

HEADING

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STUDENT, a minor, by and through
his/her Parent(s),¹

Petitioners,

- against -

PUBLIC SCHOOL DISTRICT,

Respondent.

-----x

**FINDINGS OF FACT
AND DECISION**

Case No. _____

_____, Hearing Officer

INTRODUCTION

This matter comes before the undersigned Hearing Officer on Petitioners' Notice of Due Process Complaint, filed on or about _____ (hereinafter, "Complaint"). HO _____.² I was appointed shortly thereafter. HO _____. Respondent's Response to the Complaint was filed on or about _____. HO _____. A resolution meeting was held on _____. HO _____. The parties, however, were not able to reach an agreement. HO _____. A pre-hearing conference in the matter was scheduled for, and held on, _____. HO _____. The Pre-Hearing Conference Summary and Order was issued on _____. HO _____.

¹ Personally identifiable information is attached as Appendix A to this decision and must be removed prior to public distribution.

² The Hearing Officer Exhibits will be referred to as "HO" followed by the exhibit number; Petitioners Exhibits will be referred to as "P" followed by the exhibit number; and, Respondent Exhibits will be referred to as "R" followed by the exhibit number. When citing to any exhibit, the third range represents the page number within the referenced exhibit.

A hearing was held on [REDACTED]. It was a closed hearing, and the Petitioners were represented by _____ . Respondent was represented by [REDACTED]. Petitioners entered into evidence exhibits [REDACTED] to [REDACTED]; Respondent entered into evidence exhibits [REDACTED] to [REDACTED].³

The record was closed on _____.

[Consider also including the following: (1) any extensions to the decision timeline; (2) a summary of any motions filed at the pre-hearing conference and prior to or at the due process hearing, and your decision; (3) any significant agreements or rulings made at the pre-hearing conference and prior to or at the due process hearing; and (4) whether written closing arguments or brief were submitted.]

JURISDICTION

The due process hearing was held, and a decision in this matter is being rendered, pursuant to the Individuals with Disabilities Education Act (hereinafter, "IDEA"),⁴ 20 U.S.C. § 1400 *et seq.*, and its implementing regulations, 34 C.F.R. § 300 *et seq.*, and the New York State Education Law, Educ. Law § 4404 *et seq.*, and its implementing regulations, 8 NYCRR § 200.5 *et seq.*

³ A more detailed list of the admitted exhibits is attached as Appendix B to this decision.

⁴ In 2004, Congress reauthorized the Individuals with Disabilities Education Act as the Individuals with Disabilities Education Improvement Act. *See* Pub. L. No. 108-446, 118 Stat. 2647 (Dec. 3, 2004), effective July 1, 2005. The amendments provide that the short title of the reauthorized and amended provisions remains the Individuals with Disabilities Education Act. *See* Pub. L. 108-446, § 101, 118 Stat. at 2647; 20 U.S.C. § 1400 (2006) ("This chapter may be cited as the 'Individuals with Disabilities Education Act.'").

BACKGROUND

[Consider including the following: (1) the student's sex, age, grade, disability category, and current placement; and (2) the circumstances which prompted the due process complaint; basis.]

ISSUES

The issues to be determined [and the parties' basic position concerning each] are as follows:

Petitioner requests relief in the form of _____.

FINDINGS OF FACT

After considering all the evidence, as well as the arguments of both counsel, this Hearing Officer's Findings of Fact are as follows:

- 1.
- 2.
- 3.
- 4.

CONCLUSIONS OF LAW AND DISCUSSION

Based upon the above Findings of Fact, the arguments of counsel, as well as this Hearing Officer's own legal research, the Conclusions of Law of this Hearing Officer are as follows:

ORDER

Based upon the above Findings of Fact and Conclusions of Law, it is hereby ordered:

[Include what must be done by each party, where applicable, to carry out the decision, including establishment of timelines for each step or action.]

1. ORDERED that, ...
2. IT IS FURTHER ORDERED that, ...

SO ORDERED.

DATED:

HEARING OFFICER

NOTICE OF RIGHT TO APPEAL

Within 35 days of the date of this decision, the parent and/or the **Public School District** has a right to appeal the decision to the State Review Officer of the New York State Education Department under Section 4404 of the Education Law and the Individuals with Disabilities Education Act.

The notice of intention to seek review shall be personally served upon the school district not less than 10 days before service of a copy of the petition for review upon such school district, and within 25 days from the date of the decision sought to be reviewed. The petition for review shall be personally served upon the school district within 35 days from the date of the decision sought to be reviewed. If the decision has been served by mail upon petitioner, the date of mailing and the four days subsequent thereto shall be excluded in computing the 25- or 35-day period. 8 NYCRR § 279.2(b). Failure to file the notice of intention to seek review is a waiver of the right to appeal this decision.

The rules of procedure are found in Part 279 of the Regulations of the Commissioner of Education (<http://www.sro.nysed.gov/part279home.html>).

APPENDIX A – PERSONALLY IDENTIFIABLE INFORMATION

[STUDENT] v. PUBLIC SCHOOL DISTRICT

Case No. **[REDACTED]**

Student's Name	
Date of Birth	
Student's I.D. Number	
Attending School	
Recommended School	
Father's Name / Guardian 1's Name	
Mother's Name / Guardian 2's Name	
Public School Psychologist	
Public School Social Worker	

[NOTE: MODIFY LIST AS NECESSARY AND ADD AS MANY GENERIC TITLES AS NEEDED TO IDENTIFY EACH WITNESS THAT TESTIFIED AT THE DUE PROCESS HEARING.]

APPENDIX B – ADMITTED EXHIBITS

[STUDENT] v. PUBLIC SCHOOL DISTRICT

Case No. [REDACTED]

EXHIBIT NUMBE R	DATE	DESCRIPTION	NUMBER OF PAGES
HO 1	9/18/12	Due Process Complaint	10
HO 2	9/25/12	Response to Due Process Complaint	3
P 1	8/15/11	Public School Psychological Assessment	20
P 2	9/12/11	NPS Progress Reports	10
P 3	9/13/11	IEP	15
P 4	9/14/11	Final Notice of Recommendation	2
R 1	9/1/11	Observation of Student in Public School by Independent Evaluator	4
R 2	8/15/11	Notice of Unilateral Placement, Request for NPS Payment	2

APPENDIX C – ITEMS IN THE RECORD

[STUDENT] v. PUBLIC SCHOOL DISTRICT

Case No. [REDACTED]

DATE	DESCRIPTION	NUMBER OF PAGES