

**DC OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
OFFICE OF COMPLIANCE & REVIEW
STATE ENFORCEMENT & INVESTIGATION DIVISION
STUDENT HEARING OFFICE**

CONFIDENTIAL

Jane Dolkart, Due Process Hearing Officer
1150 5th Street, S.E.
Washington, D.C. 20003
202-698-3819; 202-698-3825 (Fax)

OSSE
STUDENT HEARING OFFICE
2009 MAY -4 PM 2:39

HEARING OFFICER'S DETERMINATION

IN THE MATTER OF:)	
)	
DOB)	DATE OF HEARING
)	April 28, 2009
Student I.D.)	
Petitioner)	DATE OF COMPLAINT
)	March 23, 2009
V.)	
)	
The District of Columbia)	ATTENDING SCHOOL:
Public Schools,)	
Respondent)	

COUNSEL FOR PARENT/STUDENT: **Chike Ijeabunwu**
6495 New Hampshire Avenue
Hyattsville, Maryland 20783

COUNSEL FOR DCPS: **Daniel Kim**
Office of the General Counsel
825 North Capitol Street, N.E., 9th Fl.
Washington, D.C. 20002-4232

HEARING OFFICER'S DECISION AND ORDER

I. INTRODUCTION

This is a student with a special education classification of MR. The student's most recent IEP, dated February 24, 2009, provided for 27 hours of specialized instruction and 1 hour of speech and language therapy per week. Petitioner alleges that DCPS has failed to conduct triennial evaluations, failed to conduct a Vineland, and failed to provide an FBA and BIP for the student. Further Petitioner alleges that the student has an inappropriate IEP, that a recent IEP meeting failed to have all necessary participants and that the student has behavioral problems that are not being addressed.

A pre-hearing conference was held on April 8, 2009 and a pre-hearing order was issued on April 14, 2009. At the time of the conference, Petitioner had not obtained the student's school records, nor had DCPS' attorney obtained the records or spoken with the client. The parties reported back to the Hearing Officer via email on April 17, 2009. Both parties had obtained copies of the student's records. The parties agreed that DCPS had conducted a psychological reevaluation on February 11, 2009 and an Educational Evaluation on February 10, 2009. Further, the parties agreed that an IEP meeting had been held on February 24, 2009, at which the evaluations were discussed. The parent was present at the meeting and signed the IEP. Lastly, a Speech and Language Reevaluation was completed on April 5, 2009, and a letter of invitation had been sent to Petitioner's attorney and Petitioner listing May 18, 20, and 22 as dates to hold an MDT meeting and review the evaluation.

At the time of the hearing, the only remaining viable issues were whether DCPS should have conducted a Vineland Assessment, whether any action was needed concerning the student's behavioral problems, and when a date would be set to conduct the review of the S/L evaluation. At the start of the hearing Petitioner withdrew all allegations that the student had behavioral problems and all allegations that the February 24, 2009 IEP meeting did not have all necessary parties. DCPS agreed to conduct a Vineland and to review it at the same MDT meeting at which the S/L evaluation will be reviewed. Petitioner was urged to respond to the Letter of Invitation and arrange to hold an MDT meeting on one of the dates and times suggested by DCPS.

There were no issues left unresolved for which a hearing was necessary. Therefore, the Hearing Officer indicated that the case would be dismissed.

It is hereby **ORDERED** that this case be dismissed.

This is the final administrative decision in this matter. Appeals on legal grounds may be made to a court of competent jurisdiction within 90 days of the rendering of this decision.

/s/ Jane Dolkart
Impartial Hearing Officer

Date Filed: May 4, 2009