

District of Columbia
Office of the State Superintendent of Education
Office of Review and Compliance
Student Hearing Office
Frances Raskin, Due Process Hearing Officer
1150 – 5th Street, S.E.; Room 3
Washington, D.C. 20003
(202) 698-3819
Facsimile: (202) 698-3850

Confidential

STUDENT, through the legal guardian¹)
)
 Petitioner,)
)
 v.) Hearing Date: None held
)
)
 THE DISTRICT OF COLUMBIA)
 PUBLIC SCHOOLS,)
)
 Respondent.)
)

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STUDENT HEARING OFFICE
2009 APR 14 AM 9:26

HEARING OFFICER DETERMINATION

Counsel for Petitioner: Chike Ijeabuonwu, Attorney at Law
6495 New Hampshire Avenue
Hyattsville, MD 20783
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Counsel for DCPS: Tanya Chor, Attorney at Law
Office of the Attorney General
825 North Capitol Street, N.E.; 9th Floor
Washington, D.C. 20001
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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 the Student, a year-old, general-education student at a District of Columbia Public Schools ("DCPS") elementary charter school. Both Petitioner and the Student reside in the District of Columbia.

On February 27, 2009, Petitioner filed a Due Process Compliant Notice ("Complaint") alleging that District of Columbia Public Schools ("DCPS") failed to:

- (a) Evaluate the Student in all areas of suspected disability, including the psychoeducational evaluation recommended by the multidisciplinary team ("MDT"), pursuant to its "child find" obligations;
 - (b) Convene a meeting of the MDT to review any evaluations that have been conducted;
- and
- (c) Provide Petitioner access to the Student's educational records.

In alleging that DCPS failed to satisfy its child find obligations, Petitioner by implication also alleged that DCPS failed to convene a meeting of the MDT to develop an appropriate individualized educational program ("IEP") and determine an educational placement for the Student, if necessary.

As a remedy, Petitioner sought an order finding that DCPS denied the Student a free, appropriate, public education; requiring DCPS conduct psycho-educational, speech and language, and occupational therapy evaluations; and after receipt of all of the evaluations, convene a meeting of the MDT/IEP team to review the evaluations, develop an IEP and determine an appropriate educational placement for the Student.

Counsel for DCPS filed no response to the Complaint. At the outset of the prehearing conference on March 13, 2009, counsel for DCPS represented that she does not dispute the allegations in the Complaint. The parties agreed that this matter could be resolved summarily by order. No due process hearing was held.

ORDER

Upon consideration of Petitioner's request for a due process hearing, the lack of opposition thereto, it is this 13th day of April 2009 hereby:

ORDERED that DCPS will conduct psychoeducational, speech and language, and occupational therapy evaluations of the Student, to be completed on or before May 13, 2009. DCPS will provide a copy of the evaluation and report to counsel for Petitioner within three (3) days of their completion. If DCPS is unable to complete the evaluations by May 13, 2009, Petitioner shall obtain these evaluation at DCPS expense by June 12, 2009, and counsel for Petitioner shall provide a copy of the evaluation and report to counsel for DCPS Linda Smalls and the Special Education Coordinator at the Student's school within three (3) business days of their completion;

IT IS FURTHER ORDERED that DCPS shall convene a meeting of the MDT/IEP team to review the evaluations, develop an IEP and determine an appropriate placement for the Student no later than fifteen (15) business days after receipt of all of the evaluations ordered herein;

IT IS FURTHER ORDERED that, for scheduling the meeting only, DCPS shall receive one day of delay for every day of delay caused by Petitioner; and

IT IS FURTHER ORDERED that this Order is effective immediately.

By: _____ /s/ _____
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:

Chike Ijeabunwu, Attorney at Law
Linda Smalls, Attorney at Law
Hearing Office