

District of Columbia
Office of the State Superintendent of Education

Office of Dispute Resolution
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Parents, on behalf of Student,¹)
Petitioners,)
) Hearing Dates: 10/27/25; 10/29/25;
) 10/30/25; 11/3/25; 11/4/25.
v.)
) Hearing Officer: Michael Lazan
District of Columbia Public Schools,) Case No. 2025-0097
Respondent.)

HEARING OFFICER DETERMINATION

I. Introduction

This case involves an X-year-old student who is currently eligible for services. A due process complaint (“Complaint”) was received by District of Columbia Public Schools (“DCPS” or “Respondent”) pursuant to the Individuals with Disabilities Education Act (“IDEA”) on June 6, 2025. The Complaint was filed by the Student’s parents (“Petitioners”). On September 16, 2025, Respondent filed a response, which was late. The resolution period expired on July 6, 2025.

II. Subject Matter Jurisdiction

This due process hearing was held, and a decision in this matter is being rendered, pursuant to the IDEA, 20 U.S.C. 1400 et seq., its implementing regulations, 34 C.F.R. Sect. 300 et seq., Title 38 of the D.C. Code, Subtitle VII, Chapter 25, and the District of Columbia Municipal Regulations, Title 5-A, Chapter 30.

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

III. Procedural History

A prehearing conference was held on September 16, 2025. Attorney A, Esq., counsel for Petitioner, appeared. Attorney B, Esq., counsel for Respondent, appeared. A prehearing conference order was issued on September 24, 2025, summarizing the rules to be applied in the hearing and identifying the issues in the case. The prehearing conference order was revised on October 21, 2025.

A continuance order was issued by this Hearing Officer upon the filing of a corresponding motion by Petitioners on August 20, 2025. As a result, the timeline for the Hearing Officer Determination (“HOD”) was extended to November 13, 2025. The hearing was conducted through the Microsoft Teams videoconferencing platform, without objection. Petitioners were again represented by Attorney A, Esq. Respondent was again represented by Attorney B, Esq. This was a closed proceeding.

The matter proceeded to trial on October 27, 2025, October 29, 2025, October 30, 2025, November 3, 2025, and November 4, 2025.

During the proceeding, Petitioners moved into evidence exhibits P-1 through P-71 except for exhibit P-53, which was withdrawn. Objections were filed with respect to exhibits P-2, P-3, P-8, P-14, P-30, P-33, P-34, P-37, P-42, P-44, P-46, P-53, P-54, P-58, P-63, P-64, and P-71 through P-74. These objections were overruled. Exhibits P-1 through P-71, except for exhibit P-53, were admitted. Respondent moved into evidence exhibits R-1 through R-23. Petitioners objected because of Respondent’s alleged failure to file these documents with Petitioners in accordance with the five-day business rule, but the prehearing order required disclosure to be filed on October 20, 2025, which was the day that the disclosure was filed. Exhibits R-1 through R-23 were admitted.

Petitioners presented as witnesses, in the following order: the Student's father ("Father"); Witness A, an educational consultant (expert in general and special education); Witness B, a psychologist (expert in child and adult psychology); Witness C, a clinical director for a program for individuals with disabilities (expert in psychology and program development for children and teens with autism spectrum disorder and social skills issues); Witness D, program director at School C (expert in general and special education); Witness E, clinical coordinator at School C (expert in psychology and applied behavioral analysis); Witness F, an assistant director at the XYZ program at School C (expert in general and special education and the education of students with autism and behavioral and social concerns); and the Student's mother ("Mother"). DCPS presented as witnesses, in the following order: Witness G, a social worker (expert in school-based social work); Witness H, a designated Local Educational Agency ("LEA") representative for School B (expert in special education programming); Witness I, manager of DCPS's Central Individualized Education Program (CIEP) team (expert in special education programming and placement); and Witness J, an LEA representative (expert in special education programming).

At the end of testimony on November 3, 2025, Petitioners presented their oral closing argument. Due to the time of day, Respondent presented its closing argument the next morning, on November 4, 2025.

IV. Issues

As identified in the revised Prehearing Order and in the Complaint, the issues to be determined in this case are as follows:

1. Did DCPS's August 3, 2023, IEP and placement in School B's Specialized Learning Support ("SLS") program offer the Student a Free and Appropriate Public Education ("FAPE") for the 2023-2024 school year?

Petitioners contended that the IEP provided the Student with inappropriate goals that were predetermined and not measurable, no writing goals, no baselines, inappropriate accommodations, and that the IEP disregarded the neuropsychologist's recommendations, including the recommendations to conduct an occupational therapy assessment and a Functional Behavior Assessment ("FBA"). Petitioners also contended that the SLS program is designed for cognitively impaired students and therefore would not appropriately support the Student academically.

2. Did DCPS fail to offer the Student an IEP or educational placement for the 2024-2025 school year, denying the Student a FAPE?

As relief, Petitioners seek an order for DCPS to reimburse Petitioners for the expenses they have incurred in providing a FAPE to the Student during the 2023-2024 and 2024-2025 school years, including summer camp programs. Petitioners also seek a declaration that School C is the Student's "current educational placement," and an order for DCPS to place the Student at School C prospectively, including providing all appropriate related services, unless and until an appropriate DCPS IEP is developed and an appropriate placement is offered.

V. Findings of Fact

1. The Student is an X-year-old who is currently eligible for services as a student with Multiple Disabilities. The Student has been diagnosed with autism spectrum disorder, Attention Deficit Hyperactivity Disorder ("ADHD"), anxiety disorder, and Tourette syndrome. The Student presents with social and emotional needs in the classroom. The Student can be dynamic and engaging, but struggles to make eye contact,

has sensory issues, and often holds a fidget and paces. The Student also has issues with change and frustration tolerance, and s/he startles easily. Mental health services are needed intermittently throughout the school day to keep the Student regulated.

Testimony of Witness B; Testimony of Witness A.

2. After attending preschool, the Student attended a non-public school, School A. The Student did reasonably well at School A until the 2020 pandemic, during which time the Student began to struggle, at least in part because of difficulties with online learning. Testimony of Father; Testimony of Mother. In September 2020, the Student attended School A in a “hybrid” learning model that featured some in-person learning and some learning through video. The Student became more defiant in school. School staff tried to modify the Student’s behavior by using accommodations such as a rewards system. The Student refused to act appropriately in class, would interrupt others, and began to elope from the classroom. Testimony of Father.

3. The Student attended School A for the 2021-2022 and 2022-2023 school years. The Student’s behavior issues worsened during this period. After the Student threatened a teacher, School A asked the Student to leave the physical school setting and required the Student to complete all schoolwork at home. The Student ended up working with the Mother through an online program. Testimony of Mother; Testimony of Father.

4. A neuropsychological evaluation of the Student was conducted in March 2023. The evaluator administered the Adaptive Behavior Assessment System, Third Edition (“ABAS-3”), Autism Diagnostic Observation Schedule, Second Edition (“ADOS-2”), Beck Youth Inventories, Second Edition (“BYI-2”), Beery-Buktenica Test of Visual Motor Integration, Sixth Edition (“VMI”), Behavior Assessment System for

Children, Third Edition (“BASC-3”) and the Behavior Rating Inventory of Executive Functioning, Second Edition (“BRIEF-2”). The evaluator also administered the Conners 3 rating scales, Conners 3 Continuous Performance Test (“CPT3”), Delis-Kaplan Executive Function System (“D-KEFS”), Feifer Assessment of Mathematics (“FAM”), Kingsbury Questionnaire for Elementary School Students, a Rorschach examination, Social Responsiveness Scale, Second Edition, Parent and Teacher (“SRS-2”), Test of Word Reading Efficiency, Second Edition (“TOWRE-2”), Wechsler Intelligence Scale for Children, Fifth Edition (“WISC-V”), Wide Range Assessment of Memory and Learning, Third Edition (“WRAML-3”), and the Woodcock-Johnson Tests of Achievement, Fourth Edition, Form A (“WJ-IV”). P-4.

5. As part of this evaluation, the evaluator observed the Student for one hour in his/her regular classroom. The Student worked in the classroom but continuously made comments to no one in particular. The Student declined to participate in small-group instruction and did not make eye contact when the teacher spoke to him/her. The Student engaged in repetitive hair flicking, ear rubbing, and eye blinking during the observation, and when the teacher began to work with another student, the Student stared intently at them. At one point, the Student put on noise-canceling headphones and sat with a “frozen smile” and his/her face twitching. The Student also began to repetitively tap on his/her headphones. The teacher approached to ask if s/he was thinking about his/her work, but the Student averted his/her eyes and ignored the teacher. When the teacher announced a transition to the next class, the Student continued to read his/her book while other students put their materials away. The Student did not comply when the teacher asked him/her to put his/her book away, but s/he stopped reading and stared into

space. The teacher led a mindfulness breathing exercise, and the Student copied the teacher's counting action. The class then had a discussion about ADHD. The Student appeared engaged in the class discussion and, smiling, raised his/her hand to give an appropriate answer. P-4.

6. During the last testing session with the neuropsychologist, the Student ran out of the office and rode an elevator up and down for an extended period before agreeing to finish the testing. The evaluator felt that the Student had limited engagement and poor frustration tolerance in situations where s/he was expected to meet the demands of others, particularly adults. This was attributed to: 1) social and sensory processing challenges and rigidity due to the Student's autism; 2) impulse control and disinhibition caused by Tourette syndrome and ADHD; and 3) cognitive processing challenges due to autism and ADHD. The evaluator concluded that the Student was a gifted student with learning challenges due to autism, Tourette syndrome, and ADHD, which impacted his/her ability to engage with classroom instruction and cooperate in the school environment. The evaluator also indicated that the Student struggled with math and writing tasks. The evaluator recommended targeted interventions in a self-contained classroom for high-functioning children on the autism spectrum. The evaluator also recommended an FBA and a Behavior Intervention Plan ("BIP") to identify triggers and the functions of the Student's challenging behaviors. The evaluator further recommended a school that could provide school-based behavioral support services from a professional trained to work with students with autism. In addition, the evaluator recommended individualized instruction to improve the Student's writing and a specialized residential program with an explicit focus on social skills and adaptive skill development. The evaluator underscored

that the Student should be placed in a specialized program for high-functioning children with autism spectrum disorders to develop better self-regulation and work habits. P-4.

7. On June 3, 3023, DCPS and Petitioners held an eligibility meeting to determine if the Student was eligible for special education services. At this meeting, the Student was deemed to qualify for IDEA services as a student with Multiple Disabilities. Testimony of Father; P-16.

8. In the summer of 2023, the Student went to Camp A, an out-of-state camp, for a week. Camp A is designed for children with autism and social skills issues. The purpose of the camp is to provide social programs and added emotional support for these children. Camp A provides typical activities such as lunch, swimming, and other physical activities that are “a little more” geared to autism. The camp also provides activities involving science, technology, engineering, and mathematics (“STEM”), and art, theater, and drama. The camp tries to steer away from competitive sports. Testimony of Witness C. Petitioners stayed in accommodations near Camp A while the Student attended the camp. The Student was reluctant to join in activities and had issues with social awareness and hygiene, but s/he engaged with peers. Testimony of Father; Testimony of Witness C.

9. DCPS held an IEP meeting for the Student on August 3, 2023, during which Petitioners expressed concern that the Student was higher-functioning than many children with disabilities. DCPS said that they would recommend that the Student be in the higher-functioning “CES Strategies” program. R-16. The team described CES Strategies as a program where students are taken out of class for special education some of the time, and spend some of the time with typically developing peers. Testimony of

Mother; Testimony of Father. Issues regarding writing, including issues with the IEP goals, were not specifically raised by Petitioners. No occupational therapy was requested at this meeting. Petitioners' advocate mentioned that an FBA might be needed for the Student. Testimony of Witness J. The ensuing IEP recommended that the Student receive twenty hours of specialized instruction per week outside general education, with 120 minutes of behavior support services per month outside general education. The IEP also recommended "Other Classroom Aids and Services," including a positive reinforcement system, graphic organizers, a small-group or one-to-one work environment, extra time to finish assignments/tests, visual and verbal cues, consistent expectations, social stories, a visible schedule, and previewing changes in the schedule. The recommendations also included positive feedback, a checklist, computer time, assistance from a trusted adult with whom the Student would check in, and a menu of coping strategies. Petitioners agreed with this IEP and were told that the school placement would be forthcoming. P-22; Testimony of Witness J.

10. Just before the start of the 2023-2024 school year, Petitioners received correspondence from DCPS identifying the Student's placement as School B and indicating that the Student would be placed in the school's SLS classroom. Petitioners had never heard of the school, and the IEP team did not discuss the SLS program at the IEP meeting. Petitioners researched School B and the SLS program and tried to speak to the school for more information. Testimony of Mother; Testimony of Father; P-72.

11. The SLS program is designed for students who have a specific learning disability or cognitive impairment. Each classroom is designed to provide a safe, structured learning environment, with an emphasis on individualized instruction. The

program serves students who have “complex learning needs and have not responded to interventions in the general education setting.” These students typically spend most of their time in the SLS classroom, which is a self-contained, special education classroom. Classrooms in the SLS program are designed to create a space for individual student learning. Students are provided with reading and math programs, such as SpellRead, System 44, Equals Math, and Read 180, and other interventions. Every SLS class is staffed with a certified special education teacher and a paraprofessional who is trained to meet the needs of students with learning disabilities and complex learning styles. P-72; Testimony of Witness J.

12. School B serves approximately 200 to 300 children. The school’s SLS classes provide differentiated assignments for students. Each SLS class has approximately eight students. The classwork begins with a morning meeting, followed by lessons on phonics, decoding, and math that may start as whole-group sessions and then break into smaller groups. Next comes lunch with an aide, recess, and “specials” classes with the aide. The specials are only for special education students, and each special class has nine to ten students. Then comes computer-based learning and an end-of-day meeting. Testimony of Witness H.

13. The students in School B’s SLS program may have behavioral issues, such as anger issues, and may act destructively. School B’s SLS program includes the use of a morning check-in, trackers, rewards systems, “restorative circles,” calm-down areas, safety plans, and support from a social worker. If the Student performs above the level of the other students in the class, the staff may develop a plan to allow the Student to attend a general education classroom. The SLS classroom is not designed for students with

high-functioning autism, and the aides in the classroom are not trained to work with students with high-functioning autism. Testimony of Witness H.

14. School B staff could have used the behavioral support services in the Student's IEP for pull-out group or individual sessions. These sessions might have provided evidence-based treatments to address issues like perspective-taking or anger management. A counselor could have administered a Strengths and Difficulties Questionnaire three times a year. Programs that could have been used include "Zones of Regulation" to address disruptive behavior and "Unstuck and On Target" to encourage flexible thinking. Testimony of Witness G.

15. Petitioners rejected the placement at School B, and the Mother homeschooled the Student at the start of the 2023-2024 school year. The Student worked on academics and engaged in activities such as horseback riding and a music class. The Student also began therapy with Witness C during this time. On weekends, the Student participated in a program at School C that employed the Unstuck and On Target methodology, which helps children be more organized by giving them strategies and scripts. Testimony of Father.

16. Petitioners looked for an alternate placement for the Student. Petitioners had difficulty finding a placement that would accept the Student. Since the Student was benefitting from the Unstuck and On Target-based program at School C, staff at School C suggested that Petitioners should apply to School C on the Student's behalf. The school accepted the Student for an opening in January 2024, and the Student started attending School C the same month. Testimony of Father.

17. At the time, School C served about 200 students, with about seventy in the XYZ program. Testimony of Witness D. The XYZ program uses the “Unstuck and On Target” program to address students’ behavioral issues, and the school employs a Board Certified Behavior Analyst (“BCBA”) to assist children with their behavioral issues. Testimony of Witness A. Each XYZ class lasts forty-five minutes. Testimony of Witness F.

18. The Student was placed in the XYZ program at School C and was provided with one-to-one interventions in math because of weaknesses in that subject. The school also provided the Student with social learning classes, group speech and language therapy, and group counseling. The Student’s peers all had autism spectrum disorder, abilities at grade level or above, and pragmatic language needs. A “Relationship Scale” system helped the Student gradually improve his/her behavior. Testimony of Witness D. At first, the Student was resistant to remaining in the classroom and doing schoolwork. The Student had positive “learner” skills, but if s/he did not know how to do the work or if there was a social breakdown, the Student would start pacing, throwing objects in the air, and missing instructions because of tantrums. These behaviors tended to multiply. The Student struggled to gain the attention of others in an appropriate and expected way. Often, s/he would walk up to someone, say “hey,” and then say something off-topic or make inappropriate comments (e.g., about violence, death, and things and people s/he disliked). The Student also demonstrated significant difficulty in perspective-taking with peers and adults, which would quickly frustrate and upset the Student and lead him/her to social breakdowns, not following directions, and

not completing work. Testimony of Witness D; Testimony of Witness E; Testimony of Witness F; P-32.

19. In the classroom, the Student exhibited appropriate behaviors, such as raising a quiet hand to participate, completing work, and accepting feedback. The Student expressed his/her excitement to be back in a classroom. Additionally, s/he demonstrated executive functioning skills by consistently maintaining an organized workspace and always preparing for class with the necessary materials. The Student demonstrated strength in completing and submitting classwork and homework assignments on time. However, there were areas of concern. The Student was successful mostly due to staff consistency with systems, a highly structured classroom environment, a low student-to-staff ratio, and additional behavior support staff outside the classroom to manage the Student's escalated behaviors. The Student was more willing to accept help if an assignment was difficult, rather than if the assignment was non-preferred. P-32.

20. On April 2, 2024, School C wrote its own IEP for the Student. The School C IEP identified the Student's deficit areas as behavior, math, social/emotional skills, speech and language, and written expression. The IEP provided for supplemental aids, including positive reinforcement, frequent reminders of rules, frequent eye contact and proximity control, frequent breaks, frequent and/or immediate feedback and checks for understanding, a classroom behavior management plan, visual cues for self-monitoring of expected classroom behaviors (i.e., the Relationship Scale), clearly defined limits and expectations, social stories, strategies to initiate and sustain attention, a reward system, small instructional groups (with a low student-to-staff ratio), advanced preparation for schedule changes (including staff, location, and activity changes), allowing time between

classes for organization of materials and transition between classes, and a positive behavior management system with eight daily check-ins. The School C IEP also called for decreased visual and auditory inputs to reduce distractions, a highly structured classroom, and the use of sensory strategies (e.g., a weighted blanket and fidgets). The document indicated that the Student was off-task or eloping for 13% of the time, pursuant to data taken between January 3, 2024, and March 18, 2024. The Student had engaged in elopement (i.e., running out of the classroom or leaving an instructional setting without teacher permission) on eight school days. The School C IEP reported on testing that found that the Student was at the 19th percentile in math, below grade level, and indicated that s/he was missing many prerequisite math skills. P-35.

21. The Student's final report card for the 2023-2024 school year indicated that s/he was showing excellent to satisfactory effort in academic classes and was on grade level, except in math. The report card indicated that the Student had already mastered social and emotional goals, relating to off-task and safe behaviors, from the April 2024 School C IEP. P-38; P-39.

22. In the summer of 2024, for two to three weeks, the Student again went to an out-of-state camp, where s/he engaged in more activities than s/he had in the previous summer. Testimony of Father; Testimony of Witness C.

23. In July 2024, with an authorization signed by Petitioners, Witness A requested an IEP meeting with DCPS for the 2024-2025 school year. P-40. But DCPS did not set up an IEP meeting for the Student. The Student was placed at School C for the 2024-2025 school year. Testimony of Father.

24. In September 2024, School C wrote an FBA and BIP for the Student to reduce his/her issues with elopement, disruptions, property destruction, and aggression through a classroom management system. The FBA described the Relationship Scale that the school used, where students received extra reinforcers (i.e., more school money) based on frequent demonstrations of appropriate school behaviors. Staff also implemented “planned ignoring” by refraining from commenting on the Student’s inappropriate behaviors in the classroom. The Student was also to receive up to six minutes of break time in class. P-43.

25. A progress report issued by School C during the 2024-2025 school year (reporting on the April 2024 School C IEP) indicated that the Student’s off-task behaviors had improved to less than 2% between October 2, 2024, and December 20, 2024. But then the behaviors increased back to 13% between January 9, 2025, and March 5, 2025. The report indicated that the Student had mastered all IEP goals by the end of the fourth reporting period. P-45.

26. On February 24, 2025, Witness C observed the Student in an English language arts class, history class, and during the transition between the two classes. The class schedule and Relationship Scale were placed prominently in the front of the room. The Student’s position on the scale steadily increased through each class. The classroom contained a total of five students during the observation. The students were seated at desks facing the front of the room, where teachers used a SmartBoard to support their teaching. The Student mainly remained in his/her seat and had a flexible band tied to the chair/desk for his/her feet to rest and bounce on. P-44.

27. School C wrote another IEP for the Student on March 25, 2025. This IEP said that, as of March 12, 2025, the Student had refrained from aggression and elopement for 112 days. The IEP included speech and language and counseling for sixty minutes per week. The IEP also added some modifications, including short (one- or two-step) instructions, one-to-one instruction/check-ins for new concepts and during periods of dysregulation, and a daily student planner checked for completeness and accuracy. The IEP also added goals for behavior, math, social/emotional skills, and speech and language. P-48. The Student's report card for the 2024-2025 school year indicated that s/he received "A" or "B" range grades in all academic areas. P-51.

28. In the summer of 2025, for the week after July 4, 2025, the Student again attended an out-of-state camp, where s/he was fully engaged in camp activities. Testimony of Witness C. The Student stopped going to therapy with Witness C at this time. Testimony of Father.

29. In the current school year, in history and science classes at School C, the Student is grouped with approximately ten other students, with at least two and usually three staff in the classroom. For math and English language arts, the Student is grouped with approximately five other students, with two staff in the classroom. The Student's math is improving, and it is now rare for him/her to be taken out of the classroom because of behavior. Testimony of Witness F. The Student is now collaborating with other children, completing most of his/her work, is more motivated, and continues to engage with the Relationship Scale classroom behavior system, which has helped address the Student's issues, in particular his/her strong reaction to being presented with too much activity or activities/tasks that s/he does not like. Testimony of Witness A. The Student

has had to be restrained on occasion during the current school year, but the school has developed a system to address these incidents without touching the Student's skin, due to his/her sensory issues. The Student's elopement has decreased; s/he has eloped only once during this school year. Testimony of Witness E. The Student is also improving with respect to relationships with adults. S/he no longer "hates" his/her teachers, and Petitioners no longer get emails from teachers about the Student's bad behaviors.

Testimony of Mother.

30. Witness C observed the Student on September 29, 2025. The Student responded notably to the Relationship Scale. In the classroom, the Student was an available learner and, with the use of fidgets, had good concentration and focus on the lecture during class. The Student also showed increased interaction with a wider range of peers, improved social skills, and an ability to follow peers' interests and conversational leads (as opposed to focusing on his/her own). The Student also demonstrated an improved ability to get "unstuck" and shift his/her conversation focus. P-63.

VI. Conclusions of Law

The burden of proof in District of Columbia special education cases was changed by the local legislature through the District of Columbia Special Education Student Rights Act of 2014. That burden is expressed in statute as the following: "Where there is a dispute about the appropriateness of the child's individual educational program or placement, or of the program or placement proposed by the public agency, the public agency shall hold the burden of persuasion on the appropriateness of the existing or proposed program or placement," provided that "the party requesting the due process hearing shall retain the burden of production and shall establish a *prima facie* case before

the burden of persuasion falls on the public agency.” D.C. Code Sect. 38-2571.03(6)(A)(i). Accordingly, on Issue #1, relating to the appropriateness of the Student’s IEP and placement, the burden of persuasion is on Respondent if Petitioners present a *prima facie* case. On Issue #2, the burden of persuasion is on Petitioners.

1. Did DCPS’s August 3, 2023, IEP and placement in School B’s SLS program offer the Student a FAPE for the 2023-2024 school year?

Petitioners contended that the IEP provided the Student with inappropriate goals that were predetermined and not measurable, no writing goals, no baselines, inappropriate accommodations, and that the IEP disregarded the neuropsychologist’s recommendations, including to conduct an occupational therapy assessment and an FBA. Petitioners also contended that that the SLS program is designed for cognitively impaired students and therefore would not appropriately support the Student academically.

In Hendrick Hudson Bd. of Educ. v. Rowley, 458 U.S. 176 (1982), the Court explained that an IEP must be reasonably calculated to enable the child to receive benefit. Id. at 204. The Court’s decision in Endrew F. ex rel. Joseph F. v. Douglas County School District RE-1, 580 U.S. 386 (2017), elaborated on the doctrine established in Rowley. The Court reasoned that “a student offered an educational program providing merely more than *de minimis* progress from year to year can hardly be said to have been offered an education at all.” Id. at 395-396. The Court held that IDEA “demands” a higher standard—“an educational program reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” Id. at 403. The Court stated that its ruling “should not be mistaken for an invitation to the courts to substitute their own notions of sound educational policy for those of the school authorities.” Id. at 404. Still, the Court stated that courts should fairly expect those authorities to offer a “cogent

and responsive explanation” for their decisions. Id. The District of Columbia Circuit Court of Appeals has accordingly found that Endrew F. raised the bar on what counts as an adequate education under the IDEA. Z. B. v. District of Columbia., 888 F.3d 515, 517 (D.C. Cir. 2018). IEP terms should be judged at the time they were created. Z. B., 888 F.3d at 522; S.S. ex rel. Shank v. Howard Road Academy, 585 F. Supp. 2d 56, 66-67 (D.D.C. 2008) (warning against “Monday morning quarterbacking”).

The Student, who has been diagnosed with autism spectrum disorder, ADHD, anxiety disorder, and Tourette syndrome, presents with specific and individual social and emotional needs in the classroom. The Student has issues with change and frustration tolerance, and startles easily. The Student has engaged in elopement and thrown tantrums, particularly when s/he is not working on a preferred task. The Student struggles to make eye contact, has sensory issues, and often holds a fidget and paces. The Student also struggles to gain the attention of others in an appropriate and expected way. The Student has also demonstrated significant difficulty in perspective-taking with peers and adults, which has resulted in him/her becoming quickly frustrated, not following directions, and not completing work.

As a result, to be educated properly, the Student needs a wide range of support and access to a mental health team throughout the school day. School C provides these supports, particularly the Relationship Scale chart in front of the classroom, which the Student pays close attention to. If the Student has a breakdown in the middle of class because of an assignment that s/he does not want to do, s/he has access to immediate counseling and, if necessary, additional staff to regulate his/her behavior. School C is so attuned to the Student’s issues that, when s/he needs restraint, the school has devised a

system to avoid touching the Student's skin, due to his/her sensitivity to touch. The Student's program is designed for children with "high functioning" autism, as recommended by the neuropsychologist retained by Petitioners, and all the other students in the Student's classroom at School C are on the autism spectrum.

The neuropsychologist's report was the primary piece of data before the DCPS IEP team when it wrote the IEP of August 3, 2023. But for the 2023-2024 school year, the Student was assigned to the SLS program at School B, which is not specifically geared toward autistic students. According to DCPS's own description of the SLS program in its "Programs and Resources Guide for Families," the program is for students who have a specific learning disability or cognitive impairment, have complex learning needs, and have not responded to interventions in the general education setting. There is no mention of autism in the DCPS description of the SLS program. Though Petitioners relied on an older copy of this document when planning for the Student's education in 2023, there is nothing to suggest that this description has changed in the current "Programs and Resources Guide for Families."

This issue was underscored by the testimony of Witness G, who was asked if she thought the behavior support services mandate in the Student's August 2023 IEP was appropriate. The IEP provided for 120 minutes of behavior support services per month outside general education, or approximately thirty minutes of services per week. The IEP did not mandate behavior support services beyond that, even when the Student engaged in multiple outbursts in the classroom. Accordingly, when Witness G was asked if the behavior support services mandate was appropriate, she did *not* say "yes." Instead, she paused and then said that it was hard to formulate the behavior support mandate since the

child was not known to DCPS, and that if the mandate needed adjusting, DCPS would do so. Witness G then said that when the August 2023 IEP was written, since DCPS never saw the Student, “I can see how the IEP team made the case” for 120 minutes of services per month.

Additionally, the SLS program is not geared for students who function at grade level. The record indicates that many students in SLS classes are below level in their cognitive scores and academic achievement, unlike the Student. While there is testimony in the record that SLS students can be mainstreamed if a plan is formulated, there is nothing in the August 2023 IEP that suggests that the Student would be mainstreamed in the SLS program. DCPS argued that lessons can be differentiated in SLS classes to provide for all students, but the record indicates that SLS classes provide group lessons, and the record does not make clear how large-group instruction could be modified practically to give the Student meaningful lessons in a large group.

Furthermore, at the IEP meeting of August 3, 2023, Petitioners expressed concern that the Student was at a higher academic level than many other children with disabilities. DCPS’s response was to suggest that the Student should be placed in the CES Strategies program, which involves higher-functioning students. This led Petitioners to agree to the August 2023 IEP, as DCPS pointed out during its closing argument. But the IEP did not recommend the CES Strategies program; instead, it recommended the SLS program, which was not even discussed at the IEP meeting, despite the fact that IEP meetings are supposed to be “transparent, accessible, and interactive” so that “parents and other stakeholders are, at a minimum, able to provide meaningful input to shape a student’s education.” Brown v. District of Columbia, 179 F. Supp. 3d 15, 25 (D.D.C. 2016).

Moreover, as pointed out by Petitioners, the August 2023 IEP and placement in the SLS program at School B required the Student to be in some general education classes. But nothing in the IEP explains how the Student's behavioral outbursts would be addressed in a larger general education classroom without a special education teacher. DCPS suggested that the accommodations in the IEP would benefit the Student during such behavioral incidents, but the "Other Classroom Aids and Services" in the IEP were merely a list of possible interventions, not a plan to address the Student's behavior.

Because Petitioners agreed to the IEP at the August 3, 2023, meeting, DCPS contended that their arguments in this case are a form of "Monday morning quarterbacking," and that the adequacy of an IEP can be measured only at the time it is formulated, not in hindsight. However, here, Petitioners were clearly confused about the nature of the program that DCPS was offering, and they only agreed to the August 2023 IEP because they were led to believe it would place the Student in the CES Strategies program. Moreover, hearing officers have jurisdiction for parental challenges to an IEP and placement despite an earlier assent of the parent. Letter to Lipsitt, 52 IDELR 47 (OSEP letter 2008).

Petitioners' other claims were less persuasive. Petitioners claimed that the goals in the August 2023 IEP were predetermined, but they did not elaborate on this assertion during closing argument. Petitioners contended that the goals lacked baselines, but, as DCPS pointed out, there is no requirement in the IDEA for goals to have "baselines," and it is appropriate for IEP teams to rely instead on the sections of the IEP relating to present levels of performance. Petitioners also contended that the goals in the IEP were not measurable, but the goals in math and emotional, social, and behavioral development did

provide a formula for determining each goal's effectiveness. For instance, the first emotional, social, and behavioral development goal is for the Student to relate information to peers and staff in an appropriate manner, with no more than two verbal prompts from staff in three out of five opportunities. And the first math goal says that, by August 2024, when given a visually represented equation with two multi-digit whole numbers within 1,000 and a place value chart, the Student should be able to add or subtract by bundling or decomposing the pieces, with guiding questions, for four out of five equations, on three out of four progress monitoring assessments. Petitioners' position that the IEP did not contain writing goals is also without merit. The record contains multiple references to the effect that the Student's writing skills were approximately on grade level, and the testing conducted by the neuropsychologist indicated that the Student was in the average range in written expression, with "very superior" spelling skills. Indeed, the School C IEP of April 2024 indicated that the Student "demonstrates many strengths in written expression and is meeting grade level expectations in narrative writing."

This Hearing Officer also does not agree that DCPS was required to conduct an occupational therapy evaluation or an FBA at the time, though both were recommended in the neuropsychologist's report. The report suggested a comprehensive occupational therapy evaluation to further assess the Student's sensory processing in order to identify strategies and support, such as a sensory diet and modifications to the environment. But the neuropsychologist was not called as a witness to explain why an evaluation was needed to provide sensory support, nor was an occupational therapist called as a witness to allow DCPS to cross-examine on this point. DCPS was also correct that it would have

been premature to conduct an FBA in August 2023, since the Student was previously in a private school and had not yet started school at DCPS.

Still, as a result of the foregoing, this Hearing Officer finds that Respondent denied the Student a FAPE through the IEP dated August 3, 2023, and the corresponding placement at School B for the 2023-2024 school year.

2. Did DCPS fail to offer the Student an IEP or educational placement for the 2024-2025 school year, denying the Student a FAPE?

Pursuant to federal law and regulation, IEPs for all eligible special education students must be in effect at the beginning of the school year and must be implemented as soon as possible after the IEPs are drafted. 34 CFR 300.323(a); 34 CFR 300.323(c)(2). The United States Department of Education has indicated that there are “very limited exceptions” to this rule. 64 Fed. Reg. 12406, 12579 (Mar. 12, 1999); see also D.D. ex rel. V.D. v. New York City Bd. of Educ., 465 F.3d 503, 514 (2d Cir. 2006), opinion amended on denial of reh’g, 480 F.3d 138 (2d Cir. 2007).

The record makes clear that Witness A asked DCPS to create an IEP for the Student for the 2024-2025 school year. The correspondence was not acknowledged, an IEP meeting was not held, and an IEP was never created. DCPS argued that school districts are not obligated to offer a FAPE if parents of a privately placed student make clear that they intend to keep the student enrolled in a private school going forward. Letter to Wayne, 73 IDELR 263 (OSEP 2019). But there is no evidence that Petitioners intended to reject any DCPS placement and continue to place the Student at School C going forward. To the contrary, Petitioners specifically requested an IEP meeting to explore another public placement. There is nothing in the IDEA that authorizes the school district to ignore a parent’s request that an IEP be developed for a child simply

because the child is presently enrolled in a private school. District of Columbia v. Vinyard, 971 F. Supp. 2d 103, 111 (D.D.C. 2013); see also District of Columbia v. Wolfire, 10 F. Supp. 3d 89, 95 (D.D.C. 2013); District of Columbia v. Abramson, 493 F. Supp. 2d 80, 85 (D.D.C. 2007).

DCPS denied the Student a FAPE when it failed to provide the Student with an IEP or placement for the 2024-2025 school year.

RELIEF

As relief, Petitioners seek tuition reimbursement for the 2023-2024 and 2024-2025 school years at School C, together with reimbursement for counseling and other services provided to the Student in the fall and winter of 2023, reimbursement for travel expenses, and reimbursement for summer camp.

When school districts deny students a FAPE, courts have wide discretion to ensure that students receive a FAPE going forward. As the Supreme Court stated, the statute directs the Court to “grant such relief as [it] determines is appropriate.” School Committee of the Town of Burlington v. Dep’t of Education, Massachusetts, 471 U.S. 359, 371 (1985). The ordinary meaning of these words confers broad discretion on a hearing officer, since the type of relief is not further specified, except that it must be “appropriate.” If petitioners meet their burden of persuasion, 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 parents’ claim, even if the private school in which the parents 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).

The record supports Petitioners’ claims for reimbursement at School C for the 2023-2024 and 2024-2025 school years. Three staff members at School C testified in favor of the placement, and the record indicates that the school has implemented approaches specifically tailored to address the Student’s unique needs. In particular, the Student has responded to the school’s use of a Relationship Scale, which has helped the Student manage and gradually improve his/her behavior. The school provides the services of a BCBA to assist with children’s behavioral issues. School staff are trained to work with students with autism. The Student was provided with one-to-one interventions in math because of his/her weaknesses in that area. The Student was also provided with speech and language therapy and group counseling. Academically, for the 2024-2025 school year, the Student’s final report card indicated that s/he had mastered all the goals from the School C IEP of April 2024, and all the Student’s report cards indicated that his/her grades at School C were good. For the 2023-2024 school year, the Student’s final report card indicated that s/he had shown excellent to satisfactory effort in academic classes and had already mastered social and emotional goals from the School C IEP of April 2024 relating to off-task and safe behaviors.

Most importantly, School C has implemented specific and individualized approaches to the Student’s behavior issues. When s/he started at School C, the Student

was resistant to remaining in the classroom and doing school work. The Student also demonstrated significant difficulty in perspective-taking with peers and adults, which resulted in him/her becoming quickly frustrated, with many social breakdowns. Though the Student's behaviors have persisted to some extent, the record clearly indicates progress in this regard, since the Student has only eloped once during the current school year, and the Student engaged in off-task behavior less than 2% of the time between October 2, 2024, and December 20, 2024. The record also established that, as of March 12, 2025, the Student had refrained from aggression and elopement for 112 days.

Tuition reimbursement may be reduced or denied when parents fail to raise the appropriateness of an IEP in a timely manner, fail to make their child available for evaluation by the district, or upon a finding of unreasonableness with respect to the actions taken by the parents. 20 USC Sect. 1412(a)(10)(C)(iii). Under 20 USC 1412(a)(10)(C)(iii), a denial or reduction in reimbursement is discretionary.

Petitioners cooperated with Respondent's staff throughout the IEP process, provided Respondent with notice of the unilateral placement, and allowed access to the Student to be evaluated and observed. Respondent suggested that tuition should be denied because Petitioners had no intention of enrolling at a DCPS school, but, as previously noted, the evidence suggests otherwise. This Hearing Officer will therefore order that Petitioners be reimbursed for the Student's tuition and related expenses, including transportation, incurred at School C for the 2023-2024 and 2024-2025 school years.

Petitioners also seek reimbursement for psychotherapy and related expenses, including a September 29, 2023, appointment with a health services provider. Courts

have found that such services can be subject to reimbursement where the services are “necessary” and where there is no alternative, although some extracurricular activities that are not “primarily oriented” toward educating the Student should not be subject to reimbursement. Leggett v. District of Columbia, 793 F.3d 59, 73 (D.C. Cir. 2015).

While there is insufficient evidence connecting the September 29, 2023, appointment to the Student’s educational program, this Hearing Officer agrees with Petitioners that they should be reimbursed for the Student’s counseling between the start of the school year and the Student’s attendance at School C. There is no dispute that the Student requires counseling and required counseling at the time, and DCPS did not specifically object to this request during closing argument. This Hearing Officer will therefore order that Petitioners be reimbursed for the counseling provided by Witness B between the start of the 2023-2024 school year and January 2024.

With respect to Petitioners’ request for reimbursement for summer camp-related expenses, DCPS did not deny the Student a FAPE during these summers, since there is no claim that the Student was eligible for Extended School Year (“ESY”) services over the summer. Moreover, the record includes testimony that the camp services were not educational in nature; they were typical camp activities, such as lunch, swimming, and other physical activities, though they were “a little” geared toward autism. Petitioners’ contention that camp helped the Student’s ability to generalize skills was not supported by specific or persuasive testimony. Petitioners suggested that the neuropsychologist’s 2023 report recommended that the Student go to a summer camp, but the report only suggested that the Student “may also profit from specialized residential experiences where social skills and adaptive skill development are an explicit focus of the program.”

The Student went to a day camp, and the record suggests that adaptive skill development was not an explicit focus of the summer camp program in question. Petitioners also argued that the camp was a behavioral intervention, pointing to language in the IDEA indicating that when a child's behavior impedes the child's learning or that of others, the school district should consider using positive behavioral interventions and supports and other strategies to address that behavior. 34 CFR 300.324 (a)(2)(i). However, Petitioners provided no authority for this proposition, and this Hearing Officer is aware of no such authority. Under the circumstances, the request for reimbursement for camp during the summers of 2023, 2024, and 2025 must be denied.

Finally, since Petitioners did not challenge the Student's IEP for the 2025-2026 school year, and since relief should ordinarily correspond to the FAPE denial that was found, this Hearing Officer will decline the request mentioned in the prehearing conference order (but not emphasized during closing argument) for a declaration that School C is the Student's "current educational placement" and that DCPS should place the Student at School C prospectively, including providing all appropriate related services, unless and until an appropriate DCPS IEP is developed and an appropriate placement is offered.

VII. Order

As a result of the foregoing:

1. Respondent is financially responsible for the Student's attendance and related expenses at School C for the 2023-2024 and 2024-2025 school years, including reimbursement for Petitioners' travel to and from school at the then-applicable Internal Revenue Service mileage reimbursement rate;

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2. Respondent is financially responsible for all counseling services provided to the Student by Witness B between the start of the 2023-2024 school year and January 2024;

3. All other requests for relief must be denied.

Dated: November 13, 2025
Corrected: November 14, 2025

Michael Lazan
Impartial Hearing Officer

cc: Office of Dispute Resolution
Attorney A, Esq.
Attorney B, 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 §1415(i).

Dated: November 13, 2025

Michael Lazan
Impartial Hearing Officer