

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

PETER C. ON BEHALF OF LISA  
V.  
BRISTOL/WARREN REGIONAL  
SCHOOL DISTRICT

DECISION AND INTERIM ORDER

Held: No change in placement found -  
interim order must be denied.

Date: April 26, 1994

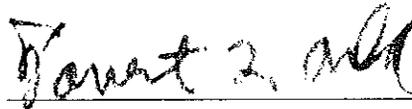
The petitioner in this case is an exemplary student in the Bristol-Warren Regional School District. For the past ten (10) years the school district has, in accordance with an Individual Education Plan, provided this student with physical therapy at her home. The school district now wishes to provide this therapy program at the High School after school. The special education director testified that qualified staff and appropriate equipment will be made available to provide the program. The petitioning student has elected to fill her entire school day with academic subjects so that an after school program is required.

We think that case law establishes beyond a doubt that changes in the time or place where an IEP service is provided does not constitute a "change in placement" prohibited by 20 U.S.C. 1415(e)(3) e.g. Concerned Parents v. New York City Board of Education, 669 F.2d 751 (2nd Cir. 1980).

In the case at hand we can find nothing to indicate that the substance of the petitioner's therapy program will be changed by moving it to a new location. Under these circumstances we must deny the request for an interim order.

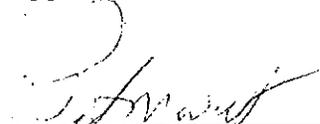
Conclusion

The petitioner for an interim order is denied.



Forrest L. Avila, Hearing Officer

Approved:



Peter McWalters, Commissioner

April 26, 1994

Date