# Colorado Department of Education Decision of the State Complaints Officer Under the Individuals with Disabilities Education Act (IDEA)

# State-Level Complaint 2017:511 Adams 12 Five Star School District

# **DECISION**

#### INTRODUCTION

This state-level complaint (Complaint) was filed on June 21, 2017, by the mother and father (Mother and Father, respectively, or Parents) of a student (Student) who attends a public school (School) in the Adams 12 Five Star School District (School District). Student is currently identified as an eligible child with a disability under the Individuals with Disabilities Education Act.<sup>1</sup>

Based on the written Complaint, the State Complaints Officer (SCO) determined that the Complaint identified two allegations subject to the jurisdiction of the state-level complaint process under the IDEA and its implementing regulations at 34 C.F.R. §§ 300.151 through 300.153.<sup>2</sup>

#### **COMPLAINT ALLEGATIONS**

Whether the School District's denial of Parents' February 15, 2017 request to provide proficient interpreters has resulted in:

- a failure to provide Student with related services based on her individual needs, violating Student's right to a free appropriate public education (FAPE), and;
- 2. a denial of Parents' right to meaningful participation in the decision regarding appropriate related services, violating their procedural rights under the IDEA and ECEA rules.

## FINDINGS OF FACT

<sup>&</sup>lt;sup>1</sup> The IDEA is codified at 20 U.S.C. § 1400, *et seq*. The corresponding IDEA regulations are found at 34 C.F.R. § 300.1, *et seq*.

<sup>&</sup>lt;sup>2</sup> Hereafter, only the IDEA regulation and any corresponding Exceptional Children's Educational Act (ECEA) rule will be cited (e.g., § 300.000, Section 300.000 or Rule 1.00).

After a thorough and careful analysis of the entire record,<sup>3</sup> the SCO makes the following FINDINGS:

- 1. At all times relevant to the Complaint, Student has resided with Parents inside the School District's boundaries. Student has been identified as eligible for special education and related services.<sup>4</sup>
- 2. Student's primary disability is identified as Hearing Impairment Including Deafness. Student was initially diagnosed with a hearing loss in January 2012. An audiology report from December 2016 indicates that Student has "severe, primarily sensorineural hearing loss for both ears." The initial eligibility described Student's disability as "moderate to severe hearing loss bilaterally." Student has hearing aids. [ ] The family's primary modes of communication are American Signed Language (ASL) and English.<sup>5</sup>
- 3. By all accounts, Student is a bright and kind little girl who enjoys school. School District staff that have interacted with Student state that she is also shy and takes some time to "warm-up" to new people. Parents and School staff report that Student communicates both orally and with sign language. During the 2016-2017 school year, Student received direct instruction from teachers of the deaf (TODs) through a center-based program. This school year (2017-2018), Student will attend a half-day general education kindergarten class in the morning where instruction will be delivered through an interpreter, and a half-day in a Deaf and Hard of Hearing preschool/kindergarten program in the afternoon. Both School and Parents anticipate the transition to using an interpreter to access classroom curriculum will be not be easy.<sup>6</sup>
- 4. This complaint was filed in anticipation of the 2017-2018 school year. The core of Parents' complaint focuses on the quality of interpreter services to be provided to Student during the upcoming school year during Student's time in the half-day mainstream kindergarten program.
- 5. Parents allege that School District is denying their Student a FAPE by failing to provide a proficient and qualified interpreter in their daughter's kindergarten classroom, thus preventing her access to the general kindergarten curriculum. Additionally, Parents allege that the School District failed to provide them with meaningful participation in the discussion regarding the interpreter.

# **Background**

<sup>&</sup>lt;sup>3</sup> The appendix, attached and incorporated by reference, details the entire record.

<sup>&</sup>lt;sup>4</sup> Complaint; Exhibit 1; Exhibit A.

<sup>&</sup>lt;sup>5</sup> Complaint; Exhibit 1; Exhibit A; Interview with TOD1, TOD 2 and Parents.

<sup>&</sup>lt;sup>6</sup> Ibid.

- 6. Parents' concern regarding the proficiency of a number of the elementary school interpreters, specifically Interpreter 1, was first brought up during a parent-teacher conference in October 2016. At that time, Parents inquired about which interpreter was assigned to the kindergarten class. TOD 1 and TOD 2 informed Parents that Educational Interpreter 1 was assigned to that classroom. Both TOD 1 and TOD 2 got the impression that Mother did not seem pleased. At the next parent-teacher conference held February 17, 2017, Parents voiced their concern regarding Interpreter 1 and inquired about requesting an interpreter among two whom they believed were highly qualified Conceptually Accurate Signed English (CASE)/American Sign Language (ASL) interpreters. At that time both TOD 1 and TOD 2 informed Parents that the school did not take special requests as it pertained to teachers or interpreters but directed Parents to discuss their request with Principal. On April 10, 2107, Parents emailed Principal and requested a meeting to discuss their concern about Student's Communication Plan not being followed for the next school year and to request a different interpreter. Principal suggested discussing these concerns at the upcoming IEP meeting. However, Parents felt their concerns should be discussed outside of the IEP setting given the nature of the subject. The meeting was scheduled for April 20, 2017, the day after the IEP meeting.<sup>7</sup>
- 7. School conducted Student's Individualized Educational Plan (IEP) on April 19, 2017 as planned. In attendance were both Parents, the DHH Liaison<sup>8</sup>, the Speech Language Pathologist, TOD 1, TOD 2 and the Educational Audiologist. Along with the IEP, the team reviewed and updated Student's Communication Plan.<sup>9</sup>
- 8. The IEP team decided that for the 2017-2018 school year, Student would attend a half-day mainstream kindergarten classroom and a half-day Deaf and Hard of Hearing (DHH) preschool/kindergarten class in the afternoon. The IEP team identified Student's needs, developed annual goals and outlined the specialized instruction area and/or related services necessary to meet those needs. Specifically, the IEP provides the following for the 2016-2017 school year:
  - 1. Audiology Services 120 minutes annually of direct services outside of the classroom;
  - 2. Speech/Language Specialized Instruction 60 minutes weekly of direct services outside of the classroom;
  - 3. Hearing Services by the TOD 120 weekly of direct services inside the general education classroom;

<sup>&</sup>lt;sup>7</sup> Complaint; Response; Exhibit D; Interviews with Parents, TOD 1, TOD 2, DHH Liaison and Principal.

<sup>&</sup>lt;sup>8</sup> DHH Liaison was also in the role of Special Education Designee.

<sup>&</sup>lt;sup>9</sup> Exhibit 1.

- 4. Hearing services by the TOD 300 weekly of direct services outside the general education classroom;
- 5. Hearing services by the DHH Interpreter 840 minutes weekly of direct services. 10
- 9. The meeting requested by Parents was held the following day. In attendance were Principal, Parents with interpreters, DHH Liaison, and Advocate. During that meeting, Educational Interpreter Performance Assessment (EIPA) scores were discussed. Parents discussed their concern that CDE's requirement, that educational interpreters only need a score of 3.5 in order to receive their authorization, is not rigorous enough to ensure that DHH interpreters are delivering the educational content to students. Additionally, Parents also discussed the need for continuing education for interpreters. At the end of the meeting, School offered Parents the opportunity to observe School's 8 interpreters and provide their thoughts and recommendations.
- 10. Observations were scheduled for April 26<sup>th</sup> and April 28<sup>th</sup>, 2017. Initially, the plan was for Parents to conduct 4 observations each day for approximately 30 minutes. Parents requested permission, which School granted, to bring a Nationally Certified Sign Language Interpreter (Observer)<sup>14</sup> to assist with the observations and provide feedback. Parents observed on April 26<sup>th</sup>. Father was running late so Parents only had 10 minutes to observe Educational Interpreter 1. As for the April 28<sup>th</sup> observation, Mother requested permission, which School granted, for the interpreter and Father to be able to observe all interpreters on that day so the observations were reduced from the 30 minutes to 15-minute increments. Unfortunately, Father and Observer only observed Educational Interpreter 1 for approximately 5 minutes.<sup>15</sup>
- 11. Parents documented their comments as to each interpreter. In the Parents' opinion, of the 7 interpreters<sup>16</sup> observed, only two were perceived as

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<sup>&</sup>lt;sup>10</sup> Exhibit 1.

<sup>&</sup>lt;sup>11</sup> The EIPA is a tool that evaluates skills and knowledge of interpreters in the K-12 educational setting. It has both a performance and a written component. The rating system ranges from 1-5. In Colorado, in order to get a CDE authorization as an educational interpreter, the applicant must have a minimum score of 3.5 on the EIPA test in both domains.

<sup>&</sup>lt;sup>12</sup> The concern is that students who are deaf are dependent on all their access to curriculum content on the interpreter. They do not get incidental information from other sources because they cannot hear. If the interpreter is not proficient, the student who is deaf is negatively impacted in every content area.

<sup>&</sup>lt;sup>13</sup> Complaint; Exhibit D; Interviews with Parents, Principal and DHH Liaison.

Observer has 19 years of experience, holds an AAS in Interpreter Preparation from Pikes Peak Community College and has been an interpreter educator for 10 years.

<sup>&</sup>lt;sup>15</sup> Interviews with Parents, Principal, TOD 1, TOD 2, Educational Interpreter 1 and Kindergarten Teacher.

<sup>&</sup>lt;sup>16</sup> School has a total of 9 interpreters. One was on medical leave at the time and one was sick on the date of parents' observation.

"proficient" as it pertained to delivery of the curriculum. Educational Interpreter 1 was not one of the two deemed proficient. For the April 28<sup>th</sup> observation, Observer documented her observations but grouped all the "areas of concern" together rather than attributing them to any one interpreter. Correspondingly, she made a recommendation that School choose one of the two interpreters both she and Parents observed to be proficient as Student's kindergarten interpreter and specifically recommended against using Educational Interpreter 1 along with three others observed. These observations were provided to Principal.

- 12. Principal informed Parents that she would review the comments and take them into consideration when making class assignments. On May 22, 2017, Principal informed the Parents that Educational Interpreter 1 would be assigned to Student's kindergarten classroom.
- 13. Parents were unhappy with School's decision and reached out to Student Support Services Coordinator (SSS Coordinator) to discuss their concerns and frustrations. SSS Coordinator scheduled a meeting with Parents for May 26, 2017. At the meeting, the issue of interpreters and Parents' concerns was again addressed. In attendance were SSS Coordinator, DHH Liaison, Mother, Father with their Interpreter and Parent Advocate. The decision remained that Educational Interpreter 1 would be assigned to Student's classroom. A Prior Written Notice was issued which provided the following:
  - (a) The action was based on Parent observations, outside professional's observations, SSS Coordinator's observations and DHH Liaison's observations and a review of [Student's] current IEP.
  - (b) School would collect data on Student's communication/language goals to monitor progress through open communication and feedback between home and school.
  - (c) Other options considered were to change interpreter assignment which was rejected because the responsibility to assign interpreters rests solely on the administrative team with collaborative input from staff and parents.
  - (d) Other factors considered were to consider and trial mentoring, teaming, in-house interpreter observations, ensure visual supports within the classroom, discuss role of interpreter and role of TOD to whole [School] staff, continue to expand [School District's] Interpreter evaluation system, investigate and observe what other districts are implementing, maintain open communication regarding feedback options and progress monitoring.
  - (e) In the event that suggested options are implemented and are not successful and/or Student is not making adequate progress towards her language/communication goals per progress monitoring data,

the special education team will revisit related service options to ensure the communication plan is appropriate for [Student].<sup>17</sup>

## **Findings**

- 14. Parents believe School's decision violates Student's right to a FAPE because the related service provider is not proficient. The Parents based their opinion on the assumption that Interpreter 1 had less than a 4.0 on the EIPA test, the two observations and other brief run-ins. Additionally, Parents believe they were denied meaningful participation because their request for a different interpreter was not granted. The SCO disagrees.
- 15. Parents contend that interpreters should possess a minimum score of 4.0 on the EIPA in order to demonstrate that they can interpret more than 70% of the instructional content to students. In their complaint, Parents state "it is critical to us to have a skilled CASE interpreter who will provide access to the majority of a teacher's instruction, the classroom discussion, and interactions with peers so that [Student] is fully included with the opportunity to succeed along with her peers. These areas require a 3.5 score across all EIPA domains."<sup>18</sup> As previously mentioned, Parents argue that Colorado's standard is too low and DHH students are suffering as a result.
- 16. While there may be solid arguments in favor of requiring interpreters to have a minimum score of 4.0 on the EIPA test, CDE's current requirement for educational interpreters authorization is to have a minimum passing score of 3.5 on the EIPA's written and performance tests. 19 The SCO's investigation and findings are governed by the State's current standard it is not within the SCO's authority to require a greater standard than that established by CDE. It also bears noting that in this case, Parents' request for an interpreter with an EIPA score of 4.0 was actually met, albeit unintentionally. Interpreter 1 surpassed the minimum score requested by parents and received an overall score of 4.44, such that by Parents' own definition, Interpreter 1 qualified as a "skilled" interpreter. 20

<sup>&</sup>lt;sup>17</sup> Complaint; Exhibit A; Exhibit 1; Exhibit 3 and Exhibit 4.

<sup>&</sup>lt;sup>18</sup> Parents requested information regarding interpreter test scores. At that time, School District only required proof that interpreters have CDE Educational Authorization. As a result, School District did not have copies of the EIPA tests and corresponding scores as part of the employee's file.

<sup>&</sup>lt;sup>19</sup> The EIPA description of Level 3 provides "an individual at this level would be able to communicate very basic classroom content, but may incorrectly interpret complex information resulting in a message that is not always clear. An interpreter at this level need continued supervision and should be required to participate in continuing education in interpreting." <a href="https://www.classroominterpreting.org/EIPA/performance/rating.asp">https://www.classroominterpreting.org/EIPA/performance/rating.asp</a>.

<sup>&</sup>lt;sup>20</sup> Additionally, it is worth noting that Interpreter 1 received over a 4.0 in each of the domains including Voice to Sign a 4.67, Sign to Voice a 4.40, Vocabulary 4.48, and Overall Factors 4.21.

- 17. Parents also assert that Interpreter 1 is not proficient based on the observations they were allowed to conduct. The SCO disagrees. The evidence in the record, including interviews with credible witnesses, demonstrates that the observations were not long enough to make a determination as to whether or not the interpreter was qualified. On April 26, the observation was no more than 10 minutes and on April 28<sup>th</sup>, the observation was no more than 5 minutes. Neither Parents nor Observer had any conversations prior to or after the observations to gather information regarding Student's needs as it pertained to interpreter services nor the curriculum that was being taught at the time.
- 18. Based on interviews with credible witnesses, SCO finds the School's justifications for placing Educational Interpreter 1 are credible and legitimate. By all accounts of the School staff, Educational Interpreter 1's skills, personality and ability to sign in many different ways to meet the varying needs of the DHH students makes her the right choice for interpreting in the Kindergarten class. Across the board, School staff report that it is important to have an interpreter like Educational Interpreter 1 because for many students this is the first time using an interpreter. School staff report that Educational Interpreter 1 not only signs well, but she also signs concepts in different ways to make sure Students understand the content, she draws pictures to illustrate concepts, creates games and repeats information on a one-to-one basis if necessary in order to make sure students understand. They report they she is seen as a role model among the School's other interpreters. Furthermore, Educational Interpreter 1 is familiar with the Kindergarten curriculum. The SCO finds based on the evidence and credible reports from School personnel that Educational Interpreter 1 has the necessary credentials, education and background to support School's decision to place her in Student's kindergarten class as Student's related service provider. As this Complaint was prospective in nature, SCO finds Student has not been in school long enough to have data to Support Parents' allegations that Educational Interpreter 1 is not "skilled" or complying with the Communication Plan.<sup>22</sup>
- 19. As for Parent's assertion that they were denied the right to meaningful participation in the decision regarding "related services," again the SCO disagrees. Parents voiced their request for a "skilled" interpreter for their daughter at the parent teacher conference February 2017. <sup>23</sup> In response, School

Parents were not aware of this and until the Response to the Complaint was filed, the District was not as well.

<sup>&</sup>lt;sup>21</sup> These pertain to observations of Educational Interpreter 1.

<sup>&</sup>lt;sup>22</sup> SCO cautions parties that any progress monitoring data should be evaluated along with a body of evidence prior to drawing conclusions as to its significance.

<sup>&</sup>lt;sup>23</sup> School reports that Parents voiced their initial concern at an October 2016 parent teacher conference.

held a meeting and invited Parents to observe their interpreters. School scheduled times and made accommodations for not one but two different dates for observations and allowed Parents to bring another observer. Based on interviews with credible witnesses, SCO finds that the observations were considered by Principal but that she continued to believe that Educational Interpreter 1 was the best fit for the position. Principal informed Parents of her decision that Educational Interpreter 1 would be assigned to the Kindergarten class. After being informed of that decision, Parents requested another meeting but this time with the SSS Coordinator to voice their concern. While the outcome of the meeting was the same, School offered to do frequent progress monitoring in order to ensure Student is making progress and able to access the curriculum. Additionally, some of Parents' requests to address "deficient" interpreter skills were already in process, including a more rigorous evaluation process and professional development for interpreters that address signing skills. While Parents do not trust that School District will follow through with ensuring a more rigorous evaluation process for interpreters, based on the interviews, the SCO finds that School District is committed to improving interpreter skills based on the detail in their present and future plans to address interpreter skills, including creating and filling a position whose role is to help create a higher level of accountability and skill for staff involved with DHH students.

20. The SCO finds that while the PWN issued on May 26, 2017 could have been more complete<sup>24</sup>, it included all of the requirements, especially in light of the e-mail communications and meetings that took place prior to the meeting on May 26, 2017 that provided similar information in more detail.

# **CONCLUSIONS OF LAW**

Based on the Findings of Fact above, the SCO enters the following CONCLUSIONS OF LAW:

Issue 1: Whether the School District denial of Parents' February 15, 2017 request to provide proficient interpreters for Student has resulted in a failure to provide Student with related services based on her individual needs, violating Student's right to a FAPE.

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<sup>&</sup>lt;sup>24</sup> School District could have provided more detail on the considerations taken for refusing to "change" interpreters. Additionally, School District could have provided more detail regarding the steps they are currently taking to improve interpreter skills, specifically working on bringing outside interpreter(s) to help with the evaluation process. The SCO notes that a number of the Parents recommendations are in the process of being implemented or are in the planning stages by DHH Liaison.

- 1. Parents allege that School District violated Student's right to a FAPE by refusing their request to assign an interpreter proficient in signing CASE/PSE to Student's kindergarten class. Specifically, Parents requested an interpreter that passed the EIPA score with a 4.0 or higher. Additionally, they requested specific interpreters they believed were proficient in signing CASE/PSE and could provide access to the majority of teacher's instruction. For the following reasons, the SCO disagrees and finds no violation on this issue.
- 2. Under IDEA, local agencies are required to provide eligible students with disabilities a free appropriate public education (FAPE) by providing special education and related services individually tailored to meet the student's unique needs and provided in conformity with an individualized education program developed according to the Act's requirements. 20 U.S.C. § 1401 (9); 34 C.F.R. § 300.17; ECEA Rule 2.19. Related services provided to a student must be part of an IEP that is reasonably calculated to enable a student with a disability to make progress appropriate in light of the child's circumstances. Related services should meet the child's unique needs as part of the IEP's specially designed instruction for the student. See Endrew F. Douglas County Sch. Dist. RE-1, 137 S. Ct. 988 (2017) (citing 20 U.S.C. § 1401(14) and 20 U.S.C. § 1401(29)).
- 3. In this case, the related service in question is the interpreter that School assigned to Student's kindergarten class. As discussed above, Educational Interpreter 1 carries a CDE educational authorization in the mode of communication outlined in Student's IEP. She has over 32 years of experience as an educational interpreter. Based on credible reports from School staff, she is considered a skilled and competent interpreter, can meet the signing needs of a variety of students, knows the kindergarten curriculum, goes above and beyond to ensure students understand educational content and is considered a role model among the other interpreters. Furthermore, Educational Interpreter's EIPA composite score is a 4.44 which exceeds the score requested by Parents to demonstrate proficiency. The body of evidence supports the School District's decision to assign Educational Interpreter 1 as Student's related service provider.

<u>Issue 2: Whether the School District denied Parents' right to meaningful</u>
<u>participation in the decision regarding appropriate related services, violating their</u>
procedural rights under the IDEA and ECEA rules.

- 4. SCO next considers Parents' allegation that Parents did not have meaningful participation in the decision regarding appropriate related services, namely interpreter services. Parents contend that their input, observations and requests were not considered thus denying Student a FAPE. The SCO concludes that Parents were afforded meaningful participation and makes no finding as to this issue.
- In the formative case of *Board of Education v. Rowley*, the United States Supreme Court stressed the importance of compliance with the IDEA's procedural requirements.

[W]e think that the importance Congress attached to these procedural safeguards cannot be gainsaid. It seems to us no exaggeration to say that Congress placed every bit as much emphasis upon compliance with procedures giving parents and guardians a large measure of participation at every stage of the administrative process, see, e.g. 1415 (a)-(d), as it did upon the measurement of the resulting IEP against a substantive standard. We think that the congressional emphasis upon full participation of concerned parties throughout the development of the IEP ... demonstrates [s] the legislative conviction that adequate compliance with the procedures prescribed would in most cases assure much if not all of what Congress wished in the way of substantive content in an IEP.

Board of Education v. Rowley, 458 U.S. 176, 205-206 (1982).

6. With the intention of developing an IEP that is tailored to the unique needs of the child, the IDEA places particular emphasis on collaboration among parents and school districts, requiring the parents be afforded the opportunity to participate and that their participation be meaningful, including giving careful consideration to their concerns about their child. 34 C.F.R. §§300.321 (a)(1), 300.322, and 300.324 (a)(ii). It is well-established that where the procedural inadequacies seriously infringe upon the parents' opportunity to meaningfully participate in the IEP process, the result is a "per se" denial of FAPE. See, e.g., O.L. V. Miami-Dade County Sch. Bd., 63 IDELR 182 (11th Cir. 2014); Deal v. Hamilton County Bd. Of Educ., 392 F.2d 840 (6th Cir. 2004); see also, 34 C.F.R. §300.513(A) (2) (ii) ("In matters alleging a procedural violation, a hearing officer may find that the child did not receive a FAPE only if the procedural inadequacies ...[s]significantly impeded the parent's opportunity to participate

in the decision-making process regarding the provision of FAPE to the parent's child..."). When parents are prevented from meaningful participation because an aspect of their child's IEP, such as educational methodology or placement, has been predetermined, the resulting procedural violation denies the student a free appropriate public education. *Deal v. Hamilton County Bd. Of Educ.*, 42 IDELR 109 (6<sup>th</sup> Cir. 2005), *cert denied*, 546 U.S. 936 (2005); *O'Toole v. Olathe Dist. Schools*, 144 F.3d 692 (10<sup>th</sup> Cir. 1998).

- Parents make no allegations regarding the development of the IEP. Parents' 7. main issue of contention is that School did not grant their request for a different interpreter, one they believe to be proficient in delivering instruction according to Student's IEP and Communication Plan. In this situation, the assignment of related providers falls under the purview of the administration as long as the provider has the skills necessary to implement their portion of the IEP. Here, Educational Interpreter 1 has the necessary credentials and background to demonstrate she is proficient in interpreting CASE/PSE. Additionally, Student has not been in school long enough to review data from progress monitoring that might indicate otherwise. Parents were allowed the opportunity to discuss their concerns at two different meetings and share their observations. While the outcome was not what Parents wished, it does not mean their input was not considered. In fact, many of the professional development measures suggested by Parents are currently being pursued by School District including retaining an outside interpreter/agency that can evaluate interpreter skills and provide professional development.
- 8. Parents' position that their input, experiences and observations are not valued given their life experiences and unique experiences creates tension and negatively impacts the relationship between School and Parents. Especially as it pertains to suggestions for creating a more "deaf" friendly environment, helping DHH student get more "incidental" learning opportunities and improving skills of interpreters. School appears frustrated because their current efforts are not acknowledged. While the SCO did not find any violations of law with respect to Educational Interpreter 1, the SCO encourages the parties to communicate and collaborate if possible as they have indicated that they want to improve the DHH program for students.

#### **REMEDIES**

No remedies are ordered as there were no violations.

# **CONCLUSION**

The Decision of the SCO is final and is not subject to appeal. If either party disagrees with this Decision, their remedy is to file a Due Process Complaint, provided that the aggrieved party has the right to file a Due Process Complaint on the issue with which the party disagrees. See, 34 C.F.R. § 300.507(a) and Analysis of Comments and Changes to the 2006 Part B Regulations, 71 Fed. Reg. 156, 46607 (August 14, 2006).

Dated this 7th day of September, 2017.

Jacqueline Esquibel, Esq. State Complaints Officer

## <u>APPENDIX</u>

# Complaint

Exhibit 1: Individualized Education Plan dated April 19, 2017

Exhibit 2: Parents' and Observer's observations dated April 26 and 28, 2017

Exhibit 3: Prior Written Notice dated May 26, 2017

#### Response

Exhibit A: Copies of Students' special education files since the beginning of the 2015-2016 school year, including amendments and meeting notes, if any;

Exhibit B: Copies of all evaluations and assessments regarding Students from the beginning of the 2015-2016 school year to present;

Exhibit C: Copies of all progress reports regarding Students from the beginning of the 2015-2016 school year to present;

Exhibit D: Correspondence between School, School District staff, and Parents concerning the Complaint allegations;

Exhibit E: List of School District staff members who have knowledge of the facts

Exhibit F: School District's policies, procedures, and manuals related to the Complaint allegations;

Exhibit G: Evaluations or assessments of School District interpreters;

Exhibit H: Students progress reports;

Exhibit I: Statement regarding how sign language services are decided for Student

Exhibit J: Job Description for Lead DHH Program Specialist

Exhibit K: [School] Classroom Setting Information Form

Exhibit L: Educational Interpreter1's Affidavit and EIPA scores

# Reply

Attachment 1

Interviews with:

Mother

Father

Advocate

Observer

CDE Access, Learning and Literacy and Deaf Education Specialist Supervisor

Teacher of the Deaf 1 (TOD 1)

Teacher of the Deaf 2 (TOD 2)

Principal

Deaf and Hard of Hearing Liaison (DHH Liaison)

Student Support Services Coordinator (SSS Coordinator)

Director of Elementary Schools Student Support Services (Director)

Kindergarten Teacher

Educational Interpreter 1