

**District of Columbia**  
**Office of the State Superintendent of Education**  
Office of Review and Compliance  
Office of Dispute Resolution  
1050 First Street, NE  
Washington, DC 20002  
Tel: 202-698-3819  
Fax: 202-478-2956

OSSE  
Office of Dispute Resolution  
March 25, 2024

**Confidential**

<p>Parent on Behalf of Student, <sup>1</sup></p>  <p>Petitioner,</p>  <p>v.</p> <p>Office of the State Superintendent of Education (“OSSE”) (State Education Agency “SEA”)</p> <p>Respondent.</p>  <p>Case # 2023-0251</p> <p>Date Issued: March 15, 2024</p>	<p>HEARING OFFICER’S DETERMINATION</p>  <p>Hearing Dates: March 5, 2024 March 7, 2024</p>  <p>Counsel for Each Party listed in Appendix A</p>  <p><u>Hearing Officer:</u> <u>Coles B. Ruff, Esq.</u></p>
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<sup>1</sup> Personally identifiable information is in the attached Appendices A & B.

**JURISDICTION:**

The hearing was conducted, and this decision was written, pursuant to the Individuals with Disabilities Act (“IDEA”), P.L. 101-476, as amended by P.L. 105-17 and the Individuals with Disabilities Education Improvement Act of 2004, the District of Columbia Code, Title 38 Subtitle VII, and the District of Columbia Municipal Regulations, Title 5 Chapter 5-A30.

**BACKGROUND AND PROCEDURAL HISTORY:**

The student who is the subject of this due process hearing (“Student”) resides with Student's parent in the District of Columbia, and the District of Columbia Office of the State Superintendent of Education (“OSSE”) is Student’s state education agency (“SEA”). Student is a child with a disability pursuant to IDEA with a disability classification of autism spectrum disorder (ASD) or autism. Student currently attends a public charter school in District of Columbia (“School A”) for which OSSE is the SEA .

On December 19, 2023, Student’s mother (“Petitioner”) filed the current due process complaint (“DPC”) against OSSE (“Respondent”) alleging that OSSE denied Student a free appropriate public education (“FAPE”) for, inter alia, allegedly failing to provide Student timely bus transportation, and failing to provide Petitioner communication about bus transportation in Spanish.

**Relief Sought:**

Petitioner seeks as relief that OSSE be found to have denied Student a FAPE and that OSSE be ordered to provide Student consistent timely transportation to and from school, to provide Petitioner transportation notices in Spanish, and to award Student compensatory education for the services Student missed as result of transportation failures.<sup>2</sup>

**OSSE’s Response to the Complaint:**

OSSE filed a response to the complaint on January 8, 2024. In its response, OSSE stated, inter alia, the following:

OSSE denies that Student has been denied a FAPE in violation of the IDEA with respect to the alleged failure of the OSSE Division of Transportation (“DOT”) to provide transportation during school year (“SY”) 2022-2023 and SY 2023-2024. OSSE is retrieving transportation trip tickets, which is a manual process, for the prior and current school years and will perform a route analysis to ascertain the provision of transportation to Student. OSSE also objects to all portions of the complaint that purport to state a claim for systemic relief. Systemic relief is not available under the IDEA in this administrative forum.

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<sup>2</sup> At the start of the hearing, Petitioner withdrew the requested relief for independent evaluations. During the hearing Petitioner’s counsel requested reimbursement to Petitioner for the instances when Petitioner transported Student to school.

**Resolution Meeting and Pre-Hearing Conference:**

There is no resolution period. The 45-day period began on December 19, 2023, and ended [and the Hearing Officer’s Determination (“HOD”) was originally due as to the SEA on February 2, 2024. The SEA is to file a motion to continue for 42 calendar days to account for the agreed upon hearing dates. The HOD was then due on March 15, 2024.

The impartial hearing officer (“IHO” or “Hearing Officer”) conducted a pre-hearing conference on January 11, 2024, and issued a pre-hearing order on January 26, 2023, outlining, inter alia, the issues to be adjudicated.<sup>3</sup>

**ISSUES:**<sup>4</sup>

The issues adjudicated are:

1. Did OSSE deny Student a FAPE by failing to provide Student consistent transportation services in conformity with Student’s individualized educational program (“IEP”) causing Student to miss significant instruction and/or related services?
2. Did OSSE deny Student a FAPE by failing to provide Student’s parent required notices regarding transportation services in Spanish?

**DUE PROCESS HEARING:**

The Due Process Hearing was convened on March 5, 2024, and March 7, 2024. The hearing was conducted via video teleconference.

**RELEVANT EVIDENCE CONSIDERED:**

This Hearing Officer considered the testimony of the witnesses and the documents submitted in each party’s disclosures (Petitioner’s Exhibits 1 through 55 and OSSE’s Exhibits 1 through 14) that were admitted into the record and are listed in Appendix 2.<sup>5</sup> The witnesses testifying on behalf of each party are listed in Appendix B.<sup>6</sup>

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<sup>3</sup> In the PHO, the IHO noted that he did not have jurisdiction to adjudicate any alleged systemic claims raised in Petitioner’s DPC and would only address the alleged violations pertaining to Student individually.

<sup>4</sup> The Hearing Officer restated the remaining issues and the parties agreed that these were the issues to be adjudicated.

<sup>5</sup> Any item disclosed and not admitted or admitted for limited purposes was noted on the record and in Appendix A.

<sup>6</sup> Petitioner presented two witnesses: (1) Student’s parent, Petitioner, and (2) an educational consultant who testified as an expert witness. Respondent presented two witnesses: (1) an OSSE Transportation Administrator and (2) an OSSE Transportation Supervisor. The Hearing Officer found the witnesses credible unless otherwise noted in the

**SUMMARY OF DECISION:**

Petitioner held the burden of persuasion on both issues adjudicated. Based on the evidence adduced, the IHO concluded that Petitioner sustained the burden of persuasion on issued #1, but not on issue #2. The IHO ordered OSSE to provide Student compensatory education.

**FINDINGS OF FACT:<sup>7</sup>**

1. Student is age \_\_\_\_ and resides with Student’s parent, Petitioner, in the District of Columbia. OSSE is Student’s SEA. Student is in \_\_\_\_ grade for SY 2023-2024 and eligible for specialized instruction and related services under autism disability classification. Student currently attends School A, a District of Columbia public charter school. (Parent’s testimony, Respondent’s Exhibit 23)
2. Student was first identified as a student with a disability eligible for services under the IDEA when Student was approximately three (3) years old and was diagnosed with ASD. Student also has a seizure disorder. (Stipulation)
3. Student’s current IEP, dated May 10, 2023, provides for transportation as a related service required due to Student’s medical conditions. (Stipulation)
4. OSSE DOT is responsible for transporting eligible students with disabilities in the District of Columbia to and from school, including transporting Student to and from School A. (Witness 3’s testimony)
5. School A is an \_\_\_\_\_ school. Based on the May 10, 2023, IEP, Student receives specialized instruction outside general education for 28.5 hours per week; speech therapy for 1 hour per week; occupational therapy for 30 minutes per week; physical therapy as a consultative service for 30 minutes per month; and behavior support services as a consultative service 30 minutes per month. Student is also required to have assistive technology for communication through a high-tech speech-generative device (SGD) with English and Spanish languages. (Stipulation)
6. Student can walk without physical assistance throughout Student’s school environment. However, Student requires constant supervision and verbal encouragement. At times, Student will lower to the floor in refusal or will climb on nearby equipment in an unsafe manner. Student’s IEP provides for a dedicated in-school aide for 30 hours per week.

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conclusions of law. Any material inconsistencies in the testimony of witnesses that the Hearing Officer found are addressed in the conclusions of law.

<sup>7</sup> The evidence (documentary and/or testimony) that is the source of the Findings of Fact (“FOF”) is noted within parentheses following the finding. A document is noted by the exhibit number. If there is a second number following the exhibit number, that number denotes the page of the exhibit from which the fact was obtained. When citing an exhibit submitted by more than one party separately, the Hearing Officer may only cite one party’s exhibit.

(Stipulation)

7. For SY 2022-2023, Student's May 3, 2022, IEP, mandated that Student receive special education transportation with a specialized seatbelt and harness. The May 3, 2022, IEP also recommended a dedicated aide sitting next to Student throughout the entire duration on the bus to ensure Student's safety to and from school and ensure that Student remains in the harness. (Stipulation)
8. On August 29, 2022, OSSE's bus did not have a harness for Student. During SY 2022-2023, OSSE's bus arrived late to pick up Student from home to take to school in more than one instance. (Stipulation)
9. OSSE, at times, arrived late to pick up Student from home to take Student to school from January 1, 2023, through the end of the 2022-2023 school year. (Stipulation)
10. There were numerous instances where the OSSE bus was late or delayed, forcing Student's mother to drive Student to school. This resulted in Student arriving late and missing part of Student's school day. If the OSSE bus was more than an hour late arriving at Student's home in the morning, Student's mother would drive Student to school, except on Wednesdays because School A has half day on Wednesdays. Parent drove Student to school because of the OSSE bus being late on not arriving at all 22 times during SY 2022-2023. (Parent's testimony, Witness 1's testimony)
11. During SY 2022-2023, Student was late to school 14 days and had 11 days of missed instruction all together. During the spring semester SY 2022-2023 the OSSE bus on-time arrival was better than the first semester. (Witness 1's testimony, Petitioner's Exhibit 10)
12. During SY 2022-2023, OSSE bus dropped off Student to Student's home late after school on multiple days. (Stipulation)
13. During SY 2022-2023 OSSE's bus dropped off Student at home late after school on 165 school days. (Witness 1's testimony, Petitioner's Exhibit 9)
14. For SY 2023-2024, Student's May 10, 2023, IEP mandates that Student receive transportation through OSSE DOT with an aide accompanying Student to provide for Student's medical needs. The aide must also ensure Student's safety on the bus to and from school, since Student will sometimes attempt to get out of the seat belt/harness required for Student's transportation. (Stipulation)
15. In addition to the required harness and adaptive stroller listed in the December 2022 IEP amendment, the May 10, 2023, IEP indicates that Student needs transportation equipped with a ramp lift, and requires hand to hand support with five additional minutes of wait time. The IEP also establishes that Student should ride the bus for no longer than one (1) hour. The IEP also requires that the dedicated aide on the bus receive specialized training. (Stipulation)

16. For a period of approximately two months during SY 2022-2023, Student's bus transportation was discontinued during the period it took for a stroller and a bus with a lift to be provided. During this period Student's mother transported Student to school. Student's mother has not asked OSSE for reimbursement for the times she transported Student to school. She was referred by School A to a website to obtain reimbursement but because the website information was in English, she did not apply for reimbursement. (Parent's testimony)
17. On September 11, 2023, and November 28, 2023, OSSE showed up late to pick Student up from home to take Student to school. During the beginning of SY 2023-2024, OSSE's bus arrived late to pick up Student from home to take to school on at least three (3) occasions. (Stipulation)
18. On September 21, 2023, Student arrived home at 5:30 p.m. and rode the bus for more than one (1) hour. Student's IEP mandates that Student ride no more than one hour on the bus. (Stipulation)
19. To date, for SY 2023-2024, the OSSE bus has arrived late or failed to show up on at least three (3) separate occasions. (Stipulation)
20. Petitioner drove Student to school because of the OSSE bus being late or not arriving at all five times in SY 2023-2024. During SY 2023-2024, Student was late to school 10 days and had 3 days of missed instruction all together. (Witness 1's testimony, Petitioner's Exhibit 10)
21. For SY 2023-2024, between the start of the school year and December 20, 2023, OSSE's bus dropped off Student at home late after school on 54 school days. (Witness 1's testimony, Petitioner's Exhibit 10)
22. Due to late arrivals from school, Student would arrive home dysregulated. The repeated late arrivals home resulted in a discontinuation of the Student' afternoon home based related services of occupational therapy ("OT") services sometime during SY 2022-2023, and the discontinuation of home-based applied behavior analysis ("ABA") therapy in November 2023. The discontinuation of the home-based services resulted in regression and a decrease in Student's skill acquisition. (Parent's testimony, Witness 1's testimony)
23. Petitioner and Student are native Spanish speakers. (Stipulation)
24. During a meeting to discuss transportation on or about April 2023, OSSE disclosed that it does not have the capacity to text in any language other than English. (Stipulation)
25. Petitioner presented an expert educational consultant who testified regarding the requested relief. That witness opined that the following compensatory education would compensate Student for the services missed by Student arriving to school late or not at all due to OSSE transportation and for the home-based related services Student missed due to Student arriving home late due to OSSE transportation. This consultant asserted that Student

should be provided 514 hours of independent ABA therapy and 22 hours of occupational therapy.<sup>8</sup> (Witness 1's testimony)

26. Student's mother has had difficulty receiving communications regarding Student's bus routing and bus delays in Spanish. She has always received the texts messages from OSSE in English. When she calls the OSSE DOT call center, her call is answered in English, and she is often put on hold waiting for a translator. She received emails from OSSE DOT only in English, which she must have a family translate for her. (Parent's testimony)
27. OSSE provides notices to parents regarding bus route delays generally by "robo-call" and text message with an email sent to the student's LEA. These messages currently are only sent in English. The messaging system that they use does not have the capability to update in another language and there is no language preference designated for students that OSSE requires that LEAs provide. (Witness 3's testimony)
28. There are seven languages in which the OSSE transportation reimbursement procedures are provided, including Spanish. Starting in February 2024, OSSE has begun to provide parents route specific notification in both English and Spanish sent to every parent whose student is on the bus route. Long term, OSSE has been working with the Office of Civil Rights to make certain they are in compliance with language access requirements and working with the LEAs to be able to enter language preference for each student in OSSE's transportation database. (Witness 3's testimony)

## CONCLUSIONS OF LAW:

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

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

34 C.F.R. § 300.17 provides: A free appropriate public education or FAPE means special education and related services that-- (a) Are provided at public expense, under public supervision and direction, and

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<sup>8</sup> The consultant calculated these recommended ABA therapy hours as follows: 11 days of missed instruction during SY 2022-2023 plus the 3 days of missed instruction during SY 2023-2024 = 14 days of missed instruction. He opined that during this time Student would have received 3 hours of ABA discreet trials per day = 42 hours of ABA. For the 24 days late arrivals to school, where the consultant speculated that Student arrived to school dysregulated, he recommended 32 hours of ABA therapy ( approximately 1.5 hours for each day). As to the late arrivals home: 165 days of late arrivals home during SY 2022-2023 + 54 days of late arrivals home during SY 2023-2024 = 218 days divided by 5 days = 44 weeks. (Student had 2 hours sessions per day or 10 hours per week of ABA lost because home services were discontinued. 10 hours for 44 weeks = 440 hours. Total: 440 + 42 + 32 = 514 hours. For OT, he recommended half of the 44 weeks or 22 hours of OT. (Witness 1's testimony)

without charge; (b) Meet the standards of the SEA, including the requirements of this part; (c), Include an appropriate preschool, elementary school, or secondary school education in the State involved; and (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of Sec. 300.320 through 300.324

Pursuant to 5E DCMR 3030.14, the burden of proof is the responsibility of the party seeking relief. *Schaffer v. Weast*, 546 U.S. 49, 126 S.Ct. 528 (2005). In this case, Petitioner proceeded first and held the burden of production and the burden of persuasion on the issues adjudicated. The burden of persuasion shall be met by a preponderance of the evidence. The normal standard is a preponderance of the evidence. See, e.g., *N.G. V. District of Columbia* 556 f. Sup. 2d (D.D.C. 2008) see also 20 U.S.C. §1451 (i)(2)(C)(iii).

**ISSUE 1:** Did OSSE deny Student a FAPE by failing to provide Student consistent transportation services in conformity with Student’s IEP causing Student to miss significant instruction and/or related services?

**Conclusion:** Petitioner sustained the burden of persuasion by a preponderance of the evidence that Student was denied a FAPE by missing significant instruction and related services due to OSSE’s failure to provide Student consistent transportation services in conformity with Student’s IEP.

For a failure to implement claim, the IDEA is violated only when a school district deviates materially from a student’s IEP. See *James v. Dist. of Columbia*, 194 F. Supp. 3d 131, 139 (D.D.C. 2016); 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) (citation omitted). 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 that child’s IEP. *Holman v. District of Columbia*, No. 14-1836, 2016 WL 355066 (D.D.C. 2016) (citing *Van Duyn ex rel. Van Duyn v. Baker Sch. Dist.* 5J, 502 F.3d 811, 822 (9th Cir. 2007)). In other words, for the court to find a failure to implement an IEP, the school board or local authorities must have "failed to implement substantial or significant provisions of the IEP." *Wilson*, 770 F. Supp. 2d at 274 (citing *Houston Indep. Sch. Dist. v. Bobby R.*, 200 F.3d 341, 349 (5th Cir. 2000)). There is no requirement that the child suffer educational harm in order to find a violation; rather, the proportion of services mandated compared with those provided is "the crucial measure for purposes of determining whether there has been a material failure to implement" an IEP.

An LEA must provide services to address all of a student’s identified special education and related services needs. The federal regulations indicate that a FAPE includes the provision of related services defined as “transportation and such developmental, corrective and other supportive services” as are required to assist a child with a disability to benefit from special education 34 C.F.R §300.34(a), (b) (16).

In the District of Columbia, the applicable regulations also specifically indicate that transportation is a related service that must be made available by the LEA. It should be pointed out that a local federal court has held that the LEA in the District of Columbia continues to have legal responsibility to provide transportation to its students. *Wilson v. District of Columbia*, 770 F. Supp. 2d 270 (D.D. C. 2011).

The evidence clearly demonstrates that the provision of transportation services is a related service



prescribed by Student's IEP. The failure to provide consistent and timely transportation services is an alleged failure to implement the IEP. Although generally the LEA is responsible for implementing a student's IEP, in the District of Columbia, OSSE provides eligible student bus transportation to and from school, not the LEA.

There is no dispute that Student was entitled to transportation as a related service pursuant to Student's IEPs. Nor is there serious controversy over the extent of OSSE's failure to provide timely and appropriate transportation to Student. OSSE's witness testified regarding the source of the bus route data analysis that both parties agreed was an accurate representation of when Student either arrived at school late or arrived home from school late due to OSSE's bus transportation failures.

The evidence demonstrates through the bus routing data and unrefuted testimony that during SY 2022-2023, Student was late to school 14 days and had 11 days of missed instruction all together. During SY 2022-2023 OSSE's bus dropped off Student at home late after school on 165 school days. Petitioner drove Student to school because of the OSSE bus being late or not arriving at all five times in SY 2023-2024. During SY 2023-2024, Student was late to school 10 days and had 3 days of missed instruction all together. For SY 2023-2024, between the start of the school year and December 20, 2023, OSSE's bus dropped off Student at home late after school on 54 school days.

This data reveals a significant loss to Student of instructional time by arriving to school late or not at all and demonstrates that for the majority of days during SY 2022-2023 Student arrived home late resulting in Student being dysregulated and missing critical home-based related services. Although OSSE's witness attributed the late home arrivals on buses having to wait at School A, there has apparently been no attempt by OSSE to resolve the delays. The evidence clearly demonstrates these delays both in getting Student to school and home timely resulted in a loss of services that is far more than a *de minimis* failure to provide required transportation services. Accordingly, the IHO concludes that OSSE denied Student a FAPE in this regard.

**ISSUE 2:** Did OSSE deny Student a FAPE by failing to provide Student's parent required notices regarding transportation services in Spanish?

**Conclusion:** Petitioner did not sustain the burden of persuasion by a preponderance of the evidence that OSSE's failure to provide Petitioner notices regarding transportation in Spanish resulted in a denial of FAPE.

There is no mandate pursuant to IDEA that requires that all communications concerning a student's transportation be provided in a parent's native language. IDEA only specifically requires limited communications, e.g. prior written notices and procedural safeguard notices, be provided in the native language of the parent, See e.g. 34 C.F.R. §§ 300.503(c), 300.504(d). Likewise, there is no requirement in the DCMR that provides that day to day communication regarding a student's transportation be provided in Spanish.

Petitioner testified that she has had difficulty receiving communications regarding Student's bus routing and bus delays in Spanish and always receives the texts messages from OSSE DOT in

English. When she calls the OSSE DOT call center, her call is answered in English, but she is eventually provided a translator.

Given Student's significant disability including a seizure disorder, and OSSE's significant delays in providing Student timely transportation, it is understandable that Petitioner needs timely communication about Student's transportation, which is currently not provided to her in Spanish. OSSE notices to parents regarding bus route delays are generally provided to parents by "robo-call" and text message with an email sent to the student's LEA. These messages currently are only sent in English. It is imperative that OSSE make greater efforts in providing communications to parents in their native language. However, currently this is no mandate under law for which the IHO can conclude results in a denial of a FAPE to Student. Consequently, the IHO concludes that Petitioner did not sustain the burden of persuasion by the preponderance of evidence on this issue.

Although Petitioner testified that she has been unable to obtain information in Spanish about reimbursement for transporting Student to school on the occasions when OSSE buses failed to do so timely or at all, there was credible testimony from OSSE's witness that this information is available to parents in seven different languages including Spanish. Although Petitioner's counsel requested that Petitioner be reimbursed for transporting Student to school, Petitioner in her testimony was not aware of the specific dates, mileage and amounts that she was due. In light of the fact that Petitioner is able to request that compensation directly from OSSE using the OSSE reimbursement mechanism in place, the IHO encourages Petitioner to do so. There is, however, insufficient evidence for the IHO to grant relief in this regard.

#### **Remedy:**

A hearing officer may award appropriate equitable relief when there has been an actionable violation of IDEA. *See* 20 U.S.C. § 1415(f)(3)(E)(ii)(II); *Eley v. District of Columbia*, 2012 WL 3656471, 11 (D.D.C. Aug. 24, 2012) (citing *Branham v. District of Columbia*, 427 F.3d at 11–12.)

Under the theory of compensatory education, "courts and hearing officers may award educational services to be provided prospectively to compensate for a past deficient program. The inquiry must be fact-specific and, to accomplish IDEA's purposes, the ultimate 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." *Reid*, 401 F.3d 522 & 524. To aid the court or hearing officer's fact-specific inquiry, "the parties must have some opportunity to present evidence regarding [the student's] specific educational deficits resulting from his loss of FAPE and the specific compensatory measures needed to best correct those deficits." *Id.* at 526.

When a hearing officer finds denial of FAPE, he has "broad discretion to fashion an appropriate remedy, which can go beyond prospectively providing a FAPE, and can include compensatory education.... [A]n award of compensatory education 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." *B.D. v. District of Columbia*, 817 F.3d 792, 797-98 (D.C. Cir. 2016) (internal quotations and citations omitted.)

Petitioner has requested the compensatory education based on the testimony of her expert witness whose recommendation for compensatory services relied on the bus routing data provided by OSSE. Although this witness used a calculation for determining what services would compensate Student based upon the services missed, he also based his recommendation on having worked with students for many years with a disability such as Student's and his estimate of the services needed for skill acquisition in relationship to the services missed. He testified that Student should be provided 514 hours of independent ABA therapy and 22 hours of occupational therapy. He based the number of hours of requested ABA therapy hours principally on Student's missed days of school, late arrivals to school, and late arrivals at home.

This witness testified that Student's home-based ABA services were discontinued in November 2022 as a result of Student's repeated late arrivals home due to OSSE's delayed bus transportation. However, Petitioner's testimony revealed that Student received the home-based ABA services during all of SY 2022-2023 and these services were discontinued in November 2023. The IHO finds Petitioner's testimony in this regard more credible because she had first-hand knowledge of when the services ended. As result, the ABA services that Student missed due to OSSE's delayed bus transportation was significantly less that the witness calculated. The consultant overstated the missed ABA hours by 165 days in SY 2022-2023. The IHO has adjusted the award of compensatory services accordingly in the order below.

**ORDER:**

OSSE shall provide to Petitioner the following compensatory services for Student: 108 hours of independent ABA therapy and 22 hours of independent OT services at the OSSE prescribed rate.

All other relief requested by Petitioner is denied.

**APPEAL PROCESS:**

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

*/S/ Coles B. Ruff*

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**Coles B. Ruff, Esq.**

**Hearing Officer**

**Date: March 15, 2024**

Copies to:     Counsel for Petitioner  
                  Counsel for LEA  
                  Counsel for SEA  
                  ODR [hearing.office@dc.gov](mailto:hearing.office@dc.gov) }