

STATE OF NEW HAMPSHIRE
STATE DEPARTMENT OF EDUCATION

In Re:

Student School District

IDPH FY 16-05-025

INTRODUCTION

This matter involves one issue: the appropriateness of the IEP offered by the School District in April, 2016. Other issues raised in the initial filing, to wit, Placement and ESY were resolved by the parties prior to the Hearing. The Hearing was held on September 19, 2016 as per the second Pre-Hearing Order issued on August 31, 2016. The parent did not appear for the Hearing. There had been a call placed by the parent the night prior to the Hearing to the effect that the children were sick and would need medical treatment. No follow-up call was made on September 19th. The parent did not call the Hearing Officer relative to any requested continuance. Under the circumstances the matter went forward and the District called four witnesses.

PROCEDURAL VIOLATIONS

No procedural violations were raised by the parent.

DISCUSSION

The first witness for the District was former Principal at the school that the student attended in 2015/2016. resume is at SD#977. has numerous NH Certifications including as a Behavioral Analyst, and in General Special Ed. has been involved in the development of 200-300 IEP's. The school in question services grades K-2. The student attended for the 2015-2016 school year. The student has

multiple disabilities and is the most complex student that this witness has worked with. Attendance was inconsistent due to numerous absences. attended all of the IEP meetings and believed that the team considered parental input. There is a psychological evaluation from at SD 74-79. review it and considered it in assisting to develop the IEP. In opinion the IEP as written targets all of the student's needs and is reasonable calculated to allow the student to make educational progress.

testified as the second District witness. teaches the visually impaired and is employed by Boothby Therapy Services. resume is at SD 983. began working with the student in February, 2015, when the student was part of the School District. continued to work with the student when the family moved to and up until June, 2016. The student is multi-handicapped.

has extensive experience in IEP development. When the student attended the local school in 2015/2016, had a 1:1 with as well as a nurse at all times. The student was the most complex that this witness has worked with. helped write the IEP in the academic and vision goal areas. attended all IEP meetings. expressed concern that the would not express opinions at the meetings. felt that the IEP covers all of the student's needs adequately and is reasonably calculated to provide the student with an appropriate education.

of the , testified as the third District witness. resume is at SD 974. has been involved in developing over 200 IEP's. mission statement is set out at SD 183. became involved with the student in June, 2016 when becoming involved in the 3 year re-evaluation.

reviewed the report and agrees with its conclusions and findings. The IEP targets all on the major domain areas for the student. It is reasonably calculated to allow the student to benefit from education.

Director of Student Services testified as the final witness. resume is at SD 976. first met the student in August of 2015 when became aware that the family was now in and the student would be attending school. was extensively involved in developing the IEP (SD 140). has been the primary contact with the family. also felt that the student, due to multiple disabilities, is the most complex student that has dealt with. felt that has never worked so hard in developing an IEP in career. attended all IEP meetings. In opinion the IEP is reasonably calculated to allow the student to benefit from education. The student is currently enrolled at the

REQUEST FOR FINDINGS OF FACT AND RULINGS OF LAW

Given the parent's failure to appear or participate in the Hearing, the undersigned did not order the District to submit proposed findings or rulings.

DECISION AND RULING

The District clearly established that the IEP offered for the student was appropriate and reasonably calculated to allow the student to make educational progress and provide the student with a free appropriate public education.

APPEAL RIGHTS

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 Parents

have the right to a transcription of the proceedings from the Department of Education. The District shall notify the Commissioner of Education when either party, Parents or District, seeks a judicial review of a Decision.

STATEMENT OF COMPLIANCE WITH ED1128.22(b)

If neither party appeals this Decision to a Court, then the District shall, within 90 days, provide to the Commissioner of Education and the Hearing Officer a written report describing the implementation of this Decision and provide a copy to Parents. If Parents do not concur with the District's report, Parents shall submit their own report to the Commissioner of Education on the implementation of the Decision.

SO ORDERED:


John P. LaBrun

Dated: September 20, 2016