

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

----- :  
Re: IN THE MATTER OF: :  
 :  
 JANE M. DOE :  
 :  
 Vs: JOHNSTON SCHOOL :  
 COMMITTEE :  
----- :

INTERIM ORDER

August 6, 1991

Jane M. Doe is a four year old child who is autistic and developmentally delayed. She is presently attending school at the Sargent Rehabilitation Center.

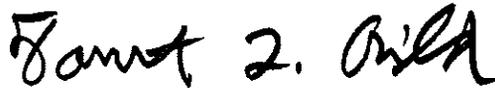
A dispute has developed between Jane's parents and the Johnston School Department as to the correct school placement of Jane Doe. The parents want Jane to be moved to a program at the Groden Center where Jane would have a greater opportunity to interact with non-handicapped students. (Ex. 2). They argue that the Commissioner of Education should pre-empt the due process hearing which has been scheduled and order immediate placement of Jane at the Groden Center since an opening which exists for her now at the Groden Center will be lost if she cannot move into it immediately. The school district argues that Jane's placement at the Sargent Center is appropriate. It also points out that the Sargent Center will soon be expanding opportunities for handicapped students to interact with non-handicapped students. The school district further argues that it may well be able to arrange a placement of this student in the Northern

Rhode Island Collaborative

The testimony is in conflict on whether or not Jane M. Doe would be helped or hurt by an immediate placement at the Groden Center. On the state of the record before us we cannot find a compelling justification for preempting the due process mechanism at this point. At the conclusion of a local level due process hearing we are prepared to reconsider the issues presented and order a program providing for increased interaction for Jane with non-handicapped students as may be warranted.

Conclusion

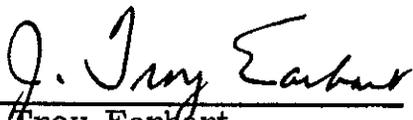
Petitioner's request for an Interim Order is denied without prejudice and it may be renewed at the conclusion of the local level due process hearing.



---

Forrest L. Avila, Esq.  
Hearing Officer

Approved:

---

J. Troy Earhart  
Commissioner of Education

August 6, 1991