

## DECISION WRITING EXERCISE

NYSED IDEA IMPARTIAL HEARING OFFICER TRAINING  
WEDNESDAY, OCTOBER 8, 2014 · THURSDAY, OCTOBER 23, 2014

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### I. INTRODUCTION

- A. The decision encompasses all that has happened prior to its issuance and all that should happen after it is issued. The decision often serves as the starting point for judicial review when a case is appealed. The Second Circuit accords deference to the impartial hearing officer (IHO) where the written decision is “thorough and careful.”<sup>1</sup>

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<sup>1</sup> See, e.g., *Cerra v. Pawling Cent. Sch. Dist.*, 427 F.3d 186, 196 (2d Cir. 2005); *Walczak v. Florida Union Free Sch. Dist.*, 142 F.3d 119, 129 (2d Cir. 1998); see also *M.H v. N.Y.C. Dep’t of Educ.*, 685 F.3d 217, 244 (2d Cir. 2012) (“Determinations grounded in thorough and logical reasoning should be provided more deference than decisions that are not.”). Within this overall standard, the Second Circuit has established that substantive and methodology determinations are entitled to more judicial deference than procedural and non-methodology determinations. *M.H v. N.Y.C. Dep’t of Educ.*, 685 F.3d 217, 244, 246 (2d Cir. 2012). Although in a two-tier state, such as New York, the SRO level receives primary judicial deference, the local IHO shares this deference, especially but not exclusively in methodology cases. See, e.g., *T.Y. v. N.Y.C. Dep’t of Educ.*, 584 F.3d 412, 419 (2d Cir. 2009); *Grim v. Rhinebeck Cent. Sch. Dist.*, 346 F.3d 377, 383 (2d Cir. 2003); cf. *Woods v. Northport Pub. Sch.*, 487 F. App’x 968 (6th Cir. 2012) (deference to IHO rather than district personnel where the two levels conflict). Moreover, in cases where the IHO meets the norm and the SRO does not, the IHO is entitled to presumptive correctness. See, e.g., *M.H v. N.Y.C. Dep’t of Educ.*, 685 F.3d 217, 246, 248–49 (2d Cir. 2012); *Doyle v. Arlington Cnty. Sch. Dist.*, 953 F.2d 100, 105 (4th Cir. 1991). In the latest iteration of this issue, the Second Circuit declared: “a court must defer to the SRO’s decision on matters requiring educational expertise unless it concludes that the decision was inadequately reasoned, in which case a better-reasoned IHO opinion may be considered instead.” *R.E. v. N.Y.C. Dep’t of Educ.*, 694 F.3d 167, 189 (2d Cir. 2012). Finally, although the focus for such deference is the IHO’s written opinion, the Ninth Circuit extended the “thorough and careful” to the IHO’s participation in the questioning of witnesses. *F.B. v. Napa Valley Unified Sch. Dist.*, 496 F.3d 932, 942 (9th Cir. 2007).

- B. Today's session builds upon the prior trainings on decision writing that have addressed issue specification, making findings of fact, setting forth conclusions of law, and crafting orders. This outline reviews the basic components of a defensible decision and tasks participants with applying standard, legal practice in decision writing to a hypothetical case.
- C. The exercise consists of four steps that align with the basic components of a well-written decision.<sup>2</sup> Specifically, participants will be required to identify the specific issue(s) to be decided, make findings of fact, set forth conclusions of law and determine the appropriate remedy, if any. For each step, an excerpt from the record of a hypothetical case is provided to enable participants to engage in the writing process.
- D. After each step, participants will be called upon to share their work. Examples that meet the basic essentials of best practice will be shared after each step.

## II. ISSUE SPECIFICATION

- A. The IHO should identify the issue(s) listed in the due process complaint notice as modified, if at all, during the prehearing conference. The issue is the question of law or fact on which resolution of the case turns.
- B. The IHO has the authority to require specification of the issues raised in the due process complaint, even in the absence of a sufficiency challenge pursuant to 34 C.F.R. § 300.508(d).<sup>3</sup>

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<sup>2</sup> An IHO must render and write decision in accordance with appropriate, standard legal practice, which requires that the decision include the following components: introduction and procedural history, jurisdiction, background, relief sought, and statement of appeal rights. See 34 C.F.R. § 300.511(c)(1)(iv). In New York, the IHO must also identify in the decision each exhibit admitted into evidence and the list must include the date, number of pages and exhibit number or letter for each exhibit. 8 NYCRR § 200.5(j)(5)(v). This exercise does not address these key components.

<sup>3</sup> See *Ford v. Long Beach Unified Sch. Dist.*, 291 F.3d 1096 (9th Cir. 2002) (holding that the parents' due process rights were not violated when the IHO, in her written decision, formulated the issues presented in words different from the words in the due process complaint); *J.W. v. Fresno Unified Sch. Dist.*, 611 F. Supp. 2d 1097 (E.D. Cal. 2009), *aff'd*, 626 F.3d 431 (9th Cir. 2010) (ruling that the ALJ's slight reorganization of the issues by consolidating the assessments claims into a single issue was inconsequential to the student); *Adam J. v. Keller Indep. Sch. Dist.*, 328 F.3d 804 (5th Cir. 2003) (holding that the IHO's restatement and reorganization of the issues still addressed the merits of the

- C. Identifying the issues presented is critical to effective and efficient management of the hearing process. When the issues in the due process complaint notice are clear and specific, the responding party is able to prepare for the hearing, there is meaningful opportunity for resolving the complaint during the resolution meeting or thereafter, the IHO is able to better determine whether s/he has jurisdiction over the specific issues,<sup>4</sup> the evidence presented at hearing is more focused, and the decision is sharper.
- D. Factors to consider include:
  - 1. The issue(s) should be stated succinctly, neutrally, and in question format.
  - 2. Multiple issues should be presented in logical sequence. However, the IHO should collapse multiple issues into one issue when there is duplication (i.e., variation of the same issue).
  - 3. In addition to stating the issue(s), the IHO might state each party's position concerning the issue(s).

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parent's issues); *cf. K.E. v. Indep. Sch. Dist. No. 15* (D. Minn. 2010) (concluding that the ALJ did not err in failing to clarify the issues stated in the amended due process complaint before the hearing).

<sup>4</sup> *See Letter to Wilde*, 113 LRP 11932 (OSEP 1990) ("Determinations of whether particular issues are within the hearing officer's jurisdiction ... are the exclusive province of the impartial due process hearing officer who must be appointed to conduct the hearing.").

### HYPOTHETICAL

Below is information and quoted excerpts from the parents' due process complaint notice (notice) and the school district's response. For this step, focus solely on the allegations quoted from the notice and response. The other information merely provides context. The school district did not file any notice of insufficiency.

*The parents filed a notice on October 15, 2014 on behalf of their 14-year-old son John.*

*The notice specified that John is eligible for special education and related services under the IDEA as having a learning disability (LD). The parents reside with their son in Main Street USA, New York, where John attended the middle school.*

*As for the problem, the notice alleged many facts regarding the inappropriateness of the individualized education program (IEP) of May 26, 2014 proposed for John. These allegations asserted not only various procedural violations regarding the manner in which the committee on special education (CSE) developed the IEP, but also several substantive violations regarding the type of placement (i.e., general education classes versus a special class), amount of related services (i.e., lack of school social work services) and extent of accommodations. Based on these allegations, the notice asserted the proposed IEP denied John a free appropriate public education (FAPE).*

*The notice then stated:*

*During the IEP meeting of the 26th, after the school district refused to agree to the recommendations of our evaluator regarding the program, services and accommodations John's needs require, we told the school district representatives that they left us no choice but to place our son in a private school this coming fall and hold it responsible. We then left the meeting.*

*On August 25, 2014, John started attending school at the Exemplary Academy, a private school in New York, New York. John is doing very well at the Exemplary Academy.*

*As a proposed resolution of this matter, we request that the school district pay for John's tuition for the 2014-2015 school year as well as our costs in having him transported to and from the school during the course of the school year.*

*The school district filed a timely response to the notice. In it, the school district “concede[d] that the proposed IEP of May 26, 2014 denied John a FAPE.” Further, it “denied that the parents’ placement of John at the Exemplary Academy was proper.” Finally, the school district “denied that the parents at the CSE meeting said that they would place John in a private school or seek from the school district reimbursement.” The response provided no additional information that would help in specifying the issue(s).*

### EXERCISE – FRAMING THE ISSUE

Based on the allegations in the quoted portions of the notice and response, specify in writing the issue(s) for determination as you would initially in your prehearing order and eventually in your decision.

### III. FINDINGS OF FACT

- A. In this section of the written decision, the IHO should set forth only those facts determined to be relevant and relied upon to decide the identified issue(s).
- B. The written decision must include both evidentiary and ultimate facts. Ultimate facts are those required to establish the legal conclusions. In contrast, evidentiary facts are subsidiary facts required to establish ultimate facts.<sup>5</sup>
- C. “The classification of a determination as either a finding of fact or a conclusion of law is admittedly difficult. As a general rule, however, any determination requiring the exercise of judgment, ... or the application of legal principles, ... is more properly classified a conclusion of law. Any determination reached through ‘logical reasoning from the evidentiary facts’ is more properly classified a finding of fact.”<sup>6</sup>

Mixed findings of facts and conclusions of law should be avoided.

- D. The IHO should not simply recite in the written decision all testimony and documentary evidence included in the record. Rather, the IHO is tasked with assigning weight to the various

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<sup>5</sup> *Woodard v. Mordecai*, 67 S.E.2d 639 (N.C. 1951).

<sup>6</sup> *In re Helms*, 491 S.E.2d 672, 676 (N.C. Ct. App. 1997) (internal citations omitted).

pieces of evidence in the record and resolving competing versions of the same event in order to determine those specific and material facts needed to apply the IHO's ultimate determination(s) regarding the appropriate criteria/standard(s). Courts accord "little deference" to a written decision that simply restates various facts without making specific findings about the facts.<sup>7</sup>

For example, if the issue is eligibility as a child with an emotional disturbance, simply stating, "The examiner determined that the student meets the criteria for emotionally disturbed," is not a specific finding of fact to decide the eligibility issue, unless the factual dispute is whether the examiner made a determination as to what disability category would be appropriate for the child. The more appropriate, critical findings of fact on the question of eligibility as a child with an emotional disturbance might include: the student has not maintained satisfactory relationships with classmates or his teachers since starting in the school two years ago and/or the student is sullen, withdrawn and despondent throughout the school day and has exhibited the said behaviors for the past six months. The hearing officer would then cite to the examiner's evaluation or witness testimony to support his/her finding(s).<sup>8</sup>

- E. Credibility findings are to be included under this section of the written decision.
- F. Other good practices would include:
  - 1. Setting the facts in chronological order (with dates spelled out) or sequentially.

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<sup>7</sup> *Kerkam v. District of Columbia*, 931 F.2d 84 (D.C. Cir. 1991); see also *M.H. v. New York City Dep't of Educ.*, 685 F.3d 217 (2d Cir. 2012) citing *Walczak v. Florida Union Free Sch. Dist.*, 142 F.3d 119 (2d Cir. 1998) ("Determinations grounded in thorough and logical reasoning should be provided more deference than decisions that are not."); *Gagliardo v. Arlington Cent. Sch. Dist.*, 489 F.3d 105 (2d Cir. 2007) (concluding that the district court owed the findings of the IHO deference because the IHO considered the testimony and issued a decision that was reasoned and supported by the record); *Cnty. Sch. Bd. v. Z.P.*, 399 F.3d 298 (4th Cir. 2005) (concluding that the district court should have given due weight to the IHO's findings of fact because his decision was thorough and supported by numerous citations and references to the record evidence).

<sup>8</sup> "The student is a child with a disability under the disability category of emotional disturbance," would be the legal conclusion that would be listed under the conclusions of law.

2. Using simple narrative sentences, with subheadings when needed to break up several issues or events. (Numbered sentences or paragraphs is an acceptable alternative.)
3. Citing to exhibits and to the transcript pages.<sup>9</sup>
4. Incorporating stipulated facts, to the extent relevant.
5. Including the basic, critical facts necessary to apply the criteria to decide an issue. For example, if the issue is whether the student is emotionally disturbed, in addition to facts that speak to one of the five characteristics listed in 34 C.F.R. § 300.8(b)(4)(i), the IHO should include facts relating to the degree in which the student has exhibited one or more of the five characteristics, the period of time for which the student has experienced one or more of the behaviors, and how the child's educational performance has been adversely affected.

HYPOTHETICAL (cont.)

Below are summaries of the testimony of various witnesses who appeared at the hearing that *might* possibly relate to the issue(s) you have specified under step one.

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*The Parent:*

*She testified that before the IEP meeting she began looking for a private school. She spoke with other parents of children with LD who had sent their children to private schools, checked the Internet and talked with the expert who had evaluated John. Although the Exemplary Academy was still seeking approved status from the state, its beautiful pamphlet and solid reputation certainly appeared to offer what the parents wanted for John. The Headmaster told her after reviewing some of John's school records that he was confident Exemplary could meet his needs.*

*While John has been at Exemplary only about 7 weeks, his grades (confirmed by a report card she had identified as an exhibit) and attitude about school (also confirmed by notes on the report card) have improved. The Exemplary Academy staff told her that this improvement was largely attributable to*

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<sup>9</sup> The decision shall reference the hearing record to support the findings of fact. 8 NYCRR § 200.5(j)(5)(v). Should a transcript not be available, then the IHO should cite to the testimony (e.g., Testimony of School Psychologist).

significant advances in his reading, writing and math skills. John was happier and felt much better about going to school.

Here are other excerpts from her testimony:

*Q: Are you concerned that Exemplary does not serve nondisabled children and that John would no longer be attending his local middle school with his friends?*

*A: Yes, but on balance I felt the pluses at Exemplary outweighed the minuses. And, John could see and play with his friends after school and on weekends.*

*Q: Do you know whether the Exemplary teaching personnel have special education certification and credentials in the school's methodology?*

*A: I'm not sure about that, but I have read and been told that the staff had all received training to teach LD kids and received awards.*

*Q: At the CSE meeting, did you notify the school district about possible placement at Exemplary?*

*A: I was so upset when the school district refused to put John at least part of the day in a special class despite him failing English, social studies and math, I must have. Other parents had advised me that the only way that the CSE is responsive is when you threaten them. I walked out of the meeting, threatening to put John in an appropriate private school.*

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Parents' Expert:

*Dr. Smith testified that he is a consultant in private practice with many years of experience and with degrees and other training in the diagnosis and education of students with learning disabilities. He has evaluated John several times over the years and shares the parents' frustration in the school district's refusal to place John in a special class for at least part of the day, given his continuing problems in making progress in school. Based on his most recent evaluation during the early summer before the start of Exemplary's school year, he reports that John is falling further and further behind his peers in reading, writing and math.*

*He has on various occasions spoken with some of John's teachers but they have generally failed to implement his suggestions and recommendations. He recommended Exemplary to the parents based on being very familiar with it,*



*having served without pay on its board of directors. He acknowledged that the school is still in the process of obtaining getting state approval. He also noted that while many of its staff lack the more formal credentials in the Bloss-Tinker methodology that Exemplary generally utilizes, the school's testing data shows that its students still make excellent academic progress with the informal training the staff receives on a daily basis. "Indeed," he exclaimed, "John's advances confirm this conclusion even though he has been there for a little over 7 weeks!"*

*He noted that while he would prefer John to attend his own middle school and be with his peers, at this point it is more important for him to go to Exemplary to get the help he needs to make more substantial progress in reading, writing and math. He concluded that the instruction John receives at Exemplary is specially designed to meet John's unique needs. He specifically identified these needs as (a) working memory and processing speed deficit, (b) low average word attack skills, mild delays in reading comprehension, and moderate delays in spelling; (c) low average computational and problem-solving skills; (d) moderate delays in receptive and expressive language, including difficulty comprehending complex sentence structures and using age appropriate syntax; and (e) weak organizational skills.*

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*The Headmaster:*

*She has been the leader of Exemplary for 15 years. While expressing the hope of obtaining state approval soon, she averred that the Exemplary Academy has received awards from various LD organizations for its educational programming initiatives. With respect to the staff's special education certification and credentials in the school's methodology, she specifically testified:*

*Some members of the staff have not received all the formal certifications and credentials we would like them to have, including special education certification, but all are trained in the Bloss-Tinker methodology. This said, I and other specialized staff are certified special education teachers and hold formal credentials in the Bloss-Tinker methodology. The specialized staff and I work closely with the less trained staff to assure that they are providing effective teaching methodologies to all of Exemplary's students.*

*In addition to reviewing many of John's school records, she has spoken with Dr. Smith regarding John's needs. She is very confident that Exemplary can meet John's needs and allows him to make substantial progress, as his first few weeks already show.*

*She specifically testified that the school uses several strategies to address*

*John's needs. John is provided with small group instruction and structure to address his organization needs. To address his working memory, academic and language deficits, John's teacher uses previewing, to-do lists, breaking tasks down into manageable steps, technology – such as a smart-board – preferential seating close to the teacher, and a lot of one-to-one support. John is also provided with a homework binder and homework checklist to help with organization.*

*She further testified that John's teacher begins each lesson with questions to review and reinforce previously learned concepts, presents new information by incorporating multiple modalities, breaks down steps, and limits the language used.*

*Finally, she provided specific examples of John's progress.*

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*The School District's Middle School Principal:*

*The principal testified that over the years she has chaired hundreds of CSE meetings, including the May 26<sup>th</sup> CSE meeting for John. During the meeting, the parents became very upset on several occasions, at times threatening to remove John from school and at other times castigating public schools' resources and performance versus private schools. Given her experience, she is very familiar with the notice requirements to reimbursement under the IDEA. Having heard from staff prior to the IEP meeting that John's parents might place him in a private school if they were not satisfied with the proposed IEP, she had paid close attention to what the parents specifically said. She is quite confident that neither parent ever stated their intent to place John in a private school and seek reimbursement.*

*With regard to the Exemplary Academy, she testified that she is familiar with its program and the Bloss-Tinker methodology it utilizes. A couple of years ago, having a Master's degree in LD, she was a member of a school district committee charged with researching which LD methodology the school district should generally implement. At the time, she visited the Exemplary Academy among other schools. Based on those visits and a review of the peer-reviewed research at that time, she had concluded that the Bloss-Tinker methodology had one of the poorer records of achieving meaningful progress for LD students like John, whereas the methodology that the school district had adopted was the most appropriate.*

*She also testified that the significant progress the Exemplary Academy staff alleges John has made in the few weeks he has been there is just not credible for any student with LD whose needs are as serious as John's. The baseline and subsequent testing data that the Exemplary Academy collected are totally self-serving, having been repeatedly made by Exemplary in reimbursement*

*hearings whenever a parent seeks reimbursement of its tuition costs.*

*She also asserted that placing John at the Exemplary Academy violates his right to be educated in the least restrictive environment in that he will have no interaction with nondisabled peers and be removed from his local middle school interaction with his friends.*

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*John's Middle-School English Teacher:*

*John's English teacher testified that she has had John in her English class for the last two years and knows John's learning style and needs very well. He has made slow but steady progress utilizing the school district's methodology. She received training in the Bloss-Tinker methodology several years ago and knows, given his learning style and needs, that it will not result in much, if any, progress, for him over the course of a school year.*

#### EXERCISE – MAKING FINDINGS OF FACT

Draft the findings of fact necessary to determine the specific issue(s) identified in the prior step. In making these findings, tentatively consider the relevant legal standards or criteria that you will have to apply when making conclusions of law, which is the next step.

#### IV. CONCLUSIONS OF LAW (WITH ANALYSIS)

- A. The IHO must set out the applicable legal standard for each disputed issue and apply the law to the facts.<sup>10</sup>
- B. Consideration should also be given to whether issues that need not be determined per se, because the disposition of other issues does not require the additional issues to be reached, should, nonetheless, be addressed. For example, in a tuition reimbursement dispute, the IHO might want to indicate how s/he would have decided the subsequent steps of the *Burlington/Carter* multi-step test despite his/her finding that the school district offered the student a free appropriate public education. Such indication might avoid a remand from a reviewing court, should the hearing officer be

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<sup>10</sup> The use of prefatory boilerplate (with customizations to the case) language is permissible.

reversed on the initial issue.

C. Keep the following additional tips in mind:

1. Use subheadings for each issue.
2. Cite to the relevant federal and State laws, regulations, and/or case law but only quote or highlight significant passages.
3. Distinguish or apply case law offered by the parties. In doing so, it is more likely that the parties (and, perhaps, more importantly, the losing party) will feel that they were (s/he was) heard and treated fairly.<sup>11</sup>
4. When departing from precedent, carefully explain the rationale for doing so.
5. Tell a “story.” The reader should be able to discern how the IHO arrived at his/her conclusions. Stated differently, thought should be given to the organization and/or flow of the discussion.

**EXERCISE – SETTING FORTH THE APPLICABLE STANDARD**

For this step, first set forth the applicable standard of law for each issue.

For example, if you identified one issue to be whether the parents provided the school district with notice of their tuition reimbursement claim, select from the following standards the one that you conclude is applicable:

- a) There is no notice requirement of these actions under the IDEA or the case law.
- b) The IDEA does not expressly require any notice of these actions but the case law holds it is merely a matter of fairness, i.e., whether under all the circumstances the parents acted fairly in dealing with the school district before requesting the hearing.
- c) The IDEA provides that the parents must inform the school district of

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<sup>11</sup> See *Mashaw, Administrative Due Process: The Quest for a Dignitary Theory*, 61 B.U.L. Rev. 885, 888 (1981). However, the IHO does not need to expressly consider all of the contentions raised by the parties during the hearing. See, e.g., *Marcus v. Ambach*, 136 A.D. 2d 778 (1988); *Kirsch v. Board of Regents of the State University of New York*, 79 A.D. 2d 823 (1980).

the reasons for rejecting the proposed placement and of their intent to enroll their child in a private school at public expense. This must be done either at the most recent IEP meeting the parents attend prior to removal of the child from the public school or at least 10 business days prior to such removal in writing, with the required consequence for the IHO to deny reimbursement.

- d) Same as “c” except that the consequence is discretionary for the IHO in light of the equities more generally.

For the issue of the appropriateness of the unilateral placement, select from the following standards the one that you conclude is applicable. Make sure your stated standard addresses to what extent, if any, the least restrictive environment (LRE) requirement applies.

- a) The placement at the private school must meet the *Rowley* standard of appropriateness, i.e., an IEP must be formulated in accordance with the procedural requirements of the IDEA and be reasonably calculated to enable the child to obtain educational benefit.
- b) The placement must be in the best educational interests of the child given all the circumstances present.
- c) The private placement must be “proper” under the IDEA, which is a relatively relaxed test approximating the substantive standard under *Rowley*.

#### EXERCISE – SETTING FORTH CONCLUSIONS OF LAW

For each identified issue (step one), apply your stated standard in step three to the findings of fact that you determined at step two of this exercise in the form of clear, concise conclusions of law. Provide some brief analysis.

#### V. ORDER

- A. Good decision writing will result in a simple, concise and comprehensible order that precisely defines for the parties the next steps, if any, to be taken and by when.
- B. The hearing officer has the authority to grant any relief s/he deems necessary, inclusive of prospective and when warranted retrospective (e.g., compensatory education) relief, to remedy any denials of a free and appropriate public education (“FAPE”) and to

resolve the dispute.<sup>12</sup>

- C. When relief is awarded, the remedial order must be:
1. clear and specific.
  2. concise, though well reasoned.
  3. fitting the scope and severity of the violation(s) being remedied.
  4. creative, but within legal boundaries.
  5. timely in addressing the present circumstances.
  6. workable and enforceable, with the use of mandatory language and discernible timelines when necessary.
  7. final.

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<sup>12</sup> See *Sch. Comm. of Burlington v. Dep't of Educ.*, 471 U.S. 359 (1985) (IDEA empowers courts [and hearing officers] with the broad authority to fashion appropriate relief, considering equitable factors, which will effectuate the purposes of IDEA); *Forest Grove Sch. Dist. v. T.A.*, 129 S. Ct. 2484, 52 IDELR 151, n. 11 (2009) (the remedial authority of a court under § 1415(i)(2)(C)(iii) to award reimbursement also extends to hearing officers); *Cocores v. Portsmouth Sch. Dist.*, 779 F. Supp. 203, 18 IDELR 461 (D.N.H. 1991) (finding that a hearing officer's ability to award relief must be coextensive with that of the court); *Letter to Kohn*, 17 IDELR 522 (OSEP 1991) ("Although Part B does not address the specific remedies an impartial hearing officer may order upon a finding that a child has been denied FAPE, OSEP's position is that, based upon the facts and circumstances of each individual case, an impartial hearing officer has the authority to grant any relief he/she deems necessary, inclusive of compensatory education, to ensure that a child receives the FAPE to which he/she is entitled."). See also *Letter to Riffel*, 34 IDELR 292 (OSEP 2000) (discussing a hearing officer's authority to grant compensatory education services); *Letter to Armstrong*, 28 IDELR 303 (OSEP 1997) (relating to a hearing officer's authority to impose financial or other penalties on local school districts, issue an order to the state educational agency who was not a party to the hearing, and invoke stay put when the issue is not raised by the parties).

EXERCISE – CRAFTING THE ORDER

As the final step in the decision writing process, write those parts of an order that specifically address the issue(s) you determined above, given your legal conclusions.

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