

BEFORE THE TENNESSEE DEPARTMENT OF EDUCATION

IN THE MATTER OF:)
)
B.C.)
)
v.) No. 99.08
)
Metro Nashville Public Schools)

FINAL ORDER

THIS cause came to be heard on the 17th day of March, 1999, via telephonic conference call between the mother, acting as pro se counsel for herself and her son during this conference call, and Mary Johnston, counselor for Metro Nashville Public Schools and Linda G. Welch, Administrative Law Judge for the Tennessee Department of Education, Special Education Division. This conference call occurred pursuant to the previously issued Order of March 4, 1999. Following discussion by the mother and counsel for the school system it was found that:

1. No attorney had been secured by the mother concerning representation for the second telephonic conference call nor the Due Process Hearing.
2. According to the mother, the child was in an appropriate educational program at the time she filed for a Due Process Hearing and that the educational program continued to be appropriate. Further, she agreed with the educational placement at the M-Team meeting and had signed the IEP. When queried about

what possible educational issues the mother had with regard to this child, she raised issues regarding past alleged teacher misconduct which occurred in 1997 and appeared to have been heard and dismissed in another forum. This teacher was not now, nor at the time of filing, involved with this student. No complaints were raised about the child's current teachers, his current educational placement, nor his educational program either by the mother's initial request or in two scheduled conference calls. The mother stated the child needed to be in his current home-bound placement with his current program. Insofar as no identifiable issue has been raised for a Due Process Hearing, it is therefore

ORDERED, ADJUDGED AND DECREED that:

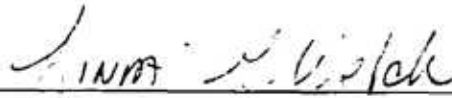
1. This cause of action shall be dismissed with prejudice.
2. "Any party aggrieved by this decision may appeal to the Chancery Court for Davidson County, Tennessee or may seek review in the United States District Court for the District in which the School System is located. Such appeal or review must be sought within sixty (60) days of the date of the entry of a Final Order in non-reimbursement cases or three (3) years in cases involving education costs and expenses. In appropriate cases, the reviewing Court may order that this Final Order be stayed pending further hearing in the cause.

If a determination of a hearing officer is not fully complied with or implemented, the aggrieved party may enforce it by a proceeding in the Chancery or

Circuit Court, under provisions of Section 49-10-601 of the Tennessee Code Annotated.

Within sixty (60) days from the date of this order (or thirty (30) days if the Board of Education chooses not to appeal), the local education agency shall render in writing to the District Team Leader and the Office of Compliance, Division of Special Education, a statement of compliance with the provisions of this order."

ENTERED this the 23rd day of March, 1999.

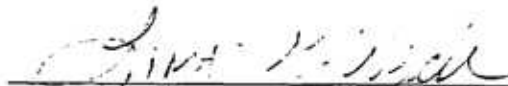


Linda G. Welch
Administrative Law Judge

CERTIFICATE OF SERVICE

This is to certify that I, Linda G. Welch, the undersigned, served a true and exact copy of this legal pleading to [REDACTED], Mother of the child, at [REDACTED], Nashville, TN 37207 and Mary Johnston, attorney for Metro Nashville Public Schools, at 222 3rd Avenue North, Nashville, TN 37201, by deposit in the United States mail, postage prepaid and correct address thereon to carry the same to its destination.

This is the 23rd day of March, 1999.



Linda G. Welch
Administrative Law Judge