

<b>STATE OF COLORADO</b> <b>OFFICE OF ADMINISTRATIVE COURTS</b> 1525 Sherman Street, Denver, Colorado 80203	
<b>[Parent],</b> Complainant,  vs.  <b>DOUGLAS COUNTY SCHOOL DISTRICT,</b> Respondent.	▲ <b>COURT USE ONLY</b> ▲
	<b>CASE NUMBER:</b>  <b>EA 2016-0033</b>
<b>AGENCY DECISION</b>	

On April 5, 2017, the undersigned Administrative Law Judge (“ALJ”) convened the evidentiary hearing in this matter in the offices of the Court in Denver, Colorado. [Parent], Complainant and parent of the Student, appeared and testified on her own behalf. Ms. Elizabeth Friel appeared as counsel for Respondent Douglas County School District (“Respondent” or the “District”). At hearing the following exhibits were admitted as evidence: Hearing Exhibits No. 2, No. 3, No. 5<sup>1</sup> through No. 7, and No. 9<sup>2</sup> offered by Complainant; and Hearing Exhibits A through M, O through U, W through RR, and TT through UU offered by Respondent. The hearing was recorded stenographically and digitally. The parties made oral closing statements and the record was closed on April 5, 2017.

### ISSUES PRESENTED

Based on the Amended Complaint filed and served on January 13, 2017, the ALJ determined the scope of the hearing to be as follows:

1. Whether Respondent violated the Individuals with Disabilities Education Act (“IDEA”) or Colorado Exceptional Children’s Education Act (“ECEA”) by graduating the Student from high school without Prior Written Notice;
2. Whether Respondent violated the IDEA or ECEA by failing to conduct an exit meeting with Complainant and the Student regarding the Student’s impending graduation;

<sup>1</sup> Hearing Exhibit No. 5 was admitted for the limited purpose of establishing the Student’s medical diagnosis of Asperger’s Syndrome.

<sup>2</sup> Only pages no. 1, no. 7, and no. 9 were admitted from Complainant’s Exhibit No. 9. Page 9 of Hearing Exhibit No. 9 was admitted without inclusion of the handwritten notes appearing on that page.

3. Whether Respondent failed to provide the Student with a Free Appropriate Public Education (“FAPE”) after December 18, 2015, by refusing to implement the services and supports called for in the Student’s last agreed upon Individualized Education Program (“IEP”).

## **FINDINGS OF FACT:**

Based on the evidence in the record, the ALJ finds the following:

1. During the 2015-2016 academic year, the Student was an 18 year-old high school senior at [School] (“[School]”), a school within the District. There is no dispute in this case that the Student was a child with a disability as that phrase is used in the IDEA and ECEA.

2. The Student has a medical diagnosis of Asperger’s Syndrome, also commonly called Autism Spectrum Disorder. She was noted to be an intelligent and motivated scholar who enjoyed learning and—increasingly—some of the social aspects of school. She did experience severe social anxiety and depression that was identified as a Serious Emotional Disability (“SED”) and which adversely impacted her ability to access education in the general education setting.<sup>3</sup> Her emotional issues led to serious attendance problems which, in turn, impaired her ability to receive reasonable educational benefit from school.

3. The Student attended [School] throughout her high school years. [School] is a separate campus within the District focused on serving children with emotional disabilities. [School] offered the Student small class sizes, a high adult-to-student ratio, access to mental health services, and opportunities for taking breaks during the day to relieve anxiety. [School] featured a system of supports that emphasized positive feedback for behaviors and incentives for good school attendance. Hearing Exhibit G. [School] can be an interim placement for children to acquire skills to take back to their home school, but children like the Student who are most comfortable at [School] are permitted by the District to remain there.

4. The Student made meaningful progress in the management of her anxiety at [School]. From the time she entered [School] to the beginning of her senior year, the Student evolved from being a shy and extremely reserved freshman into an outspoken leader among her classmates. The Student’s mother, Complainant, acknowledged in testimony that the services and supports provided at [School] were effective in helping the Student become a more confident and capable learner.

5. The last IEP implemented for the Student was developed in May, 2015. Hearing Exhibit A. The IEP identified the Student’s needs as improving and/or maintaining on-time attendance at school, and improving her use of mental health prevention and

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<sup>3</sup> The Student’s diagnosis of Asperger’s Syndrome is noted on page no. 16 of Hearing Exhibit No. 6 in the context of the Functional Behavioral Assessment portion of the IEP.

coping strategies. The IEP also included a post-secondary transition plan tailored to the Student's goal of attending college and pursuing a career as a forensic anthropologist. At page 7, the IEP listed the expected date of the Student's graduation as May 27, 2016, and projected that she would receive a standard high school diploma. The transition plan spelled out the courses and community service hours necessary for the Student to complete the graduation requirements, and also specified instructional and related services to support the Student's progress to graduation and beyond.

6. The transition plan included multi-modal teaching approaches to ensure the Student's academic achievement, and support from mental health providers to improve individual and group socialization, self-advocacy, and awareness of feelings and social language. The Student was also to receive transition services from the ACE career development Teacher to include development of interviewing skills and resume composition, investigation into college opportunities and community support services, and exploration of employment options through field trips and guest speakers. Hearing Exhibit A at page no. 8.

7. Complainant did not dispute that the District provided the services called for in the Student's IEP prior to December 18, 2015. She confirmed that the Student did participate in field trips to colleges and received the mental health services listed in the transition plan. Complainant was not sure what assistance had been provided regarding completing college applications and testified that no guest speakers had addressed the Student prior to December 18, 2015. The Student refused to participate in some field trips for which permission slips were signed by Complainant.

8. Complainant acknowledged that the Student completed all coursework and community service necessary for graduation as of December, 2015. Hearing Exhibits N and Q. Complainant also confirmed that the District offered to continue to provide special education and related services specified in the Student's IEP during the spring semester of 2016.

9. On December 11, 2015, Complainant met with [SED Teacher], an SED teacher at [School] who also served as the Student's case manager on behalf of the District. [SED Teacher] was a member of the Student's IEP team and participated in the development of the May, 2015 IEP. During the fall, 2015 semester, [SED Teacher] became aware that the Student was on track to complete all graduation requirements by December. [SED Teacher] advised Complainant that the District would continue to provide the Student with mental health and transitional services during the spring of 2016. Hearing Exhibit T.

10. Complainant was initially supportive of a schedule in which the Student would continue to receive services at [School] as part of a limited day at [School] during the spring, 2016 semester and then enroll part-time in [Community College] ("[Community College]"). The Student did not like the idea of this modification, in part because she desired to be at [School] on the same schedule as her boyfriend (also a student at [School]). Complainant then opposed the schedule change to support the Student.

11. [SED Teacher] believed that the Student would continue to attend [School] during the spring of 2016 on the modified schedule. [SED Teacher] met with Complainant again on December 17, 2015, and prepared a summary of that meeting. Hearing Exhibit D. The District contemplated that the Student would attend [School] for two periods per day as well as the lunch break.<sup>4</sup> The Student would also be able to continue working on a senior prom event to take place during the spring semester—a personal project that the Student initiated with the administration of [School]. The District prepared a transportation plan reflecting services that the Student would need starting January 4, 2016. Hearing Exhibit F.

12. [SED Teacher] established that the Student became very upset when she learned that the District was moving forward with a modified schedule on December 17, 2015. Complainant, however, did not object to [SED Teacher] regarding the modified schedule.

13. Complainant took the Student to an orientation at [Community College] in January, 2016. Complainant established that the Student felt overwhelmed and did not enroll in any courses at [Community College] in the spring of 2016.

14. During this same timeframe, Complainant was an employee of the District at [School]. The Student accompanied Complainant to work at [School] on January 4, 2016 to assist in the developmentally disabled classroom. Complainant established that the Student was very academically motivated and considered the modified schedule as “beneath her.” On January 4, 2016, Complainant wrote to [Principal], the principal at [School], and gave notice that the Student would not continue participating in the modified schedule. Hearing Exhibit V.

15. [Principal] established that the transition and related services, including the ACE career development program, were intended to be delivered to the Student outside of academic courses. For this reason, it was still possible for the Student to access these services on the modified schedule proposed for the spring of 2016.

16. On January 7, 2016, Complainant wrote to [Principal] and [Dean of Instruction], the dean of instruction at [School]. Hearing Exhibit M. Complainant stated that she considered the Student “officially withdrawn” from [School] and requested that the District provide a high school diploma and a copy of the Student’s official transcript.

17. On January 8, 2016, [SED Teacher] attempted to coordinate with Complainant to schedule an IEP team meeting for the Student. Hearing Exhibit Y. On January 12, 2016, [Principal] wrote to Complainant to express her desire to communicate regarding the Student’s IEP and to advise that the Student “still has access to [[School]] to service her current IEP.” Hearing Exhibit AA. [SED Teacher] testified that she was willing to consider changes in the schedule that would serve the Student’s best interests and

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<sup>4</sup> One of the two periods offered was an affective needs class in which the Student worked on improving social skills and coping skills.

again attempted to coordinate an IEP team meeting with Complainant. Hearing Exhibit CC.

18. On January 12, 2016, Complainant responded that the Student “is no longer at [School]. She is not enrolled as she has reached her credits and told she was done.<sup>5</sup> We cannot go backwards.” Hearing Exhibit FF. That same date, Complainant also told [SED Teacher] that the Student “has fulfilled her credits and is done with [School].” Hearing Exhibit DD. Complainant renewed her request for the Student’s diploma and confirmation that the Student could participate in the [School] graduation ceremony in May.

19. On January 28, 2016, Complainant sent additional correspondence to the District. Hearing Exhibit LL. Complainant acknowledged that the bus was still attempting to transport the Student to school. Complainant reiterated that the Student should be removed as a student at [School] and transportation should be canceled. Complainant stated, “I want in writing that [the Student] left [School] on Jan. 5<sup>th</sup> because she graduated early with all her credits and volunteer hours.” On January 30, 2016, Complainant corrected this request, stating that the Student’s “last official date was December 18<sup>th</sup>, 2015. This is what should be on her transcripts and especially on her diploma!” *Id.* Complainant also indicated that as of January 30, 2016, the Student was a “registered college student.”

20. On January 29 and 30, 2016, [SED Teacher] and [Principal] corresponded with Complainant about convening a Summary of Performance meeting and requesting Complainant’s availability. Hearing Exhibit NN. [Principal] testified that she knew the Student was “not thrilled” with the offer of a modified schedule, and the District wanted to try to accommodate her interests.

21. The District honored Complainant’s requests regarding the Student’s diploma and transcript in that her “diploma date” was listed as December 18, 2015. Hearing Exhibit B. The District also permitted the Student to participate in the graduation ceremony with her classmates in May, 2016.

22. [Principal] and [Mental Health Professional], a District employee who provided direct mental health services to the Student, established that it is common for special education students who have completed graduation requirements to continue to attend school on a modified schedule to work on IEP skills and goals. [SED Teacher] believed that the Student had a chance to be successful at [Community College] during the spring of 2016 if she continued to receive the supports in her IEP during the shortened day at [School].

23. On February 3, 2016, [SED Teacher] wrote to Complainant and provided the opportunity for Complainant and the Student to give input to the Summary of Performance. Hearing Exhibit PP. [SED Teacher] established that Complainant did not

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<sup>5</sup> Despite Complainant’s testimony to the contrary, [SED Teacher] disputed that she had told the Student that “she was done” and could not return to [School] after December 17, 2015.

agree to meet and did not provide any written response to include in the Summary of Performance. On February 4, 2016, Complainant asked that the District stop “harassing” her about the summary report. Hearing Exhibit QQ. At hearing, Complainant testified that she felt the summary should have been completed prior to December 18, 2015.

24. On February 11, 2016, the District completed the Summary of Performance and appended it to the Student’s record. Hearing Exhibit TT. The report reflected an exit date of May 20, 2016. [SED Teacher] Prepared the Summary of Performance and testified that she believed that the Student was prepared for graduation.

25. Also on February 11, 2016, the District prepared a Prior Written Notice document advising that special education services for the Student would terminate based on her having earned a regular education diploma. Hearing Exhibit UU. [Director], testifying as Director of Special Education for the District, confirmed that the graduation date of May 20, 2016, listed in the Prior Written Notice was not accurate. Although the Student intended to walk in the graduation ceremony in May, [Director] had already agreed<sup>6</sup> with Complainant’s request to have the Student’s diploma date entered as December 18, 2015, in the official transcript. According to [Director], the diploma date reflected in the transcript—rather than the date on which a student meets all requirements for graduation or participates in a graduation ceremony—is the one that is legally effective for termination of special education services.

26. [Director] established that the Student could have continued to participate in special education programs after completing graduation requirements but for her mother’s request that the effective date of her general education diploma be entered as December 18, 2015. The District can hold off on entering a graduation date if a special education student is still accessing transition services. One example referenced by [Director] is the Bridge program offered by the District and demanded by Complainant in the amended complaint. On cross-examination, however, Complainant testified that she and the Student were no longer interested in the Bridge program.

27. Complainant presented no evidence to support the request in her amended complaint for “\$20,000 to assist the Student in her college or trade school career.” There was no information about what expenses such an award would cover, how such expenses related to her disability, or how such expenses flowed from any action(s) taken by the District here. At one point on cross-examination, Complainant briefly mentioned an autism service dog, but she did not establish any facts proving why such an animal was appropriate or necessary for the Student or how the action(s) of the District caused such a need. The ALJ finds that there is no substantial evidence upon which to determine the propriety and/or reasonableness of any financial compensation sought by Complainant.

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<sup>6</sup> On January 19 or 20, 2016.

## DISCUSSION

The IDEA was enacted to ensure that all children with disabilities have access to “a free appropriate public education that emphasizes special education and related services designed to meet their unique needs.” 20 U.S.C. § 1400(d)(1)(A). A free appropriate public education (“FAPE”) is defined as “special education and related services . . . provided in conformity with an individualized education program.” 20 U.S.C. § 1401(9). The IEP is the basic mechanism through which the school district’s obligation of providing a FAPE is achieved. *Murray by & Through Murray v. Montrose County Sch. Dist. RE-1J*, 51 F.3d 921, 925 (10<sup>th</sup> Cir. 1995). The local school district is required to develop, implement and annually revise an IEP that is calculated to meet the student’s specific needs and educate that student in the “least restrictive environment”, meaning that, “[t]o the maximum extent appropriate,” disabled children should be educated in public school classrooms alongside children who are not disabled. 20 U.S.C. §§ 1414(d) and 1412(a)(5)(A).

Under the IDEA, a complainant has the burden of proving by a preponderance of the evidence that the District failed to provide the student with a FAPE. *Thompson R2-J Sch. Dist. V. Luke P.*, 540 F.3d 1143, 1148 (10<sup>th</sup> Cir. 2008). To meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances. *Endrew F., et al., v. Douglas County School District RE-1*, No. 15-827, slip op. at 11 (U.S. Supreme Ct. March 22, 2017). In this case, since Complainant is challenging the development of the Summary of Performance and the timeliness of the Prior Written Notice, she has the burden of establishing that any failure to comply with the procedural requirements of such steps actually resulted in a denial of FAPE,<sup>7</sup> and that the District did not take actions to confer reasonably appropriate educational benefit on the Student after December 18, 2015.

In *Board of Education v. Rowley*, 458 U.S. 176 (1982), the United States Supreme Court examined the issue of what is meant by the phrase “free appropriate public education”. In that decision the Court held that the statutory definition of FAPE requires states to provide each child with specially designed instruction and expressly requires the provision of such supportive services as may be required to assist a handicapped child to benefit from special education. *Id.* at 201. The Court also held that the requirement that a state provide specialized educational services to disabled children generates no additional requirement that the services so provided be sufficient to maximize each child’s potential commensurate with the opportunity provided other children; the school district’s obligation extends only so far as to provide a basic floor of opportunity consisting of specialized instruction and related services that are individually designed to accord some educational benefit. *Id.* at 200. More recently, the Court clarified that “any review of an IEP must appreciate that the question is whether the IEP is *reasonable*, not whether the court regards it as ideal” (emphasis in original). *Endrew*

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<sup>7</sup> *Erickson v. Albuquerque Public Schools*, 199 F.3d 1116, 1123 (10<sup>th</sup> Cir. 1999); *O’Toole v. Olathe Dist. Schools Unified School Dist. No. 233*, 144 F.3d 692, 707 (10<sup>th</sup> Cir. 1998).

*F.*, *supra*, slip op. at 11. The educational program must be appropriately ambitious in light of a student's circumstances and provide the student with the chance to meet challenging objectives. *Id* at page 14.

A hearing officer's determination of whether a student received a FAPE must be based on substantive grounds. 34 C.F.R. 300.513 (a)(1). In matters alleging a procedural violation, a hearing officer may find that a student did not receive a FAPE only if the procedural inadequacies – (i) impeded the child's right to a FAPE; (ii) significantly impeded the parent's opportunity to participate in the decision-making process regarding the provisions of a FAPE to the parent's child; or (iii) caused deprivation of educational benefit. 34 CFR 300.513 (a)(2)(i) – (iii).

Pursuant to 20 U.S.C. § 1414(c)(5):

(A) In general.--Except as provided in subparagraph (B), a local educational agency shall evaluate a child with a disability in accordance with this section before determining that the child is no longer a child with a disability.

(B) Exception.

(i) In general.--The evaluation described in subparagraph (A) shall not be required before the termination of a child's eligibility under this part due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for a free appropriate public education under State law.

(ii) Summary of performance.--For a child whose eligibility under this part terminates under circumstances described in clause (i), a local educational agency shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

Under the ECEA and the Rules implementing it found at 1 *Code of Colorado Regulations* ("CCR"), 301-8, § 4.02(5) reevaluations of a student with a disability shall be conducted in accordance with § 4.02(4). That latter section references 34 *Code of Federal Regulations* ("CFR"), § 300.305 which is consistent with the language from IDEA §1414 quoted immediately above. Thus, there is no specific provision of Colorado law that mandates a different procedure for children graduating from secondary school with a regular diploma.

Federal regulations further clarify that the obligation to provide FAPE does not apply to children with disabilities who have graduated from high school with a regular diploma. 34 CFR § 300.102(a)(3). That exception does not apply to children who have graduated from high school but have not been awarded a regular diploma. Graduation with a regular high school diploma constitutes a change of placement requiring prior written notice. *Id*. Prior written notice must be given to the parents of a child with a



disability before a public agency proposes to initiate or change the educational placement of the child or provision of FAPE to the child. 34 CFR § 300.503(a)(1).

The federal Court of Appeals for the Tenth Circuit has held that IDEA does not mandate that an “exit meeting” be conducted by a district before determining that a child has met the requirements for graduation. *T.S. v. Independent School Dist. No. 54*, 265 F.3d 1090, 1094 (2001). The court also determined that where there is no dispute that a student met the requirements for graduation (thereby terminating the student’s right to FAPE) and is seeking only prospective (rather than compensatory) relief, then any claim that a FAPE was deficient becomes moot. *Id* at 1092.

Issue No. 1: Whether Respondent violated the IDEA or ECEA by graduating the Student from high school without Prior Written Notice.

Based on the record at hearing, the ALJ finds and concludes that the evidence is undisputed that the Student met the requirements for graduation with a regular diploma as of December 18, 2015. [Director] established that merely meeting the requirement for graduation did not terminate the Student’s entitlement to FAPE because the District had not issued a diploma. In fact, the District demonstrated it was still prepared and willing to implement the services and supports in the Student’s IEP during the spring semester of 2016, albeit with a modified daily schedule. In what appears to the ALJ to be a concession to the Student, Complainant permanently withdrew the Student from [School] rather than have her continue to access the special education program that remained available. The Student insisted that the proposed schedule was “beneath her” and refused to engage with Complainant and District personnel to work on any modification to the schedule. Eventually, Complainant came to echo these sentiments herself, and expressed no willingness to meet or otherwise cooperate in discussing the Student’s program with [SED Teacher], [Principal], or [Director]. Rather, Complainant insisted that the District issue the Student a regular high school diploma with the date December 18, 2015. This demand was unequivocal and [Director] acceded on January 19 or 20, 2016. The process of administratively confirming the Student’s diploma date took some time, and Prior Written Notice of the Student’s graduation was issued on February 11, 2016.

As noted in the above findings, the Prior Written Notice contained an error in that it specified May 20, 2016 as the date on which the Student’s graduation would effectively terminate her right to FAPE. In truth, the Student’s entitlement to FAPE was terminated effective December 18, 2015, even though the administrative action to alter the academic record took place nearly two months later. In a technical sense, this represents a failure to provide notice “before” a proposal to change a placement of the Student. However, the District is not at fault for that failure. Only because Complainant demanded that the Student’s diploma date be essentially backdated to December, 2015, did the District’s notice fail to occur prior to the action. Moreover, as this issue surrounds an alleged violation of a procedural protection and the Student does not seek any procedural remedy, the Student may only obtain relief if the violation resulted in substantive denial of FAPE. It did not. Complainant had resolved to withdraw the Student permanently from the District and communicated that fact very clearly.

Complainant told the District the Student was a “registered college student” and was “done” with [School]. Thus, the record established that the Student had no intention of accessing available special education and related services so that any technical violation surrounding the Prior Written Notice did not impede her right to a FAPE, impede Complainant’s ability to participate in the IEP process, or deprive the Student of educational benefit.

Issue No. 2: Whether Respondent violated the IDEA or ECEA by failing to conduct an exit meeting with Complainant and the Student regarding the Student’s impending graduation.

The Tenth Circuit in *T.S. v. Independent School Dist. No. 54, supra*, found no procedural requirement in the IDEA to conduct an “exit meeting” to ensure that graduation is appropriate. Again, there is no factual dispute in this case that the Student met the requirements for a regular high school diploma in December, 2015. Also, as discussed above, the District stood ready to continue providing the special education and related services specified in the IEP during the spring semester, 2016. As soon as it became evident in January, 2016, that the Student would decline that opportunity, the District began the process of completing a Summary of Performance. The District solicited input from Complainant, but she refused to meet or respond with any information to be included in the report. Complainant felt “harassed” by the District’s request and demanded that no further request for input be made to her. Accordingly, on February 11, 2016, the District finalized the Student’s Summary of Performance based on available information. With regard to the timing of this process, the ALJ finds that because the District intended to continue providing special education services to the Student beyond December 18, 2015, there was no reason why the Summary of Performance should have been completed prior to that date. Thus, the ALJ concludes that the Summary of Performance was prepared in accordance with 20 U.S.C. § 1414(c)(5)(b) and that Complainant failed to establish any violation of federal or state special education law in this regard.

Issue No. 3: Whether Respondent failed to provide the Student with a Free Appropriate Public Education (“FAPE”) after December 18, 2015, by refusing to implement the services and supports called for in the Student’s last agreed upon Individualized Education Program (“IEP”).

Based on the record adduced at hearing and consistent with the findings above, the Student attained the academic credits and volunteer hours necessary to graduate with a regular high school diploma as of December 18, 2015. The District did not consider the Student “graduated” at that time and fully expected that the Student would return in the spring of 2016 to continue working on her special education goals and objectives, including the transition plan tailored to her post-secondary interests in college and forensic anthropology. By virtue of the Prior Written Notice issued on February 11, 2016, the Student’s official record was modified to reflect December 18, 2015 as her diploma date. Clearly, the Student was not entitled to FAPE after February

11, 2016, because she had by then graduated with a regular high school diploma. Only because her record was modified retroactively, however, the Student was entitled to receive special education and related services between December 18, 2015, and February 11, 2016. These unique facts prevent Issue No. 3 from being mooted by the “effective date” of graduation on December 18, 2015.

Complainant conceded that she was satisfied with the content of the Student’s IEP and the manner in which the District had implemented it. The District established that it was prepared to continue providing the services and supports detailed in the IEP after December 18, 2015. The Student remained enrolled at [School] immediately after December 18, 2015, and was offered her affective needs class, mental health services, transition services, and related services such as transportation. She was permitted to remain engaged in the planning of a senior prom that was a very important project to her, and to engage socially with her peers. As noted above, the Student considered this modification unacceptable. Thereafter, the District diligently sought to engage the Student and Complainant in discussions that might have led to accommodations in her schedule, but both refused. Complainant responded by sending multiple notices that the Student should be considered permanently withdrawn from [School] and should be issued her regular high school diploma with a retroactive date. Complainant failed to prove that the District deprived the Student of FAPE after December 18, 2015. To the contrary, the record established that the District remained willing and prepared to provide FAPE under the implemented IEP, or to discuss modifications to the IEP responsive to the Student’s needs. On these facts, the ALJ finds that Complainant did not prevail on Issue No. 3.

As Complainant did not establish violations on any of the issues framed by the amended complaint, the ALJ finds and concludes that no relief is appropriate. Even if she had prevailed on any of the issues, she failed to demonstrate any basis for a compensatory award of \$20,000. As noted, there is no information in the record about how this number was derived, what it would pay for, why it is reasonable, or how it flows from any action or violation on the part of the District.

## **DECISION**

The ALJ concludes that Complainant failed to meet her burden of establishing that the District committed any procedural violation or otherwise denied the Student a free appropriate public education as required under the Individuals with Disabilities Education Act in the implementation of the May, 2015, IEP. Complainant is not entitled to any relief requested.

This Decision is the final decision except that any party has the right to bring a civil action in an appropriate court of law, either federal or state, pursuant to 34 CFR § 300.516.

**DATED AND SIGNED**  
April 26, 2017

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KEITH J. KIRCHUBEL  
Administrative Law Judge