DISTRICT OF COLUMBIA
OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
Student Hearing Office
810 First Street, NE, Second Floor
Washington, DC 20002

[redacted], on behalf of
[redacted]

Petitioner,

v

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

Respondents.

Hearing Officer: Kimm Massey, Esq.

Case No: 2012-0658

Room No.: 2006

OSSE
STUDENT HEARING OFFICE
2012 OCT -5 AM 9:00

HEARING OFFICER DETERMINATION

BACKGROUND AND PROCEDURAL HISTORY

Student is a [redacted], who presently attends a nonpublic special education school at DCPS expense. On September 20, 2012, Petitioner filed a Complaint against DCPS, alleging that DCPS (1) failed to develop an appropriate individualized education program ("IEP") by failing to include wraparound services including social skills training and life skills training on Student's IEP at the July 31, 2012 meeting; (2) failed to place Student in an appropriate placement; (3) failed to complete a transition/vocational assessment and develop appropriate post-secondary transition goals; and (4) failed to provide transportation for Student since she started attending the nonpublic special education school. As relief for these alleged denials of a free appropriate public education ("FAPE"), Petitioner requested findings in Petitioner's favor, that the hearing officer either develop an IEP for Student consistent with the claims in the Complaint or order DCPS to do so; and that DCPS be ordered to fund placement and provide transportation for Student to attend one of several specified residential placements, convene a meeting with Parent within 10 days to revise the IEP, determine compensatory education, and determine placement and transportation, with placement to be made within 10 days; and award appropriate compensatory education.

On September 28, 2012, DCPS filed its Response, which asserted the following defenses: (1) Petitioner did not participate in the July 31, 2012 meeting, but Student's advocate participated and agreed to the IEP services without requesting any additional services, and in any event, the

current school can provide social skills and life skills training if needed; (2) the current non-public special education day school can implement the IEP and is an appropriate location of service; (3) the transition coordinator at the current school made several attempts to conduct a transitional assessment for Student, but Student has consistently refused to participate in the assessment; and (4) Student initially was taking the school bus, but then the advocate requested a change to Metro before requesting a change back to the bus, and DCPS has completed and sent home to Parent a draft Amended IEP with the change in transportation and is still awaiting receipt of the signed Amendment so the transportation can be changed.

The parties concluded the Resolution Meeting process by participating in a resolution session on October 16, 2012. No agreement was reached, but the parties agreed not to shorten the 30-day resolution period. Therefore, the 45-day timeline began on October 21, 2012 and will end on December 4, 2012, which is the HOD deadline.

On October 22, 2012, the hearing officer convened a prehearing conference and led the parties through a discussion of the issues, relief requested, and other relevant topics. The hearing officer issued a Prehearing Order on October 25, 2012.

By their respective letters dated November 13, 2012, DCPS disclosed seven documents (Respondent's Exhibits 1-7), and Petitioner disclosed twenty-seven documents (Petitioner's Exhibits 1-27).

The hearing officer convened the due process hearing on November 20, 2012.[1] Both parties' disclosed documents were admitted without objection. Thereafter, the hearing officer received the parties' opening statements and testimonial evidence. During the course of the hearing, Petitioner withdrew its claim for a residential placement based after Parent indicated that she did not wish to have Student sent away to such a placement. After the parties' made their closing statements, the hearing officer concluded the hearing.

The due process hearing was convened and this Hearing Officer Determination is written pursuant to the Individuals with Disabilities Education Improvement Act ("IDEA"), 20 U.S.C. §§ 1400 et seq., the implementing regulations for IDEIA, 34 C.F.R. Part 300, and Title V, Chapter 30, of the District of Columbia Municipal Regulations ("D.C.M.R.").

ISSUE(S)

The issues to be determined are as follows:

1. Did DCPS deny Student a FAPE by failing to provide wraparound services, consisting of social skills training and life skills training, on Student's IEP at the 7/31/12 meeting?

2. Did DCPS deny Student a FAPE by failing to complete a transition/vocational assessment and develop appropriate post-secondary transition goals?

[1] Counsel for each party and the witnesses for each party are listed in the Appendix that accompanies this decision.

3. Did DCPS deny Student a FAPE by failing to provide transportation pursuant to Student's IEP since she began attending the current school?

FINDINGS OF FACT[2]

After considering all the evidence, as well as the arguments of both counsel, this Hearing Officer's Findings of Fact are as follows:

1. Student is a [redacted], who attends a nonpublic special education school located in the District of Columbia at DCPS expense.[3]

2. Student began attending her current nonpublic school in June of 2012, after her previous nonpublic special education school determined that it could no longer provide her with educational programming due to the severity of her behaviors and her lack of investment in the program. Student was placed at the previous nonpublic school in February 2011 pursuant to a Hearing Officer's decision, but she only attended the school for approximately three months. Prior to that, Student attended a DCPS senior high school.[4]

3. At the current nonpublic school, student has been exhibiting the same behavior problems she exhibited at the previous nonpublic school: walking out, cursing out staff, getting into disagreements with fellow students, and generally being disruptive. The school was calling Parent often, sometimes every day. However, Student has recently begun to show improvement. She has connected with one of her teachers. She is doing her work more now, even though she has good days and bad days. In addition, the school is not calling Parent as frequently. The calls are down to approximately twice per week. Student can succeed at the current school if she takes her medicine.[5]

4. Student began exhibiting challenging behaviors in the educational environmental beginning in fifth grade. Her school history has been significant for verbal and physical aggressiveness, disrespectful and noncompliant behavior, hall wandering and failure to consistently produce work, which have led to expulsion, suspensions and retention. Student has repeated 9th grade repeatedly and is now in the 9th grade for the 4th time.[6]

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[2] To the extent that the hearing officer has declined to base a finding of fact on a witness's testimony that goes to the heart of the issue(s) under consideration, or has chosen to base a finding of fact on the testimony of one witness when another witness gave contradictory testimony on the same issue, then the hearing officer has taken such action based on the hearing officer's determinations of the credibility and/or lack of credibility of the witness(es) involved.
[3] *See* Complaint.
[4] *See* Petitioner's Exhibit 23; testimony of Parent; testimony of nonpublic's Director of Clinical Services; testimony of educational advocate.
[5] Testimony of Parent; testimony of educational advocate; testimony of independent evaluator.
[6] *See* Petitioner's Exhibit 11; testimony of educational advocate.

5. Student's current IEP is dated October 25, 2012. The IEP identified Student's primary disability as Emotional Disturbance, and requires Student to receive 26.5 hours per week of specialized instruction outside general education and 60 minutes per week of behavioral support services. The IEP contains the following emotional, social, and behavioral development goals: comply with school and classroom rules and regulations; use positive and socially acceptable coping mechanisms as an alternative to verbal and physical aggression; make appropriate behavioral choices; and identify situation in which self-control is needed and demonstrate techniques to maintain or regain self-control. These are the same social/emotional goals Student's previous two IEPs contain.

   The IEP also contains a Post-Secondary Transition Plan, which states that Student received the S.T.A.R.S. educational assessment on November 16, 2011, as well as the CareerCruising-Career Matchmaker vocational assessment on November 11, 2012. Although the DC Bridges assessment is also listed as a vocational assessment with a completion date of November 16, 2011, the IEP indicates that Student was not available for assessments so there is no current data. The Transition Plan includes the following transition goals: Post-secondary education and training – (i) compare and identify the difference between community college nursing programs and vocational training programs and which she prefers, and (ii) identify three community college and/or vocational nursing training programs with pre-requisite admission requirements; Employment – (i) complete 3 job applications for part-time work, (ii) develop a high school resume documenting work and volunteer experiences, referrals and skills; and (iii) identify three specific job titles of interest in nursing, with respective training and education requirements, earning potential and job aspects; Independent Living – (i) identify effective planning steps to preparing to live independently; and (ii) based on a case scenarios, evaluate a household budget and provide the results of her analyses in accordance with given directions.[7]

6. Student is [redacted] with reading and math skills far below grade level and cognitive limitations, so she needs a trade and hands-on job training that will help prepare her for life after high school instead of less concrete career exploration.[8]

7. Student has not received consistent transportation to her current nonpublic school. The school bus came to pick Student up the first day of school during SY 12/13, but then it did not come back again until approximately one month before the November 20th due process hearing for this case. Parent had to take Student to school during the period when the bus was not coming. As a result, Student was late every day because Parent had a very difficult time getting Student up and out to school. Student missed 1st period, which was her math class, almost every day when Parent was taking her to school. Student also missed some days because parent did not have gas. Student needs transportation because she will not make it to school if she is required to go on her own using the Metro. However, when Student was taking the school bus to her

[7] Respondent's Exhibit 1.
[8] Testimony of educational advocate; testimony of independent evaluator.

previous nonpublic school Parent was able to get her up and on the bus every morning.[9]

8. When Student was expelled from the previous nonpublic school, the advocate specifically requested that the school bus continue to pick her up for the current school, and Parent said that Student could be allowed to sometime ride other transportation back home via a token or some other method. Parent's instruction apparently caused some confusion, because DCPS change Student from a bus rider to a Metro rider. Parent and advocate corrected the confusion on several occasions beginning with Student's July 2012 meeting, but DCPS did not fix the situation until the end of October.[10]

9. At Student's October 26, 2012 IEP meeting, the IEP team determined that Student's transportation needed to be changed from the Metro to school bus pickup. The Team noted that transportation had been a problem since Student's July 2011 meeting. Also on October 26, 2012, DCPS issued a Prior Written Notice documenting the request by Parent and the advocate for a change in transportation from Metro to bus pickup.[11]

10. On July 31, 2012, DCPS convened an MDT meeting for Student and the team agreed, *inter alia*, to add transportation to Student's IEP that very day and get the transportation set up and running. The team also reviewed Student's independent psychological evaluation and determined that Student continued to show significant levels of ADHD, which meant there was no significant change in that respect. The team further determined that Student had attendance issues, was defiant and oppositional, and had social skills deficits, but that no changes in her services or location were required.[12]

11. Student's July 2012 Psychological Evaluation report contains the following recommendation: Student "should be given the opportunity to partake in a life skills class or perhaps a vocational training class such that she can gain skills that will help her prepare for employment and daily living after high school tenure as she has a weakness in academic school fluency." At Student's July 31, 2012 MDT meeting, the MDT team declined to adopt this recommendation and the other 9 recommendations in the report.[13]

12. Student's current diagnoses include: Attention Deficit Hyperactivity Disorder, Combined Type; Conduct Disorder, NOS; Anxiety Disorder, NOS; Depressive Disorder, NOS; and Peer and school staff relational issues. Student may appear to have social skills deficits and to be defiant due to her impulsivity and lack of attention span. These challenges create impediments in Student's ability to have and sustain positive relationships with peers, school staff, and family members, which in turn

[9] Testimony of Parent; testimony of educational advocate.
[10] Testimony of educational advocate.
[11] Respondent's Exhibits 2 and 4.
[12] Respondent's Exhibit 7.
[13] Petitioner's Exhibit 15 at 20; *see* Respondent's Exhibit 7.

manifests in angry and/or depressive feelings, as well as negative perceptions of self, of her relationships, and of school. Student's past failures in her relationships with others have caused her to self-isolate through defensive and self-protective behaviors (e.g., cutting class/school) that have been interpreted as defiance and oppositional behavior. Student wants to change and reach out, but she is emotionally stuck in her past failures and does not know how. Student needs individual therapy on a regular basis to help her process her emotions, manage her anxiety and acquire insight and awareness about her behaviors, as well group therapy the help her acquire the appropriate social skills to interact with others effectively. In terms of frequency, Student needs two hours of individual therapy per week, as well as group therapy once per week.[14]

13. Student's previous IEP was dated November 16, 2011. This IEP also identifies Student's primary disability as Emotional Disturbance. However, pursuant to this IEP, Student was entitled to receive 32 hours per week of specialized instruction in general education and 240 minutes per month of behavior support services outside general education. Student's annual goals in the area of social, emotional and behavioral development are as follows: given psycho-social counseling intervention, Student will (i) comply with school and classroom rules and regulations, (ii) use positive and socially acceptable coping mechanisms as an alternative to verbal and physical aggression, (iii) demonstrate an understanding of the effect of her behavior on herself and others and make appropriate behavioral choices; and (iv) identify situations in which self-control is needed and demonstrate techniques to maintain or regain self-control. The IEP includes a Post-Secondary Transition Plan, which lists the November 16, 2011 S.T.A.R.S. educational assessment and indicates the DC Bridges vocational assessment was not administered because Student was not available. The Plan also contains the following two annual transition goals, both with 4/18/11 dates of anticipated achievement: (i) Post-secondary education and training – document results from research in a log 4 out of 5 days a week; and (ii) Employment – document job search efforts on a log 3 out of 5 days a week.[15]

14. Student's 2010 IEP was dated July 20, 2010. That IEP also identifies Student's primary disability as Emotional Disturbance, but under that IEP Student was entitled to receive 10 hours per week of specialized instruction in general education, a total of 10 hours per week of specialized instruction outside general education, and 240 minutes per month of behavioral support services outside general education. The IEP contains the same four annual goals in the area of social, emotional and behavioral development as Student's November 16, 2011 IEP. The Post-Secondary Transition Plan lists an Interest Inventory assessment with no date administered and contains the following two annual transition goals with 4/18/11 dates of anticipated achievement: (i) Post-secondary education and training – document results from research in a log 4 out of 5 days a week; and (ii) Employment – document job search efforts on a log 3 out of 5 days a week.[16]

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[14] Petitioner's Exhibit 15; testimony of independent evaluator.
[15] Petitioner's Exhibit 8.
[16] Petitioner's Exhibit 6.

15. Student had previously been prescribed Abilify and Metadate, although she now takes Abilify and Concerta. Student does not consistently take her medication, but the medicine helps a lot when she takes it. Student has a psychiatrist she meets with once per month for medication management.[17]

16. Petitioner is requesting the following forms and amounts of compensatory education in this case: 90 hours of independent tutoring services to be divided equally among reading, writing and math; and 20 hours of independent behavioral support services. The compensatory education is being requested to compensate Student for harm suffered as a result of missed services.[18]

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the arguments of counsel, as well as this Hearing Officer's own legal research, the Conclusions of Law of this Hearing Officer are as follows:

1. Alleged Inappropriate IEP

The FAPE required by IDEA is tailored to the unique needs of a disabled child by means of the IEP. Board of Education of the *Hendrick Hudson Central School District, Westchester County, et. al. v. Rowley*, 458 U.S. 176 (1982). Hence, a school district satisfies IDEA's requirement to provide a FAPE "by providing personalized instruction with sufficient support services to permit the child to benefit educationally from that instruction." *Id; see also,* 34 C.F.R. § 300.17 (IDEA defines FAPE to mean special education and related services that, *inter alia*, are provided at public expense and in conformity with an IEP). In determining whether an IEP is reasonably calculated to provide educational benefits, the measure and adequacy of the IEP is to be determined as of the time it was offered to the student. *Thompson R2-J Sch. Dist. v. Luke P.*, 540 F.3d 1143, 1149 (10th Cir. 2008), *cert. denied*, 555 U.S. 1173 (2009).

IDEA does not require a school district to maximize the potential of each handicapped child; instead, IDEA requires only that a school district provide a basic floor of opportunity consisting of access to specialized instruction and related services that are individually designed to provide educational benefit to the handicapped child. *Rowley, supra.* In this regard, "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, including, *inter alia*, psychological services, counseling services, and social work services in school. 34 C.F.R. § 300.34(a). IDEA charges the disabled child's IEP Team with the responsibility of developing, reviewing and revising the IEP, although the team must consider, *inter alia*, the parent's concerns, the results of initial and/or recent evaluations, and the academic, developmental and functional needs of the child in doing so. *See* 34 C.F.R. § 300.324(a)(1)(iii).

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[17] Petitioner's Exhibit 12 at 2; testimony of Parent.
[18] Petitioner's Exhibit 25; testimony of special education teacher.

In the instant case, Petitioner has alleged that DCPS denied Student a FAPE by failing to provide wraparound services, meaning social skills training and life skills training, on Student's IEP at the July 31, 2012 meeting. DCPS disagrees, asserting that the transition plan discusses social skills and life training skills, and the social emotional goals specifically address social skills training because they speak to peers and oppositional behaviors.

A review of the evidence in this case reveals that at the time of Student's July 31, 2012 IEP meeting, Student's existing November 16, 2011 IEP required Student to receive 240 minutes per month of behavior support services outside general education, and the IEP contained the following four social/emotional/behavioral development goals, which were also contained in Student's 2010 IEP and which the IEP team also carried over to Student's 2012 IEP: given psycho-social counseling intervention, Student will (i) comply with school and classroom rules and regulations, (ii) use positive and socially acceptable coping mechanisms as an alternative to verbal and physical aggression, (iii) demonstrate an understanding of the effect of her behavior on herself and others and make appropriate behavioral choices; and (iv) identify situations in which self-control is needed and demonstrate techniques to maintain or regain self-control.

Among the data available to the IEP team during Student's July 31, 2012 IEP meeting was evaluation data indicating that Student has an inability to sustain positive relationships, which causes her to self-isolate through defensive and self-protective behaviors that have been interpreted as defiance and oppositional behavior. The evaluation data further revealed that Student wants to change and reach out, but she is emotionally stuck in her past failures and does not know how, so she needs individual therapy on a regular basis twice per week to help her process her emotions, manage her anxiety and acquire insight and awareness about her behaviors, as well group therapy once per week to help her acquire the appropriate social skills to interact with others effectively. The team also had before it data demonstrating that Student's school history has been significant for disruptive behaviors, including verbal and physical aggressiveness, disrespectful and noncompliant behavior, and that the severity of those behaviors had resulted just a month before the meeting in Student's expulsion from a nonpublic special education day school.

Despite all of this available data, the team determined that although Student had attendance issues, was defiant and oppositional, and had social skills deficits, no changes in her services or location were required. Hence, the team did not increase the amount of Student's individual therapy, and the team did not add additional behavioral support services consisting of group therapy to help Student acquire necessary social skills to the IEP. As a result of the team's failure to act, Student returned to her current nonpublic school at the start of SY 2012/13 exhibiting the same disruptive behaviors she has exhibited for years. Under these circumstances, the hearing officer concludes that DCPS denied Student a FAPE by failing to add social skills services to Student's IEP in the form and amount of group therapy once per week, and an additional hour of individual therapy once per week. To remedy this denial of FAPE, the hearing officer will order DCPS to increase the behavioral support services on Student's IEP from 60 minutes per week to 180 minutes per week so that she can receive the social skills training she needs. Although Petitioner has requested 20 hours of independent behavioral support services as compensatory education for this denial of FAPE, the hearing officer declines to issue such an award because the amount of Student's behavioral support services will be tripled in the school

setting pursuant to this HOD, and the hearing officer has determined that these increased services will effectively compensate Student moving forward for the behavioral support services DCPS should have provided in the first instance. *Cf. Schaffer et al v. Weast et al*, 546 U.S. 49, 126 S.Ct. 528 (2005) (courts must not use cookie cutter approach in awarding compensatory education); *Wheaten v. D.C.*, 55 IDELR 12 (D.D.C. 2010) (upholding hearing officer's denial of compensatory education after finding denial of FAPE).

With respect to Petitioner's claim that DCPS also denied Student a FAPE by failing to add life skills to Student's IEP at the July 31, 2012 meeting, the evidence suggests otherwise. The only evidence in support of Student's need for life skills is an evaluator's recommendation that Student "should be given the opportunity to partake in a life skills class or perhaps a vocational training class. . . " The team reviewed the evaluation at the July 31, 2012 and determined not to adopt this recommendation. And as IDEA charges the disabled child's IEP Team with the responsibility of developing, reviewing and revising the IEP, and there is no requirement that the team adopt every recommendation made in a disabled Student's evaluations, the hearing officer concludes that Petitioner has failed to meet its burden of proving a denial of FAPE with respect to this aspect of the inappropriate IEP claim.

2. **Alleged Failure to Complete Vocational Assessment and Develop Appropriate Transition Goals**

Under IDEA, beginning not later than the first IEP to be in effect when a disabled child turns 16, the IEP must include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills. 20 U.S.C. § 1414(d)(1)(A)(i) (VIII).

In the instant case, Petitioner has alleged that DCPS has denied Student a FAPE by failing to complete a transitional/vocational assessment and develop appropriate post-secondary transition goals for Student. A review of the evidence in this case supports Petitioner's contention, as the evidence in this case demonstrates that Student turned July 5, 2011, but the transition plan in here 2010 IEP, which was in effect when she turned 16, lists an Interest Inventory assessment with no date administered and contains the following two annual transition goals with 4/18/11 date of anticipated achievement: (i) Post-secondary education and training – document results from research in a log 4 out of 5 days a week; and (ii) Employment – document job search efforts on a log 3 out of 5 days a week. Similarly, the transition plan in her November 16, 2011 lists a November 16, 2011 S.T.A.R.S. educational assessment and indicates the DC Bridges vocational assessment was not administered because Student was not available, and contains the same two annual transition goals as the previous IEP with the same 4/18/11 date of anticipated achievement. These transition plans clearly are not based on comprehensive age appropriate assessments, and the goals are too general in nature to be specifically tailored to Student.

Moreover, the transition plan in the current IEP, which is dated October 25, 2011, relies upon the same November 16, 2011 S.T.A.R.S. educational assessment and again states the DC Bridges assessment could not be administered, although it indicates the CareerCruising-Career Matchmaker vocational assessment was administered on November 11, 2012. This transition plan includes the following transition goals: Post-secondary education and training – (i)

compare and identify the difference between community college nursing programs and vocational training programs and which she prefers, and (ii) identify three community college and/or vocational nursing training programs with pre-requisite admission requirements; Employment – (i) complete 3 job applications for part-time work, (ii) develop a high school resume documenting work and volunteer experiences, referrals and skills; and (iii) identify three specific job titles of interest in nursing, with respective training and education requirements, earning potential and job aspects; Independent Living – (i) identify effective planning steps to preparing to live independently; and (ii) based on a case scenarios, evaluate a household budget and provide the results of her analyses in accordance with given directions. Although this plan contains more detailed goals, the goals are still general in nature and they focus on career exploration tasks instead of the hands on job training Student needs as a 17-year old in the 9th grade with reading and math skills far below grade level and cognitive limitations.

Based on the evidence outlined above, the hearing officer concludes that Petitioner has met its burden of proof on this claim. *See e.g., Marple Newtown School District v. Rafael N.*, 48 IDELR 184 (E.D Pa. 2007) (transition plan determined inadequate where, *inter alia*, goals where vague and did not capitalize on student's strengths or specific interests); *School District of Philadelphia v. Deborah A. ex rel. Candiss C.*, 52 IDELR 67 (E.D. Pa. 2009) (IEP was inappropriate where, *inter alia*, the transition goals were extremely general). Hence, the hearing officer will order DCPS to conduct a comprehensive vocational evaluation of Student and reconvene her IEP meeting to review the evaluation and revise her IEP accordingly.

3. Alleged Failure to Provide Transportation

A public agency satisfies its obligation of providing a disabled child with a FAPE by providing both the special education and related services that the disabled child requires, as determined by the child's IEP team and reflected in the child's IEP. *See* 34 C.F.R. §§ 300.17(d), 300.324(a)(1). In this regard, IDEA defines "related services" to include transportation. 34 C.F.R. § 300.34(a).

In the instant case, there is no dispute that the school bus did not arrive to pick up Student for approximately two months during the current school year, with the result that she missed a few days of school and missed first period math practically every day during that time period. Although the evidence suggests that Parent may have initially contributed to the confusion that caused DCPS to switch Student to from the school bus to the Metro, the evidence is clear that Parent and the advocate corrected the confusion on several occasions beginning with Student's July 2012 meeting, but DCPS did not fix the situation until late October 2012. Under these circumstances, the hearing officer concludes that Petitioner met its burden of proving a denial of FAPE with respect to this claim. *See Suggs v. District of Columbia,* 679 F.Supp.2d 43, 49-50 (D.D.C. 2010) (to succeed on an IDEA claim a party must prove that the school district denied the child a FAPE by depriving him of educational benefits to which he is entitled). Moreover, based on the evidence that Student missed first period math practically every day as a result of DCPS's failure to provide her with transportation services, in accordance with a portion of Petitioner's compensatory education request, the hearing officer will award Petitioner 30 hours of independent tutoring services in the area of math.

ORDER

Based upon the above Findings of Fact and Conclusions of Law, it is hereby ordered:

1. Within 15 calendar days of the issuance of this Order, DCPS shall reconvene Student's IEP meeting to (i) revise Student's IEP so as to increase the amount of behavioral support services from 60 minutes per week to 180 minutes per week to consist of two hours of individual therapy and one hour of group therapy per week, with the additional 60 minutes each of individual and group therapy to be used to provide Student with social skills training; and (ii) add appropriate annual goals to the IEP for the social skills services to be provided to Student pursuant to this Order.

2. Within 15 school days of the issuance of this Order, DCPS shall conduct a comprehensive vocational assessment of Student.

3. Within 15 calendar days of the completion of the comprehensive vocational assessment ordered above, DCPS shall reconvene Student's IEP meeting to review the evaluation and revise Student's IEP by developing an appropriate, individualized and comprehensive transition plan based upon the results of the assessment.

4. Within 10 calendar days of the issuance of this Order, DCPS shall provide Petitioner with funding for 30 hours of independent tutoring services for Student in the area of math.

5. All remaining claims and requests for relief in Petitioner's September 20, 2012 Complaint are hereby **DENIED AND DISMISSED WITH PREJUDICE.**

NOTICE OF RIGHT TO APPEAL

This is the final administrative decision in this matter. Any party aggrieved by this Hearing Officer Determination may bring a civil action in any state court of competent jurisdiction or in a District Court of the United States without regard to the amount in controversy within ninety (90) days from the date of the Hearing Officer Determination in accordance with 20 U.S.C. § 1415(i).

Date: 12/4/2012

/s/ Kimm Massey
Kimm Massey, Esq.
Hearing Officer