

STATE OF RHODE ISLAND

COMMISSIONER OF EDUCATION

AND

PROVIDENCE PLANTATIONS

JOHN B. D. DOE

V.

PROVIDENCE SCHOOL COMMITTEE

DECISION

Held: Interim Order is granted to preserve  
the status quo

Date: September 16, 1994

John Doe is a tenth grade regular education student at Classical High School in Providence. John has already made two attempts at tenth grade. During each of these attempts, he has missed more than one-hundred twenty (120) school days. Providence school authorities wish to transfer John to the "Alternative Learning Project" (ALP). This program is a comprehensive high school in Providence which specializes in educating students who have difficulty in completing a regular high school program.

The parents in this case have filed a request for a special education hearing. The applicable federal regulations read as follows:

§ 300.513 CHILD'S STATUS DURING PROCEEDINGS.

- (a) During the pendency of any administrative or judicial proceeding regarding a complaint, unless the public agency and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her present educational placement.

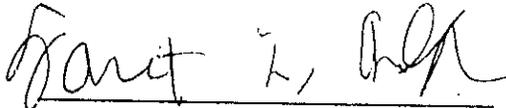
(Authority: 20 U.S.C. 1415(e)(3))

Comment. Section 300.513 does not permit a child's placement to be changed during a complaint proceeding, unless the parents and agency agree otherwise. While the placement may not be changed, this does not preclude the agency from using its normal procedures for dealing with children who are endangering themselves or others.

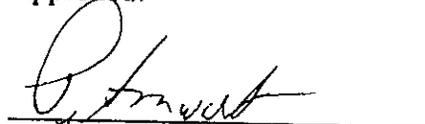
We are reluctantly compelled to hold that during the pendency of the Parents' complaint, John Doe's Status Quo placement is Classical High School. We recognize that Providence wishes to contend that a change to ALP is not a change in placement. Still, it must be recognized that ALP is an "Alternative" program. It is a different program from that offered at Classical.

### CONCLUSION

We conclude that Classical High School is this students' Status Quo placement. We respectfully suggest, however, that parents in this case should more closely examine the program at ALP to determine if, in fact, this would be the best program for John.

  
Forest L. Avila, Hearing Officer

Approved:

  
Peter McWalters, Commissioner

15 SEP 94  
Date