

**DISTRICT OF COLUMBIA**  
**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**  
Office of Dispute Resolution  
1050 First Street, NE, 3<sup>rd</sup> Floor  
Washington, DC 20002

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PARENT,  
on behalf of STUDENT,<sup>1</sup>

Petitioner,

v.

DISTRICT OF COLUMBIA  
PUBLIC SCHOOLS,

Respondent.

Date Issued: May 10, 2018

Hearing Officer: Peter B. Vaden

Case No: 2018-0018

Hearing Date: May 3, 2018

Office of Dispute Resolution, Room 111  
Washington, D.C.

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**HEARING OFFICER DETERMINATION**

**INTRODUCTION AND PROCEDURAL HISTORY**

This matter came to be heard upon the Administrative Due Process Complaint Notice filed by the Petitioner (the Guardian) under the Individuals with Disabilities Education Act, as amended (the IDEA), 20 U.S.C. § 1400, *et seq.*, and Title 5-E, Chapter 5-E30 of the District of Columbia Municipal Regulations (D.C. Regs.).

Student, an AGE youth, is a resident of the District of Columbia. In her January 25, 2018 due process complaint, Petitioner alleged that DCPS denied Student a free appropriate public education (FAPE) by reducing Student's Occupational Therapy (OT) services in 2016, by not providing an appropriate Individualized Education Program (IEP) in November 2017 and by failing to conduct additional assessments of Student requested by the Petitioner in fall 2017.

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<sup>1</sup> Personal identification information is provided in Appendix A.

Petitioner and DCPS met for a resolution session on March 7, 2018 but DCPS was unable to resolve the dispute that was the basis for the due process complaint. On February 12, 2018, I convened a telephone prehearing conference with counsel to discuss the hearing date, issues to be determined and other matters. The final decision in this case was originally due by April 10, 2018. However, the due process hearing, postponed two times at the request of the Petitioner, was not held until May 3, 2018. By order entered May 2, 2018, I granted Petitioner's motion to extend the final decision due date to May 18, 2018. The due process hearing was convened before this Impartial Hearing Officer on May 3, 2018 at the Office of Dispute Resolution in Washington, D.C. The hearing, which was closed to the public, was recorded on an electronic audio recording device. The Guardian appeared in person and was represented by PETITIONER'S COUNSEL. Respondent DCPS was represented by LEA REPRESENTATIVE and by DCPS' COUNSEL.

Mother testified and called as additional witnesses EDUCATIONAL ADVOCATE 1, INDEPENDENT OT and EDUCATIONAL ADVOCATE 2. DCPS called as witnesses LEA Representative and SCHOOL PSYCHOLOGIST. Petitioner's Exhibits P-1 through P-84 were admitted into evidence, including Exhibits P-30 and P-57 admitted over DCPS' objections. DCPS' Exhibits R-1 through R-32 were admitted into evidence without objection. Counsel for the respective parties made opening statements. In lieu of filing written briefs, counsel made oral closing arguments.

### **JURISDICTION**

The Hearing Officer has jurisdiction under 20 U.S.C. § 1415(f) and D.C. Regs. tit. 5-E, § 3029.

## **ISSUES AND RELIEF SOUGHT**

The following issues for determination were certified in the February 12, 2018

Prehearing Order:

Whether District of Columbia Public Schools (DCPS) denied Student a FAPE by providing an inappropriate Individualized Education Program (IEP) in October 2016 in that the IEP halved Student's OT services from 240 minutes per month to 120 minutes per month, despite not having conducted an OT evaluation at any time after 2013 or otherwise documenting a justification for the reduction;

Whether DCPS denied Student a FAPE by not reviewing and revising Student's IEP in November 2017 to update present levels of performance (PLOPs) for Mathematics, to reflect that Student will be administered the Alternative Statewide Assessment, to restore OT services to the level before October 2016 and to add Behavioral Support Services;

Whether DCPS denied Student a FAPE by failing to conduct reevaluations requested by the Guardian in fall 2017 including a neuropsychological evaluation, Applied Behavior Analysis (ABA) testing, an OT evaluation and a physical therapy evaluation.

For relief in this case, Petitioner originally requested that DCPS be ordered to amend Student's IEP to add social emotional development goals and Behavioral Support Services as related services, to restore the level of OT services to 240 minutes per month, to revise the PLOPs in the Mathematics section of Student's IEP; to provide for Student to take the Alternative Statewide Assessment, to conduct OT, physical therapy (PT) and neuropsychological evaluations of Student and to fund an Independent Educational Evaluation (IEE) ABA assessment. The Guardian also sought compensatory education for the denials of FAPE alleged in the complaint.

By the conclusion of the May 3, 2018 due process hearing, several issues had been resolved. Student's IEP has been revised to add social-emotional goals and Behavioral Support Services. DCPS agreed to conduct an OT evaluation of Student and the Guardian, through counsel, withdrew her OT claim, with reservation of the right to

seek compensatory education and other relief after the OT evaluation is completed. The Guardian also withdrew her claim concerning the Alternative Statewide Assessment and her request for a PT assessment. In lieu of seeking funding for an IEE neuropsychological evaluation, the Guardian requests that DCPS be ordered to conduct a neuropsychological assessment of Student. The relief still requested by Petitioner in this case is that DCPS be ordered to revise the Mathematics PLOPs in Student's IEP and to conduct ABA testing and a neuropsychological evaluation of Student. The Guardian also continues to seek a compensatory education award for Student.

### **FINDINGS OF FACT**

After considering all of the evidence admitted at the due process hearing in this case, as well as the arguments of counsel, this hearing officer's findings of fact are as follows:

1. Petitioner is the legal guardian of Student. Student resides with Guardian in the District of Columbia. Student has resided with Guardian since infancy.

Testimony of Guardian. Student is eligible for special education and related services as a student with an Intellectual Disability (ID). Exhibit P-80.

2. Student's medical history is notable for congenital Cytomegalovirus and syphilis, developmental delay, asthma, auditory hallucinations, and cerebral cavernous malformation with intellectual disability and epilepsy. Exhibits P-39, P-42.

3. Since at least the 2015-2016 school year, Student has attended CITY SCHOOL, a DCPS special school for students with disabilities. Exhibit P-13.

4. School Psychologist conducted a comprehensive psychological reevaluation of Student in October 2017. School Psychologist reported in her January 3, 2018 amended reevaluation report that on the Wechsler Intelligence Scale for Children,

5<sup>th</sup> Ed. (WISC-V), Student's overall full scale IQ (FSIQ) score fell in the Extremely Low range (FSIQ =41). Student's performance was relatively consistent across all of the primary index scores, suggesting that these abilities are developing evenly. Student's very low performance on the Cognitive Proficiency Index (CPI) suggests that Student has significant difficulty processing cognitive information in the service of learning, problem solving, and higher order reasoning. Per the nonverbal assessment, Test of Nonverbal Intelligence, Fourth Edition (TONI-4), Student obtained an index score of 68 which places Student within the Very Poor range and the age equivalent of less than 6 years. Per the Behavior Assessment System for Children, Third Edition (BASC-3) rating scales, completed by Student's classroom teacher and Guardian, Student was rated in the Clinically Significant range in the areas of Functional Communication, Depression, Anxiety, and Somatization. Student had scores on Atypicality, Hyperactivity, Aggression, Attention Problems, Functional Communication, Conduct Problems, Learning Problems (Academic Problems), Adaptability, Withdrawal (Anxiety) and Study Skills (Academic Problems) that are also areas of concern. The Behavior Rating Inventory of Executive Function, Second Edition (BRIEF-2), completed by the classroom teacher and Guardian, suggested that Student exhibits difficulty with some aspects of executive function. Concerns are also noted with, *inter alia*, Student's ability to resist impulses, be aware of self-functioning in social settings, adjust well to changes in environment, people, plans, or demands, react to events appropriately, sustain working memory and be appropriately cautious in the approach to tasks and check for mistakes. Per the Vineland Adaptive Behavior Scales completed by the classroom teacher and Guardian, Student's Adaptive Behavior Composite score was 49, which is significantly below the mean of 100. Student's Vineland Adaptive Functioning,

Communication, Daily Living Skills, and Socialization standard scores all corresponded to a less than 1 percentile rank. Daily Living Skills is a relative strength for Student. School Psychologist recommended that Student continued to meet eligibility criteria for special education services as a student with an Intellectual Disability. Exhibit R-19.

5. Student's April 5, 2016 IEP at City School provided for Student to receive 31.5 hours per week of Specialized Instruction and 240 minutes per month of OT Services, all outside general education. Exhibit P-7. Student's October 4, 2016 IEP increased Specialized Instruction to 32 hours per week and reduced OT services to 120 minutes per month. Exhibit P-6.

6. Student's April 3, 2018 IEP, developed after the Guardian's due process complaint was filed in this case, provides for 31.5 hours per week of Specialized Instruction, 120 minutes per month of OT services, 180 minutes per month of Behavioral Support Services and 30 minutes per month of Speech-Language Pathology Consultation Services. All services are to be provided outside general education. Exhibit P-80.

7. In the 2017-2018 school year, Student has presented at school with "tantruming" (*i.e.*, crying inconsolably, screaming/yelling, hitting, and kicking); self-injurious behaviors (*i.e.*, hitting self about the face and body, throwing self into furniture and walls); as well as non-compliant behaviors (refusal to follow instructions or directives from staff) when upset. These behaviors interfere with instruction and present a safety risk to Student and others when Student is unresponsive to behavioral interventions. Exhibit R-26.

8. At an IEP meeting for Student at City School on October 3, 2017, Educational Advocate 1 requested, *inter alia*, that DCPS conduct a neuropsychological

evaluation and an Applied Behavior Analysis (ABA) assessment of Student. The school representatives declined to conduct a neuropsychological evaluation stating that the type of information which the parent and her representatives were seeking would be obtained from a comprehensive psychological evaluation (which was subsequently conducted in October 2017). The school representatives refused the Guardian's request for an ABA assessment because Student had not been diagnosed with Autism Spectrum Disorder. Exhibit P-67.

9. City School developed an Individual Student Safety Plan for Student on November 29, 2017. The safety plan stated that Student had frequent displays of self-injurious behaviors, of responding to auditory and visual hallucinations, of leaving Student's designated area and of having fleeting thoughts. Exhibit R-9.

10. DCPS conducted functional behavioral assessments (FBA) of Student in 2013 and in March 2018. Exhibits P-11, R-11. In March 2018, DCPS provided the Guardian funding authorization for 30 hours of independent ABA services to provide additional support for Student. Exhibit P-50.

11. Student started experiencing seizures in 2017 and as of February 2018 was being stabilized with seizure medication. Exhibit P-81. Student's last seizure at school was more than one month before the due process hearing date. Testimony of LEA Representative. Student has also experienced hallucinations. Student is not taking medications for these symptoms. Testimony of Educational Advocate 2, Testimony of Guardian.

12. School Psychologist started providing group and individual therapy services to Student in December 2017. These services are not included on Student's IEP because under School Psychologist's understanding of DCPS procedures, psychologists

are not recognized as related services providers. In April 2017, 180 minutes per month of Behavioral Support Services, provided by a school social worker, were added to Student's IEP. School Psychologist also continues to provide therapy services to Student as a non-IEP service. Testimony of School Psychologist, Exhibit P-80.

13. Student has made some progress behaviorally in the 2017-2018 school year at City School. Student is more attentive, is engaging more with peers, and is more socially appropriate with peers. With School Psychologist, Student has become more comfortable in getting Student's thoughts out. Testimony of School Psychologist.

14. School staff have requested consent from the Guardian to confer with Student's medical providers about Student's needs. Guardian has withheld consent for privacy reasons, but has provided Student's medical records to DCPS. Testimony of Guardian.

#### CONCLUSIONS OF LAW

Based upon the above findings of fact and argument of counsel, as well as this hearing officer's own legal research, my conclusions of law are as follows:

##### Burden of Proof

As provided in the D.C. Special Education Student Rights Act of 2014, the party who filed for the due process hearing, the Petitioner in this case, shall bear the burden of production and the burden of persuasion, except that where there is a dispute about the appropriateness of the student's IEP or placement, or of the program or placement proposed by DCPS, the District shall hold the burden of persuasion on the appropriateness of the existing or proposed program or placement; provided that the Petitioner shall retain the burden of production and shall establish a *prima facie* case

before the burden of persuasion falls on the District. The burden of persuasion shall be met by a preponderance of the evidence. See D.C. Code § 38-2571.03(6).

### Analysis

As stated in the introduction to this decision, many of the issues initially alleged by the Petitioner, and certified in the Prehearing Order, have now been resolved. Notably, DCPS has agreed to reevaluate Student for OT needs with a view toward revising Student's IEP OT services as appropriate. The issues remaining to be decided by this hearing officer are:

Did DCPS deny Student a FAPE by not reviewing and revising Student's IEP in November 2017 to update Student's PLOPs for Mathematics and to add Behavioral Support Services?

Did DCPS deny Student a FAPE by failing to conduct a neuropsychological evaluation and ABA testing, as requested by the Guardian in fall 2017?

#### 1. Assessments

Generally, when a child has been evaluated for special education eligibility and the appropriateness of the agency's evaluation is at issue, the hearing officer must consider whether the agency adequately gathered functional, developmental and academic information about the child's needs to determine the content of the IEP in all areas of suspected disability and that the evaluation was sufficiently comprehensive to identify all of the child's needs. 20 U.S.C. §§ 1412(a)(6)(B), 1414(b)(1-3); 34 C.F.R. § 300.304(b)(1-3), (c)(4, 6).

At an IEP meeting for Student at City School on October 3, 2017, Educational Advocate 1 requested, *inter alia*, that DCPS conduct a neuropsychological evaluation and an Applied Behavior Analysis (ABA) assessment of Student. The school representatives declined to conduct a neuropsychological evaluation stating that the

type of information which the parent and her representatives were seeking would be obtained from a comprehensive psychological evaluation (which was subsequently conducted in October 2017). The school representatives refused the Guardian's request for an ABA assessment because Student had not been diagnosed with Autism Spectrum Disorder. Petitioner contends that without a neuropsychological evaluation and an ABA assessment, DCPS' fall 2017 reevaluation of Student was not sufficiently comprehensive. Petitioner has the burden of persuasion on this claim.

With regard to the request for an ABA assessment, DCPS conducted functional behavioral assessments (FBA) of Student in 2013 and in March 2018. In March 2018, DCPS provided the Guardian funding authorization for 30 hours of independent ABA services to provide additional support for Student. Educational Advocate 1 testified at the due process hearing that Student needed an ABA assessment, but this witness was not an expert in Applied Behavior Analysis principles and she did not satisfactorily explain why Student needed an ABA assessment, instead of, or in addition to, the independent ABA services already funded by DCPS. I find that the Guardian did not meet her burden of persuasion that an ABA assessment was required a part of a comprehensive evaluation of Student.

With regard to Student's need for a neuropsychological assessment, Petitioner's expert, Educational Advocate 2, a practicing neuropsychologist, testified to Student's need for a neuropsychological evaluation. She explained that because Student's cognitive functioning is so low, the standardized testing in a comprehensive psychological evaluation would not suffice to identify Student's needs. She explained that a neuropsychologist would be able to select from a battery of tests individualized to Student and put the results together to assess Student's executive functioning, social

cognition and the underlying causes of Student's apparent psychosis (hallucinations) and from that data, be able to recommend what can be done at school to effectively serve Student.

School Psychologist testified that the City School team had already conducted a comprehensive psychological evaluation as well as a social-emotional assessment. She opined that a neuropsychological evaluation was not appropriate due to Student's low cognitive abilities and because the data already obtained from the comprehensive psychological evaluation were sufficient to program for Student's education. I found the opinion of Educational Advocate 2, that Student should have a neuropsychological evaluation, more persuasive because Educational Advocate 2 is a trained neuropsychologist and because she cogently explained how, for a youth like Student who has very low cognitive skills, a neuropsychological evaluation would provide a more thorough, individualized, assessment than can be obtained from a comprehensive psychological evaluation.

On April 9, 2018, Student's pediatric neuropsychologist sent Guardian a recommendation, based on her February 22, 2018 consultation with Student, that further cognitive assessment of Student was not appropriate at that time (meaning, presumably, at the time of the February 2018 consultation.) Also, in her testimony, Educational Advocate 2 opined that Student should have a psychiatric evaluation before the neuropsychological evaluation is conducted to rule out an organic cause for Student's hallucinations. On this evidence, I find that Student was not denied a FAPE by the MDT team's decision at the October 3, 2018 meeting not to conduct a neuropsychological evaluation at that time.

Notwithstanding, I find that Petitioner has established that, as of the due process

hearing date, Student does need a neuropsychological evaluation to better inform Student's IEP team as to Student's educational needs. *See* 34 CFR § 300.305(a). In light of the pediatric neuropsychologist's recommendation in February 2018 against conducting a cognitive assessment, the timing of the evaluation is a decision for Student's neuropsychologist. Guardian testified that Student has an appointment with a neuropsychologist at Medical Center on May 18, 2018. I will order DCPS to promptly conduct a neuropsychological assessment of Student at such time as may be recommended by Student's Medical Center neuropsychologist. If the Guardian prefers, she may, of course, obtain the assessment independently at Medical Center or elsewhere, at her expense, and provide the results to DCPS for consideration by Student's IEP team.

## 2. Behavioral Support Services

The multidisciplinary team (MDT) met at City School on December 6, 2017 to review psychological and speech and language reevaluations of Student. At that meeting, Educational Advocate 1 requested direct individual therapy for Student. The school social worker stated that due to Student's low cognitive level, Student would not benefit from the evidence-based therapy which she provided. School Psychologist responded that she was willing to continue to provide therapy for Student but that this service was not addressed in Student's IEP. Following the December 6, 2017 meeting, School Psychologist did provide Student group and individual counseling services. On April 3, 2018, after the Guardian's due process complaint was filed, Student's IEP team amended Student's IEP to provide Emotional, Social and Behavioral Development annual goals and 180 minutes per month of Behavioral Support Services. Petitioner alleged in her due process complaint that these services should have been added to

Student's IEP in November 2017. (It was at the December 6, 2017 MDT team meeting that Educational Advocate 1 requested that behavioral support services be added to Student's IEP. The team did not meet in November 2017. I deduce that Petitioner's intent was to claim that Student's IEP should have been revised in December 2017 – not November 2017 – to provide Behavioral Support Services.) DCPS has the burden of persuasion that Student's IEP in November 2017 was appropriate without the addition of the requested Behavioral Support Services.

The IDEA requires that a student's IEP must provide such related services as are required to assist a child with a disability to benefit from special education. Related services may include, *inter alia*, psychological services, counseling services and social work services in schools. *See* 34 CFR § 300.34(a). By December 2017, it was well-documented that in the 2017-2018 school year, Student presented at school with tantruming, self injurious behaviors and non-compliant behaviors when upset. A School Safety Plan, developed for Student on November 29, 2017, explained that Student had frequent displays of self-injurious behaviors, responding to auditory and visual hallucinations, leaving Student's designated area and having fleeting thoughts. School Psychologist reported in her Comprehensive Psychological Evaluation, reviewed at the December 6, 2017 MDT meeting, that Student had experienced several emotional meltdowns and had been removed from the instructional environment due to being disruptive and exhibiting self-injurious behaviors. Student was reported to have been exhibiting these self-injurious behaviors since the 2016-2017 school year and to have been often observed responding to visual and auditory hallucinations.

School Psychologist testified that after she began providing group and individual counseling services following the December 6, 2017 MDT meeting, Student made some

progress behaviorally. However, these counseling services were not made part of Student's IEP because, according to School Psychologist, DCPS does not permit Behavioral Support Services to be provided by a school psychologist. Such a rule would be contrary to the IDEA, which requires that psychological and counseling services be a part of a student's IEP if required to assist the student to benefit from special education. *See* 34 CFR § 300.34(a), *supra*. I find that the failure to revise Student's IEP, promptly after the December 6, 2017 MDT meeting, to include the counseling services actually provided by School Psychologist was a procedural violation of the IDEA.

Procedural violations may only be deemed a denial of FAPE if the procedural inadequacies—

- (i) Impeded the child's right to a FAPE;
- (ii) Significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE to the parent's child; or
- (iii) Caused a deprivation of educational benefit.

34 CFR § 300.513(a)(2). A parent is not able to meaningfully participate in development of her child's IEP, if the Student's annual goals and services are not set out in the IEP document. *Cf. A.K. ex rel. J.K. v. Alexandria City School Bd.*, 484 F.3d 672, 682 (4<sup>th</sup> Cir. 2007) (In evaluating whether a school district offered a FAPE, a court generally must limit its consideration to the terms of the IEP itself.) DCPS' failure to ensure that Student's IEP was revised to address Student's need for Behavioral Support Services – even if those services were provided, outside of the IEP, by School Psychologist – deprived Guardian of her right to participate in the IEP process. *See, e.g., Lofton v. District of Columbia*, 7 F.Supp.3d 117, 124 (D.D.C. 2013) (IDEA mandates that the parent be allowed to meaningfully participate in the development of his or her

child's IEP). I conclude DCPS' procedural violation, in not amending Student's IEP to include the counseling services provided by School Psychologist, significantly impeded Guardian's opportunity to participate in the decision-making process and, therefore, was a denial of FAPE.

Guardian also alleges that DCPS denied Student a FAPE by not updating Student's present levels of performance (PLOPs) for Mathematics at the December 2017 MDT meeting. At the May 3, 2018 due process hearing for Student, Petitioner offered no evidence that the PLOPs for Mathematics in Student's April 2017 IEP required updating in fall 2017. Educational Advocate 1 testified that Student's PLOPs and annual goals for Mathematics had been updated in the April 3, 2018 IEP and she did not speak of any concern about their inappropriateness. I conclude that Petitioner did not establish a *prima facie* case that the PLOPs for mathematics in Student's April 2017 IEP were inappropriate at the time of the December 6, 2017 MDT meeting.

#### Remedy

In this case, I have determined that DCPS denied Student a FAPE by not ensuring that Student's IEP was revised after the December 2017 MDT meeting to reflect that Student required the Behavioral Support Services that were actually being provided by School Psychologist. Petitioner seeks compensatory education to compensate Student for this denial of FAPE. "If a hearing officer concludes that the school district denied a student a FAPE, he has 'broad discretion to fashion an appropriate remedy,' which may include compensatory education. *See B.D. v. District of Columbia*, 817 F.3d 792, 800 (D.C. Cir. 2016). The compensatory education inquiry requires 'figuring out both [(1)] what position a student would be in absent a FAPE denial and [(2)] how to get the student to that position.' *Id.* at 799." *Butler v. District of Columbia*, Case No.

16-cv-01033 (D.D.C. Aug. 14, 2017).

In the April 3, 2018 IEP, Student's IEP team added annual goals for Emotional, Social and Behavioral Development and provided for Student to receive 180 minutes per month of Behavioral Support Services. Guardian testified that she was satisfied with the April 3, 2018 IEP (except for the failure to increase Student's OT services). The Behavioral Support Services are now being provided by the school social worker as a supplement to the counseling services provided by School Psychologist. If Student's IEP had been timely revised to provide for BSS services following the December 6, 2017 MDT meeting, and the new services were promptly implemented, Student could have been receiving BSS services at least since the end of the DCPS winter break. As a result of DCPS' not agreeing to provide BSS services until after Petitioner filed her due process complaint, Student missed some three months of services from the school social worker.

Because of the limited period of time, from early January to early April 2018, when Student was not timely provided IEP Behavioral Support Services and because Student did receive counseling services from School Psychologist in the interim, "figuring out . . . what position a student would be in" if DCPS had timely instituted those services is necessarily a conjecture. In her compensatory education proposal, Educational Advocate 2 recommended that an "initial award dealing with behavioral issues" of 30 hours of ABA therapy should be considered. DCPS has already authorized funding for the Guardian to obtain these services for Student. I find that a supplemental award of 9 hours of individual counseling services by a qualified social worker, to compensate Student for the District's failure to timely add BSS services to Student's IEP, would be "reasonably calculated to provide the educational benefits that likely would have accrued from [Behavioral Support Services] the school district should have

supplied in the first place.” *See Reid ex rel. Reid v. District of Columbia*, 401 F.3d 516, 524 (D.C.Cir.2005).

**ORDER**

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

ORDERED:

1. As compensatory education for the denial of FAPE in this case, beginning not later than 21 days from the date of this decision, DCPS shall provide Student 9 hours of individual behavioral support services by a social worker or psychologist qualified to work with students who have intellectual disabilities. DCPS may provide these services directly or provide funding authorization to the Guardian to obtain the services for Student;
2. At such time as may be recommended by Student’s neuropsychologist and upon the written request of the Guardian, DCPS shall promptly conduct a neuropsychological evaluation of Student. Upon receipt of the neuropsychological evaluation report (or of any independent neuropsychological evaluation report provided by Guardian), DCPS shall promptly convene Student’s IEP team to review the report and to revise Student’s IEP, as appropriate;
3. All other relief requested by the Petitioner herein is denied, without prejudice to Petitioner’s claims for IEP Occupational Therapy (OT) services and compensatory education, as may be warranted by the OT reevaluation of Student which DCPS has agreed to conduct.

Date: May 10, 2018

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

**NOTICE OF RIGHT TO APPEAL**

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

**cc: Counsel of Record  
Office of Dispute Resolution  
OSSE - SPED  
DCPS Resolution Team**