MAP testing in the spring of 2023, the Student scored at the 48th percentile in math. The Student’s reading scores also improved. Testimony Witness E; R-19. IEP progress reports for the 2022-2023 school year showed that the Student’s has made progress on all goals that were introduced. R-20; R-21. The Student has also improved with respect to almost every target behavior, including work refusal and elopement. The Student has been able to offer apologies when needed. However, lately, the Student has performed less well in math, due to excessive tardiness. Testimony of Witness D.

VI. Conclusions of Law

The burden of proof in District of Columbia special education cases was 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). The issues here do not directly relate to the appropriateness of the Student’s program or placement. As a result, as indicated in the Prehearing Conference Order, which the parties agreed to, the burden of persuasion is on Petitioner. Schaffer v. Weast, 546 U.S. 49 (2005).

1. Did School A PCS amend the Student’s IEP, without including Petitioner, at the start of the 2022-2023 school year? If so, did School A PCS deny the Student a FAPE?

In matters alleging a procedural violation, a student has been denied a FAPE “only if the procedural inadequacies impeded the child’s right to a free appropriate public education; significantly impeded the parent’s opportunity to participate in the decision-making process regarding the provision of a free appropriate public education to the parent’s child; or caused a deprivation of educational benefit.” 20 U.S.C. Sect. 1415(f)(3)(E)(ii); 34 C.F.R. Sect. 300.513(a)(2) (same). As one court recently found, only those procedural violations of the IDEA that result in lost educational opportunity or seriously deprive parents of their participation rights are actionable. J.T. v. District of Columbia, 496 F. Supp. 3d 190, 203 (D.D.C. 2020), aff’d, No. 20-7105, 2022 WL 126707 (D.C. Cir. Jan. 11, 2022).

Still, parent participation is a key aspect of IEP development, and parents are required members of the IEP team. 34 C.F.R. Sect. 300.321. If a parent cannot attend an IEP team meeting, the public agency *must* use other methods to ensure parent participation, including individual or conference telephone calls, consistent with 34 C.F.R. Sect. 300.328 (related to alternative means of meeting participation). 34 C.F.R. Sect. 300.322(c). In such cases, the public agency must keep a record of its attempts to arrange a mutually agreed time and place, such as detailed records of telephone calls attempted and the results of those calls, copies of correspondence sent to the parents and any responses received, and detailed records of visits made to the parents' home or place of employment and the results of those visits. 34 C.F.R. Sect. 300.322(d).

Petitioner did not attend the IEP meeting of October 20, 2022, during which the Student's IEP was amended. Also, School A PCS did not present any of the support documentation required to proceed without a parent, pursuant to 34 C.F.R. Sect. 300.322(d). Instead, School A PCS relied on the fact that it had called for a second meeting with Petitioner later that month. However, at that point, the amended IEP had been signed and was in effect. Making the matter more confusing to Petitioner, no Prior Written Notice was issued in connection to the IEPs of either October 20, 2022, or May 18, 2022. Petitioner was not aware of the erroneous provisions in the IEP dated May 18, 2022, for about five months.

School A PCS suggested that it had the right to include only one parent (the Student's father, not Petitioner) at the October 2022 IEP meeting. But persons who have the right to make educational decisions for a child are "parents" under the IDEA and entitled to participate in the IEP process. 34 C.F.R. Sect. 300.30 (a); 34 C.F.R. Sect.

300.321 (a)(1). When the parents of a child with a disability are divorced, the parental rights under the IDEA apply to both parents, unless a court order or other state law specifies otherwise. 71 Fed. Reg. 46,568 (2006).

To the extent that a Local Educational Agency (“LEA”) may argue that a meeting to “amend” an IEP is somehow exempt from requirements in the code of federal regulations that require a full IEP team meeting, the parent of a child with a disability and the public agency may agree not to convene an IEP team meeting for the purpose of making changes, and instead may develop a written document to amend or modify the child’s current IEP. 34 C.F.R. Sect.300.324 (a)(4)(i). But the LEA may amend an IEP without an IEP meeting only if the parent and district agree a meeting is unnecessary, develop a written document detailing the modification, and agree to the modification’s content. Georgetown Indep. Sch. Dist., 121 LRP 3995 (SEA TX 11/18/20) (finding that the district violated the IDEA by amending the IEP outside of an IEP meeting where the parent and district did not agree that the meeting was unnecessary, failed to memorialize the changes in writing, and did not agree to the contents of the amendment).

It is underscored that the LEA’s typographical and notice errors did impact Petitioner. Though School A PCS met with Petitioner to explain the situation on October 27, 2022 (one week after the IEP meeting with the Student’s father on October 20, 2022), the school conceded that if Petitioner had received a Prior Written Notice and understood the IEP errors sooner, she would have stepped in sooner to correct the errors.

Accordingly, this Hearing Officer finds that School A PCS denied Petitioner her right as a parent to participate in the decision-making process for the Student’s IEP and program, and therefore violated the IDEA and denied the Student a FAPE.

2. Did School A PCS fail to adequately respond to Petitioner’s requests for the Student’s educational records in or about January 2023 through March 2023? If so, did School A PCS deny the Student a FAPE?

The IDEA regulations provide: “(t)he parent of a child with a disability must be afforded, in accordance with the procedures of Sects. 300.613 through 300.621, an opportunity to ‘examine,’ or ‘inspect and review’ all education records with respect to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child.” 20 U.S.C. Sect. 1415(b)(1); 34 C.F.R. Sect.300.501(a); 5-A D.C.M.R. Sect. 2600.1. The term “education records” means the type of records covered under the definition of “education records” in 34 C.F.R. Part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974 (“FERPA”), 20 USC 232g). 34 C.F.R. Sect. 300.611-300.625.

On or about March 15, 2023, Petitioner sought educational records from School A PCS, which replied to the records request two days later, on March 17, 2023. The responsive email from School A PCS included the Student’s attendance record, recent report card, MAP testing for 2022-2023, PARCC testing for 2021-2022, current IEP, evaluation and eligibility determination, progress report, service trackers, and enrollment records. During testimony, Petitioner did not clearly explain which documents she was presently missing, and she did not mention this point during closing argument. Caselaw favors the LEA on these facts. Simms v. District of Columbia, No. 17-CV-970 (JDB/GMH), 2018 WL 4761625, at *23 (D.D.C. July 26, 2018), report and recommendation adopted, No. CV 17-970 (JDB)(GMH), 2018 WL 5044245 (D.D.C. Sept. 28, 2018) (“Plaintiff has not explained how, precisely, the other missing evidence—progress reports, additional report cards, counseling tracking forms, and the like—were

necessary to her preparation for the due process hearing”); compare Amanda J. v. Clark Cty Sch. Dist., 267 F.3d 877, 894 (9th Cir. 2001) (records revealed that the student was autistic, a diagnosis not known by the student’s parents or IEP team).

This Hearing Officer must therefore find that Petitioner did not meet the burden of proof to show that School A PCS denied the Student a FAPE by failing to provide the Student’s educational records to Petitioner.

3. Did School A PCS fail to conduct the October 2022 IEP meeting with the required experts on the IEP team? If so, did School A PCS deny the Student a FAPE?

The IDEA requires a child’s IEP team to include the child’s parent(s), at least one of the child’s teachers, and a school district representative who: i) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; ii) is knowledgeable about the general education curriculum; iii) is knowledgeable about the availability of district resources; and iv) is an individual who can interpret the instructional implications of evaluation results. 34 C.F.R. Sect. 300.321 (a).

The record reveals that Witness D is an expert in special education programming and placement and was present at both the meeting with the Student’s father on October 20, 2022, and the subsequent meeting with Petitioner on October 27, 2022. Witness D is qualified to provide, or supervise the provision of, specially designed instruction and knowledgeable about the general education curriculum. The record also suggests that Witness D is knowledgeable about district resources and can interpret the instructional implications of evaluation results. In addition, Petitioner did not mention this claim during her testimony or closing argument. This claim must be dismissed.

4. Did School A PCS fail to implement the Student's IEPs and provide the Student with a dedicated aide in all classes during the 2021-2022 and 2022-2023 school years? If so, did School A PCS deny the Student a FAPE?

5. Did School A PCS fail to provide the Student with instruction in a general education setting (with an aide) during the 2021-2022 school year? If so, did School A PCS deny the Student a FAPE?

Both these claims are “failure to implement” claims. Petitioner contended that the Student's March, 2022 and May 2022 IEPs required a general education setting with a 1:1 aide.

The IDEA is violated when a school district deviates materially from a student's IEP. Wilson v. District of Columbia, 770 F. Supp. 2d 270, 275 (D.D.C.2011). A material failure occurs when there is more than a minor discrepancy between the services a school provides to a disabled child and the services required by the child's IEP. Van Duyn ex rel. Van Duyn v. Baker Sch. Dist. 5J, 502 F.3d 811, 822 (9th Cir.2007). “(T)he materiality standard does not require that the child suffer demonstrable education harm in order to prevail.” Wilson, 770 F. Supp. 2d at 275 (emphasis in original) (quoting Van Duyn, 502 F.3d at 822). Rather, “it is the proportion of services mandated to those provided that is the crucial measure for purposes of determining whether there has been a material failure to implement.” Turner v. District of Columbia, 952 F. Supp. 2d 31, 41 (D.D.C. 2013) (citing Wilson, 770 F. Supp. 2d at 775).

Petitioner contended that the Student did not get an aide during his/her pull-out instruction during the 2021-2022 school year (prior to the May 2022 IEP meeting). The Student's March 2022 IEP did call for an aide for eight hours per day, but in a general education setting. The pull-out instruction was delivered in a special education setting.

School A PCS had no obligation to provide an aide when the Student was pulled out for special education math classes during the 2021-2022 school year.

Petitioner pointed out that the May 2022 IEP also required a 1:1 dedicated aide, which is accurate, and argued that no 1:1 dedicated aide was provided to the Student after s/he transferred to Program A in or about May 2022. Petitioner further argued that the IEP developed for the Student in May 2022 called for a program with twenty-four hours of specialized instruction inside general education and a 1:1 dedicated aide, which is also technically correct.

However, the Student's May 2022 IEP did not reflect the intent of the parties at the corresponding IEP meeting, where the parties agreed that the Student would be better off in a small, self-contained classroom outside general education, in Program A. And indeed, the Student has done much better Program A in terms of academics and behavior. The Student's most recent MAP test results in math showed that s/he has progressed faster than all but three percent of his/her peers.

This Hearing Officer is aware of no authority finding that failure to implement claims can be premised on provisions in an IEP that resulted from scrivener's errors. Petitioner's argument was in the nature of form over substance. The program that was agreed to at the IEP meeting of May 18, 2022, is the program that should govern for the purposes of this claim, which must therefore be dismissed.

RELIEF

As the Supreme Court has stated, the IDEA statute directs hearing officers to "grant such relief as [the hearing officer] determines is appropriate." School Committee of the Town of Burlington v. Dep't of Education, Massachusetts, 471 U.S. 359, 371

(1985). The ordinary meaning of these words confer broad discretion on a hearing officer, since the type of relief is not further specified, except that it must be “appropriate.” 20 U.S.C. Sect. 1415(i)(2)(C)(iii). It is therefore appropriate for a hearing officer to order a school district to implement an existing IEP, revise an IEP to meet a student’s needs, develop an IEP, comply with a hearing officer’s order, evaluate a student, or institute a particular placement. Sch. Bd. of Manatee Cnty., Fla. v. L.H. ex rel. D.H., No. 808-CV-1435-T-33MAP, 2009 WL 3231914, at *3 (M.D. Fla. Sept. 30, 2009). A school district may be required to pay for educational services obtained for a student by the student’s parent, if the services offered by the school district are inadequate or inappropriate, the services selected by the parent are appropriate, and equitable considerations support the parent’s claim, even if the private school in which the parent placed the child is unapproved. Florence County School District Four et al. v. Carter by Carter, 510 U.S. 7 (1993). 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).

During the prehearing conference, Petitioner indicated that she wanted the Student to be placed at School B. However, no witness was called from School B to testify about its program, and Petitioner did not mention this point during her testimony or closing argument. As a result, this Hearing Officer must decline to order that the Student attend School B, which is a general education setting.

The only relief that Petitioner clearly seeks is a ruling to hold the school district accountable for some of its actions. This Hearing Officer will therefore issue an order stating that School A PCS denied the Student a FAPE when it significantly impeded Petitioner's opportunity to participate in the decision-making process for the Student's educational program. This Hearing Officer will also order School A PCS to comply with the procedural requirements set forth in section 300.500 through 300.536 of Title 34 of the Code of Federal Regulations, pursuant to 34 C.F.R. Sect. 300.513.

VII. Order

As a result of the foregoing:

1. School A PCS denied the Student a FAPE when it significantly impeded Petitioner's opportunity to participate in the decision-making process for the Student's educational program;
2. School A PCS shall comply with the procedural requirements set forth in section 300.500 through 300.536 of Title 34 of the Code of Federal Regulations, paying particular attention to the provisions requiring parental participation in the IEP and placement process;
3. All other requests for relief are denied.

Dated: June 7, 2023

Michael Lazan
Impartial Hearing Officer

cc: Office of Dispute Resolution
Petitioner
Attorney A, 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: June 7, 2023

Michael Lazan
Impartial Hearing Officer