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

[Parent], on behalf of [Student], Petitioner, v. District of Columbia Public Schools, Respondent.	Case HEARING OFFICER'S DETERMINATION April 10, 2009 <u>Representatives:</u> Roy Carleton Howell, Petitioner Kendra Berner, Respondent <u>Independent Hearing Officer:</u> Jim Mortenson

I. PROCEDURAL BACKGROUND

This matter came before Independent Hearing Officer (IHO), Jim Mortenson, at 1:00 p.m. on April 8, 2009. The hearing concluded on that date. The due date for the Hearing Officer's Determination (HOD) is April 18, 2009, in accordance with the Blackman/Jones Consent Decree. This HOD is issued on April 10, 2009.

This matter occurred and this decision is written pursuant to the Individuals with Disabilities Education Improvement Act (IDEA), 20 U.S.C. § 1400 et seq., and D.C. Mun. Regs. tit. 5, Chap. 30.

Present at the due process hearing were:

2009 APR 10 PM 1:45
OSSE
STUDENT HEARING OFFICE

Petitioner's Counsel, Roy Carleton Howell, Esq.

Respondent's Counsel, Kendra Berner, Esq.

Petitioner, Student's Mother

Following preliminary matters, and before the presentation of the parties' cases, the IHO provided the parties an opportunity to discuss settlement, which they took advantage of. The parties successfully reached an agreement and requested it be memorialized in this Hearing Officer's Decision. The agreement and order below constitute the entirety of the agreement the parties reached.

II. ISSUES

1) Whether the Respondent failed to provide the Petitioner access to the Student's education records upon repeated requests beginning in the fall of 2008?

2) Whether the Respondent failed to conduct a re-evaluation of the Student within three years of his last evaluation?

3) Whether the Respondent failed to provide written notice of its refusal to conduct a psycho-educational assessment requested in November 2008?

4) Whether the Respondent failed to provide an opportunity for the parent to participate in an IEP team meeting to review and revise the IEP with regard to the Student's placement in the fall of 2008?

5) Whether the Respondent failed to place the Student in an appropriate educational setting in the fall of 2008 when it placed him at Shadd?

III. AGREEMENT OF THE PARTIES AND ORDER

1. The Respondent will authorize the provision of an independent educational evaluation (IEE) of the Student, consisting of a Vineland assessment, occupational therapy assessment, and a psychiatric assessment.

2. The individualized education program (IEP) team shall meet within 20 calendar days of the Respondent's receipt of the last assessment report to review and revised the IEP.

IT IS SO ORDERED.

Dated this 10th day of April, 2009.

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. § 415(i)(2).