DISTRICT OF COLUMBIA

Office of the State Superintendent of Education

Office of Review & Compliance

Student Hearing Office

1150 Fifth Street, SE
Washington, D.C. 20003
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OSSE
STUDENT HEARING OFFICE
2009 APR 17 AM 10: 13

Confidential

ADULT STUDENT[1],	**HEARING OFFICER'S DETERMINATION**
Petitioner,	Counsel for the Adult Student: Roberta Gambale, Esq.
vs.	Asst. Attorney General for DCPS: Linda S. Smalls, Esq., for Daniel Kim, Esq.
District of Columbia Public Schools,	
Respondent.	Impartial Hearing Officer H. St. Clair, Esq.

[1] Identifying personal information is attached to this decision as Appendix A and must be detached prior to public distribution.

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BACKGROUND

A Hearing Officer's Determination/Decision (HOD) was issued in this matter September 2, 2009 wherein the MDT was ordered to convene for certain purposes. The MDT did not convene. On March 4, 2009, Counsel for the Student filed the herein Complaint with the District of Columbia Office of the State Superintendent of Education (OSSE), Student Hearing Office (SHO), complaining the District of Columbia Public Schools (DCPS) denied the student a Free Appropriate Public Education (FAPE). Specifically, Counsel for the Student complained DCPS violated the HOD issued in the matter September 2, 2009 and, for relief, requested an Order to DCPS to convene the MDT as ordered on September 2, 2009.

A Pre-hearing Conference Order was issued in this matter on December 23, 2008. The Order determined the issue as setout below.

The Student Hearing Office, OSSE, scheduled a hearing in this matter for 11:00 A.M., Thursday, April 9, 2009 at the Student Hearing Office, OSSE, 1150 Fifth Street, SE - First Floor, Hearing Room 6A, Washington, D.C. 20003. The hearing convened as scheduled.

JURISDICTION

The hearing convened under Public Law 108-446, The Individuals with Disabilities Education Improvement Act of 2004, Title 34 of the Code of Federal Regulations, Part 300, and Title V of the District of Columbia Municipal Regulations.

ISSUE: **Did DCPS violate the Hearing Officer's Determination/ Decision (HOD) issued in this matter September 2, 2008?**

FINDINGS of FACT

By facsimile dated April 1, 2009, the parent disclosed 6 witnesses and 18 documents.

By facsimile dated April 8, 2009, DCPS disclosed 9 witnesses and 4 documents.

The documents were placed into the record and are referenced/footnoted herein where relevant.

In consideration of the documents and arguments herein, the hearing officer found the following facts:

1. The student attended the Academy for Ideal Education, a private school in the District of Columbia.