

STATE OF NEW HAMPSHIRE

DEPARTMENT OF EDUCATION

Student and Cooperative School District

IDPH-FY-10-07-001

ORDER ON MOTION FOR SUMMARY JUDGMENT

The New Hampshire Department of Education received a request for due process on July 7, 2009.

The pre-hearing conference was scheduled for July 16, 2009. At the pre-hearing conference, the parties

submitted an Agreed Upon Statement of Facts and the parents submitted an Assented-to Motion for

Summary Judgment and a Proposed Order.

The parties are in agreement as to how this matter should be resolved and seek an order for reimbursement for the costs associated with the placement at The Academy at Swift River and the Adirondack Leadership Expeditions program.

Upon review of the Agreed Upon Statement of Facts and the Assented-to Motion for Summary

Judgment, the following Order is issued:

1. Motion for Summary Judgment is granted.
2. The Student's placement for the summer of 2009 and for the 2009-2010 school year shall be

at the Academy at Swift River, located in Cummington, Massachusetts. The Academy provides

the Student with a free, appropriate public education. The School District (District) shall reimburse the parents for all costs associated with the placement, including tuition and residential costs, as well as related services and transportation as called for in the Student's

IEP. Parents shall provide proof of payment to the District. The District's payments are

contingent upon the Student's actual attendance at the Adirondack program during the summer of 2009, and on the Student continuing to be a resident of the District.

actual attendance at the Academy during the summer of 2009 and the 2009-2010 school year,

and on the Student continuing to be a resident of the School District.

3. The Student's placement in the Adirondack Leadership Expeditions program for the summer of

2009 was necessary for him to receive a free, appropriate public education. The District shall

reimburse the parents for all costs associated with the placement, including tuition and residential costs, as well as related services and transportation as called for in the Student's

IEP. Parents shall provide proof to the District of payments described above. The District's

payments are contingent upon the Student's actual attendance at the Adirondack program

during the summer of 2009, and on the Student continuing to be a resident of the District.

4. The District shall be permitted to fulfill its reimbursement obligation with regard to related

services and transportation by making payments directly to the vendors.

5. Both parties shall bear their own costs and fees.

6. Except to the extent necessary for purposes of enforcement, the obtaining of funding, or reimbursements for placements, this order shall be fully redacted, and all names and identifying information, including but not limited to, the names of the placements, shall be

redacted.

So Ordered.

Dated: July 16, 2009

Gail Morrison