

STATE OF SOUTH CAROLINA	)	
	)	
COUNTY OF RICHLAND	)	BEFORE THE LOCAL HEARING
	)	IDEA HEARING OFFICER
In the matter of:	)	
	)	
LT on behalf of JT,	)	
Petitioner	)	
	)	
v.	)	FINAL ORDER
	)	
Richland County School District Two	)	
Respondent	)	

This matter is before me pursuant to a request that I serve as the Local IDEA Hearing Officer received on October 24, 2017, regarding a Due Process Complaint by the Petitioner dated October 23, 2017. This Complaint was filed prior the Petitioner receiving the Final Order in a prior case which was mailed to him by Certified Mail on October 23, 2017. He received said Final Order on October 31, 2017, and has filed an Appeal with the State Department of Education.

In the prior case one of the issues raised by the Petitioner was the fact that he was denied meaningful participation in the IEP meetings and decision process related to his son's disability and the education services provided to him. That issues were discussed and it was determined that he did participate in each IEP meeting and was in regular contact with his son's teachers as well as the school administrators relating to his son's behavior and special education services; and that he actively participated in discussions relating to the education of his son influencing many of the decisions made by the IEP team.

In this current Due Process Complaint, the Petitioner raises the very same issues based on the very same facts. As a result, the Respondent has sought to have this current Due Process Complaint dismissed on the doctrine of *res judicata*. This legal doctrine holds that Plaintiffs, or in this case Petitioners, cannot litigate the same issues based on the same facts once the

matter has been decided *JG by Stella G v. Baldwin Park Unified Sch Dist* 55 IDELR 2 (CD Calif 8/11/10); *Theodore ex rel AG v. District of Columbia*, 55 IDELR 5 (D DC 8/10/10).

THEREFORE, IT IS HEREBY ORDERED that this matter is dismissed with prejudice based pursuant to the doctrine of *Res Judicata*.

IT IS SO ORDERED.

November 13, 2017
Greenville, South Carolina

Douglas F. Dent
Local IDEA Hearing Officer

APPEAL

Should either party wish to appeal this ruling they may do so by writing a letter to the South Carolina Department of Education, Office of the General Counsel, 1429 Senate Street, Rutledge Building, Columbia, South Carolina 29201 within ten (10) days of receipt of the Hearing Officer's Order.