

STATE OF RHODE ISLAND and  
PROVIDENCE PLANTATIONS  
DEPARTMENT OF EDUCATION

SPECIAL EDUCATION  
DUE PROCESS HEARING

IN RE: [REDACTED]

[REDACTED]

VS.

CASE #: LL# 15-04

WARWICK SCHOOL DISTRICT

SUFFICIENCY OF COMPLAINT DETERMINATION

That on March 11, 2015, the Department of Education referred the above case to this Hearing Officer for a sufficiency determination.

The parents' complaint dated March 3, 2015 and the School District's challenge to the sufficiency of the complaint were forward to the Hearing Officer on March 11, 2015.

DECISION

The due process complaint must meet the requirements of section 300.508 (b)(1) to (6) of the Regulation Governing The Education Of Children With Disabilities (hereafter "Regulations").

The parents' complaint alleges that the School district proposed a change of placement from Perkins School for the Blind to Pilgrim High School.

Section 300.50 (b)(5) states: "A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem." The purpose of this section is to specifically identify the problem of the child resulting from the School District's action or inaction. It also requires facts to substantiate the position of the parents.

A change of placement in and of itself does not identify the problem of the child. How does a change in placement affect the child and does it in anyway affect the deliverance of a free

appropriate public education? When those questions are posed and answered one begins to present the "problem of the child."

I do not find the complaint to be sufficient under section 300.508 (b)(d).

DATE: March 13, 2015

[REDACTED]

[REDACTED]