

District of Columbia
Office of the State Superintendent of Education
Office of Review and Compliance
Student Hearing Office

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Confidential

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STUDENT HEARING OFFICE
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<p>STUDENT¹, by and through his Parent</p> <p>Petitioners,</p> <p>v.</p> <p>District of Columbia Public Schools, "DCPS"</p> <p>Respondent.</p> <p>Case Student</p>	<p>HEARING OFFICER'S DETERMINATION</p> <p>Hearing Date: June 17, 2009</p> <p><u>Representatives:</u></p> <p>Counsel for Petitioners: Domiento C. R. Hill, Esq. 1220 L Street NW #700 Washington, DC 20005</p> <p>Counsel for DCPS: Daniel Kim, Esq. Office of General Counsel 825 North Capitol St. NE Washington, DC 20002</p> <p><u>Hearing Officer:</u> Coles B. Ruff, Esq.</p>
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¹ Personally identifiable information is attached as Appendices A & B to this decision and must be removed prior to public distribution.

JURISDICTION:

The hearing was conducted and this decision was written pursuant to the *Individuals with Disabilities Act* (I.D.E.A.), P.L. 101-476, as amended by P.L. 105-17 and the *Individuals with Disabilities Education Improvement Act of 2004* (I.D.E.I.A.), District of Columbia Code, Title 38 Subtitle VII, and the District of Columbia Municipal Regulations, Title 5 Chapters 25 and 30 revised.

PROCEDURAL BACKGROUND:

A Due Process Hearing was convened June 17, 2009, at the Van Ness School, 1150 5th Street, SE, Washington, DC 20003. The hearing was held pursuant to a due process complaints submitted by the counsel for the parent and student filed on March 31, 2009, and May 11, 2009, alleging the issues outlined below.²

RELEVANT EVIDENCE CONSIDERED:

The Hearing Officer considered the representations made on the record by each counsel which may have resulted in stipulation of fact if noted and the documents submitted in the parties' disclosures (Petitioner's Exhibits 1-23 and DCPS Exhibits 1-2) which were admitted into the record. The parties agreed at this hearing to settle the due process and agreed to the relief for Petitioner listed in the Order below.

ISSUE(S):³

1. Did DCPS deny the student a free and appropriate public education by failing to conduct a vocational evaluation and/or by failing to convene a MDT/IEP meeting to review the evaluation?
2. Did DCPS deny the student a free and appropriate public education by failing to provide an appropriate IEP based on the absence of appropriate transition goals?
3. Did DCPS deny the student a free and appropriate public education by failing to follow the proper procedures in determining the student's educational program and placement by failing to have the parent and a MDT involved in the placement decision?

² The issues in the complaints were consolidated in the second case and the first complaint was dismissed.

³ The alleged violation(s) and/or issue(s) raised in the complaint may or may/not directly correspond to the issue(s) outlined here. However, the issue(s) listed here were reviewed during the hearing and clarified and agreed to by the parties as the issue(s) to be adjudicated. Any other issue(s) raised in the complaint was withdrawn.

FINDINGS OF FACT 4:

The parties reached an agreement to settle the due process complaint and asked that the settlement be incorporated into a Hearing Officer's Determination (HOD).

CONCLUSIONS OF LAW:

The Hearing Officer concludes based upon the agreement reached by the parties that with the Order below the due process complaint is settled.

ORDER:

1. DCPS shall, within twenty business days of the issuance of this Order, convene and MDT/IEP meeting to discuss and determine the student's placement for the 2009-2010 school year.
2. At the MDT meeting the issue of the student's vocational assessment and transition goals should be discussed.
3. The MDT meeting shall be scheduled through counsel for the student and parent.
4. DCPS will be given a day for a day extension of any of the prescribed time frames in this Order for any delay caused by the student, the parent(s) and/or their representative(s).

APPEAL PROCESS:

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).



Coles B. Ruff, Esq.
Hearing Officer
Date: June 27, 2009

⁴ The evidence that is the source of the finding of fact is noted within a parenthesis following the finding. If both parties disclosed the same document the Hearing Officer may randomly only cite only one party's exhibit as the source of the finding rather than both simply for administrative efficiency.