

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

IN THE MATTER OF JANE A.D. DOE

DECISION ON INTERIM ORDER

Held: Jane Doe is entitled to the protection of the "Stay Put Provision" of the IDEA.

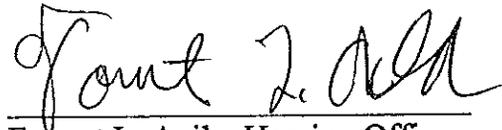
Date: April 26, 1995

The Learning Clinic is a special education facility located in Connecticut which has contracted with the Pawtucket School Committee to provide educational services to Jane Doe. Jane Doe is a Pawtucket student entitled to receive special education under state and federal law. IDEA, 20 U.S.C. 1400, et. seq. Under the IDEA children placed in private schools by public school agencies are entitled to "... have all the rights they would have if served by such agencies". 20 U.S.C. 1413 (4)(B) See: Regs, Sec. 300.2. One of the rights is the "stay put provision" which prevents a school from unilaterally removing a student from school before all due process proceedings have been completed. 20 U.S.C. 1415 (e)(3). Parent of John A.G. Doe vs. A Rhode Island School District and the Groden Center, Inc., June 30, 1988. The state of Connecticut and the Learning Clinic are covered by the IDEA.

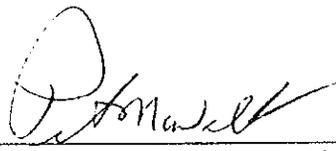
In the present case the Learning Center has made a unilateral decision to exclude Jane Doe from school before the completion of any due process procedure. This is contrary to the law. Parent of John A.G. Doe, supra. We also find that sufficient "minimum contacts exist" to give Rhode Island jurisdiction in this matter. G.L. 9-5-33. See: DelSesto v. Trans World Airlines, 201 F.Supp. 879. Based upon the representation of counsel we also find that the Learning Clinic had notice of this hearing and that it failed to appear.

Conclusion

We find that the law requires us to order that Jane Doe not be excluded from the Learning Center until completion of all applicable due process procedure.


Forrest L. Avila, Hearing Officer

Approved:


Peter McWalters, Commissioner

April 26, 1995
Date