

**DISTRICT OF COLUMBIA PUBLIC SCHOOLS  
ENFORCEMENT AND INVESTIGATION DIVISION**

**SPECIAL EDUCATION DUE PROCESS HEARING**

**CONFIDENTIAL**

**HEARING OFFICER'S DETERMINATION**

**STUDENT:** [REDACTED]

**DATE OF BIRTH:** [REDACTED]

**ADDRESS:** [REDACTED]

**Washington, DC 20007**

**PRESENT SCHOOL ATTENDING:** The Lab School of Washington

**HOME SCHOOL:** CARE Center

**DATE OF HEARING:** April 4, 2006

**TESTIFIED AT THE HEARING:**

**Susan Kauffman  
Ultressa Diamond  
Monica Harris  
Winfield White  
Chanda King  
Judith Gillespie  
Neela Seldin  
Catherine Hostetler**

**DCPS, Special Educator  
DCPS, School Psychologist  
DCPS, Speech Pathologist  
DCPS, Occupational Therapist  
DCPS, Education Specialist  
Lab School, Speech Pathologist  
Lab School, Academic Coordinator  
Lab School, Occupational Therapist**

**DC PUBLIC  
SCHOOL SYSTEM**

**2006 APR 21 AM 11:03**

**Student's Representative: Brian Gruber, Esq.  
Address: 7315 Wisconsin Ave., Suite 900-N  
Bethesda, MD 20814  
FAX: 301-675-1610**

**School System's Representative: Aaron Price, Esq.  
Address: 825 N. Capitol Street, N.E., Washington, D.C. 20002**

**INTRODUCTION:**

A hearing was held at the District of Columbia Public Schools (DCPS), 825 N. Capitol Street, N.E., Washington, D.C. 20002, on April 4<sup>th</sup> 2006, at the request of Brian Gruber, counsel for the parents and the student. Aaron Price represented DCPS, the other party to this hearing.

**JURISDICTION:**

The hearing was held and this decision was written pursuant to the Individuals with Disabilities Education Act (IDEA) (P.L. 101-476), reauthorized as the IDEA Improvement Act of 1997 (P.L. 105-17) 20 U.S.C. 1400 Et. seq.; and their current regulations, specifically the Code of Federal Regulations at 34 CFR Part 300; further reauthorized as the IDEA Improvement Act of 2004 (P.L. 108-446) and District of Columbia Municipal Regulations, Chapter 30, Education Handicapped, Title V, Sections 3000-3099.

**ISSUES:**

1. Did DCPS deny the student a FAPE by failing to find her eligible for special education services?
2. Are the parents entitled to reimbursement for their unilateral placement of the student at The Lab School of Washington at the beginning of the 2005-2006 School Year?

**DOCUMENTS SUBMITTED INTO EVIDENCE BY DCPS:**

DCPS-1-DCPS-11

**DOCUMENTS SUBMITTED INTO EVIDENCE BY STUDENT:**

●-1-●-26

**FINDINGS OF FACT:**

1. The student is a six year-old female child. The student is currently attending The Lab School of Washington.
2. From the age of two and one half years until four and one half years the student attended Washington Hebrew, a private pre-school. While at Washington Hebrew, teachers reported that "she appeared easily distracted and had difficulty participating in classroom activities." Because of these concerns and as part of the admissions process to The Lab School of Washington, the student was referred for a psychological evaluation by Dr. [REDACTED], a licensed psychologist. (● 17)

3. Dr. [REDACTED] conducted a NEPSY: A Developmental Neuropsychological Assessment of the student in December 2004. Dr. [REDACTED] made the following conclusion in her written report of her assessment: "[REDACTED] is a child who presents with a number of issues which have the potential to impact her learning. She is bright and has a number of strengths, however, her fine motor delays and distractibility may cause her problems in a regular classroom setting. This may become even more apparent as academic demands increase in elementary school. [REDACTED] presents with numerous symptoms consistent with a diagnosis of ADHD, Combined Type. She also presents with sensory processing deficits which affect her behavior and social functioning in specific situations. Given the progress she has made to date, as well as her love of learning, her prognosis is excellent. In terms of school placement, [REDACTED] would greatly benefit from a small classroom setting where she can receive individualized attention and where teachers are trained to work with students with learning differences." ( [REDACTED]-17) Dr. [REDACTED] also tested the student using the Wechsler Preschool and Primary Scale of Intelligence-Third Edition (WPPSI-III). The results of the test placed her in the High Average Range for language skills, but the Low Average Range for perceptual motor/ nonverbal reasoning ability. Dr. [REDACTED] stated, based on the WPPSI-III test, that the student had "a significant 26-point scale discrepancy...between [her] Verbal and Performance Scale I.Q. scores, which indicates that her language skills are more highly developed than her nonverbal reasoning/perceptual motor ability. Given this discrepancy, the Full Scale I.Q. score should not be viewed as an accurate estimate of [REDACTED] overall level of cognitive functioning." ( [REDACTED] 17)
4. During the 2004-2005 School Year, the student attended the developmental pre-school program at [REDACTED] ([REDACTED]), a private school that serves children with special-needs. [REDACTED] teaches learning skills in a non-academic setting. (Testimony of Ms. Seldin, [REDACTED]-16 &17, DCPS-4)
5. Beginning in January 2004, the student received Occupational Therapy three times a week "to assist with fine motor development and sensory processing." (MS 17) The independent occupational therapy evaluation in November 2004, conducted by Kathie [REDACTED], the student's occupational therapist, stated in the summary: "Evaluation results indicate that [REDACTED] has a sensory processing-based dyspraxia, a dysfunction in the ability to organize motor plans due to deficits in processing sensory information..." ([REDACTED] 18).
6. Susan Kaufman, DCPS's special education examiner, did an educational assessment of the student in May 2005 at NCRC. The assessment was for less than one hour. (Testimony of Ms. Kaufman) At the time of this assessment the student was 5 years and 4 months old. In her testing section on Daily Living Skills, scores placed her at the level of a child of 3 years and 4 months. Ms. Kaufman stated in her assessment: "This score represents a very poor level of developmental skills in these areas." (DCPS-7, [REDACTED] 13) In the area of Social Emotional Skills, the student was at the age equivalent of 2 years and 4 months for play skills, and 1 year 8 months for engagement and initiative. The DCPS

examiner wrote: "This score represents a very poor level of developmental skills in these areas." (DCPS-7, [REDACTED] 13) The educational assessment found that in the area of Academic/Cognitive Skills she had a standard score of 131. "This score represents an above average level of developmental skills in these areas placing her at an age equivalent of 6 years.... In the area of auditory discrimination; [REDACTED] was only able to identify three correct answers out of ten." (DCPS-7, [REDACTED]-13) Ms. Kaufman, the DCPS examiner concluded "that [REDACTED] does not meet the criteria to receive specialized instruction at this time. However, the results of the report indicate that she does show severe deficits in the area of Adaptive and Socialization Skills." (DCPS-7, [REDACTED] 13) Ms. Kaufman found the student severely discrepant in two of five domains that she looks at for eligibility. (Testimony of Ms. Kaufman)

7. Ms. Ultrassa Diamond, the DCPS psychologist, did a review of the independent psychological evaluation of [REDACTED] on May 31<sup>st</sup> 2005. Ms. Diamond checked yes to the following questions: 1. [REDACTED]'s testing and assessment materials and procedures used to assess the student's need for special education and related services are valid and reliable and; 2. The results accurately reflect the student's potential or achievement level or the other factors that the procedures are intended to measure and; 3. [REDACTED]'s conclusions are supported by the data provided. (DCPS-11) Ms. Diamond concluded in her classroom observation report that: "The results of the related service provider's assessments indicate [REDACTED] is experiencing delays in motor skills. Based on the results of previous evaluation, class room observation, teacher report, and the data reviewed by the examiner from the psychological evaluation are considered to be valid." (DCPS-10, [REDACTED] 14) Ms. Diamond also wrote: "[the student] had difficulty with auditory distractors and fine motor control." ([REDACTED] 14)
8. The independent speech and language evaluation by Judith Gillespie of The Lab School reported that the student's teacher at [REDACTED], Ms. [REDACTED], was most concerned with the student's social language skills. The report described the teacher's concerns as follows: "[REDACTED] has had difficulty taking turns in conversation, controlling the appropriateness of her comments and responding to verbal and non verbal cues. Following directions has also been difficult for [REDACTED], as has asking questions to gain information and using descriptive vocabulary... She noted that, at times, [REDACTED] requires lengthy time to respond during group activities and becomes frustrated when participating in group conversation. Expressive organization is difficult, at times, as well, and [REDACTED] can be somewhat rigid in her understanding of language." ([REDACTED] 19)
9. The above Lab School speech and language evaluation found that the student has an auditory processing disorder as evidenced by her low scores in auditory word memory and auditory processing contrasted with her high auditory number memory scores. This high variability of results reveals the presence of the auditory processing disorder. Ms. Gillespie also concluded: "it is very difficult to rule out attention and related impulsivity as root causes of her failure to attend consistently to auditory stimuli. Nevertheless, the functional result is a significant

weakness in the ability to follow oral directions, relative to other linguistic skills. [REDACTED] exhibited exceptional short term recall yet her working memory was quite limited. Working memory also has an attentional component and thus attentional issues can be expected to negatively impact performance in academic situations... [REDACTED] profile was consistent with a Mixed Receptive-Expressive Language Disorder (ICD-9:315.35) due to a suspected auditory processing disorder and a social pragmatic deficit." Ms. Gillespie recommended speech and language therapy for the student. ( [REDACTED] 19) Ms. Gillespie qualified as an expert in speech pathology. Based on her evaluation, observation of the student and discussion with the student's teachers and related service providers, it is Ms. Gillespie's expert opinion that the student's speech and language problems are adversely impacting the student's educational performance and she qualifies for special education and related services. Ms. Gillespie has followed the student's progress at The Lab School since her evaluation and finds the student still has a functional auditory processing disorder that is way below expectations. The student's disorders of high verbal skills with social pragmatic difficulties fit the profile of a learning disabled child. The student's ADHD and attentional issues coupled with her inability to organize, follow directions, initiate and interact with peers in conversation directly have an adverse impact on her learning. (Testimony of Ms. Gillespie) This hearing officer gives great weight to the comprehensive evaluation and credible testimony of Ms. Gillespie. This weight is based on her extensive experience including eighteen years as a speech pathologist at The Lab School of Washington with the last seven years as Director of the Speech/Language Department at The Lab School ( [REDACTED] -22), the thoroughness of her evaluation, and her personal knowledge of the student over the year the student has been at The Lab School with continual communication with her teachers and related service providers. This hearing officer gives little weight to the opinion of the DCPS speech language pathologist who only observed the student for less than one hour on May 27<sup>th</sup> 2005 and has not spent any additional time with the student since that date. (Testimony of Ms. Harris) During that limited time, Ms. Harris's classroom observation was of a parent reading a story to the entire class. Such an observation gives little information on how the student performs in the classroom. The DCPS speech pathologist also did not talk to Ms. Gillespie about her evaluation prior to the MDT meeting in February 2006. (Testimony of Ms. Gillespie)

10. The IEP developed by the Lab School of Washington on October 19<sup>th</sup> 2005 states the student is showing the following weaknesses: In perceptual readiness: weak visual discrimination of patterns and letters, motor planning weakness, fine motor weakness; In Oral Language: poor ability to interact verbally with peers, poor pragmatic skills, poor organization and sequencing of ideas, weak or slow auditory processing, difficulty following 2-3 step directions, concrete/literal interpretation of language events; In Written Language: poor memory for letter formation, poor spatial judgment, mixing upper and lower case letters, fatigue during writing assignments; In Reading: tracking problems, confusing look-alike words, reversals, rotations and substitutions; In Math: spatial and temporal weaknesses that are interfering with early concept development, reversing and/or

rotating numbers, poor attention to detail; In Social Behavior: poor ability to attend to tasks, poor ability to sustain attention; Finally, in Speech and Language: auditory discrimination, auditory processing, auditory working memory, following oral directions, narrative skills, social pragmatics, verbal problem solving. [REDACTED] These weaknesses documented in her IEP are consistent with the findings of the independent speech and language evaluation of Ms. Gillespie.

11. Ms. Neela Seldin was qualified as an expert in Primary and Elementary Special Education. Ms. Seldin has been the Supervisor-Academic Coordinator at The Lab School since 1986. She has responsibility for supervising implementation of overall curriculum and Individual Education Programs. ( [REDACTED]-24) It is Ms. Seldin's expert opinion that the student qualifies for special education as a student with the disability classification of Other Health Impairment and in the near future as a learning disabled student. Ms. Seldin agrees with Ms. Gillespie's opinion that the student attentional issues rooted in her ADHD are adversely impacting her educational performance. Ms. Seldin has observed the student at The Lab School and seen that while she is bright she has difficulty putting the pieces together to learn. She has difficulty organizing her many thoughts, following directions and maintaining interactions and initiating conversations with others that negatively impacts her educational performance. It is her expert opinion that the student cannot be successful in a general education classroom and needs a small structured integrated program such as the Lab School. (Testimony of Ms. Seldin) This hearing officer finds her testimony very credible and gives great weight to her expert opinion. ¶.
12. Ms. Katherine Hostetler qualified as an expert on occupational therapy. Ms. Hostetler is currently Occupational Therapy Clinical Director at the Lab School. She has over twenty-five years experience as an occupational therapist at the Lab School. ( [REDACTED]-25) Ms. Hostetler's expert opinion is that the student's O.T. deficits are adversely impacting the student's educational performance. The student's sensory modulation difficulties interrelated with her ADHD has a negative impact on her learning. (Testimony of Ms. Hostetler) The occupational therapy evaluation conducted by Ms. [REDACTED] support a diagnosis of Sensory Integration Dysfunction and Dyspraxia. ( [REDACTED]-18)
13. DCPS convened an MDT meeting on July 27<sup>th</sup> 2005 at the C.A.R.E. Center. The team looked at the evaluation review and classroom observation of Ms. Diamond, the educational assessment of Ms. Kauffman, the speech and language evaluation of Ms. Harris and the O.T. evaluation review of Mr. Harvey and determined the student was not eligible for special education services. The parent stated in the MDT Notes he would forward a new speech language evaluation. (DCPS-9, [REDACTED]-11)
14. DCPS reconvened an MDT meeting on February 3<sup>rd</sup> 2006 and reviewed the independent Lab School speech and language evaluation of Ms. Gillespie and the DCPS review by Ms. Harris. The staff at The Lab School including Ms. Gillespie,

Ms. Seldin and Ms. [REDACTED] participated via telephone. The MDT Notes show that the Lab School staff presented the weaknesses the student is having this school year as a result of her disabilities that is adversely affecting her learning. Ms. Gillespie reported that she has a severe social pragmatic disability including being scattered in reasoning skills, that she doesn't initiate conversation, that there is no connection between what she hears and her conversation and her sentences are not connected to each other. Her attention issues impact how she interprets information. The student's Lab School teacher reported that the student has problems following directions, goes on a tangent, loses track what she is doing and has difficulty staying on task and has difficulty with the ability to focus on what's important in conversation. Her classroom teacher also reported that the student has difficulty with fine motor skills, writing, using scissors, writing on line and visual spatial difficulty. The Lab School O.T. provider reported that the student processes her world in pieces and has difficulty sequencing and making connections. The O.T. provider also stated the student can't complete tasks on her own or respond to cues in her environment and has difficulty using what she is learning. Despite the Lab School information, The MDT team stood by their previous decision that the student was not eligible for special education services. (DCPS-1, [REDACTED]-3)

15. The student was unilaterally placed at The Lab School of Washington by her parents at the start of the 2005-2006 School Year. The parent sent a letter to DCPS on August 10<sup>th</sup> 2005 indicating his disagreement with the MDT decision that the student was not eligible for special education and his intent to enroll her at The Lab School starting August 30<sup>th</sup> 2005. ([REDACTED]-10)
16. The student has been attending The Lab School of Washington this current school year. The Lab School has developed a comprehensive IEP for the student. ([REDACTED]-21) The IEP is being implemented in a class of eight students with learning disabilities or at risk of being learning disabled taught by a certified special education teacher and related service providers in an integrated team approach. The student is making educational progress at The Lab School. (Testimony of Ms. Gillespie, Ms. Seldin) The Lab School is an appropriate placement that is offering a program that is reasonably calculated to provide educational benefits.

#### **DISCUSSION AND CONCLUSIONS OF LAW:**

The central issue in this case is whether DCPS met their burden of proof that the student is not eligible for special education and related services. To answer this question one must first examine eligibility for special education under the IDEA. The term "child with a disability" means a child

- (i) with mental retardation, hearing impairments including deafness, a speech or language impairment, a visual impairment including blindness, serious emotional disturbance (hereafter referred to as emotional disturbance), an orthopedic impairment, autism, traumatic brain injury, an other health

impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services. *20 U.S.C Section 1401 (3) (A) (i)-(ii)*.

Under the regulations promulgated by the Department of Education the term 'other health impairment' is defined as "having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that – i. Is due to chronic or acute health problems such as... attention deficit disorder or attention deficit hyperactivity disorder... and ii. Adversely affects a child's educational performance". *34 CFR §300.7 (c)(9)* The term 'speech or language impairment' means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance. *34 CFR Section 300.7 (c) (11)* Counsel for the parents argues that DCPS failed to properly identify the student as a child with a disability under one of the above terms. Counsel for DCPS argues that any disorder did not adversely affect the child's educational performance.

The above Findings of Fact show that the parents provided DCPS with a comprehensive Developmental Neuropsychological Assessment done in December 2004 by Dr. [REDACTED], a licensed psychologist, which specifically identified her ADHD, fine motor delays and sensory processing deficits which impact her learning. Dr. [REDACTED]'s assessment included that teachers at [REDACTED] reported to her that the student was easily distracted and had difficulty participating in classroom activities. Dr. [REDACTED] tested the student using the WPPSI-III and the test results placed her in the High Average Range for language skills but the Low Average Range for perceptual motor/nonverbal reasoning ability. Dr. [REDACTED] recommended a "small classroom setting where she can receive individualized attention and where teachers are trained to work with students with learning differences." (See Findings of Fact # 2 & 3) Ms. Ultressa Diamond, DCPS's own psychologist, reviewed Dr. [REDACTED]'s assessment and found Dr. [REDACTED]'s testing and assessment materials and procedures valid and reliable. Ms. Diamond also reported that Dr. [REDACTED]'s results accurately reflect the student's potential or achievement level and that Dr. [REDACTED]'s conclusions are supported by the data provided. DCPS's reviewer also supported Dr. [REDACTED]'s findings that the student has difficulty with auditory distracters and fine motor control. (See Findings of Fact # 7) DCPS's educational assessment done by Susan Kaufman also supported Dr. [REDACTED]'s findings. While Ms. Kaufman did not find the student meeting the criteria for special education because of her high Academic/Cognitive skills, she stated: "However, the results of the report indicate that she does show severe deficits in the area of Adaptive and Socialization Skills." Ms. Kaufman also found in the area of auditory discrimination that the student performed very poorly. (See Findings of Fact #6) Despite the above clearly documented severe deficits found by Dr. [REDACTED] and the validation of her assessment by the DCPS reviewer Ms. Diamond as well as DCPS's Ms. Kaufman also finding severe deficits in adaptive and socialization skills as well as auditory discrimination, the MDT team on July 27<sup>th</sup> 2005 determined the student was not eligible for special education. This hearing officer concludes that the above documentation provided to the MDT team supported a finding of eligibility under the disability

classification of "Other Health Impaired" as defined by the IDEA Regulation cited above. The MDT team determination that the student was not eligible did not properly consider the above disability classification.

When the MDT team reconvened on February 3<sup>rd</sup> 2006 to review the independent Lab School speech and language evaluation, the staff of The Lab School participated in the MDT Meeting. The staff of The Lab School including the student's teacher, O.T. provider and the speech and language pathologist Ms. Gillespie all reported that the student's ADHD attentional issues, sensory process deficits, fine motor delays and social pragmatic deficits are directly adversely impacting her educational performance. The Lab School staff reported to the MDT team that these deficits are manifested in the classroom environment with the student being scattered in reasoning skills, that she doesn't initiate conversation, that there is no connection between what she hears and her conversation and her sentences are not connected to each other. Her attention issues impact how she interprets information. The student's Lab School teacher reported that the student has problems following directions, goes on a tangent, loses track what she is doing and has difficulty staying on task and has difficulty with the ability to focus on what's important in conversation. Her classroom teacher also reported that the student has difficulty with fine motor skills, writing, using scissors, writing on line and visual spatial difficulty. The Lab School O.T. provider reported that the student processes her world in pieces and has difficulty sequencing and making connections. The O.T. provider also stated the student can't complete tasks on her own or respond to cues in her environment and has difficulty using what she is learning. Despite this overwhelming evidence from The Lab School staff who work with the student every day that the student's disability is adversely impacting her educational performance, the MDT team decided to stand by their previous decision that the student was not eligible for special education services. At the February 3<sup>rd</sup> MDT meeting, the evidence presented by The Lab School staff further supported the documentation provided at the July 27<sup>th</sup> MDT meeting. This hearing officer concludes that DCPS's determination at the February 3<sup>rd</sup> MDT meeting standing by their previous decision that the student was not eligible for special education and related services did not properly consider the documentation and Lab School staff information that clearly show that the student meets the criteria to be eligible for special education under IDEA as a student with the disability classification of "Other Health Impaired". DCPS has failed to meet their burden of proof as to why this student is not eligible for special education. 5 D.C. Mun. Regs. § 3022.16; *see also* 20 U.S.C. §§ 1401(a) (1), 1415(b) (2); *Argueta v. District of Columbia*, 355 F.Supp.2d 408, 412 (D.D.C.2005). DCPS has thus denied a FAPE to the student.

Federal courts have held IDEA grants jurisdiction to administrative hearing officers to determine eligibility for special education services. In *Hacienda La Puente Unified School District of Los Angeles v. Honig*, 976 F. 2d 487 (9<sup>th</sup> Cir. 1992), the United States Court of Appeals for the Ninth Circuit held that a hearing officer has jurisdiction pursuant of IDEA over requests for determination of a student's eligibility for special education and related services. The Seventh Circuit reiterated that holding and stated: "The *Hacienda* decision comports with congressional intent because one of the statutory duties of a hearing officer is to 'identify' those children that are disabled and to resolve

any disputes between parents and school districts as to whether a particular child is disabled or not." *Rodireiecus L v. Waukegan Sch. Dist., No. 60*, 90 F. 3d 249, 253 (7<sup>th</sup> Cir. 1996) In *Kroot v. District of Columbia*, 800 F. Supp. 976, 982 (D.D.C. 1992) a federal district court recognized that hearing officers have authority to determine eligibility for special education services. This hearing officer has found that the student is eligible for special education services as a student with the disability classification of "Other Health Impaired" based on Findings of Fact # 3, and #6-#12. This hearing officer finds very credible the expert testimony and comprehensive evaluation of Ms. Gillespie, the Director of Speech and Language pathologist at The Lab School, that the student's ADHD and auditory processing disorder is resulting in severe deficits that are having an adverse impact on the student's educational performance. This hearing officer also gives great weight to the expert testimony of Ms. Seldin and Ms. Hostetler that the student's disabilities are adversely impacting her educational performance. (See Findings of Fact # 9, 11, & 12) DCPS's witnesses Ms. Diamond's review of Dr. [REDACTED]'s evaluation and Ms. Kaufman's educational assessment and their testimony support Dr. [REDACTED]'s and The Lab School staff's findings that the student has severe deficits in adaptive and socialization skills as well as auditory discrimination and fine motor delays. (See Findings of Fact #6 & #7) This hearing officer has found that DCPS witness Ms. Harris's review and testimony is given less weight because she only observed the student for less than an hour and during that time the classroom observation was of a parent reading a story to the entire class. Such an observation gives little information on how the student performs in the classroom.

This hearing officer also notes that the student is currently in a small structured classroom setting with integrated services at The Lab School. Even in such environment, The Lab School staff report that, while the student is making progress, the student's deficits are still adversely affecting educational performance. This hearing officer agrees with the expert opinions of Ms. Seldin, Ms. Gillespie and Ms. Hostetler that in light of the student's deficits, especially her attentional issues, a general education environment would not be an appropriate successful placement.

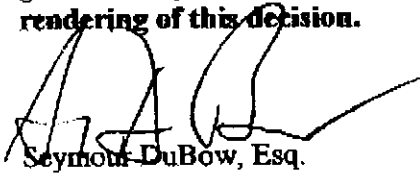
This hearing officer has also found that The Lab School Washington is an appropriate placement that is providing educational benefits to the student. (See Findings of Fact #16) The legal requirements for reimbursement have been met pursuant to the Supreme Court decisions in *Burlington School Committee v. Mass. Dept. of Education*, 471 U.S. 359 (1985) and *Florence County School District Four v. Carter*, 510 U.S. 7 (1993)

It is hereby **ORDERED** that:

**DCPS shall fund and place the student at The Lab School of Washington for the 2005-2006 School Year with "stay put" protections and reimburse the parents for any tuition and costs they incurred for the current school year at The Lab School.**

**The parents are the prevailing parties in this action.**

**This is the final administrative decision in this matter. Appeals on legal grounds may be made to a court of competent jurisdiction within 30 days of the rendering of this decision.**



Seymour DuBow, Esq.  
Impartial Hearing Officer

Date filed: April 21, 2006

Date Issued: 04/21/06