



# Office of Review & Compliance

*Student Hearing Office*  
 Van Ness Elementary School  
 1150 5th Street, S.E., 1st Floor  
 Washington, D.C. 20003  
 Telephone (202) 698-3819  
 Facsimile: (202) 698-3825

**Confidential**

OSSE  
 STUDENT HEARING OFFICE  
 2009 JUN 12 AM 10:11

<b>The Student Through their</b>	)	<b>IMPARTIAL</b>
	)	<b>DUE PROCESS HEARING</b>
<b>Parents,*</b>	)	
<b>Case No.:</b>	)	
	)	<b><u>DECISION AND ORDER</u></b>
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>Due Process Compl. Filed: Apr. 28, 2009</b>
	)	<b>Scheduled Hr'g Dates: June 1-2, 2009</b>
<b>The District of Columbia Public Schools,</b>	)	<b>Held at: Van Ness Elementary School</b>
<b>Home School:</b>	)	<b>1150 5th Street, S.E., 1st Floor</b>
<b>Attending:</b>	)	<b>Washington, D.C. 20003</b>
	)	
<b>Respondent.</b>	)	<b>Pre-Hearing Conference Held By-Phone</b>
	)	<b>Tuesday, May 26, 2009 at 12:30 p.m.</b>

**Counsel for the Parent/Student:** Lynne C. DeSarbo, Esq.  
 The Children's Law Center  
 616 H Street, N.W., Suite 300  
 Washington, D.C. 20001

**District of Columbia Public Schools:** Linda M. Smalls, Esq.  
 Assistant Attorney General  
 Office of the General Counsel, OSSE  
 825 North Capitol Street, N.E., 9th Floor  
 Washington, D.C. 20002

**Independent Hearing Officer:** Frederick E. Woods

\* Party identification information is stated in Appendix A of this order and Appendix A shall be removed from this order before public dissemination.

## **I. Case Background and Procedural Information**

### **A. JURISDICTION**

This Decision and Order is written pursuant to the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. No. 108-446, codified at 20 U.S.C. §§ 1400 -1482, 118 Stat. 2647; and its implementing regulations codified at 34 C.F.R. §§ 300.01 – 300.818; 5 D.C.M.R. §§ 3000 - 3033.

### **B. DUE PROCESS RIGHTS**

Before the hearing, the parent had been advised of their due process rights.

### **C. FIVE-DAY DISCLOSURES**

Petitioner: Admitted, with a sustained objection to Ex. 13 and Ex. 20, a disclosure letter filed on 05/28/09 that list eleven (11)-witnesses and attached twenty-three exhibits sequentially labeled and tabbed Parent-01 through Parent-23. Four (4)-witnesses were called to testify: (1) admission director; (2) a private psychiatrist; (3) the education advocate; and (4) the guardian *ad litem*.

Respondent: Admitted, without objection, a disclosure letter filed on 05/28/09 that list eight (8)-witnesses and attached fourteen exhibits sequentially labeled DCPS-01 through DCPS-14. Two witnesses were called to testify: (1) the special education coordinator; and (2) the special education coordinator.

### **D. STATEMENT OF THE CASE**

The student, born age -years 2-months, is a student with a disability receiving his special education and related services, according to his current 03/16/09 IEP, as a grade, 100% of the school day outside of a general education classroom as a Multiple Disabled (“MD”)—Specific Learning Disabled (“SLD”), Emotionally Disturbed (“ED”) and Other Health Impaired (“OHI”) student attending located at phone number (R. at DCPS-02.)

The student’s 01/21/09 Psycho-Educational Evaluation Report Treatment Recommendations state, in pertinent part that “[c]onsideration should be given to maintaining the student within an academic environment that can provide him with consistent and highly focused academic and therapeutic services. The primary concern

should be addressing his emotional disturbance. If not, his ability to receive maximum benefit from interventions designed to address his learning disorder will be significantly reduced.” (R. at Parent-15.) The student’s 03/16/09 MDT/IEP Team reviewed that evaluation report; agreed with the evaluator’s recommendations; revised the student’s IEP in accord with that evaluation; but failed to provide the student a therapeutic placement.” (R. at Parent-01; DCPS-02.)

Consequently parent’s counsel filed the student’s 04/29/09 Due Process Complaint (“DPC”) alleging that DCPS as the LEA violated the IDEA and denied the student a Free Appropriate Public Education (“FAPE”) during all or part of the 2007-08 and 2008-09 school years by doing two things: (1) failing to provide the student with an appropriate placement to implement his 03/16/09 IEP; and (2) failing to provide the student an appropriate 05/06/08 IEP and 09/05/07 IEP because those IEPs did not include all of the student’s primary disability codes. (R. at Parent-19.) As relief, the parent wants DCPS to place and fund the student’s placement at public expense for the remainder of the 2008-09 school year at The \_\_\_\_\_ and Compensatory Education. (R. at Parent-19.)

DCPS’ 05/08/09 Response to the DPC was that the student’s placement at \_\_\_\_\_ for the 2008-09 school year was not appropriate. (R. at DCPS’ 05/08/09 Response to the DPC.) And DCPS counsel stipulated to the parent’s facts regarding placement at the due process hearing.

The OSSE Student Hearing Office (“SHO”) scheduled a two-day due process hearing for 9:00 a.m. on Monday, June 1, 2009, and Tuesday, June 2, 2009 at Van Ness Elementary School, 1150 5th Street, S.E., 1st Floor, Washington, D.C. 20003. The parent selected to have a closed due process hearing that convened, as scheduled, 33-days after the 04/28/09 DPC was filed.

Assistant Attorney General Candace Sandifer appeared in-person for DCPS. Attorney Lynne C. Desarbo appeared in-person representing the student who was not present; and the student’s mother who was present. The testimony was taken and completed, and the case was submitted for a final decision and order.

## **II. Issue**

Did DCPS, as the LEA, violate the IDEA and deny the student a FAPE during the 2008-09 school year by not providing the student an appropriate placement to implement his 03/16/09 IEP when his MDT/IEP Team agreed that the student’s current placement at \_\_\_\_\_ could not meet his needs, and that he could benefit from a full time therapeutic placement with counseling, crisis intervention, and medication management—an educational placement he never received?

## **Brief Answer**

Yes. The student requires a therapeutic special education program setting as called for in his 03/16/09 IEP and DCPS did not provide the student with that recommended program at \_\_\_\_\_ nor proposed any other placement.

## **Preliminary Matter**

Before taking any testimony the parties informed the hearing officer that they stipulated to these facts:

### **A. Stipulations**

1. The student's 03/16/09 MDT/IEP Team all agreed that could not implement the student's 03/16/09 IEP.
2. The student's 01/21/09 Psycho-Educational Evaluation Report Treatment Recommendations state, in pertinent part that "[c]onsideration should be given to maintaining the student within an academic environment that can provide him with consistent and highly focused academic and therapeutic services. The primary concern should be addressing his emotional disturbance. If not, his ability to receive maximum benefit from interventions designed to address his learning disorder will be significantly reduced." (R. at Parent-15.) The student's 03/16/09 MDT/IEP Team reviewed that evaluation report; agreed with the evaluator's recommendations; revised the student's IEP in accord with that evaluation; but failed to provide the student a therapeutic placement." (R. at Parent-01; DCPS-02.)
3. The parent proposed one private special education school placement for the student, The \_\_\_\_\_
4. To date DCPS has not provided the student the IEP recommended placement nor agreed to the parent's proposed placement.
5. The student needs an appropriate educational placement to implement his 03/16/09 IEP.
6. Therefore, as to the student's placement, the only issue that remained for resolution at the due process hearing was whether The \_\_\_\_\_ could provide the student with educational benefit. (R. at Parent-01, 15, 19.)

### III. FINDINGS OF FACT

1. The student, born \_\_\_\_\_ age \_\_\_\_\_ years 2-months, is a student with a disability receiving his special education and related services, according to his current 03/16/09 IEP, as a \_\_\_\_\_ grade, 100% of the school day outside of a general education classroom as a Multiple Disabled (“MD”)—Specific Learning Disabled (“SLD”), Emotionally Disturbed (“ED”) and Other Health Impaired (“OHI”) student attending \_\_\_\_\_ located at \_\_\_\_\_
  
2. The student’s 03/16/09 IEP signed by the parent evincing agreement with its content, called for these special education services as an MD—SLD, ED, OHI student, 100% of the time out of a general education classroom:
  - a. Specialized Instruction, 25.5-hours per week;
  - b. Speech-Language Pathology, 30-minutes per week; and
  - c. Behavioral Support Services, 60-minutes per week.(R. at Parent-19; DCPS-02.)
  
3. As to the student’s special education program service needs, the student’s 01/21/09 Psycho-Education Evaluation Report performed by the D.C. Department of Mental Health provides invaluable insights. It states in pertinent part that—
  - i. The student came to the attention of C.F.S.A. in a neglect case.
  - ii. He was placed in foster care because of the serious neglect he experienced in his mother’s care, both physical and emotional.
  - iii. He has resided in two foster homes; but recently he returned home to his mother.
  - iv. In the past, the student was described as displaying noncompliance, oppositional, and disruptive behaviors; anger and aggression, as well as lack of self-control.
  - v. He obtained a Full Scale IQ score of 88, classifying him within the Low Average range of functioning.
  - vi. He is in the \_\_\_\_\_ grade. Based on his Woodcock Johnson 3rd Edition, Test of Achievement (“WJ-III”), he performed academically as follows:
    1. Broad Reading \_\_\_\_\_ 4.4 grade equivalency (“GE”)

2. Basic Reading Skills	4.2 GE
3. Broad Math	4.5 GE
4. Math Calculation	6.4 GE
5. Spelling	2.9 GE
6. Writing Fluency	pre K GE
7. Oral Language	3.0 GE
8. Oral Expression	4.0 GE

- vii. Emotionally the student is experiencing a significant amount of emotional distress. He harbors feelings of inadequacy that results in self-doubt.
  - viii. His feeling of inadequacy causes him to be chronically irritable. And his primary coping strategy appears to be avoidance—both physical and cognitive avoidance.
  - ix. In light of those findings, the student needs an academic environment that can provide him consistent and highly focused academic and therapeutic services.  
(R. at Parent-15.)
4. Those student needs were also supported by Dr. Christiansen, a psychiatrist. He testified that—
- i. The student has been in the neglect system for two years.
  - ii. He is currently in a crisis mode caused by him being removed from home then being placed back in that same home combined with his underlying behavior issues.
  - iii. He is under pressure at home that places him under pressure at school and that pressure at school places him under even more pressure at home—a vicious cycle.
  - iv. To break that cycle the student needs two things: (1) a therapeutic school like The \_\_\_\_\_ and (2) intensive in-school and in-home individual and family counseling that is provided by one outside agency who will consult and coordinate therapy services with the student's school based therapist, to wit: The Capital Region Children Center. (R. at Parent-25.)  
(R. at Dr. Christiansen's testimony.)
5. The student's educational consultant agreed with the findings of the psychologist and psychiatrist but added that the student also required Compensatory Education in the form of 400-hours of tutoring from

now until he is age 21; and 1200 hours of group and individual counseling. Not shared, however, was how the precise number of service hours requested was reached nor information about who would provide and how they would provide the requested service hours. (R. at Dr. Iseman's testimony.)

6. But as to the parent's claim that the student does not have an appropriate placement for the 2008-09 school year, DCPS stipulated to that fact.
7. The assistant attorney general representing DCPS in this matter stipulated to and thereby took out of dispute these facts:
  - i. The student's current placement for the 2008-09 school year, is an inappropriate placement; and
  - ii. The student needs a full time therapeutic placement.
8. In light of DCPS' admitted default of its IDEA obligation to provide the student with a FAPE; and in the absence of any other placement option being presented by DCPS that could meet the student's needs, the parent's proposed placement, The \_\_\_\_\_ can meet the student's needs.
9. According to The \_\_\_\_\_ 03/13/09 acceptance letter, "the school offered acceptance and placement in its 2008-09 Day School Program." (R. at Parent-21.)
10. And, according to the credible testimony of The admission director:
  - i. The \_\_\_\_\_ is a K-8, full time day therapeutic special education school for students with a primary disability code of ED, SLD, and/or Autism.
  - ii. The \_\_\_\_\_ can provide the student's IEP called for specialized instruction; speech pathology; counseling; behavior management; crisis intervention therapy; and medication management called for in his evaluator's reports and his 03/16/09 IEP.
  - iii. It will provide the student a small structured environment; and provide his specialized instruction in a self-contained classroom. The pupil/teacher ratio for the student's proposed classroom is 10/3.

iv. There is a registered nurse on staff to dispense the student's medication; licensed social workers to provide counseling services; a staff psychiatrist; and crisis intervention therapy (R. at The admission director's testimony.)

11. DCPS did not call any witnesses or provide any evidence whatsoever to support that was an appropriate placement. Nor did DCPS call a witness to contest whether The could provide the student educational benefit.

12. So the hearing officer found three (3)-things: (1) that DCPS defaulted on its IDEA obligations by not providing the student an appropriate placement to implement his 03/16/09 IEP for the 2008-09 school year; (2) that failure resulted in DCPS denying the student a FAPE; and (3) the parent's proposed placement at The can provide the student educational benefit.

13. So that student is hereby placed and funded at The in effective Friday, June 12, 2009 for the rest of the 2008-09 school year.

#### **IV. DISCUSSION and CONCLUSIONS OF LAW:**

##### **I**

**DCPS is required to make a FAPE available to all children with disabilities within the jurisdiction of the District of Columbia.**

The IDEA codified at 20 U.S.C. §§ 1400 - 1482. and 5 D.C.M.R. § 3000.1 requires DCPS to fully evaluate every child suspected of having a disability within the jurisdiction of the District of Columbia, ages 3 through 22, determine their eligibility for special education and related services and, if eligible, provide special education and related services through an appropriate IEP and Placement.

DCPS did not meet its IDEA obligations and its failure resulted in a denial of a FAPE to the student. Here is why.

1. If a child's initial evaluation suggests [s/he] is entitled to a FAPE, IDEA then requires the school district to create and implement an IEP, which is the 'primary vehicle' for implementing the Act." Hoing v. Doe, 485 U.S. 305, 311 (1988).
2. Pursuant to 5 D.C.M.R. § 3002.1, LEA Responsibility, "[t]he services provided to the child must address all of the child's identified special education and related services needs and must be based on the child's unique needs and not on the child's disability."

3. To ensure that each eligible student receives a FAPE, the IDEA require that an IEP be developed to provide each disabled student with a plan for educational services tailored to that student's unique needs. See 20 U.S.C. § 1414 (d)(3).
4. Pursuant to 34 C.F.R. §§ 300.323(a), (c)(2), IEP Must be in Effect, each public agency must provide special education and related services to a child with a disability in accordance with the child's IEP.
5. Pursuant to the IDEA at 20 U.S.C. § 1414 (d) (A), (B); 34 C.F.R. § 300.323 (a) Requirement that Program be in Effect—
  1. At the beginning of each school year, each local educational agency ... shall have in effect for each child with a disability in the agency's jurisdiction an IEP.
6. According to 34 C.F.R. § 300.116 (a)(1), Placements, “[i]n determining the educational placement of a child with a disability, each public agency shall ensure the placement decision is made by a group of persons, including the parent, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.”
7. According to 34 C.F.R. § 300.501(c), Parental Involvement in Placement Decisions, “[e]ach public agency shall ensure the parents of each child with a disability are members of any group that makes decisions on the education placement of their child.”
8. Pursuant to 5 D.C.M.R. § 3025, Procedural Safeguards—Prior Written Notice, DCPS shall provide written notice to the parent of a child with a disability before it proposes...an educational placement of the child.
9. Pursuant to 5 D.C.M.R. § 3013.1(e), Placement, “[t]he LEA shall ensure that the educational placement decision for a child with a disability is ...based on the child's IEP.”
10. DCPS stipulated that albeit the student has a current IEP for the 2008-09 school year the student does not have an appropriate placement to implement that IEP for the 2008-09 school year. (R. at Parent-01.)
11. To the credit of the DCPS assistant attorney general representing DCPS in this matter, she stipulated to and thereby took out of dispute these facts:
  - i. The student's current placement for the 2008-09 school year, is an inappropriate placement;

- ii. The student needs a full time therapeutic placement; and
  - iii. To date, DCPS has not proposed a therapeutic placement for the student.
12. In light of DCPS' stipulation, it did not defend against the parent's claims. It called no witnesses nor submitted any documentary evidence to support a finding that the student has an appropriate placement to implement his 03/16/09 IEP for the 2008-09 school year. And because the student is eligible for special education services, according to the IDEA, the LEA must provide the student with both an appropriate IEP and placement to implement that IEP for the 2008-09 school year.
  13. That is because the IDEA was enacted to "ensure that children with disabilities have access to a "free appropriate public education that emphasizes special education and related services designed to meet their unique needs." 20 U.S.C. § 1400(d)(1)(A). A free appropriate public education, or FAPE, is delivered through the implementation of an Individualized Education Program, or "IEP." See Burlington v. Dep't of Educ., 471 U.S. 359, 368 (1985) (*describing* the IEP as the "modus operandi" of special education).
  14. The IEP is developed by a team of professionals, including the child's parents, "as well as a representative of the local educational agency with knowledge about the school's resources and curriculum." Branham v. District of Columbia, 427 F.3d 7, 8 (D.C. Cir. 2005). An appropriate IEP, at a minimum, "must provide personalized instruction with sufficient support services to permit the child to benefit educationally from that instruction." Board of Educ. v. Rowley, 458 U.S. 176, 204 (1982).
  15. And the IEP can not be implemented without first identifying a placement because the provision of the IEP services, which must be based upon the child's IEP pursuant to 34 C.F.R. § 300.116(b)(2), with consideration given to the quality of services that the child needs. 34 C.F.R. § 300.116(b)(2)(d).
  16. In this matter DCPS met some but not all of its IDEA obligations to the student. It evaluated the student; determined based on that evaluation that the student is still eligible for special education services; revised his IEP; and determined the type of placement setting was required to implement that IEP. (R. at Parent-01.) But DCPS never provided the student with the placement it said he required. Consequently DCPS defaulted on that IDEA obligation.
  17. Therefore next, according the United States Supreme Court, "[w]hen a public school system has defaulted on its obligation under the Act [the IDEA], a private school placement is 'proper under the Act' if the education provided by the private school is 'reasonably calculated to enable the child to receive

educational benefit.”” Florence County School District Four v. Carter, 510 U.S. 7, 11 (1993); See also Massey v. District of Columbia, 400 F. Supp. 2d 66 (D.D.C. 2005).

18. The parent’s requested relief, placement and transportation, all at public expense, for their son to attend The \_\_\_\_\_ a private special education school, is granted. The student has been accepted to enroll in The \_\_\_\_\_. And the education provided by that private school is reasonably calculated to provide the student educational benefit. (R. at Parent-21, testimony of The \_\_\_\_\_ admission director.) Here is why.
19. The student’s 03/16/09 IEP signed by the parent evincing agreement with its content, called for these special education services as an MD—SLD, ED, OHI student, 100% of the time out of a general education classroom:
  - a. Specialized Instruction, 25.5-hours per week;
  - b. Speech-Language Pathology, 30-minutes per week; and
  - c. Behavioral Support Services, 60-minutes per week.(R. at Parent-19; DCPS-02.)
20. The \_\_\_\_\_ can provide all of the specialized instruction and related services that the student is to receive based on his current IEP. And the student has been interviewed and admitted by the school’s admission staff for the 2008-09 school year. (R. at Parent-21.)
21. An according to the credible testimony of The \_\_\_\_\_ admission director:
  - i. The \_\_\_\_\_ is a K-8, full time day therapeutic special education school for students with a primary disability code of ED, SLD, and/or Autism.
  - ii. The \_\_\_\_\_ can provide the student’s IEP called for specialized instruction; speech pathology; counseling; behavior management; crisis intervention therapy; and medication management called for in his evaluator’s reports and his 03/16/09 IEP.
  - iii. It will provide the student a small structured environment; and provide his specialized instruction in a self-contained classroom. The pupil/teacher ratio for the student’s proposed classroom is 10/3.
  - iv. There is a registered nurse on staff to dispense the student’s medication; licensed social workers to provide counseling services; a staff psychiatrist; and crisis intervention therapy

(R. at The admission director's testimony.)

22. So DCPS shall now fulfill its IDEA obligation to provide the student with an appropriate placement by placing and funding him at The
23. In this case, in addition to a private school placement for the student the parent also seeks Compensatory Education. (R. at Parent-19.)
24. The student's educational consultant said that the student required Compensatory Education in the form of 400-hours of tutoring from now until he is age 21; and 1200 hours of group and individual counseling. Not shared, however, was how the precise number of service hours requested was reached nor information about who would provide and how they would provide the requested service hours. (R. at Dr. Iseman's testimony.)
25. That Compensatory Education Plan, however, did not meet all of the requirements for awarding Compensatory Education under applicable case law. And there was more credible evidence from Dr. Christiansen of what else the student will need on top of a full time therapeutic IEP services as wrap around services—services deemed warranted. So the parent's request for Compensatory Education is denied. (R. at Dr. Christiansen's testimony.)
26. Pursuant to Reid v. District of Columbia, 401 F.3d 516, 522 (D.C. Cir. 2005), “[u]nder the theory of ‘compensatory education’ Courts and hearing officers may award educational services ... to be provided prospectively to compensate for a past deficient program.”
27. “The ultimate award must be reasonably calculated to provide the educational benefits that likely would have accrued from special education services the school district should have supplied in the first place.” Reid, 401 F.3d at 524.
28. Joining sister circuits, the District of Columbia Circuit Court held that “Compensatory Education awards fit comfortably within the ‘broad discretion’ of courts fashioning and enforcing IDEA remedies, see Florence County Sch. Dist. Four v. Carter, 510 U.S. 7, 15-16 (1993).” Reid, 401 F.3d at 523.
29. In sum, the Reid decision expressly states that courts and hearing officers may award Compensatory Education. Reid, 401 F.3d at 522. However, a BLMDT, as required under the IDEA, includes the LEA and SEA representatives who are employees of the state, who, under the IDEA, cannot conduct due process hearings. So if a hearing officer ordered a BLMDT to decide the parent's Compensatory Education claim, that team is being ordered to engage in a function reserved to courts and hearing officers. And, according to Reid, “under the statute [IDEA] a hearing officer may not delegate his authority to a

group that includes an individual specifically barred from performing the hearing officer's functions." Reid, 401 F.3d at 526.

30. So in light of Reid, there was no qualitative evidence presented about the educational benefits that likely would have accrued [to the student] from special education services the school district should have supplied [the student] in the first place." Reid, 401 F.3d at 524. And in the absence of an agreement between the parties that a certain type, form and amount of Compensatory Education services are warranted, no Compensatory Education is ordered. Because simply requesting 400-hours of tutoring and 1200 hours of counseling, without more, does not enable the hearing officer to make a qualitative analysis to determine if Compensatory Education is warranted.
31. Further, in light of Reid, the hearing officer cannot send the matter of Compensatory Education to an IEP Team to decide if Compensatory Education services are warranted. Reid, 401 F.3d at 526. So no Compensatory Education is ordered.
32. Pursuant to 5 D.C.M.R. § 3030.3, "The burden of proof shall be the responsibility of the party seeking relief; either the parent/guardian of the child or the LEA. Based solely upon the evidence presented at the hearing, an impartial hearing officer shall determine whether the party seeking relief presented sufficient evidence to meet the burden of proof that the action and/or inaction or proposed placement is inadequate or adequate to provide the student a Free Appropriate Public Education (FAPE)."
33. The parent, who filed the hearing request, had and met their burden of proof in this case because the parent:
  - a. Proved that DCPS failed to provide the student an appropriate placement for the 2008-09 school year.

So in consideration of the hearing record, the hearing officer finds that DCPS did not provide the student an appropriate placement to implement his 03/16/09 IEP for the 2008-09 school year; the student still needs a placement; and DCPS denied the student a FAPE. Therefore the hearing officer provides the parent's requested relief through this:

## ORDER

DCPS shall .....

1. Fund at public expense and issue, effective Friday, June 12, 2009, for the remainder of the 2008-09 school year, the student's prior Written Notice of Interim Placement along with transportation for the student to attend The

located at  
phone number

2. The student may enroll at The \_\_\_\_\_ if the school permits, while awaiting DCPS' Prior Written Notice of Interim Placement, funding, bus transportation or bus tokens based on the conditions established in this Order.
3. Continue the student's placement at The \_\_\_\_\_ unless and until DCPS provides him another appropriate placement to implement his IEP.
4. Fund the student's Home-Based Treatment Services of individual counseling, family counseling, academic tutoring and home work assistance, and intensive mentoring with all services in any combination not exceeding five (5)-hours per week for the remainder of the 2008-09 school year and for the entire 2009-10 school year that shall be arranged by the parent to be provided by The \_\_\_\_\_ located at \_\_\_\_\_  
The academic services shall focus on improving the student's writing fluency.
5. This Order resolved all issues raised in the student's 04/28/09 Due Process Complaint in Case No.: \_\_\_\_\_ that is dismissed; and the hearing officer made no additional findings.

**This is the final ADMINISTRATIVE DECISION. An appeal can be made to a court of competent jurisdiction within ninety (90)-days from the date of this Decision and Order pursuant to 20 U.S.C. § 1415 (i)(1)(A), (i)(2)(B); 34 C.F.R. § 300.516 (b).**

*/s/ Frederick E. Woods*  
**Frederick E. Woods**  
**Hearing Officer**

**June 11, 2009**  
**Date**