

District of Columbia
Office of the State Superintendent of Education
Office of Dispute Resolution
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Parent, on behalf of Student,¹)	
Petitioner,)	
)	Hearing Dates: 8/15/25; 8/16/25; 8/17/25
v.)	Case No. 2025-0066
)	Hearing Officer: Michael Lazan
Office of the State Superintendent of)	
Education and District of Columbia)	
Public Schools,)	
)	
Respondents.)	

HEARING OFFICER DETERMINATION

I. Introduction

This case involves an X-year-old student who is currently eligible for services as a student with autism (the “Student”). A due process complaint (“Complaint”) pursuant to the Individuals with Disabilities Education Act (“IDEA”) was received by District of Columbia Public Schools (“DCPS”) and the Office of the State Superintendent of Education (“OSSE”) on April 7, 2025. The Complaint was filed by the Student’s parent (“Petitioner”). The resolution period expired on May 7, 2025. A resolution meeting was held on May 8, 2025, but the matter was not settled.

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

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

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.

III. Procedural History

A prehearing conference was held on May 21, 2025. Attorney A, Esq., counsel for Petitioner, appeared. Attorney B, Esq., counsel for OSSE, appeared. Attorney C, Esq., counsel for DCPS appeared. A prehearing conference order summarizing the rules to be applied in the hearing and identifying the issues in the case was issued on May 29, 2025, and then revised on June 24, 2025.

The matter was originally scheduled for hearings on June 30, 2025, July 1, 2025, and July 2, 2025. On Sunday, June 29, 2025, just prior to the first hearing date, Petitioner's counsel sent an email to the parties indicating that he was sick and that he and Petitioner could not proceed on the hearing date. The parties subsequently agreed to reset the hearing dates to August 13, 2025, August 14, 2025, and August 15, 2025. On July 3, 2025, Petitioner moved on consent to extend the Hearing Officer Determination ("HOD") deadline from July 23, 2025, to September 5, 2025. There was no objection filed by either DCPS or OSSE. An order granting the continuance was issued on July 22, 2025.

The hearing was conducted through the Microsoft Teams videoconferencing platform, without objection. Again, Petitioner was represented by Attorney A, Esq., OSSE by Attorney B, Esq., and DCPS by Attorney C, Esq. This was a closed proceeding. Hearings were held on August 13, 2025, August 14, 2025, and August 15, 2025. During the proceeding, Petitioner moved into evidence exhibits P-1 through P-31, OSSE moved into evidence exhibits R-OSSE-1 through R-OSSE-49, and DCPS moved into evidence exhibits R-DCPS-1 through R-DCPS-29. No objections to these exhibits were filed or raised by any of the parties.

Petitioner presented as witnesses, in the following order: Witness A, an educational consultant (expert in special education with a focus on the education of autistic children); Petitioner; and Witness B, co-director of a learning center at School A (expert in special education). After the presentation of Petitioner's case, DCPS moved for a directed verdict on Issue #1, Issue #2, Issue #4, and Issue #5. This motion was denied. OSSE presented Witness C, a special programs manager in the Division of Strategic Funding for School Quality (expert in special education programming). After Witness A rebutted Witness C's testimony, DCPS presented as witnesses: Witness D, a social worker (expert in school-based social work); and Witness E, a Local Educational Agency ("LEA") representative (expert in special education programming). After DCPS's presentation, Petitioner presented rebuttal. The parties then presented oral closing arguments.

IV. Issues

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

- 1. Did DCPS deny the Student a Free Appropriate Public Education ("FAPE") by failing to timely complete the eligibility and Individualized Education Program ("IEP") process during the 2023-2024 school year?**
- 2. Did DCPS deny the Student a FAPE by failing to timely propose an IEP and placement for the 2023-24 school year?**
- 3. Did OSSE deny the Student a FAPE by failing to timely identify an appropriate placement/location of service for the 2023-24 school year?**
- 4. Did DCPS deny the Student a FAPE by failing to timely propose an appropriate IEP and placement for the 2024-25 school year?**
- 5. Did DCPS deny the Student a FAPE by proposing an inappropriate program and placement at School F in April 2024?**

As a remedy, Petitioner seeks reimbursement of the costs of placing the Student at School B for the fall of the 2023-24 school year and at School C from November 27, 2023, to the present, including all related services, fees, and costs.

V. Findings of Fact

1. The Student is an X-year-old who is eligible for services as a student with autism. S/he gets “stuck” on things, exhibits a lack of social understanding, and has difficulty taking other people’s perspectives. The Student needs to learn strategies to address these issues. The Student also needs to keep a routine in order to function. If the Student’s routine is disrupted, s/he may be affected for days. Testimony of Witness A.

2. The Student first attended a private elementary school but had issues adjusting to the school’s program. As a result, Petitioner elected to place the Student at a public school program, where she felt the Student could access more services. Testimony of Petitioner.

3. The Student attended School A, a DCPS public school, for the 2020-2021 school year, during the pandemic, but had a difficult time adjusting to the virtual instruction. Testimony of Petitioner. A private neuropsychological evaluation of the Student was conducted in August 2021. The corresponding report found that the Student should be diagnosed with Attention Deficit Hyperactivity Disorder (“ADHD”). The report also found that the Student’s IQ was in the average range, though his/her processing speed was in the borderline range. The Student tested in the average range or better on reading, writing, and math skills, with the exception of math fluency, where the Student tested in the low-average range. The Student also exhibited weaknesses in sentence completion. P-2.

4. The Student continued to attend School A for the 2021-2022 school year, but had issues with bullying and issues with behaviors. The Student also engaged in instances of suicidal

ideation. The Student was barely attending School A at all by the end of the 2021-2022 school year. P-4; Testimony of Petitioner.

5. To address the Student's behaviors, Petitioner sent the Student to a wilderness program in the Western United States in or about August 2022. Overall, this program appeared to be good for the Student, who seemed to improve with respect to behavioral issues. Staff at the wilderness program recommended that the Student attend a therapeutic boarding school. As a result, the Student transferred to School B, a residential school. P-4-3; Testimony of Petitioner.

6. A private psychological evaluation of the Student was conducted in September and October 2022. This evaluation found that the Student had cognitive skills ranging from low-average to superior, with high scores in verbal comprehension (95th percentile), visual spatial skills (82nd percentile) and fluid reasoning (92nd percentile). However, the Student's working memory score was at the 42nd percentile and his/her processing speed score was in the low-average range. Verbal memory skills were measured at the 77th percentile, while visual memory skills fell within the low range, at the 5th percentile. The Student's overall academic skills were in the average range, at the 60th percentile, with math fluency in the bottom of the average range. The evaluation indicated that the Student had a history of difficulty with developing and sustaining interpersonal relationships, cognitive flexibility, emotional and social awareness, social communication, and accurately reading and interpreting social situations. The Student showed inflexible, rigid thinking patterns, difficulty with perspective-taking, and restricted perspectives and interests that could be overly intense and narrow. The evaluation indicated that the Student had significant deficits in developing and understanding relationships and adjusting his/her behaviors to suit various social contexts. The evaluation indicated that the Student's difficulties were consistent with criteria for a diagnosis of autism spectrum disorder. The

evaluation also indicated that the Student experienced a significant level of anxiety, including frequent worries, obsessive and perseverative thoughts, and self-doubt, often expressed with vague symptoms and somatic complaints. P-3.

7. A private psychiatric evaluation of the Student was conducted in December 2022. The corresponding report, dated December 7, 2022, indicated that the Student appeared to be invested in consolidating the skills that s/he had gained in the wilderness program. The evaluation diagnosed the Student with autism spectrum disorder, ADHD, and major depressive disorder, recurrent mild. P-4. An Analysis of Existing Data (“AED”) meeting was held for the Student on December 15, 2022. Petitioner reported that the Student was attending School B, a therapeutic residential school, and was doing well and going to class. R-DCPS-17.

8. An IEP meeting was held for the Student on July 31, 2023. The IEP team recommended that the Student receive thirty hours of specialized instruction per week outside general education in a non-public residential setting, with three hours of behavioral support services per month outside general education, one hour of behavioral support consultation per month, and thirty minutes of occupational therapy consultation per month. The IEP reported that the Student received instruction based on several organizational strategies, including using checklists and checking in with teachers. The IEP reported that the Student had shown improvement across all areas of organizational skills, as evidenced by his/her grades and ability to multitask. The Student was also participating respectfully in class discussions (except for a science class) and completing work in all classes (except for the science class). P-7.

9. On August 4, 2023, Petitioner placed the Student at School B for the 2023-2024 school year and sought tuition for the school from DCPS. P-8. In or about October 2023, School B suddenly closed. Petitioner then tried to figure out a placement for the Student.

Petitioner felt that the Student needed to be challenged and needed the structure that a residential facility provided. Testimony of Petitioner.

10. DCPS decided to refer the case to OSSE for a change in placement to a residential school. This is the usual procedure in the District of Columbia if the LEA seeks to place a student in a very restrictive setting. OSSE would then conduct a review, perform an observation if needed, and provide a recommendation for the student. If the team decides that the student needs a more restrictive setting, DCPS would be directed to conduct an IEP meeting. Testimony of Witness C.

11. On October 11, 2023, OSSE received a change-in-placement request from the DCPS Central IEP Team. OSSE reviewed all materials presented by DCPS and the IEP team, met with other appropriate individuals to obtain further information that would serve in making an informed recommendation, and then recommended against a change of placement. OSSE felt that with a robust IEP, supported by other appropriate interventions, DCPS could successfully serve the Student. OSSE said that if the IEP team moved forward with placing the Student in a more restrictive environment, OSSE strongly encouraged the development of a thorough transition plan to ensure a successful transition from the Student's then-current educational setting to the new setting. OSSE reminded DCPS of its legal obligation to develop a plan for the Student to transition back to a less restrictive environment when the IEP team determined that such an environment was appropriate. For such reintegration into a less restrictive environment, OSSE recommended that the IEP team conduct planning meetings with other professionals who provided services to the Student. R-OSSE-4.

12. Nevertheless, DCPS and OSSE sought a residential setting for the Student. Residential schools usually have only a few seats available, so it takes them longer than other

schools to decide whether to accept children. For a student to gain admittance to a residential school, a parent generally has to take action, such as appearing for an interview. Sometimes the admissions process will not be completed if a parent or student does not agree to be interviewed.

Testimony of Witness C.

13. OSSE began looking for new schools for the Student. In late November 2023, OSSE tried to schedule an interview with School D, a residential school in New England. However, Petitioner did not make the Student available and did not find the school appropriate. R-OSSE-22. Petitioner was then encouraged to look at School E, a residential setting in Connecticut. R-OSSE-23. Testimony of Witness C. In November 2023, OSSE received correspondence from School E stating that Petitioner indicated that the Student did not require the level of support that School E provided. R-OSSE-18. Petitioner declined to make the Student available for an interview at School E. R-OSSE-24.

14. Also, at about this time, Petitioner was applying to residential programs on behalf of the Student. The Student was admitted to three different schools. Petitioner favored School C because it has a learning center for struggling students. In late November 2023, the Student began attending School C. Although School C serves a special education population, a large majority of the school's children are general education students. Teachers at the school are encouraged to provide 1:1 and small-group instruction, and classes at School C normally contain about fifteen students. The school also offers high-level academic courses for ambitious students. Testimony of Witness A; Testimony of Witness B. School C has over 300 students, about half of whom are day students. The school is designed to help students finish high school, look for a career in the college setting, and progress onward from there. Almost all students from School C go on to a four-year higher-education institution. The school was formed in part to serve

students who are able and intelligent enough to go to college but do not have the necessary support. The school therefore created “The Learning Center” (“TLC”). TLC began as a resource room but has been gradually transformed into a curricular-based class to help students succeed at the college level. About ten percent of the students at School C take a TLC class. The class works on communication skills and different instructional approaches for students with disabilities and/or emotional issues. TLC helps students develop the capacity to identify and deploy their personal and academic strengths. At School C, the Student attended a TLC class three times per week: twice for seventy minutes and once for forty minutes. The student-teacher ratio in that class was 5:1. The class used a structured curriculum with organizational and academic support. Each day, the TLC class was divided into two main, balanced components: core curriculum and direct academic/organizational support. TLC staff drafted accommodation plans for each student and reviewed the plans with teachers to ensure appropriate, coordinated learning support. P-17; Testimony of Witness B.

15. In or about January 2024, the Student was accepted by School F, a residential school in the Southeast United States, but the school did not have a seat. R-OSSE 27-88. School F specializes in addressing issues for children with autism and offers a suite of social and emotional services. Students at School F are diploma-bound. Testimony of Witness C.

16. OSSE also sent an admissions packet to School G, an unapproved residential school in Connecticut, in or about February 2024. OSSE encouraged Petitioner to consider the school for the Student. P-18. A meeting was held on February 27, 2024, where it was suggested that the Student attend School G. Testimony of Petitioner. Petitioner was opposed to the placement at School G because she felt it was too restrictive for the Student and because the Student needed a more challenging program. Testimony of Petitioner. Petitioner considered the

school a “backup” to School C. Petitioner said that the Student was doing “reasonably well” at School C but was having some behavioral issues. R-DPCS-18. School G contacted Petitioner to set up an interview, but no interview was conducted. P-18.

17. On the Student’s first report card from School C, issued on March 14, 2024, the Student’s science teacher said that s/he had shown a newfound sense of responsibility and commitment to education, that his/her proactive approach to learning was particularly pleasing to see, that s/he took initiative in seeking help when needed, and that s/he fully embraced the effort required to succeed. This teacher commented that, compared to the beginning of the year, the Student demonstrated noticeable growth in both work ethic and the ability to stay engaged. The Student’s literature teacher said that the Student had had a fair start to the school year and was engaged in class, but that reading quizzes were difficult for the Student and there were days when s/he was not at all clear about what had happened in an assignment. The Student’s history teacher remarked that the Student had joined the class late and had done a particularly good job keeping up with the rigorous pace. This teacher said that the Student brought a real eagerness to classroom discussions, which demonstrated his/her engagement. In math, the Student also did well, had a good attitude, and always came to class prepared. In the TLC class, the Student was still working on his/her emotional regulation and flexible thinking, and the TLC team was collaborating with the Student and his/her support network to help him/her learn how to respond to situations in and outside of his/her control. P-23-1. The Student’s grades were all in the “A” or “B” range for the second, third, and fourth terms of the 2023-2024 school year. P-28-8, 11, 14.

18. By about April 2024, Petitioner offered to look at School G. P-18. However, by that time, School F had accepted the Student. OSSE was told that School F would have

availability within thirty days. OSSE indicated that the next step for Petitioner would be to schedule an IEP meeting. P-18. DCPS tried to schedule an IEP meeting several times, but Petitioner was not responsive to the meeting requests, and Petitioner filed a due process complaint. R-DCPS-5. Petitioner also expressed to DCPS that she objected to moving the Student so close to the end of the school year. Testimony of Petitioner.

19. By the end of the 2023-2024 school year, the Student, who had issues making friends, wanted to come home. However, since the Student was attending classes and receiving good grades, Petitioner felt that s/he should remain in the program at School C. Testimony of Petitioner. The Student then continued at School C for the 2024-2025 school year. During the 2024-2025 school year, the Student continued to receive good grades, including in honors math and other high-level courses. The Student was also “moved up” to an advanced history class. Testimony of Witness A; Testimony of Witness B. The Student received grades in the “A” and “B” range for the first, second, and third terms of the school year. P-28-22, 29, 36. The Student’s final grades were all in the “A” or “B” range. P-29. Staff at School C concluded that the Student liked to be challenged, so if s/he was put in a high-level class, s/he demonstrated less behaviors of concern. Testimony of Witness B.

20. An IEP meeting was held for the Student on February 21, 2025. School C reported that, academically, the Student was doing well. The IEP team discussed how the Student could be rude but was trying to make an effort to reflect on his/her issues. This IEP again recommended thirty hours of specialized instruction per week outside general education in a non-public residential setting, with three hours of behavioral support services per month outside general education, one hour of behavioral support consultation per month, and thirty minutes of occupational therapy consultation per month. P-24; P-25.

21. In or about March 2025, DCPS sent a referral to School E. DCPS felt that School E could implement the Student's IEP. However, Petitioner expressed to DCPS that the Student had been making progress at School C, and that a move to School E would be disruptive and too restrictive for the Student. Testimony of Witness E; R-DCPS-6.

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, Issue #2, and Issue #3, the burden of persuasion is on Petitioner. On Issue #4 and Issue #5, the burden of persuasion is on DCPS and OSSE if Petitioner presents a *prima facie* case.

1. Did DCPS deny the Student a FAPE by failing to timely complete the eligibility and IEP process during the 2023-2024 school year?

2. Did DCPS deny the Student a FAPE by failing to timely propose an IEP and placement for the 2023-24 school year?

3. Did OSSE deny the Student a FAPE by failing to timely identify an appropriate placement/location of service for the 2023-24 school year?

These issues will be discussed together because of the overlap between the claims.

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 they are drafted. 34 CFR 300.323(a); 34 CFR 300.323(c)(2). As interpreted by courts, the language of the IDEA permits some reasonable delay in the implementation of the IEP. Gadsby v. Grasmick, 109 F.3d 940, 954 n. 5 (4th Cir.1997); Bd. of Educ. of Montgomery Cnty. v. Brett Y., 155 F.3d 557 (4th Cir. 1998). But 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).

After School B closed in or about October 2023, the Student, Petitioner, OSSE, and DCPS were put in a difficult, emergency situation. The Student was not getting any services at all, and rapid action was needed. DCPS and OSSE responded by introducing Petitioner to the possibility of the Student attending School D, School E, School F, or School G, all of which had residential programs. However, no seat was found for the Student until April 2024, at School F, which had accepted the Student earlier that year. The Student was therefore without a DCPS/OSSE placement offer for part of November 2023, December 2023, January 2024, February 2024, March 2024, and part of April 2024.

At that point, the Student was settled in at School C, where s/he was doing reasonably well. On the Student’s first report card at School C, issued on March 14, 2024, the Student’s science teacher said that s/he had shown a newfound sense of responsibility and commitment to education. This teacher commented that, compared to the beginning of the year, the Student demonstrated noticeable growth in both work ethic and the ability to stay engaged. The Student’s history teacher remarked that s/he had done a very good job keeping up with the

class's rigorous pace. This teacher said that the Student brought a real eagerness to classroom discussions, which demonstrated his/her engagement. In math, the Student also did well, had a good attitude, and always came to class prepared. Indeed, as Witness B testified, the Student's behaviors diminished when s/he was academically challenged. The Student's grades were all in the "A" or "B" range for the second, third, and fourth terms of the 2023-2024 school year. Given this kind of progress, it was unreasonable to propose that this autistic Student should change schools for a third time during the 2023-2024 school year. Holmes v. District of Columbia, 680 F. Supp. 40 (D. D.C. 1988) ("to send the plaintiff to a new school to complete the last semester of schooling would be 'insensitive'"); Delaware County Intermediate Unit #25 v. Martin, 831 F. Supp. 1206 (E.D. Pa. 1993) (noting the importance of allowing a student to finish out a brief school period); cf. Burger v. Murray County School Dist., 612 F. Supp. 434 (N.D. Ga. 1984) ("obvious advantages adhere to any child who is permitted to learn in a stable environment. This advantage may have even more meaning to the handicapped child"); Block v. District of Columbia, 748 F. Supp. 891 (D.D.C. 1990) ("mid-year change of placement" would pose a serious educational risk to a student who was also emotionally fragile, had transferred from school to school previously, and had made progress in the parentally preferred school).

Moreover, in this record, there is little testimony about the appropriateness of School F, except that it is a residential school that provides a suite of social and emotional services for autistic students, and that its students are diploma-bound. There was no testimony from School F staff about the kind of instruction that the Student would have received if s/he had suddenly switched to School F in April 2024, and the record is not clear on whether the instruction at School F would have been challenging enough for the Student.

Accordingly, although this Hearing Officer agrees with DCPS that Issue #1 must be dismissed because DCPS issued a timely eligibility determination and created a timely IEP for the Student in July 2023, this Hearing Officer agrees with Petitioner that DCPS and OSSE² did not provide a timely and appropriate educational placement for the Student for the 2023-2024 school year after School B closed.

4. Did DCPS deny the Student a FAPE by failing to timely propose an appropriate IEP and placement for the 2024-25 school year?

5. Did DCPS deny the Student a FAPE by proposing an inappropriate program and placement at School F in April 2024?

These issues will be addressed together because of the overlap between the claims.

In Endrew F. v. Douglas County School District, 580 U.S. 386 (2017), the Court held that an IEP must be reasonably calculated “in light of the child’s circumstances.” Id. at 399. The Court also held 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 school authorities, to whose expertise and professional judgment deference should be paid.” Id. at 404. The Endrew F. decision reaffirmed the Court’s holding in Board of Education v. Rowley, 458 U.S. 176 (1982). In Rowley, the Court held that if a child is fully integrated into a regular classroom, receives passing marks, and advances from grade to grade through the general curriculum, the student’s IEP will ordinarily satisfy the IDEA standard.

² Given the extent to which OSSE and DCPS are intertwined in this case, it is appropriate for both parties to be involved in this determination on the merits. The U.S. Department of Education’s Office of Special Education Programs (“OSEP”) has ruled that hearing officers have the discretion to add a State Educational Agency (“SEA”) as a party in an appropriate case. Letter to Anonymous, 69 IDELR 189, 117 LRP 2473 OSEP (January 2, 2017).

The Court’s decision in Andrew F. also stated that parents can fairly expect school authorities to offer a “cogent and responsive explanation” for their decisions, and that a student’s program should be “appropriately ambitious,” a standard “markedly more demanding than the ‘merely more than de minimis’ test applied by the Tenth Circuit.” Id. at 402. Finding that “instruction that aims so low” would be tantamount to “sitting idly...awaiting the time when they were old enough to drop out,” the Court held that IDEA “demands” a higher standard. Id. The District of Columbia Circuit Court of Appeals has accordingly found that Andrew F. raised the bar on what counts as adequate education under the IDEA. Z. B. v. District of Columbia., 888 F.3d 515, 517 (D.C. Cir. 2018).

Federal law instructs that IEPs must be in effect at the beginning of the school year. 34 CFR 300.323 (a). There was no IEP in effect for the Student between July 30, 2024 (when his/her July 2023 IEP expired) to February 21, 2025. Though DCPS pointed to an amended IEP that was written in February 2024, this amended IEP also expired on July 30, 2024.

The failure of a school district to write any IEP for more than six months is ordinarily not considered a procedural violation. The Supreme Court has held that when a child requires special education services, a school district’s failure to propose an IEP of any kind is at least as serious a violation of its IDEA responsibilities as a failure to provide an adequate IEP. Forest Grove Sch. Dist. v. T.A., 557 U.S. 230, 238–39 (2009).

DCPS did write an IEP for the Student on February 21, 2025. However, the record indicates that the IEP team did little genuine deliberation and mostly adopted the dated recommendations of the July 2023 IEP team. Once again, the Student was recommended for thirty hours of specialized instruction per week outside general education, with the same amount of related services. DCPS insisted that the Student needed a therapeutic placement at this time,

but the Student had been able to get “A” and “B” grades at School C, where ninety percent of the children were general education students. The record suggests that the Student’s success was due to his/her need for a challenging, competitive, academic environment in order to behave positively in school. DCPS’s IEP did not provide for the Student to be challenged in a competitive academic environment, or to access any classes with general education students.

This approach was not consistent with the IDEA, which mandates that students should be educated in the least restrictive environment (“LRE”). In Z. B., the District of Columbia Circuit Court of Appeals emphasized, “the IDEA’s imperative that, to ‘the maximum extent appropriate,’ public schools provide students with disabilities an education in the ‘least restrictive environment’ possible.” 888 F.3d 515, 527-28 (D.C. Cir. 2018); 20 U.S.C. Sect. 1412(a)(5)(A) (“to the maximum extent appropriate, children with disabilities...[should be] educated with children who are not disabled”); Lachman v. Ill. State Board of Educ., 852 F.2d at 295 (“[IDEA’s] requirement that mainstreaming be provided to the maximum extent appropriate indicates a very strong congressional preference”); Oberti v. Board of Educ., 995 F.2d 1204 (3d Cir. 1993) (setting forth stringent standards for school districts in connection to their duties to provide an education to students with disabilities in the LRE).

Nor was the February, 2025 IEP consistent with OSSE’s expressed concerns about the restrictiveness of the Student’s school settings. In a correspondence from October 2023, OSSE “strongly encouraged the development of a thorough transition plan that will focus on ensuring a successful transition from [the Student’s] current educational setting into [his/her] new educational setting.” OSSE reminded DCPS of its legal obligation to develop a plan for the Student to transition back into a less restrictive environment when the IEP team determined that such an environment was appropriate. For such reintegration into a less restrictive environment,

OSSE recommended that the IEP team conduct planning meetings with other professionals who provided services to the Student.

DCPS suggested that Petitioner and Witness A did not speak up at meetings to indicate that the Student did not require the same level of services as s/he had in 2023. But DCPS knew how the Student was doing at School C. The record is replete with references from Petitioner and School C about the Student's progress at School C. Also, Witness B from School C was at the February 2025 IEP meeting, where she described the nature of School C's program and the Student's progress in that program. Witness A was also at that meeting and also described the Student's progress at School C.

This Hearing Officer agrees with Petitioner that DCPS denied the Student a FAPE when it failed to provide the Student with a timely and appropriate IEP and placement for the 2024-2025 school year.

RELIEF

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 have 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 indicates that in October 2023, Petitioner had to react quickly after School B closed to provide the Student with a new school. Petitioner explored at least three schools and enrolled the Student at a residential school that provided a challenging curriculum and special education support. The record indicates that Petitioner did not have many options and had to act quickly. Leggett v. District of Columbia, 793 F.3d 59, 73 (D.C. Cir. 2015). The record also indicates that the Student has done well at the less restrictive placement, where the Student has passed all his/her classes and gotten “A” or “B” grades in most of them.

DCPS contended that Petitioner should have gone to interviews at the therapeutic residential schools that it and OSSE recommended, and that Petitioner therefore disrupted the process and should be denied funding on equitable grounds. The IDEA allows that 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 1412(a)(10)(C)(iii). With respect to a parent’s obligation to raise the appropriateness of an IEP in a timely manner, the IDEA provides that tuition reimbursement may be denied or reduced, if parents neither inform the IEP team of their disagreement with its proposed placement and their intent to place their child in a private school at public expense at the most recent IEP meeting prior to their removal of the child from public school, nor provide the school district with written notice stating their concerns and their intent with remove the child within ten business days before such removal. 34 CFR 300.148(d)(i), (ii). Under 20 USC 1412(a)(10)(C)(iii), a denial or reduction in reimbursement is discretionary.

Given the exigent circumstances here, with a school suddenly closing, leaving a bright, autistic student without a school to attend, Petitioner’s hasty actions were understandable. Since

the Student functions in the average range or above in most academic areas, Petitioner was reasonably concerned about the Student's ability to be challenged and eventually go on to a post-secondary environment. Petitioner also made sure to select a school that did have some special education services; School C offered such services through its TLC class, which serves about ten percent of the school's students. The instruction in this class focused on the Student's primary areas of deficit: communication skills and emotional issues. The Student attended the TLC class three times per week: twice for seventy minutes and once for forty minutes. The student-teacher ratio in the TLC class was 5:1, and the class used a structured curriculum in conjunction with organizational and academic support. The TLC staff drafted accommodation plans for each student and reviewed the plans with teachers to ensure appropriate, coordinated learning support.

DCPS argued that School C did not implement the Student's IEP, but there is no requirement for a parental placement to align with an IEP that the parent rejected, especially if the IEP is deemed inappropriate. DCPS also argued that School C did not provide behavior support services, but the record indicates that the TLC class provided effectively provided behavioral supports for the Student through instruction. This Hearing Officer will therefore order that Petitioner be reimbursed for all expenses and costs associated with School C for the 2023-2024 and 2024-2025 school years.

At the prehearing conference, Petitioner indicated that she was seeking reimbursement for expenses paid to School B for the 2023-2024 school year. However, no FAPE denial was found for the first two months of the 2023-2024 school year, and there was no mention of reimbursement for the cost of School B during closing argument. Also, considering that there was no testimony from School B to establish it as an appropriate placement for the Student, the request for reimbursement for School B must be denied.

Petitioner also sought an order directing Respondents to place the Student at School C for the 2025-2026 school year. However, no FAPE denial was found with respect to the 2025-2026 school year. In general, and in this instance, relief requests should correspond to findings of FAPE denial. This request must therefore be denied.

VII. Order

As a result of the foregoing:

1. Respondents shall reimburse Petitioner for the costs of covered tuition and related expenses for the Student's enrollment at School C for the 2023-2024 school year and the 2024-2025 school year;
2. All other requests for relief are denied.

Dated: September 5, 2025

Michael Lazan
Impartial Hearing Officer

cc: Office of Dispute Resolution
Attorney A, Esq.
Attorney B, Esq.
Attorney C, 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 U.S.C. Sect 1415(i).

Dated: September 5, 2025

Michael Lazan
Impartial Hearing Officer