

06-071

Received

JUN 01 2006

Dispute Resolution & Administrative Services

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

May 18, 2006  
Date of Decision or Dismissal

J.T. Tokarz, Esq.

N/A

Counsel Representing LEA

Counsel Representing Parent/Child

Parent  
Party Initiating Hearing

Henrico County PUBLIC Schools  
Prevailing Party

Hearing Officer's Determination of Issue(s):

The initiating party did not meet applicable burden of proof. The case against Public Schools was not proven. Case decided in FAVOR OF School District.

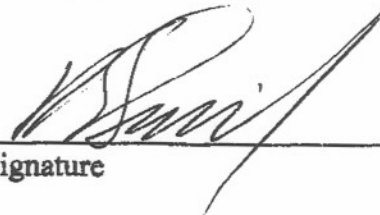
Hearing Officer's Orders and Outcome of Hearing:

Case decided in faVOR OF School District.

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



**Received**

**JUN 01 2006**

**Dispute Resolution &  
Administrative Services**

VIRGINIA:

**SPECIAL EDUCATION DUE PROCESS HEARING**

In Re: \_\_\_\_\_ (\_\_\_\_\_ Public Schools)

On May 18, 2006, this Hearing Officer found that Ms. \_\_\_\_\_ and \_\_\_\_\_

failed to meet their burden of proof and that this case should be dismissed.

At the beginning of the hearing counsel for the School District moved that the complainant failed to meet the burden of proof in that the complainant failed to follow the order of the Hearing Officer of April 29, 2006 requiring the parties to exchange documents to be introduced into evidence and a list of all witnesses to be heard at the hearing. Following argument on the issue, it was determined that neither Ms. \_\_\_\_\_ or \_\_\_\_\_ exchanged documents or a witness list in accordance with the order and therefore had no evidence to introduce into the hearing.

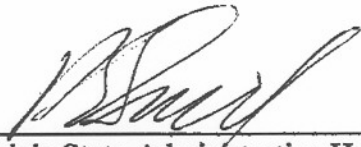
Based upon statements made during pre-hearing proceedings, the hearing officer finds:

1. The requirements of notice to the parents were satisfied;
2. \_\_\_\_\_ has a disability;
3. \_\_\_\_\_ is in need of special education and related services;
4. \_\_\_\_\_ Public Schools offered \_\_\_\_\_ a free appropriate public education.

In accordance with 8 VAC 20-80-76 O.1., " 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."

AND THE PRECEDING IS SO ORDERED

Entered:: May 18, 2006

  
\_\_\_\_\_  
Virginia State Administrative Hearing Officer

Richard Earle Smith  
Virginia State Administrative  
Hearing Officer  
P.O. Box 2274  
Mechanicsville, VA 23116  
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**Received**

**JUN 02 2006**

**Dispute Resolution & Administrative Services**

VIRGINIA:

**SPECIAL EDUCATION DUE PROCESS HEARING**

In Re: \_\_\_\_\_ ( \_\_\_\_\_ Public Schools)

**ADDENDUM TO HEARING OFFICER'S DECISION AND FINAL ORDER**

On May 18, 2006, the Hearing Officer found that the parent and the child failed to meet their burden of proof and that the case should be dismissed. This Addendum sets forth the Hearing Officer's determinations required by 8VAC 20-80-76J.17.

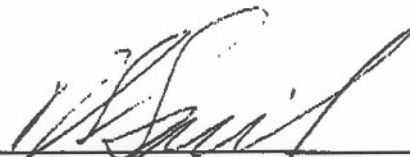
Because the parent and the child failed to exchange documents and a list of witnesses in accordance with the order of April 14, 2006, no evidence was presented at the hearing and the due process hearing was dismissed. However, based upon statements made during pre-hearing proceedings, the hearing officer finds as follows:

- (1) The requirements of notice to parents were satisfied;
- (2) \_\_\_\_\_ has a disability;
- (3) \_\_\_\_\_ need special education and related services;
- (4) \_\_\_\_\_ Public Schools offered \_\_\_\_\_ a free appropriate public education.

8 VAC 20-80-76 O.1 states : "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 federal District court within 90 calendar days of this decision, or in a state court within one year of the date of this decision".

AND THE ABOVE IS SO ORDERED.

Entered: June 1, 2006



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Virginia State Administrative Hearing Officer

Richard Earle Smith  
Virginia State Administrative  
Hearing Officer  
P.O. Box 2274  
Mechanicsville, VA 23116