

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

State-Level Complaint 2018:515
Thompson School District R2-J

DECISION

INTRODUCTION

This state-level complaint (Complaint) was filed on April 16, 2018 by the Parents of a child not yet identified as a student with a disability under the Individuals with Disabilities Education Act (IDEA).

After review of the written Complaint, the Colorado Department of Education (CDE) State Complaints Officer (SCO) determined that the Complaint identified two allegations subject to the jurisdiction of the state-level complaint process under IDEA and its implementing regulations at 34 C.F.R. §§300.151 through 300.153. The SCO has jurisdiction to resolve the Complaint pursuant to these regulations.

The CDE assigned this Complaint to an independent contractor for investigation. Through this assignment, the undersigned State Complaint Investigator acted as an authorized representative of the CDE. The scope of the assignment was: 1) to investigate the allegations raised in the Complaint, 2) to make findings of fact and conclusions of law; and 3) prepare a written decision for review and approval by the CDE. In compliance with the IDEA, Federal Regulations, and the Colorado Rules for the Administration of the Exceptional Children's Educational Act (ECEA), the CDE issues this Decision.

COMPLAINT ALLEGATIONS

Whether the School District violated the IDEA and denied Student a free appropriate public education (FAPE) on April 11, 2018 by:

1. Failing to determine Student was eligible for special education under the category of Other Health Impairment (OHI),
2. Failing to provide Parents with meaningful input in the determination of the Student's eligibility, specifically by disregarding Parents' input, as well as medical and educational documentation provided by Parents.

INVESTIGATORY PROCESS

The Investigation included the following components:

- The Investigator reviewed the following Student records:
 - The original Complaint and supporting exhibits filed by Parents;
 - CDE's acceptance letter;
 - The District's response to the allegations raised in the Complaint and supporting exhibits;
 - Parents' response; and
 - The Student's special education records.
- The Investigator conducted telephonic interviews with Parents, Executive Director of Exceptional Student Services, Exceptional Student Services Coordinator, two school psychologists, homebound tutor and school social worker.
- The Investigator provided the opportunity for all parties to submit additional information for consideration during the complaint investigation.

APPLICABLE STATUTES, REGULATIONS, OR RULES

34 C.F.R. §§300.17 and 300.101	Free Appropriate Public Education
34 C.F.R. §300.111	Child Find
34 C.F.R. §300.305	Additional Requirements for evaluations and reevaluations
34 C.F.R. §300.306	Determination of Eligibility
ECEA 2.08(7)	Other Health Impaired (OHI)

RELEVANT TIME PERIOD

Pursuant to 34 C.F.R. §300.153(c), CDE has the authority to investigate allegations of violations that occurred not more than one year from the date the original complaint was received. In light of this limitation, the investigation will be limited to the period of time from April 17, 2017 through April 16, 2018 for the purpose of determining if a violation of IDEA occurred. Additional information beyond this time period may be considered to fully investigate all allegations. Findings of noncompliance, if any, shall be limited to one year prior to the date of the complaint.

FINDINGS OF FACT

1. In early December 2017, Parents contacted the School to introduce the Student and discuss enrollment. Parents indicated they would be permanently moving to the District in late December and completed online enrollment with a plan to have the Student begin attending second semester. The second semester was scheduled to commence January 9, 2018.
2. The Student was in the 9th grade. According to Parents, the Student had been home schooled prior to enrollment in the District. Most recently the Student had participated in a publicly funded homeschool option through another Colorado school district to supplement the homeschool core instruction provided by Parents. The Student suffers from complex health-related issues which significantly impaired her ability to participate in any educational opportunities during the first semester of the 2017-18 school year prior to enrollment in the District.
3. The District requested Student records from the homeschool academy program on December 8, 2017. The District received a one-page copy of the list of the Student's accommodations for the 2017-18 school year. First semester at the homeschool academy ended January 12, 2018, and the District received a complete Student record on January 31, 2018.
4. The District scheduled a health and education transition meeting for December 15, 2017. Parent requested the meeting to determine an educational plan for the Student and suggested an evaluation for Section 504 or an Individualized Education Program (IEP). The District invited the following staff and outlined the purpose or role of each person: building administration - graduation and truancy; school nurse - review medical information; school counselor - 504 process; and school psychologist - IDEA process.
5. Prior to the meeting, Parents provided a summary of important information about the Student to the District staff. Relevant parts included:
 - Educational History: Private preschool with a 504 plan; home schooled with participation in supplemental part-time home school programs. The Student has fallen severely behind not only from lack of attendance, but lack of instruction. This increases her stress and anxiety.
 - Medical: Rapid deterioration since 2015. Symptoms increased in August 2017 and prohibited the Student's attendance at the previous home school academy.
 - Ambitions: Plan has been to phase the Student into a full schedule including concurrent enrollment. Assist the Student in regaining health. Student wants to become an emergency medical professional. Parents can no longer bear burden of all the education.

Parents are requesting the District provide intervention and support with Exceptional Student Services.

6. Parents contacted the District on January 11, 2018 and expressed confusion regarding the Student's plan for attendance. Over the next two days, the District and the Parents communicated through email and via phone regarding setting up evaluations, the application for homebound services and scheduling the evaluation summary meeting at the end of January.
7. On January 16, 2018, Parents provided the District the completed paperwork for the Student to apply for homebound services due to the Student's ongoing health and medical needs. The next day the application was provided to the Executive Director for review. The approved application was signed on February 1, 2018, and the District began looking for an instructor.
8. A Prior Written Notice & Consent for Evaluation dated January 10, 2018 proposed to evaluate the Student for special education eligibility. Formal evaluations were planned in the areas of academics, cognitive, social/emotional/behavior and executive function. Parent provided consent on January 23, 2018. Evaluations were conducted, and a Meeting Notice dated January 16, 2018 set the evaluation summary and eligibility for special education meeting for January 30, 2018.
9. An Evaluation Report dated January 30, 2018 included the following information in salient part:
 - Intellectual: The summary of results indicated the Student was classified as average in verbal comprehension, low average in visual spatial, fluid reasoning and processing speed, extremely low in working memory and a very low Full-Scale IQ. The report indicates that the Full-Scale IQ must be interpreted with caution due to the extreme variability between the various composite scores.
 - Executive Functioning: The Behavior Rating Inventory of Executive Functioning, Second Edition was administered to assess the executive function behaviors both at home and in school. Based on the responses from both the Student and the Parents all scores were classified as acceptable.
 - Academic: A summary of the Woodcock-Johnson IV identified weakness in the Student's math calculation skills and math fact fluency. The Student's strengths included written expression, letter-word identification and sentence writing fluency.
 - Sensory/Health/Physical Status: The Student wears eyeglasses full time. She has bilateral hearing aids to address an educationally significant hearing loss. Health Diagnosis include: [] reported per parent. The Student has a list of medications that

are primarily administered at home, although two may also need to be at the School in case additional dosage is necessary.

- **Audiology:** The Student has a mild sloping to moderate hearing loss. The Student's mother reports she wears two hearing aids.
- **Emotional/Social/Behavioral Development:** The Connors Comprehensive Behavior Rating Scales was administered. The assessment was completed by the Parents and the Student. A teacher scale was not completed because the Student was not attending school. Parents reported concerns with emotional distress, social anxiety, academic difficulties (math more than language), social problems and physical symptoms. The Student reported concerns with academic difficulties, physical symptoms and depression.
- **Educational History (Reported by Parent to School Social Worker):** The Student attended private preschool for three years and received some 504 services until she caught up to the other students. The Student has been educated through home schooling programs since Kindergarten. The family reported the home-school program they chose always involved a co-op or other organized weekly educational group. In the 7th grade, the sudden and rapid downturn in the Student's health caused her education to be entirely home schooled. She did not have the ability to do much more than lie around most days. For a brief period of time in 8th grade the Student returned to a part-time home-schooled program through one of the neighboring school districts. The Student's health issues became more pronounced and she was also experiencing difficulties with memory, difficulty with concentration, hearing loss, digestive issues and depression which resulted in a pause of her education and attendance. At the beginning of 9th grade (2017-18 school year), the goal was to get the Student into a full schedule, utilizing the core classes taught by a home school academy program. This proved too much for the Student, she was unable to attend until October. Even after returning to school, the Student could not attend more than an hour or two at a time.
- **Additional Parent Concerns (Provided to the School Social Worker):** The Student's health makes learning and attendance at school difficult. The Student is behind academically and lacks the stamina to catch up in a school building setting. They feel the stress is having an additional impact on her health and are deeply concerned about the social challenges. The Student doesn't want to go to school. The goal, ultimately, is to get the Student back in school. In the interim, Parents would like homebound education, working toward the goal of being on a school campus part-time. Parents would like educational

accommodations and services that will enable the Student to succeed in school and regain her confidence. Parent reports that the Student has strong creative writing and grammar but has struggled in math, even before her health issues developed.

- A letter from the home school academy dated June 11, 2016 (end of the Student's 7th grade year) was provided by Parents. The Principal from the homeschool academy provided a summary of the Student's performance in the areas of math, writing and reading.
 - i. Math: At the end of 7th grade the student was working on grade level curriculum. It was reported the Student skipped several problems on the assessment, which might indicate gaps in learning. Scoring on the questions she did answer indicates she is making adequate progress. Suggest she advance to the next level of the curriculum under close supervision addressing any areas of weakness.
 - ii. Writing: The Student's composition was excellent in all areas. She is making adequate progress and will be able to advance to higher level writing assignments.
 - iii. Reading: Student is reading independently at the 8th grade level and is comprehending material.

10. Meeting notes dated January 30, 2018, summarized the eligibility discussion. The team agreed no further testing was needed. The team discussed several eligibility categories but determined that the Student was not eligible as a student with Serious Emotional Disability (SED), Specific Learning Disability (SLD) or Hearing Impairment (HD). The remainder of the meeting's discussion focused on the disability category of Other Health Impaired (OHI). The team agreed the Student had many medical diagnoses but needed to determine whether the student needed specialized instruction. The student's attendance was mentioned as a concern. The team concluded that with a combination of 504 accommodations and exploring alternative education settings, the Student could receive reasonable education benefit from general education alone. The Eligibility Criteria form was marked to indicate the Student was not eligible and the team, including Parents, signed this form.

11. This decision was documented on the Prior Written Notice of Special Education Action dated January 30, 2018. The District indicated the decision was based on the review of current evaluation data, prior schooling information, health records, attendance records and parent reports. The team agreed the Student didn't require specialized instruction to receive educational benefit and recommended that alternative education settings and 504 be explored. District staff

described next steps as the development of a health care plan, schedule tours of some of the District's alternate education options/programs and determine if a Section 504 plan is appropriate.

12. On the evening of January 30, 2018, Parents scribed an email to the School team reflecting on the eligibility meeting that had been held earlier in the day. Specifically, Parents expressed their disagreement with the team's eligibility decision and wanted to change their response regarding IEP services. Parents believed there was sufficient data to support eligibility in the criteria of Other Health Impaired and requested that the documentation be amended to reflect their disagreement with the team's conclusion. During an interview with Parents, they expressed being in a hurry at the end of the meeting because the Student, who attended the meeting, became fatigued and didn't feel well. Their attention was on their daughter, not the meeting.
13. The District received a complete copy of the Student's previous school records on January 31, 2018. The records included the Student's grade reports, attendance, Section 504 referral and evaluation, immunization verification and a few other educational records. Many of the records had previously been provided to the District by Parents. However, this was the first time the District received grade reports and the Section 504 referral and evaluation. The grade report indicated the Student earned no credits toward graduation during the first semester of the 2017-18 school year and grades were marked as incomplete due to the Student's lack of attendance and performance.
14. The District followed up with Parents February 1, 2018 and advised them of the date and time of the arranged school tour with the administrator of one of the alternate education programs in the District. Parent expressed again that there was confusion on their part regarding the eligibility meeting and that they felt unprepared to make a decision. Parent stated that they didn't want to proceed touring the campus of the alternate education program and that they would like to appeal the IEP decision regarding other services.
15. The District immediately sent an electronic copy of the procedural safeguards to Parents and confirmed that there would be follow up conversations regarding next steps. When interviewed, Parents reported this was the first time procedural safeguards had been provided.
16. Parents filed a special education state complaint with CDE on February 5, 2018. Parents, District and respective attorneys had a meeting on February 21, 2018 to work towards resolution. On this same date, the state complainant was withdrawn based on the outcome of the joint meeting.
17. On February 21, 2018 the District issued a Prior Written Notice and Consent for Evaluation as part of an agreement with Parents to determine eligibility for an IEP or 504 plan. The following assessments were proposed: Motor (OT/PT/Sensory); Communication (Social/Pragmatic

Language); Math (MAP and or KeyMath assessment); Cognitive (Working Memory); and Autism Spectrum Disorder. Assessments were conducted, and the evaluation was completed by the end of March 2018.

18. The District explained hiring a homebound tutor was difficult. During the joint meeting on February 21, 2018, the District indicated a homebound tutor had recently been hired. The District reported the first two homebound tutors did not work out, and the District had to continue the search for another homebound tutor. In mid-April 2018, a homebound instructor was identified and hired.

19. A Notice of Meeting was issued March 29, 2018 scheduling an eligibility meeting for April 11, 2018. A summary of the Evaluation Report and meeting discussion included the following relevant information:

- Intellectual: General findings from the evaluation conducted in January 2018 suggested the Student's intellectual functioning fell within the low average to average range except in working memory, which scored in the extremely low range. The additional assessments focused specifically on getting more information regarding working memory. The Student scores varied from average to extremely low on the four subtests that were administered and low average to low on the composite scores. According to the School Psychologist's summary and findings, it was unusual to see such a large discrepancy between the individual subtest. The report indicated a significant difference in performance when information was presented orally verses oral information paired with visual and symbolic representation. When the Student only received information auditorily, her memory skills vastly decreased.
- Academic: The Student was assessed using the KeyMath 3 Diagnostic Assessment. Previously testing on the WJ-IV indicated the Student was low in math calculation. The Total KeyMath score was below average (16th percentile) and two of the subtests were lower (8th percentile). The summary indicated it was possible the Student was missing skills or instruction. Parents indicated the Student had been on grade level for 7th grade but had experienced a decline in math skills when more health issues started. A statement from the School Psychologist included in the report indicated that the District believed with the help of a calculator, the Student could access grade level curriculum.
- Communication: Informal and formal assessments were conducted to determine the Student's pragmatic language skills. The Social Language Development Test-Adolescent Normative Update (SLDT-A:NU) was conducted and the Student's scores placed her in

the average range. Other informal pragmatic language skills were assessed, and her social language skills appeared to be appropriate when compared to same age peers.

- **Motor:** The Adolescent/Adult Sensory Profile was completed by the student and therapist. The questionnaire provided a standard method for professionals and individuals to measure and to profile the effect of sensory processing on functional performance. There are four quadrants. The scores on the assessment showed a slight deficit in all four categories with the most extreme identified in the sensory sensitivity category. The questions in this domain answer the question, does the attention to stimuli interfere with students focus and performance in doing a task. In this category the Student's rating indicated stimuli interfere with focus and performance much more than most people. The Student was also given a typing test because the Student had indicated her hands become fatigued when she writes too much. The results of the assessment indicated technology would be helpful for writing fatigue.
- **Physical Therapy:** A skill observation was performed. Based on the evaluation the Student demonstrated the functional mobility skills needed to access the educational environment.
- **Functional:** Autism Spectrum Ratings Scales (ASRS) was completed by the Student's mother and father. The scores from the parent rating scales were highly discrepant from each other. The significant variability between the two ratings calls into question the validity of the results, although it may indicate that the Student behaves differently around her father and mother. Despite the extreme differences between the two ratings, two categories, sensory sensitivity and peer socialization were rated alike. The summary of the testing indicated the Student would not qualify as a student with autism. The team, including Parents agreed no further testing was necessary.
- **Sensory/Health/Physical Status:** Since the previous evaluation on January 30, 2018 the health information was updated on April 3, 2018 to include additional information provided by the mother and medical records provided by the parent from an outside counselor. The School Nurse had shared the health care plan she had created to address the health needs in the event the Student was at school.
- **Emotional/Social/Behavioral Development:** Since the previous evaluation, Parents requested some of the information in the prior history be edited for factual accuracy. No other new information was gathered. Mother indicated that the Student is becoming resistant to having medical tests and procedures done, and that she has lost friendships because peers struggle to understand her. She also reported that every day after the

District conducted the evaluations, the Student would come home and return to bed and rest for the remainder of the day.

20. According to team meeting notes dated April 11, 2018, after the evaluation results had been shared the District and Parents discussed the Student's eligibility as a Student with an Other Health Impairment. The team agreed the evaluation was sufficient. The District team members agreed the Student had a disability but expressed the needs associated with the Student's disability could be met through accommodations and related services included in a 504 plan. Specifically, the Student could receive educational benefit from general education alone.
21. Parents disagreed; they reported that the Student's medical condition was prohibiting her from accessing her education. She continued to fall further behind her peers. The Student demonstrated math deficits that were going to be compounded by her limited ability to attend school.
22. The District staff interviewed reported that the Student's cognitive and academic abilities did not reflect a need for specialized instruction. Rather the Student required a flexible schedule and an alternate location for instruction.
23. At the close of the Eligibility meeting the team discussed the development of a 504 plan. The District developed and sent a 504 plan to Parents. The Complainant did not respond or acknowledge receipt of the plan.
24. The District reported the Student began receiving homebound services in math and language arts on April 19, 2018. The Student was enrolled in English 9 Language Arts and Algebra I. The Homebound Tutor indicated that initially the Student was tentative but after a few sessions a good rapport had been established. The Homebound Tutor and School Social Worker reported the Student had made some progress during the homebound sessions (5 weeks) and that the Student's stamina had increase from 5-6 minutes at a time to 30 minutes of sustained work. The School Social Worker also reported that in the beginning, hardly any homework was completed between sessions but by the end it was consistently completed prior to the next session.
25. When interviewed Parents indicated the Student could work somewhat independently on language arts assignments and homework assignments. However, the Student required constant support and reinforcement from Parents in order to complete math homework and assignments.
26. The Homebound Tutor indicated she did not provide instruction to the Student, rather guidance. She described the Student as working on grade level standards and completing the same assignments as the Student's in the brick and mortar school. The Homebound Tutor would meet

with the Student's assigned instructor prior to each session with the Student so she was prepared to support the Student in completing work during the homebound sessions. The homebound services were provided until May 24, 2018.

27. Parents expressed frustration with the lack of services the Student received while enrolled in the District. Due to delays in hiring the Homebound Tutor, the Student received a total of 10 hours of homebound services during the second semester of the 2017-18 school year. The Student earned .5 language arts credit (English 9) and received a letter grade of B. No math credit (Algebra I) was earned. The Student received an "I" for incomplete and District staff indicated math credit would be earned upon completion of the assignments provided. If there had been more time left in the school year the Student would have completed all required assignments.

CONCLUSIONS

1. The overarching purpose of the IDEA is to ensure that students with a disability have available to them a Free Appropriate Public Education (FAPE), including special education and related services that meet the unique needs of individual students and prepare them for further education, employment and independent living. *34 C.F.R. §300.1.*
2. Child Find is the affirmative, ongoing obligation of states and local schools to identify, locate and evaluate all children with disabilities residing within the jurisdiction that either have, or are suspected of having, disabilities and need special education as a result of those disabilities. *34 C.F.R. §300.111.*
3. Each public agency must conduct a full and individual initial evaluation before the initial provision of special education and related services to a child with a disability. *34 C.F.R. §300.301 (a).*
4. The IDEA provides that either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability. *See 34 C.F.R. 300.301(b)*
5. A few days after the beginning of the second semester and upon the request of the Complainant to move forward with an IDEA evaluation, the District provided Prior Written Notice proposing the initial evaluation of the Student to determine IDEA eligibility.
6. In interpreting evaluation data for the purpose of determining if a child is a child with a disability under 34 C.F.R. §300.8, and the educational needs of the child, each public agency must:

(i) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and

(ii) Ensure that information obtained from all of these sources is documented and carefully considered. See 34 C.F.R. §300.306 (c)(1).

7. The District proposed an evaluation to gather information in the areas of academics, cognitive, social/emotional/behavioral, and executive functioning. The Complainant provided extensive information regarding the Student's past and current medical issues and educational history since the majority of the Student's schooling had been through a homeschool model. All of this information assisted the team during the eligibility meeting held on January 30, 2018.
8. The IDEA states that an "Other Health Impairment" means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that:
 - a. Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and
 - b. Adversely affects a child's educational performance.

See 34 C.F.R. §300.8(a)(9)

9. To qualify as OHI, a student must have a chronic or acute health problem that limits strength, vitality, or alertness, including a heightened alertness to environmental stimuli. *ECEA Rule 2.08(7)*. In this case, the team did not dispute that the Student had a disability that impacted her stamina and ability to attend school.
10. According to ECEA Rule 2.08 (7) (a)-(c), in order to qualify as a Student with OHI, the student must be **prevented** from receiving reasonable educational benefit as evidenced by, an inability to perform typical tasks at school; an inability to sustain effort or to endure throughout an activity; and/or an inability to manage and maintain attention, to organize or attend, to prioritize environmental stimuli, including heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment. (Emphasis added.)
11. The team considered, at the end of 7th grade, the academic assessments of her teachers at the homeschool academy indicated the Student was performing at or above grade level in math, writing and reading. Assessment results from the Student's most recent evaluations indicated

she performed in the average to low average range in almost all areas. There were a couple of specific areas (working memory and math) where the Student scored extremely low and low. However, the convergence of the data supports a conclusion that the Student had the capacity to do grade level work but lacked the opportunity to complete the work due to extended absences from the school environment.

12. The Student's performance during the homebound instruction at the end of the 2017-18 school year further supports the conclusion that the Student has the necessary skills to make progress in the general curriculum. The Student was enrolled in grade level English and math courses and was able to produce enough work in a very short period of time to earn some credit. The Homebound Tutor was not providing any additional instruction to the Student, but rather was supporting the Student to access the material because the Student couldn't be in the regular classroom.
13. The District acknowledges the Student went extended periods of time because of serious health issues without exposure to the educational setting. However, the record indicates that when the Student participates in school she works in grade level general education curriculum. Based on all of the information considered by the team, it was reasonable for the team to determine that the Student's disability didn't limit her ability to work in the general education curriculum.
14. Parents disagreed with the team's eligibility determination. The IEP team should consider the Parent's suggestions and concerns. However, the team is not required to adopt all of the parents' recommendations. *Deal v. Hamilton County Bd. of Educ.*, 42 IDELR 109 (6th Cir. 2004), cert. denied (2005). 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).
15. In this case, Parents were an integral part of the special education process. Parents had been a primary source for the Student's previous educational instruction and possessed the most knowledge about the role the Student's health played in her day to day activities. Correspondence throughout the file documented ongoing conversations and collaboration between the District and Parents. It is well documented that Parents placed more weight on certain pieces of information than other District team members, but this does not demonstrate the team didn't consider Parents' suggestions and concerns. The record, reviewed in its entirety, supports a conclusion that Parents meaningfully participated in the IEP process.

DECISION

Issue #1

Whether the School District violated the IDEA and denied Student a free appropriate public education (FAPE) on April 11, 2018 by failing to determine Student was eligible for special education under the category of Other Health Impairment (OHI).

No Violation. The District conducted a comprehensive evaluation of the Student and appropriately determined the Student not eligible under the IDEA.

Issue #2

Whether the School District violated the IDEA and denied Student a free appropriate public education (FAPE) on April 11, 2018 by failing to provide Parents with meaningful input in the determination of the Student's eligibility, specifically by disregarding Parents' input, as well as medical and educational documentation provided by Parents.

No Violation. The Parents provided input and participated in the determination of the Student's eligibility.

This Decision 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 15th day of July, 2018.

Stephanie Weaver, Pingora Consulting, LLC
State Complaints Investigator