

**IN THE MATTER OF
(D.O.B.**

INTRODUCTION:

A Due Process Hearing was held at the offices of the District of Columbia Public Schools ("DCPS"), 825 North Capitol Street, N.E, Washington, D.C. 20002, on June 5, 2000 concerning The Hearing was held pursuant to a hearing request dated May 1, 2000 submitted by ~~Donna L. Wulkan, Esq. on behalf of~~ mother, A Due Process Hearing had been requested by the parent who claimed that DCPS had failed to comply with a hearing officer determination dated March 22, 2000 ("HOD"). The HOD ordered DCPS to hold a BLMDT/IEP meeting on behalf no later than April 30, 2000. However, as of the date of the hearing request, May 1, 2000, no such meeting had taken place.

As a result of DCPS's noncompliance with the HOD, the parent requests that DCPS be ordered to fund a full time special education school for children with emotional disabilities, Attention Deficit and Hyperactivity Disorder, speech and language disabilities, and visual-motor integration deficits. The parent also seeks funding for all related services necessary for as determined by the including transportation, psychological counseling, speech and language therapy and occupational therapy.

JURISDICTION:

The Hearing was held and this decision was written pursuant to the *Individuals with Disabilities Education Act (I.D.E.A.)*, as amended; the *Rules of the Board of Education of the District of Columbia* and the *Mills Decision*.

DUE PROCESS RIGHTS:

A formal reading of the Due Process Rights was waived by

SETTLEMENT:

Prior to any testimony, counsel for DCPS and the student informed the Hearing Officer that they had reached an agreement that would settle the outstanding issues in this matter. The parties agreed that would maintain his current placement at the placement at the through the Summer 2000. For the 2000-2001 School Year, DCPS will fund placement at the. The informed the mother by letter dated May 1, 2000, that had been accepted for the 2000-2001 School Year. DCPS funding for includes tuition, transportation and all related services.

During the Summer 2000, _____ will implement IEP including speech and language therapy, occupational therapy, psychological counseling and transportation.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. DCPS is required to provide a free appropriate public education ("FAPE") to all children identified as eligible for their services. (34 C.F.R. § 300.300).
2. DCPS was ordered by a HOD dated March 22, 2000 to convene a BLMDT/IEP meeting by April 30, 2000; but did not comply with the Order.
3. The parent and DCPS have reached an agreement that will provide FAPE for

DECISION

In view of the terms of the settlement agreement discussed at the hearing, the Hearing Officer concludes that said settlement is in the best interest of _____ and will provide him FAPE. It is therefore:

ORDERED:

1. _____ will maintain his current placement at the _____ through the Summer 2000.
2. During the Summer 2000, _____ will implement IEP including speech and language therapy, occupational therapy, psychological counseling and transportation.
3. For the 2000-20001 School Year DCPS will fund _____ placement at the _____ including tuition, transportation and all related services.

This is the final administrative decision in this matter. Appeals on legal grounds may be made to a court of competent jurisdiction within 30 days of the rendering of this decision.

Date: _____

David R. Smith
June 14, 2000

David R. Smith 6/14/00

David R. Smith
Hearing Officer