

BEFORE THE TENNESSEE STATE DEPARTMENT OF EDUCATION

IN THE MATTER OF:

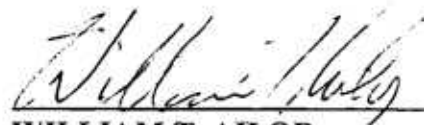
H.S.

v.

NO. 99-11

**METROPOLITAN NASHVILLE
PUBLIC SCHOOLS**

FINAL ORDER



WILLIAM T. AILOR,
Administrative Law Judge
Ailor, Ailor & McKinney
603 Main Avenue, Suite 401
Knoxville, TN 37902
(865) 525-9326

April 4, 2000

ORDER OF DISMISSAL FOR FAILURE TO PROSECUTE

Case No. 99-11

THIS MATTER CAME ON to be heard on the 29th day of March, 2000 before the undersigned by a request from the parents of H.S. for a Due Process Hearing. The Administrative Law Judge appeared at the time and location as designated in the Order dated March 24, 2000 for the Hearing in this matter. The attorneys did appear nor did their clients. Upon inquiry to the attorney for the school system, the Administrative Law Judge was advised that the attorney for the Petitioners had sent her a notice of non-suit which the attorney for the Petitioners did send to the Court. Upon attempting to reach the attorney for the Petitioners, the Court was unable to locate him. Therefore, as the Petitioners have the burden to prove their case and did not appear, this case is dismissed for failure to prosecute.

ORDERED, ADJUDGED AND DECREED that this cause is hereby dismissed failure to prosecute. Costs of this cause are taxed to the Petitioners.

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.

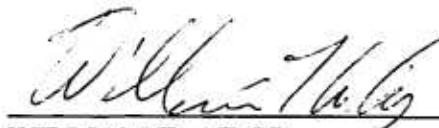
ENTER this 5th day of April, 2000.



WILLIAM T. AILOR,
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been mailed, with sufficient postage affixed thereto, to William C. Ward, Staff Attorney, Division of Special Education, Tennessee State Department of Education, 5th Floor, Andrew Johnson Tower, 710 James Robertson Pkwy., Nashville, TN 37243-0380, Jefre S. Goldtrap, Attorney for Student, 207 Third Avenue North, P.O. Box 190599, Nashville, TN 37219-0599, and Mary E. Johnston, Attorney for School System, Metropolitan Attorney, 204 Metropolitan Courthouse, Nashville, TN 37201, on this the 5th day of April, 2000.



WILLIAM T. AILOR