

THE STATE OF NEW HAMPSHIRE

DEPARTMENT OF EDUCATION

**Student/Salem School District
IDPH-FY-12-01-025**

ORDER CLOSING CASE (GRANTING JOINT MOTION FOR SUMMARY JUDGMENT)

This due process proceeding was initiated on January 20, 2012 by the Salem School District relative to placement. The due process hearing was scheduled for February 15 and 17, 2012, with a decision date of March 2, 2012.

The prehearing conference was held on February 1, 2012. On February 2, 2012, the parties submitted a Joint Motion for Summary Judgment, together with an agreed-upon statement of facts and proposed order.

The facts as agreed upon by the parties are found by the hearing officer and incorporated herein.

Summary judgment is appropriate if the pleadings and other documents on file show that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law. (citations omitted). The agreed-upon facts in this case demonstrate that the law supports the Student's and Parents' position.

The Joint Motion for Summary Judgment is granted. This resolves the issues for due process, and the case is now concluded.

So ordered.

Date: February 3, 2012

*Signed,
Amy B. Davidson*

Amy B. Davidson, Hearing Officer