

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION

Student and School District, IDPH FY 08-05-066

ORDER ON JOINT MOTION FOR SUMMARY JUDGMENT

The New Hampshire Department of Education received the Parents request for a hearing on the matter of placement on May 20, 2008. A hearing schedule was sent on May 23, 2008 giving a pre-hearing conference date of June 23, 2008. Prior to the conference, Agreed Statement of Facts and Joint Motion for Summary Judgment and Proposed Order were received from Margaret-Ann Moran, the attorney for the School District.

Upon review of the Agreed Statement of Facts and the Joint Motion for Summary Judgment, the following order is issued:

1. Summary Judgment is granted.
2. The School District, case number cited above, shall reimburse the parents for the following costs of the student's educational program at the Placement School, City, as follows: the cost for the ESY program at Placement for the summer of 2008 in the amount of \$redacted, day student tuition totaling \$redacted for school year 2008 – 2009 and for related services set forth in the IEP and not covered by the day student tuition rate which total \$redacted, for a final total of \$redacted, said fees to be paid per month for each full month student is enrolled beginning after September 1, 2008 for school year 2008-2009. The School District will pay for any tuition increases and will comply with Placement's payment schedule if different from the anticipated schedule. Payment shall be for the period beginning September 1, 2008 for the 2008-2009 school year and ending when student's IEP team reaches consensus on a different placement that will provide redacted with a free appropriate education at public expense, of absent such consensus, when a hearing officer or court of competent jurisdiction orders that student's placement shall no longer be at the Placement School, said reimbursement being conditioned on student's actual attendance at the Placement School on the months and days for which reimbursement is sought, and student and redacted parents continuing to be residents of the School District and the School District continuing to be the legally liable school district in this matter; further, Placement School, said payments to be credited to the account of parents for the education of student.
3. The School District shall be permitted to fulfill its reimbursement obligation by making monthly payments of the foregoing amounts directly to the Placement School, said payments to be credited to the account of parents for the education of student.
4. The School District shall reimburse the parents for the cost of transportation between the student's home and the Placement School, subject to the same conditions set forth in Paragraph 2. The School District shall be permitted to

fulfill its reimbursement obligation by making payments directly to the transportation carrier for those time periods in which the parents are not directly providing the transportation.

So Ordered.

Signed this 3rd day of July, 2008.



Gail Morrison