

Local Hearing x

State Level Appeal



CASE CLOSURE SUMMARY REPORT

(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)

Public Schools

School Division

Name of Parents

Name of Child

Date of Decision

, Attorney at law

Counsel Representing LEA

Counsel Representing Parent/Child

Parents

Public Schools

Party Initiating Hearing

Prevailing Party

Hearing Officer's Determination of Issue(s):

See copy of order

Hearing Officer's Orders and Outcome of Hearing:

See copy of order

This certifies that I have completed this hearing in accordance with regulations and have advised the parties of their appeal rights in writing. The written decision from this hearing is attached in which I have also advised the LEA of its responsibility to submit an implementation plan to the parties, the hearing officer, and the SEA within 45 calendar days.

Printed Name of Hearing Officer

Signature

VIRGINIA DEPARTMENT OF EDUCATION
PUBLIC SCHOOLS
SPECIAL EDUCATION DUE PROCESS HEARING

Parents

Student

School Division PUBLIC SCHOOLS,
_____ /

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came on for final hearing in _____ Virginia, before _____,
duly appointed Hearing Officer, on _____.

Appearances:

_____, Attorney At Law, for _____ Public Schools

This matter concerns the appropriateness of the Individual Education Program (IEP) of _____
proposed by the _____ Public Schools(_____) for the school year of
20 ____ for their _____, the student, _____ (_____), who has been found eligible for
special education as a child with a disability, _____ disability being Down Syndrome, _____ parents having
filed a request for a due process hearing challenging the appropriateness of the proposed IEP, to which
parents have not agreed, requesting instead that _____ be given the benefit of a full-time aide, a class in
word processing and payment by " _____ " for a "Fast Forward" program, to all of which "
" objected and refused to agree.

The program for _____ was fully developed at the IEP meeting of _____ which has
been offered as an exhibit by _____. The parents disagree with many of the provisions of that
IEP. One point of disagreement is that the parents insist that it would be beneficial to _____ to have a
full time aide accompany _____ to _____ classes, whereas the witnesses on behalf of _____ feel that
_____ would make more progress under the program proposed by them where _____ would be co-

taught by a regular education teacher and a special education teacher, in regular classes. This would be the least restrictive environment for

's parents insist on home schooling for for math courses, claiming that would be better taught at home, mother being a certified Virginia school teacher, whereas the school personnel strongly believe that would be better served by attending the regular math class, which would be the least restrictive environment and would enjoy the other benefits of attending classes with peers.

The parents want to offer a word processing class to help develop word skills which failed to offer because there is no computer class taught in the middle school, but did offer a resource period with specialized instruction in word processing.

The witnesses for do not believe that requires the "Fast Forward" methodology and it is not therefore offered as part of IEP

's father attended the hearing on, as well as previous hearings, however, no expert witnesses were produced, the father objecting to having to pay, a private practitioner in the field of Clinical Neuropsychology, a "\$500. fee to attend the hearing and explain examination and recommendations for ". is a well known private practitioner in field, a Clinical Neuropsychologist. It was duly pointed out by counsel for that did not therefore have the opportunity to cross examine, but report was listed as an exhibit by counsel for, and report and statements were referred to by some of the witnesses who appeared on behalf of

The professionals who did testify on behalf of have impressive qualifications, and all of them are familiar with to some degree, and have studied and observed, abilities and needs. They participated in the IEP procedure and are quite confident that the present IEP, which was rejected by the parents, is an appropriate education for, and is reasonably calculated to provide with substantial educational benefit.

For the foregoing reasons the Hearing Officer finds that the Public Schools has offered an appropriate special education program in the less restrictive environment for

and that the provisions of the IEP of _____ should be adopted and implemented
by the _____ Public Schools.

APPEAL INFORMATION

This decision is final and binding upon all of the parties unless one or both parties appeal.
Appeal must be made within thirty (30) administrative working days from the date of this decision. Any
appeal may be addressed to the Virginia Department of Education, Richmond, Virginia.

Dated this _____ day of _____

Hearing Officer

Copy furnished to:

Virginia Department of Education

_____, Esq.
; Director of Special Programs

VIRGINIA DEPARTMENT OF EDUCATION
PUBLIC SCHOOLS
SPECIAL EDUCATION DUE PROCESS HEARING



Parents

Student

School Division _____ PUBLIC SCHOOLS,
_____ /

ADDENDUM TO FINDINGS OF FACT AND CONCLUSIONS OF LAW

RIGHT OF APPEAL

A decision by the hearing officer in any hearing, including an expedited hearing, shall be final and binding unless the decision is appealed by a party in a state circuit court within one year of the issuance of the decision or in a federal district court. -

Dated this day of

Hearing Officer

Copies furnished to:

Virginia Department of Education

Attn: _____, Esq.

_____, Esq.,
_____, Director of Special Programs