

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-46**

March 18, 2015

Mr. Charles A Moran, Esq.

RE: FOIA Appeal 2015-46

Dear Mr. Moran:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537(a)(2001) ("DC FOIA"), dated March 9, 2015 (the "Appeal"). You ("Appellant") assert that District of Columbia Public Schools ("DCPS") improperly withheld records in response to your request for information under DC FOIA dated January 12, 2015 (the "FOIA Request") by failing to respond to the FOIA Request.

Appellant's FOIA Request sought records relating to policies, guidelines, directives, position statements of any documents intended to inform agency decisions related to "the determination of placement of, least restrictive environment for, or location services for students identified to be eligible for special education and related services under the federal Individuals with Disabilities Education Act, 20 U.S.C § 1400 et seq." When a response to the FOIA Request asserted that the records were exempt from disclosure under D.C. Code § 2-534(a)(4), Appellant initiated the Appeal.

Subsequent to the Appeal, by email dated March 16, 2015, Appellant notified DCPS that the Appeal was being withdrawn because DCPS had since provided you with the policy as originally requested and clarified which additional responsive documents were being withheld and why.

Based on the foregoing, we will now consider your Appeal to be moot and it is dismissed, without prejudice to challenge the response of DCPS.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you are free under DC FOIA to commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia.

Sincerely,

/s/ Sarah J Forman

Sarah Jane Forman
Associate Director
Mayor's Office of Legal Counsel (MOLC)