

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

A.H., by and through his parent, M.C. v. District of Columbia et al.

Case No. 24-cv-3598 (BAH) (GMH) (D.D.C. May 12, 2026) · No. 24-cv-3598 (BAH) (GMH) · Decided May 12, 2026

SUMMARY

This Magistrate Judge’s Report and Recommendation addresses judicial review under the Individuals with Disabilities Education Act of an administrative hearing officer’s decision concerning A.H.’s educational services. It recommends remanding the matter for further proceedings because the hearing officer did not adequately explain the denial of extended school year services and the calculation of compensatory education, while addressing additional procedural and substantive IDEA claims.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	G. Michael Harvey
JURISDICTION	United States District Court for the District of Columbia
DECIDED	May 12, 2026
DOCKET	24-cv-3598 (BAH) (GMH)
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff sought judicial review under the Individuals with Disabilities Education Act of an administrative hearing officer's decision. The parties filed cross-motions for summary judgment on the administrative record. The magistrate judge issued a report and recommendation recommending partial grants and denials of both motions and remand to the hearing officer.
STANDARD OF REVIEW	On the administrative record, the court determines whether the hearing officer's decision is supported by a preponderance of the evidence, gives the decision due weight, and may grant appropriate relief. Review is more rigorous than ordinary administrative review but is not de novo; the court may not substitute its own educational-policy judgments for those of school authorities. Where the hearing officer's decision lacks thorough, reasoned findings, remand may be appropriate.
PRECEDENTIAL VALUE	Unpublished magistrate judge's report and recommendation; persuasive value only unless adopted or otherwise given effect by the

district court.

PARTIES

A.H., by and through his parent, M.C. v. District of Columbia et al.

TOPICS

judicial review of agency action

administrative law

summary judgment

remedies

civil procedure

PRACTICE AREAS

special education law

administrative law

civil procedure

education law

remedies

QUESTIONS PRESENTED

1. Whether the District's failure to provide prior written notice before combining A.H.'s Behavior Education Support and Specific Learning Support programs violated the IDEA or denied A.H. a FAPE.
2. Whether reducing specialized instruction from 22 to 20 hours per week constituted impermissible shoehorning or predetermination and denied A.H. a FAPE.
3. Whether A.H.'s IEPs were inappropriate because they did not require a more restrictive, nonpublic placement.
4. Whether the District denied A.H. a FAPE by failing to update his behavioral intervention plan.
5. Whether the hearing officer adequately determined whether A.H. was entitled to extended school year services in 2023 and 2024.
6. Whether the hearing officer adequately tailored the compensatory education award to A.H.'s individual needs and demonstrated harm.

HOLDINGS

1. Combining A.H.'s Behavior Education Support and Specific Learning Support programs did not constitute a change in educational placement requiring prior written notice because the programs had the same curriculum, support services, diploma track, self-contained environment, and physical school placement. Any notice violation would also have been harmless because it did not affect A.H.'s substantive rights or materially impair parental participation.
2. Even assuming the District improperly reduced A.H.'s specialized instruction from 22 to 20 hours per week to fit Dunbar's capacity, the reduction was de minimis and did not deny A.H. a FAPE.
3. Plaintiff did not establish that A.H.'s IEPs were inappropriate merely because A.H. made limited academic progress or because the IEPs did not require placement in a nonpublic school. Plaintiff identified no design flaw showing that the IEPs were not reasonably calculated to enable progress appropriate in light of A.H.'s circumstances.
4. The District did not deny A.H. a FAPE by failing to update his behavioral intervention plan annually because the IDEA imposes no annual update requirement for such plans, and A.H.'s IEPs otherwise adequately addressed his behavioral needs.

5. The hearing officer's determination that A.H. was not entitled to extended school year services in 2023 and 2024 was inadequately reasoned because it failed to address material expert testimony, failed to apply the regression-and-recovery standard to the evidence, and appeared improperly to defer to the IEP team's determination. The issue must be remanded for further consideration.
6. The hearing officer's 225-hour compensatory education award was inadequately supported because it did not identify A.H.'s unique needs, link the award to specific evidence or expert testimony, or explain how it would place A.H. in the position he would have occupied absent the FAPE denials. The award must be reconsidered on remand.

KEY QUOTATIONS

"The IDEA mandates that "a decision made by a hearing officer shall be made on substantive grounds based on a determination of whether the child received a free appropriate public education." (at 33)

"The hearing officer's compensatory education award does not meet that standard." (at 37)

"Nowhere did the hearing officer explain what A.H.'s "unique needs" were, Branham, 427 F.3d at 9, or how the award "aims to put [A.H.] in the position he would be in absent the FAPE denial," B.D., 817 F.3d at 798." (at 38)

FACTUAL BACKGROUND

A.H., a student with disabilities and significant academic and behavioral difficulties, was placed in District of Columbia Public Schools' self-contained Behavior Education Support programming. His IEPs provided specialized instruction, behavioral support, and, initially, extended school year services. After A.H. moved to Dunbar High School, his 2024 IEP reduced specialized instruction from 22 to 20 hours per week and omitted extended school year services, while his academic performance remained substantially below grade level. The hearing officer found three IDEA violations but rejected several other claims and awarded 225 hours of compensatory education.

PROCEDURAL HISTORY

After a three-day IDEA due process hearing, the hearing officer found three IDEA violations but awarded only 225 hours of compensatory education out of the 2,800 hours requested. Plaintiff filed this federal action seeking review of that decision. The matter was referred to Magistrate Judge Harvey for full case management and a report and recommendation. The recommendation would remand for further consideration of extended school year services and compensatory education.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Remand to the IDEA hearing officer for further proceedings to determine whether A.H. was denied a FAPE because his 2023 and 2024 IEPs did not provide extended school year services, and to make an individualized,

qualitative, fact-intensive determination of the compensatory education award based on A.H.'s actual harm, unique needs, the services denied, the duration of the denials, and the progress A.H. could have made absent the violations.

CASES CITED

- School Committee of Burlington v. Department of Education, 471 U.S. 359, 368 (1985)
- Endrew F. ex rel. Joseph F. v. Douglas County School District RE-1, 580 U.S. 386, 398-400 (2017)
- Board of Education of Hendrick Hudson Central School District v. Rowley, 458 U.S. 176, 192, 202, 206-07 (1982)
- G.G. ex rel. Gersten v. District of Columbia, 924 F. Supp. 2d 273, 277-78 (D.D.C. 2013)
- Reid ex rel. Reid v. District of Columbia, 401 F.3d 516, 521-26 (D.C. Cir. 2005)
- Kerkam v. McKenzie, 862 F.2d 884, 887 (D.C. Cir. 1989)
- Davis v. District of Columbia, 244 F. Supp. 3d 27, 38 (D.D.C. 2017)
- N.G. v. District of Columbia, 556 F. Supp. 2d 11, 18 (D.D.C. 2008)
- J.T. v. District of Columbia, 496 F. Supp. 3d 190, 202-05, 207 (D.D.C. 2020)
- Lesesne ex rel. B.F. v. District of Columbia, 447 F.3d 828, 834 (D.C. Cir. 2006)
- Cooper v. District of Columbia, 77 F. Supp. 3d 32, 37 (D.D.C. 2014)
- Wade v. District of Columbia, 2021 WL 3507866, at *7 (D.D.C. Feb. 11, 2021)
- Middleton v. District of Columbia, 312 F. Supp. 3d 113, 130-32, 143, 145 (D.D.C. 2018)
- Eley v. District of Columbia, 47 F. Supp. 3d 1, 13, 16-18 (D.D.C. 2014)
- Aikens v. District of Columbia, 950 F. Supp. 2d 186, 188 n.2, 192 (D.D.C. 2013)
- Shipley v. District of Columbia, 2020 WL 13669941, at *8, *15 (D.D.C. Mar. 6, 2020)
- Z.B. v. District of Columbia, 888 F.3d 515, 519, 523-24, 528 (D.C. Cir. 2018)
- Sinclair ex rel. O.S. v. District of Columbia, 2020 WL 13442909, at *12 (D.D.C. Aug. 28, 2020)
- Beckwith v. District of Columbia, 208 F. Supp. 3d 34, 49 (D.D.C. 2016)
- Shelton v. Maya Angelou Public Charter School, 578 F. Supp. 2d 83, 103 (D.D.C. 2008)
- Dixon v. District of Columbia, 83 F. Supp. 3d 223, 231 (D.D.C. 2015)
- Savoy v. District of Columbia, 844 F. Supp. 2d 23, 34 (D.D.C. 2012)
- Wade v. District of Columbia, 322 F. Supp. 3d 123, 131-34 (D.D.C. 2018)
- Edward M.R. v. District of Columbia, 128 F.4th 290, 293-94 (D.C. Cir. 2025)
- J.B. ex rel. Belt v. District of Columbia, 325 F. Supp. 3d 1, 4, 9 (D.D.C. 2018)
- T.M. v. District of Columbia, 75 F. Supp. 3d 233, 246 (D.D.C. 2014)
- Simms v. District of Columbia, 2018 WL 4761625, at *14 (D.D.C. July 26, 2018)
- Cundiff-Enoch v. District of Columbia, 2024 WL 396451, at *10 (D.D.C. Feb. 2, 2024)
- Options Public Charter School v. Howe ex rel. A.H., 512 F. Supp. 2d 55, 57 (D.D.C. 2007)
- E.G.W. v. District of Columbia, 2025 WL 3019127, at *4 (D.D.C. Oct. 29, 2025)
- McNeil v. District of Columbia, 217 F. Supp. 3d 107, 115-17 (D.D.C. 2016)
- Wimbish v. District of Columbia, 381 F. Supp. 3d 22, 29 n.5 (D.D.C. 2019)

- B.D. v. District of Columbia, 817 F.3d 792, 797-99 (D.C. Cir. 2016)
- Boose v. District of Columbia, 786 F.3d 1054, 1056 (D.C. Cir. 2015)
- Branham v. District of Columbia, 427 F.3d 7, 9, 11 (D.C. Cir. 2005)
- Kelsey v. District of Columbia, 85 F. Supp. 3d 327, 337 (D.D.C. 2015)
- T.F. ex rel. Ellern-Feldman v. District of Columbia, 2025 WL 947524, at *8-10 (D.D.C. Mar. 2025)
- Brooks v. District of Columbia, 841 F. Supp. 2d 253, 258-60 (D.D.C. 2012)
- Anthony v. District of Columbia, 463 F. Supp. 2d 37, 44 n.6 (D.D.C. 2006)
- Thomas v. Arn, 474 U.S. 140 (1985)

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