

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

Student Hearing Office
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STUDENT HEARING OFFICE
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Confidential

STUDENT, through the legal guardian ¹)	Complaint Filed: August 28, 2009
)	
Petitioner,)	Prehearing Order: October 14, 2009
)	
v.)	Hearing Date: October 26, 2009
)	
THE DISTRICT OF COLUMBIA)	Docket No. 2009-1227
PUBLIC SCHOOLS)	
)	
Respondent.)	
)	
Student Attending:)	
)	

ORDER

Counsel for Petitioner:	Zachary Nahass, Esquire James E. Brown & Associates 1220 L Street, N.W. Suite 700 Washington, D.C. 20005 (202) 742-2000; Fax: (202) 742-2098
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Counsel for DCPS:	Harsharen Bhuller, Esquire Office of the General Counsel, DCPS 825 North Capitol Street, N.E.; 9 th Floor Washington, D.C. 20002
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¹ Personal identification information is provided in Appendix A.

The first ordering clause in the Hearing Officer's Decision issued on October 30, 2009 contained a typographical error requiring DCPS to convene a Multidisciplinary Team ("MDT") meeting last year.

ORDER

Upon reconsideration of the record in this proceeding, this 10th day of November 2009, it is hereby

ORDERED, that on or before November 25, 2009, DCPS shall convene an MDT meeting. DCPS shall coordinate scheduling an MDT meeting with Petitioner's counsel, Zachary Nahass, Esquire. The MDT shall review all current evaluations and assessments and discuss placement alternatives for the remainder of the 2009-2010 school year.

IT IS FURTHER ORDERED, that DCPS shall afford Petitioner's parent an opportunity to participate in any meeting in which Petitioner's placement is discussed or determined. The DCPS placement representative shall advise Petitioner's parent of the advantages and disadvantages for Petitioner with respect to each school that is discussed, including any schools proposed by the parent. DCPS shall provide Petitioner's parent an explanation for the placement DCPS proposes, and the reasons for the proposal shall be provided in the Meeting Notes. DCPS shall issue a Prior Notice within seven days if Petitioner is placed in a public facility or within 30 days if Petitioner is placed in a private facility.

IT IS FURTHER ORDERED, that in the event of DCPS' failure to comply with the terms of this Order, Petitioner's counsel will contact the appropriate DCPS Placement Specialist and the DCPS Office of Special Education ("OSE") Resolution Team to attempt to bring the case into compliance prior to filing a hearing request alleging DCPS' failure to comply.²

IT IS FURTHER ORDERED, that any delay in meeting any of the deadlines in this Order because of Petitioner's absence or failure to respond promptly to scheduling requests, or that of Petitioner's representatives, will extend the deadlines by the number of days attributable to Petitioner or Petitioner's representatives. DCPS shall document with affidavits and proofs of service for any delays caused by Petitioner or Petitioner's representatives.

IT IS FURTHER ORDERED, that this Order is effective immediately.

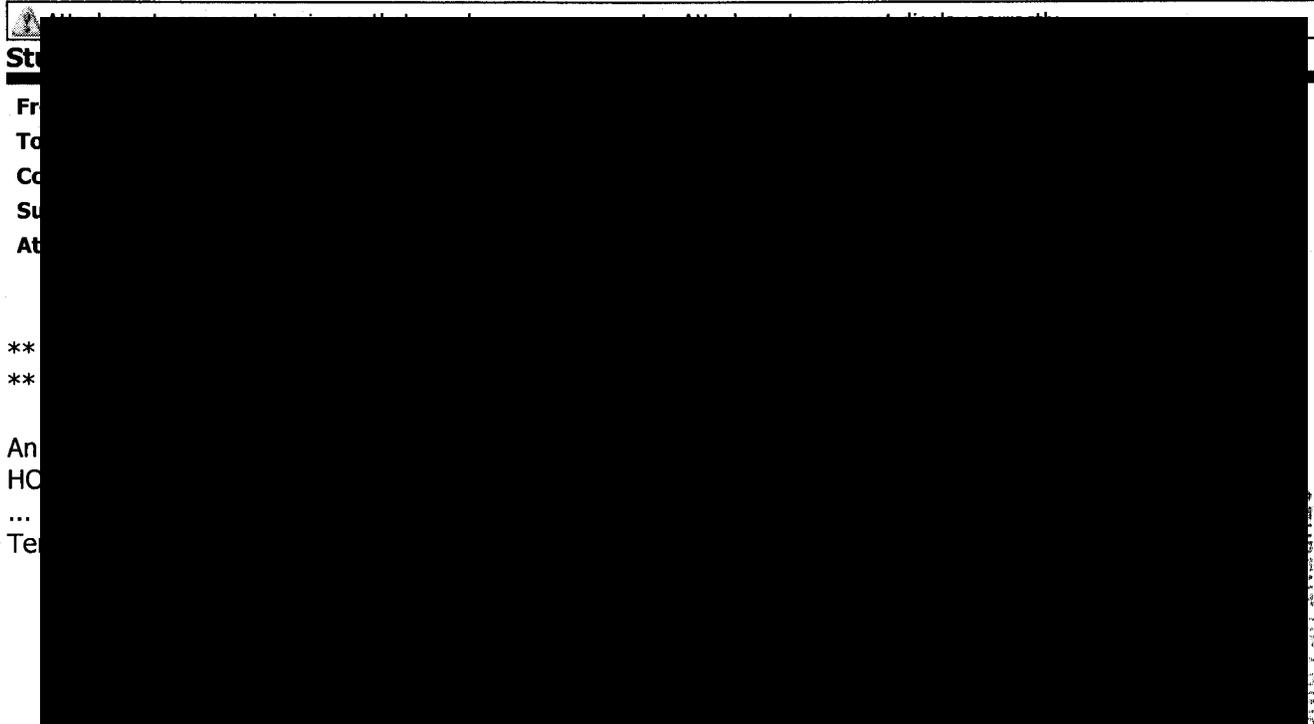
² If DCPS fails to coordinate scheduling the MDT meeting by a date that would make compliance with this Order feasible, Petitioner's counsel shall initiate telephone calls and electronic correspondence to attempt to effect compliance within the timelines set out herein.

Notice of Right to Appeal Hearing Officer's Decision and Order

The final administrative decision in this matter was issued on October 30, 2009. Any party aggrieved by the findings and/or decision 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 of the entry of the Hearing Officer's Decision, in accordance with 20 U.S.C. Section 1415(i)(2)(B).

_____/s/_____
Terry Michael Banks
Hearing Officer

Date: November 10, 2009



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