DISTRICT OF COLUMBIA
OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

Student Hearing Office
810 First Street NE, STE 2
Washington, DC 20002

[Student],[1]

Petitioner,

v

District of Columbia Public Schools (DCPS),

Respondent.

Date Issued: November 27, 2012

Hearing Officer: Jim Mortenson

Case No: 2012-0661

OSSE
STUDENT HEARING OFFICE
2012 NOV 27 AM 11: 17

HEARING OFFICER DETERMINATION

I. BACKGROUND

The complaint in this matter was filed with the Respondent and Student Hearing Office (SHO) by the Petitioner on September 20, 2012. A response to the complaint was filed on September 28, 2012. A prehearing conference was held, via telephone, on October 5, 2012, and a prehearing order was issued on that date. No valid resolution meeting had been held and an IEP team meeting to attempt to resolve the complaint was order to be held by October 20, 2012. The meeting was held October 23, 2012, and resulted in no written agreements. The 30 day resolution period was not adjusted and the 45 day hearing timeline began on October 21, 2012.

The Respondent filed a motion for continuance on October 25, 2012. The motion was denied in an order on November 2, 2012. The Respondent filed a motion to dismiss based on mootness on November 9, 2012. The Petitioner replied to the motion on November 12, 2012. The motion was not ruled on prior to the Due Process Hearing because no evidence accompanied the motion.

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[1] Personal identification information is provided in Appendix A which is to be removed prior to public dissemination.

Both parties exchanged disclosures on November 19, 2012.

The hearing was convened approximately 9:00 a.m. on November 27, 2012, in room 2009 at 810 First Street NE, Washington, D.C. The hearing was closed to the public. The Petitioner was represented by Alana Hecht, Esq., and the Respondent was represented by Lynette Collins, Esq. Prior to the presentation of cases, the Respondent's motion was discussed and the parties reached an agreement on the resolution of the case, including that the resolution be recorded in a Hearing Officer Determination (HOD). The hearing concluded at approximately 9:30 a.m. The due date for this HOD is December 4, 2012. This HOD is issued on November 27, 2012.

II. JURISDICTION

This hearing process was initiated and conducted, and this decision is written, pursuant to the Individuals with Disabilities Education Improvement Act (IDEA), 20 U.S.C. § 1400 et seq., its implementing regulations at 34 C.F.R. Part 300, and D.C. Mun. Regs. tit. 5E, Chap. 30.

III. ISSUES, RELIEF SOUGHT, and DETERMINATION

The issues to be determined by the IHO are:

(1) Whether the Respondent denied the Student a free appropriate public education (FAPE) when it failed to revise the Student's IEP pursuant to the June 26, 2012, HOD, or otherwise have a revised IEP and placement for the Student for the 2012-2013 school year?

(2) If the Respondent denied the Student a FAPE, whether the Student is entitled to reimbursement for her unilateral placement at New Beginnings Vocational School for the 2012-2013 school year?

The substantive requested relief at the time of hearing was reimbursement for New Beginnings Vocational School for the 2012-0213 school year. The Petitioner also expressed concern that she be provided a copy of the IEP the Respondent alleged had resulted from the October 23, 2012, team meeting.

Based on the agreement of the parties, the Respondent will fund the Student's placement at New Beginnings Vocational School for the 2012-2013 school year, starting from August 27, 2012. The parties also agreed that the Respondent will provide the Petitioner with a copy of the revised IEP within 10 school days of the date of this order. The parties agreed their agreement should be reflected in an HOD.

IV. FINDINGS OF FACT & RESOLUTION

The following Findings of Fact and resolutions are based on the agreement of the parties:

1. An HOD was issued June 26, 2012, that required the Student's IEP team to revise her IEP to be identical to the revision of January 7, 2011.
2. The IEP team meeting and IEP revision had not been completed by October 5, 2012.
3. The Respondent will fund the Student's placement at New Beginnings Vocational School for the 2012-2013 school year, including transportation, beginning from the date of her enrollment on August 27, 2012.
4. The Respondent will provide the Student with a copy of the revised IEP within 10 school days.
5. The parties agreed, on the date of hearing, to have their agreement reflected in an HOD.

V. CONCLUSIONS OF LAW

Because the parties have agreed to resolution of this matter, and agreed to have it reflected in an HOD, no further conclusions of law are necessary.

VI. DECISION & ORDER

1. The Respondent will provide the Student and her Counsel a copy of the Student's revised IEP, based on the HOD of June 26, 2012, within ten school days of the date of this order.
2. The Respondent will, within a reasonable time, reimburse the Student and/or New Beginnings Vocational School for the Student's educational program, including transportation to and from school, for the 2012-2013 school year, as of August 27, 2012. Reimbursement or funding will be based on valid proof of reimbursable educational costs provided to the Respondent in a manner determined by the Respondent.

IT IS SO ORDERED.

Date: November 27, 2012

Jim Mortenson, Independent Hearing Officer

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 USC §1415(i).