

CASE CLOSURE SUMMARY REPORT

(This summary sheet must be used as a cover sheet for the hearing officer's decision at the end of the special education hearing and submitted to the Department of Education before billing.)



School Division
Name of Child
Counsel Representing LEA
Party Initiating Hearing

Name of Parents
Date of Decision or Dismissal
Counsel Representing Parent/Child
Prevailing Party *School Division* -

Hearing Officer's Determination of Issue(s):
Also see attached opinion

Issue #1: Whether the LEA violated IDEA (substantively, not procedurally), thereby denying the student a FAPE, by failing to offer and provide him an appropriate educational program.

Holding: The LEA did not violate IDEA; the LEA provided the student a FAPE

Issue #2: Whether the student/parents are entitled to private placement for the child at public expense for the 2003-2004 school year (and beyond). Holding: No

Hearing Officer's Orders and Outcome of Hearing:
See attached opinion

This certifies that I have completed this hearing in accordance with regulations and have advised the parties of their appeal rights in writing. The written decision from this hearing is attached in which I have also advised the LEA of its responsibility to submit an implementation plan to the parties, the hearing officer, and the SEA within 45 calendar days.

Hearing Officer Dated this day of

VIRGINIA DEPARTMENT OF EDUCATION

DUE PROCESS HEARING REPORT

SCHOOL DIVISION:
LEA COUNSEL:

PUBLIC SCHOOLS



NAME OF PARENTS: ... and
NAME OF CHILD:
PARENTS' COUNSEL:

PARTY INITIATING HEARING: PARENTS

HEARING OFFICER:

INTRODUCTION

This matter came for hearing on and in the town of
 Virginia, before duly appointed Hearing Officer. Present
in person in addition to this Hearing Officer and the Court Reporter was the mother and parents'
counsel, counsel for the LEA and the School Division's representative,

The due process hearing was requested in writing. The request, although unsigned and
undated, was received by the LEA on , and this Hearing Officer was assigned to
hear the case on . The parents allege that the LEA denied their son, , a free
appropriate education at public expense, and thus seek placement at a private school, at
public expense.

In the course of a two-day hearing, both the LEA and the parents presented the testimony
of witnesses.¹

FINDINGS OF FACT

This Hearing Officer makes the following findings of fact:

1. The Student was born on
2. The Student was most recently found eligible for special education services
through Public Schools ("LEA") on with the Identified
Handicapping Condition of learning disability (primary) with no secondary disability noted.

¹ The transcript incorrectly identifies all LEA Exhibits A-HH as having been received into evidence. In fact, the Exhibits that were received into evidence and are part of the record of this case are: A-F, I, K-M, O-U, W-CC, EE-HH (to the exclusion of G, H, J, N, V and DD).

3. For the _____ school year, the Student, then in the _____ grade, was served in both a general education classroom, and in a self-contained special education classroom in a regular school facility. The Student's Individualized Education Program ("IEP") for that year (Exhibit A) notes that the Student received 27% of all educational services provided to _____ in a special education classroom. The parents consented to this IEP.

4. An Addendum to this IEP was consented to by the parents on _____ (Exhibit B). By this Addendum, the Student was placed into the general education classroom for reading instruction, and would receive one period of resource help in the special education classroom daily.

5. The Student was tested on several occasions. Certain relevant test scores are summarized as follows (See Exhibits I, K, L):

Test/Subtest	Date	Standard Score	Percentile Rank	Grade Equivalent	Age Equivalent
WISC II Verbal IQ		100	(Average)	N/a	N/a
WISC II Performance IQ		83	(Borderline to Average)	N/a	N/a
WISC II Full Scale IQ		92	(Low average to average)	N/a	N/a
Woodcock Word ID		99	46	1.8	7-3, 7-4
Woodcock Word ID		97	41	2.5	8-2
Woodcock Word Attack		103	59	2.2	N/a
Woodcock Word Attack		108	70	5.0	N/a
Woodcock Passage Comprehension		94	33	1.3	6-10
Woodcock Passage Comprehension		92	31	2.3	7-10
Woodcock Basic Skills Cluster		100	50	1.8	N/a
Woodcock Basic Skills Cluster		99	47	2.8	N/a

6. Relevant testimony from witnesses explain what these scores mean. The WISC II is an IQ test, and the Student's scores indicate that _____ is of average intelligence. The Woodcock Reading test measures reading achievement, and a score within the range of 90-110 is considered average. All the Student's scores on the Woodcock are average. This consistency of test scores indicates that _____ achievement in reading is consistent with _____ ability. (See testimony of _____

Transcript pages 23-88)³

² "Woodcock" refers to the Woodcock Reading Mastery, Revised. Form G was administered in _____, and Form H administered to the Student in _____.

³ This Hearing Officer makes the following observation that both parties seemed to overlook: the testimony of _____ at pages 34-38 indicates that the Student's test scores were derived using a normative sample of children age _____, with reference to _____ birth date, and that the Student's scores were average for _____ age. These scores, when converted to grade equivalence, indicate that _____ was slightly behind for _____ grade. However, the parents and their witness, _____, noted that the Student, born in _____ is young for _____ grade. This testimony, when considered with reference to the Student's grade equivalent test scores, would seem to explain why _____ grade-equivalent scores would appear low - when in fact they might be exactly where you'd expect them to be for an average student who is younger than "grade equivalent" classmates. In other words, it would seem that for the Student to be at grade level, _____ would have to be above-average for _____ age with above-average percentile ranks and

7. The "Grade Equivalent" scores on the Woodcock indicate that in second grade school year, the Student made approximately one year of progress (one year of progress in one academic year). (Transcript pages 59-65)

8. This indicator of progress was corroborated by the testimony of the Student's second grade teacher, . As noted in the Student's IEP, entered the grade at a "pre-primer" reading level. explained that there are five grade reading levels: 3 "pre-primer" levels, a "primer" level, and a Grade level. In the grade year, the Student completed the second pre-primer, skipped the third pre-primer, moved through the primer level and completed the grade level in the first three marking quarters. The Student was partway through the first of two grade reading "basals" when was moved into the regular education classroom for reading instruction pursuant to the Addendum, having mastered reading goals and objectives as set out in IEP. (See Exhibit D) In other words, the Student made 1.5 years of progress during the grade academic year and was only half a year behind reading level at the end of grade. (Transcript pages 91-107)

9. The Student's grade teacher, , testified that the Student entered the grade reading the 2.2 basal. The grade has 2 basal units, denoted as 3.1 and 3.2, and there are three units to each basal. The Student completed the 2.2 and the 3.1 basal, and two of three basals in the 3.2 basal. "Basal-wise" the Student made more than a year's progress in the grade academic year. (Transcript pages 153-54, 171-72)

10. The Student is making grades that are passing or better, with a "B" average. (Exhibit F)

11. testified that the Student was "making educational progress" in every area. (Transcript page 175)

12. The Student was absent from school 24 days in the grade, with 43 unexcused tardies, and 23 days absent in the grade (up to the date of the hearing) with 21 unexcused tardies. "Unexcused" tardies indicate instances where the Student was late getting into the building, not just days that was late to class but already in the building having breakfast. (See Testimony of , Transcript pages 198-99)

13. implied that the number of days the Student missed reading instruction is the reason that had not, at the time of the hearing, completed the final grade reading basal. (Transcript page 167) testified that the Student's progress was "remarkable" given the number of days of instruction missed. (Transcript page 123)

14. and testified that the grade has 8 "level" designations for reading, and that every grader is assigned to a reading level commensurate with their ability. There are 86 graders at the school attended by the Student, assigned to

standard scores. However, since no qualified witness ever made this connection, I feel unqualified to draw such a seemingly significant conclusion on my own.

one of 4 classrooms. Each classroom has two reading levels: 1 and 5, 2 and 6, 3 and 7, 4 and 8. has the 3 and 7 group. The Student is a level 3 reader.

15. testified that level 2 would be too easy for the Student and that level 4 would be too hard. testified that level 3 is appropriate for the Student, and is neither the best nor the worst reader in group. There are 11 students in group 3 level. Two other students in that group receive some special education services, and eight receive none. (Transcript pages 156-57, 184)

16. has two periods per day where provides direct reading instruction. During one period, the level 3 group receives direct reading instruction while the level 7 group attends a "language arts extension" class. While the level 7 group gets direct reading instruction during the other period, some children in the level 3 group attend a "language arts extension class." Any child not attending the "language arts extension class" would access the same curriculum (perhaps not in the same setting) but would be getting special help from a special education teacher or a Title I reading teacher, and would typically be a year or more behind in reading. (Transcript pages 111-113) In the Student's case, IEP called for to receive special education resource help in the special education classroom in lieu of attending the language arts extension class. (Exhibit C). This IEP was consented to by the parents.

17. The schedule and make-up of the school attended by the Student permit direct reading instruction for a level 3 reading grader to be provided by for one period per day. The Student received such instruction at such time. (See. rebuttal testimony, Transcript pages 511-512)

18. was called by the parents to testify. presented testimony as both a fact and expert witness. has been employed by the public school system in , Virginia for 27 years. During that time, : has been a general education teacher, a special education teacher and a special education administrator. is currently a special education administrator for that County, having so served for the past five years, overseeing ten schools and more than 9000 children. is related to the Student by marriage. (Transcript page 286)

19. In , with the consent and cooperation of the parents and the LEA, administered to the Student the Woodcock-Johnson Psycho-educational Battery, (both Part I and Part II: Part I covers cognitive ability and Part II covers educational achievement) supplemented by the Woodcock Reading Mastery test. (Transcript page 301)

20. reported the test results to the LEA. The LEA did not question these results until it attempted to verify them in preparation for this litigation. When it did so, it determined that had used the scoring manual instead of the more recent scoring manual of . It was possible to convert test results to reflect scoring using the manual. These scores are reflected at paragraph 5 above (herein).⁴ (See testimony of , Transcript pages 46-59)

⁴ and both offered testimony explaining this scoring discrepancy.

21. _____ was a member of the Student's IEP team for the _____ grade IEP and the _____ grade IEP addendum dated _____.

22. In order to measure the Student's progress during _____ grade year, _____ re-tested the Student in _____ testified that the test results reflected _____ had made "good" progress in word attack, phonics skills and word comprehension. The Student's score in passage comprehension had remained the same, and the witness testified that this reflected that _____ had made progress. (Transcript 375-380) The LEA's witness, _____ also agreed that these scores indicate that the Student had made progress during _____ grade year.

23. Nonetheless, _____ testified that the Student had not made the "huge" progress that "could have brought _____ to where _____ is capable of being." (Transcript pages 334-35)

24. _____ conceded that the Student's teachers, _____ and _____ were in a better position than _____ to judge the Student's progress. (Transcript pages 385-86)

25. The crux of the parents' complaint is that they wanted the Student to receive two periods of direct reading instruction per day from a trained teacher in a group setting in a regular education classroom with students who were reading at or above the Student's level. A request was made to the LEA for the Student to receive such additional instruction. Additionally, the parents wanted the LEA to disclose not only the identity, but also the qualifications of the teacher. (Transcript page 337)

26. According to _____, the most important elements of the request were that the direct reading instruction be given in (1) a group setting and (2) by a trained teacher. (Transcript page 352)

27. There were only two ways for the LEA to accommodate such a request: first would be to form a new class of level 3 reading _____ graders who would receive an extra period of direct reading instruction, or, second would be to transport the Student to another elementary school within the district to receive a second period of reading instruction in an equivalent level reading class. The transportation option was rejected by the parents and the LEA was unable to identify any students who could be appropriately placed in the "new" class. (Transcript pages 243-44, 254-55, 511-12)

28. _____ offered another suggestion for accommodating the parents' request: and that was for the LEA to implement a team teaching/collaborative teaching approach with a special education teacher teaching all the children within the regular education classroom setting. _____ opined that this was the "best" way to provide the Student with a FAPE "to maximize potential." (Transcript pages 419-425) The LEA explained that the small size of the school presented a practical obstacle to implementing this suggestion. _____ rebuttal testimony, Transcript pages 504-506)

29. In an effort to offer a menu of options that would in some manner provide the Student with a second period of direct reading instruction in a group setting (as requested by the

parents), the LEA presented more than six other options to the parents, all of which were rejected. The crux of the reason given for each rejection was that each option proposed placing the Student in a reading class that was either above or below (not at) reading level. Of course, as noted above, it was impossible for the LEA to accommodate the parents' request given the constraints of the limited conditions demanded by the parents: the parents wanted a second period of direct reading instruction in a group setting with students on the same level as the Student when there was only one such daily offering at the Student's school, and the Student was already participating in that offering. (Exhibit W; Transcript pages 511-512)

30. During the period that these options were being presented, the parents also requested that the Student be removed from the special education resource classroom. The mother testified that she was concerned that because the other students in the special education classroom were more disabled than her that needed to be moved into the general education classroom full time. However, she still wanted to receive special education services, but again, wanted those services to be delivered in the form of a second period of direct reading instruction in the setting described above. (Mother's testimony, Transcript pages 454-457)

31. Accordingly, no new IEP was consented to and the Student received services during the grade academic year pursuant to the IEP and Addendum last agreed upon (Exhibit C), and the parents' requested a due process hearing. (Exhibit 1)

ARGUMENTS RAISED

The parents argue that the IEP in effect for the Student was inappropriate because it did not provide with the "best" program of instruction "to maximize potential." The parents argue that the "best" program to permit the Student to make the most progress in the least restrictive environment was the one they proposed: an additional period of direct reading instruction in a small group setting with other students on the Student's reading level in a regular education classroom taught by a certified special education teacher in a collaborative team teaching "situation." The parents argue that the LEA's failure to provide this program amounts to a substantive violation of IDEA and constitutes a failure by the LEA to provide the Student with the federal and state-mandated FAPE in the least restrictive environment. Their argument continues that this denial of a FAPE entitles them to send to a private school, the , and that the financial responsibility for this placement should be borne by the LEA.

The LEA maintains that it provided the Student a FAPE, as demonstrated by the progress made by the Student in both the and grades. The LEA argues that the services provided to the Student were consented to by the parents, and that no less restrictive placement was ever consented to. (and that the LEA was prohibited from changing the Student's placement to any less restrictive environment without parental consent). The LEA also argues that the standard proposed by the parents for measuring the appropriateness of the Student's educational program is inconsistent with the mandates of IDEA and supporting case law. Because the LEA maintains

that it provided the Student with FAPE, it denies any financial responsibility for the Student's private placement and argues that the parents failed to present any evidence to demonstrate the appropriateness of the private placement they seek.

DISCUSSION AND CONCLUSIONS OF LAW

Based upon all of the evidence presented, the applicable statutes, regulations and case law, and the arguments presented by the parties, the Hearing Officer makes the following conclusions of law:

1. (" " or "the Student") is handicapped, having specific learning disabilities and comes within the purview of IDEA.
2. requires specific education and related services in order to derive benefit from education.
3. At all times relevant hereto, parents have resided in Virginia, thus Public Schools ("LEA" or ") is responsible for educating and providing with a Free Appropriate Public Education ("FAPE").

FAPE

The case law regarding LEA financial responsibility for private placement is clear: The LEA *may be* held responsible if (1) it did not provide a FAPE and (2) the private placement is educationally necessary and appropriate.

To determine whether the parents are entitled to have the LEA pay for prospective placement at this Hearing Officer must first determine whether and Grade IEPs (Exhibits A and C) were appropriate. In determining whether an IEP is appropriate and whether the school system has fulfilled its obligations to provide a student with a FAPE, the proper inquiry is twofold. See *Board of Educ. v. Rowley*, 458 U.S. 176, 206, 73 L. Ed. 2d 690, 102 S. Ct. 3034 (1982). (1) Whether IDEA's procedural requirements in developing and implementing the IEP were complied with and (2) whether the IEP is "reasonably calculated" to enable the child to receive educational benefits. See *id. at 206-07*. The failure to meet the procedural requirements of the Act itself is an "adequate ground . . . for holding that a school failed to provide . . . a FAPE." *Hall v. Vance County Bd. Of Educ.*, 774 F.2d 629, 635 (4th Cir. 1985). From the outset in this case, the parents have conceded that they are only asserting a substantive violation of IDEA, and that the LEA complied with the procedural requirements of the Act. Thus the focus of the inquiry in this case is purely substantive and I find that:

4. Parental notice requirements were satisfied by the LEA.

A school district is required by the IDEA to provide an IEP for each disabled child. The IEP is the primary vehicle for delivery of a FAPE to students with disabilities. IEPs are to be developed for all students with disabilities through cooperation between parents and school officials. The IEP must state, inter alia, the student's current educational status, annual goals for the student's education, the special education services and other supplementary aids and services to be provided to the student, and the extent to which the student will be participating in mainstream classes. *G v. Fort Bragg Dependent Schools*, 324 F.3d 240, 243 (4th Cir. 2003).

Whether an IEP is "appropriate" for purposes of the IDEA" (i.e., whether it meets the relevant statutory definition of a FAPE) is a question of fact. *DiBuo v. Bd. of Ed. of Worcester County*, 309 F.3d 184, 188 n.8 (4th Cir. 2002). The Supreme Court held in *Rowley* that IDEA requires an IEP to be reasonably calculated to enable the child to receive educational benefits. *Id.* 458 U.S. at 206-07.

Federal law establishes only a minimum "baseline" of educational benefits that states must offer students with disabilities. *G v. Fort Bragg Dependent Schools*, at 248. The IDEA does not require a school district to provide a disabled child with the best possible education. *Rowley*, 458 U.S. at 192. And once a FAPE is offered, the school district need not offer additional educational services. *Matthews v. Davis*, 742 F.2d 825, 830 (4th Cir. 1984). That is, while a state "must provide specialized instruction and related services 'sufficient to confer some educational benefit upon the handicapped child,' . . . the Act does not require the 'furnishing of every special service necessary to maximize each handicapped child's potential.'" *Hartmann v. Loudoun County Bd. of Educ.*, 118 F.3d 996, 1001 (4th Cir. 1997) (quoting *Rowley*, 458 U.S. at 199-200).

How is educational benefit to be measured? The courts have refused to set forth a single, substantive standard, but have certainly referred to indicators and benchmarks that are relevant in this case: passing marks, advancement from grade to grade, progress without regression, actual progress in class (demonstrable academic benefit as testified to by the student's teachers), and grade equivalent test scores. See, *Houston Independent School District v. Bobby R.*, 200 F.3d 341 (5th Cir. 2000).

As noted above, the evidence was uncontroverted that [redacted] realized educational benefit from IEPs in the [redacted] and [redacted] grade. [redacted] received not only passing, but also good marks. [redacted] advanced from grade to grade. [redacted] made progress without regression. [redacted] teachers all testified that [redacted] made actual progress in [redacted] classes. [redacted] grade equivalent scores on the Woodcock improved by a grade level or better in all but one area (where [redacted] grade equivalent score was just shy of 1 year's improvement in one calendar year). The parents and their expert witness did not dispute that [redacted] had made progress in the years at issue, but only that progress was not as great as they would have hoped to see, and was not as great as they believed it would have been if the LEA had met their demands.

Accordingly, I find that:

5. [redacted] IEPs for the [redacted] and [redacted] grades were appropriate.

6. The LEA provided a FAPE.

I cannot, as the parents argue, analyze the appropriateness of the IEPs with reference to their specific demands. The question is not whether the program sought by the parents would be "better" than that offered by the LEA⁵. The Fourth Circuit has dictated that my analysis must focus on the IEPs that were in place.⁶ In *G v. Fort Bragg Dependent Schools*, the mother of an autistic student wanted school officials to use a specific teaching method for her child, and to employ a specially qualified individual to teach her child with that method. The IEP proposed by the school did not exactly contain the teaching method sought by the parents, nor did it specifically call for the child to be taught by an individual with the qualifications sought by the parents. The parents rejected the IEP on these grounds, despite the fact that the IEP did contain elements of the teaching method they favored. Ultimately, the Fourth Circuit held that the Hearing Officer was mistaken in analyzing the IEP from the standpoint of whether it accurately replicated the method sought by the parents, because the analysis should have focused on whether the IEP was "reasonably calculated to provide educational benefit" to the child. *Fort Bragg*, 324 F.3d at 252.

And, since 's IEPs were in place and implemented, it is not even necessary to speculate whether they were "reasonably calculated to provide educational benefit to the child" since we can actually see that the IEPs *did* provide educational benefit.

While parents are undeniably given a pivotal role in the development of their child's IEP, there is no case law that requires an LEA to adopt a parental recommendation for a specific educational program. Neither can an LEA's deference to parental demands be used against it. In the case of *MM v. Greenville County Public Schools*, 303 F.3d 523 (4th Cir. 2002), the Fourth Circuit noted that "As a general matter, it is inappropriate, under the IDEA, for parents to seek cooperation from a school district, and then to seek to exact judicial punishment on the school authorities for acceding to their wishes." *Id.* at 533.⁷

As noted above, the parents in this case consented to both IEPs at issue. But they now complain not only that the IEPs were inappropriate because first, made insufficient progress, but second, daily period of instruction in the special ed resource room violated IDEA's mandate that be educated in the least restrictive environment. This second complaint is almost ironic, given that the grade IEP notes that the mother "wants to keep schedule same

⁵ The parents and their advocate testified that they wanted the "best" for the Student. Their desires are understandable and their advocacy efforts were truly extraordinary. However, the law simply does not support their heightened expectations. To refer to a much overused saying, "they wanted the Cadillac."

⁶ Arguably, the LEA would like me to consider some, if not all, of the various options that it offered the parents, but I face two problems in doing so. First, none of these options ever rose to the level of a proposed IEP, and second, there was conflicting testimony from would-be members of the IEP team about whether various of these options would have been appropriate. But either way, the options offered were virtually irrelevant (except to demonstrate that the LEA was in good faith trying to offer some kind of compromise accommodation to the parents' request) given the parents' "all or nothing" stance.

⁷ That case is also instructive on the Hearing Officer's duty to "consider and accord weight to [the student's] actual educational progress" and to "avoid 'substituting [our] own notions of sound educational policy for those of the school authorities.'" *Id.* at 532, citing *Hartmann v. Loudoun County Bd. of Educ.*, 118 F.3d 996, 1000 (4th Cir. 1997).

as it is now since [redacted] is moving to different grade. She understands [redacted] is doing well [in the regular education classroom] but wants [redacted] to have the security of special services. [redacted] Feels [redacted] excels under a structured teacher." The parents got what they wanted and consented to it. They cannot now be heard to complain.⁸

As noted in *MM*, "it is significant that there is no evidence that [the] parents would have accepted any FAPE offered by the District that did not include [their exact demands]. . . the District is not obligated by the IDEA to provide a disabled child with an optimal education; it is only obliged to provide a FAPE." *Id.* 303 F3d at 535, citing *Rowley*, 458 U.S. at 192. In the due process request, the parents note that the nature of the problem is the LEA's "refusal to provide a collaborative teaching situation or a continuum of services for [redacted]" and demand "that a special reading group be formed for the higher functioning LD students and other students at risk that would be instructed by a trained reading teacher." The parents demanded nothing less than direct reading instruction provided by a "certified special education teacher in the general education setting." In this case it is abundantly clear exactly what the parents wanted and that they would accept no option that did not exactly match their demands.

The two aforementioned Fourth Circuit cases could not provide more direct guidance to this Hearing Officer in this situation. First, the parents here clearly seek to "exact judicial punishment" on the LEA for acceding to their wishes with regard to the IEPs they now challenge (to which they originally consented). Second, they argue that the appropriateness of the IEPs be analyzed with reference to their specific demands. Controlling law permits me to do neither.

PARENTS' PLACEMENT

Having found that [redacted] provided [redacted] a FAPE, I do not reach the question of the appropriateness of the parents' proposed private placement.

IDENTIFICATION OF PREVAILING PARTIES

Pursuant to 8 VAC 20-80-76 (K)(11), this Hearing Officer has the authority to determine the prevailing party on each issue that is decided. Having found that the LEA provided [redacted] a FAPE, the Hearing Officer identifies the LEA as the prevailing party on all issues.

APPEAL INFORMATION

8 VAC 20-80-76 (O) Right of Appeal

1. A decision by the hearing officer in any hearing . . . shall be final and binding unless the decision is appealed by a party in a state circuit court within one year of the issuance of the

⁸ I do not suggest that parental consent could cure a substantively deficient IEP. But, since I have held that the IEPs were appropriate, the parental consent issue is nonetheless relevant in this "estoppel" context.

decision or in a federal district court. The appeal may be filed in either a state circuit court or a federal district court without regard to the amount in controversy. . . .

3. If the hearing officer's decision is appealed in court, implementation of the hearing officer's order is held in abeyance except in those cases where the hearing officer has agreed with the child's parent or parents that a change in placement is appropriate in accordance with subsection E of this section. In those cases, the hearing officer's order must be implemented while the case is being appealed.

IMPLEMENTATION PLAN

The LEA is responsible to submit an implementation plan to the parties, the hearing officer, and the Virginia Department of Education within 45 calendar days.

_____, Hearing Officer Dated this ____ day of _____.

CERTIFICATE OF SERVICE

I, _____ do hereby certify that this ____ day of _____ I e-mailed a copy of this decision to counsel for the parties in this matter: to _____ and to _____ pursuant to their request that the decision be issued electronically and delivered in this manner.

cc: Dr. Judy Douglas (PO Box 2120, Richmond, VA 23218-2120)