

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

JANE A.C. DOE

v.

NORTH KINGSTOWN SCHOOL
COMMITTEE

INTERIM ORDER DECISION

Held: Interim Order is denied.

Date: March 28, 1995

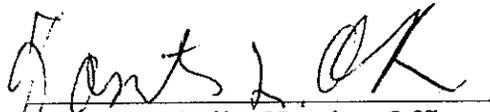
The student in this case is attending high school in North Kingstown. Since the first grade she has been identified as having a learning disability. By the end of elementary school she was functioning at close to grade level. When she entered high school, however, her performance declined greatly. Her grades are now C's and F's. At the initial local level hearing in this matter this student argued that she should be placed in a residential school which specialized in a "whole language" method of education.

The local level hearing officer in this case reached the conclusion that while a residential placement was not needed for this student a program of "whole language" instruction should be provided to her in the local school system. The local school system has advertised for, and has hired, a teacher whom it feels can provide the required instruction. The student has appealed the decision of the local level hearing officer. In the meantime the student has become aware of a nearby school in Massachusetts which offers "whole language" instruction on a day school basis. She is requesting the Commissioner to order North Kingstown to place her in this program.

As we have indicated in prior cases we will not normally act to change a status quo placement at the request of a student until all administrative appeals have been exhausted. We feel that it is, as a general rule, improvident to "short circuit" the review mechanism created by Congress to resolve special education disputes. In the matter of John B.B. Doe, Commissioner of Education, 1994. We can find nothing in this record to indicated a good reason to depart from these principles. We therefore must deny and dismiss this students petition without prejudice.

Conclusion

The petitioning student's petition is denied and dismissed without prejudice. The petition may be reviewed at the conclusion of administrative review at the state level.


Forrest L. Avila, Hearing Officer

Approved:


Peter McWalters, Commissioner

March 28, 1995
Date