

**Glenn D., Keneisha S. and James T.
individually and on behalf of a class of
similarly situated persons**

v.

**The Louisiana Department of Education,
Board of Elementary and Secondary
Education**

REQUEST FOR DUE PROCESS

HEARING OFFICER: STEVEN W. COOK

JOINT STIPULATION

- I. On February 2, 2005 a class of emotionally disturbed students filed a Due Process Complaint against the Louisiana Department of Education (LDE) and the Louisiana Board of Elementary and Secondary Education (BESE) pursuant to the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400 et seq. and Louisiana's Children with Exceptionalities Act, R.S.17:1941et seq. through representative petitioners Glenn D., Keneisha S., and James T. (Petitioners) against the defendants for their failure to ensure correction of numerous systemic and pervasive violations of IDEA by Jefferson Parish School System (hereinafter JPSS).
- II. Petitioners contend that the LDE and BESE have violated their supervisory and monitoring responsibilities under IDEA by failing to identify and ensure correction of numerous systemic and pervasive violations of IDEA by JPSS involving students classified as Emotionally Disturbed.
- III. On February 22, 2005, a Pre-hearing Conference was held in Baton Rouge, Louisiana with Administrative Hearing Officer, Steven W. Cook. At this conference, the parties agreed to conduct mediation in an effort to resolve the issues raised in Petitioners' Class Complaint and have scheduled two initial mediation sessions for March 8th and 14th 2005. The parties also agreed that if mediation fails to resolve the issues urged in Petitioners' Class Complaint, further exhaustion of administrative remedies would be futile and the proper forum for raising, addressing and resolving such issues is Federal Court.
- IV. The parties agree to conduct discovery as part of the mediation and that the hearing officer will attempt to resolve any disputes regarding discovery that the parties may have.

- V. In light of the above circumstances, the parties jointly move the Hearing Officer to issue the accompanying Stipulated Order.
- VI. The parties agree that if mediation fails to resolve the issues raised in Petitioners' Class Complaint, further exhaustion of administrative remedies would be futile. The administrative hearing process cannot address the class claims in the complaint. The only forum capable of addressing and resolving such issues is State or Federal Court.
- VII. In light of the above circumstances, the parties jointly move the Hearing Officer to issue the accompanying Stipulated Order.

James Comstock-Galagan, Esq.
On behalf of Petitioners

Adrienne Dupont, Esq.
On behalf of Louisiana Dept. of Education

Kathyrn Whitney, Esq.
On behalf of BESE

STIPULATED ORDER

The parties in this matter, Glenn D., Keneisha S., and James T. et al. (Petitioners); Louisiana Department of Education (LDE) and Louisiana Board of Elementary and Secondary Education (BESE) have jointly stipulated that further exhaustion of administrative remedies to resolve this due process request raising class-wide systemic violations would be futile.

Having examined the claims raised and the relief requested in this matter and following discussion with the parties,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that any further exhaustion of IDEA's administrative remedies, beyond mediation, would be futile and that that the appropriate forum for resolution of the issues raised in this class-wide complaint is Federal Court.

ORDER RENDERED AND SIGNED IN _____, Louisiana, this _____ day of March, 2005.

Administrative Hearing Officer