

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

OSSE  
Office of Dispute Resolution  
July 09, 2026

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|---------------------------------------------|---|---------------------------------|
| PARENTS, on behalf of STUDENT, <sup>1</sup> | ) | Date Issued: July 9, 2026       |
|                                             | ) |                                 |
| Petitioners,                                | ) | Hearing Officer: Peter B. Vaden |
|                                             | ) |                                 |
| v.                                          | ) | Case No: 2026-0083              |
|                                             | ) |                                 |
| DISTRICT OF COLUMBIA                        | ) | Online Videoconference Hearing  |
| PUBLIC SCHOOLS,                             | ) |                                 |
|                                             | ) | Hearing Dates:                  |
| Respondent.                                 | ) | June 30 and July 1, 2026        |
|                                             | ) |                                 |

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**HEARING OFFICER DETERMINATION**

**INTRODUCTION AND PROCEDURAL HISTORY**

This matter came to be heard upon the Administrative Due Process Complaint Notice filed by Petitioner parents under the Individuals with Disabilities Education Act, as amended (the IDEA), 20 U.S.C. § 1400, *et seq.*, and Title 5-A, Chapter 5-A30 of the District of Columbia Municipal Regulations (DCMR). In this administrative due process proceeding, the parents seek private school reimbursement and ongoing private school funding from Respondent District of Columbia Public Schools (DCPS) on the grounds that DCPS allegedly denied their child (STUDENT) a free appropriate public education (FAPE) by, *inter alia*, failing to offer him/her an appropriate Individualized Education Program (IEP) in time for the start of the 2025-2026 school year.

Petitioners' Due Process Complaint, filed on May 7, 2026, named DCPS as Respondent. The undersigned hearing officer was appointed on May 8, 2026.

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

The parties met for a Resolution Session Meeting on May 26, 2026 and did not resolve the issues in dispute. On May 20, 2026, I convened a telephone prehearing conference with counsel to discuss the issues to be determined, the hearing date and other matters.

With the parents' consent, the due process hearing was held online and recorded by the hearing officer using the Microsoft Teams videoconference platform. The hearing, which was closed to the public, was convened before the undersigned impartial hearing officer on June 30 and July 1, 2026. FATHER appeared online for the hearing and was represented by PETITIONERS' COUNSEL. Respondent DCPS was represented by LEA REPRESENTATIVE and by DCPS' COUNSEL. Petitioners' Counsel made an opening statement. Petitioners called as witnesses EDUCATIONAL CONSULTANT, PRIVATE SCHOOL DIRECTOR and Father. DCPS called as witnesses CIEP COORDINATOR, NONPUBLIC MONITOR, CIEP MANAGER, CIEP SPECIALIST and LEA Representative.

Petitioners' Exhibits P-1 through P-17 and P-19 through P-59 were admitted into evidence, except for Exhibits P-5, P-19, P-22 and P-40 which were withdrawn and Exhibit P-52 to which I sustained DCPS' objection. Exhibits P-2, P-9, P-10, P-26, and P-55 through P-59 were admitted over DCPS' objections. Petitioners did not offer an Exhibit P-18. DCPS' Exhibits R-1 through R-19 were admitted into evidence without objection.

On July 1, 2026, DCPS made an oral motion for a directed finding against the Petitioners, which I denied, except with respect to Issue C (Whether DCPS denied

Student a FAPE by proposing a change in placement/location in the middle of the 2025-2026 school year), which I dismissed for failure to make a *prima facie* case.

On July 1, 2026, after the close of all the evidence, Petitioners' Counsel and DCPS' Counsel made oral closing arguments. There was no request to file written closings.

### **JURISDICTION**

The hearing officer has jurisdiction under 20 U.S.C. § 1415(f) and 5A DCMR § 3049.1.

### **ISSUES AND RELIEF SOUGHT**

The issues raised by the Petitioners against DCPS are as follows:

A. Did DCPS deny Student a FAPE by failing to propose a timely and appropriate IEP and placement/location of services for the 2025-2026 school year, including an insufficient type and amount of special education services?

B. Did DCPS deny Student a FAPE by failing to timely propose an appropriate placement/location of services for the 2025-2026 school year in CITY SCHOOL 2, where Student would be in a mixed grade level class with inappropriate teaching methods?

C. Did DCPS deny Student a FAPE by proposing a change in his/her placement/location of services in the middle of the 2025-2026 school year?

D. Did DCPS deny Student a FAPE through its delay in the eligibility/evaluation/IEP process thereby failing to propose an IEP/placement prior to the start of the 2025-2026 school year?

E. Did DCPS deny Student a FAPE by failing to consider the potential harmful effects of a transition to a new school for GRADE Y during the middle of the 2025-2026 school year?

F. Did DCPS deny Student a FAPE by failing to propose an evidence-based reading intervention in the initial IEP?

For relief, the parents request that the hearing officer order DCPS to reimburse them for tuition and related expenses for Student paid to PRIVATE SCHOOL A for the 2025-2026 school year and order DCPS to fund Student at Private School A prospectively.

### **FINDINGS OF FACT**

After considering all of the evidence received at the due process hearing in this case on June 30 and July 1, 2026, as well as the argument of counsel, my findings of fact are as follows:

1. Student, an AGE youth, resides with the parents in the District of Columbia. Testimony of Father.
2. Student is eligible for special education as a student with a Specific Learning Disability (SLD). Exhibit R-12.
3. Student was originally determined eligible for special education on October 13, 2020 by Shaker Heights City Schools in Shaker Heights, Ohio. On October 19, 2020, the Shaker Heights school district developed an initial IEP for Student. Exhibit R-3. In November 2020, the family moved to Washington, D.C. and the parents enrolled Student in GRADE X at CITY SCHOOL 1. Testimony of Father.
4. On or about January 7, 2021, City School 1 developed the first DCPS IEP for Student. That IEP provided for Student to receive 4 hours per week of Specialized Instruction, including 2 hours inside and 2 hours outside of general education, and 2 hours per month of Speech-Language Pathology related services. Exhibit P-4. At the

end of the 2020-2021 school year, the parents decided to withdraw Student from DCPS and unilaterally place the child at Private School A, because they did not feel Student was getting what he/she needed at City School 1. Testimony of Father.

5. On June 30, 2021, Father executed a DCPS Student Withdrawal form stating that he was withdrawing Student from City School 1 because Student would be attending Private School A. The form stated that Student would be withdrawn upon receipt of enrollment confirmation from the receiving school. On October 1, 2021, the registrar at Private School A confirmed Student's enrollment at the private school. Exhibit R-9. After enrolling Student at Private School A, the parents received no communications from DCPS until spring 2025. Testimony of Father.

6. In May or June 2024, the parents started working with Educational Consultant concerning Student's educational needs. At the time, Student did not have a current DCPS IEP. From June 2024, Educational Consultant told the parents that they may want to renew a request to DCPS for an IEP for Student. Testimony of Educational Consultant. In his testimony, Father stated that the parents made a referral to DCPS for Student in April 2025, after talking with some friends about schooling. I found Educational Consultant's memory of dates more reliable and I find it more likely than not that Educational Consultant told the parents about contacting DCPS for a renewed IEP beginning in June 2024.

7. On August 6 and 7, 2024, NEUROPSYCHOLOGIST conducted a comprehensive neuropsychological evaluation of Student. In her evaluation report,

Neuropsychologist reported, *inter alia*, that Student had longstanding learning and speech-language challenges. Neuropsychologist's test results revealed that Student possessed impressive cognitive strengths, as well as some areas of weakness. Student demonstrated outstanding skills in the areas of nonverbal and fluid reasoning. Age-appropriate skills were found in the areas of visual perceptual skill, auditory processing of short speech sounds, receptive language, short term memory for rote information, working memory and visual-motor integration. Relative weaknesses included Student's expressive language, processing speed, rapid naming (letter and number), short-term memory for meaningful auditory information, and orthographic processing. According to Neuropsychologist's report, Student met criteria for a diagnosis of Expressive Language Disorder. Regarding reading, Student's decoding, sight-word reading, reading fluency, and reading comprehension skills were significantly weak. Student's orthographic processing was weak, and he/she had not fully committed the forms and orientation of letters to memory. Moreover, Student's rapid letter naming skills were poor, which impacted his/her ability to read and scan fluently. Taken together, Student met criteria for Specific Learning Disorder with Impairment in Reading. Student's written language skills constituted another area of weakness. Spelling and writing fluency were weak and below average. His/her sentence completion work revealed significant trouble with grammar, writing mechanics, and writing organization. Student's written language deficits were certainly exacerbated by his/her reading disorder, but his/her weaknesses in the domain of

writing were significant enough to warrant the diagnosis of a Specific Learning Disorder with Impairment in Written Expression. With regard to mathematics, testing indicated that Student's numerical operations skills were adequate and relatively weak. He/she demonstrated age-appropriate conceptual math knowledge and applied problem-solving skills. Student's math fluency was consistent and age-appropriate. Taken together, Student met criteria for a Specific Learning Disorder with Impairment in Mathematics. Regarding executive functioning, Student evidenced efficient problem-solving strategies on short and structured tasks evaluating planning and organization. At home, he/she sometimes struggled to recall and complete multi-step instructions. Taken together, Student demonstrated significant trouble with processing speed and evolving executive functioning concerns. Student's specific learning disorders and expressive language disorder result in difficulties that negatively impacted his/her school performance and academic experience. Exhibit P-9.

8. In August 2024, Educational Consultant conducted a "Diagnostic Educational Evaluation" of Student. In her August 21, 2024 written report, Educational Consultant summarized the following interferences, *inter alia*, to learning and performance for Student:

- Student showed remarkably slow processing and delayed response times;
- Student's application of phonics skills (sound-letter and letter-sound relationships) was inconsistent and weak. His/her dyslexia was apparent on tests that specifically measured these skills and when reviewing his/her contextual writing;

- Student’s awareness of the visual configuration of words and math problems was weak. His/her visual tracking was poor and either Student or the examiner needed to support this using a finger or a card;
- Student required directions and questions to be repeated because of weaknesses in processing oral language. He/she had difficulty processing auditory information and formulating oral responses throughout testing;
- Student showed remarkable cognitive fatigue on the math reasoning subtest. In addition to needing more than 30 minutes to answer 30 problems (some of which were extremely easy for him/her), he/she yawned more than 13 times. Separately, Student also fatigued very easily;
- When writing, Student pulled the pencil in order to form the letters suggesting that he/she was using his/her whole arm to write. He/she made reversals and formed letters and numbers in atypical fashion. His/her writing was quite large;
- Student had difficulty retrieving information and labels on demand;
- Student’s approach to solving applied and calculation math problems was quite unique but very time consuming and cognitively taxing for him/her.

Exhibit P-10.

9. On April 8, 2025, Father emailed “Childfind, DCPS” attaching documents “for a private/religious schools child referral” for Student. DCPS acknowledge receipt of the referral on April 23, 2025. On April 25, 2025, Father sent DCPS additional home utility bills to prove residency in the District. Exhibits P-13, P-14.

10. On May 15, 2025, the DCPS Central Office wrote parent by email to propose dates for an “initial virtual data review meeting to see what the next steps in the eligibility process will be.” DCPS proposed meeting dates of July 7 or July 8, 2025. The DCPS email stated that copies of all education and evaluation records were needed at least 5 days prior to the meeting and that documents received less than 8 days prior to

the scheduled meeting date may not be reviewed. A staff assistant from LAW FIRM responded on May 28, 2025, that the parents and their representatives were not available on the dates proposed by DCPS. DCPS' Central Office responded on June 3, 2025 and offered June 23 and June 24, 2025 as meeting dates. The staff assistant responded and requested that the meeting be scheduled for July 7, 2025. By email of June 5, 2025, DCPS confirmed the July 7, 2025 meeting date. In the email, DCPS included a reminder that all education and evaluation records were needed at least 5 days prior to the meeting. On June 10, 2025, Private School A sent DCPS numerous education records for Student. Exhibit R-2A.

11. By email of June 30, 2025, LEA Representative wrote the parents and their representatives to provide a draft Analysis of Existing Data (AED) document that would be reviewed at the July 7, 2025 meeting. LEA Representative wrote that the purpose of the meeting was to formally introduce the parents to the DCPS Central Office team, review existing data, and determine the next steps for evaluation of Student. Exhibit R-2A.

12. On July 7, 2025, the DCPS Central Office convened a virtual AED meeting for Student. The parents, Petitioners' Counsel, Educational Consultant and a representative from Private School A attended the meeting. At the meeting, it was reported that Student's most recent IDEA eligibility determination was made on October 13, 2020 when Student was found to have an SLD disability. This was the initial eligibility determination made by the Shaker Heights (Ohio) City Schools school

district. At the July 7, 2025 meeting, Petitioners' Counsel provided for the first time independent evaluations of Student obtained by the parents, including the August 7, 2024 neuropsychological evaluation conducted by Neuropsychologist and the diagnostic educational evaluation report made by Educational Consultant on August 21, 2024. At the AED meeting, DCPS initially proposed to conduct a full comprehensive psychological evaluation and speech-language evaluation of Student. After receiving the independent evaluations from the parents at the meeting, DCPS proposed to accept and review the independent evaluations and reconvene to determine Student's eligibility for special education and related services. All parties agreed. Exhibit R-10, Testimony of LEA Representative. At the July 7, 2025 meeting, Father provided parental consent for DCPS to proceed with its evaluation of Student. Testimony of CIEP Manager.

13. By email letter of July 17, 2025, Law Firm notified DCPS that Student would attend Private School A for the 2025-2026 school year. The attorney wrote that this decision was made in order to provide Student a FAPE and requested DCPS to place and fund Student at Private School A. The attorney wrote that should DCPS refuse the parents' request for Private School A funding, they reserved the right to seek funding for that placement. The attorney added that they understood that the IEP process was currently underway for Student and the parents intended to fully consider any proposed IEP or placement made by DCPS. By email letter of August 25, 2025 to the parents, INTERIM DIRECTOR confirmed DCPS' receipt of the parents' unilateral placement notice and stated that DCPS did not agree to bear the cost of a private

placement. Interim Director wrote that DCPS was then in the process of determining special education eligibility for Student and that if Student were found eligible, an IEP would be developed and an offer of FAPE made. Exhibit P-25.

14. On or about August 14, 2025, DCPS SCHOOL PSYCHOLOGIST issued a written review of the independent assessments of Student conducted in August 2024 by Neuropsychologist and by Educational Consultant. DCPS School Psychologist reported, based on her review of the independent evaluations and an interview with Educational Consultant, that Student presented needs consistent with specific learning disability. It appears that DCPS School Psychologist accepted and utilized the assessment findings of Neuropsychologist and Educational Consultant. Exhibit P-24.

15. By an August 20, 2025 email to Father, Law Firm and others, DCPS confirmed a virtual eligibility meeting for Student on September 15, 2025. Exhibit R-2A. Father, Petitioners' Counsel, Educational Consultant, and Private School A representatives attended the meeting. The reported purpose of the meeting was "to conduct the triennial eligibility determination" for Student. The team, including the parent, agreed that Student met IDEA criteria for a specific learning disability (SLD) and was eligible for special education in academics and for speech-language services. Exhibit R-12.

16. On September 29, 2025, DCPS proposed to convene an IEP team meeting for Student on October 17, 2025. Law Firm responded that date was not available. DCPS next proposed October 28, 2025 for the IEP meeting. Law Firm responded that

date was also not available. The IEP meeting was then set and confirmed for October 27, 2025. Exhibit R-2A.

17. On or about October 20, 2025, DCPS circulated to the parents a draft IEP for Student. The draft IEP was identified as an “Annual Review.” The draft IEP listed as goal areas for Student: Reading, Written Expression, Mathematics, and Communication /Speech and Language. For Special Education and Related Services, the draft IEP proposed for Student to receive 20 hours per week of Specialized Instruction outside general education and 3 hours per month of Speech-Language Pathology. The draft IEP proposed 1 hour per week of consultation Specialized Instruction Services and 45 minutes per month of consultation in Speech-Language Pathology. Educational Consultant provided extensive comments on the draft IEP on or about October 24, 2025. Her feedback included her opinion that,

Student requires specialized instruction for all the hours of the school week equally the total length of the school week at a full-time school for children with learning disabilities, attentional, executive, and language disabilities. This includes the entire length of the ELA (reading, writing, spelling) block, the entire length of the math block, science, social studies, PE, health, and any arts-based classes. This also includes lunch and recess.

Exhibit P-34.

18. The IEP meeting for Student convened virtually on October 27, 2025. Father, Educational Consultant, an attorney from Law Firm and Private School A representatives participated. The parent and his representatives participated actively in the meeting. The IEP team reviewed the draft IEP and made changes based on the participants’ input. Over the objection of Father and the parents’ representatives, the

DCPS members of the IEP team provided that for special education and related services, Student would receive 20 hours per week of Specialized Instruction outside general education and 3 hours per month of Speech-Language Pathology. The final IEP included 1 hour per week of consultation Specialized Instruction services and 45 minutes per month of consultation in Speech-Language Pathology. The IEP stated that DCPS was recommending that Student attend a specialized program, in which Student would be instructed apart from the general education classroom for the entirety of the day. At the meeting, the parents' attorney said that the family believed Student needed full-time specialized instruction. The attorney stated that they appreciated the increase in specialized instruction hours but were asking for full-day specialized instruction. For Other Classroom Aids and Services, the IEP provided for Student to have:

- Multisensory instruction using visual, auditory, and tactile methods
- Visual aids, anchor charts, and cue cards for reference during instruction
- Graphic organizers and visual planning tools for writing and comprehension tasks
- Manipulatives and hands-on materials to support math and decoding concepts
- Break down/Chunk assignments and step-by-step instructions to support working memory
- Frequent teacher check-ins to monitor comprehension and task progress
- Access to assistive technology (e.g., word processor, spell-check, text-to-speech)
- Explicit instruction in organization, study skills, and self-monitoring strategies
- Positive reinforcement
- Direct instruction for solving problems
- Rephrasing of directions
- Paraphrasing of oral and written directions
- Modifying assignments
- Breaking down tasks into smaller steps
- Structured routines such as establishing clear routines and minimizing distraction
- Highlight key information in text and on worksheets
- Breakdown multi-step and long-term assignments/projects into their component parts, assign interim due dates, and check each part to make sure that it was fully and correctly completed

- 50% extended time for assessments
- Use of computer for all written work, as allowed by parameters of classroom and formal testing
- Directions read out loud
- Copy of teacher notes
- Extra time for processing
- Word prediction software
- Audio versions of text
- Multisensory presentation
- Reading or audio recording of entire test
- Allowing movement during instruction
- Interactive notes or guided notetaking.

Exhibit R-13. (Exhibit R-13 is the IEP for Student dated October 27, 2025. This exhibit is watermarked “Draft” on most pages. Neither party offered into evidence a final version of the IEP that did not have the “Draft” watermark. At the due process hearing, there was no dispute that the final October 27, 2025 IEP proposed by DCPS was the same as Exhibit R-13.)

19. By letter of November 6, 2025, DCPS informed Father that CITY SCHOOL 2 had been identified as Student’s DCPS location of service. The letter stated that the location of service was based on the most recent IEP and that City School 2 was the Specific Learning Support location within Student’s school boundary. The letter provided contact person information at City School 2. Exhibit P-37.

20. Father tried to reach the City School 2 contact person to set up a school visit but did not hear from her until 2026. Testimony of Father.

21. By letter of February 18, 2026, DCPS informed Father that CITY SCHOOL 3 had been identified as Student’s DCPS location of service. The letter stated that the location of service was based on the most recent IEP and that City School 3 was the

Specific Learning Support location within Student's high school boundary. The letter provided a contact person at City School 3. Exhibit P-42. The parents were not told why DCPS changed the location of service from City School 2 to City School 3. Testimony of Father.

22. On April 12, 2026, Father visited the Specific Learning Supports (SLS) special education classroom at City School 3 to observe the program proposed for Student. Father was accompanied by Educational Consultant and LEA Representative. The SLS Classroom was a combined classroom for children in three grades, including Student's grade. There were six students in the class that day, taught by a special education teacher. Normally there would have also been a teacher assistant for the class, but that staff member was out on the day of the observation. They observed that the students were separated in a math small group and a reading small group and the teacher circulated checking in on both small groups. The observation lasted about 45 minutes. Testimony of Father, Testimony of Educational Consultant, Testimony of LEA Representative, Exhibit R-15.

### **CONCLUSIONS OF LAW**

Based upon the above Findings of Fact and argument of counsel, as well as this hearing officer's own legal research, my Conclusions of Law are as follows:

#### **Burden of Proof**

As provided in the D.C. Special Education Student Rights Act of 2014, the party

who filed for the due process hearing, the parents in this case, shall bear the burden of production and the burden of persuasion, except that where there is a dispute about the appropriateness of the child's IEP 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. The burden of persuasion shall be met by a preponderance of the evidence. See D.C. Code § 38-2571.03(6).

#### ANALYSIS

In this proceeding, the parents seek reimbursement from DCPS for their tuition and related expenses for Student to attend Private School A for the 2025-2026 school year and prospective private school funding for the 2026-2027 school year, on the grounds, *inter alia*, that DCPS allegedly denied Student a FAPE by failing to have an IEP in place for their child for the start of the 2025-2026 school year and by proposing an allegedly inappropriate IEP in October 2025. For the reasons explained below, I find that the parents are entitled to tuition reimbursement from DCPS for the 2025-2026 school year, but I deny their request to order DCPS to fund Student's prospective placement at the private school.

#### Reimbursement for Private School Tuition Expenses

In the court's decision in *E.W.-G. v. District of Columbia*, No. CV 20-2806 (CKK), 2023 WL 2598680 (D.D.C. Mar. 22, 2023), U.S. District Judge Colleen Kollar-Kotelly explained the private school tuition reimbursement remedy under the IDEA:

[P]arents who “unilaterally” place a child with a disability in a private school, without consent of the school system, “do so at their own financial risk.” *Florence Cty. Sch. Distr. Four v. Carter*, 510 U.S. 7, 15 (1993) (quoting *School Comm. of Town of Burlington, Mass. v. Dep’t of Educ. of Mass.*, 471 U.S. 359, 373-74 (1996)). To qualify for tuition reimbursement under the IDEA, a plaintiff must demonstrate that: (1) the school district failed to provide a FAPE; (2) the plaintiff’s private placement was suitable; and (3) the equities warrant reimbursement for some or all of the cost of the child’s private education. *Forest Grove Sch. Dist. v. T.A.*, 557 U.S. 230, 247 (2009).

*E.W.-G.* at \*2 (D.D.C. Mar. 22, 2023). “[I]f there is an ‘appropriate’ public school program available . . . the District need not consider private placement, even though a private school might be more appropriate or better able to serve the child.” *Jenkins v. Squillacote*, 935 F.2d 303, 305 (D.C. Cir. 1991). *See, also, Leggett v. District of Columbia*, 793 F.3d 59, 63 (D.C. Cir. 2015) (IDEA requires school districts to reimburse parents for their private-school expenses if (1) school officials failed to offer the child a free appropriate public education; (2) the private-school placement chosen by the parents was otherwise proper under the Act; and (3) the equities weigh in favor of reimbursement—that is, the parents did not otherwise act unreasonably.)

I.

Timeliness of October 27, 2025 IEP

– Did DCPS deny Student a FAPE through its delay in the eligibility/evaluation/IEP process thereby failing to propose an IEP/placement for Student prior to the start of the 2025-2026 school year?

The first, indispensable, requirement that parents must establish for private school reimbursement is that the school district failed to offer their child a FAPE. In this case, the parents allege that DCPS first denied Student a FAPE by not completing a special education eligibility evaluation and offering Student an IEP in time for the start of the 2025-2026 school year. I find that the parents have met their burden of persuasion on this claim.

The events in this case and chronology are very unusual. Student was initially evaluated for special education by the Shaker Heights, Ohio school division in October 2020. The Ohio school district determined that Student was eligible for special education as a child with an SLD disability and, on October 19, 2020, developed an initial IEP for the child. The following month, in November 2020, the family moved to Washington, D.C. and enrolled Student in City School 1, a DCPS public school. DCPS apparently did not determine it necessary to conduct a new evaluation of Student after the interstate transfer and, pursuant to 34 C.F.R. § 300.323(f)(2), proceeded to develop and implement a new IEP for Student (the January 7, 2021 IEP).

At the end of the 2020-2021 school year, the parents decided to withdraw Student from DCPS and they unilaterally placed the child at Private School A for the 2021-2022 school year. Father completed the DCPS withdrawal paperwork on June 30, 2021. For the 2021-2022, 2022-2024, 2023-2024, 2024-2025 and 2025-2026 school

years, Student was enrolled at Private School A as a parentally-placed student. After the parents withdrew their child from DCPS in June 2021, they received no communications from DCPS until spring 2025, when Father emailed to DCPS a “Private/Religious Schools Child Find Referral Form” for Student. Father’s referral led, ultimately, to an Analysis of Existing Data (AED) meeting on July 7, 2025, convened by the DCPS Private/Religious Schools office.

In August 2024, the parents had obtained independent neuropsychological and diagnostic educational assessments of Student. At the July 7, 2025 meeting, the parents provided the two independent assessment reports to DCPS for the first time. DCPS notified the parents that it would review the independent evaluations and determine Student’s eligibility for special education and related services. On August 15, 2025, a DCPS school psychologist completed her review of the two independent evaluations and issued a review report. DCPS did not conduct its own formal assessments of Student. One month later, at a meeting on September 15, 2025, the DCPS Central Office multidisciplinary team (MDT), including the parents, decided to “continue” Student’s special education eligibility as a student with an SLD. DCPS developed a new IEP for Student on October 27, 2025.

In *Leggett v. District of Columbia*, 793 F.3d 59 (D.C. Cir. 2015), the D.C. Circuit Court of Appeals pronounced that “the IEP is the vehicle through which school districts typically fulfill their statutory obligation to provide a free appropriate public education and that [school] officials must have an IEP in place for each student with a disability

‘[a]t the beginning of each school year.’ 20 U.S.C. § 1414(d)(2)(A).” *Leggett*, 793 F.3d. at 67. A school district’s failure to provide an IEP by the beginning of the school year is a procedural violation of the IDEA. *Id.*

In the District of Columbia, a child’s eligibility for special education continues through the end of the school year in which the child turns twenty-two (22) years old, unless the IEP team determines the child is no longer a child with a disability or the child receives a regular high school diploma. *See* 5A DCMR § 3001.4. Neither event happened in this case. Therefore, in April 2025, when Father submitted the child find referral to DCPS, Student was *already eligible* for special education based on his/her October 2020 eligibility determination and he/she was entitled to an updated DCPS IEP.

Even though the parents withdrew Student from DCPS in June 2020 and unilaterally enrolled the child in Private School A beginning in the 2021-2022 school year, DCPS was still required to ensure that Student was reevaluated for special education at least once every three years pursuant to 34 C.F.R. § 300.303(b)(2). Student’s DCPS triennial reevaluation was due by October 2023 but that did not happen. According to the father’s unrebutted testimony, the District did not communicate with the parents the entire time Student was at Private School A, until Father made the child find referral in April 2025. Although the parents have not asserted a claim concerning DCPS’ failure to conduct Student’s triennial reevaluation in

2023, the omission of that reevaluation is a factor in the timeliness consideration for DCPS' development of Student's IEP for the 2025-2026 school year.

Considering that Student had last been formally evaluated in October 2020, the July 7, 2025 AED team's decision to reevaluate Student before developing a new IEP was not inappropriate. *See* 34 C.F.R. § 300.303(a)(1). (Public Agency must ensure reevaluation is conducted if the agency determines that the educational or related services needs of the child warrant a reevaluation.) However, special education reevaluations should be conducted in a "reasonable period of time," or "without undue delay," as determined in each individual case. *See, e.g., Herbin ex rel. Herbin v. Dist. of Columbia*, 362 F. Supp.2d 254, 259 (D.D.C. 2005).<sup>2</sup>

Here, I determine that DCPS' failure to complete its reevaluation of Student in time to propose an updated IEP for the start of the 2025-2026 school year was undue delay. First, DCPS should have been mindful of the D.C. Circuit's mandate in *Leggett, supra*, that the District must have an IEP in place for each student with a disability at the beginning of each school year. This was not overly burdensome in Student's case because, following the July 7, 2025 AED meeting, DCPS still had 7 weeks to complete the reevaluation and propose an IEP for Student before the start of the 2025-2026

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<sup>2</sup> DCPS' expert, CIEP Manager, testified at the hearing that District of Columbia timelines for an initial eligibility evaluation were applicable to this case. *See* 5A DCMR § 3005. As DCPS' Counsel clarified in closing argument, that was incorrect. Even though Father submitted the "child find" referral to DCPS in April 2025, child find was not applicable to Student because, in October 2020, the child had already been "found" by the Shaker Heights, Ohio school district. In November 2020 Student's eligibility as a child with an SLD disability was accepted by DCPS and the District developed a new IEP for the child on January 7, 2021.

school year. Moreover, DCPS did not anticipate having to conduct its own formal assessments of Student because following the July 7, 2025 meeting, it proposed to review the independent evaluations of Student already provided by the parents. This greatly reduced the burden for DCPS' evaluators. CIEP Manager testified that the DCPS Central Office had staffing gaps over the summer break, but that did not relieve the District of its obligation to have an IEP in place for Student at the start of the school year. I find, therefore, that DCPS' failure to have an IEP in place for Student at the beginning the 2025-2026 school year was a procedural violation of the IDEA. *See Leggett, supra*, 793 F.3d at 67.

Under the IDEA, procedural violations may only be deemed a denial of FAPE if the procedural inadequacies—

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

34 C.F.R. § 300.513(a)(2). In this case, DCPS' failure to propose an IEP for Student in time for the start of the 2025-2026 school year forced the parents to choose between sending their child back to Private School A or waiting until after the school year started to learn what DCPS would propose. The IDEA prohibits school districts from forcing parents to make that kind of decision. *See Leggett, supra*, 793 F.3d at 69–70. I find, that DCPS' not proposing an IEP for Student by the beginning of the 2025-2026 school year significantly impeded the parents' opportunity to participate in the decision-

making process regarding the provision of a FAPE to their child. This was a denial of FAPE.

II.

– Was DCPS’ proposed October 27, 2025 IEP inappropriate for Student because the IEP included an insufficient type and amount of special education services and the IEP lacked an evidence-based reading intervention?

When Student moved with his/her family to Washington, D.C. in November 2020, he/she already had an initial IEP developed by the Ohio school district in October 2020. On January 7, 2021, DCPS developed its own IEP for Student, which was never updated following Student’s enrollment in Private School A in fall 2021. On October 27, 2025, the DCPS Central IEP team developed a new IEP for Student, which provided for him/her to receive 20 hours per week of Specialized Instruction in a self-contained SLS classroom in a DCPS public school. Under the October 27, 2025 proposed IEP, all of Student’s academic classes – reading, math, science and social studies – would be in the self-contained SLS setting. Student would have attended electives classes, lunch and recess with typically developing peers.

The parents contend that the October 27, 2025 IEP was inappropriate because it did not provide for a full-time special education placement for Student and did not specify an evidence-based reading intervention. Through the testimony of Educational Consultant and Private School Director, the parents made a *prima facie* showing that the October 27, 2025 IEP was not appropriate. Therefore, the burden of persuasion on the IEP’s appropriateness fell on DCPS. I find that DCPS met that burden.

In *Middleton v. District of Columbia*, 312 F. Supp. 3d 113 (D.D.C. 2018), U.S.

District Judge Rudolph Contreras explained how a court or a hearing officer must assess an IEP:

In reviewing a challenge under the IDEA, courts conduct a two-part inquiry: “First, has the State complied with the procedures set forth in the Act? And second, is the individualized educational program developed through the Act’s procedures reasonably calculated to enable the child to receive educational benefits?” *Bd. of Educ. of Hendrick Hudson Cent. Sch. Dist. v. Rowley*, 458 U.S. 176, 206–07, 102 S.Ct. 3034, 73 L.Ed.2d 690 (1982) (footnotes omitted).

*Middleton* at 128. Aside from the timeliness issue considered above in this decision, the Petitioners have not alleged a procedural violation by DCPS in the development of the October 27, 2025 IEP. Therefore, I turn to the second prong of the *Rowley* inquiry. Was the IEP “reasonably calculated to enable [Student] to make progress appropriate in light of the child’s circumstances”? See *Endrew F. ex rel. Joseph F. v. Douglas Cnty. Sch. Dist. RE-1*, 580 U.S. 386, 399, 137 S. Ct. 988, 999, 197 L. Ed. 2d 335 (2017).

In *A.D. v. Dist. of Columbia*, No. 20-CV-2765 (BAH), 2022 WL 683570, (D.D.C. Mar. 8, 2022), U.S. District Judge Beryl Howell explained the IDEA’s IEP appropriateness standard:

A “free and appropriate public education,” or “FAPE,” is delivered by local education authorities through a uniquely tailored “ ‘individualized education program,’ ” or “IEP.” *Endrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist.*, 137 S. Ct. 988, 993-994 (2017); *see also* 20 U.S.C. §§ 1401(9)(D), 1412(a)(1). To be IDEA-compliant, an IEP must reflect “careful consideration of the child’s individual circumstances” and be “reasonably calculated to enable the child to receive educational benefits,” *Endrew F.*, 137 S. Ct. at 994, 996 (cleaned up), “even as it stops short of requiring public schools to provide the best possible education for the individual child,” *Z.B. v. District of Columbia*, 888 F.3d 515, 519 (D.C. Cir. 2018). . . . An IEP failing to satisfy these statutory directives may be

remedied through an IDEA claim to the extent the IEP “denies the child an appropriate education.” *Z.B.*, 888 F.3d at 519.

*A.D.*, 2022 WL 683570 at \*1. The IDEA’s least restrictive environment requirement also mandates that children with disabilities receive education with children who are not disabled whenever possible.

The “IDEA requires that disabled children be educated ‘to the maximum extent appropriate with children who are not disabled.’ “ *A.D. ex rel. E.D. v. District of Columbia*, No. 20-cv-2765, 2022 WL 683570, at \*8 (D.D.C. Mar. 8, 2022) (citation modified) (quoting 20 U.S.C. § 1412(a)(5)(A)). Students therefore may not be removed from “the regular educational environment” unless “the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.” *Z.B.*, 888 F.3d at 528 (quoting 20 U.S.C. § 1412(a)(5)(A)). That means that “children with disabilities receive education in the regular classroom ‘whenever possible.’ “ *Endrew F.*, 580 U.S. at 400 (quoting *Rowley*, 458 U.S. at 202). In this way, the IDEA presumes that a student will reap educational benefits from appropriate education among, and interaction with, nondisabled peers.

*A.H. v. Dist. of Columbia*, No. 24-CV-3598 (BAH) (GMH), 2026 WL 1296038, at \*15 (D.D.C. May 12, 2026).

In her hearing testimony, Petitioners’ expert, Educational Consultant, testified that at the October 27, 2025 IEP meeting and in her review of the IEP draft, she made known her disagreement with DCPS’ proposed IEP because it was her professional opinion that Student required specialized instruction across the school day for all classes, including electives such as physical education, health, and any arts-based classes, as well as for lunch and recess. Private School Director similarly testified that she shared with the IEP team that 20 hours per week of Specialized Instruction would not meet Student’s needs and that Student needed a full-time program. DCPS’ expert,

CIEP Manager, opined that Student did not need to be removed from general education for art, music and physical education because those classes are not “academically intensive,” and while students do some reading and writing in electives, the focus is on arts and physical education – not learning how to read and write. LEA Representative similarly testified that electives were not academically intensive and there was nothing presented at the IEP meeting to support Student’s need for special education support for art, music or physical education. She also opined that Student would benefit from being in classes with nondisabled peers for many reasons, including that peer interaction would help Student to develop social skills, gain independence and be able to apply, in the general education setting, skills which he/she learned in the self-contained SLS classroom.

I found the opinions of DCPS’ witnesses more credible. The IDEA bars DCPS from totally removing special education students from nondisabled peers unless “the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.” *Z.B.*, 888 F.3d at 528. Educational Consultant’s opinion notwithstanding, there was no creditable evidence that the nature or severity of Student’s learning disability is such that he/she could not be educated alongside typically developing peers in non-intensive electives classes or that there was any reason why Student should be segregated from nondisabled peers at lunch and recess. On the other side, LEA Representative was persuasive that Student would benefit from being in electives classes with typically

developing peers, as the IDEA anticipates. I find, therefore, that DCPS established that its proposal to provide Student specialized instruction outside of general education for 20 hours per week, and to allow Student to be with general education peers for electives, lunch and recess, was reasonably calculated to enable Student to make appropriate progress.

The parents also allege that the October 27, 2025 IEP is inadequate because it does not specify an “evidence-based” reading intervention for Student. The IEP identified Student’s reading challenges, as informed by reports from Private School A, and provided four annual goals for reading. These goals specify that Student would be given explicit instruction in phonics/decoding, multisensory decoding activities, guided reading instruction and graphic organizers and explicit instruction in comprehension strategies. The parents agreed that the goals were appropriate.

The IDEA does not require IEPs to provide a specific program or employ a specific methodology in educating a student. “DCPS generally maintains discretion in determining instructional methodology.” *H.R. v. Dist. of Columbia*, No. 21-CV-01856-TJK-RMM, 2024 WL 1344444, at \*20 (D.D.C. Mar. 29, 2024) (quotation marks and citations omitted), *report and recommendation adopted*, No. CV 21-1856 (TJK), 2024 WL 3580663 (D.D.C. July 30, 2024). As CIEP Manager, who qualified as a literacy expert, credibly testified, DCPS wants to be able to use evidence-based reading interventions, but not to limit teachers to a specific methodology for reading. She explained that “pigeon-holing” a teacher into a specific intervention or methodology

takes away their ability to be flexible depending on how the student is responding to those interventions. In sum, I find that DCPS met its burden of persuasion that the October 27, 2025 IEP was appropriate for Student even though it did not offer full-time special education or identify a specific reading instruction methodology.

#### Other Reimbursement Requirements

In this decision I have determined that Petitioners established that DCPS denied Student a FAPE by not proposing an IEP for him/her in time for the start of the 2025-2026 school year. For relief for that denial of FAPE, the parents seek reimbursement from DCPS for their tuition expenses for Student to attend Private School A for the 2025-2026 school year. I consider, next, the other two requirements for tuition reimbursement pronounced in the D.C. Circuit's *Leggett* decision: that the private school chosen by the parents, Private School A, was proper and that the parents did not otherwise act unreasonably.

When evaluating whether a unilateral private placement was proper, the hearing officer is to employ the same standard used in evaluating the education offered by a public school district. *See M.G. v. Dist. of Columbia*, 246 F. Supp. 3d 1, 12 (D.D.C. 2017). "Such a standard requires that a private school need not guarantee the best possible education or even a potential-maximizing one." *Id.* at 12. (citing *Leggett, supra* at 70) (Internal quotations and citations omitted.) All that is required of the parents is that their private school choice be reasonably calculated to enable the child to make progress appropriate in light of the child's circumstances. *See Leggett, supra* at

70; *Endrew F. ex rel. Joseph F. v. Douglas Cnty. Sch. Dist. RE-1*, 580 U.S. 386, 399, 137 S. Ct. 988, 999, 197 L. Ed. 2d 335 (2017).

Student has attended Private School A since the 2021-2022 school year. Private School A is an independent private day school in Washington, D.C. for students, Grades 1 through 12, with language-based learning disabilities. Most of Student's classes had 8 students or less. Educational Consultant testified that Student has made remarkable improvement in reading in the 2025-2026 school year, based on Student's scores on the Word Identification and Spelling Test (WIST) used by Private School A to assess achievement. Private School Director confirmed that Student has made progress in reading as well as in written language and mathematics. DCPS' expert, CIEP Manager opined that Student's progress for the 2025-2026 school year was not up to expectations with the stated level of intervention at the school, but CIEP Manager agreed that Student was doing "okay" in math at Private School A and had made some progress in reading.

DCPS' witnesses expressed concern that some of Student's teachers at Private School A were not certified in special education. However, the school holds a current certificate of approval (COA) issued by the Office of the State Superintendent of Education (OSSE) to operate a nonpublic special education school or program for students with disabilities. This hearing officer will not look behind OSSE's decision to issue a COA to Private School A. *See, e.g., E.B. v. District of Columbia*, No. 24-CV-663 (DLF), 2025 WL 2878535, at \*5 (D.D.C. Oct. 8, 2025) ("[Nonpublic School] holds a

Certificate of Approval from the OSSE to serve special needs children. Although the defendant points to the OSSE's remedial proceedings against [Nonpublic School] for teacher certifications in 2022, fact remains that the OSSE renewed [Nonpublic School's] Certificate of Approval in October 2023." *Id.* at \*5 (citations to record omitted.) I find that the Student has made progress in his/her years at Private School A and the parents' choice to continue Student's enrollment at the private school for the 2025-2026 school year was reasonably calculated to enable Student to continue to make progress appropriate in light of the his/her circumstances. Therefore, the parents' school choice was proper under the IDEA. *See Leggett, supra*, at 72.

Lastly, the *Leggett* decision requires that the "equities weigh in favor of reimbursement — that is, the parents did not otherwise act 'unreasonabl[y]." *Leggett*, 793 F.3d at 67. Reimbursement may be "reduced or denied" if the parents failed to notify school officials of their intent to withdraw the child or otherwise acted unreasonably. *Leggett, supra*, at 63; 34 C.F.R. § 300.148(d). Here DCPS offered no creditable evidence that the parents acted unreasonably. The parents' attorney notified DCPS on July 17, 2025 that Student would attend Private School A for the 2025-2026 school year, but that the parents intended to fully consider any IEP or placement proposed by DCPS. Still, DCPS waited over 3 more months to offer Student an IEP.

In this proceeding, Petitioners have met the three requirements for reimbursement of private school expenses pronounced by the D.C. Circuit in its *Leggett* decision. I conclude, therefore, that the parents are entitled to reimbursement from

DCPS for their tuition and related expenses for Student's enrollment at Private School A for the 2025-2026 school year.

Prospective Placement

While the parents are entitled to tuition reimbursement for their private school expenses incurred for the 2025-2026 school year, I decline to order DCPS to fund Student's prospective placement at Private School A. Unlike tuition reimbursement, a prospective placement addresses whether a child's current needs and IEP can be met in a public-school setting. *See Adams v. District of Columbia*, 285 F. Supp. 3d 381, 391 (D.D.C. 2018), citing *Branham v. Gov't of D.C.*, 427 F.3d 7, 11 (D.C. Cir. 2005) ([A]n award of private-school placement is not retrospective relief designed to compensate for yesterday's IDEA violations, but rather "prospective relief aimed at ensuring that the child receives tomorrow the education required by IDEA"). DCPS met its burden of persuasion that its proposed October 27, 2025 IEP was reasonably calculated to enable Student to make progress appropriate in light of his/her circumstances. I find, therefore, that DCPS established by the preponderance of the evidence that Student's current needs can be met in a public school setting – specifically in a 20 hour per week specific learning supports program as offered in the IEP. Petitioners' request that DCPS be ordered to fund Student's prospective placement at Private School A must be denied.

Because I am ordering DCPS to reimburse the parents for Student's Private School A expenses for the entire 2025-2026 school year, I do not reach the issues of whether the locations of services proposed by DCPS for Student for the 2025-2026

school year, City School 2 and City School 3, were suitable or whether the proposed mid-year transition to a new school was appropriate. *See, e.g., B.D. v. District of Columbia*, No. CV 15-1139 (RJL), 2021 WL 6049879, at \*9 (D.D.C. Dec. 21, 2021) (So long as the location of services is based on and capable of implementing the student's IEP, local educational agencies generally have discretion in selecting the appropriate site.)

**ORDER**

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

1. Upon receipt of reasonably required documentation of payment, DCPS shall promptly reimburse the parents for covered tuition and related expenses incurred by the parents for Student to attend Private School A for the 2025-2026 school year and
2. All other relief requested by the Petitioners herein is denied.

Date: July 9, 2026

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

**NOTICE OF RIGHT TO APPEAL**

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

Case No. 2026-0083  
Hearing Officer Determination  
July 9, 2026

cc: Counsel of Record  
Office of Dispute Resolution