

Local Hearing

State Level Hearing

CASE CLOSURE SUMMARY REPORT

VDOE Case #: 24-018

(This summary sheet must be used as a cover sheet for the hearing officer's decision at the end of the special education hearing and submitted to the Department of Education before billing.)

PRINCE WILLIAM CO. PUBLIC SCHOOLS
School Division (PWCS)

REDACTED and **REDACTED**
Name of Parents

REDACTED
Name of Child

NON-EXPEDITED
Expedited or Non-expedited

NICOLE THOMPSON
Counsel Representing LEA

KIMBERLY MEHLMAN-OROZCO
Counsel Representing Parents / Child

Parents/ Petitioners
Party Initiating Hearing

February 29, 2024
Decision Date

Parents/Petitioners
Prevailing Party

Timeline:

Initial Filing date: October 23, 2023

Date of resolution session(s): November 3, 2023

15-day resolution meeting due date: November 7, 2023

30 day resolution period end date: November 27, 2023

Mediation date(s): Mediation declined by petitioners.

First day of the 45-day decision period: November 28, 2023

Hearing dates: Scheduled for December 7 and 8, 2023, with an extension date of December 9, 2023, if required.

Original decision due date: January 6, 2024

Final decision due date: January 6, 2024

Amended Complaint Timeline:

Amended complaint filed: November 3, 2023

Date of resolution session for amended complaint: November 17, 2023

15-day resolution meeting due date on amended complaint: November 18, 2023

30-day resolution meeting end date on amended complaint: December 3, 2023

Mediation date(s): December 19, 2023, January 2, 2024

First day of the 45-day decision period: December 4, 2023

Dismissal date: not applicable

Original hearing dates: December 5 and 6, 2023, with an extension date of December 7, 2023, if required. On joint motion of the parties, the case was continued to January 9, 2024

so the parties could engage in mediation. It was for good cause that the matter was delayed. It was in the best interest of the child for the parties to engage in mediation. The delay was granted.

Reason for continuance: On the first day of hearing, December 5, 2023, the parties jointly moved that the case be delayed so they could pursue mediation. During a break at the hearing, the parties reported to the Hearing Officer that they had settled some of the issues. The Hearing Officer delayed the hearing to afford the parties time to mediate the remaining issues that involved private school placement, tuition reimbursement and the denial of FAPE. The hearing was scheduled to reconvene on January 9, 2024.

Original Decision due date: January 17, 2024

Final decision due date: February 29, 2024. The decision due date was extended because of the hearing delay. On the final day of hearing, January 11, 2024, a motion was made by PWCS, without objection from the parents, to extend the decision due date. The extended date was for good cause and in the best interest of the student.

New hearing dates: January 9 and 10, 2024, with January 11, 2024 as an extension date, if required

New decision due date: February 29, 2024

Decision rendered: February 29, 2024

Hearing Officer's Identification of Issues:

The original issues of the case for the amended complaint were identified as follows:

1. *Whether Prince William County Public Schools (PWCS) failed to develop, implement, and/or revise the student's Individualized Education Program (IEP) in a manner reasonably calculated to enable the student to make progress, including but not limited to, providing sufficient compensatory education, homebound services, and vision therapy, thereby denying the student a free appropriate public education (FAPE).*

2. *Whether PWCS violated the Individuals with Disabilities Education Act Child Find laws by failing to timely identify the student as a student with qualifying disabilities.*

3. *Whether PWCS significantly impeded the parents' opportunity and/or ability to participate in the decision making process regarding the provision of a FAPE for the student.*

4. *Whether PWCS violated procedural safeguards by failing to provide timely prior written notice to the parents of proposed IEP modifications and/or IEP meetings.*

5. *Whether the student should be educated in a private school setting to receive a FAPE.*

Following the January 3, 2024 settlement agreement, issue #1 was partially resolved. On the second day of hearing, issues #2, #3, and #4 were withdrawn by the petitioners. Therefore, the issues for hearing were amended as follows:

1. *Whether Prince William County Public Schools (PWCS) failed to develop, implement, and/or revise the student's 504 Plan and/or Individualized Education Program (IEP) in a manner reasonably calculated to enable the student to make progress and provide the student with a FAPE for her 7th and 8th grade school years.*

2. *Whether the student should be educated in a private school setting at public expense in order to receive a FAPE.*

3. *Whether the petitioners should be reimbursed by PWCS for tuition associated with placing the student in the [Private School] School, a private school.*

Any additional or incidental matters raised by petitioners or respondent during the course of this proceeding that were not directly addressed herein were considered but found to be either outside the scope of the Hearing Officer's authority or extraneous to the identified issues.

ORDERS

The student will continue her education at The [Private School] School, at public expense.

PWCS will immediately convene an IEP team meeting placing the student at The [Private School] School.

The [Private School] School is required to provide progress reports for the student to PWCS as the parties can agree.

The student will be educated in accordance with the educational plan crafted by The [Private School] School for the student. While attending The [Private School] School, the student will be evaluated, assessed, and tested in accordance with The [Private School] School protocols.

The parents will be reimbursed for costs of enrollment/tuition associated with the student's attendance at The [Private School] School (minus two days). The parents are required to provide receipts to PWCS prior to reimbursement. Reimbursement will be made to the parents within 30 days of receipt delivery from the parents to PWCS.

There will be no reimbursement to the parents for any activity costs or fees that are owed in addition to tuition.

This certifies that I have completed this hearing in accordance with applicable regulations. Either party may appeal in a federal district court within 90 days of the date of this decision, or in a state circuit court within 180 calendar days of the date of this decision.

If applicable, the LEA is reminded of its responsibility to submit an implementation plan to the parties, the Hearing Officer, and the State Education Agency within 45 calendar days.

February 29, 2024
Rhonda J. S. Mitchell
Printed Name of Hearing Officer

Rhonda J. S. Mitchell

Signature

Copy furnished to:
VDOE
Case Monitor
Advocate for Parents
Counsel for PWCS
PWCS Representative