STATE OF COLORADO **OFFICE OF ADMINISTRATIVE COURTS** 1525 Sherman Street, Fourth Floor, Denver, Colorado 80203	
ADAMS-ARAPAHOE SCHOOL DISTRICT 28J, Complainant, vs. **[PARENT], parent of [STUDENT],** Respondent.	▲ **COURT USE ONLY** ▲ **CASE NUMBER:** **EA 2014-0021**
AGENCY DECISION	

On March 18, 2014 Respondent, on behalf of her daughter ("the Student") filed a state-level complaint alleging that the Adams-Arapahoe School District 28J ("District") failed to provide her with a free appropriate public education ("FAPE") in the least restrictive environment ("LRE"), in violation of the Individual's with Disabilities Education Act ("IDEA") by placing her at [High School] rather than her neighborhood school, [Neighborhood High School].

Once a state-level complaint has been filed the State Educational Agency (in this case the State Complaints Officer ("SCO")) must: (1) commence an independent on-site investigation, if necessary; (2) give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint; (3) provide the school district or other public agency with the opportunity to respond to the complaint; (4) review all relevant information and make an independent determination as to whether the school district or other public agency is violating a requirement of Part B of the IDEA; and, (5) issue a written decision to the complainant that addresses each allegation in the complaint and contains: (a) findings of fact and conclusions; and (b) the reasons for the State Educational Agency's final decision. 34 C.F.R. § 300.152.

On August 6, 2014 the SCO issued a decision finding that the District violated the IDEA by failing to consider the Student's individual needs in the Communication Plan used to develop the Student's individual education program ("IEP") and to provide Student with FAPE in the LRE, in violation of 34 C.R.F. §§ 300.114 through 300.118. In her decision, the SCO informed the parties that any party disagreeing with the decision must seek review by filing a due process complaint in accordance with 20 U.S.C. § 1451(b)(6)(A) and 34 C.F.R. § 300.507(a).

On August 13, 2014 the District filed an Amended Complaint with the Colorado Department of Education, Exceptional Student Services Unit, seeking review of the SCO's August 6, 2014 decision. The District's complaint was received by the Office of Administrative Courts on August 13, 2014 and assigned to Administrative Law Judge ("ALJ") Michelle A. Norcross. In this proceeding, the District was represented by W. Stuart Stuller, Esq. and Alyssa C. Burghardt, Esq. The Student was represented by Alison B. Daniels, Esq., Emily Harvey,

Esq., and Jennifer Purrington, Esq., with The Legal Center for People with Disabilities and Older People.

Counsel for the parties participated in a telephonic scheduling conference before the ALJ on September 7, 2014. At the conference counsel informed the ALJ that they did not believe a hearing would be necessary as the issue presented in the District's complaint is a legal issue and not a factual dispute. In lieu of a hearing, the parties established a briefing schedule and decision deadline of December 18, 2014.

The ALJ received the parties' Status Report on September 29, 2014 stating that they had reached an agreement on the facts and would be submitting a set of stipulated facts. The District filed its Opening Brief with Exhibits A – G and the parties' Stipulated Facts on October 7, 2014. The Student filed her Response Brief with Exhibits 1 – 5 on November 11, 2014. The District filed its Reply Brief with Exhibits H – J on November 24, 2014.

ISSUE PRESENTED

In its Opening Brief, the District states that the issue before the ALJ is: Whether the least restrictive environment requirement of the IDEA requires that the Student be educated in her neighborhood school. The Student disagrees with the District and instead claims that the issue is: Whether the District can place the Student in a school other than her neighborhood school based on category of disability without identifying the Student's unique needs through the IEP process. Although stated differently by each party, the heart of the dispute before the ALJ is whether, as a matter of law, the District's assignment of the Student to [High School] constitutes a denial of FAPE, specifically, the LRE requirement of the IDEA.

STANDARD OF REVIEW AND BURDEN OF PROOF

The District filed this due process complaint pursuant to 34 C.F.R. § 300.507(a), which permits a parent or a public agency to file a complaint on any of the matters described in § 300.503(a)(1) and (2) (relating to the identification, evaluation or educational placement of a child with a disability, or the provision of FAPE to the child). The District asserts that the standard for review in this case is a *de novo* review. The Student, citing *Board of Educ. of Hendrick Hudson Cent. Sch. Dist., Westchester Cnty. V. Rowley*, 458 U.S. 176, 206 (1982), contends that the ALJ, as the reviewing court, must receive the records of the administrative proceedings and give due weight to those proceedings. The District points out that the decision that was reviewed in *Rowley* resulted from an evidentiary hearing where each party had the right to confront, cross-examine and compel the attendance of witnesses, unlike this case where the procedures do not permit the parties' a full complement of procedural safeguards.

The District's point is well taken as state complaints are not considered actions or proceedings. *Vultaggio v. Board of Educ., Smithtown Cent. Sch. Dist.*, 39 IDELR 261 (2nd Cir. 2003). That being said, however, whether the ALJ is required to give due deference or any weight to the findings made by the SCO when resolving a due process complaint need not be determined in this case. In this case, the issue is purely a question of law; the parties have stipulated to the facts. Therefore, the *de novo* review standard applies.

The parties also disagree as to who bears the burden of proof. The District argues that the burden of proof remains with the Student. The Student asserts that the District has the burden since it filed the complaint. The burden of proof applies to factual determinations. When determining the facts, it is the role of the ALJ to weigh the evidence and from the evidence

reach conclusions about what was presented. The weight of the evidence is the relative value given to the credible evidence offered by a party to support a particular position. Given that the matter before the ALJ is based on stipulated facts, the ALJ need not address this issue here.

FINDINGS OF FACT:[1]

The Student's Disability and Current Educational Programming

1. The Student lives with her mother, [Parent], within the boundaries of the Adams-Arapahoe School District 28J.

2. The Student is eligible for special education and related services as a child identified with a hearing disability. The Student utilizes binaural amplification with a hearing aid in the left ear and a cochlear implant in the right ear.

3. The Student is highly successful in the regular classroom with the support of an educational interpreter and hearing assistive technology. She is proficient across all academic areas, both in the classroom and on state assessments. She is advanced in Math[2] and English, and she is college-bound. The Student's teachers report that she is "incredibly motivated and smart," "is always working to truly understand the content we are covering and delivers quite proficient work," is a "great student", and is "advanced compared to her peers" in her writing skills.

4. The Student maintains friendships and socializes outside of school with both D/HH [Deaf/Hard of Hearing] and hearing students, and she is very good at switching between spoken language and sign language, depending on with whom she is communicating. Additionally, while she demonstrates some articulation errors, they do not interfere with her intelligibility to the general listener. She feels secure as a D/HH person and having D/HH peers at school is not a concern for her. She has access to adult D/HH role models outside of the school so access to adult D/HH role models is not a concern for the Student. She maintains friendships with D/HH friends from both elementary and middle school as well as friends in her neighborhood who attend [Neighborhood High School], the neighborhood school serving her area. [Neighborhood High School] is approximately one mile from the family home and attended by approximately 2250 students.

5. The Student presently attends [High School]. [High School] is a neighborhood school of approximately 2050 students that offers a full high school curriculum including honors and advanced placement classes. [High School] is approximately eight and a half miles from the family home.

6. The Student's classes are typical of a high school freshman: physics, English, geography, an integrated reading and English skills class, and an integrated algebra and geometry class. The Student also takes elective classes in jewelry and drawing.

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[1] The ALJ has adopted the parties' Stipulated Facts and incorporated them into this Decision. The ALJ has made no independent findings of fact. For purposes of confidentiality, the ALJ has substituted the student's name with "the Student" and the Student's mother's name with initials wherever they appear in the parties' Stipulated Facts.

[2] The Student was taking Honors Integrated Algebra/Geometry 1, a ninth grade class, during her eighth grade year.

7. All of these classes are general education classes taught by a general education teacher. The Student participates in these classes supported by an educational interpreter.

8. The Student's current IEP is dated August 6, 2014. (A copy is attached to the District's Opening Brief as Exhibit A.) There is no dispute about the goals on the Student's IEP for the 2014-2015 school year. Specifically, the IEP provides:

a. The Student will be able to produce and explain the vocabulary associated with her core content classes with 85% accuracy;

b. The Student will identify and state what types of services and/or supports she needs to provide access to the general education curriculum and positively affect her ability to learn;

c. The Student will demonstrate an ability to produce verbal constructs pertaining to her content area discussions to support the intelligibility of The Student's communicative intent with 90% accuracy; and,

d. The Student will investigate three different universities that have art programs that she wishes to pursue.

9. There is no dispute about the special education, related services, and supplementary services that the Student will receive for the 2014-2015 school year. Her IEP provides:

a. The Student will have full time access to an interpreter in all of her regular education classes;

b. The Student will have access to a note-taker in all content area classes;

c. The Student will receive forty-five minutes a day of support from a special education teacher or D/HH teacher;

d. The Student will receive fifteen minutes per month of speech language services to monitor articulation and intelligibility; and

e. an audiologist will make sure that the classroom technology associated with the Student's cochlear implants is operating correctly.

10. There is no dispute as to the extent to which the Student will be educated with typically developing peers. Specifically, her IEP provides that the Student will be educated in the general education environment at least eighty percent of the school day.

The Parties' Discussions Related to the Student's High School Location and the District's Reasons for Centralizing Educational Interpreting Services

11. The Student's IEP and communication plan were updated during her eighth grade year, the 2013-2014 school year, at an IEP meeting on October 10, 2013. (A copy of the IEP and communication plan developed on October 10, 2013, is attached to the District's Opening Brief as Exhibit B.)

12. At the IEP meeting on October 10, 2013, the Student's mother stated that she would like for the Student to attend high school at [Neighborhood High School] rather than [High School].

13. [Neighborhood High School] is a neighborhood high school of approximately 2250 students that offers a full high school curriculum including honors and advanced placement classes. [Neighborhood High School] is adjacent to the family home, and thus, it is the neighborhood high school that the Student would attend if she did not have a disability.

14. The October 10, 2013, IEP reflects that the Student's D/HH teacher responded that she would set up a meeting for parents of eighth grade students who did not want to go to [High School] to discuss the matter with the District's Exceptional Student Services (ESS) Department. The IEP also reflects that another meeting would be held at the end of the year before the Student transitions to high school.

15. While the meeting with eighth grade parents did not occur, on March 14, 2014, the Student's mother spoke with an ESS Consultant about her request that the Student attend [Neighborhood High School]. During the call, the ESS consultant explained that the Student's IEP could not be implemented at [Neighborhood High School] as the educational interpreting services required by the Student's IEP were not available there.

16. On March 18, 2014, the ESS Consultant provided written notice regarding this decision. The notice states "[t]he district refuses parent request to provide FAPE as defined in the IEP dated 10/11/13 [sic] at [Neighborhood High School]" because: "[the Student's] IEP requires access to an educational interpreter in the general education classroom as a supplementary aide/service. The district retains the right to determine the location where these services will be provided. The district will provide the required services at [High School]."

17. On May 14, 2014, the District Director of Special Education and other representatives from the District's ESS Department met with the Student's mother to discuss the matter further. The ESS personnel reconfirmed the decision to implement the Student's IEP at [High School] and explained the District's reasons for consolidating educational interpreting services at [High School]. The District's explanation included:

a. There are approximately thirteen high school students attending [High School] with hearing impairments whose individualized education programs(IEPs) require educational interpretive services.

b. Interpreters are in short supply, and therefore are difficult to find and retain.

c. By centralizing its educational interpreters in [High School], the District is able to minimize the impact of absences and scheduling, provide better and more opportunities for training, permit break time for interpreters, allow interpreters to be paired with content areas thereby enhancing the quality of instruction, permit interpreters to serve more than one student, and minimize student dependence upon a single interpreter.

18. The District offered to convene an IEP meeting on July 24, 2014. Per parent request, this meeting was rescheduled for August 6, 2014. On August 6, 2014, the parties met and developed an IEP for the 2014-2015 school year. For purposes of this hearing, the content of the IEP is not in dispute.

19. Pursuant to the requirements of ECEA Rule 3.01(1)(d), the District has adopted CDE's Model Comprehensive Plan for the Provision of Special Education, which includes provisions related to educational placement decisions and least restrictive environment (LRE) requirements. (A copy of these provisions is attached to the District's Opening Brief as Exhibit C.)

DISCUSSION AND CONCLUSIONS OF LAW

The District contends that it was the Student's IEP and not her category of disability that necessitated her enrollment at [High School] and not [Neighborhood High School]. More specifically, the Student was assigned to [High School] in order to ensure that she has full time access to an educational interpreter in all of her regular education classes, as required by her IEP. The District has centralized its D/HH supports and services, including its interpreting services, at [High School] to better serve the thirteen students within the District receiving those services, including the Student. The supports and services the Student's IEP team has identified she needs to receive a free appropriate public education do not exist at [Neighborhood High School]. Therefore, she was assigned to [High School] where she remains a student.

The Student does not challenge the contents of her IEP, including her goals and objectives, the educational supports and services she requires in order to achieve those goals or her percentage placement time in the general education classroom. She also agrees that the District is not mandated to place her at [Neighborhood High School] and that the District can lawfully centralize specific educational services in center-based programs like the one at [High School]. What the Student contends is that the District violated the IDEA by unilaterally placing her at [High School] on the sole basis of the category of disability and without having first considered her special and unique needs through the IEP process.

The IDEA requires school districts to make a free appropriate public education available to children with disabilities. 20 U.S.C. § 1412(a)(1)(A). A free appropriate public education consists of special education and related services that are provided pursuant to an individual education program or IEP. 20 U.S.C. § 1401(9). Special education is specifically designed instruction to meet the unique needs of the student. 20 U.S.C. § 1401(29). Related services are support services, such as interpretive services, that permit the child to benefit from special education. 20 U.S.C. § 1401(26). Supplementary aids and services are supports that are provided in regular classes or other education related settings to enable children with disabilities to be educated with nondisabled students. 20 U.S.C. § 1401(33). The IEP is the basic mechanism through which the school district's obligation of providing a FAPE is achieved. *Murray v. Montrose County Sch. Dist. RE-1J*, 51 F.3d 921, 925 (10th Cir. 1995).

A child's IEP must describe the child's present levels of academic achievement and functional performance. 20 U.S.C. § 1414(d)(1)(A)(i)(I). The IEP must set measurable annual goals for the child and detail how progress towards those goals will be measured. 20 U.S.C. § 1414(d)(1)(A)(i)(II) & (III). It must also list the special education, related services and supplementary aids and services that will be provided to the child. 20 U.S.C. § 1414(d)(I)(A)(i)(IV). Finally, the IEP must include a statement about the extent to which the child will participate with non-disabled peers in the regular classroom as well as extracurricular and nonacademic activities. 20 U.S.C. § 1414(d)(1)(A)(V). This last component is known as the least restrictive environment requirement.

In ensuring that children with disabilities are educated with non-disabled peers, the IDEA requires that:

> To the maximum extent appropriate, children with disabilities. . .are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

20 U.S.C. § 1412(a)(5).

In the instant case, as discussed above, there are several key items not in dispute, including the Student's need to access an interpreter in her general education classroom on a full-time basis, the District's legal authority to centralize its D/HH services at [High School] and that the District is not mandated to educate the Student at [Neighborhood High School]. The federal regulation governing the education of a child at his or her neighborhood school is 34 C.R.F. § 300.116(c). This regulation provides: "*unless the IEP of a child requires some other arrangement*, the child is educated in the school that he or she would attend if nondisabled." 34 C.F.R. § 300.116(c) (emphasis added.) The District claims that is exactly what occurred in this case - the Student's IEP requires an arrangement other than her neighborhood school. The ALJ agrees. The regulatory preference for placement at the child's neighborhood school does not require the school district to provide a particular service at a child's neighborhood school just so that child can attend her neighborhood school. The IDEA does not require school districts to accommodate a child in a neighborhood school when the child is receiving educational benefit in another location. *Urban v. Jefferson County Sch. Dist.*, 89 F.3d 720, 728 (10th Cir. 1996).

The Student contends that the District failed to consider her unique and special needs through the IEP process and assigned her to [High School] based solely on the category of her disability. Additionally, the Student contends that the District's unilateral placement of her at [High School] violations the LRE of the IDEA. The ALJ is not persuaded by these arguments.

On August 6, 2014 the Student's IEP team met and developed an IEP for the Student for school year 2014-2015. The contents of which are not disputed. By its very definition, an IEP is specifically designed instruction to meet the unique needs of the student. A copy of the Student's IEP was provided with the District's Opening brief. The IEP contains not only several goals and objectives, but a Communication Plan that also discusses her individual needs. It is difficult to understand the assertion that the District failed to consider the Student's unique needs when the Student herself is not challenging any of the components of a program that was designed and developed to meet her individualized educational needs, one of which is her need for full time access to an interpreter in all of her regular education classes.

The District assigned the Student to [High School] based on her individual needs as they have been identified in her IEP, and not solely on the category of her disability. Here it is the Student's IEP that requires "some other arrangement" than being educated in her neighborhood school (i.e., she needs full time access to a language interpreter.) [Neighborhood High School] does not have such services. The District has centralized its educational interpretative services at [High School] to better serve the thirteen students in the District who require such services, which is something the law allows the District to do.

According to the Student her placement at [High School] violates the LRE provision of the IDEA. In the SCO's decision, she states, "[The home school and the center-based school] are distinct placements on the LRE continuum with the Neighborhood High School representing

the less restrictive environment in which the Student can be appropriately educated." (SCO Decision p. 14 ¶ 9.) This determination, however, misstates and misconstrues the IDEA and the Colorado Exceptional Children's Educational Act.

Colorado implements the IDEA through the Exceptional Children's Educational Act ("ECEA") (§§ 22-20-101 - 119, C.R.S. (2014)) and through Department regulations (1 C.C.R. 301-3, et seq.) As relevant to this decision, ECEA provides:

> The terms 'placement' and 'educational placement' are used interchangeably and mean the provision of special education and related services and do not mean a specific place, such as a specific classroom or specific school. Decisions regarding the location in which a child's IEP will be implemented and the assignment of special education staff responsibilities shall be made by the Director of Special Education or designee.

1 C.C.R. 301-3, Rule 4.03(8)(a).

Both [Neighborhood High School] and [High School] are public high schools within the district. They both have a large student population and serve students with disabilities as well as non-disabled students. The Student's argument that [Neighborhood High School] is a less restrictive setting than [High School] appears to be based on the following factors: [Neighborhood High School] has a lower truancy and dropout rate and a higher graduation rate for students with disabilities, and fewer students who qualify for the free and reduced lunch program. While none of these facts were stipulated to by the parties, neither the academic success nor socioeconomic status of a student's peers are relevant to the LRE inquiry. The LRE inquiry is focused on "whether education in a regular classroom, with the use of supplemental aids and services, can be achieved satisfactorily." *L.B. v. Nebo Sch. Dist*., 379 F.3d 966, 976-77 (10th Cir. 2004).

In this case, the Student is receiving special education and related services pursuant to an IEP that places her in the regular education environment with the assistance of educational interpreters eighty-percent of the day. The Student's time in the regular education classroom is what is meant by the term "placement". It does not refer to the specific school to which she has been assigned. The least restrictive environment is not an issue of a student being educated in regular education classes in one school verses regular education classes in another school. The law is designed to prevent the removal of disabled children from classes or schools with nondisabled children. "[W]hile the [IDEA] clearly commands schools to include or mainstream students as much as possible, it says nothing about where within a school district that inclusion shall take place." *Murray*, 51 F.3d at 928-929. The concept of separate schooling does not include a distinction between regular education classes in one building verses regular education classes in another building, but rather the removal of a child from the regular education environment. 20 U.S.C. § 1412(a)(5).

Colorado is not an outlier on this issue. Educational placement does not include the specific location where a child will received services. Rather, it refers to the type of placement and services a district is offering. *M.A. v. Jersey City Bd. of Educ.*, 63 IDELR 9 (D. N.J. 2014). The IDEA does not require a school district to hire an interpreter so that a deaf student could be educated at a neighborhood school. *Four Bluff Indep. Sch. Dist. v. Katherine M.*, 91 F.3d 689, 692-95 (5th Cir. 1996). A school district can assign a child to a school where a necessary service is located rather than move the service to the student's neighborhood school. *Wilson v. Marana Unified Sch. Dist. No. 6 of Pima County*, 735 F.2d 1178 (9th Cir. 1984). A change of setting does not constitute a change of placement unless the substantive differences between

the two sites are substantial or material. *Aikens v. District of Columbia*, 61 IDLER 132, 950 F.Supp.2d 186 (D. DC. 2013).

[High School] and [Neighborhood High School] are not placements; they are schools. Any substantive differences between the two schools are not substantial or material. Further, just because the District has centralized its D/HH services at [High School] does not make [Neighborhood High School] a less restrictive setting than [High School]. Both schools are within the District and they both serve students with and without disabilities. The law does not create a presumption that a child's neighborhood school is the least restrictive environment. *Murray*, 51 F.3d at 928.

The Student's argument that she was unilaterally placed at [High School] without an IEP meeting in violation of the IDEA is also without merit. The Student's assignment to [High School] was a location decision, and not a placement decision. The District was not required to hold a separate IEP meeting to discuss location. *Aikens v. District of Columbia*, supra, (the district could move its ED program from one school to another without parental involvement as long as the program settings were similar.)

The Student's IEP was developed at IEP meetings held on October 10, 2013 and August 6, 2014. At the IEP meeting on October 10, 2013, the Student's mother stated that she would like for the Student to attend high school at [Neighborhood High School] rather than [High School]. The Student's D/HH teacher responded that she would set up a meeting for parents of eighth grade students who did not want to go to [High School] to discuss the matter with the District's Exceptional Student Services (ESS) Department. While the meeting with eighth grade parents did not occur, on March 14, 2014, the Student's mother spoke with an ESS Consultant about her request that the Student attend [Neighborhood High School]. During the call, the ESS consultant explained that the Student's IEP could not be implemented at [Neighborhood High School] as the educational interpreting services required by the Student's IEP were not available there. On May 14, 2014, the District Director of Special Education and other representatives from the District's ESS Department met with the Student's mother to discuss the matter further. The ESS personnel reconfirmed the decision to implement the Student's IEP at [High School] and explained the District's reasons for consolidating educational interpreting services at [High School]. On August 6, 2014, the parties met and developed an IEP for the 2014-2015 school year.

Pursuant to ECEA Rule 4.03(8)(a), decisions regarding the location in which a child's IEP will be implemented and the assignment of special education staff responsibilities shall be made by the Director of Special Education or designee. As discussed above, the law is clear that term "placement" for purposes of the IDEA refers to the provision of special education and related services. It does not mean a specific classroom or a specific school. ECEA, Rule 4.03(8)(a). The Student's placement was a determined by her IEP team, at both meetings. The team also developed a specific and individual IEP for the Student on August 6, 2014, the content of which is not disputed.

There is nothing about the facts or the posture of this case that changes a location decision lawfully made by the District into a placement decision that has to be made by the IEP team. The Student's placement was not unilaterally determined or changed by the District. And, although the District has the unilateral authority to make location decisions, the facts show that the District did consider the Student's neighborhood school before assigning her to [High School]. The reason she was assigned to [High School] is because her IEP cannot be implemented at [Neighborhood High School].

The Student also contends that the District failed to consider the potential harmful effects on her placing her away from her home school in violation of the LRE requirement of the IDEA.

More specifically, the Student's mother has expressed concern that her daughter's inability to attend her neighborhood school impedes her ability to socialize with her neighborhood friends and prevents her from participating in extracurricular activities she otherwise would if she attended [Neighborhood High School]. These concerns, however, are not the focus of the IDEA. The IDEA requires school districts to make a free appropriate education available to children with disabilities and to make it available in the least restrictive environment. *Rowley*, 458 U.S. 176 (1982). Courts are not to "substitute their own notions of sound educational policy for those of the school authorities." *Rowley*, 458 U.S. at 206. What the law requires is that the child receive a free appropriate public education. A child receives a free appropriate public education if the child's IEP is reasonably calculated to provide some educational benefit. *Rowely,* 458 U.S. at 200; *Thompson Sch. Dist. v. Luke P.*, 540 F.3d 1143, 1149 (10th Cir. 2008).

Neither the IDEA nor the ECEA require a child to be educated at her neighborhood school when the neighborhood school does not have the services required by the child's IEP. Moreover, there is no legal requirement for the District to re-allocate resources that are currently serving several students to only one of those students solely because she wishes to attend her neighborhood school. Here, the District is providing a free appropriate education to the Student and the Student's assignment to [High School] does not violate the least restrictive environment requirement of the IDEA.

This decision is considered a final decision and subject to appeal pursuant to 34 C.F.R. §§ 300.514(b) and 300.516.

DONE and SIGNED this 9th day of December, 2014

MICHELLE A. NORCROSS
Administrative Law Judge