

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

State-Level Complaint 2015:516
El Paso County School District 2, Harrison

DECISION

INTRODUCTION

This state-level complaint (Complaint) was filed on September 23, 2015, by the parent of a child identified as a child with a disability under the Individuals with Disabilities Education Act (IDEA).¹

Based on the written Complaint, the State Complaints Officer (SCO) determined that the Complaint identified three allegations subject to the jurisdiction of the state-level complaint process under the IDEA and its implementing regulations at 34 CFR §§ 300.151 through 300.153.² The SCO has jurisdiction to resolve the Complaint pursuant to these regulations.

COMPLAINT ALLEGATIONS

Parent's allegations are summarized as follows:

1. Since January 2015, the District has failed to provide Parent with a meaningful opportunity to participate in the development of Student's educational program by failing to consider Parent's concerns and input, resulting in a denial of a free appropriate public education (FAPE).
2. Student's current IEP goal in the area of reading is not measurable, resulting in a denial of FAPE:
3. Since the beginning of the 2015-16 school year, the District denied Student a FAPE by failing to provide special education and related services, accommodations, and progress monitoring in accordance with Student's IEP. Specifically, the District has:
 - a. Failed to provide accommodations related to Student's vision needs;

¹ The IDEA is codified at 20 U.S.C. § 1400, *et seq.* The corresponding IDEA regulations are found at 34 CFR § 300.1, *et seq.*

² 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).

- b. Failed to provide in-home tutoring services, inclusive of summer of 2015;
- c. Failed to communicate about Student's physical therapy via an exercise journal or communication log; and
- d. Failed to provide transportation.

FINDINGS OF FACT

After thorough and careful analysis of the entire record,³ the SCO makes the following FINDINGS:

Background:

1. At all times relevant to the Complaint, Student was [age] years old and has resided with Parent within the District's boundaries. Student is eligible for special education and related services as a child with multiple disabilities in the areas of intellectual disability, other health impairment, visual impairment, orthopedic impairment, and speech or language impairment. Student has a good sense of humor, enjoys socializing with his peers, and has the desire and drive to learn and communicate with others.⁴

2. In addition to these strengths, Student has significant needs in the areas of academic, functional, and adaptive skills due to multiple disabilities. Recent evaluation data indicated that Student demonstrates extremely low cognitive, academic, and adaptive skills. To communicate, Student is able to say simple sentences and also uses a Picture Exchange Communication System (PECS) and a Dynavox. Student uses a wheelchair for mobility and is legally blind.⁵

Parent Participation at IEP meetings:

3. First, Parent alleges that the District has not allowed her to participate in IEP meetings, beginning with an IEP meeting held in January of 2015.⁶ Parent has not alleged that the District

³ The appendix, attached and incorporated by reference, details the entire record. Parent did not respond to multiple requests for an interview. Consequently, the SCO was not able to clarify statements made in the Complaint and Reply.

⁴ Exhibit A, pp. 89-00; Interviews with Former Special Education Teacher, Special Education Teacher, and Special Education Director.

⁵ Exhibit A, pp. 89-99.

⁶ In her Reply, Parent raised the concern that Student is not being educated in the LRE based on where he accesses lunch/snacks. This issue was not raised in the initial Complaint, and consequently falls outside the scope of this investigation. Parent has the right to pursue IDEA dispute resolution options to address this issue. Parent also alleged that the District has retaliated against Student for her advocacy. The CDE does not have the authority to investigate allegations concerning retaliation and discrimination. Parent indicated that she has filed a complaint with the Office of Civil Rights to address her concerns with retaliation/discrimination and where Student has lunch/snacks. Reply, pp. 1-3.

has violated any other procedural requirements in the development of Student's current IEP. For the reasons discussed more fully below, the SCO finds that the District provided Parent with a meaningful opportunity to participate in the development of Student's educational program through IEP meetings held in April, May, August, and October of 2015. Although Parent's Complaint included an allegation that she was not allowed to participate in a January 2015 IEP meeting, the SCO finds that this meeting was not an IEP meeting. Rather, this was a general meeting with various School and District staff to discuss Parent's concerns about a proposed assistive technology assessment, curriculum, and classroom materials.⁷ Accordingly, the SCO will only consider parental participation at IEP meetings held in April, May, August, and October of 2015.

4. On April 21, 2015, the District convened an IEP meeting for the purpose of reviewing and revising Student's IEP following a reevaluation.⁸ Parent attended this IEP meeting and actively participated by asking questions, providing input about Student's strengths and needs, offering suggestions on how to work with Student on various tasks, and requesting specific IEP goals and services. Primarily, Parent expressed concerns that Student did not have a way to effectively express and advocate for himself. To address these concerns, Parent requested that the District teach Student how to access a computer and the internet, type with word recognition software, make phone calls, and learn how to access videos and music on the internet. To ensure that Student made progress in developing these skills, Parent suggested that Student have IEP goals in the areas of communication, safety, academics, access to technology, and transition skills. To support Student in achieving these goals, Parent suggested that assistive technology (AT) be incorporated into all of Student's IEP goals.⁹

5. In her Complaint, Parent specifically argues that the District's failure to include an IEP goal in the areas of physical therapy, occupational therapy, and assistive technology, supports her allegation that she was denied meaningful participation in the development of Student's IEP.¹⁰ According to Parent, Student needed goals in these areas to access the equipment he takes to School or uses on a daily basis, such as his walker, iPad, phone, and gait belt. Parent insisted on goals in these areas because she was concerned that teachers and related service providers would not work directly with Student in these areas, and consequently, Student would not make progress unless the IEP contained specific goals in these areas.¹¹

6. Regarding physical therapy (PT) and occupational therapy (OT), Parent expressed concern that Student must be provided with weight bearing exercises/activities for upper and lower body on a daily basis to maintain strength and function in his hands and legs. Without specific goals in PT and OT, Parent was concerned that these exercises would not be provided

⁷ Exhibit A, pp. 4-12; Interview with Special Education Director.

⁸ Exhibit A, p. 47; Exhibit J.

⁹ Exhibit A, p. 79.

¹⁰ Complaint.

¹¹ Exhibit A, p. 121.

and Student would regress. Parent further explained that teachers seemed afraid to touch Student's hands and needed to be instructed on how to do so.¹²

7. In response to Parent's concerns, Occupational Therapist explained that OT activities and services are actually embedded in Student's academic goals because they require Student to use his hands. For example, Student must use his hands to grab items, such as money, when working on his math goal. In addition, Student must use his hands to access his assistive technology, such as the Dynavox and iPad. To support Student's OT needs, Occupational Therapist consults with Student's teachers and paraprofessionals on how to support needs related to hand strength so that Student can communicate, use assistive technology, and demonstrate proficiency on his IEP goals. In addition, Occupational Therapist provided devices, e.g., a sorting tray, to help Student demonstrate proficiency on certain IEP goals, such as the IEP goal in math/money. Finally, Occupational Therapist explained that the consultative, i.e., indirect, services provided on the IEP directly supported Student's educational needs, including use of his communication and assistive technology devices, and that she would follow-through with Student's teachers and paraprofessionals to make sure they felt comfortable with the activities, exercises, and strategies to support Student in the area of occupational therapy.¹³ To support his needs in OT, the IEP Team determined that Student should receive 60 minutes in indirect services each month.¹⁴

8. Parent also requested that Student have an IEP goal for physical therapy because he needed to complete weight bearing exercises during the day to maintain function and strength in his lower body. Similar to the concerns raised about occupational therapy, Parent explained that Student needed an IEP goal in this area to ensure that he was provided with these exercises. In response, Physical Therapist offered to develop a therapeutic exercise program that would include PT and OT exercises designed to maintain function.¹⁵ Because Student's primary mobility mode is not walking and he does not require direct physical therapy to access his educational services, Physical Therapist did not support a formal PT goal for standing, as Parent requested. Instead, Physical Therapist explained that the exercises and activities designed to maintain function, such as range of motion and weight bearing exercises (gait trainer), are important because Student is not able to independently adjust or move in his wheelchair. To support Student's specific needs in this area, Physical Therapist proposed developing an exercise program that could be implemented by special education staff that was designed to help Student maintain current function while transferring out of his wheelchair and when reaching/grasping items related to accessing communication devices and CD player.¹⁶

¹² Exhibit J (Recording of April 2015 IEP meeting).

¹³ Exhibit J (Recording of April 2015 IEP meeting).

¹⁴ Exhibit A, p. 114.

¹⁵ Exhibit A, p. 121.

¹⁶ Interview with Physical Therapist.

To further support Student's needs in PT, the IEP Team determined that Student should receive 30 minutes of indirect services each week.¹⁷

9. To address Parent's concern that the program would be implemented without adding a specific IEP goal, the District proposed that it develop an exercise log or check list to document PT/OT activities and exercises. The IEP Team agreed that the exercise program and checklist would appropriately address Parent's concerns that OT/PT services were indeed being provided. Accordingly, the IEP Team incorporated the exercise journal into Student's IEP through the Accommodations and Modifications Section, specifically as follows:

- [Student] will complete a therapeutic exercise program within the classroom and keep a detailed daily log of activities (including distance walked), supported by indirect physical therapy and occupational therapy services.
- Daily journals (a single checklist document) will document Student's . . . use of exercise equipment.

Based on these facts, the SCO finds that the District meaningfully considered Parent's concerns related to occupational and physical therapy. Parent's related allegation, that the District failed to implement the exercise program and log, is addressed in FF # 31-32 below.

10. Parent also requested that Student have IEP goals in the area of assistive technology. During a robust discussion of her request, Parent clarified that she wanted a specific AT goal for two primary reasons: 1) to ensure access to a large screen computer so that Student could learn to communicate and express himself using email and Facebook and find content that interests him on YouTube, and 2) to require that specific computer applications and programs be identified in Student's reading goals.¹⁸

11. In response to Parent's request that Student use AT to express himself, the IEP Team added a goal in the area of expressive language that included the use of assistive technology. Specifically, the goal states that "[i]n order to better communicate with familiar and unfamiliar individuals in the post school environment, [Student] will identify his wants and needs using assistive technology, communication finder or emergency pictures . . . in 4 out of 5 opportunities by the end of the IEP year."¹⁹ The inclusion of this goal demonstrates that the District meaningfully considered Parent's request for a goal that addressed Student's need to advocate for and express himself using assistive technology. In addition, various members of the IEP team explained that Student's need for assistive technology is addressed in the accommodations section of the IEP which includes access to the PECS and Dynavox, and that Student could access email, Facebook, and YouTube with his iPad.

¹⁷ Exhibit A, p. 114.

¹⁸ Exhibit J (Recording of April 2015 IEP meeting).

¹⁹ Exhibit A, pp. 109-110.

12. Parent also requested that Student’s reading goals include assistive technology. Specifically, Parent wanted Student’s IEP reading goals to identify specific computer applications that would be used to instruct and measure Student’s progress in reading. Because this discussion is related to Parent’s allegation concerning measurability of Student’s reading goal, the SCO will address both here.

13. In response to Parent’s request that a specific computer application be written into Student’s reading goals, Special Education Director, CSDB Representative, and Former Special Education Teacher explained that requiring a specific application in an IEP goal would limit flexibility in responding to Student’s needs should the program not be effective or cease to be available. Instead, Student’s IEP goals in reading should focus on what Student’s current needs are and where the team would like to see him performing in a year.²⁰ In addition, Special Education Director explained that Student’s reading goal could be and would be measured without the requested computer application.²¹

14. Although Parent continued to assert that she wanted specific curriculum and computer applications identified in the IEP, the Team proceeded to have a robust discussion concerning Student’s reading goals. To begin, Parent requested that the goals focus less on mastery and more on exposing Student to more words and higher reading levels. For example, Parent requested that the proposed goal for reading sight words be lowered from 95% accuracy to 80% accuracy so that Student would be exposed to more words. Put another way, Parent expressed concern that the proposed goal would limit Student’s exposure to higher level sight words by requiring him to reach 95% accuracy before he could move on. Special Education Director and Former Special Education Teacher explained that accuracy in sight words is essential and proposed that Parent’s concern about exposure could be addressed more appropriately in Student’s other two reading goals. The IEP Team proceeded to discuss Student’s other reading goals and agreed to lower the percentage and increase choices to address Parent’s concern about exposure to more words and concepts. At the end of the discussion, Parent agreed with keeping Student’s reading goal at 95% accuracy for sight words. The back-and-forth discussion about Student’s reading goals demonstrates that Parent meaningfully participated in the development of Student’s reading goals.

15. Contrary to Parent’s allegation, the resulting reading goals were measurable. Each of the three reading goals contained a baseline data point, unit of measurement, evaluation method, and measurable objectives. For example, Student’s first objective for his annual goal in reading stated “by the end of the first quarter of the 2015-16 school year, Student will increase his ability to identify pre-primer sight words from 29 correctly identified to 46 correctly identified, out of a possible 49, reaching 95% mastery.”²² In her Reply, Parent admitted that the current IEP goals in reading are measurable and instead alleged, for the first time, that

²⁰ Exhibit J (Recording of April 2015 IEP meeting).

²¹ Exhibit J (Recording of April 2015 IEP meeting). Throughout this discussion, it appears that Parent questioned whether Student’s progress on the reading goal could be measured without a computer application.

²² Exhibit A, pp. 104-5.

Student's reading goals are not being implemented.²³ There is no evidence demonstrating that Student's reading goals are not being implemented. Current Special Education Teacher credibly described Student's reading goals and how she works on these goals during school. As discussed below, Student has missed a significant amount of school due to medical issues, making it difficult to adequately assess progress at this time.

16. Finding that the District provided Parent with a meaningful opportunity to participate in the April 2015 IEP meeting, the SCO considers parent participation at the May 2015 IEP meeting. On May 19, 2015, the District convened an IEP meeting at Parent's request to discuss various concerns she had about Student's transition to School.²⁴ The notice of meeting indicated that it would be a meeting to review and discuss an amendment to Student's IEP. According to the District, the purpose of the meeting was to discuss a swallow study, requested by the District in light of an IEP goal proposed by Parent in the area of feeding.²⁵

17. Parent, however, requested the meeting to discuss a variety of concerns, including compensatory education services the District owed as part of a written settlement agreement.²⁶ When Parent informed the IEP Team that she wanted to discuss compensatory services, the Special Education Coordinator replied that the meeting would need to be rescheduled to this issue because the Special Education Director would need to be present for any discussion related to the Parties' settlement agreement.²⁷ The meeting quickly became contentious and the Special Education Coordinator determined that the District would need to schedule another meeting at which Special Education Director would be present. Although Parent was not allowed to discuss compensatory education services at this meeting, the SCO finds that this topic was governed by the Parties' settlement agreement and was therefore outside the scope of a typical IEP meeting. Because this was not a topic related to Student's current IEP, it was appropriate for the District to offer to schedule another meeting where Parent could have her concerns addressed by the individual possessing the authority to resolve them, i.e., Special Education Director. Consequently, the SCO finds that the District did not deny Parent the opportunity to meaningfully participate in this IEP meeting.

18. Next, the SCO addresses parent participation at the August 2015 IEP meeting. On August 13, 2015, the District convened an IEP meeting to discuss Parent's concerns. Parent

²³ In her Reply, Parent complains that Student's goals in reading and other areas have not been measurable for years. Reply. These allegations were not accepted for investigation because they occurred more than one year ago and/or because they were not clearly articulated in the initial Complaint.

²⁴ Exhibit A, p. 132-139.

²⁵ The District requested a swallow study because it had received conflicting statements from Student's medical providers regarding Student's risk for silent aspiration and wanted clarification to ensure Student's safety. The dispute concerning Student's healthcare plan was not raised in the initial Complaint and is not within the scope of this investigation. Parent has indicated that she has filed a complaint with OCR to address her concerns in this matter.

²⁶ In April of 2015, the Parties engaged in mediation and entered into a written settlement agreement. Exhibit A, pp. 90-92.

²⁷ Exhibit J (Recording of May 2015 IEP meeting); Exhibit A, p. 139.

attended this meeting and was represented by an attorney. The District was also represented by an attorney at this meeting. The IEP Team discussed various issues, including the settlement agreement and compensatory education services owed; a swallow study, former snack protocol, and an IEP goal proposed by Parent related to eating; an Independent Education Evaluation (IEE); access to assistive technology and the need for a new assistive technology evaluation; PT and OT exercises and journal to document activity; and transportation.²⁸

19. Parent actively participated in this meeting by asking questions, providing input, and requesting follow-through on items that had been agreed to and were part of Student's IEP, such as the therapeutic exercise journal.²⁹ Overall, the IEP meeting included a robust back-and-forth discussion concerning these topics, during which Parent was provided with a meaningful opportunity to participate. On some issues, i.e., assistive technology and safety, the IEP Team determined that they needed more information and made plans for further evaluation. On other issues, i.e., PT/OT exercises and documentation, the District assured Parent that these items would be fully implemented the fall of 2015.

20. Finally, the SCO addresses Parent participation at the October 2015 IEP meeting. On October 8, 2015, the District convened another IEP meeting to discuss Parent's concerns. The predominant topic of discussion was Parent's request that the District allow Student to eat solid food at School and add an IEP goal to support growth in this area. Student has a gastrostomy tube for providing food and fluids and receives nourishment through this device while at School. Because Student's file contained conflicting medical information concerning the risk for silent aspiration, the District has repeatedly requested a swallow study for the purpose of ensuring Student's safety. Although this issue was not raised in the initial Complaint, the SCO notes that the District's request for parental consent to conduct such a study is reasonable and necessary to appropriately respond to Parent's request that Student be fed solid foods at School, and for developing an IEP goal in this area. Consequently, the SCO finds that Parent was provided with a meaningful opportunity to participate in this meeting—even though the District did not agree to her requests without further evaluation. The meeting, which did not result in any changes or amendments to Student's IEP, ended with the expectation that another IEP meeting would be scheduled to discuss the results of a pending IEE and swallow study.³⁰

21. Finding that Parent was provided with a meaningful opportunity to participate in the development of Student's educational program from April through September 2015, the SCO now considers Parent's allegation that the District failed to implement Student's IEP for the 2015-16 school year, including some assurances made by the District at the September 2015 IEP meeting.

²⁸ Exhibit J (Recording of August 2015 IEP meeting).

²⁹ Exhibit J (Recording of August 2015 IEP meeting).

³⁰ Interview with Special Education Director. (Although a recording of this IEP meeting was submitted as an exhibit, the CD did not contain any audio files.)

Implementation of IEP for 2015-16 school year:

22. Parent has also alleged that the District failed to properly implement Student's IEP for the 2015-16 school year by not providing accommodations related to vision needs, in-home tutoring, exercise journal, and transportation. The implementation of Student's IEP will be evaluated based on the goals, accommodations, and services identified in the April 2015 IEP because this is the IEP in effect at all times relevant to the Complaint allegations.³¹

23. The SCO begins with Parent's allegation that Student has not been provided with vision services in accordance with his IEP. Student is legally blind and has a Learning Media Plan.³² According to the Learning Media Plan, Student's current primary learning and literacy mode is print enlargement or visual mode with optical enhancement; auditory mode is secondary. Student "visually responds to people and objects within a few feet of him" and "can touch requested word flashcards in 18 point font that are less than 10 inches away," when motivated. "All school material should be standard large print (24 point font) presented at eye level and within a foot" of Student. Student's learning and literacy modes are to be implemented by pairing visual and auditory modes when possible, by providing tactile modeling, and by providing access to large print tactile books. The accommodations and modifications section of Student's IEP also requires that print materials be provided in 24 point font and presented less than a foot away from Student and that auditory materials be provided as available. In addition, the Learning Media Plan provides that Student "can be exposed to auditory books on his iPad" as well as through the local library or the Colorado Talking Book Library. The Teacher for the Visually Impaired (TVI) is to provide consultative services to Student's teachers and provide materials on a monthly basis.³³

24. Regarding Student's vision needs, Parent specifically alleges that the reading application installed on Student's iPad, Read2Go,³⁴ stopped working approximately two weeks after it was installed. On May 5, 2015, TVI met with Parent to download the Read2Go application and a variety of books that Student could read. TVI was the only individual with access to download new books onto Student's iPad.³⁵ Due to technical difficulties that the TVI worked diligently to resolve, the application was not available until May 8, 2015, on which date the TVI installed the application and at least seventeen titles that Student could read over the summer. On June 24, 2015, Parent emailed TVI to inform her that she could no longer access the application. TVI responded to Parent's email in June but did not receive a reply. Because TVI did not receive a reply, she emailed Parent again on July 22, 2015, and asked for more clarification about the

³¹ Exhibit A, p. 80; Reply; Interviews with Special Education Director and Special Education Teacher.

³² Exhibit A, pp.81-82.

³³ Exhibit A, pp. 81-82.

³⁴ Read2Go is an e-reader application for individuals with print disabilities that, among other features, allows the reader to read multi-modally (see and hear words at the same time), and control font-size, background, color, and reading speed.

³⁵ Exhibit C-1, p. 3.

problem. In addition, TVI offered to come to Parent's home to look at the device.³⁶ Parent did not respond to emails from TVI for the rest of the summer. Following Student's return to School for the fall, TVI consulted with Special Education Teacher and discovered that all of the books that had been downloaded for the summer were lost, even though the icon still appeared on the screen. Between September 25 and October 2, 2015, TVI made three attempts to download books onto the iPad, but Student was absent. On October 5, 2015, TVI was able to download 17 books, including titles that Special Education Teacher would be using in the classroom for the 2015-16 school year.³⁷

25. Although Student was not able to access the Read2Go application during the summer, the SCO does not agree that the District failed to provide the vision accommodations required by Student's IEP and Learning Media Plan. First, the SCO notes that Parent did not respond to TVI's offer to inspect the device during the summer. More importantly, however, Student's IEP and Learning Media Plan do not require that Student have this specific application loaded onto his iPad. Instead, the IEP requires that Student be provided with print materials in 24 point font and that visual and auditory modes be paired. Moreover, much of Student's academic work is conducted via print and picture flash cards that are made to correspond with materials that are being covered in class. Thus, Student can access education materials and work towards his IEP goals without the Read2Go application. Because the accommodations provided to Student in the area of vision are broader and more varied than a single computer application, TVI consults with Student's Teachers, including in-home tutors, on a monthly basis to suggest instructional approaches based on Student's vision needs, such as pairing print with manipulatives, pairing print with auditory, using objects and print in a sequential pattern to improve comprehension, and providing functional devices such as a sorting tray (relevant to Student's math goal).³⁸ Accordingly, the SCO finds that the District did not fail to implement Student's IEP in the area of vision simply because the Read2Go application was not available during the summer of 2015.

26. Next, Parent alleges that Student has not received in-home tutoring services in accordance with his IEP. The SCO agrees. Pursuant to the April 2015 IEP, Student was to receive the following in-home tutoring services:

- 750 minutes per week for a full 8 weeks of summer as Extended School Year (ESY) services; and
- 750 minutes per week for the regular school year.

27. The District has struggled to find consistent providers to deliver the in-home tutoring services. For example, Student's ESY services were scheduled to begin on June 1, 2015. On or around, June 3, 2015, Student's in-home tutor resigned from her position, effective

³⁶ Exhibit C-1, pp. 1-5; Interview with TVI.

³⁷ Exhibit C-1, p. 1.

³⁸ Interview with TVI; Exhibit C-1.

immediately, leaving the District with no time to hire a replacement.³⁹ Although Special Education Director immediately tried to fill the position, in-home tutoring services did not begin until June 15, 2015. Further, the District has struggled to provide in-home tutoring in accordance with Student's IEP for the regular school year. The in-home tutor who provided ESY services during the summer had to reduce her hours, from 12.5 to 6 hours per week when school started because she teaches in another school district. Although Special Education Director has been diligently seeking an in-home tutor to provide the remaining services hours, she has been unable to do so. As a result of the difficulty in hiring in-home tutors, the District admits that Student has not received approximately 135 hours of in-home tutoring services.⁴⁰

28. The SCO accepts the District's admission and finds that Student has missed 135 hours of in-home tutoring between June 1, 2015 and November 5, 2015. Based on his IEP, Student should have received 100 hours (12.5 hours per week for 8 weeks) of ESY in-home tutoring and 150 hours (12.5 hours per week for 12 weeks) for the regular school year, a total 250 hours, during the time relevant to this Complaint. Put another way, the District has failed to provide 54% of the in-home tutoring required by Student's IEP between June 1, and November 5, 2015.

29. The determination as to what impact any failure to implement the IEP has had on Student is complicated by the fact that he has missed a significant amount of school for the 2015-16 school year as a result of surgery in August. Although school began on August 18, 2015, Student was not able to return to School until September 21, 2015, because he was still recovering from surgery.⁴¹ During the month of September, Student attended School for approximately four days.⁴² Absences between August 17 and October 2, 2015, were excused by Student's medical provider based on difficulties Student had recovering from surgery.⁴³ Since October 5, 2015, Student has consistently attended School.⁴⁴

30. Based on the first quarter progress reports, Student made progress in IEP goals in the areas of reading and math. Progress was not reported for the first quarter in Student's two language goals because Speech Language Pathologist was only able to work with Student the first week of October due to Student's absences. Because Student did not begin attending school regularly until the first week of October and the quarter ended October 9, 2015, the SCO does not find progress monitoring useful in evaluating whether Student actually made progress on his IEP goals for the first quarter.⁴⁵

³⁹ Response; Exhibit C2; and Interview with Special Education Director.

⁴⁰ Interview with Special Education Director; Exhibits C-2 and K. Parent alleges that the District owes 200 hours. In reaching this estimate, however, Parent includes services allegedly owed over the past years and related to the Parties' settlement agreement. This time period exceeds the SCO's jurisdiction and the period accepted for investigation.

⁴¹ Reply, p. 4.

⁴² Interview with Special Education Teacher;

⁴³ Exhibit 8, p. 2.

⁴⁴ Interview with Special Education Teacher.

⁴⁵ Exhibit K, pp. 8-14; Exhibit F, p. 2; Interview with Special Education Director.

31. Next, Parent alleges that the District failed to provide and document the therapeutic exercise program identified in the Accommodations and Modifications section of Student's April 2015 IEP, detailed in # FF 9 above. The SCO agrees. Despite assurance made to Parent in the August 2015 IEP meeting, the District did not develop or implement the therapeutic exercise program identified in Student's IEP until October of 2015.⁴⁶ On or around the week of October 12, Physical Therapist developed and trained relevant staff on a therapeutic exercise program that included three primary activities: range of motion, gait trainer, and core exercises. Similarly, Occupational Therapist developed an exercise program /activities to support Student's upper body strength and range of motion. These exercises/activities included: reaching/grasping, matching circles, cash box/cashier; finger isolation, turning on CD player; and touching iPad. Occupational Therapist has also trained relevant staff on these exercises/activities.⁴⁷

32. In accordance with the IEP, Physical Therapist and Occupational Therapist developed a checklist form designed to serve as the exercise journal and be used to communicate Student's activity to Parent on a weekly basis. Student's activity is to be recorded on a daily basis and sent to Parent on a weekly basis. Parent received the exercise log for the first time following the week of October 26, 2015.⁴⁸ Although Student has missed a significant amount of School at the beginning of the 2015-16 school year, the SCO is not persuaded that this provision of the IEP could not have been implemented sooner than the end of October. Consequently, the SCO finds that the District failed to timely implement this provision of Student's IEP. There is no evidence, however, that Student has suffered any educational harm as a result of the District's failure to timely provide Parent with the exercise communication log.

33. Finally, Parent alleges that Student has not been provided with transportation services in accordance with his IEP. Pursuant to the April 2015 IEP, Student requires door-to-door, special transportation based on his disabilities, significant support needs and unique daily schedule.⁴⁹ During the summer and warmer weather, Parent provides transportation because the District buses are not equipped with air-conditioning. Parent alleges that transportation was not set-up for the 2015-16 school year in a timely fashion and that she has not been reimbursed for providing transportation herself. According to the District, transportation was available on September 23, 2015, the first day Student was scheduled to return to School and the date Parent filled out the required paperwork. The District did not begin providing transportation services, however, until October 1, 2015.⁵⁰ During this time, Parent transported Student to school on September 23 and 24, 2015.

34. As discussed above, Student was absent for the remaining days in September and early October because he was still recovering from surgery. Beginning October 5, 2015, Student has

⁴⁶ Exhibit C-3; Interview with Physical Therapist.

⁴⁷ Interview with Special Education Teacher and Physical Therapist.

⁴⁸ Exhibit K, pp. 15-17; Interviews with Physical Therapist and Special Education Director.

⁴⁹ Exhibit A, p. 100.

⁵⁰ Response at page 6; Reply at page 4.

consistently attended School from 9:30 to 1:30, in accordance with his IEP, and the District has provided the required transportation.⁵¹ Parent has been reimbursed for mileage in September and has not notified the SCO or the District that she disputes the reimbursement awarded.⁵² Consequently, the SCO finds that this allegation has been remedied, and the District does not owe reimbursement for transportation.

CONCLUSIONS OF LAW

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

Allegation One: The District provided Parent with a meaningful opportunity to participate in the development of Student’s educational program.

1. Any analysis of the appropriateness of an IEP must begin with the standard established by the United States Supreme Court in *Rowley v. Board of Education*, 458 U.S. 176 (1982), in which the Court set out a two-pronged analysis for determining whether an IEP has offered a FAPE. The first part of the analysis looks to whether the IEP development process complied with the IDEA’s procedures; the second looks to whether the resulting IEP was reasonably calculated to confer some educational benefit upon the child. *Id. at 207; see also Thompson R2-J School Dist. V. Luke P.*, 540 F.3d 1143, 1148 (10th Cir. 2008). If those two questions are satisfied in the affirmative, then the IEP is appropriate under the law.

2. Under the first “prong” of *Rowley*, the analysis looks to whether the IEP was developed according to the IDEA’s procedures. The IDEA’s procedural requirements for developing a student’s IEP are designed to provide a collaborative process that “places special emphasis on parental involvement.” *Sytsema v. Academy School District No. 20*, 538 F.3d 1306, 1313 (10th Cir. 2008). Meaningful parent participation is prevented when an educational agency has made its determination prior to the IEP meeting, including when the agency presents one placement option at the IEP meeting and is unwilling to consider others. *See Ms. S. ex. rel. G. v. Vashon Island School Dist.*, 337 F.3d 1115, 1131 (9th Cir. 2003) (“A district may not enter an IEP meeting with a ‘take it or leave it’ position.”); *Ms. S v. Vashon Sch. Dist.*, 39 IDELR 154 (9th Cir. 2003). 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 (6th Cir. 2004), *cert denied*, 546 U.S. 936 (2005). On the other hand, courts have found that parents have been afforded an opportunity for meaningful participation when an educational agency, here the District, considers their suggestions and requests, and to the extent appropriate, incorporates them into their child’s IEP. *O’Toole v. Olathe Dist. Schools*, 144 F.3d 692 (10th Cir. 1998).

⁵¹ Exhibit C-4; Exhibit 8; Interviews with Special Education Director and Special Education Teacher.

⁵² Exhibit K, p. 2 (Documentation of payment.)

3. Under IDEA, meaningful consideration happens when the educational agency listens to parental concerns with an open mind, such as when the educational agency answers parent's questions, incorporates some suggestions or requests into the IEP, and discusses privately obtained evaluations, preferred methodologies, and placement options, based on the individual needs of the student. *Id*; *See Deal v. Hamilton County Bd. of Educ.*, 42 IDELR 109 (6th Cir. 2004), *cert denied*, 546 U.S. 936 (2005). Meaningful consideration does not require a school district to simply agree to whatever a parent has suggested or requested.

4. Here, Parent argues that the District's failure to include IEP goals in the areas of occupational therapy, physical therapy, and assistive technology, as she requested, serves as evidence that she was denied an opportunity to meaningfully participate in the development of Student's IEP. The SCO does not agree. A student's IEP must include a statement of measurable annual goals, including academic and functional goals, that are designed to: 1) meet the needs that result from the student's disability to enable him to be involved in and make progress in the general education curriculum, and 2) meet each of the student's other educational needs that result from his disability. 34 CFR § 300.320 (a)(2). While annual goals are required to be measurable, meaningfully related to educational needs, and designed to provide access and ensure progress in the general education curriculum, there is no requirement that IEP goals be specific to a particular discipline, e.g., physical therapy and occupational therapy goals. 71 Fed. Reg. 46662 (Comments to the 2006 federal IDEA regulations). In other words, there is no requirement that an IEP contain a specific goal in physical therapy or occupational therapy, even when the student receives related services in these disciplines.

5. In this case, Parent requested an IEP goal in the disciplines of occupational and physical therapy because Student's physical disability impacts his ability to access his communication devices, and she was concerned that Student would not receive the support he needed without IEP goals specific to these disciplines. At the April 2015 IEP meeting, the IEP Team had a robust discussion about Parent's concerns during which Occupational Therapist explained that OT services are embedded in Student's academic goals because the goals require that Student use his hands to access his assistive technology and grasp items. To support his needs, Occupational Therapist consults with Student's teachers and paraprofessionals to provide strategies and exercises related to Student's hand strength and ability to reach and grasp. Consistent with this need, Student receives 60 minutes of indirect services each month in OT.

6. Similarly, Student receives 30 minutes of indirect services in PT. Physical Therapist addressed Parent's specific concern that Student needed to be provided with weight bearing, range of motion, and core exercises to maintain current function by offering to develop an exercise program designed to do just that. To address Parent's concern that these services would not be consistently provided without an IEP goal, the IEP Team determined that Student's PT/OT exercises would be documented using a checklist type log that would be provided to Parent. This requirement was included in Student's IEP. The addition of the exercise program and communication log, as well as the indirect services provided, together

demonstrate that the IEP Team meaningfully considered Parent's concerns regarding PT and OT services--even though the resulting IEP did not include specific IEP goals in these disciplines.

7. In further support of the conclusion that Parent meaningfully participated in the development of Student's education program, the IEP Team did include a goal in the area of expressive language that specifically included the use of assistive technology. At the April 2015 IEP meeting, Parent requested a specific goal in assistive technology because she wanted Student to learn to express himself using email and Facebook on a large screen computer, and access YouTube. In addition, Parent wanted Student's IEP to include specific computer applications for reading. In response, the District discussed Student's communication needs, including a goal that specifically required the use of assistive technology to improve Student's communication skills. In addition, the IEP Team explained that Student's assistive technology needs are identified in the accommodations section, including an iPad that allows Student access to email and YouTube. The District did refuse to identify specific reading applications because it would limit flexibility should the program not effectively address Student's needs or no longer be available. Because there is no requirement that an IEP identify specific computer applications or methodology, and the IEP addressed Student's needs in the area of communication and reading, the SCO concludes that District reasonably denied Parent's request.

8. In addition to the April 2015 IEP meeting, Parent was afforded a meaningful opportunity to participate in IEP meetings in May, August and October of 2015. In May, Parent wanted to discuss a specific matter, i.e., the provision of compensatory education services, that was outside the scope of a typical IEP meeting. Because the individual with the authority to respond to Parent's request was not in attendance, the District's decision to schedule another meeting where Parent's concerns could be addressed was appropriate and did not deny Parent the ability to participate. In August, Parent was represented by an attorney and there is no evidence that she was denied the ability to participate in this meeting. Finally, in October, Parent requested another IEP meeting to discuss her request that Student be fed solid foods at School. Because Student has a gastrostomy tube and there is conflicting medical data regarding his risk for silent aspiration, the District reasonably requested a swallow study to determine what foods Student could safely consume at School. The outcome of this meeting was to reconvene when the swallow study and a pending IEE had been concluded. At each of these meetings, Parent was provided with an opportunity to provide input and did so. The District's refusal to accede to her requests regarding compensatory education and feeding protocol were reasonable and appropriate under the circumstances.

9. Aside from the allegation that she was not afforded the opportunity for meaningful participation, Parent has not alleged that the District violated any other procedural requirements when developing Student's IEP. Further, there is no evidence that the District failed to follow any of these procedural requirements when developing Student's IEP or that Student's IEP lacked the required content. When, as here, a student's IEP is developed in compliance with the IDEA's procedural requirements, *Rowley* holds that a certain degree of

deference is to be given to the resulting IEP. “We think that the congressional emphasis upon full participation of concerned parties throughout the development of the IEP ... demonstrates 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.” *Rowley*, 458 U.S. at 206. Thus, as long as the IEP is procedurally compliant, the specialized knowledge and expertise of the professional educators can reasonably be relied on in determining that the resulting IEP is substantively appropriate. *Sytsema v. Academy School District No. 20*, 538 F.3d 1306, 1318 (10th Cir. 2008)(relying on *Rowley v. Board of Education*, 458 U.S. 176 (1982)).

10. Because Student’s IEP team discussed Parent’s request for the specific IEP goals described above, and had valid reasons for refusing to incorporate them into the IEP, the SCO concludes that their professional judgment is entitled to considerable deference in determining that Student’s IEP is substantively appropriate. Consequently, the SCO concludes that Parent had a meaningful opportunity to participate in the development of Student’s educational program and that the resulting IEP was substantively appropriate, i.e., reasonably calculated to confer some educational benefit.

Allegations Two: Student’s annual goals in reading, as described on the April 2015 IEP, are measurable.

11. A student’s IEP must contain measureable annual goals that are designed to meet the child’s disability related needs and enable the child to access and make progress in the general education curriculum, including a description of how progress towards the annual goals will be measured and how often progress will be reported to parents. 34 CFR § 300.320 (a)(2) and (3). For students who take alternate assessments, the IEP must also include a description of short-term objectives or benchmarks. 34 CFR § 300.320 (a)(2)(ii). IEP goals are immeasurable when they contain vague, subjective, and undefined targets. *Ind. Sch. Dist. No. 701 v. J.T. by C.L.*, 45 IDELR 92 (D. Mn. 2006). “Vague and [immeasurable] objectives are the handmaidens of stagnation, as a program cannot possibly confer an educational benefit to [the student] if his teachers and parents do not know where they are trying to take [him] and how they will know when he has arrived.” *Escambia County Bd. of Educ. v. Benton*, 406 F. Supp. 2d 1248, 1275 (S.D. Ala. 2005). An IEP that does not contain measurable goals is one that is not reasonably calculated to confer educational benefit. *Id.*

12. In this case, Student had three IEP goals in reading. Each goal contained baseline data, a specified unit of measurement, evaluation method, and short-term objectives. Student’s reading goals specifically informed teachers and Parent where Student was currently performing, where Student was expected to be in one year, and how they would know when he got there. Moreover, Parent admitted in her Reply that Student’s April 2015 IEP goals were measurable. Instead, Parent raised, for the first time, the allegation that the reading goals were not being implemented. The credible evidence does not support this allegation. Consequently,

the SCO concludes that Student's IEP goals in reading were measurable and appropriately implemented.

Allegation Three: The District has failed to provide in-home tutoring in accordance with Student's IEP, resulting in a denial of FAPE.

13. Under IDEA, local education 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. A public agency, here the District, must implement a student's IEP in its entirety. 34 CFR § 300.323(c). To satisfy this obligation, the District must ensure that each teacher and service provider responsible for implementing a student's IEP is informed of "his or her specific responsibilities related to implementing the child's IEP" and "the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP." 34 CFR § 300.323(d)(2).

14. In this case, Student's teachers and related services providers had access to Student's IEP and were familiar with the provisions for which they were responsible. The failure to implement Student's IEP was not the result of teachers and related service providers being uninformed of the services described on Student's IEP.

15. In addition to informing teachers of their responsibilities regarding a student's IEP, however, the District must ensure that the IEP is being implemented. This obligation includes ensuring that all identified services are being consistently provided. Where the definition of FAPE specifically references the provision of special education and related services consistent with an IEP, a failure to implement an IEP can result in a denial of FAPE. 34 C.F.R. § 300.17; ECEA Rule 2.19.

16. Parent specifically alleges that the District failed to implement Student's IEP in the areas of accommodations for vision, in-home tutoring, the provision of an exercise/communication journal, and transportation. Regarding vision services, the SCO found that Student was being provided with the accommodations identified on his IEP because the IEP did not require access to the specific computer application Parent did not have access to during the summer of 2015. Regarding transportation, the SCO found that the District failed to timely arrange transportation for the final week of September 2015. This violation was remedied, however, when the District reimbursed Parent for mileage and has consistently provided transportation for the month of October.

17. With regard to the exercise journal and in-home tutoring, the SCO found that the District had failed to implement Student's IEP. Not every deviation from an IEP's requirements, however, results in a denial of FAPE. *E.g., L.C. and K.C. v. Utah State Bd. of Educ. et al.*, 43 IDELR 29 (10th Cir. 2005)(minor deviations from IEP's requirements which did not impact student's

ability to benefit from special education program did not amount to a “clear failure” of the IEP); *Van Duyn v. Baker Sch. Dist.* 5J, 481 F.3d 770 (9th Cir. 2007)(failure to implement IEP must be material to incur liability under IDEA, and minor discrepancies between the services provided and the services called for do not give rise to an IDEA violation); *Neosho R-V Sch. Dist. v. Clark*, 315 F.3d 1022 (8th Cir. 2003)(failure to implement “essential” element of IEP denies FAPE); *Houston Indep. Sch. Dist. v. Bobby R.*, 200 F.3d 341 (5th Cir. 2000)(*de minimis* failure to implement IEP does not deny FAPE). This means that a finding that a school district has failed to implement a requirement of a child’s IEP does not end the inquiry. Rather, the SCO must also determine whether the failure was material.

18. Regarding the exercise journal, the SCO found that it was not timely developed and provided to Parent. This provision, however, was not an essential component of Student’s IEP and there is no evidence that Student suffered educational harm as a result. In addition, the District has remedied this situation and is currently providing the required documentation to Parent. Consequently, the SCO concludes that the failure to provide the exercise journal in accordance with Student’s IEP was not material and did not result in substantive harm.

19. Unlike the exercise journal, however, the District’s failure to provide in-home tutoring in accordance with Student’s IEP was material, resulting in a denial of FAPE. Here, the District failed to provide 54% of the in-home tutoring services required by Student’s current IEP from June 1, 2015, to present, constituting a loss of 135 hours of academic instruction. While it is difficult to assess educational harm due to Student’s medically related absences at the beginning of the 2015-16 school year, a difference in hours this significant represents a material failure to implement the IEP resulting in a denial of FAPE. Consequently, Student is entitled to compensatory education services.

20. Compensatory education is an equitable remedy intended to place a student in the same position they would have been, if not for the violation. *Reid v. District of Columbia*, 401 F.3d 516, 518 (D.C. Cir. 2005). Calculating compensatory education is not an hour-for-hour calculation. Instead, compensatory services should be calculated to help Student make the progress he would have made, if not for the violation. In this case, Student should have received 135 hours of in-home tutoring that he did not. Acknowledging that the loss in instructional time was significant, the SCO also notes that Student routinely experiences fatigue related to his multiple disabilities. Considering that compensatory services must be provided in addition to regular IEP services and completed within a year of this decision, it is questionable whether an award for the full 135 hours missed would be educationally beneficial. Consequently, the SCO orders 68 hours of compensatory services. To ensure that these services are assisting Student in making progress on his IEP goals, the individuals providing the compensatory services must consult with Student’s special education teacher on a monthly basis to discuss progress and coordinate lesson plans.

REMEDIES

The SCO concludes that the District has violated the following IDEA requirements:

- a) Provision of special education and related services in accordance with the IEP, 34 C.F.R. § 300.17

To remedy these violations, the District is ordered to take the following actions:

- 1) **By January 11, 2016**, the District must submit to the Department a proposed corrective action plan (CAP) that addresses the violation noted in this Decision. The CAP must effectively address how the cited noncompliance will be corrected so as not to recur as to Student and all other students with disabilities for whom the District is responsible. The CAP must, at a minimum, provide for the following:
 - a) Submission of compliant, written policies and procedures and, as applicable, compliant forms that address the cited violation, no later than March 11, 2016.
 - b) Effective training must be conducted for all special education administration staff, including any staff who serve as the District's special education designee, concerning the policies and procedures, to be provided no later than April 11, 2016.
 - c) Evidence that such training has occurred must be documented (i.e., training schedule(s), agenda(s), curriculum/training materials, and legible attendee sign-in sheets) and provided to CDE no later than April 18, 2016.
- 2) **Compensatory Education Services for Failure to Provide Student with a FAPE.**
 - a) The District shall provide Student with 68 hours of direct, one-to-one tutoring. To document the provision of these services, the District must submit service logs to CDE by the second Monday of each month until November 16, 2016.
 - b) The compensatory education service providers must consult with Student's special education teacher each month to evaluate progress on IEP goals and coordinate lesson plans. Documentation that this consultation has occurred, including specific recommendations and changes to lesson plans, shall be provided to CDE by the second Monday of each month until November 16, 2016.
 - c) Within 10 days of receipt of this Decision, the District must meet with Parent to schedule compensatory services. If Parent refuses to meet with the District within this time period, the District will be excused from providing compensatory services, provided that the District diligently attempts to meet with Parent and documents its efforts. The

determination that the District has diligently attempted to meet with Parent and should therefore be excused from providing these services rests solely with the CDE.

- d) These compensatory services shall begin immediately and will be in addition to any services Student currently receives, or will receive, that are designed to advance Student towards IEP goals and objectives. The Parties shall cooperate in determining how the compensatory education services will be provided, with special consideration to Student's needs and stamina. The District must submit the schedule to the Department no later than December 7, 2015.
- e) The services shall be provided at a location of the District's choosing, provided that the location is suitable for the delivery of educational services, e.g., library or classroom, and at a convenient location, i.e., not more than 15 miles from Parent's residence.
- f) If Parent refuses the ordered compensatory education, Parent must notify the Department of the refusal in writing no later than November 30, 2015.
- g) If for any reason, including illness, Student is not available for any scheduled compensatory services, the District will be excused from providing the service scheduled for that session. If for any reason, the District fails to provide a tutor for a scheduled compensatory education session, the District will not be excused from providing the scheduled service and must immediately schedule a make-up session in consult with Parent, as well as notify the Department of the change in the monthly service log.

The Department will approve or request revisions to the CAP. Subsequent to approval of the CAP, the Department will arrange to conduct verification activities to verify the District's timely correction of the areas of noncompliance.

Please submit the documentation detailed above to the Department as follows:

Colorado Department of Education
Exceptional Student Services Unit
Attn.: Fran Hernandez-Herbert
1560 Broadway, Suite 1175
Denver, CO 80202-5149

NOTE: Failure by the District to meet any of the timelines set forth above will adversely affect the District's annual determination under the IDEA and subject the District to enforcement action by the Department.

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 CFR § 300.507(a) and Analysis of Comments and Changes to the 2006 Part B Regulations, 71 Fed. Reg. 156, 46607 (August 14, 2006).

This Decision shall become final as dated by the signature of the undersigned State Complaints Officer.

Dated this 16th day of November, 2015.

Candace Hawkins, Esq.
State Complaints Officer

Appendix

Complaint, pages 1-5.

Exhibit 1: IEP dated April 2015, including meeting notes.

Exhibit 2: Email Correspondence.

Exhibit 3: Correspondence related to tutoring services owed.

Exhibit 4: Parent's chronological narrative of concerns.

Exhibit 5: Statement from Advocate.

District's Response, pages 1-7.

Exhibit A: Email correspondence, prior written notices, evaluation data, and IEPs for the 2014-15 and 2015-16 school year.

Exhibit B: Current IEP goal in reading.

Exhibit C (1-4): Email correspondence and various documentation related to tutor services and communication/exercise log.

Exhibit D: Documentation related to communication log.

Exhibit E: Attendance records.

Exhibit F: School calendar.

Exhibit G: Attendance records.

Exhibit H: Documentation related to tutoring services.

Exhibit I: Documentation related to nursing services.

Exhibit J: Recordings of IEP meetings in April, May, August, and September of 2015.

Exhibit K: Documentation requested by the SCO regarding the exercise journal, progress monitoring, and mileage reimbursement.

Parent's Reply, pages 1-8.

Exhibit 6: Email correspondence.

Exhibit 7: Signature page of settlement agreement.

Exhibit 8: Letter from medical provider.

(Parent labeled attachments submitted with the Reply as Exhibits 1-3. Because previously submitted exhibits were already labeled as such, these exhibits were relabeled as Exhibits 6-8.)

Interviews with:

- Special Education Director
- Former Special Education Teacher/Case Manager
- Special Education Teacher/Case Manager
- Physical Therapist
- TVI

Parent failed to respond to multiple requests for an interview.