

**DISTRICT OF COLUMBIA
OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**

Student Hearing Office
810 First Street, N.E., 2nd Floor
Washington, DC 20002

OSSE
Student Hearing Office
July 14, 2014

STUDENT, ¹)	Date Issued: July 12, 2014
through her Parent,)	
Petitioner,)	Hearing Officer: Keith L. Seat, Esq.
)	
v.)	
)	
District of Columbia Public Schools)	
("DCPS"),)	
Respondent.)	
)	
)	
)	
)	

HEARING OFFICER DETERMINATION

Background

Petitioner, mother of Student, filed a due process complaint on 4/11/14, alleging that Student had been denied a free appropriate public education ("FAPE") in violation of the Individuals with Disabilities Education Improvement Act ("IDEA") because Petitioner has been seeking additional help from DCPS for her daughter, which has not been forthcoming. Even with the assistance of counsel, Petitioner has not been able to obtain her daughter's school records or assessments that may help determine the services Student needs. DCPS repeatedly made promises to provide the requested records, but failed to do so. DCPS indicated its willingness to work with Petitioner in providing additional assessments of Student, and completed one, while a second was delayed. DCPS further asserts that Student was not denied a FAPE and merely needs to avail herself of the services provided.

Subject Matter Jurisdiction

Subject matter jurisdiction is conferred pursuant to IDEA, 20 U.S.C. § 1400, *et seq.*; the implementing regulations for IDEA, 34 C.F.R. Part 300; Title V, Chapter E-30,

¹ Personally identifiable information is provided in Appendix A.

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of the District of Columbia Municipal Regulations (“D.C.M.R.”) and 38 D.C. Code 2561.02.

Procedural History

Following the filing of the due process complaint on 4/11/14, this Hearing Officer was assigned to the case on 5/27/14, after the case had initially been assigned to another Hearing Officer. DCPS filed its response to the complaint a day late, on 4/22/14 and made no challenge to jurisdiction.

Petitioner waived the resolution meeting, but DCPS did not, so it took place on 4/29/14. At that time, the parties did not agree to end the resolution period early, so the standard 30-day resolution period ended on 5/11/14. A final decision in this matter must be reached no later than 45 days following the end of the resolution period, as extended by a continuance granted upon motion of Petitioner, which requires a Hearing Officer Determination (“HOD”) by 7/12/14.

A prehearing conference was held on 5/29/14 and a Prehearing Order was issued on 5/31/14, and following Petitioner’s objections on 6/4/14, a Revised Prehearing Order was issued on 6/5/15.

The due process hearing was a closed hearing that took place on 6/30/14, beginning at 9:30 a.m., after being continued from 6/13/14, due to Petitioner’s Emergency Motion for Continuance.

The parties did not discuss settlement at the due process hearing. Neither party objected to the testimony of witnesses by telephone. Petitioner participated in the entire hearing in person.

DCPS made several admissions or acknowledgements at the beginning of the due process hearing that are discussed below and impact this HOD:

1. Through counsel, DCPS committed to forwarding promptly the index of documents concerning Student within the Special Education Data System (“SEDS”) database to Petitioner to determine what documents she does not have. DCPS further committed to forwarding to Petitioner the documents she identifies that she does not have. DCPS committed to contact the registrar of High School during the week of 6/30/14 and to obtain Student’s cumulative file and forward it to Petitioner.

2. DCPS acknowledged that Petitioner has consented to a Comprehensive Psychological evaluation which has not yet been completed due to the illness of the school psychologist.

3. DCPS stated that it has “no problem” performing all evaluations warranted and participating in an IEP meeting to make needed adjustments to Student’s IEP after evaluations are completed.

The parties stipulated that a Social History of Student has been completed recently (*see* R-11-6, dated 5/29/14).

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Petitioner's Disclosure statement, dated 6/6/14, consisted of a witness list of two witnesses and documents P-1 through P-21. Petitioner's documents were admitted into evidence without objection.²

Respondent's Disclosure statement, dated 6/5/14, consisted of a witness list of four witnesses and documents R-1 through R-13. Respondent's documents were admitted into evidence over Petitioner's objection to R-2 being admitted without redaction of settlement discussions at the resolution session, even though there was no confidentiality agreement in place covering such discussions.

Petitioner presented two witnesses in her case in chief (*see* Appendix A): (1) Petitioner, and (2) Special Education Teacher. Petitioner did not present any rebuttal witnesses.

Respondent rested on the record and did not put on any witnesses.

At the due process hearing, Petitioner withdrew two issues,³ so the issues to be determined in this Hearing Officer Determination are:

Issue 1 – Whether DCPS denied Student a FAPE by failing to conduct a triennial reevaluation and reevaluate her in all areas of suspected disability.

Issue 2 – Whether DCPS denied Student a FAPE by failing to provide access to or a copy of her complete educational records to Petitioner, thus rendering the March 2014 IEP meeting meaningless to determine Student's educational needs and appropriate special education services. The records should include reports from evaluations conducted by DCPS over the years Student has been a special education student, general education report cards, special education report cards, meeting notes, disciplinary records and other documents from her educational records.

Issue 3 – Whether DCPS denied Student a FAPE by failing to notify Petitioner that she has the right to request assessments/evaluations to determine whether or not Student continues to be a child with a disability and to determine Student's educational needs.

² Pursuant to the Prehearing Order issued in this case, failure to note objections to the opposing party's disclosures results in the disclosures being admitted without objection.

³ The two withdrawn issues were:

- (i) "Whether DCPS denied Student a FAPE by relying on a screening tool used for instructional purposes as an evaluation to determine eligibility for special education services and related services."
- (ii) "Whether DCPS denied Student a FAPE by failing to comply with the DCPS Individual Educational Evaluation Policy promulgated as a Chancellor's Directive in July 2008."

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Issue 4 – Whether DCPS denied Student a FAPE by failing to fund independent evaluations without undue delay when requested to do so by Petitioner on 4/8/14.

Petitioner requested the following relief:

1. DCPS to fund the following independent evaluations and pay reasonable fees, even if above the rates normally paid by DCPS:
 - a. Clinical Psychological Evaluation
 - b. Educational Evaluation
 - c. Speech/Language Evaluation
 - d. Occupational Therapy Evaluation
 - e. Adaptive Skills Evaluation
 - f. Assistive Technology Evaluation
 - g. Functional Behavioral Assessment
 - h. Psychiatric Evaluation (to look at bi-polar or other psychiatric disorders)
2. DCPS to convene an IEP meeting within 10 days of receiving the evaluations to review the evaluations, modify Student's IEP as needed, and determine appropriate placement.
3. DCPS to provide a complete copy of Student's educational records. These records should include, but not be limited to IEPs, MDT/IEP meeting notes, reports from evaluations, requests for evaluations, report cards, teacher reports, disciplinary records, attendance records, standardized testing, encounter tracker forms for all related services, and all records in her cumulative file, SEDS, CAASS, STARS, and any other database maintained by DCPS which contains records concerning Student. The document index from SEDS and a copy of the contact log from SEDS should also be provided.
4. Any other just and fair relief.

Findings of Fact

After considering all the evidence, as well as the arguments of both counsel, the Findings of Fact⁴ are as follows:

⁴ Footnotes in these Findings of Fact refer to the sworn testimony of the witness indicated or to an exhibit admitted into evidence. To the extent that the Hearing Officer has declined to base a finding of fact on a witness's testimony that goes to the heart of the issue(s) under consideration, or has chosen to base a finding of fact on the testimony of one witness when another witness gave contradictory testimony on the same issue, the Hearing Officer has taken such action based on the Hearing Officer's determinations of the credibility and/or lack of credibility of the witness(es) involved.

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1. Student is a resident of the District of Columbia. Petitioner is Student's mother ("Parent").⁵

2. A child with a disability, Student is classified with a Specific Learning Disability and has been a special education student since 1st Grade.⁶ Student is quiet and withdrawn and suffers from a range of problems, including depression, epilepsy and asthma.⁷

3. During the 2013/14 school year ("SY"), Student was in 9th Grade at High School, a general education school. Student is failing, with a GPA of 0.67 and reports from her teachers that she is failing their classes.⁸ Student's academic levels are much lower than her nominal 9th grade, with most areas equivalent to 4th grade and ranging in grade equivalence from 2.7 to 7.0.⁹ Further data might be contained in IEP progress reports, but Student has not received any for the 2013/14 SY from High School as she did in the past.¹⁰

4. Student has trouble following directions when there are several steps and even has trouble with her personal hygiene. Student doesn't fully understand when she is told things unless they are repeated 5-6 times.¹¹

5. Student has trouble with basic skills and only learned the days of the week this year. Student doesn't understand the work at school and can't do it. Student often refuses to go to school, but since she has gone on medication she is better about going to school.¹²

6. Parent sought additional services for Student at the 3/13/14 IEP meeting, wanting Student to be tested again to get additional support. Student is vulnerable and could easily be tricked or misled into leaving school with a stranger, and has epilepsy and serious asthma, so Parent objected at the IEP meeting to transportation being removed from Student's IEP.¹³

7. At school, Student is frequently bullied and harassed to the point that she tried to commit suicide several times. After she was punched by a girl from High School around Christmas 2013, Student got access to a .38 revolver and tried to kill herself, but didn't have bullets. Parent took Student to Children's Hospital where she received inpatient psychiatric care for 5 days.¹⁴

⁵ Parent.

⁶ R-11-4.

⁷ Parent.

⁸ P-11; P-10.

⁹ P-8-7.

¹⁰ P-12; Parent.

¹¹ Parent.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

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8. Parent went to High School in January 2014 and spoke with the Dean of the 9th Grade and Mr. C about Student being bullied and harassed, leading to Student's suicide attempt. Student was not reevaluated, and the Dean merely said the school would reprimand the children involved; those particular children have left Student alone since then. Other students at High School continue to harass Student, grabbing her inappropriately and at least one boy threatened her if she would not perform a sexual act on him. In March 2014, Student again attempted suicide by seriously cutting her wrists.¹⁵

9. Parent has had multiple interactions with Mr. W and Mr. C at High School and feels that they care about Student's wellbeing. Mr. W told Parent that High School is not appropriate for Student.¹⁶

10. Student's non-academic problems at school did not just begin this school year. While still at Middle School, Student was suspended for 45 days for taking a knife to school to protect herself from girls who were trying to "jump her."¹⁷

11. Harassment and fighting impact Student's ability to focus on schoolwork and stay on task.¹⁸

12. Student has been meeting with a psychologist since her suicide attempt at the end of 2013, and has been diagnosed as bipolar and having ADHD (attention deficit hyperactivity disorder). Parent conveyed those diagnoses to Mr. W and Mr. C at High School around April or May 2014.¹⁹

13. Parent doesn't remember attending a meeting at Middle School in 2012 to discuss whether Student was still eligible for special education services, nor does she recall being invited or such a meeting being held. Parent signed a consent form for evaluating Student in 2012, but was not aware that any evaluation had taken place. Parent never refused to consent to any evaluation of Student.²⁰

14. Student has missed a great deal of school, with 43 days of unexcused absences in the 2013/14 SY, due to depression and unwillingness to subject herself to bullying and academic failure.²¹ High School has a truancy plan for Student, but had not been able to get a copy to Parent.²² Parent did not know a truancy plan had been developed and did not receive an invitation to a meeting to discuss the issue.²³

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Parent; P-11; P-13.

²² R-2-4.

²³ Parent.

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15. On 3/13/14, Parent attended an IEP meeting at High School where she responded to questions from High School personnel about why Student is so often out of school, explaining that Student is depressed.²⁴

16. At the 3/13/14 IEP meeting, Parent questioned whether 15 hours of specialized instruction is sufficient for Student's IEP because Student is doing extremely poorly in school.²⁵

17. Student had a Psychological evaluation in April 2009, and Woodcock Johnson IIIs in April 2012 and February 2014, as well as a Social History dated 5/29/14.²⁶

18. Petitioner requested reevaluation of Student at the 4/29/14 resolution session and was told that DCPS would do so, but little has occurred.²⁷ Parent signed consent forms on 4/29/14 for disclosure and use of sensitive information and for Comprehensive Psychological and Social History evaluations, which are the only consents that Parent has been requested to sign.²⁸

19. Beginning in February 2014, Petitioner made ongoing efforts to obtain Student's educational records, through both written requests and by seeking to inspect Student's records at school, without success.²⁹ Petitioner requested records at the 4/29/14 resolution session meeting, but did not receive them.³⁰ Counsel for Petitioner went to High School to obtain the records, but was unable to do so. At the resolution session, a DCPS staff person said he was going to send Student's records to Petitioner, but they never arrived.³¹

20. SEDS is the Special Education Data System, which includes a document index and contact log for each special education student. STARS contains student records in addition to SEDS. CAASS contains disciplinary records. A student's cumulative file at DCPS contains the student's records and all testing of Student. Standardized testing records should follow a student from Middle School to High School.³²

Conclusions of Law

Based on the Findings of Fact above, the arguments of counsel, as well as this Hearing Officer's own legal research, the Conclusions of Law are as follows:

The overall purpose of the IDEA is to ensure that "all children with disabilities have available to them a free appropriate public education that emphasizes special

²⁴ *Id.*

²⁵ *Id.*

²⁶ Parent; P-9; P-8; P-4-2.

²⁷ Parent.

²⁸ Parent; R-3-1; R-4-2.

²⁹ P-18; P-19; P-20; R-2-3,4.

³⁰ R-2; Parent.

³¹ Parent.

³² Special Education Teacher.

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education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.” 20 U.S.C. § 1400(d)(1)(A). To that end, DCPS must have procedures in place to ensure that all children with disabilities, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located and evaluated. This obligation extends to children who are suspected of being a child with a disability and in need of special education, even though they are advancing from grade to grade. 34 C.F.R. 300.111, 5 D.C.M.R. E-3002.1(d).

The Act’s FAPE requirement is satisfied “by providing personalized instruction with sufficient support services to permit the child to benefit educationally from that instruction.” *Smith v. District of Columbia*, 846 F. Supp. 2d 197, 202 (D.D.C. 2012), citing *Bd. of Educ. of Hendrick Hudson Cent. Sch. Dist. v. Rowley*, 458 U.S. 176, 203, 102 S.Ct. 3034, 73 L.Ed.2d 690 (1982). The IDEA imposes no additional requirement that the services so provided be sufficient to maximize each child’s potential commensurate with the opportunity provided other children. *Rowley*, 458 U.S. at 198. Congress, however, “did not intend that a school system could discharge its duty under the [IDEA] by providing a program that produces some minimal academic advancement, no matter how trivial.” *Hall ex rel. Hall v. Vance County Bd. of Educ.*, 774 F.2d 629, 636 (4th Cir. 1985).

“Based solely upon evidence presented at the hearing, an impartial hearing officer shall determine whether the party seeking relief presented sufficient evidence to meet the burden of proof that the action and/or inaction or proposed placement is inadequate or adequate to provide the student with a FAPE.” 5 D.C.M.R. E-3030.3. The burden of proof is on the party seeking relief. *Schaffer v. Weast*, 44 IDELR 150 (U.S. 2005).

A Hearing Officer’s determination of whether a child received a FAPE must be based on substantive grounds. In matters alleging a procedural violation, a Hearing Officer may find that a child did not receive a FAPE only if the procedural inadequacies (i) impeded the child’s right to a FAPE; (ii) significantly impeded the parent’s opportunity to participate in the decision-making process regarding the provision of a FAPE to the parent’s child; or (iii) caused a deprivation of educational benefit. 34 C.F.R. 300.513(a). In other words, an IDEA claim is viable only if those procedural violations affected the child’s *substantive* rights.

Issue 1 – Whether DCPS denied Student a FAPE by failing to conduct a triennial reevaluation and reevaluate her in all areas of suspected disability.

Although Petitioner did not meet her burden of proof that DCPS has failed to conduct a triennial review in 2012, 34 C.F.R. 300.303(b)(2), Petitioner did meet her burden of proof that DCPS later failed to reevaluate Student in all areas of suspected disability as required by 34 C.F.R. 300.303(a) and 300.304(c)(4).

The IDEA requires that a reevaluation of each student with a disability be conducted at least once every three years or sooner, if Student’s parent or teacher requests a reevaluation, or if the Local Educational Agency (“LEA”) determines that the

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needs of the student warrant a reevaluation. 34 C.F.R. 300.303. From the documents in the record, it is clear to this Hearing Officer that DCPS conducted a Woodcock-Johnson III on 4/29/12, which was the basis for the IEP developed on 5/2/12. Indeed, the 5/2/12 IEP incorporates the detailed results of that educational assessment on P-4-2 (for Math), P-4-3,4 (for Reading), and P-4-5 (for Writing). This resulted in Student's special education services being increased from 8 hours/week in her 2011 IEP to 15 hours/week in 2012. P-3-7; P-4-6.

However, that is not the end of the analysis, because it has become evident since 2012, even if it was not clear then, that Student has additional areas of suspected disability that must be addressed in order for her to be able to access the curriculum and benefit from the education offered her. Specifically, Student's attempt to commit suicide in December 2013, which was reported by Petitioner to High School in January 2014; her further attempt to commit suicide in March 2014; and her high levels of truancy, should have alerted High School that other assessments beyond another Woodcock Johnson III were needed in early 2014. Petitioner has demonstrated that Student was suffering educational harm, as she was dramatically failing, with a GPA of 0.67 and testing at academic levels that are much lower than her nominal 9th grade, with most areas equivalent to 4th grade and a range in grade equivalency from 2.7 to 7.0. *See Loren F. ex rel. Fisher v. Atlanta Indep. Sch. Sys.*, 349 F.3d 1309, 1312 (11th Cir. 2003); *A.I. ex rel. Iapalucci v. District of Columbia*, 402 F.Supp.2d 152, 168 (D.D.C. 2005).

The IDEA regulations require that, as part of a special education evaluation, the LEA must administer assessments needed to gather data to determine both the educational needs and developmental needs of the child. 34 C.F.R. 300.305(a),(c). The LEA must ensure that the child is assessed in all areas related to her suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, communicative status and motor abilities. 34 C.F.R. 300.304(c)(4). It is the responsibility of Student's IEP team, on the basis of its review of existing data and input from Parent, to identify what additional data are needed to determine Student's needs. 34 C.F.R. 300.305(a)(2).

Accordingly, this Hearing Officer concludes that Student was denied a FAPE because she did not receive needed assessments as least by January 2014, when High School learned that Student had tried to kill herself following bullying at school.

While Petitioner has proven a violation of the reevaluation requirements, she has provided insufficient support for most of evaluations proposed as relief. Based on the testimony and documents in the record, this Hearing Officer concludes as follows:

1. The need for a Comprehensive Psychological evaluation was demonstrated by Petitioner based on the emotional and behavioral problems exhibited by Student. Indeed, a Comprehensive Psychological evaluation had been begun by DCPS after the 4/29/14 meeting, but was delayed by the illness of the school psychologist. DCPS is to complete the Comprehensive Psychological evaluation and deliver the completed report to counsel for Petitioner no later than 8/24/14, the day before classes begin for the 2014/15 SY, or fund an independent Comprehensive Psychological evaluation.

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2. Petitioner demonstrated the need for a separate Psychiatric Evaluation, based on Student's psychiatric history and needs following her suicide attempts and depression.
3. Petitioner also demonstrated the need for a Functional Behavioral Assessment ("FBA"), based on Student's high level of truancy, negative interactions with other classmates, including harassment and fighting, and in middle school receiving a lengthy suspension for taking a knife to school. An FBA, to be followed by development of a Behavioral Intervention Plan ("BIP"), is essential to addressing Student's behavioral difficulties which are impeding her learning. 34 C.F.R. 300.324(a)(2)(i) (in the case of a child whose behavior impedes the child's learning, the IEP team must consider the use of positive behavioral interventions and supports, and other strategies to address that behavior). *See Harris v. District of Columbia*, 561 F. Supp. 2d 63 (D.D.C. 2008).

Special education hearing officers have broad discretion in ordering relief for a denial of FAPE. *See, e.g., G.G. ex rel. Gersten v. District of Columbia*, 2013 WL 620379, *8 (D.D.C. 2013)

Other requested evaluations will not be required at this time based on the evidence in the record. For instance, an Occupational Therapy evaluation will not be ordered based on Parent's conclusory testimony that Student cannot write in cursive and a VMI score of "borderline" in a Psychological evaluation conducted over five years ago (P-9-3). However, DCPS is encouraged to cooperate with Petitioner in conducting or funding any additional evaluations that may be necessary or desirable based on information revealed by the evaluations required herein.

Issue 2 – Whether DCPS denied Student a FAPE by failing to provide access to or a copy of her complete educational records to Petitioner, thus rendering the March 2014 IEP meeting meaningless to determine Student's educational needs and appropriate special education services. The records should include reports from evaluations conducted by DCPS over the years Student has been a special education student, general education report cards, special education report cards, meeting notes, disciplinary records and other documents from her educational records.

Petitioner met her burden of proof that DCPS failed to provide Student's educational records to Petitioner or make them available for review despite numerous efforts to obtain or review them. Petitioner made repeated and ongoing efforts to obtain Student's educational records beginning in February 2014, but only received a portion of Student's records. Counsel for Petitioner went to High School to obtain Student's records, but was unable to do so. Petitioner requested and was promised records at the 4/29/14 resolution session meeting, but did not receive them.

Under the IDEA, DCPS must permit parents to inspect and review any education records, that are collected, maintained, or used by the agency, with respect to the identification, evaluation, and educational placement of their child, and the provision of a FAPE to the child. 34 C.F.R. 300.501(a), 300.613(a). *See Jalloh ex rel. R.H. v. District*

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of *Columbia*, 535 F. Supp. 2d 13, 21 (D.D.C. 2008) (“parents have the right to examine records and DCPS must give parents the opportunity to inspect, review, and copy records” quoting District of Columbia Municipal Regulations, 5 D.C.M.R. § 3021, and the Student Hearing Office - Standard Operating Procedures, SOP § 800.2). The right to educational records includes the “right to a response from the participating agency to reasonable requests for explanations and interpretations of the records”; the “right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records”; and the “right to have a representative of the parent inspect and review the records.” 34 C.F.R. 300.613(b)(1),(2),(3). See also, *Analysis of Comments and Changes*, 71 Fed. Reg. at 46645.

As noted in the list of DCPS admissions and acknowledgements above, at the beginning of the due process hearing in this case, DCPS committed to forwarding promptly to Petitioner the index of documents concerning Student within the SEDS database, and to follow up and provide all documents that Petitioner does not have. DCPS further committed to obtain and forward Student’s cumulative file to Petitioner. However, the regulations are clear that the “agency must comply with a request without unnecessary delay and *before . . . any hearing. . . .*” 34 C.F.R. 300.613(a) (emphasis added).

Accordingly, in the circumstances of this case, the failure of DCPS to provide documents rises to the level of a denial of a FAPE to Student because it significantly impeded Parent’s opportunity to participate in the decision-making process regarding the provision of a FAPE to Student in the 3/13/14 IEP meeting and to pursue her rights pursuant to 34 C.F.R. 300.507. 34 C.F.R. 300.513(a), 300.613(a).

Issue 3 – Whether DCPS denied Student a FAPE by failing to notify Petitioner that she has the right to request assessments/evaluations to determine whether or not Student continues to be a child with a disability and to determine Student’s educational needs.

Petitioner did not meet her burden of proof on this issue. Notwithstanding certain categorical statements in her testimony, Petitioner did not prove that DCPS had violated (i) 34 C.F.R. 300.305(d)(ii) by failing to notify Petitioner of her right to request an assessment, or (ii) 34 C.F.R. 300.504(a) by not providing procedural safeguards once a year to Petitioner.

Issue 4 – Whether DCPS denied Student a FAPE by failing to fund independent evaluations without undue delay when requested to do so by Petitioner on 4/8/14.

Petitioner did not meet her burden of establishing a denial of a FAPE due to DCPS’s refusal to provide independent evaluations at public expense, as there was no indication that Petitioner disagreed with a DCPS evaluation, 34 C.F.R. 300.502(b), or that DCPS ignored requests from Petitioner over a period of time for evaluation of Student. However, an independent evaluation is part of the relief for Issue 1 above.

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ORDER

Petitioner has met her burden of proof as set forth above. Accordingly, **it is hereby ordered that:**

(1) DCPS shall complete the Comprehensive Psychological evaluation that DCPS began after 4/29/14, and deliver it to counsel for Petitioner no later than 8/24/14. In the alternative, DCPS may provide a letter of funding for an independent Comprehensive Psychological evaluation if it cannot or chooses not to complete the evaluation by 8/24/14.

(2) DCPS shall convene a multidisciplinary team meeting within 20 school days of completion of the Comprehensive Psychological evaluation to determine if any other assessments are necessary or desirable, and to review and modify Student's IEP as appropriate.

(3) DCPS shall provide a letter of funding within 10 business days for an independent Psychiatric evaluation.

(4) DCPS shall conduct a Functional Behavioral Assessment within 20 school days from the beginning of the 2014/15 SY.

(5) DCPS shall develop a draft Behavioral Intervention Plan based on the FBA in (4) above, and have the draft BIP available at the multidisciplinary team meeting required in (6) below for review and finalization.

(6) DCPS shall convene a multidisciplinary team meeting within 20 school days after receiving the results from (3) and (4) above, to review and modify Student's IEP as appropriate, and to review and finalize the BIP required in (5) above.

(7) DCPS shall provide all educational records of Student, including the document index from SEDS and a copy of the contact log from SEDS, to Petitioner's counsel within 20 school days, along with a letter (i) certifying that all of Student's educational records are being provided, (ii) stating in detail where the records are from, and (iii) stating in detail what databases and paper files have been reviewed to gather Student's records.

(8) Any delay attributable to Parent, Student, or Parent's counsel will extend on a day-for-day basis any due dates for action by DCPS set forth above.

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(9) Any and all other claims and requests for relief are **dismissed with prejudice**.

IT IS SO ORDERED.

Dated in Caption

/s/ *Keith Seat*

Keith L. Seat, Esq.
Hearing Officer

NOTICE OF RIGHT TO APPEAL

This is the final administrative decision in this matter. Any party aggrieved by this Hearing Officer Determination may bring a civil action in any state court of competent jurisdiction or in a District Court of the United States without regard to the amount in controversy within ninety (90) days from the date of the Hearing Officer Determination in accordance with 20 U.S.C. § 1415(i).