

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 guardian¹)
)
 Petitioner,)
)
 v.)
)
)
 THE DISTRICT OF COLUMBIA)
 PUBLIC SCHOOLS,)
)
 Respondent.)
)

Hearing Dates: September 23, 2009,
September 28, 2009

HEARING OFFICER DETERMINATION

Counsel for Petitioner: Christopher Anwah, Attorney at Law
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¹ Personal identification information is provided in Attachment A.

I. JURISDICTION

This proceeding was invoked in accordance with the rights established under the Individuals With Disabilities Education Improvement Act of 2004 (“IDEIA”), 20 U.S.C. Sections 1400 et seq., Title 34 of the Code of Federal Regulations, Part 300; Title V of the District of Columbia (“District” or “D.C.”) Municipal Regulations (“DCMR”), re-promulgated on February 19, 2003; and Title 38 of the D.C. Code, Subtitle VII, Chapter 25.

II. BACKGROUND

Petitioner is the mother of a [REDACTED] student (“Student”) at a District of Columbia charter preschool (“charter school”) that serves as its own local education agency (LEA). Both Petitioner and the Student reside in the District of Columbia.

On July 17, 2009, Petitioner filed a Due Process Complaint Notice (“Complaint”) on behalf of the Student and against the charter school LEA (“Respondent”) and the District of Columbia Public Schools (“DCPS”).² In the Complaint, Petitioner alleges that Respondent failed to provide the Student with an appropriate individualized educational program (“IEP”) because the Student’s May 19, 2008, and June 11, 2009, IEPs fail to specify that all of the Student’s specialized instruction should be provided outside the general education environment; rather, they provide that the Student should receive two hours of specialized instruction per week in a special education setting and ten hours of specialized instruction in the general education setting. Petitioner alleges that the least restrictive environment (“LRE”) section of these IEPs provide that the Student’s instruction must be provided outside the general education setting. Petitioner alleges that the June 11, 2009, IEP is inappropriate because it does not have goals and objectives that can provide the Student educational benefit. Petitioner further alleges that the goals and objectives on both IEPs are not appropriate because Petitioner was not part of the team that drafted them.

In the Complaint, Petitioner alleges that Respondent failed to convene a placement meeting,³ and failed to provide the Student with an appropriate educational placement for the 2009-2010 school year. Petitioner further alleges that Respondent failed to provide the Student with appropriate services to address the Student’s hearing impairment.⁴

² Apparently, counsel for Petitioner failed to ascertain whether Respondent was one of the charter schools in the District of Columbia that serves as its own local education agency. The Complaint contained no allegations against DCPS.

³ During the prehearing conference, this Hearing Officer informed counsel for Petitioner that the failure to convene a meeting is a procedural issue over which this Hearing Officer has no jurisdiction unless Petitioner can show that the Student was harmed by the procedural violation.

⁴ It is unclear from the face of the Complaint whether Petitioner is alleging that the Student’s IEP is inappropriate because it lacks related services or other provisions that address the Student’s hearing impairment or whether she alleges that Respondent failed to implement the provisions in the Student’s IEP that address the Student’s hearing impairment.

Petitioner sought relief in the form of an order requiring Respondent to (1) fund the Student's placement at a District of Columbia non-public school and (2) convene a meeting of the multidisciplinary team ("MDT") to review and revise the Student's IEP.

On July 27, 2009, DCPS filed a motion to dismiss on the grounds that it was not a proper party to this Complaint. This Hearing Officer issued an order dismissing DCPS from this case on September 23, 2009.

On July 27, 2009, counsel for Respondent filed an Answer to Due Process Complaint ("Answer"). Among the specific assertions in the Answer, Respondent asserts (1) the Student's June 11, 2009, IEP is appropriate; (2) the Student's educational setting is "ideal for her development;" and (3) the Student made significant educational progress during the 2008-2009 school year. Respondent asserts that the MDT discussed the goals and objectives of the Student's May 19, 2008, and June 11, 2009, IEPs, that Petitioner participated in these discussions, and that Petitioner consented and agreed to the contents of these IEPs.

Respondent asserts that placement was discussed at the June 11, 2009, IEP meeting, the MDT determined that the Student would benefit from a combination setting, and Petitioner participated in the meeting. Respondent asserts that the MDT, including Petitioner, discussed placement and potential schools for the Student at the June 11, 2009, meeting. Respondent asserts that Petitioner also participated in kindergarten readiness workshops, which Respondent held for parents throughout the second semester of the 2008-2009 school year to assist parents in determining where to enroll their children for kindergarten. Respondent asserts that it informed Petitioner that the Student was aging out of its charter school and that Petitioner could either enroll the Student in another LEA school or a DCPS school. Finally, Respondent denies that it failed to provide the Student with appropriate special education services.

The due process hearing commenced on September 23, 2009. The parties' Five-Day Disclosures were admitted into evidence at the inception of the hearing.⁵ This Hearing Officer then granted Respondent's motion *in limine* and excluded Petitioner Supplemental Disclosure, Exhibit 15, which was filed after the five-day disclosure and created after the Complaint was filed. This Hearing Officer also ruled that Petitioner would be barred from presenting any testimony related to this exhibit.

This Hearing Officer orally denied Respondent's Motion to Dismiss. Respondent sought dismissal of the Complaint on the grounds that Petitioner failed to participate in the resolution session in good faith and that the Complaint contains numerous incorrect factual assertions. The Hearing Officer denied the motion after finding that Petitioner participate in the resolution session and that Respondent failed to show that Petitioner had failed to state a claim upon which

⁵ Petitioner's Exhibit 9 was admitted into evidence over Petitioner's objection after this Hearing Officer ruled that it was relevant and admissible. Petitioner withdrew Petitioner Exhibit 12, and this Hearing Officer did not admit Petitioner 14, which was a curriculum vitae for a witness who would not be testifying.

relief could be granted or assert any other affirmative defense that would warrant dismissal of the Complaint.⁶

Counsel for Petitioner then informed the Hearing Officer and counsel for Respondent that he would not be proceeding on all the claims asserted in the Complaint. Counsel for Petitioner narrowed Petitioner's claims to (1) whether Respondent failed to include Petitioner in the development of the goals and objectives on the Student's May 19, 2008, and June 11, 2009, IEPs; and (2) whether Respondent failed to provide the Student an appropriate placement for the 2009-2010 school year. Counsel for Petitioner represented that Petitioner is not willing to challenge the contents of the IEP.

III. RECORD

Due Process Complaint Notice, filed July 17, 2009;
DCPS Response and Motion to Dismiss Parent's Administrative Due Process Complaint, filed July 27, 2009;
Respondent's Answer to Due Process Complaint, filed July 27, 2009;
Respondent's Motion to Dismiss, filed September 11, 2009;
Petitioner's Response to Motion to Dismiss, filed September 16, 2009;
Petitioner's Five-Day Disclosure Statement, listing at least three witnesses⁷ and including fourteen proposed exhibits, filed September 16, 2009;
Respondent's Five-Day Disclosure; listing six witnesses and including sixteen proposed exhibits, filed September 16, 2009;
Respondent's Objection and Motion to Prohibit Introduction of Supplemental Disclosure, filed September 21, 2009;
Prehearing Order, issued September 23, 2009;
Joint Motion for Continuance, filed September 24, 2009;
Petitioner's Motion in Brief, filed September 28, 2009;⁸

⁶ See Fed. R. Civ. P. 26 (b). The Federal Rules of Civil Procedure require only that a complaint contain "a short and plain statement of the claim showing that the pleader is entitled to relief," in order to "give the defendant fair notice of what the . . . claim is and the grounds upon which it rests." *Hinson v. Merritt Educational Center*, 512 F. Supp. 2d 22, 26 (D.D.C. 2007) (reciting pleading standard for due process hearings pursuant to the IDEIA and citing, e.g., *Conley v. Gibson*, 355 U.S. 41, 47, (1957)). Detailed factual allegations are not necessary to withstand a *Rule 12 (b)(6)* motion to dismiss. *Id.* A pleading "must contain something more than a statement of facts that merely creates a suspicion of a legally cognizable right of action on the assumption that all the allegations in the complaint are true (even if doubtful in fact)." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 554-55 (2007).

⁷ The Hearing Officer never received a complete copy of Petitioner's disclosures. On the first day of the due process hearing, the Hearing Officer received a copy of Petitioner's disclosures that did not include the full list of witnesses or all of the exhibits. Counsel for Petitioner provided the Hearing Officer a complete set of exhibits at the second day of the due process hearing, but it lacked the entire list of Petitioner's witnesses.

Respondent's Brief, filed September 29, 2009;
Continuance Order, issued October 4, 2009; and
Revised Continuance Order, issued October 8, 2009.

IV. ISSUES PRESENTED

This Hearing Officer interprets Petitioner's claims as essentially:

A. Whether Respondent denied the Student a free, appropriate, public education by preventing Petitioner from participating in the Student's education in failing to include her in the development of the goals and objectives on the Student's IEPs; and

B. Whether Respondent failed to provide the Student an appropriate educational placement for the 2009-2010 school year.

Petitioner seeks as remedies an order requiring Respondent to hold an IEP meeting to develop a new IEP for the Student with Petitioner's participation and requiring Respondent to fund the Student's placement at the non-public school for the 2009-2010 school year.

V. FINDINGS OF FACT

1. The Student is a [REDACTED] hearing-impaired special-education student who attends a District of Columbia nonpublic school.⁹ The Student previously attended preschool at a District of Columbia charter school that serves as its own local educational agency ("LEA").¹⁰

2. When the Student began attending the charter school, she was in a full-time, out-of-general-education setting.¹¹ After a few months, Petitioner and the other members of the MDT decided that the Student should be educated among regularly developing peers to assist her progress.¹² Petitioner agreed that the Student would receive only two hours of pull-out instruction and that the rest of the time the Student would be educated in the general education classroom with assistance from a special education teacher.¹³

3. Petitioner participated in IEP meetings on May 19, 2008, and June 11, 2009.¹⁴ The charter school Special Education Coordinator, the Student's classroom teacher, the Student's special education teacher, and the Student's speech-language pathologist also participated in both

⁸ This brief was due on September 25, 2009, and was not a motion but a legal brief on an issue raised in the due process hearing.

⁹ Testimony of Petitioner.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

IEP meetings.¹⁵ A representative of the non-public school also participated in the June 11, 2009, IEP meeting.¹⁶

4. At the May 19, 2008, IEP meeting, the IEP team, which included Petitioner, discussed the goals that would be incorporated into the Student's IEP that was developed at the meeting.¹⁷ The team also discussed the Student's placement, i.e., the educational setting in which she would receive academic instruction.¹⁸ The IEP team decided to place the Student in an inclusion setting with accommodations.¹⁹ The Student's May 19, 2008, IEP reflects placement considerations and the reasons why the Student was placed in a combination, or inclusion, setting.²⁰ Petitioner signed this IEP and was in agreement with the team's placement decision.²¹

5. At the June 11, 2009, IEP meeting, the team developed goals and objectives for the Student's speech services and specialized instruction.²² The Student's special education teachers and speech therapist discussed the Student's progress, the goals she had not yet mastered, and the goals and objectives of the Student's June 11, 2009, IEP.²³ The representative of the non-public school shared her impressions of the Student and suggested specific goals and accommodations for the Student.²⁴ All of the goals discussed at the June 11, 2009, meeting were later incorporated into the Student's IEP.²⁵ These goals were aligned with the kindergarten learning standards because Petitioner and the IEP team agreed that the Student would be entering kindergarten for the 2009-2010 school year.²⁶

6. The team also discussed the setting for the Student's instruction and the accommodations she would require.²⁷

7. After the May 19, 2008, and June 11, 2009 IEP meetings, Petitioner received a completed IEP for the Student.²⁸ She never contacted the charter school or otherwise attempted to communicate that she disagreed with the goals and objectives on the Student's May 19, 2008, or June 11, 2009, IEPs.²⁹ Petitioner never requested another IEP meeting to discuss or revise the Student's goals and objectives for either IEP.³⁰

¹⁵ Petitioner Exhibits 4, 5.

¹⁶ *Id.*; testimony of Petitioner, non-public school representative.

¹⁷ Testimony of charter school special education coordinator ("SEC").

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Respondent Exhibit 6, p. 50.

²¹ *Id.*; testimony of charter school SEC.

²² Testimony of non-public school representative, who testified on behalf of Petitioner.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ Testimony of Student's charter school special education teacher.

²⁷ Testimony of non-public school representative.

²⁸ Testimony of Petitioner.

²⁹ *Id.*

³⁰ *Id.*

8. At the June 11, 2009, IEP meeting, the MDT discussed that the Student required a small setting with amplification modifications to address the Student's hearing loss.³¹ Petitioner and the other members of the MDT discussed the Student's placement, i.e., the number of hours each week that the Student would be educated in the special education setting and the number of hours she would be educated in the general education setting.³² They also discussed the Student's need for speech therapy and specialized instruction.³³

9. Petitioner never received a prior notice of placement for the Student at the end of the 2008-2009 school year.³⁴ Petitioner attended kindergarten readiness workshops at the charter school.³⁵ At these workshops, Petitioner was provided a list of the Student's neighborhood DCPS schools as well as DCPS enrollment requirements.³⁶ The charter school also provided Petitioner a book listing all the DCPS public and charter schools, independent charter school LEAs, and non-public schools in the District of Columbia.³⁷

10. At the end of the 2008-2009 school year, the Student was prepared to enter kindergarten.³⁸ Petitioner agreed that the Student should enter kindergarten for the 2009-2010 school year.³⁹ Thus, the Student could no longer attend the charter school because it is a pre-kindergarten school that does not have kindergarten classes and does not serve students in kindergarten.⁴⁰

11. Petitioner subsequently enrolled the Student at a DCPS elementary school.⁴¹ The Student never attended the DCPS elementary school.⁴² Petitioner enrolled the Student in the non-public school on September 8, 2009.⁴³

12. The non-public school would be able to implement the Student's IEP.⁴⁴ The Student would have access to regularly developing students at the non-public school.⁴⁵ The non-public school would be able to provide the specialized instruction and related services required by the Student's IEP.⁴⁶

13.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ Testimony of Petitioner.

³⁵ *Id.*

³⁶ *Id.*; testimony of charter school SEC.

³⁷ Testimony of charter school SEC.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Testimony of Petitioner.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Testimony of non-public school representative.

⁴⁵ *Id.*

⁴⁶ *Id.*

VI. CREDIBILITY DETERMINATIONS

Petitioner's testimony was not entirely credible. Specifically, her testimony regarding the discussion of the Student's IEP goals at the June 11, 2009, IEP meeting was contradicted by her own witness, the director of clinical services at the non-public school the Student currently attends. The clinical director of the non-public school and all of Respondent's witnesses testified consistently, and thus this Hearing Officer finds that their testimony was credible.

VII. CONCLUSIONS OF LAW

The burden of proof is properly placed upon the party seeking relief.⁴⁷ Under IDEIA, a Petitioner must prove the allegations in the due process complaint by a preponderance of the evidence.⁴⁸

IDEA guarantees children with disabilities the right to a free and appropriate public education with services designed to meet their individual needs.⁴⁹ FAPE is defined as:

[S]pecial education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the SEA...include an appropriate preschool, elementary school, or secondary school education in the State involved; and are provided in conformity with the individualized education program (IEP)...⁵⁰

Special education is defined as "specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability."⁵¹ FAPE "consists of educational instruction specially designed to meet the unique needs of the handicapped child, supported by such services as are necessary to permit the child to benefit from the instruction."⁵²

DCPS is obligated to provide a FAPE "for all children residing in the state between the ages of 3 and 21, inclusive."⁵³ In deciding whether DCPS provided the Student a FAPE, the inquiry is limited to (a) whether DCPS complied with the procedures set forth in IDEIA; and (b)

⁴⁷ *Schaffer v. Weast*, 546 U.S. 49, 56-57 (2005).

⁴⁸ 20 U.S.C. § 1415 (i)(2)(c). *See also Reid v. District of Columbia*, 401 F.3d 516, 521 (D.C. Cir. 2005) (discussing standard of review).

⁴⁹ 20 U.S.C. §§ 1400(d)(1)(A), 1412(a)(1).

⁵⁰ 20 U.S.C. § 1401(9), 34 C.F.R. § 300.17, 30 DCMR Sec. § 3001.1.

⁵¹ 20 U.S.C. § 1401(28), 34 C.F.R. § 300.39, 30 DCMR Sec. § 3001.1.

⁵² *Bd. of Education v. Rowley*, 458 U.S. 176, 188-89 (1982) (citation omitted).

⁵³ 34 C.F.R. § 300.101.

whether the Student's IEP reasonably calculated to enable the Student to receive educational benefits.⁵⁴

In matters alleging a procedural violation, a hearing officer may find that the child did not receive FAPE only if the procedural inadequacies impeded the child's right to FAPE, significantly impeded the parent's opportunity to participate in the decision-making process regarding provision of FAPE, or caused the child a deprivation of educational benefits.⁵⁵ In other words, an IDEA claim is viable only if those procedural violations affected the student's *substantive rights*.⁵⁶

Once a procedurally proper IEP has been formulated, a reviewing court should be reluctant indeed to second-guess the judgment of education professionals.⁵⁷ The court should not "disturb an IEP simply because [it] disagree[s] with its content."⁵⁸ The court is obliged to "defer to educators' decisions as long as an IEP provided the child the basic floor of opportunity that access to special education and related services provides."⁵⁹

VIII. DISCUSSION

For the reasons explained below, this Hearing Officer finds that Petitioner's claims had no foundation in fact and were frivolous.

A. Petitioner Failed to Prove that Respondent Denied the Student A FAPE by Failing to Include Petitioner in the Development of the Goals and Objectives on the Student's IEPs.

The adequacy of a student's IEP is determined by whether the student has "access to specialized instruction and related services which are individually designed to provide educational benefit to the handicapped child."⁶⁰ IDEA does not require that the services provided maximize each child's potential.⁶¹

In developing an IEP, the IEP team must consider the strengths of the child; concerns of the parents for enhancing the education of the child; the results of the initial or most recent

⁵⁴ *Rowley* at 206-207.

⁵⁵ 20 U.S.C. § 1415 (f)(3)(E)(ii).

⁵⁶ *Lesesne v. District of Columbia*, 447 F.3d 828, 834 (D.C. Cir. 2006) (emphasis in original; internal citations omitted). *Accord, Kruvant v. District of Columbia*, 99 Fed. Appx. 232, 233 (D.C. Cir. 2004) (denying relief under IDEA because "although DCPS admits that it failed to satisfy its responsibility to assess [the student] for IDEA eligibility within 120 days of her parents' request, the [parents] have not shown that any harm resulted from that error").

⁵⁷ *Tice v. Botetourt County School Board*, 908 F.2d 1200, 1207 (4th Cir. 1990) (internal citation and quotations omitted).

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Rowley*, 458 U.S. at 201 (1982).

⁶¹ *Id.* at 198.

evaluation of the child; and the academic, developmental, and functional needs of the child.⁶² An IEP must include a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum.⁶³

An IEP also must include a statement of measurable annual goals.⁶⁴ For children with disabilities who take alternate assessments aligned to alternate academic achievement standards, the IEP must contain a description of benchmarks or short-term objectives.⁶⁵ If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or district-wide assessment of student achievement, the IEP must include a statement of why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the child.⁶⁶

IDEA also guarantees parents of disabled children the opportunity to participate in the evaluation and placement process.⁶⁷ One of the policies underlying the need for an accurate written IEP is "to serve a parent's interest in receiving full appraisal of the educational plan for her child, allowing a parent both to monitor her child's progress and determine if any change to the program is necessary."⁶⁸

Thus, DCPS must ensure that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of the parent's child.⁶⁹ Procedural inadequacies that seriously infringe the parents' opportunity to participate in the IEP formulation process clearly result in the denial of a free and appropriate public education ("FAPE").⁷⁰

If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the public agency must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.⁷¹ A placement decision may be made by a group without the involvement of a parent, if the public agency is unable to obtain the parent's participation in the decision. In this case, the public agency must have a record of its attempt to ensure their involvement.⁷²

⁶² 34 C.F.R. § 300.324 (a).

⁶³ 34 C.F.R. § 300.320 (a) (1); 5 D.C.M.R. § 3007.2 (a).

⁶⁴ 34 C.F.R. § 300.320 (a) (2) (i); 5 D.C.M.R. § 3007.2 (b) (annual goals must include short-term instructional objectives).

⁶⁵ 34 C.F.R. § 300.320 (2)(ii).

⁶⁶ 34 C.F.R. § 300.320 (a) (6).

⁶⁷ 20 U.S.C. § 1414(f), 1415(b).

⁶⁸ *Alfano et al. v. District of Columbia*, 442 F. Supp. 2d 1, 6 (D.D.C. 2006) (citation omitted).

⁶⁹ 34 C.F.R. § 300.501 (c)(1).

⁷⁰ See, e.g., *W.G. v. Board of Trustees*, 960 F.2d 1479, 1484 (9th Cir. 1992).

⁷¹ 34 C.F.R. § 300.501 (c)(3).

⁷² 34 C.F.R. § 300.501 (c)(4).

Here, the testimony at the due process hearing overwhelmingly established that Respondent developed the Student's May 19, 2008 and June 11, 2009 IEPs with Petitioner's full participation. Although Petitioner claims that Respondent developed the goals and objectives on these IEPs without Petitioner's participation, and that these goals and objectives were not developed during the May 19, 2008, and June 11, 2009, IEP meetings, the testimony of every other witness at the due process hearing belies Petitioner's claims.

Thus, Respondent did not impede Petitioner's right to participate in her child's educational planning or otherwise develop the goals and objectives on the Student's 2008 and 2009 IEPs without Petitioner's involvement.

B. Petitioner Failed to Prove that Respondent Failed to Provide the Student an Appropriate Educational Placement for the 2009-2010 School Year.

Petitioner claims that Respondent had an obligation to place the Student in another LEA's school for the 2009-2010 school year. However, Petitioner was unable to establish that this independent LEA has any authority to place the Student in another LEA. Petitioner was fully aware at the time she enrolled the Student in the charter pre-kindergarten school that the Student would age out of the pre-kindergarten charter school and enter elementary school after completing two years of pre-kindergarten.

In the spring of 2009, Petitioner attended kindergarten readiness workshops that fully explained the process she must follow to enroll her daughter in elementary school. Petitioner then enrolled the Student in a DCPS school. Thus, Petitioner was fully aware of the process for enrolling the Student in elementary school.

Further, the charter school discussed placement at the June 11, 2009, IEP meeting. The IEP developed at that meeting specifies that the Student will be placed in an inclusion setting for most of her instruction, and will receive two hours of pull-out instruction. The charter school had no further responsibility regarding the Student's placement.⁷³

Thus, Petitioner failed to prove by a preponderance of the evidence that Respondent failed to provide the Student an appropriate educational placement for the 2009-2010 school year.

ORDER

Upon consideration of Petitioner's request for a due process hearing, the Answer thereto, the exhibits and the testimony admitted at the hearing, it is this 8th day of October 2009 hereby:

ORDERED that the Complaint is **DISMISSED WITH PREJUDICE**; and

⁷³ Placement is not synonymous with location, and Petitioner's sole claim regarding placement is that Respondent failed to specify a location where the Student would attend school. IDEIA contains no such requirement.

IT IS FURTHER ORDERED that this Order is effective immediately.

/s/ Frances Raskin

Frances Raskin
Hearing Officer

NOTICE OF APPEAL RIGHTS

The decision issued by the Hearing Officer is final, except that any party aggrieved by the findings and decision of the Hearing Officer shall have 90 days from the date of the decision of the hearing officer to file a civil action with respect to the issues presented at the due process hearing in a district court of the United States or a District of Columbia court of competent jurisdiction, as provided in 20 U.S.C. § 415(i)(2).

Distributed to:

Sarah Tomkins, Attorney at Law
Kendra Berner, Attorney at Law
Hearing Office