

*This is a redacted version of the original decision. Select details have been removed from the decision to preserve anonymity of the student. The redactions do not affect the substance of the document.*

**PENNSYLVANIA**

**SPECIAL EDUCATION HEARING OFFICER**

Name of Child: S.P.

ODR # 15671-1415 KE

Date of Birth:  
[redacted]

Stipulated Facts Provided by the Parties  
January 12, 2015

Parties to the Hearing:  
Parent[s]

Walter D. Palmer Charter School  
910 N. 6<sup>th</sup> Street  
Philadelphia, PA 19123

Date Stipulations Received:  
Date of Order:  
Hearing Officer:

Representative:  
Jessica Nguyen, Esquire  
Heidi Konkler-Goldsmith, Esquire  
McAndrews Law Offices  
30 Cassatt Avenue  
Berwyn, PA 19312

John Pund, Esquire  
JLP and Associates  
The Ellis House  
3837 West Chester Pike  
Newtown Square, PA 19073

January 12, 2015  
January 12, 2015  
Linda M. Valentini, Psy.D., CHO  
Certified Hearing Official

## Background

Student is a teenaged student formerly enrolled in the Walter D. Palmer Charter School [Charter School]. Pursuant to a Due Process Request which the Parent [Parent] filed on December 4, 2014 a hearing was scheduled for January 15, 2015. In lieu of a hearing the Parent and the School through their respective attorneys submitted the Stipulations of Fact presented below and asked that the hearing officer issue a ruling as a matter of law without conducting a due process hearing. The hearing officer agreed that this was a reasonable way to proceed given that the facts are not in dispute.

## Issue

Must the School pay for the Independent Education Evaluation the Parent obtained?

## Stipulated Facts

The following facts are not in dispute:

1. Student is a teenaged eighth grade student who enrolled at [the] Charter School [Charter School] in October 2013.
2. In March 2014, the Charter School approved Parent's request for an Independent Educational Evaluation at public expense in order to determine the Student's current level of functioning and agreed to allow Dr. S, a certified neuropsychologist, to conduct the evaluation.
3. On April 23, 2014, Mr. W, CEO of the Charter School, acknowledged in writing its obligation to pay Dr. S for completing an independent neuropsychological evaluation for the Student.<sup>1</sup>
4. Dr. S completed the independent neuropsychological report for the Student in August 2014.<sup>2</sup>
5. On or around August 24, 2014, Dr. S submitted an invoice totaling \$4,000.00 for services rendered to Dr. W.<sup>3</sup>
6. As of December 4, 2014, Dr. S has not received payment in full from the

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<sup>1</sup> This document was provided as Exhibit A.

<sup>2</sup> This document was provided as Exhibit B.

<sup>3</sup> This document was provided as Exhibit C.

Charter School.

7. On December 4, 2014, Parent filed for due process against the Charter School seeking full payment for the independent neuropsychological evaluation and reasonable attorney's fees and costs.
8. Parent seeks an order compelling the Charter School to remit full payment in the amount of \$4,000 to Dr. S and to pay reasonable attorney's fees and costs.

#### Conclusion

The document laying out the above Stipulations was signed by the attorney for the Parent and the attorney for the Charter School. The request for a ruling as a matter of law without the need for a due process hearing is appropriate in the interest of economy and a timely resolution of the matter. The Proposed Order will be issued, but with a modification. Although the Parent is the prevailing party in this matter, hearing officers do not have the authority to award/order attorney fees and costs and therefore that portion of the Proposed Order has been eliminated from the Order.

#### Order

In light of the above, it is hereby ORDERED that:

[The] Charter School shall pay Dr. S the amount of \$4,000.00 for the completion of the Independent Educational Evaluation.

The Parent is the prevailing party in this action.

January 12, 2015

Date

*Linda M. Valentini, Psy.D., CHO*

Linda M. Valentini, Psy.D., CHO  
Special Education Hearing Officer  
NAHO Certified Hearing Official