

A Hearing Officer's obligation under the Regulations is to determine, based on substantive evidence, that the child received FAPE (Section 300.513).

The Regulations require that the Hearing Officer must possess knowledge and the ability to understand the provisions of the Regulations, Federal and State, pertaining to the IDEA and must be able to interpret the legal interpretations of the Regulations by Federal and State Courts. (300.511 (B)(ii)). The present matter is presenting the Hearing Office with an issue relating to a State Law, R.I.G.L. 16-24-1 (b) – (d).

That statute seems to exclude any other federal, state law or regulation when considering it.

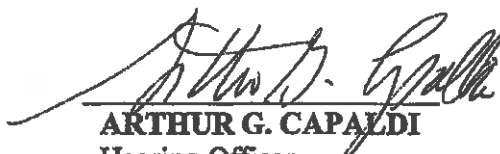
Section (b) begins: "Notwithstanding any other federal or state law or regulation" It appears to be a parallel law to the Regulations.

The Hearing Officers jurisdiction is limited to the four corners of the Regulations and the court determinations and rulings related to thereto.

The observance of all laws relating to schools and education is within the jurisdiction of the commissioner of elementary and secondary education (R.I.G.L. 16-1-5 (9)).

Accordingly, I direct that this case be transferred to the commissioner of Education for further review.

Dated this 11th day of February, 2016.



ARTHUR G. CAPALDI
Hearing Officer
1035 Main Street
Coventry, R.I. 02816
Tel: 821-3537
acapaldi111@verizon.net