

JAN 25 2007

DUE PROCESS HEARING L2006:115

██████ by his parents ██████ & ██████, Petitioner

vs.

CHERRY CREEK SCHOOL DISTRICT, Respondent

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FINAL JUDGEMENT

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The attorney-father of Petitioner submitted a pleading entitled REQUEST FOR FINAL DECISION AND ORDER in which Petitioner waived compensatory services and/or reimbursement for his student and requested a final decision. This IHO denied the request and set this matter for a hearing on the issue of compensatory damages. Respondent school district subsequently submitted a pleading entitled STIPULATION CONCERNING PETITIONER'S REQUEST FOR FINAL ORDER in which the district accepted Petitioner's waivers. The parties then requested a telephone conference with this IHO. The conference took place at 1:30 p.m. on Tuesday, January 16, 2007.

Petitioner and Respondent were able to assure this IHO in said telephone conference that ██████, the student here involved, had more than fully received and was continuing to receive the services with which he was to be provided since October 20, 2006. Further, that while the parent's had themselves privately provided and paid for some of the said tutorial services, they were waiving any claims for reimbursement as well as waiving any claims for compensatory special education services claimed to have not been provided by Respondent School District.

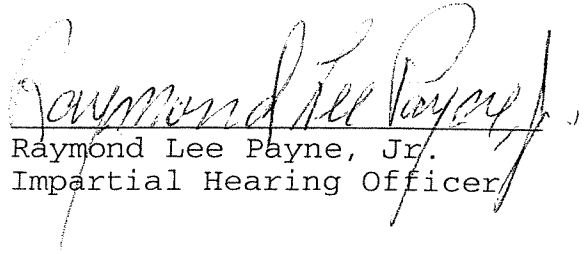
This IHO therefore FINDS that tutorial services to be provided Petitioner/student have been provided in full and that Petitioner's have waived any claims for reimbursement of any fees they may have paid privately as well as any claims for compensatory special education services from October 20, 2006 to the date of this Judgement. Further, this IHO FINDS there to be no further justiciable issue requiring determination before he may enter Final Judgement.

JUDGEMENT

The school district shall reinstate the Petitioner's after school tutoring program as was provided to him prior to the Respondent suspending same. Such tutoring shall be continued through his 2006-2007 school year.

This matter is herewith concluded.

So ORDERED this 22nd day of January, 2007.

  
Raymond Lee Payne, Jr.  
Impartial Hearing Officer

ADVISEMENT

Either Party may request a State level review by contacting the State Department of Education if dissatisfied with the Judgement rendered by this Impartial Hearing Officer. An Administrative Law Judge shall be appointed to hear the appeal. Each Party shall have the same rights as they had at the Hearing.

Either Party may appeal to a Court of appropriate jurisdiction if dissatisfied with the Final Judgement.

CERTIFICATE OF MAILING

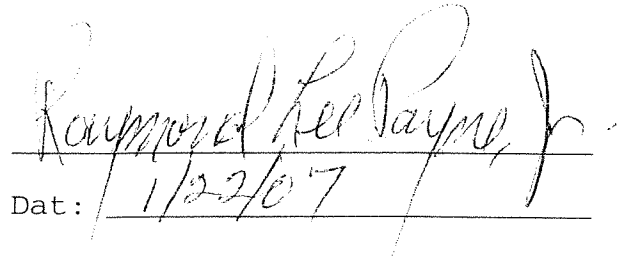
I certify that I mailed a true and correct copy of this Judgment and Advisement by certified mail, postage prepaid, at Denver, Colorado to each party listed below:



Darryl Farrington  
Semple, Miller & Mooney, P.C.  
1120 Lincoln St. #1308  
Denver, CO 80203

\*\*Ms. Jennifer Rodriguez  
Colorado Department of Education  
Special Services Unit  
201 E. Colfax Ave.  
Denver, CO 80203-1704

\*\* (Mailed but not certified)

  
Dat: 1/22/07