

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

JOHN N. DOE "
 "
VS. "
 "
JAMESTOWN "
 "
SCHOOL COMMITTEE "

INTERIM ORDER

February 27, 1992

This eighteen year old student is a resident of Jamestown. Jamestown is responsible for his placement in the Narragansett School System. This student, who is in a special education program, is seeking an interim order changing his IEP or, in the alternative, ordering his placement in a private school. A request for a local level due process special education hearing has been made.

The nub of this controversy seems to be that this student has been enrolled in a "Basic Life Skills Math" class and in "Basic English." The petitioner argues that his placement in these courses violates his right to a free appropriate public education because they ". . . are inappropriate for his expectations of college enrollment and his overall ability levels as an average student." Petitioner also seems to allege some procedural errors in the development of his IEP.

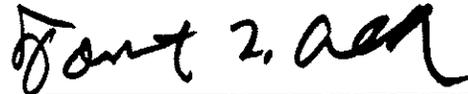
The School District argues that it has very carefully considered this student's educational needs and that different course placements would not be in the best interests of the student. It also argues that these course placements will not prevent this student from successfully applying for admission to college.

We see nothing in this record which would justify us in summarily ordering this student into a private school placement. Moreover, we cannot conclude on the record before us that the course placement of this student is inappropriate. Still we have concerns which prevent us from completely remitting this case at this time. These concerns center on the fact that this matter seems to have been the subject of continual dispute for a fairly long period of time.

Conclusion

The request for an Interim Order is denied at this time. A Special

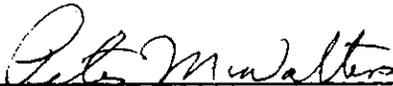
Visitor will be appointed to report back in about two (2) weeks at the next hearing as to whether additional tutoring should be ordered. At the conclusion of the local level due process hearing which has been requested we will, if the petitioner is the prevailing party, consider whether this local level decision should be enforced before appellant review is exhausted.



Forrest L. Avila, Esq.
Hearing Officer

Approved:

February 27, 1992



Peter McWalters
Commissioner of Education