

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

**State-Level Complaint 2015:506**  
**Pikes Peak BOCES**

**DECISION**

**INTRODUCTION**

This is a pro-se, state-level complaint (Complaint), properly filed May 5, 2015. The Complainant is the grandmother (Grandmother) of Student, who is identified as a child with a disability under the IDEA.

Based on the written Complaint, dated April 30, 2015 and May 4, 2015, the SCO identified issues 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. The SCO has jurisdiction to resolve the Complaint pursuant to these regulations.

**COMPLAINT ALLEGATIONS**

Grandmother's Complaint raised the following issues, in summary:

1. Whether the BOCES, between December 10 and December 18, 2014:
  - a. failed to provide Grandparents with notice of a manifestation determination review (MDR) meeting;
  - b. changed Student's placement without providing Grandparents with prior written notice (PWN) and without parental participation;
  - c. failed to ensure that copies of Student's special education records were transmitted to the Sheriff's office when Student was reported by school to the Sheriff's office;
2. Whether the BOCES, on or about February 5, 2015, developed Student's Behavior Intervention Plan (BIP) without parental participation or input;
3. Whether the BOCES during the 2014-15 school year failed to implement Student's Individualized Education Program (IEP) with all required components; and
4. Whether the BOCES, on or about April 29, 2015, unilaterally modified Student's BIP without parental participation or input.

To resolve the Complaint, Grandmother proposed the following, in summary:

1. Readdress BIP in an additional meeting, including and giving full consideration of grandparent's input;
2. School will follow all outlined procedures as to written notification requirements;
3. Require all School staff to undergo annual training regarding Procedural Safeguards under the supervision of the CDE;
4. Include the necessity of contacting Grandparents prior to confronting Student and allowing Grandparents to be present to monitor possible seizure activity; and
5. Require staff who participate in IEP meetings to undergo yearly training on writing IEPs and including parent input under the supervision of the CDE.

### **FINDINGS OF FACT**

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

1. At all times relevant to the Complaint, Student has lived with Grandparents and currently attends School in the BOCES. Student has been identified as a student with a disability, eligible for special education and related services under the IDEA and ECEA.

### **Failure to transmit special education records to sheriff's office**

2. On August 29, 2014 Student was placed on Out-of-School suspension for three days for possession of drug paraphernalia, resin, and cigarettes, Student's first offense. On October 22, 2014 Student was again placed on Out-of-School suspension for three days<sup>1</sup> for bringing Student's prescription seizure medication onto the school bus.<sup>2</sup>
3. On December 10, 2014, Principal searched Student's backpack and found a marijuana pipe, lighter, and pornographic materials inside the lining of Student's backpack. Student was placed on Out-of-School suspension<sup>3</sup> and Principal reported Student to School Resource Officer. School Resource Officer then reported Student to the Sheriff's Office.<sup>4</sup>

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<sup>1</sup> Principal explained that the number of days of suspension was determined by school board policy, which at the time was written incorrectly and has since been corrected. SCO concludes that Student was suspended for only three days for the second suspension even though school board policy should have directed a five day suspension.

<sup>2</sup> Interviews with Assistant Special Education Director, Principal, Grandmother and Student; Exhibit D, page 50; Exhibit B, page 14.

<sup>3</sup> SCO notes that the District Disciplinary Referral form signed by Principal and Grandmother on December 10, 2014 did not indicate the number of suspension days.

<sup>4</sup> Interviews with Principal, Student, Grandmother; Exhibit F. SCO notes that Principal explained that this was a second offense in the 2014-15 school year, however, it appears to SCO that the December 10<sup>th</sup> incident was actually the third drug related offense

4. Per District's Student Records policy, school resource officers are able to access student records. School Resource Officer stated that Principal never informed him that Student was on an IEP or had a disability and that he only learned of Student's disability and special education status from Grandfather when he went to the family's home to speak with Student and Grandparents. School Resource Officer explained that he is never made aware of a student's special education status by School, District or BOCES personnel and would not transmit special education records of a student unless they were specifically requested by law enforcement. Senior Assistant County Attorney confirmed that school resource officers and sheriffs are never made aware of a student's disability by schools when reported for criminal violations. Principal stated that it is neither School practice to inform a school resource officer of a student's special education status who is being reported to law enforcement nor is it School practice to transmit special education records unless they are requested by law enforcement. Principal explained that School Resource Officer was aware of Student's disability and special education status due to previous interactions with Student, however, based on interviews with reliable witnesses and a thorough review of the documentation, SCO concludes that School Resource Officer was not made aware of Student's disability or special education status by any School, District, or BOCES employee. SCO also concludes that special education records were never transmitted to law enforcement and that Grandparents' consent was never requested in order to do so.<sup>5</sup>

#### **Manifestation Determination Review**

5. Because Student had been suspended for more than ten days during the school year, an MDR meeting was required to be held.<sup>6</sup> After coordinating the date and time of the meeting through emails and phone conversations with Grandmother and Advocate, a meeting was scheduled for December 18, 2014.<sup>7</sup>

6. Although it is clear that Grandmother was aware of the meeting, there is no evidence that she was actually provided with Prior Written Notice such that she understood the purpose of the meeting or that she even knew the number of days Student was being suspended. The documentation provided by BOCES reveals that various Notices of Meeting were prepared by Special Education Teacher on December 11<sup>th</sup> and 12<sup>th</sup> and presumably provided to Grandmother. Each notice, however, is slightly different regarding the purpose of the meeting and further shows

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which would have warranted a ten day suspension according to school board policy. See Exhibit B, page 14 and Exhibit D, page 50.

<sup>5</sup> Interviews with Assistant Special Education Director, School Resource Officer, Grandfather, Senior Assistant County Attorney, and Principal; Reply; Exhibit B, page 14; and Exhibit D.

<sup>6</sup> SCO notes that the number of days Student was suspended at this point was unclear and, according to documentation provided, was undetermined on the day Student was suspended and when scheduling the MDR meeting.

<sup>7</sup> Exhibit D; Exhibit 2; Interviews with Grandmother, Social Worker, and Assistant Special Education Director.

that the number of days Student was to be suspended had not yet been determined. For this reason, SCO concludes that Grandmother was neither provided with appropriate notice of the purpose of the December 18<sup>th</sup> meeting nor informed of the length of the suspension.<sup>8</sup>

7. Nevertheless, Grandmother attended the December 18<sup>th</sup> meeting with an Advocate and was provided with Procedural Safeguards Notice at the time of the meeting. The participants determined that the December 10<sup>th</sup> incident was a manifestation of Student's disability. Both Social Worker and Assistant Special Education Director explained that the determination was in large part due to Student's intense fear of seizures and Student's belief that smoking marijuana would immediately alleviate the symptoms of a seizure. The team also determined that decision making and impulse control were factors in Student's behavior on December 10<sup>th</sup> and also a manifestation of Student's disability. It was also determined that the conduct was not a result of a failure to implement Student's IEP.<sup>9</sup>

8. At the December 18<sup>th</sup> meeting Grandmother, provided the team with a neuropsychology evaluation performed at Private Hospital, leading the team to decide that Student should be reevaluated. After reevaluating Student, the IEP team met on February 5, 2015 and concluded that Student's eligibility should be changed from Severe Emotional Disability to Other Health Impaired. The IEP team, including Grandmother and Advocate, discussed Student's IEP and BIP for several hours. The IEP and BIP incorporated Grandmother's suggestions.<sup>10</sup>

### **Behavioral Contract following suspension for smoking**

9. On April 25, 2015 Student was placed on a one day Out of School suspension for smoking tobacco at the School prom with a group of fellow students. Upon all of the students' return to school after suspension, they were presented with and signed a Behavioral Contract pursuant to District's student discipline policy and standard practice. The purpose of the Behavioral Contract is to ensure that students understand School rules when returning to School after suspension.<sup>11</sup>

10. Based on a thorough review of documentation, SCO concludes that Grandparents were not provided with Procedural Safeguards Notice or Prior Written Notice at the time of the April 25<sup>th</sup> suspension.

11. An MDR meeting was scheduled for May 21, 2015 because Student had been placed on Out of School suspension for a total of twelve days for the 2014-15 school year. A Notice of Meeting, including the purpose of the meeting, was provided to Grandmother on May 20, 2015. This time the

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<sup>8</sup> Exhibit D; Exhibit 2; Interviews with Grandmother, Social Worker, and Assistant Special Education Director.

<sup>9</sup> Interviews with Grandmother, Student, Social Worker, Principal, and Assistant Special Education Director; Exhibits D and E.

<sup>10</sup> Interviews with Assistant Special Education Director, Grandmother, Social Worker, and Principal; Exhibit D; and Response.

<sup>11</sup> Interviews with Student, Grandfather and Principal; Exhibit 4.

team, including Grandmother, determined that the April 25<sup>th</sup> incident was not a manifestation of Student's disability. However, the team did agree that Student was entitled to compensatory education services due to being out of school for more than ten days and agreed to provide Student with four hours of academic tutoring in the area of reading comprehension.<sup>12</sup>

### **Implementation of IEP**

12. Student's grade card for the 2014-15 school year indicate that Student failed four classes in the first semester and two classes in the second semester. By Student's own admission, Student fails classes because Student does not turn in assignments and Grandmother admitted that she believes that Student never does homework. Grandmother's general allegation of failure to implement Student's IEP was supported with specific complaints that Teacher did not provide appropriate accommodations or modifications. However, neither Grandmother nor Student could definitively state which accommodations or modifications were not provided. Teacher explained that Student gets credit for any work turned in even if it is only partially completed and that Student oftentimes does not complete assignments at all. Teacher described giving Student additional time to complete assignments and credit for any demonstration of knowledge of the material. Teacher stated that Student's biggest challenge academically is lack of motivation and excessive absences. Student's attendance report shows that Student was absent from School a total of 23 school days during the 2014-15 school year. Grandmother explained that Student is oftentimes absence after staying up all night and sleeping until noon.<sup>13</sup>

### **CONCLUSIONS OF LAW**

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

**Allegation 1a and 1b: The BOCES failed to provide Grandmother with proper notice of the MDR meeting and procedural safeguards in violation of 34 C.F.R. §300.530(h), however, the violation did not result in substantive harm.**

1. Any analysis of the appropriateness of an IEP must begin with the standard established by *Rowley* 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. *Bd. of Educ. of Hendrick Hudson Cent. Sch. Dist., Westchester Cnty. v. Rowley*, 458 U.S. 176 at 207 (1982); *see also Thompson R2-J School Dist. V. Luke P.*, 540 F.3d 1143, 1148 (10th Cir. 2008). If these two questions are satisfied in the

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<sup>12</sup> Exhibit D

<sup>13</sup> Interviews with Student, Grandmother, and Teacher; Exhibits 5 and F.

affirmative, then the IEP is appropriate under the law.

2. In this case, Grandmother has alleged that the BOCES violated the IDEA's procedural requirements regarding Student's December 10, 2014 suspension and subsequent MDR meeting. Specifically, Grandmother alleges that the BOCES failed to provide notice of the December 18, 2014 MDR meeting, changed Student's placement without providing Grandmother with PWN and without parental participation, and failed to provide Grandmother with procedural safeguards at the time of the suspension. Consequently, the SCO addresses whether the BOCES has violated the procedural requirements and, if so, whether the procedural violations resulted in a denial of FAPE.

3. The Supreme Court explained in *Rowley* that the IDEA established a procedure that would involve full participation of all concerned parties, including parents, at every stage of the process. *Rowley at 205-206*. Fundamental to a parent's ability to participate in decision regarding their child's special education is the requirement that parents be invited and encouraged by the school district to attend the IEP meeting. To that end, the federal regulations specifically require that the school district notify parents of the meeting early enough that they have an opportunity to attend and schedule the meeting at a mutually agreed on time and place. 34 C.F.R. § 300.322(a). The Notice of Meeting which serves as the invitation must indicate the purpose, time, and location of the meeting, and who will be in attendance. The Notice of Meeting must also inform the parent that they may invite others who they believe have knowledge or special expertise regarding the child. 34 CFR § 300.322(b)(1).

4. The IDEA provides procedural safeguards which include the requirement that a school district must give a parent prior written notice a reasonable time before it proposes or refuses to change the educational placement of a child. 34 C.F.R. § 300.503(a). With regard to a change of placement due to disciplinary removals (suspensions), the requirement for prior written notice is triggered if a child is subjected to a series of removals that constitute a pattern because the series totals more than 10 school days in a school year. 34 C.F.R. § 300.536 (a)(2)(i). An MDR is an evaluation of the student's misconduct to determine whether the misconduct was a manifestation of the child's disability and requires that

“[w]ithin 10 school days of any decision to change the placement of a child with a disability because of a violation of a student code of conduct, the LEA, the parent, and relevant members of the child's IEP Team (*as determined by the parent and the LEA*) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine-

- (i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- (ii) If the conduct in question was the direct result of the LEA's failure to implement the IEP.

34 C.F.R. § 530(e)(emphasis added).

With regard to procedural safeguards, the IDEA requires that “[o]n the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA *must notify the parent of that decision, and provide the parents the procedural safeguards notice.*” 34 C.F.R. §300.530(h)(emphasis added). Essentially, this notice must include a full explanation of the decision that was made as well as the parental options with regard to procedural protections.

5. In this case, it is clear that Grandmother was notified that a meeting was scheduled for December 18<sup>th</sup>. What is also clear is that Grandmother was not provided with notice that complies with the federal regulations. Although several Notices of Meeting were generated and presumably provided to Grandmother, the purpose of the meeting and even the number of days of Student's suspension were not communicated at all consistently or clearly to ensure that Grandmother could determine who should be at the meeting or the purpose of the meeting itself. Moreover, Grandmother was not provided with procedural safeguards until the meeting on December 18<sup>th</sup>. Accordingly, SCO concludes that the BOCES failed to provide proper notice of the December 18, 2014 MDR meeting or procedural safeguards as required by 34 C.F.R. §300.530(h).<sup>14</sup>

6. SCO next turns to whether the procedural violations resulted in substantive harm to Student or Grandmother that would entitle Student to individualized relief. It is well-settled that procedural violations of the IDEA are only actionable to the extent that they impede the child's right to FAPE, significantly impede the parents' opportunity to participate in the decision-making process regarding the provision of FAPE, or cause a deprivation of educational benefit. 20 U.S.C. §1415(f)(3)(E)(ii); 34 C.F.R. § 300.513(a)(2); *Sytsema v. Academy Sch. Dist. No. 20*, 538 F.3d 1306 (10th Cir. 2008). Here, Grandmother attended and participated in the MDR meeting with the assistance of Advocate. Participants at the MDR meeting concluded that Student's violation on December 10<sup>th</sup> was, in fact, a manifestation of Student's disability. Information and input provided by Grandmother also led them to decide to reevaluate Student to redetermine Student's special education eligibility. Furthermore, Grandmother has not

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<sup>14</sup> SCO notes that Student's April 2015 suspension was conducted similarly to the December 2014 suspension in that Grandparents were not provided with prior written notice or procedural safeguards on the date of the suspension.

alleged that procedural violations caused any educational harm. Consequently, the SCO concludes that the BOCES' failure to provide appropriate proper notice of meeting or procedural safeguards did not result in substantive harm to Student or Grandmother that would entitle Student to individualized relief.<sup>15</sup>

**Allegation 2 and 4: The BOCES did not develop Student's BIP or unilaterally modify Student's BIP without parental participation or input.**

7. Grandmother alleges in her Complaint that the BOCES violated her procedural rights under the IDEA and ECEA by developing Student's BIP on February 5, 2015 without parental participation or input. SCO disagrees.

8. The IDEA provides that in the development of an IEP, parents must be afforded the opportunity to attend and participate, and that the parents' participation must be meaningful, including giving consideration to their concerns about their child. 34 C.F.R. §§ 300.321 (a)(1) and 300.324(a)(ii).<sup>16</sup> In this case, the IEP team met on February 5<sup>th</sup> to discuss Student's IEP and BIP for several hours. Grandmother was present at that meeting, was assisted by an Advocate, and expressed her concerns and opinions. Grandmother's input into the revision of the BIP was directly and meaningfully incorporated into the BIP. Accordingly SCO finds that Grandmother's right to meaningful participation in the development of the BIP was not denied.

9. Grandmother also alleges that that the BOCES unilaterally modified Student's BIP without parental participation or input on April 29, 2015 when Student signed a Behavior Contract upon returning to School after being suspended for one day. SCO disagrees.

10. A Behavior Contract was presented to all of the students who were involved in and suspended with Student on April 25<sup>th</sup>. Pursuant to District's student discipline policy and standard practice in order to ensure that students understand School rules when returning after a suspension. There is no evidence nor any allegation that the Behavior Contract was incorporated into Student's IEP or BIP, nor did it affect the BOCES' obligation and decision to conduct an MDR.<sup>17</sup> Accordingly, SCO finds that Student's BIP was not modified by the Behavior Contract and, as such, finds no violation.

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<sup>15</sup> SCO notes that, with regard to the April 25<sup>th</sup> suspension, the participants at the MDR meeting in May agreed to provide Student with compensatory education services to account for missed services, therefore, there was also no substantive harm suffered that would entitle Student to individualized relief.

<sup>16</sup> SCO notes that the same protections afforded to parents under the IDEA in the development of an IEP are not applicable to BIPs. Therefore, SCO's analysis of Grandmother's allegation regarding parental input in the revision of the BIP is provided for the purpose of providing clarity, but is superfluous.

<sup>17</sup> SCO notes that, based on a review of the documentation provided by the BOCES, Grandparents again were not provided with Procedural Safeguards Notice or proper notice at the time of the suspension.



**Allegation 3: The BOCES implemented Student’s IEP with all required components.**

11. The SCO next addresses the issue of implementation and compliance with Student’s IEP. Under the IDEA, local education agencies such as the District are required to provide eligible students with disabilities with FAPE by providing special education and related services individually tailored to meet the student’s unique needs and provided in conformity with an IEP developed according to the Act’s requirements. 20 U.S.C. § 1401(9); 34 C.F.R. §300.17; ECEA Rule 2.19. Where the definition of FAPE specifically references the provision of special education and related services consistent with an IEP, a material failure to implement an IEP can result in a denial of FAPE. *Id.*; see also *K.C. v. Utah State Bd. of Educ. et al.*, 43 IDELR 29 (10<sup>th</sup> Cir. 2005); *Van Duyn v. Baker Sch. Dist.* 5J, 481 F.3d 770 (9<sup>th</sup> Cir 2007), *Neosho R-V Sch. Dist. v. Clark*, 315 F.3d 1022 (8<sup>th</sup> Cir. 2003).

12. During the 2014-15 school year Student failed four classes in the first semester and two classes in the second semester. While this information could demonstrate noncompliance with Student’s IEP, Student and Grandmother themselves both admit that Student does not work on homework or turn in assignments. Teacher, however, explained that Student was given credit for any work Student turned in, even if only partially completed. Teacher also described giving Student credit for any demonstration of knowledge of the material in Teacher’s class. Teacher explained that Student was also given additional time to complete assignments. In addition, Teacher and Grandmother both agreed that Student’s attendance is an issue, having been absent 23 school days during the school year, which according to Grandmother is due to Student staying up all night and sleeping until noon. Accordingly, SCO concludes that there is no violation in that there is no credible evidence suggesting that the BOCES failed to implement or comply with Student’s IEP.

**Allegation 1c: The BOCES failed to ensure that copies of Students special education records were transmitted to the Sheriff’s office when reporting Student for a criminal violation.**

13. Finally, SCO turns to Grandmother’s allegation that the BOCES failed to ensure that copies of Student’s special education records were transmitted when Student was reported to law enforcement for the December 10<sup>th</sup> violation. SCO agrees.

14. The IDEA provides that “[a]n agency reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.” 34 C.F.R. § 300.535 (b)(1)(emphasis added). The IDEA further provides that the school district reporting the crime may transmit special education and disciplinary records “only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.” 34 C.F.R. § 300.535(b)(2). It is evident that the intention of the IDEA is for school districts to transmit

special education and disciplinary records for consideration by law enforcement after seeking and receiving consent from the student's parents to do so. *See Menominee Area Pub. Schs.*, 114 LRP 34039, 17 FAB 40 (SEA MI 2014).

15. Here, School Resource Officer was not made aware of Student's disability or special education status by Principal or any other School, District, or BOCES staff member. Additionally, special education records were never transmitted to law enforcement and Grandparents' consent was never requested. According to the District's Student Records policy cited in BOCES' Response, school resource officers are able to access student records, but if a school resource officer has no awareness of a student's disability or special education status those records would never be accessed unless law enforcement officials were somehow made aware of their existence. Indeed, School Resource Officer explained that he is never made aware of a student's special education status by School, District or BOCES personnel and would not transmit special education records of a student unless they were specifically requested by law enforcement officials. Senior Assistant County Attorney also confirmed that school resource officers and sheriffs are never made aware of a student's disability by schools when reported for criminal violations. Principal confirmed that it is not School practice to inform a school resource officer of a student's special education status who is being reported nor is it School practice to transmit special education records unless they are requested by law enforcement. Accordingly, SCO finds that BOCES violated the IDEA when it failed to request Grandparents' consent in order to disclose Student's special education and disciplinary records to the Sheriff's office.

### **REMEDIES**

The SCO has concluded that the District committed the following violations of the IDEA:

- a. Failure to notify parents of a decision to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct and to provide parents the procedural safeguards notice described in 34 C.F.R. § 300.504. 34 C.F.R. § 300.530(h); and
- b. Failure of an agency reporting a crime committed by a child with a disability to ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime. 34 C.F.R. § 300.535.

To remedy this violation, the BOCES is ordered to take the following actions:

- 1) By August 12, 2015, the BOCES 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 September 10, 2015.
- b. Effective training must be conducted for all Special Education Directors and intended designees (which may include case managers, special education teachers, building administrators, district administrators, disability specific service providers, and general education teachers) concerning these policies and procedures, to be provided no later than October 8, 2015.
- c. Evidence that such trainings have 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 October 22, 2015.

The Department will approve or request revisions of the CAP. Subsequent to approval of the CAP, the Department will arrange to conduct verification activities to verify the District's timely compliance with this Decision.

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

Colorado Department of Education  
Exceptional Student Services Unit  
Attn: Gloria Howell  
1560 Broadway, Suite 1175  
Denver, CO 80202-5149

**NOTE:** Failure by the District to meet the timeline set forth above will adversely affect the BOCES' annual determination under the IDEA and subject the BOCES to enforcement action by the Department.

### **CONCLUSION**

The Decision of the SCO is final and 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.

This 1<sup>st</sup> day of July, 2015.

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Lisa A. Weiss, Esq.  
State Complaints Officer

## APPENDIX

### **Complaint, dated April 29, 2015 and May 4, 2015, pages 1-8**

- Exhibit 1: February 5, 2015 Draft transition document with handwritten notes; IEP dated February 5, 2015; Behavioral Intervention Plan dated February 5, 2015
- Exhibit 2: Notice of Meeting with handwritten notes, dated December 11, 2014; Manifestation Determination, dated December 18, 2014
- Exhibit 3: Classroom Health Care Plan
- Exhibit 4: Grade Card; February 6, 2015 correspondence; document entitled "Public Concerns and Complaints"; handwritten notes; February 9, 2015 email correspondence; Behavioral Contract, dated April 29, 2015; and Medical Marijuana Registry document
- Exhibit 5: Attendance document from Student Portal

### **Response, dated May 28, 2015, pages 1-6**

- Exhibit A: Email correspondence
- Exhibit B: District policy documentation
- Exhibit C: List of District, BOCES, and School employees
- Exhibit D: Notices of Meeting on December 18, 2014, February 5, 2015, and May 21, 2015; Manifestation Determination documentation from December 18, 2014; Determination of Eligibility, dated February 5, 2015; IEP, dated February 5, 2015; Behavioral Intervention Plan, dated February 5, 2015; Manifestation Determination Meeting Agenda and Notes, dated May 21, 2015; Prior Notice of Special Education Action, dated May 26, 2015; May 26, 2015 correspondence from Assistant Director of Special Education; Progress Report; Behavior Report & Contact Log from August 29, 2014 through May 19, 2015; District Discipline Referral, dated May 19, 2015; Student Behavior Records with Notes, printed May 20, 2015; and Attendance records; Neurology Clinic report, dated May 14, 2015
- Exhibit E: Neuropsychology Evaluation, dated July 28, 2014; Prior Notice & Consent for Reevaluation/Special Education, dated December 18, 2014; Evaluation Report, dated February 5, 2015
- Exhibit F: Grade Card, dated June 16, 2015

### **Reply, dated June 9, 2015, pages 1-5**

#### **Interviews with:**

- Student
- Grandmother
- Grandfather
- Teacher
- Social Worker
- Principal
- Assistant Special Education Director
- School Resource Officer
- Senior Assistant County Attorney