

DC Office of the State Superintendent of Education
 Office of Review & Compliance
 Student Hearing Office
 1150 5th Street, SE
 Washington, D.C. 20003
 CONFIDENTIAL

<p>[Parents], on behalf of [Student],</p> <p style="text-align: center;">Petitioners,</p> <p>v.</p> <p>District of Columbia Public Schools,</p> <p style="text-align: center;">Respondent.</p>	<p>Case</p> <p style="text-align: center;">HEARING OFFICER'S DETERMINATION</p> <p>January 8, 2009</p> <p><u>Representatives:</u></p> <p>Roberta Gambale, Petitioner</p> <p>Laura George, Respondent</p> <p><u>Independent Hearing Officer:</u></p> <p>Jim Mortenson</p>
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I. PROCEDURAL BACKGROUND

This matter came before Independent Hearing Officer (IHO), Jim Mortenson, at 9:00 a.m. on January 8, 2010. Prior to the start of the hearing the Respondent indicated it wished to discuss resolution of the matter with the Petitioner. Petitioner agreed and the parties were given the opportunity to discuss resolution. The parties reached a settlement and requested the terms of the settlement to be incorporated into a Hearing Officer's Decision (HOD). The parties intend these terms to be enforceable administratively. After review of the terms on the record, this IHO issues this HOD based on the settlement terms reached by the parties. The terms are recorded below in section III.

II. ISSUE

Whether the Respondent implemented the Student's individualized education program (IEP) since April 2009?

III. TERMS OF AGREEMENT, DECISION AND ORDER

1. Parent agrees that all of the HOD/Settlement Agreement (SA) provisions of the SA signed on July 27, 2009 have been satisfied and the SA is closed for Blackman-Jones reporting purposes.
2. As compensatory education, DCPS will fund 30 hours of career counseling/mentoring by an independent provider of the Parent's choice to be completed by April 1, 2011, at a rate not to exceed per hour.
3. As compensatory education, DCPS will fund 50 hours of tutoring by an independent provider of the Parent's choice to be completed by April 1, 2011, at a rate not to exceed per hour. This award of compensatory education supersedes the award in the July 27, 2009 SA.
4. Upon receipt of appropriate invoices, receipts, and W-9 form, where applicable, DCPS will reimburse the Student reasonable and documented fees for course materials and associated costs related to the Child Development Associate (CDA) program at the Center for Workforce Development at CCDC, or similar approved program, CDA certification, and CPR/First Aide certification for infants, toddlers, preschool certification at a total cost not to exceed The Student will submit

supporting documentation for requested reimbursement not later than April 1, 2011.

5. Upon proof of acceptance, DCPS will provide up to worth of tokens and farecards for Student's travel to and from CDA program sites.
6. Pursuant to the Student's schedule, the Student will be enrolled in Environmental Science, Biology II, and U.S Government. If the Student is not enrolled in these courses, the Student will contact the assigned case manager on the Resolution Team no later than January 26, 2010. DCPS will ensure that the Student is afforded the opportunity to enroll and complete the aforementioned courses, or mutually agreed upon substitute courses.
7. If, for some reason, the Student is unable to comply with this Settlement Agreement as a result of reasonably unforeseen circumstances beyond her control, the parties agree to discuss alternatives provided that Student notifies DCPS no later than September 30, 2010.
8. Petitioner's reasonable documented attorney fees will be reimbursed by DCPS.

IT IS SO ORDERED.

Dated this 8th day of January, 2010.



Jim Mortenson, Esq.
Independent 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. § 1415(i)(2).