

District of Columbia
Office of the State Superintendent of Education
Office of Review and Compliance
Student Hearing Office
Frances Raskin, Due Process Hearing Officer
1150 – 5th Street, S.E.; Room 3
Washington, D.C. 20003
Phone: (202) 506.7801
Facsimile: (202) 506.4091

OSSE
STUDENT HEARING OFFICE
2009 MAR 19 AM 9: 21

Confidential

STUDENT, through the legal guardians¹)
)
 Petitioner,)
)
 v.) Hearing Date:
) March 10, 2009
)
 THE DISTRICT OF COLUMBIA)
 PUBLIC SCHOOLS,)
)
 Respondent.)
)

HEARING OFFICER DETERMINATION

Counsel for Petitioner: Donovan Anderson, Attorney at Law
2041 Martin Luther King Jr. Avenue, S.E.
Suite 131
Washington, D.C. 20020
(202) 610-1400; Fax: (202) 610-1881

Counsel for DCPS: Linda Smalls, Attorney at Law
Office of the Attorney General
825 North Capitol Street, N.E.; 9th Floor
Washington, D.C. 20002

¹ Personal identification information is provided in Attachment A.

I. JURISDICTION

This proceeding was invoked in accordance with the rights established under the Individuals With Disabilities Education Improvement Act of 2004 ("IDEIA"), 20 U.S.C. Sections 1400 et seq., Title 34 of the Code of Federal Regulations, Part 300; Title V of the District of Columbia ("District" or "D.C.") Municipal Regulations ("DCMR"), re-promulgated on February 19, 2003; and Title 38 of the D.C. Code, Subtitle VII, Chapter 25.

II. BACKGROUND

Petitioner is the parent of a -year-old student ("Student") who attends a non-public school. On February 6, 2009, Petitioner filed a Due Process Complaint Notice ("Complaint"). The Complaint alleged that DCPS failed to (1) evaluate the Student in all areas of disability in response to Petitioner's request that Early Stages conduct evaluations.

On February 20, 2009, counsel for DCPS filed its Response and Motion to Dismiss Parent's Due Process Complaint. The Response asserted that DCPS had already provided Petitioner the relief sought. During the prehearing conference, held on March 5, 2009, counsel for DCPS admitted that Petitioner was entitled to the evaluations she sought in the Complaint. Both counsel requested that this matter be decided by summary order rather than proceed to a due process hearing. Thus, the due process hearing was not held.

III. RECORD

Due Process Complaint Notice, filed February 6, 2009;
DCPS Response and Motion to Dismiss Parent's Due Process Complaint, filed February 20, 2009;
Petitioner's Response to Respondent's Motion to Dismiss, filed February 23, 2009;
Petitioner Five-Day Disclosures, filed March 3, 2009; and
DCPS Five-Day Disclosures, filed March 4, 2009.

ORDER

Based on the agreement of the parties, it is this 19th day of March 2009 hereby:

ORDERED that Petitioner shall obtain independent occupational therapy, speech and language, and neuropsychological evaluations at the expense of DCPS;

IT IS FURTHER ORDERED that within five business days of receiving the report of the evaluations, counsel for Petitioner shall forward the evaluations and reports to counsel for DCPS and the Early Stages program;

