

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION

IDPH-FY-06-06-071/ Timberlane Regional School District

ORDER ON ASSENTED-TO MOTION FOR SUMMARY JUDGMENT

Parents requested a due process hearing on the matter of payment of tuition on June 20, 2006. This request was followed by an Assented-To Motion for Summary Judgment dated June 23, 2006, accompanied by a Statement of Agreed Upon Facts signed by the Parents and School District Representative. The parties agree on the material facts of this case and the relief to be granted.

All agree that _____ School in _____, _____, is the appropriate placement for Student. The School District has asked, with no objection, to make monthly installment payments totaling four thousand, six hundred and eighty-eight dollars and fifty cents (\$4,688.50) directly to _____ School for the Student's attendance from September 1, 2006 through June 30, 2007.

Summary judgment is available when there is no issue of material fact to be tried. Celotex Corporation V. Catrett, 477 U.S. 317 (1986). Such is true in this case. There is no dispute in need of due process adjudication and so, the order requested is granted.

So ordered.

Signed this thirteenth day of July, 2006.

Gail C. Morrison, Hearing Officer

School District forwarded its Statement and initial documents. Parent requested a continuance in order to obtain counsel and the pre-hearing conference was rescheduled to August, 17, 2006 over the School District's objection. Parent informed the under-signed hearing officer and counsel for the School District that counsel had not been obtained and Parent chose not to attend the pre-hearing conference.

At the pre-hearing conference, the undersigned hearing officer laid out a process that would allow for submissions according to a schedule and chose not to default Parent. A Pre-hearing Report and Order were promptly issued stating the same. School District entered its submissions within the time frame but the Parent made no response.

Decision

School District's affidavits and Findings of Fact and Rulings of Law are the sole basis of this decision. The IEP offered by the School District is deemed appropriate as is the placement offered by the School District.

ORDER

The IEP is to be implemented by the School District in the school proposed, the _____ Elementary School.

This is a final order and may be appealed accordingly. If either party is aggrieved by the decision of the hearing officer as stated above, either party may appeal this decision to a court of appropriate jurisdiction. The District shall notify the Commissioner of Education when either party, Parent or District, seeks a judicial review of the decision

Signed this 19th day of September, 2006.

Gail C. Morrison, Hearing Officer