

District of Columbia
Office of the State Superintendent of Education
Office of Review and Compliance
Student Hearing Office

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Confidential

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| STUDENT ¹ , by and through his Parent Petitioners, v. District of Columbia Public Schools Respondent. | HEARING OFFICER'S DETERMINATION May 22 2009 <u>Representatives:</u> Counsel for Petitioners: Miguel Hull, Esq. Counsel for DCPS: Kendra Berner, Esq. <u>Hearing Officer:</u> Kimm H. Massey, Esq. |
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¹ Personally identifiable information is attached as Appendix A to this decision and must be removed prior to public distribution.

I. JURISDICTION

The Due Process hearing was convened and this Order is written pursuant to the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA), 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.").

II. PROCEDURAL BACKGROUND

On April 2, 2009, Petitioner filed an Administrative Due Process Complaint Notice ("Complaint"), alleging that DCPS had (1) provided an inappropriate individualized educational program ("IEP"); (2) failed to implement Student's IEP at his current placement; (3) failed to place Student in an appropriate school; (4) failed to complete an appropriate transitional/vocational assessment and failed to develop an appropriate postsecondary transitional plan/goals for Student's current IEP; and (5) failed to attempt reasonable interventions to address Student's refusal to cooperate with his placement.

The Student Hearing Office ("SHO") issued a Due Process Hearing Notice that set a prehearing conference date and provisionally scheduled a due process hearing. However, after DCPS issued an April 7, 2009 letter waiving the resolution session for this case, the hearing officer placed the case on a 45-day timeline and rescheduled the prehearing conference and due process hearing dates to April 30, 2009 at 10:30 am and May 8, 2009 from 9:00 am from 1:00 pm, respectively. Later, upon receiving last-minute notice of "mandatory" hearing officer training, the hearing officer reset the due process hearing to May 12, 2009 from 9:00 am to 1:00 pm.

On April 17, 2009, DCPS filed District of Columbia Public Schools' Notice of Insufficiency and Response to Petitioner's Due Process Complaint. With respect to the Notice of Insufficiency, DCPS asserted that the lack of a parental signature on the Complaint, as required by § 301.2(C)(e) of the SHO's Due Process Hearing Standard Operating Procedures ("SOPs"), rendered the Complaint insufficient under 20 U.S.C. § 1415(b)(7)(A)(ii). As for its Response, DCPS asserted that Student had failed to attend school for much of the year due to truancy, incarceration, and treatment, but services were made available to him, his placement was appropriate for his initial IEP, a full-time IEP and an FBA would be prepared now that Student had returned to school, and an interest inventory would be given to Student even though a basic transition plan was already contained in his IEP.

On April 30, 2009, the hearing officer issued an Interim Order Denying DCPS's Notice of Insufficiency but Granting DCPS's Request for a Ruling Requiring Parent to Participate in the Due Process Hearing.

Also on April 30, 2009, the hearing officer convened the prehearing conference for this case and led the parties through a discussion of the issues, defenses, relief sought, and related matters. On May 3, 2009, the hearing officer issued a Pre-Hearing Order that summarized the proceedings at the prehearing conference.

By their respective Five-Day disclosure statements dated May 5, 2009, DCPS disclosed twelve potential witnesses and six documents labeled DCPS-01 through DCPS-06, and Petitioner disclosed five potential witnesses and sixteen documents (hereinafter Petitioner's Exhibits 1 through 16).

The hearing officer convened the due process hearing on May 12, 2009, after an extended wait for Petitioner and Petitioner's counsel due to Petitioner's counsel's decision to transport Parent and Student to the hearing after their transportation plans fell through. As a preliminary matter, the parties' disclosed documents, as well as an additional document offered by Petitioner and labeled Petitioner's Exhibit 17, were admitted into the record without objection.

Thereafter, Petitioner made an opening statement, but DCPS chose to defer its opening until the start of its case. After Petitioner presented its case through the testimony of four witnesses, however, DCPS announced that it would rest on the record and then limited its closing statement to an assertion that Petitioner had failed to meet the *Reid*² standard for compensatory education because no expert testimony was provided and Petitioner failed to prove exactly what deficiencies Student has and how the proposed compensatory education plan would address them.

III. ISSUE(S)

1. Did DCPS provide an inappropriate IEP?
2. Did DCPS fail to implement Student's IEP at his current placement?
3. Did DCPS fail to place Student in an appropriate school?
4. Did DCPS fail to complete an appropriate transitional/vocational assessment and fail to develop an appropriate postsecondary transitional plan/goals for Student's current IEP?
5. Did DCPS fail to attempt reasonable interventions to address Student's refusal to cooperate with his placement?

IV. FINDINGS OF FACT

1. Student is a -year old grader, who is repeating ninth grade for the second time and was also retained in second grade. Student currently is involved with the criminal justice system as a result of his possession and use of marijuana. He also recently completed a residential drug treatment program.³
2. Student's most recent IEP is dated January 16, 2009. The IEP indicates that Student's

² *Reid v. District of Columbia*, 401 F.3d 516 (D.C. 2005).

³ See Complaint at 3; Petitioner's Exhibit 8 at 3.

primary disability is emotional disturbance (“ED”), and it requires DCPS to provide Student with 900 minutes per week of specialized instruction in an outside general education setting. The IEP lists the following present educational levels for Student based on March 2, 2005 testing: math calculation – 3.5; math reasoning – 3.3; reading comprehension – 2.3; and basic reading – 2.3. The IEP contains a post-secondary transition plan that requires him to “show growth” in the areas of postsecondary education and employment skills, to attend a college fair and a career fair, and to take his required courses as his course of study. The plan states that it is based upon Student’s March 2005 educational testing and unspecified testing conducted on January 12, 2009, which is identified only as “other.”⁴

3. The Meeting Notes for Student’s January 16, 2009 IEP meeting indicate that Student was not doing well in school because of his poor attendance, that Student had been detained for 10 days at the _____ and was off the rolls at his DCPS placement for a period of time, and that Student had promised to go to school more often during the second semester.⁵
4. Student’s previous IEP, dated May 11, 2007, also lists ED as his disability and requires him to receive 15 hours per week (the equivalent of 900 minutes per week) of specialized instruction outside of the regular education environment. The IEP relies upon the same March 2, 2005 testing referenced in Student’s current IEP and lists the same present educational levels as those listed in the current IEP, and also lists the following: written expression – 2.0. In addition, the IEP contains a Transition Services Plan that requires Student to develop a realistic career plan, to obtain career exposure and/or employment at maximum potential “in JHS and SHS and after exiting High School,” and to receive a formal vocational education assessment.⁶
5. By a December 1, 2008 Order of the Superior Court of the District of Columbia, Family Court, Juvenile and Neglect Branch, Petitioner’s counsel was appointed educational attorney for Parent and given authority to investigate the case and review, and copy if appropriate, Student’s educational, court and social records. The Order also required that Petitioner’s counsel obtain pre-approval for “expert services needed to proceed at an administrative due process hearing . . . if compensation for such services [was] to be paid by the Superior Court of the District of Columbia.”⁷
6. Pursuant to a December 3, 2008 Order of the Superior Court, Student received a psychiatric evaluation on December 23, 2008. The evaluator’s sources of information consisted of an interview with Parent, an interview with Student, Student’s drug status report for October 2008, and a September 2008 social assessment prepared by a probation officer. During his interview for this evaluation, Student made representations about his school attendance, marijuana use, and sexual activity/inactivity that directly conflicted

⁴ Petitioner’s Exhibit 4; DCPS-01.

⁵ DCPS-02; Petitioner’s Exhibit 4.

⁶ Petitioner’s Exhibit 5.

⁷ Petitioner’s Exhibit 2.

with the information he would later provide for his psychoeducational evaluation. (See Paragraph 6, *infra*). Overall, the evaluator concluded, *inter alia*, that Student's recent history of marijuana abuse appears to be the result of his associations with individuals who use drugs, and that he lacks motivation, doesn't enjoy school, seems frustrated that he has not performed well in school, lacks ambition for higher education, and lacks the necessary supervision and supports to ensure changes in behavior. The evaluator made the following Axis I diagnoses: Conduct Disorder, Marijuana Abuse, R/O Learning Disorder. The evaluation report lists "Deferred" in the section for Axis II diagnoses. Ultimately, the evaluator determined that Student is not a threat to himself or the community, and is not a candidate for residential placement.⁸

7. Pursuant to a December 11, 2008 Order of the Superior Court, the Court's Child Guidance Clinic conducted a psychoeducational evaluation of Student on January 26 and February 4, 2009. Student's performance on the evaluation resulted in scores in the Borderline range for the Full Scale IQ (74), General Ability Index (75), Working Memory Index (74), and Verbal Comprehension Index (72). Student's scores were in the Low Average range for Processing Speed (84) and Perceptual Reasoning (82).

The evaluator also administered personality/emotional testing and utilized the results of Student's January 16, 2009 educational evaluation, which was administered by DCPS. (See Paragraph 7, *infra*.)

Ultimately, the examiner diagnosed Student as follows on Axis I and Axis II: Axis I – Depressive Disorder NOS (mild features), Cannabis Dependence, Alcohol Abuse, Nicotine Dependence, and Learning Disorder NOS; and Axis II – Borderline Intellectual Functioning. The evaluator recommended that Student receive, *inter alia*, individual counseling, family counseling, an intensive inpatient drug treatment program for cannabis dependence, and a new IEP that addresses academic remediation.⁹

8. On January 16, 2009, Student received an educational evaluation, in the form of Woodcock Johnson Tests of Achievement, from the special education teacher at his current placement. His performance on that evaluation resulted in the following grade equivalencies: broad reading – 2.9; math calculation skills – 3.8; broad math – 3.9; broad written language – 2.9; written expression – 3.2; academic skills – 2.9; academic fluency – 3.7; academic applications – 3.1.¹⁰
9. The administrative record for this case also includes Student's May 2005 Clinical Re-evaluation, which was conducted by DCPS. In that evaluation report, it was noted that even as far back as the 1999/2000 school year, Student was seen as an enormously depressed child and he had excessive absences from school. The source of Student's emotional and behavioral issues was believed to be family stress, including poor or no supervision by Parent. Based on the results of the 2005 clinical re-evaluation, the evaluator concluded that Student's ongoing inability to perform socially or academically at grade level was directly related to significant emotional issues that had been present for

⁸ Petitioner's Exhibit 8.

⁹ Petitioner's Exhibit 7.

¹⁰ Petitioner's Exhibit 13.

at least 5 years, and the evaluator determined that Student continued to qualify for the ED classification.¹¹

10. Student's January 16, 2009 Progress Report indicates that he received Fs in all four of the classes he took during the first semester of the 2008/09 school year, which are listed as Success Strategies:Math&Read, Extended Literacy 9; Conceptual Physics 1A, and World History and Geography 1. Moreover, the comments section for each class contains the following notation: Excessive Absences. The Progress Report indicates that Student's scheduled classes for the second semester of the school year were as follows: English 1, Biology 1, Learning Lab 2: Strategizing, and World History and Geography 1.¹²
11. On March 5, 2009, DCPS convened a multidisciplinary team ("MDT") meeting for Student. At the time, Student was in a 28-day detoxification program due to dirty urine, and he was in the custody of the Division of Youth Rehabilitation Services ("DYRS"). The Meeting Notes indicate that Student was on a contract and did not follow through with the document, and that the attendance counselor was planning to withdraw Student for poor attendance, which would make him inactive for purposes of his placement's enrollment. The team determined to reschedule the meeting to March 17th to allow the team psychologist time to review Student's assessments and, if appropriate at that time, Student's information would be forwarded to an expediter for a placement decision.¹³
12. On March 17, 2009, DCPS reconvened Student's MDT meeting and the team reviewed his evaluation reports. The team determined that Student's IEP should be revised to provide for 26.5 hours of specialized instruction and 1 hour of counseling, for a total of 27.5 hours of special education and related service each week. However, the team failed to actually create a new IEP for Student at that time because the team did not have or could not obtain access to DCPS's new computerized IEP software program. The SEC indicated that she would send Student's information to a DCPS expediter to obtain a placement. Petitioner's advocate asked to be present when the expediter made the placement decision; however, the advocate was told that there was no need for him to be present because DCPS would not be making a placement decision, it would only be suggesting alternatives or possible placements for Student. The advocate disagreed with DCPS, but he was told that DCPS would get back to him and Parent with the suggested placements in 30 days.¹⁴
13. By letter dated April 27, 2009, a private full-time special education school of Parent's choice accepted Student into its program, pending official notification from DCPS. This school offers small class sizes of 9 to 10 students per class with a certified special education teacher and 1 or 2 paraprofessionals in each class. The school uses DCPS's curriculum for District of Columbia students, it has social workers who have been trained in dealing with cannabis abuse, and for transitional services, it offers both in-school work

¹¹ Petitioner's Exhibit 12.

¹² Petitioner's Exhibit 9.

¹³ Petitioner's Exhibit 14; DCPS-03.

¹⁴ Petitioner's Exhibit 15; DCPS-04; testimony of advocate.

experience and a program that sends District of Columbia students to work in local businesses. If truancy becomes a problem for a student at this school, the staff uses behavior contracts, home visits, and meetings without outside probation officers and social workers for intervention purposes. Normally, the truancy interventions work. If they do not, the truant student would be discharged/dismissed from the school.¹⁵

14. If Student is placed at the private school that has accepted him, he will receive full-time special education services from the start, then the school will conduct a 30-day review with assessments and probes, and a DCPS representative will be invited to attend the review and participate in the development of a new IEP for Student. Student's tuition would be approximately _____ per year. Student likes the school because of its small class sizes, and because he was told he would receive 1-on-1 help prior to being placed with the other students to complete his work. Parent also likes the school and believes Student would not have a truancy problem at the school.¹⁶
15. On May 8, 2009, DCPS held yet another MDT meeting for Student. The purpose of the meeting was to determine placement, and the team agreed that Student needs a full-time placement and that the least restrictive environment for Student would be a non-public educational program. The team agreed to place Student at the private school that had accepted him by letter dated April 27, 2009. DCPS's expediter was present and indicated that the MDT could issue a Prior Notice to any school, but the SEC preferred to consult with her supervisor first. The Meeting Notes indicate that a Prior Notice of Placement would be issued and a transportation request would be completed, and the SEC told Petitioner's advocate that the advocate would hear back from the SEC before the due process hearing in this case. Nevertheless, as of May 12, 2009, the date of the due process hearing, the documents had not been issued and the SEC had not contacted the advocate about the issuance of the documents.

Moreover, the team once again failed to complete a full-time IEP for Student in accordance with the MDT's previous decision because the DCPS team members were still waiting to receive a code that would permit them to access the computerized IEP system.

With respect to compensatory education, the Meeting Notes indicate that the advocate raised the topic, but the team determined compensatory education was not warranted because Student's schedule for the current academic year included 15 hours of specialized instruction. A March 20, 2009 Progress Report attached to the Meeting Notes indicated that during the second semester of the 2008/09 school year, Student's schedule included both the Success Strategies:Math&Read from his first semester, as well as a class entitled Learning Lab 2: Strategizing.¹⁷
16. DCPS's Attendance Summary for Student indicates that during the period beginning September 4, 2008 and ending May 4, 2009, Student was absent for a total of 422 days,

¹⁵ Petitioner's Exhibit 16; testimony of Senior Director of private school.

¹⁶ Testimony of Senior Director of private school; testimony of Parent; testimony of Student.

¹⁷ Petitioner's Exhibit 17; *see also*, DCPS-06; testimony of advocate.

and he was late 12 times.¹⁸

17. Petitioner's advocate has attended three MDT meetings for Student, but as of the date of the due process hearing, the advocate had only spent approximately 20 minutes talking to Student, and he had never observed Student in class. The advocate initially represented that Student's March 20, 2009 Progress Report only showed general education classes. Upon further examination, however, the advocate indicated that Student's Success Strategies course was a year-long inclusion class, and Student's Learning Lab class was a resource room class that only began third advisory and that would have been "at the most" approximately 4 ½ hours per week. The advocate failed to mention the source of his opinion regarding Student's classes. Moreover, the advocate made no mention of the Extended Literacy 9 class that Student took for the first semester of the current school year, as reflected on his January 16, 2009 Progress Report.¹⁹
18. Petitioner's advocate is of the opinion that Student requires 270 hours of compensatory education in the form of 1-on-1 tutoring as compensation for missed services. The advocate estimates that Student missed 420 hours of IEP services from the beginning of the current school year through March 17, 2009, and the advocate further estimates that Student missed approximately 120 hours of services from March 17, 2009, when the team determined Student required a full-time IEP, through the date of the due process hearing. The advocate also is of the opinion that Student requires "about 5 hours" of compensatory education in the form of counseling services, based on the advocate's estimate that from March 17, 2009 through the date of the hearing Student missed "at least" 6 hours of counseling services.²⁰

V. CONCLUSIONS OF LAW

The issues to be determined in this case are whether DCPS (1) provided an inappropriate IEP; (2) failed to implement Student's IEP at his current placement; (3) failed to place Student in an appropriate school; (4) failed to complete an appropriate transitional/vocational assessment and failed to develop an appropriate postsecondary transitional plan/goals for Student's current IEP; and (5) failed to attempt reasonable interventions to address Student's refusal to cooperate with his placement. As the party seeking relief in this action, Petitioner bears the burden of proof. See 5 D.C.M.R. § 3030.3; *Schaffer v. Weast*, 546 U.S. 49, 126 S.Ct. 528 (2005).

1. Inappropriate IEP

IDEIA defines a free appropriate public education ("FAPE") as special education and related services that, *inter alia*, are provided in conformity with an IEP. 34 C.F.R. § 300.17(d). Accordingly, the United States Supreme Court has held that the IEP is the means by which the FAPE required by IDEIA is tailored to the unique needs of a handicapped child. *Hendrick Hudson Central School District, Westchester County, et. al. v. Rowley* ("Rowley"), 458 U.S. 176

¹⁸ DCPS-05.

¹⁹ Testimony of Advocate.

²⁰ Testimony of advocate.

(1982). Moreover, IDEIA requires that an IEP be in effect for each child with a disability at the beginning of each school year, and there are precise requirements for the development, review and revision of IEPs. See 34 C.F.R., §§ 300.323, 300.324.

In this case, Petitioner has alleged that Student's IEP is not appropriate for him because it does not provide enough specialized instruction in the special education resource room setting, and because Student's MDT determined on March 17, 2009 that Student needs a full-time IEP but DCPS has not yet developed such an IEP for Student. Upon reviewing this claim at the prehearing conference, the hearing officer instructed Petitioner to bring to the due process hearing sufficient evidence to prove what would need to be included in a proper full-time IEP for Student. Despite the potential availability of expert services,²¹ however, Petitioner failed to present even a scintilla of evidence tending to prove the required elements for a full-time IEP for Student. Indeed, at the due process hearing, Petitioner's counsel indicated his position that it would be inappropriate for a hearing officer to develop an IEP for a disabled student because that is a function reserved only for IEP teams. As a result, even though there is evidence tending to prove that Student is entitled to a full-time IEP but DCPS failed to provide him with one, the hearing officer will dismiss without prejudice Petitioner's claim of an inappropriate IEP so that Petitioner can seek a remedy from the IEP team. The hearing officer declines to issue a finding that the IEP is inappropriate and order the IEP team to develop a full-time IEP for Student, as requested by Petitioner's counsel, because this hearing officer does not delegate to IEP teams her decision-making responsibility as a hearing officer authorized to resolve disputes arising under IDEIA. In the event Petitioner wishes to refile this claim and provide evidence sufficient to allow the hearing office to fully resolve the claim, the hearing officer would be willing to exercise her authority to do so.

2. Failure to Implement IEP

As noted above, IDEIA defines a FAPE as special education and related services that are provided in conformity with an IEP, and governing case law holds that a FAPE is tailored to the unique needs of each handicapped child by means of an IEP. 34 C.F.R. § 300.17(d); *Rowley*, 458 U.S. 176 (1982). Hence, an IEP must be in effect for each child with a disability at the beginning of each school year, and a child's IEP must be accessible to all of his teachers and service providers who are responsible for its implementation. 34 C.F.R. § 300.323(a) and (d)(1).

In this case, Petitioner has alleged that DCPS failed to provide Student with the 15 hours per week of specialized instruction required under his January 2009 IEP. More specifically, Petitioner argued at the due process hearing that, despite Student's extreme truancy problem, DCPS was still required to make FAPE available to him but failed to do so. However, a review of the evidence in this case reveals that Student's class schedule included two classes during the first semester that seem to have been special education classes, as well as two classes during the second semester that seem to have been special education classes.²² Indeed, Student's advocate acknowledged that Student's Success Strategies course was a year-long special education class, and that his Learning Lab class was a resource room class that began second semester. While the advocate asserted that the Success Strategies class was an inclusion class, that testimony was

²¹ See Finding of Fact 5.

²² See Finding of Facts 10, 15, 17.

uncorroborated and lacked indications of reliability in light of Petitioner's initial position at the hearing that there were no special education classes on Student's class schedule. Moreover, the evidence further reveals that at Student's May 8, 2009 MDT meeting, the team rejected the advocate's request for compensatory education on the ground that Student's schedule for the current academic year included 15 hours of specialized instruction. Under these circumstances, the hearing officer concludes that Petitioner failed to meet its burden of proving that DCPS failed to implement Student's IEP.

3. Inappropriate Placement

Under IDEIA, a public agency must provide an appropriate educational placement for each child with a disability, so that the child's needs for special education and related services can be met. See 34 C.F.R. §§ 300.114-300.120. In this case, Petitioner has alleged that Student's current DCPS placement is not an appropriate school for him, and the evidence proves that Student's MDT determined on May 8, 2009 that Student requires a non-public educational program. Indeed, the MDT agreed on May 8th to place Student at the private school that has already accepted him by letter dated April 27, 2009, but DCPS has subsequently failed to issue the promised Prior Notice of Placement and transportation request required to effectuate the placement.²³ Under these circumstances, the hearing officer concludes that Petitioner has met its burden of proving its inappropriate placement claim, and the hearing officer will order DCPS to fund Student's placement at the appropriate non-public special education school.

4. Failure to Complete a Transitional/Vocational Assessment and Develop an Appropriate Transitional Plan

Under IDEIA, the first IEP to be in effect when a child turns 16, and updated IEPs thereafter, must include (1) appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills, and (2) the transition services needed to assist the child in reaching those goals. 34 C.F.R. § 300.320(b). Even a cursory review of Student's existing transition plan reveals that the plan fails to meet these standards. As a result, the hearing officer will authorize Student's new private placement to conduct an interest inventory and a transition assessment designed to determine the skills Student has and/or will need to develop to meet any appropriate transition goals, and to also develop an appropriate transition plan as part of Student's 30-day review process. In the event the private placement fails to do so, DCPS shall fund the independent transition assessments specified herein.

5. Failure to Attempt Reasonable Interventions

IDEIA requires a child's IEP team to consider "the use of positive behavioral interventions and supports, and other strategies, to address" a child's behavior where that behavior impedes the child's learning. 34 C.F.R. § 300.324(a)(2)(i). In this case, Petitioner has alleged that DCPS failed to attempt reasonable interventions to address Student's refusal to attend classes and otherwise cooperate with his placement. At the due process hearing in this case, Petitioner argued that DCPS should have, for example, implemented a behavior contract or conducted home visits in an attempt to address Student's truancy problem. However, the evidence in this case tends to prove that DCPS developed a behavior contract for Student, but Student failed to

²³ See Finding of Fact 15.
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comply with the contract.²⁴ Moreover, as Petitioner failed to present testimony from any of the staff members responsible for implementing Student's IEP at his current placement, the hearing officer cannot be certain that other forms of intervention were not utilized as well. Under these circumstances, the hearing officer concludes that Petitioner failed to meet its burden of proof on this claim.

6. Compensatory Education

Given Petitioner's failure to prevail on its claims concerning the appropriateness and implementation of Student's IEP, the hearing officer concludes that an award of compensatory education would be inappropriate. *See Reid v. District of Columbia*, 401 F.3d 516 (D.C. 2005) (under theory of compensatory education, hearing officers may award prospective educational services to compensate for past deficient program).

VI. SUMMARY OF DECISION

The hearing officer determined that Petitioner met its burden of proving its inappropriate placement and inappropriate transition assessment/plan claims, but otherwise failed to meet its burden of proof.

VII. ORDER

1. Petitioner's claim of an inappropriate IEP is hereby dismissed without prejudice.
2. DCPS shall fund Student's placement at _____ for the 2009/2010 school year and provide Student with appropriate transportation to and from the school.
3. _____ is hereby authorized to conduct an interest inventory and a transition assessment designed to determine the skills Student has and/or will need to develop to meet appropriate transition goals, and to also develop an appropriate transition plan as part of Student's 30-day review process. In the event _____ fails to do so, DCPS shall fund the two independent transition assessments specified herein.
3. The remaining claims and requests for relief contained in Petitioner's April 2, 2009 Complaint are hereby **DENIED and DISMISSED**.

/s/ Kimm H. Massey, Esq.

Kimm H. Massey, Esq.
Impartial Due Process Hearing Officer

Dated this 22nd day of May, 2009.

²⁴ See Finding of Fact 11.
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NOTICE OF APPEAL RIGHTS

This is the final administrative decision in this matter. Any party aggrieved by the findings and decision may appeal to a State court of competent jurisdiction or a district court of the United States, without regard to the amount in controversy, within 90 days from the date of the decision pursuant to 20 U.S.C. § 1415(i)(2).