

District of Columbia
Office of the State Superintendent of Education
Office of Review and Compliance
Student Hearing Office

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Confidential

<p>STUDENT¹, by and through his Parent</p> <p>Petitioners,</p> <p>v.</p> <p>District of Columbia Public Schools</p> <p>Respondent.</p>	<p>HEARING OFFICER'S DETERMINATION</p> <p>July 3, 2009</p> <p><u>Representatives:</u></p> <p>Counsel for Petitioners: Donovan Anderson, Esq.</p> <p>Counsel for DCPS: Laura George, Esq.</p> <p><u>Hearing Officer:</u> Kimm H. Massey, Esq.</p>
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¹ Personally identifiable information is attached as Appendix A to this decision and must be removed prior to public distribution.

I. JURISDICTION

The Due Process hearing was scheduled and this Order is written pursuant to the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA), 20 U.S.C. §§ 1400 et. seq., the implementing regulations for IDEIA, 34 C.F.R. Part 300, and Title V, Chapter 30, of the District of Columbia Municipal Regulations ("D.C.M.R.").

II. PROCEDURAL BACKGROUND

On May 20, 2009, counsel for Parent and Student ("Petitioner's counsel") filed a Due Process Complaint Notice ("Complaint") against the District of Columbia Public Schools ("DCPS"), alleging that DCPS (1) failed to complete a mandatory three-year evaluation of Student, (2) provided an inappropriate individualized educational program ("IEP"), and (3) provided an inappropriate school program.

The Student Hearing Office ("SHO") set a prehearing conference date and a provisional due process hearing date. However, on May 22, 2009, DCPS filed with the SHO a letter waiving the resolution session for this case. Thereafter, the hearing officer placed the case on a 45-day timeline and reset the prehearing conference and due process hearing for June 12, 2009 and June 23, 2009, respectively.

The hearing officer convened the prehearing conference on June 12, 2009, as scheduled, and led the parties through a discussion of the issues, defenses, relief sought, and related matters. During the conference, Petitioner's counsel advised the hearing officer (1) that an IEP meeting had been held for Student on June 8, 2009, at which time Student's IEP hours were increased, and (1) that on June 11, 2009, DCPS issued a letter authorizing independent comprehensive psychological and speech/language evaluations for Student. In light of those two developments, Petitioner's counsel represented that if DCPS would enter into a stipulation concerning the timing of the IEP meeting to review Student's evaluation reports, Petitioner would dismiss its Complaint. DCPS subsequently agreed to the follow stipulation: Within 15 business days of receipt of Student's independent evaluation reports, DCPS agrees to convene an IEP meeting to review the evaluations and update the IEP as needed. The hearing officer thereafter brought the prehearing conference to a close.

On June 19, 2009, the hearing officer issued a Final Administrative Order Requiring Parties to Proceed Pursuant to Representations at the Prehearing Conference, wherein the hearing officer required DCPS to comply with its stipulation and Petitioner to dismiss its Complaint.

On June 23, 2009, Petitioner filed with the SHO a letter withdrawing its Complaint.

III. ORDER

IN ACCORDANCE WITH THE FOREGOING, it is hereby ordered:

1. This matter is now **CLOSED**.

/s/ Kimm H. Massey

Kimm H. Massey, Esq.
Impartial Due Process Hearing Officer

Dated this 3rd day of July, 2009.

NOTICE OF APPEAL RIGHTS

This is the final administrative decision in this matter. Any party aggrieved by the findings and decision may appeal to a State court of competent jurisdiction or a district court of the United States, without regard to the amount in controversy, within 90 days from the date of the decision pursuant to 20 U.S.C. § 1415(i)(2).