

State of Rhode Island

Commissioner of Education

and

Providence Plantations

John Doe

vs.

The Westerly School Committee

DECISION ON INTERIM ORDER

Held: Request for Interim Order is Dismissed Without Prejudice

18 MAY 1998

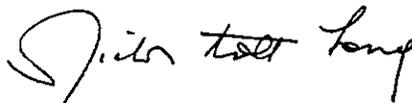
On 4 May 1998 the mother of John Doe, a special education student in the Westerly School system, filed a request with the Commissioner of Education for an "interim protective order" regarding the placement of her son. Contained in the letter accompanying the request for the "interim protective order" were a litany of complaints alleging a violation of John Doe's legal rights in connection with the educational services being provided him by the School Department. While a hearing normally would have been held within five days, the complainant requested that the hearing be held on 11 May 1998 in order to coincide with her day off from work.

This matter was heard before a designated hearing officer on 11 May 1998. Present were the complainant, her fiancé and *de facto* step father of John Doe, two special education personnel, a vice-principal and a school psychologist from the Westerly School Department.

After nearly four hours of testimony and off-the-record discussion, the complainant agreed that, at least for the moment, she did not want her son moved from his current academic placement inasmuch as he seemed to be succeeding there. Moreover, that she acknowledged that the School personnel present were making a good faith effort to assist her son but that the School Department, as a whole, was not meeting its legal obligations under the IDEA and other related statutes. The complainant and the School Department personnel agreed that they would continue to seek a satisfactory long-term resolution of John Doe's difficulties and that, if necessary, the complainant would

pursue what she regarded as the School Department's failure to fully meet its legal obligation under the IDEA in accordance with the due process procedures in that statute.

Accordingly, the complaint is hereby dismissed without prejudice.



---

Nicholas Trott Long, Hearing Officer

Approved:



18 MAY 1998

Peter McWalters