

1 recommend to the Youth Court that [REDACTED]'s probation be revoked. In the letter he
2 acknowledged the District's agreement to allow [REDACTED] to return to [REDACTED] High School
3 beginning on April 13, 2004, where he would receive the services called for in his
4 current IEP. By letter dated March 31, 2004, the District opposes [REDACTED]
5 request for a hearing on grounds (1) that there is a current IEP in place for [REDACTED] through
6 which he will receive the services called for therein in whatever educational setting he is
7 placed and (2) that the District does not oppose his return to [REDACTED] High School
8 should the Youth Court so order. Given the foregoing the District argues there is no
9 further relief obtainable through further proceedings herein.

10 The undersigned agrees with the District's position and finds that there is no
11 further relief obtainable to [REDACTED] in an IDEA due process hearing given that the District
12 has now agreed to allow him to return to [REDACTED] High if the Youth Court so orders and
13 further that [REDACTED]'s current IEP is written to accommodate his educational disabilities at
14 [REDACTED] High School or in any other educational setting within the District. If the Youth
15 Court does revoke [REDACTED]'s probation and orders him into a placement outside of the
16 District that would take this matter beyond the jurisdiction of an IDEA due process
17 hearing. Now, therefore,

18 IT IS ORDERED that this proceeding be and it is hereby dismissed without
19 prejudice to [REDACTED]'s parents' right to institute a new IDEA due process proceeding
20 should future circumstances so warrant.

21 DATED this 12th day of April 2004.

22 
23 _____
24 Ross W. Cannon, Hearing Officer

25 **NOTICE:** This decision is the final decision of the Office of Public Instruction herein.
26 A party aggrieved by this decision has the right to bring a civil action with respect to
27 the complaint presented pursuant to 34 CFR §300.507. The action may be brought in
28 any state court of competent jurisdiction or in a District Court of the United States
without regard to the amount in controversy. See 20 U.S.C. 1415(i)(2), (I)(3)(A) and
1415(I) and 34 CFR §300.512. For judicial review in a Montana District Court see
Title 2, Chapter 4, Part 7, Montana Code Annotated.

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on the 12th day of April 2004, a true and exact copy of the foregoing Opinion & Order was mailed first class; postage prepaid, to:

Linda Brandon-Kjos
Office of Public Instruction
Legal Division
P.O. Box 202501
Helena, MT 59620-2501

[REDACTED]

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Ross W. Cannon, Hearing Officer

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