

^{A. D.}
JOHN DOE

COMMISSIONER OF
EDUCATION

vs.

WARWICK SCHOOL
COMMITTEE

Decision on a request
for an Interim Order

During the last school year this student, who was enrolled in a special education program in the Warwick public schools, was, with the agreement of his parents, removed from school, and placed in home instruction. This "placement" in home instruction seems to have been the result of some disciplinary problems experienced by this student.

With the resumption of the school year the school district now agrees that this student should be allowed to return to a regular high school program. Prior to his assignment to home instruction this student attended Toll Gate High School and the School District now wishes to assign this student to Veterans Memorial High School. The student contends that this change in high schools represents a change in his "status quo" placement and that such a change is prohibited by federal special education law. The school district argues that the student's status quo placement is now "home instruction" and in, any event, that attendance at one high school rather than another does not constitute a change in placement.

We have to agree with the student that placement in high school is his status quo placement. We do not believe that "at home instruction", except in cases of medical necessity, could ever be viewed as a viable long term special education placement

or that "at home" instruction was, in fact, offered here as a new special education placement.

In prior a case we have pointed out that a change in the location of a placement does not necessarily amount to a change in placement. John A.G. Doe vs. The Groden Center, Commissioner of Education, 1989.

We think that it is impossible to determine within the confines of this interim order hearing whether this student placement at Veterans Memorial High School rather at Toll Gate High School amounts to a change in placement. We will therefore deny the request for an interim order at this time and set this matter down for an expedited hearing on the merits.

CONCLUSION

The request for an interim order is denied at this time. This matter is set down for a full hearing on September 28, 1992 at 10:00 a.m. for a full hearing on the merits.



Forrest L. Avila
Hearing Officer

Approved:



Peter McWalters
Commissioner of Education