RECEIVED Complaints & Due Pragess

CASE CLOSURE SUMMARY REPORT

Comp

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

| PURI LA COURSI C | |
|---|--|
| PUBLIC SCHOOLS | |
| School Division | Name of Parents |
| | |
| Pro se - Ph.D. | Pro se- |
| Counsel Representing LEA | Counsel Representing Parent/Child |
| and and | |
| in behalf of | Y PUBLIC SCHOOLS |
| Party Initiating Hearing | Prevailing Party |
| placement is School. Hearing Officer's Orders and Outcome of He | BUBLIC SCHOOLS and that the appropriate earing: |
| That School | would provide with the level of |
| educational and clinical support tha | at prequires and would provide |
| 30.60 | education pursuant to IDEA, and that |
| | and the Administrative Review |
| This certifies that I have completed this hearing parties of their appeal rights in writing. The I have also advised the LEA of its responsibil hearing officer, and the SEA within 45 calendary. | written decision from this hearing is attached in which lity to submit an implementation plan to the parties, the |
| Printed Name of Hearing Officer | Signature |

PUBLIC SCHOOLS (Due Process Proceeding)



In re:

FINAL ORDER OF HEARING OFFICER,

| TIVAL ORDER OF HEARING OFFICER. |
|---|
| This Due Process Proceeding was conducted on at the |
| Administrative Center, Virginia. The sole issue is the appropriate |
| placement of for the forthcoming school year, commencing |
| |
| Ph.D., in behalf of Public Schools, provided the |
| oral testimony of six witnesses, namely, Ph.D., Psychologist at |
| School. Assistant Principal and Program Manager at |
| School, PS Resource Specialist. |
| Psychologist at School, Psychologist with |
| PS, and Ph.D., Special Education Evaluation Specialist. |
| also offered into evidence 64 documents which were admitted as |
| evidence in this proceeding. |
| The parents of and namely, and and |
| presented their case. Pro Se. and they were the only witnesses in behalf of their |
| They offered into evidence medical reports from M.D |
| M.D., and Ph.D., P.C. These documents were admitted |
| into evidence. |

The testimony of this Hearing consisted of 332 pages.

FINDINGS OF FACT

has lived alternately with each of was born I parents, who are separated. From the weight and preponderance of the evidence, I find that is eligible for Special Education under the INDIVIDUALS WITH DISABILITIES ACT, (IDEA). meets the criteria under the ACT as being is of average or above average intelligence, and does not meet the criteria of Learning Disability (LD). On prior to this Hearing) an Individualized Education Program (IEP) was held, which both of parents attended with the IEP team, consisting of ______, the school PS Resource Specialist, psychologist. Ph.D., Special Education Evaluation Specialist, and Education Teacher. I find that their determination, under IDEA criteria, that qualified for Special Education with and and not a Learning Disability to be well founded and appropriate. It was determined that requires an individualized, supportive/small group educational setting. Both parents indicated that they had an opportunity to participate in the development of the IEP, but did not agree with the contents thereof.

It appears from the record that it was first determined that should be tested for Consideration for Special Education services by Public School at School on (See Ex. 16). Since that time, nine IEPs have been conducted (Ex. 27, 28, 29, 30, 31, 32, 33 and 35).

became eligible for Special Education as a student with

school infrequently and was placed on homebound instruction as recommended by own psychiatrist, who also prescribed drug medication. declined to accept homebound instruction for (Ex.31).

In was unilaterally enrolled by parents in a private day school, namely, where attended more regularly (Ex. 33).

The IEP team, however, recommended that attend School where special education and related services were to be provided. By letter dated Monitoring and Compliance Specialist for Public Schools (Ex. 34) advised that the Administrative Review Committee decided that School was appropriate for and would provide with the level of educational and clinical support that requires.

Although School was recommended by the IEP teams for the past recent years the parents chose not to give the program a chance and instead enrolled in a private day school similar to School (Tr. 29, 30, 31, 32). The evidence showed that School provides an educational and psychologically supportive environment for students, like who have who have with small (up to 10 students) classes and with all teachers having Special Education Certification and very importantly, access to its trained clinical staff (Tr. 20-72). The testimony of was corroborated by the five other witnesses presented to testify by Public Schools. These witnesses were cross-examined by and for a combined total of 161 pages.

In behalf of and and were the sole witnesses. None of physicians, psychiatrists, psychologists or teachers was called to testify. No

representative of was presented or subpoened to testify or to be crossexamined.

As stated, the parents testified in behalf of their (tr. 359-402) and presented closing arguments. The major persuasive testimony of the said parents was that wiked attending during the school year (Tr. 364, et seq.). attended classes more regularly, enjoyed the environment and earned good grades. Recently, wisited School for a total of 45 minutes (Tr. 367, et seq.). I find that was not a sufficient test of the qualifications of the school. although agreeing that this was not a sufficient test, testified that # "had an anxiety reaction to that school and wanted to get out of there as soon as possible (Tr. 370)." Unfortunately, we did not have the benefit of the testimony of the physicians, psychiatrists, or psychologists. We had only written reports which, of course, were not subject to cross-examination. It would have been most helpful to this Hearing Officer to have heard from them and examined and cross-examined them as to problems, their origin, their cause, medical reason, treatment and prognosis. I further find that the reasons expressed by were self-serving and not supported by substantive, credible evidence.

CONCLUSIONS OF LAW

Based upon my said Findings of Fact. I hereby rule in favor of Public Schools. The weight and preponderance of the evidence is too overwhelming to rule otherwise.

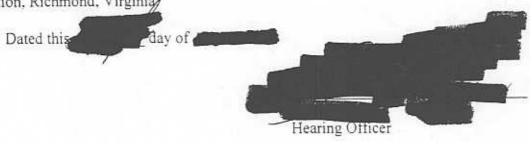
Accordingly, I uphold the conclusions of the final IEP team of and the Administrative Review Committee of that the proposed special

with the level of educational and clinical support that requires and would provide with a free and appropriate public education pursuant to law (INDIVIDUALS WITH DISABILITIES EDUCATION ACT).

If the parents desire to enroll in because they feel will receive a more appropriate education at that institution, they must fund this program themselves.

APPEAL INFORMATION

This decision is final and binding upon all 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 must be addressed to the Virginia Department of Education, Richmond, Virginia



Copy to: Virginia Department of Education