

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION

In Re: Student/Litchfield School District

IDPH-FY-09-05-040

ORDER ON SCHOOL DISTRICT'S MOTION
FOR IMMEDIATE DEFAULT JUDGMENT

On May 22, 2009 the Hearing Officer received the School District's Motion for Immediate Default Judgment. Therein, counsel for the School District represented that on May 6, 2009 the School District filed a complaint requesting a due process hearing and specifically sought an order from the Hearing Officer finding that the placement that the School District offered on January 6, 2009, to wit, the Brentwood School for the 2008/2009 school year was and is appropriate (see Paragraph 2 of School District's Motion). The School District further represented that the Parents did not file any response within ten days of the filing of the complaint. In addition, the School District represents in its Motion that the Student's Parent notified the School District's counsel on May 17, 2009 that:

"I don't plan to file a response, and I don't plan on attending the hearing."

Attached to the Motion are the various notices and e-mails including the e-mail from the Parent making the above representation. As such the Motion for Immediate Default Judgment is granted and the Hearing Officer Orders that the placement offered by the School District on January 6, 2009, to wit, the Brentwood School for the remainder of the 2008/2009 school year was and is appropriate. All hearing dates are canceled as a result of this ruling.

Appellate Rights.

If either party is aggrieved by the Decision of the Hearing Officer set forth above, either party may appeal this Decision to a Court of appropriate jurisdiction. The Parent has the right to obtain a transcription of the proceedings from the Department of Education. The District shall notify the Commission of Education when either the District or the Parent seeks judicial review of the Decision.

If neither party appeals this Decision to a Court then the District shall within ninety (90) day provide to the Office of Legislation and Hearing (Department of Education) and the Hearing Officer a written report describing the implementation of this Decision and provide a copy to the Parents. If the Parents do not concur with the District's report, the Parents shall submit their own report through the Commission of Education.

SO ORDERED:

Dated: 5/27/09

John P. LeBrun, Esquire
Hearing Officer