

CASE CLOSURE SUMMARY REPORT



(This summary sheet must be used as a cover sheet for the hearing officer's decision on the special education hearing and submitted to the Department of Education before 04/06/04.)

School Division Public Schools

Name of Parents _____

Name of Child _____

March 31, 2004
Date of Decision or Dismissal

Bradford A. King, Esq.
Counsel Representing LEA

None
Counsel Representing Parent/Child

Parent
Party Initiating Hearing

Split between parent & LEA
Prevailing Party

Hearing Officer's Determination of Issue(s): The major issues were the matter of needed assistive technologies for the child and the need for private education.

Hearing Officer's Orders and Outcome of Hearing: The LEA admitted to procedural deficiencies and offered a program to remediate those deficiency areas.

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.

Richard E. Smith
Printed Name of Hearing Officer


Signature

VIRGINIA DEPARTMENT OF EDUCATION
DUE PROCESS HEARING



In Re: Due rocess Hearing,

DECISION

The due process hearing of _____ came to be heard on the 25th day of March, 2004. Present and attending the hearing were _____, mother of _____, _____, Bradford A. King, Esquire, counsel for _____ Public Schools, and _____, Director of Exceptional Education, _____ School Board.

In compliance with a pre-hearing order, a series of exhibits and a list of witnesses was exchanged on behalf of _____ School Board. Ms. _____, the parent, failed to file any exhibits or a witness list. The parent was, therefore, prevented from introducing any evidence.

_____ appeared and testified on behalf of the _____ Public Schools as its sole witness. Mr. _____ stated that there had been many procedural errors made with respect to this child and that he had attempted to remediate the errors by offering a compromise settlement of the issues to the parent. In reliance of this offer, the School Board's sole exhibit was introduced and discussed by Mr. _____ (See School Board Exhibit #1). Without question, Mr. _____ is an expert in the field of special education.

In an attempt at compromise (School Board Exhibit 1), Mr. _____ offered to initiate an IEP meeting and provide for placement of _____ in a private day school setting for the remainder of the current year and the next school year with an annual review to determine his needs at the time. Secondly, he recommended that an assistive technology evaluation be made in order to determine what devices and services would be needed for the child and, once determined, inserted into the IEP. Additionally, extended school year instruction would be made available so as to enhance the child's ability in the literary field. This also would be written into the IEP and reviewed annually to determine current needs.

The whole of Mr. _____ testimony clearly reveals that egregious errors in evaluating and in appropraite placement of this child are evident and require remediation.

ORDER


Upon consideration of the evidence presented, it is ORDERED that the Public Schools immediately provide for an assistive technology evaluation of _____ to determine what, if any, available technologies will assist him in meeting goals for

improvement of his literary skills; that an IEP meeting be assembled to develop a plan of action that will provide with FAPE; that the School Board provide with private day school instruction appropriate to his needs for the current school year and the next school year and that transportation to and from the site be provided all without cost to the parent; that extended school year services be made available to this child by teachers skilled in the approach devised in the private day school setting.

It is essential that properly staffed IEP meetings be held annually to determine this child's educational needs and to provide services to meet those needs.

DATE: March 31, 2004

ENTER;


Richard E. Smith
Hearing Officer

Right of Appeal: This decision is final unless appealed by a party in a state circuit court within one year of the issuance date of this decision , or in a federal court.

Note: The LEA shall submit an implementation plan with a copy to the parent, this hearing officer, and the SEA within 45 calendar days.