

12/3/06

**COMMONWEALTH OF VIRGINIA - DEPARTMENT OF EDUCATION
SPECIAL EDUCATION DUE PROCESS HEARING
LOCAL HEARING**



CASE CLOSURE SUMMARY REPORT:

_____ Public Schools
School Division

_____ Parents

_____ Division Superintendent

_____ Student

_____ Esquire
Counsel Representing LEA

_____ Esquire
Counsel Representing Child

_____ 2002
Date

_____ Parents
Party Initiating Hearing

HEARING OFFICER

CONTENTS

I. HEARING OFFICER'S DETERMINATION OF ISSUES.....	ii
II. PRE-HEARING REPORTS.....	ii
III. HEARING DATES.....	ii
IV. APPEARANCES.....	iii
V. WITNESSES.....	iii
VI. APPLICABLE LAWS AND REGULATIONS.....	iv
VII. EXHIBITS.....	iv
VIII. FINDINGS OF FACT.....	1
IX. SUMMARY.....	14
X. DECISION AND RATIONALE.....	16
XI. IMPLEMENTATION RESPONSIBILITY.....	19
XII. APPEAL RIGHTS.....	19

HEARING OFFICER'S DETERMINATION OF ISSUES:

WHETHER NOTICE WAS GIVEN TO THE STUDENT'S PARENTS BY [REDACTED] PUBLIC SCHOOLS WHEN A MANIFESTATION DETERMINATION MEETING WAS CONVENED FOLLOWING THE STUDENT'S SUSPENSION FOR POSSESSION OF MARIJUANA.

WHETHER [REDACTED] PUBLIC SCHOOL CORRECTLY DETERMINED THAT THE STUDENT'S BEHAVIOR WAS NOT A MANIFESTATION OF [REDACTED] DISABILITY WHEN THE STUDENT WAS FOUND WITH [REDACTED] AND [REDACTED] ON SCHOOL GROUNDS.

WHETHER THE STUDENT'S [REDACTED] ANNUAL IEP WAS APPROPRIATE.

WHETHER [REDACTED] PUBLIC SCHOOLS VIOLATED §504 OF THE REHABILITATION ACT OF 1973 IN THE DISCIPLINE OF THE STUDENT WHO WAS FOUND WITH [REDACTED] ON SCHOOL GROUNDS.

WHETHER [REDACTED] SCHOOLS CAN PROVIDE THIS STUDENT A FREE AND APPROPRIATE EDUCATION.

PRE-HEARING REPORTS:

Pre-Hearing Report of [REDACTED]
Pre-Hearing Report #1 [REDACTED]
Pre-Hearing Report #2 [REDACTED]

HEARING DATES:

Pre-Hearing Conference - [REDACTED]
Pre-Hearing Conference - [REDACTED]
Hearing - [REDACTED]
Hearing - [REDACTED]
Hearing - [REDACTED]
Hearing - [REDACTED]
Student's Brief - [REDACTED]
School's Brief - [REDACTED]

APPEARANCES:

[REDACTED] [REDACTED]

WITNESSES IN THE ORDER OF THEIR APPEARANCES:

1. [REDACTED] - Dir. of Special Education, [REDACTED] Public Schools
2. [REDACTED] - Psychologist, The Center for Excellence/Psychological Services
3. [REDACTED] [REDACTED] MD - Pediatrician, [REDACTED]
4. [REDACTED] - Licensed Professional Counselor, [REDACTED]
5. [REDACTED] - [REDACTED] Public Schools Psychologist
6. [REDACTED] - Educational Evaluator, LD Teacher and Diagnostician
7. [REDACTED] - World History Teacher, [REDACTED] School
8. [REDACTED] - Special Ed. and Resource Teacher, [REDACTED] School
9. [REDACTED] - Drivers Education and Health Teacher, [REDACTED] School
10. [REDACTED] - Mathematics Teacher, [REDACTED] School
11. [REDACTED] - Assistant Principal, [REDACTED] School
12. [REDACTED] - Special Education Teacher, [REDACTED] School
13. [REDACTED] - Director of Student Services, [REDACTED] Public Schools
14. [REDACTED] - Brother of [REDACTED]
15. [REDACTED] PhD - Resource Teacher, [REDACTED] School
16. [REDACTED] - Mother of [REDACTED]
17. [REDACTED] - Father of [REDACTED]

APPLICABLE LAWS & REGULATIONS:

Individuals with Disabilities Education Act 84 Stat. 175, as amended,
20 U.S.C. 1400 et seq. (1997)
Part B Regulations, (1997) 34 C.F.R., Parts 300 and 301

Section 22.1-213 et seq., Code of Virginia, 1950, as amended.
Regulations Governing Special Education Programs. For children with Disabilities in
Virginia, effective March, 2002.

LIST OF EXHIBITS:

1. [REDACTED] Attendance Record-
[REDACTED] Public Schools
2. Minutes-Child Study Committee - [REDACTED]
3. Section 504 - Referral Form - [REDACTED]
4. Child Study Referral Form - [REDACTED]
5. [REDACTED] Public Schools-Permission for Evaluation and Procedural
Safeguards - [REDACTED]
6. Section 504 - Service Plan - [REDACTED]
7. [REDACTED] School Entrance Physical Examination and Immunization
Certification - [REDACTED]
8. Component Summary Report for Special Education Eligibility Committee Meetings -
[REDACTED]
9. [REDACTED] Public Schools Educational Evaluation - [REDACTED]
10. Psychological Report - Psychological Services [REDACTED] Public Schools -
[REDACTED]
11. Sociocultural Evaluation - [REDACTED]
12. Minutes-Eligibility Committee Meeting - [REDACTED]
13. [REDACTED] Public Schools-Special Education Services - Individualized
Educational Program - [REDACTED]
14. [REDACTED] Discipline Report - [REDACTED]

15. [REDACTED] Public Schools-Individualized Education Program Planning Worksheet - [REDACTED]
16. [REDACTED] Public Schools-Report Card - Grade [REDACTED]
17. Letter re: ADHD Service Plan - [REDACTED]
18. Annual Review 504 Service Plan - [REDACTED]
19. [REDACTED] Public Schools-Parent Notification of IEP Meeting Goal Setting/Planning Worksheet - [REDACTED]
20. [REDACTED] Public Schools-Special Education Services-Individualized Educational Program - [REDACTED]
21. [REDACTED] Public Schools-Report Card-Grade [REDACTED]
22. Student Letter - [REDACTED]
23. [REDACTED] Public Schools-Parent Notification of IEP Meeting Goal Setting/Planning Worksheet - [REDACTED]
24. [REDACTED] Public Schools-Special Education Services-Individualized Educational Program - [REDACTED]
25. Parent's IEP Letter - [REDACTED]
26. [REDACTED] Public Schools-Report Card- Grade [REDACTED]
27. Component Summary Report for Special Education Eligibility Committee Meeting - [REDACTED]
28. Psychological Evaluation Confidential Report-Psychological Services- Public Schools - [REDACTED]
29. Eligibility Committee Classroom Observation Report Form - [REDACTED]
30. Social History - Triennial Review - [REDACTED]
31. [REDACTED] Public Schools-Parent Notification of IEP Meeting Goal Setting/Planning Worksheet - [REDACTED]
32. [REDACTED] Public Schools-Special Education Services-Individualized Educational Program - [REDACTED]
33. Annual Review 504 Service Plan - [REDACTED]

34. [REDACTED] Public Schools - Special Education Eligibility Committee Meetings-[REDACTED]
 - a. Component Summary Report
 - b. Educational Evaluation
 - c. Interpretation of the Woodstock-Johnson-R Test Results
 - d. Processing Tests-Score Summaries
 - e. Summary
 - f. Compuscore of the WJ-R
35. Minutes-Eligibility Committee Meeting - [REDACTED]
36. Memo No.: 207 - Re: Appeal Hearing - [REDACTED]
37. Director of Special Education-Letter to Parents - [REDACTED]
38. [REDACTED] Public Schools-Suspension Notice - [REDACTED]
39. Special Education Request for Related Services - [REDACTED]
40. [REDACTED] Public Schools - Letter to Parents - [REDACTED]
41. Center for Excellence/Psychological Services - Psychological Evaluation [REDACTED]
42. Virginia Literacy Testing Program - Individual Student Performance Report - [REDACTED]
43. Parent Letter to Special Education Office - [REDACTED]
44. [REDACTED] Public Schools - Letter to Parents - [REDACTED]
45. [REDACTED] Public Schools- Suspension Notice - [REDACTED]
46. Parent Letter to [REDACTED] Public Schools - [REDACTED]
47. [REDACTED] Public Schools-Suspension Notice - [REDACTED]
48. [REDACTED] Public Schools-Suspension Notice - [REDACTED]
49. [REDACTED] School - Student Referral - [REDACTED]
50. [REDACTED] Public Schools-Suspension Notice - [REDACTED]
51. Assessment Request- Letter to Parent [REDACTED]
52. [REDACTED] Public Schools - Permission for Evaluation - Re-Evaluation of Student Receiving Special Education Services - [REDACTED]

53. Report of Supplemental Testing - Psychological Services- [REDACTED] Public Schools - [REDACTED]
54. Occupational Therapy Evaluation - [REDACTED]
55. Minutes-Eligibility Committee Meeting - [REDACTED]
56. [REDACTED] School-Report Card-Grade - [REDACTED]
57. Special Education Services-IEP- [REDACTED]
58. [REDACTED] Public Schools-Suspension Notice - [REDACTED]
59. [REDACTED] Public Schools-Suspension Notice - [REDACTED]
60. [REDACTED] Public Schools-Suspension Notice - [REDACTED]
61. [REDACTED] Public Schools-Suspension Notice - [REDACTED]
62. Parent Notification of IEP Meeting-Goal Setting/Planning Worksheet-[REDACTED]
63. Special Education Services-IEP- [REDACTED]
64. Progress Report-Annual Goals and Measurable Short Term Objectives - [REDACTED]
65. [REDACTED] School-Report card- Grade - [REDACTED]
66. Acknowledgment of Receipt of Student Code of Conduct - [REDACTED]
67. [REDACTED] Public Schools-Suspension Notice - [REDACTED]
68. Parent Notification of IEP Meeting-Goal Setting/Planning Worksheet- [REDACTED]
69. Parent Notification of IEP Meeting-Goal Setting/Planning Worksheet-[REDACTED]
70. Special Education Services-Individualized Educational Program [REDACTED]
71. [REDACTED] School-Report Card-Grade - [REDACTED]
72. [REDACTED] School-Report Card-Grade - [REDACTED]
73. Acknowledgment of Receipt of Student Code of Conduct - [REDACTED]
74. Student Code of Conduct Manual - [REDACTED]
75. [REDACTED] Public Schools-Permission to Evaluate - [REDACTED]

76. [REDACTED] Public Schools-Parent Notification of IEP Meeting - [REDACTED]
77. Occupational Therapy Evaluation - [REDACTED]
78. Student Behavior Referral - [REDACTED]
79. E-mail re: Alcohol Poisoning - [REDACTED]
80. Student Behavior Referral - [REDACTED]
81. Registration Information - Guardian I - [REDACTED]
82. Behavioral Center-Physician Summary - [REDACTED]
83. [REDACTED] Public Schools-Suspension Notice - [REDACTED]
84. Student Behavior Referral - [REDACTED]
85. Aftercare Instructions Acute - [REDACTED]
86. [REDACTED] Physician Contact Record - [REDACTED]
87. Student Behavior Referral [REDACTED]
88. Student Behavior Referral - [REDACTED]
89. [REDACTED] Public Schools-Suspension Notice - [REDACTED]
90. Behavior Referral by Coordinator of Transportation Services - [REDACTED]
91. Student Behavior Referral - [REDACTED]
92. Student Behavior Referral - [REDACTED]
93. Student Behavior Referral - [REDACTED]
94. [REDACTED] School-Report Card-Grade - [REDACTED]
95. [REDACTED] Public Schools-Suspension Notice - [REDACTED]
96. Student Behavior Referral - [REDACTED]
97. Recommendation for Expulsion - [REDACTED]
98. Special Education Teacher Incident Letter - [REDACTED]

99. Recommendation for Expulsion Draft with photo - [REDACTED]
100. [REDACTED] Public Schools-Suspension Notice - [REDACTED]
101. Discipline Record -
102. [REDACTED] Clinical Psychologist Letter - [REDACTED]
103. Clinical Psychologist Letter re: Student's Criminal Act - [REDACTED]
104. Principal's Letter to Superintendent - [REDACTED]
105. Principal's Recommendation for Long-Term Suspension/Expulsion - [REDACTED]
106. [REDACTED] Letter - [REDACTED]
107. Parent Letter to Superintendent - [REDACTED]
108. [REDACTED] MD-Letter - [REDACTED]
109. [REDACTED] Public Schools-Parent Notification of IEP Meeting - [REDACTED]
110. Prior Written Notice of Proposed/Refused Action - [REDACTED] - [REDACTED]
111. Prior Written Notice of Proposed/Refused Action - [REDACTED] - [REDACTED]
112. Minutes of Manifestation Determination (IEP Team) Committee Decision- [REDACTED]
113. Disagreement Letter from Parents - [REDACTED]
114. Permission to Evaluate & Determination of Evaluations - [REDACTED]
115. [REDACTED] Schools-IEP Addendum [REDACTED]
116. Director of Student Services Letter to Parents - [REDACTED]
117. Parent Letter to Superintendent - [REDACTED]
118. [REDACTED], MD-Letter - [REDACTED]
119. Prior Written Notice of Proposed/Refused Action - [REDACTED]
120. Functional Behavioral Assessment Summary - [REDACTED]
121. [REDACTED] Public Schools-Parent Notification of IEP Meeting - [REDACTED]

122. Director of Student Services Letter to Parents - [REDACTED]
123. Director of Special Education Letter to Parents - [REDACTED]
124. [REDACTED] Public Schools-Parent Notification of IEP Meeting - [REDACTED]
125. Prior Written Notice of Proposed/Refused Action - [REDACTED]
126. [REDACTED] School-Special Education Teacher-Letter to Parents - [REDACTED]
127. Parent Letter refusing [REDACTED] to Special Education Teacher - [REDACTED]
128. Center for Excellence/Psychological Services-Clinical Psychologist Letter - [REDACTED]
129. [REDACTED] MD-Letter - [REDACTED]
130. Certification of Need for Homebound Instruction - [REDACTED]
131. Director of Special Education-Letter to Parents re: mediation - [REDACTED]
132. [REDACTED] School-Visiting Teacher Dept. Letter to Parents - [REDACTED]
133. Psychological Services School Psychologist-Letter to Parents - [REDACTED]
134. [REDACTED] Letter - [REDACTED]
135. Special Ed.-Notice from Parent of Request for Due Process Hearing - [REDACTED]
136. [REDACTED] MD-Letter to Dir. of Special Ed. - [REDACTED]
137. Letter from [REDACTED] re: Encounter with [REDACTED] - [REDACTED]
138. Letter from [REDACTED] re: Encounter with [REDACTED] - [REDACTED]
139. Diagnostic and Statistical Manual of Mental Disorders
140. Psychological Evaluation Confidential Report- Psychological Services - [REDACTED]
141. Visiting Teacher Services -Sociological History [REDACTED]
142. [REDACTED] Public Schools-Education Evaluation - [REDACTED]
143. Director of Special Education-Letter to Parents - [REDACTED]
144. Parent Letter to [REDACTED] Teacher - [REDACTED]

145. [REDACTED] Teacher Letter [REDACTED]
146. Virginia Standards of Learning Assessment -Spring, [REDACTED]
147. [REDACTED] Church [REDACTED]-Letter to Parents [REDACTED]
148. Parent Letter to [REDACTED] Church - [REDACTED]
149. Discipline Record - [REDACTED]
150. [REDACTED] [REDACTED]-Letter to Hearing Officer - [REDACTED]
151. [REDACTED] Memo to Attorney [REDACTED]
152. Test of Achievement-Examiner's Manual
153. Resume [REDACTED]
154. Resume - [REDACTED]
155. Resume - [REDACTED]
156. Resume [REDACTED]
157. Resume - [REDACTED]
158. Resume [REDACTED]
159. Resume - [REDACTED]
160. Resume - [REDACTED]
161. Special Education Services-Individual Education Program - [REDACTED]
162. The Student's Exhibit List - 04/15 & 27/02
163. Revised the Student's Exhibit List - -- A. Revised the Student's Exhibit List
164. Revised Witness List - -- A. Revised Witness List
165. The School's Exhibits
166. Revised School's Exhibits -
167. Revised School's Exhibits -

- 168. Revised School's Exhibits - [REDACTED]
- 169. The School's Witness List
- 170. Revised School's Witness List [REDACTED]
- 171. Regulations Governing Special Education Programs for Children with Disabilities in Virginia - Effective [REDACTED]
- 172. The Student's Brief [REDACTED]
- 173. The School's Brief [REDACTED]

This certifies that I have completed this hearing in accordance with regulations and have advised the parties of their appeal right in writing. The written decision from this hearing is attached in which I have also advised the LEA of its responsibility to submit an implementation plan to the parties, the hearing officer and the SEA within 45 calendar days.

[REDACTED]
Date

[REDACTED]
[REDACTED] Hearing Officer

RE: [REDACTED]
and
[REDACTED] PUBLIC SCHOOLS

FINDINGS OF FACT
AND
DECISION

This matter came on for four days of Hearing in the [REDACTED] Public School, [REDACTED] Virginia [hereinafter the "School"]. The Hearing dates were [REDACTED]. The Student's brief was filed and received [REDACTED]. The School's brief was filed and received [REDACTED].

All witnesses examined are as listed on the attached witness list in the order of their appearances and their testimonies given as embodied in four volumes of transcripts marked I, II, III and IV [hereinafter "T."].

By letter dated [REDACTED] the Student's parents requested that the School convene a Special Education Due Process Hearing when they disagreed with the School's [REDACTED] determination that the Student's behavior was not a manifestation of [REDACTED] disability when [REDACTED] was found with [REDACTED] and [REDACTED] in [REDACTED] School and subsequently suspended.

Based on the testimony of the witnesses, exhibits; federal and state laws; regulations; case law and position papers of the attorneys, I make the following:

FINDINGS OF FACT:

The Student was born on [REDACTED] in [REDACTED] Virginia. [REDACTED] is a resident of [REDACTED] Virginia living with [REDACTED] and [REDACTED] who will attend college in the fall of [REDACTED]. [REDACTED] only other sibling is a student in college in [REDACTED] (T. Vol. IV, p. 53). [REDACTED] [hereinafter "[REDACTED]"] resides in a city approximately two hours from [REDACTED] to lead another congregation as pastor (T. Vol IV, p. 215). [REDACTED] was transferred by [REDACTED] employer and required to go [REDACTED].

The Student's parents decided that it was in [REDACTED] best interest that [REDACTED] remain in [REDACTED] School District.

Facts involving the Student's developmental, educational, behavioral and medical history from infancy through [REDACTED] are as follows:

[REDACTED]

Event: [REDACTED] had a normal pregnancy and delivered by cesarean. The Student's milestones re: sitting up alone at 6 months old, walking at 12 months old, talking at 24 months old and etc.... were within norms (Exh. 11; T. Vol. IV, p. 139).

Age: [redacted] Preschool - [redacted] Virginia [redacted]

Event: The Student's Preschool teachers suggested to parents to have [redacted] evaluated because [redacted] lacked focus and was unable to stay on task (*T. Vol. IV p. 139*). [redacted] had temper tantrums when [redacted] didn't get [redacted] way.

Result: [redacted] Pediatrician advised parents to wait until [redacted] was in school learning to read before they should deal with those issues. Family was moving and decided to suspend/cancel further school requested evaluations (*T. Vol. IV p. 140*).

Event: The Student exhibited inappropriate behaviors in preschool (*T. Vol. IV p. 167*).

Ages: [redacted] [redacted] [redacted]

Event: The Student attended school in [redacted] County three years before family moved from [redacted] County to [redacted], Virginia (*T. Vol. IV p. 141*). "..... was always a hyper kid, [redacted] couldn't get calmed down" (*T. Vol. IV, p. 58*)

Result: The Student repeated [redacted] (*Exh. 2*)

Age: [redacted] [redacted] [redacted] [redacted]

Event: [redacted] grade teacher called a meeting with parents because [redacted] knew something was wrong with the Student; however, [redacted] couldn't specifically identify it.

Result: Pediatrician conducted a double blind study for Ritalin and a Placebo. Ritalin was prescribed and it made a huge difference. The Ritalin initially addressed things during [redacted] grade (*T. Vol. IV, p. 142*).

In elementary school [redacted] brother observed [redacted] leaving [redacted] classroom unnoticed by teacher and run around outside.

[redacted] never understood how [redacted] actions affected other people (*T. Vol. IV, p. 56*). [redacted] couldn't focus.

Age: [redacted] [redacted] [redacted]

Event: Parents realized the Student needed more than Ritalin and recognized the need to start doing evaluations (*T. Vol. IV, p. 142*). School recommended full evaluations.

Result: Family was moving and decided to wait until enrollment in [redacted] Public Schools to have [redacted] evaluated.

Event: At a Halloween Party, the Student did not do same thing as others.
ie.....speak into tape recorder to make scary noises that would otherwise do without a recorder.
[redacted] grade teacher would administer Ritalin in front of whole class.

Result: According to [redacted], the Student began to feel different-set apart from the others.

Event: [redacted] Teacher referred [redacted] for child study because even with Chapter 1 reading and math, individual help from teacher and support from home, the Student continued to struggle with [redacted] work, fell behind peers became overwhelmed and gave up.

[redacted] work habits and abilities were inconsistent, easily distracted, had poor organizational skills, struggled in all areas of reading, spelling, math and written language.

Result: Parents planned to consult privately for Occupational Therapy services and work with school nurse with Ritalin dosage. Parents did not follow-up.

[redacted] - recommendation for ADHD students given to teacher for implementation in regular classroom. (Exh. 2)

Age: [redacted] [redacted] [redacted] [redacted]

Event: Referred by Resource Teacher for Section 504 Services.

Result: [redacted] - Found eligible for Section 504. [redacted]
[redacted] Pediatrician, had earlier diagnosed [redacted] ADHD.

Event: [redacted] - Student was referred to child study meeting by classroom teacher because [redacted] writing was often illegible, poor fine motor skills and was struggling with math.

Result: Showed little improvement in writing when individual attention was given. Showed some improvement in math using counter. (Exh. 4)

Event: [redacted] - Child Study Team met reported difficulty in handwriting, spelling, poor fine motor skills, subtraction, inadvertently makes constant noises, low self-esteem.

Result: Student was referred to the Office of Special Education for comprehensive assessment (Exh. 4).

Age: [REDACTED]

Event: The Student was found Eligible for Section 504. [REDACTED] functioned in average range in general knowledge; had difficulty in written language, handwriting and math.

Result: Service Plan outlined Annual goal that the Student would receive modifications to reduce impact of ADHD by providing [REDACTED] with preferential reading, repeated directions, clued from teachers to remind [REDACTED] to slow-down and reinforce self-control, provide parents with daily reports (Exh. 6).

Parents consented to the Student being enrolled in special instruction program (Exh. 6). Also, permission granted by parents for the Student's initial evaluation to determine eligibility for Special Education and Related Services (Exh. 5).

Event: - Classroom observation (Exh. 8)

Result: The Student was totally off task during observation.

Event: Educational Evaluation [REDACTED] and [REDACTED] (Exh. 9) -
Woodcork-Johnson revised Achievement Battery
Carrow Auditory - Visual Ability
Developmental Test of Visual - Motor Integration

Result: The Student performed well on all of the auditory subtest with one exception, auditory-discrimination in noise. [REDACTED] may be easily distracted.

VMI - measured in below average range. May lack motor skills needed for handwriting and copying skills (Exh. 9)

Event: Psychological Testing (Exh. 10)
Assessment measures- (WISC III)
(WIAT)
Bender Visual Motor Gestal Test
(VADS)
Project Drawing

Result: [REDACTED] was functioning in the average range of intelligence (Full Scale IQ = 91)
Verbal (VIQ = 98)
Performance (PIQ = 84)
Processing Speed Factor (Factor Score = 131)
Freedom from Distractibility (Factor Score = 101)-Avg.
Verbal Comprehension Factor (Factor Score = 99)-Avg.

Perceptual Organization (Factor Score=77)-Significantly Below Avg
Visual Motor Skills - Slightly below average
Oral Expression - Below average

Performance on Reading Composite and Mathematic Composite were consistent with measured ability level.

Examiner reported the Student's performance was hurt by distractibility and impulsiveness (*Exh. 10*). It was noted the Student had low self-esteem, showed signs of insecurity and inadequacy. [redacted] was likely to react to stressful situations through withdrawal and lack of psychological involvement which could translate into lack of effort and underachievement. (*Exh. 10*)

The Student's [redacted] observed that [redacted] would withdraw from [redacted] family (*T. Vol. IV p. 59*).

Event: School's Psychologist referred the Student to Eligibility Committee for determination of Eligibility for Special Education.

[redacted]

Event: Sociocultural Evaluation

Result: Parents reported that the Student appeared to know what was happening but seem unable to stop a the right point. On the Social Behavior checklist responses were based on [redacted] being medicated with Ritalin (*Exh. 11*).

[redacted]

Event: [redacted] was functioning in the average range in general knowledge
- low average range in Reading
- below average range in Written Language and Math
- difficulty in Visual Perception and Visual Memory
- easily distracted

Result: The Student's initial IEP was finalized. [redacted] was identified as Learning Disabled (*Exh. 13*) [redacted] participation in Special Education Program was 64% of 5 day school week. The Student's written language skills were addressed with use of lap top computer. [redacted] teacher was trained/endorsed in Special Education. During school year the Student had disciplinary problems.

IEP developed for remainder of school year.

[REDACTED]

Event: Annual IEP developed.

Result: Special Education Program implemented for 80% of time 5 days a week. It was observed that the Student continued to function in the low average range in reading, below average in math and written language.

[REDACTED] was impulsive, rushed through work and easily distracted by extraneous stimuli.

The Student continued with [REDACTED] Ritalin dosage.

[REDACTED]

Event: The Student placed in self-contained classroom.

Result: [REDACTED] achieved making excellent progress, worked hard and was transferred to [REDACTED] grade.

[REDACTED]

Event: Annual IEP developed (*Exh. 20*).

Result: Continued self-contained classroom. The Student's impulsiveness and inappropriate responses continued. [REDACTED] was functioning on a low average grade level in reading; below average in math and written language; easily distracted by external stimuli.

The Student continued to be a disciplinary problem. [REDACTED] was disruptive, had verbal outbursts and inattentive (*T. Vol. IV, p. 169*). [REDACTED] was disruptive to [REDACTED] teachers and abusive to [REDACTED] classmates. (*T. Vol. IV, pp. 172 & 173 and Exh. 22*). "Very, very angry" (*T. Vol. IV p. 177*).

The Student did not want to use the laptop computer the school offered [REDACTED] [REDACTED] didn't want to be different (*T. Vol. IV, p. 164*).

[REDACTED] avoided cursive writing (*T. Vol. IV, p. 165*).

Event: The Student continued to progress academically (*Exh. 26*). The Student's behavior continued to be inappropriate and [REDACTED] was unfocused.

Result: Reading A Language B
Spelling A Mathematics B
Science A Social Studies B

[REDACTED] was transferred to the [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

Event: Psychological Evaluation for triennial assessment was done. Noted the Student received special education services as Learning Disabled in self-contained classroom since [REDACTED] grade. The Schools recommended that the Student receive evaluation for special education since kindergarten; however, [REDACTED] parents chose to put it off for a significant period of time.

Evaluation Procedures: (Exh. 28)
Wechsler Intelligence Scale for Children-Third Edition
Wide Range Assessment of Memory and Learning
Piers-Harris Children's Self Concept Scale
Sentence Completion
Connor's Parent Rating Scale- Revised
Behavioral Observations

Result: The Student performed in the low average range on the Wechsler Intelligence Scale for Children-Third Edition.
[REDACTED] verbal comprehension and perceptual organization abilities were consistently developed and in the low average range.
Wide Range Assessment of Memory and Learning results did not indicate a processing deficit.
[REDACTED] revealed believing [REDACTED] to be bad, very bad. Did not want to go to school.

The Student's parents indicated evidence of oppositional behavior, argumentative and losing temper.

Event: Social History-Triennial Review (Exh. 30)

Result: The Student's parents enjoyed the positive communication with [REDACTED] teacher. [REDACTED] was stronger in reading. Math achievement was questionable with poor handwriting and limited written expression. They felt [REDACTED] could focus on things [REDACTED] wanted to do. [REDACTED] neighborhood peers were inappropriate according to parents. [REDACTED] was immature, argumentative, frustrates and angers easily.

[REDACTED]

Event: IEP developed (Exh. 32)

Result: The Student tries hard to do [REDACTED] work. [REDACTED] is an auditory learner. Rushes through [REDACTED] work. Handwriting skills very weak. Very good in word recognition and comprehension. Math and written language below grade level. Continued taking Ritalin for ADHD with higher dosages than in earlier years.
Special Education Program - 53%
Regular Class - 47%

Event: Annual Review of Section 504 Service Plan (*Exh. 33*).

Result: The Student's Ritalin was 10mg in morning and again at 10:30 a.m. in school clinic. [redacted] impulsive behavior was addressed with use of a point card. To help build self-esteem and confidence; teacher were asked to avoid public reprimands.

Event: Educational Evaluation (*Exh. 34*)
Woodcock-Johnson Revised Achievement Battery
Auditory-Perception Skills: Upper Level
Test of Visual-Motor

Result: [redacted] was functioning in the average range in reading and general knowledge.
Well below average in math and written language.
[redacted] auditory perception skills in low average range.
Visual-Motor Integration well below average.

[redacted]

Event: Following 3 year re-evaluation, the school decided [redacted] no longer met criteria for identification as LD student. Test indicated that [redacted] achievement scores were commensurated with [redacted] ability. There were no processing disorders. The Ritalin contained [redacted] ADD. Parents reported no significant concerns in areas of cognition and hyperactivity. The School felt [redacted] no longer qualified for special education services (*Exh. 35*).

Result: Parents appealed. Appeal tentatively scheduled (*Exh. 36*).
Rescheduled . Parents called to suspend the appeal a (*Exh. 40*).

The Student's in school behavior was poor resulting in disciplinary actions that included in school suspensions, notes home and etc..... (*Exh. 38*).

[redacted]

Event: Classroom teacher requested related service of OccupationalTherapy to provide the Student with assistance in writing a descriptive paragraph and have ability to write and spell list words with 80% accuracy.

[redacted]

Event: Psychological Evaluation conducted by [redacted] Ed. D., at the [redacted] (*Exh. 41*).

[REDACTED]

Event: Virginia Literacy Test given to Andrew.

Result: [REDACTED] passed the Reading and Mathematics component. [REDACTED] failed the Writing component (*Exh. 42*).

[REDACTED]

Event: Parents notified the School that they were ready to reschedule the appeal of the School's [REDACTED] decision that the Student no longer met the criteria for identification as a LD student (*Exh. 43*).

Result: Appeal Hearing was held [REDACTED] and a third Psychological Evaluation was requested by School (*Exh. 45*).

[REDACTED]

Event: The Student received supplemental testing during the [REDACTED] grade while remained in a self-contained LD placement.

Woodcock Reading Mastery Test - Revised, NU (WRMT-R/NU)

Kaufman Test of Educational Achievement (KTEA/NU)

Brown Attention Deficit Disorder Scales (BADDS)

Conners Teacher Rating Scale - Revised, Long Version (CTRS-R:L)

Result: WRMT-R/NU - essential visual discrimination and analysis skills are weak.

KTEA/NU-	Standard Score	Percentile	Grade
Reading/Decoding	87	19	5.1
Spelling	82	12	4.5

CTRS-RL - scores indicate significant descriptors of behavior but by themselves are not "clinically significant." These scores were reported to be considerably higher than the scores obtained by [REDACTED]. The Student had a successful year and continuation of medication reflected an improvement.

BADDS - The scales present a concept of an Attention Deficit as a dimensional disorder rather than a categorical disorder with variances in behavior shown more as a matter of degree. The examiner suggested that the learning disabilities programs is a more likely source of assistance with project work peer teaming, student tutoring were exemplary techniques contributing to mainstream contact to assist with self-contained placement (*Exh. 53*).

Event: Occupational Therapy Evaluation administered and (Exh. 54)
Evaluation Measures:
OT/PT Questionnaire
Bruininks-Oseretsky Test of Motor Proficiency
Evaluation Tool of Children's Handwriting
Teacher Interview
Review of Records
Clinical Observation

Result: It appeared that the Student's writing method does not work well for [REDACTED].
Examiner recommended wider spacing between lines. [REDACTED] may also benefit
from alternative methods of written communication such as the use of
keyboard.

Events: Evaluations indicated that [REDACTED] had significant deficits in reading and math in
comparison with [REDACTED] ability (Exh. 55).

Result: Special Education Program was required. [REDACTED] Specific Learning Disability being
perceptual organization skills which affects [REDACTED] reading and written language.

[REDACTED]

Event: The Student successfully completed the [REDACTED] grade. (Exh. 56).

Social Studies	C
Science	C
Fitness Ed.	A
Technology Lab	C
Chorus	B
Math	C
English	B
Reading	B

Cumulative Grade Point Average 2.5

[REDACTED]

Event: Annual IEP developed (Exh. 57).

Result: 40% of time in Special Education
50% of time in Regular Education

[REDACTED] special education intervention was in the academics areas that included
Reading (decoding), Written Language and Math.

[REDACTED]

Event: Evaluations and Scores (Exh. 53).

Woodcock Reading Mastery Test Revise

Readiness	Standard Score 79 (low average)
Basic Skills	Standard Score 99 (average)
Reading Comp.	Standard Score 92 (average)
Total Reading	Standard Score 91 (average)

Kaufman Test of Educational Achievement

Reading Decoding	Standard Score 87 (avg./below grade)
Spelling	Standard Score 82 (low avg./below grade)

Woodcock Johnson Revised

Broad Reading	Standard Score 91 (avg.)
Broad Math	Standard Score 77 (low avg./below grade)
Broad Written Lang.	Standard Score 72 (low avg./below grade)
Broad Knowledge	Standard Score 90 (avg.)

Result: The Student's [REDACTED] signed the annual IEP. [REDACTED] disability being Specific Learning Disability which was related to a perceptual organizational skills that affects reading and written language.

[REDACTED] continued taking medication for ADHD. Standard disciplinary measures were not to be used. [REDACTED] program placement being in Learning Disabled.

Percentage of time in Special Education 40%
Percentage of time in Regular Education 60%

[REDACTED]

Event: IEP developed for [REDACTED] - [REDACTED] (Exh. 63).

Result: 13% of time in Special Education Program
87% in Regular Education

The Student was rising [REDACTED] in [REDACTED] School. [REDACTED] spelling had greatly improved having scored in 70's and 80's on [REDACTED] grade curriculum vocabulary test. Language Arts grade - B/C, Math A/B range-ready for algebra. Passing all academics and integrated successfully into general education population. A grade point average of 2.857 (Exh. 65).

IEP indicated that the Student was on track to receive a High School Diploma in preparation for College/Junior College.

EVENT: Student Code of Conduct signed by the Student and [REDACTED] (Exh. 66)

Event: Annual IEP developed for [REDACTED] - [REDACTED] (Exh. 70).

39% of time in Special Education
61% of time in Regular Education

was mainstreamed in all classes and received Special Education Services in Learning Disabled Resource classroom.

Event/Result: Student Code of Conduct signed by the Student and [REDACTED] (Exh. 73).

Disciplined for following:

- (Exh. 78) - insubordination/write apology
- (Exh. 80) - possess tobacco 2 days suspension
- (Exh. 87) - tardy 8 times/detention
- (Exh. 90) - totally out of control
- (Exh. 91) - disrespectful behavior on bus
- (Exh. 92) - insubordination
- (Exh. 93) - in an unauthorized area/2 days OSS
- (Exh. 93) - destruction of school property (metal outlet cover)/2 days OSS

Event: Request made and parental permission given for OT Evaluation (Exh. 75).
Occupational Therapy Evaluation -
The Student's written communication skills were a concern of [REDACTED] parents (Exh. 77) who requested the evaluation. [REDACTED] writing methodology was the same used and observed by the examiner several years ago.

Result: Recommended that keyboarding would be a very good option for [REDACTED] (Exh. 77).
The Student did not want to use a keyboard.

Event: 4th Report of School Year (Exh. 94).

HealthII/DRED	D	BIOL I	D
RESC 5	A	RESC 5	A
ENGLISH 10	D	WLD HIST	C
ALG IB	C	CHOIR	C

[REDACTED]

Event: The Student was admitted to the [REDACTED] Center "with increasingly severe, depressed and anxious mood with a history of anger management problems that has been escalating..... was hostile, labile, impulsive, threatening and unpredictable (Exh. 82).

Result: Medications prescribed- Depakote, Trazone, Zoloft (Exh.85).
Problems to be addressed in aftercare:
Inadequate coping skills
Lack of impulse control
Impaired anger management
Family conflict
High risk for relapse.

[REDACTED]

Event: [REDACTED] Student was found with marijuana and drug paraphernalia in school. (Exh. 96)

Result: Suspended 10 days. (Exhs. 100 & 104)
Assistant Principal recommended expulsion and be allowed to attend the School Program. (Exh. 99)

Student's Licensed Clinical Psychologist and former Counselor agreed that behavior should be addressed with ordinary school disciplinary protocols and criteria. (Exh. 102; T. Vol. II p. 91)

(Vol T. IV p. 35-37) written notice to parents of manifestation meeting.

Public Schools Director of Special Education reviewed the Student's academic records, three years of IEPs, [REDACTED] last three years of evaluations (T. Vol. I p. 40-42); [REDACTED] behavior records (T. Vol. I p. 43) and the minutes reflect there was not a BIP for Student (Exh. 112). [REDACTED] principal recommended [REDACTED] attend a [REDACTED] School (Exh.105), to which [REDACTED] parents aggressively fought. After 3 attempts to notify parents, it was finally agreed by the parents and school to review and revise Student's IEP, develop a BIP, if necessary conduct a FBA (Exh. 109).

SUMMARY:

The Student is a [REDACTED] student in [REDACTED] School. [REDACTED] is the third and last child in this family, having resided with [REDACTED] family since birth. [REDACTED] is residing in [REDACTED] to serve a congregation there as directed by [REDACTED] employer. The Student and [REDACTED] will remain in [REDACTED] (Exh. 147).

The Student's family recognized at an early age [REDACTED] had a difficult time focusing. [REDACTED] had temper tantrums at home and [REDACTED] pre-school teachers noticed. (T.Vol IV, p. 139)

[REDACTED] family started to have the Student evaluated while in pre-school; however, the evaluations were not done. [REDACTED] family moved from their community in [REDACTED] Virginia. While in [REDACTED] Virginia [REDACTED] family did not have [REDACTED] evaluated. The Student had two years of kindergarten then [REDACTED] family moved to [REDACTED] (T. Vol. IV, p. 141). [REDACTED] teacher called a meeting with [REDACTED] parents because [REDACTED] knew something was wrong with [REDACTED] (T. Vol. IV, p. 141).

In [REDACTED] pediatrician diagnosed [REDACTED] with Attention Deficit Disorder of mixed typed. (Exh. 108) Beginning in the [REDACTED] [REDACTED] was prescribed Ritalin. [REDACTED] family and teacher noticed an immediate and huge improvement. Again, [REDACTED] family moved and they delayed evaluations until they moved to [REDACTED]. The Student was evaluated and found eligible to receive Special Education Services beginning in the [REDACTED] grade. [REDACTED] teacher recognized that [REDACTED] work habits and skills were extremely poor, fine motor skills were extremely poor, easily distracted, had poor organizational skills, struggled in all areas of reading, spelling, math and written language. (Exh. 2; T. Vol. IV, pp. 141-143).

Initially, [REDACTED] was in a regular classroom part of [REDACTED] day and in a self-contained classroom the other. That did not work. The Student was educated in a self-contained classroom in grades through [REDACTED].

In [REDACTED] parents told the School that they would privately arrange for [REDACTED] to receive Occupational Therapy (Exh. 2). The record is silent on whether they ever secured those services for [REDACTED].

Throughout [REDACTED] school years [REDACTED] teachers reported that [REDACTED] was a sweet [REDACTED] however, [REDACTED] was impulsive and did not respond in an appropriate manner. [REDACTED] was easily distracted and continued having a difficult time focusing. Notwithstanding [REDACTED] poor behavior, the Student did well with [REDACTED] lessons.

The Student's entire school career is replete with disciplinary problems (Exh. 101).

[REDACTED] behavior at home mirrored that of [REDACTED] behavior at school.

█ was a source of behavioral problems and did not know what effect █ negative behavior had on others.

The Student benefited from the academic program in the classes given by █ Schools.

When █ began the █ grade the School recommended that █ no longer receive Special Education. Based upon █ advancements and successful transition from the self-contained classroom to the regular classroom, the School recommended that █ was no longer eligible for special education. The School suggested that █ attend the Learning Resource class. Learning resource class being a structured study hall that gave █ extra help with █ curriculum. Further, the School found █ no longer eligible to receive Special Education Services when it was shown that █ was working within █ potential.

The Student has been tested and/or evaluated intellectually, medically, educationally, socioculturally and psychologically numerous times throughout █ life by several academicians, psychologists and other professionals at the request of either █ parents or the request of the School. The tests and/or evaluations and the results are now all included in █ school records.

Each of the Individual Education Programs developed for the Student are tailored for █ specific learning disability related to perceptual organizational skills which affects █ reading and written language skills.

Upon █ successful completion of █ grade studies, █ socialization with █ close circle of friends and the School's handling of █ behavioral problems, the School decided to reduce █ Special Education down to 13% of the time. 87% was to have been spent in a regular educational program (*Exh. 62*). █ parents agreed.

The Student's █ grade IEP indicated that █ receive learning disabled resources for 39% of the time. As in all of █ IEPs, the diagnosis of Attention Deficit Hyperactivity Disorder was included.

The Student has a history of marijuana use which was known by █ and █. Once the School was informed of █ marijuana use █ was warned of the School's Policy and State laws of having marijuana on school property (*T. Vol IV pg. 187*).

The Student's █ reported having similar behavior traits as that of the Student. There is a family history of mental illness, alcohol and substance abuse. The Student's sibling was prescribed Ritlin while enrolled in █ Public School.

When the School reported positive things about the Student, it was realized that █ parents were supportive of █. █ parents responded immediately to the School's calls when the Student misbehaved. █ parents and therapist agreed with the School on disciplinary matters. And █ IEPs recommended that █ be disciplined in the standard manner.

DECISION AND RATIONALE:

**WHETHER NOTICE WAS GIVEN TO THE STUDENT'S PARENTS BY
[REDACTED] PUBLIC SCHOOLS WHEN A MANIFESTA-
TION DETERMINATION MEETING WAS CONVENED FOLLOWING
THE STUDENT'S SUSPENSION FOR POSSESSION OF [REDACTED]**

[REDACTED] Public Schools and the Student's Parents were in constant and frequent contact concerning educational and disciplinary matters. In fact, the Student was serving a two day out of school suspension on [REDACTED] and [REDACTED] for disrespecting employees, class disruption and being in an unauthorized area. On [REDACTED], the Student was caught by one of [REDACTED] teachers with having [REDACTED] and [REDACTED] in school. The Student was then suspended for 10 days from school. On [REDACTED], the Student's [REDACTED] spoke with a licensed Clinical Psychologist at [REDACTED] who felt that the Student should be held responsible for [REDACTED] actions in accordance with ordinary school disciplinary protocols and criteria. On that same date the Principal of [REDACTED] School sent a letter to the Student's parents that the school was forwarding its recommendation for expulsion to the Superintendent of Schools.

The Student's parents were notified of the Manifestation Determination Meeting that was rescheduled for Friday, [REDACTED] and eventually held [REDACTED], with both parents in attendance. The Student's parents received written Notice of the [REDACTED] Manifestation Meeting in addition to verbally receiving Notice of the [REDACTED] meeting.

I find that [REDACTED] Public Schools notified the Student's parents for the Manifestation Determination held [REDACTED]

WHETHER [REDACTED] PUBLIC SCHOOL CORRECTLY DETERMINED THAT THE STUDENT'S BEHAVIOR WAS NOT A MANIFESTATION OF [REDACTED] DISABILITY WHEN THE STUDENT WAS FOUND WITH [REDACTED] AND [REDACTED] ON SCHOOL GROUNDS.

Prior to the Student's [REDACTED], Manifestation Determination Meeting the [REDACTED] School attempted on three occasions to notify [REDACTED] parents of an IEP meeting. The purposes were to review the current IEP, revise the current IEP, conduct a Functional Behavior Assessment; if necessary, develop a Behavior Intervention Plan among other matters.

On [REDACTED], [REDACTED] parents agreed telephonically to the School's purposes for a new IEP. The Student's Triennial Re-Evaluation was not required until [REDACTED].

On [REDACTED], the Student's teachers met and [REDACTED] resource teacher agreed to become [REDACTED] case manager. A contract to address [REDACTED] Student's disruptive behavior was planned; however, the Student did not complete [REDACTED] required part of the contract which was to be jointly developed to address [REDACTED] disruptive behavior.

The Student's parents feel that had the IEP that was used in the Manifestation Determination Meeting included a BIP maybe the results of [REDACTED] behavior would have been different. **I disagree.**

In preparation for the Student's [REDACTED], Manifestation Determination Meeting the [REDACTED] Public Schools Director of Special Education reviewed the Student's academic records, three years of IEPs, [REDACTED] last three years of evaluations (*T. Vol. 1 p. 40-42*), [REDACTED] behavior records (*T. Vol. 1 p. 43*). Additionally, all of the schools' participants reviewed and discussed each element given on the Manifestation Determination and reached a consensus. The IEP's members of the Manifestation Determination did not contain a behavior intervention plan. The School presented ample evidence that the Student's behavior was not so extreme that it neither impeded [REDACTED] learning nor did it impede the learning of [REDACTED] classmates. Also, the student's disability did not impair [REDACTED] ability to understand the impact and consequences of [REDACTED] behavior subject to the disciplinary action.

The Student was hospitalized for alcohol poisoning just prior to [REDACTED] infraction of school drug law. [REDACTED] hospitalization included psychiatric treatment. The school did not have any of that information when it held the Manifestation Determination Meeting.

The parents chose not to share that significant information with the School until the Student brought marijuana on the school grounds.

The School had the benefit of all of the Student's IEPs, evaluations, scholastic records, teacher warnings to the Student regarding the consequences of having marijuana on school property. Additionally, the Student's family knew [REDACTED] used [REDACTED] prior to [REDACTED] being caught with it and [REDACTED] when the school determined after careful deliberation that the Student's diagnosis of ADD & ADHD was not a manifestation of [REDACTED] behavior and did not impair [REDACTED] ability to control [REDACTED] act of taking marijuana to school.

The Student's parents were slow in having [redacted] initially evaluation back in [redacted] early years. There were frequent moves just when [redacted] needed to be evaluated. Once the Student was fully evaluated and [redacted] strengths and weaknesses identified, the Student's parents did not fully follow through on the school's recommendation for [redacted]. In elementary school [redacted] parents stated they would obtain occupational therapy for [redacted] they did not follow through. The school recommended that the Student use a computer/word processor to do some of [redacted] written work. [redacted] parents didn't want [redacted] to stand out, so the Student wrote in the manner [redacted] wanted. In high school, the school again recommended that [redacted] Student use a keyboard to do some of [redacted] written work, the Student refused.

The parents withheld significant information from the school concerning [redacted] recent change in behavior that may have resulted from [redacted] life-style choices. That information may have been helpful in formulating the Student's IEP to include a behavioral intervention plan.

I find [redacted] Public School correctly determined that the student's behavior was not a manifestation of [redacted] disability when [redacted] was found with [redacted] on school grounds.

WHETHER THE STUDENT'S [redacted] ANNUAL IEP WAS APPROPRIATE.

A review of the Student's [redacted] included the following.

- 1) A statement of [redacted] present level of educational performance.
- 2) Measurable Annual Goals
- 3) Special Education and related services
- 4) Participation with non-disabled children in regular class
- 5) Individual modifications in the administration of State and Local assessments of achievement.
- 6) Date for beginning of services and modification
- 7) Needed transition services
- 8) Measurement of [redacted] progress toward annual goals and how parents will be regularly informed.

The Student's [redacted] IEP does not contain a behavior intervention plan. The IEP directs that Standard disciplinary measures will be used. Even though [redacted] disciplinary record contains verbal outburst, disrespectful behavior to school employees and being caught with tobacco in school, the school determined that [redacted] behavior did not impede [redacted] learning or that of others. The school did not develop a BIP to address [redacted] behavior prior to the Student being caught with [redacted] and [redacted] on school grounds.

The Student's parents agreed with [redacted] Annual IEP for the [redacted] school year under their [redacted] signature. It was not until [redacted] was found in violation of the school's drug policy even after The Student was previously warned by a teacher, that the parents took issue with the absence of a BIP. On [redacted], the school determined that the Student would conduct a Functional Behavioral Assessment/BIP among other assessment components. The IEP developed implement for the [redacted] school year is designed to offer the Student educational benefit from [redacted] instructions and related services. I find that the [redacted] IEP was appropriate.

WHETHER [REDACTED] PUBLIC SCHOOLS VIOLATED §504 OF THE REHABILITATION ACT OF 1973 WHEN THE SCHOOL DISCIPLINED THE STUDENT FOR HAVING [REDACTED] ON SCHOOL GROUNDS.

The Student was not denied a Free and Appropriate Education under IDEA. [REDACTED] education plan was designed to meet [REDACTED] individual needs as adequately as the needs of nonhandicapped students were met.

I find that [REDACTED] Public Schools did not discriminate against the Student under §504 when it disciplined this student for the serious infraction of school rules.

WHETHER [REDACTED] PUBLIC SCHOOLS CAN PROVIDE THIS STUDENT A FREE AND APPROPRIATE EDUCATION.

For reasons stated above, **I find that [REDACTED] Public Schools can provide this student a free and appropriate education.**

IMPLEMENTATION RESPONSIBILITY:

[REDACTED] Schools has the continuing responsibility of developing an appropriate Individual Education Plan for this Student which must be done within 45 calendar days.

APPEALS RIGHTS:

This Special Education Due Process Hearing Decision is final. Both parties have the right of appeal in the State Circuit Court or in a Federal District Court within one year of this Decision.