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December 26, 1997

Parent

Prescott Verrill, Superintendent
School Administrative District #36
P.O. Box S
Livermore Falls, ME 04254

Re: Hearing #97.214, Parent v. SAD #36

Dear Parent and Mr. Verrill:

This letter is to notify you of my decision to dismiss the request for due process hearing in the above-referenced matter for lack of cause.

A pre-hearing conference was conducted on December 15, 1997 via conference call. The decision to dismiss is based on the following information:

1. On October 6, 1997, a hearing decision (#97.140) was issued regarding this student. The determination was that parts of the program were inappropriate, as the student was found not to benefit from inclusion in the regular education academic classes. The School was ordered to convene a PET meeting for the purpose of transitioning the student to a functional life skills program for part of his educational program. The transition was to take place at the semester break, i.e. following the holiday vacation.
2. On October 10, 1997, the Education Technician, who had been working with the student providing support in the regular education science class, voluntarily left the employment of SAD #36. The Director of Special Services spoke with the science teacher and the Case Manager/Resource Room teacher about hiring a new Ed. Tech. and both teachers confirmed that together they would provide the necessary support for the interim period prior to the transition outlined in the hearing Order. There were approximately 12 science classes during this interim period, i.e. October 10th to the end of the semester. During this time, the classroom teacher and the special education teacher provided classroom support to the student.

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3. On October 23, 1997, the parent filed a request for a Complaint Investigation alleging that the School failed to implement the IEP as per the support services provided to the student in a regular education science class.
4. On November 12, 1997, the PET met to develop an IEP in compliance with the hearing Order of October 6, 1997. The parent is not in agreement with the Order or the IEP developed by the team.

5. On November 24, 1997, the parent lettered the Maine Department of Education asking to change the October 23rd Complaint to a request for Due Process Hearing and “stay-put” to the IEP in effect prior to the November 12th PET.

In conclusion, this request for hearing regarding the alleged failure to provide support services is dismissed for lack of cause. The hearing decision of October 6, 1997 had determined that the science class in question was educationally inappropriate for the student. Due to his level of disability, he was unable to benefit from inclusion in the regular education high school science class. However, despite the voluntary termination of the Ed. Tech.’s employment, the School continued to provide support services to the student during the interim period through the classroom teacher and the special education teacher.

Sincerely,

Katherine A. Neale
Hearing Officer

cc: Matiana Glass, Director of Special Services
Eric Herlan, Attorney for School
Michael Opuda, Due Process Consultant