

Colorado Department of Education  
Decision of the State Complaints Officer  
Under the Individuals with Disabilities Education Act (“IDEA”)<sup>1</sup>

**State-Level Complaint 2016:509**  
**Arapahoe County School District 6**

**DECISION**

**INTRODUCTION**

This pro-se, state-level complaint (“Complaint”) was properly filed on April 4, 2016 by the mother (“Mother”) of a child (“Student”) identified as a child with a disability under the IDEA. Mother brings this Complaint against Arapahoe County School District 6 (“School District”).

Based on the written Complaint, dated March 31, 2016, the State Complaints Officer (“SCO”) determined that the Complaint identified three issues subject to the jurisdiction of the state-level complaint process under the IDEA and its implementing regulations at 34 C.F.R. §§ 300.151 through 300.153.<sup>2</sup> The SCO has jurisdiction to resolve the Complaint pursuant to these regulations.

**COMPLAINT ALLEGATIONS**

Mother’s Complaint raised the following issues, in summary:

Whether the School District since in or about December 2015 has violated Mother’s procedural rights and denied Student a free appropriate public education (“FAPE”) by:

1. changing Student’s placement without prior written notice (“PWN”), specifically, suspending Student without holding a Manifestation Determination Review (“MDR”) meeting;
2. failing to develop an Individualized Education Program (“IEP”) for Student; and
3. failing to implement Student’s IEP with all required components.

**Summary of Proposed Remedies.** To resolve the Complaint, Mother proposed the following, in summary:

- a. Full educational benefits that Student has been denied;
- b. Continuation of Student’s homebound schooling with a one-to-one instructor who will assist Student with daily budgeting, reading, spending a paycheck, safety on the internet, training on the use of technology, and daily living skills in order to assist Student in learning to live independently, to include detailed, specific lesson plans;

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<sup>1</sup> The IDEA is codified at 20 U.S.C. § 1400, *et seq.* The corresponding IDEA regulations are found at 34 C.F.R. § 300.1, *et seq.*

<sup>2</sup> Hereafter, only the IDEA regulation and any corresponding Exceptional Children’s Educational Act (ECEA) rule will be cited (e.g., § 300.000, Section 300.000 or Rule 1.00).

- c. A personal job coach who will establish and help maintain employment for Student for the next four years; and
- d. Financial compensation for missed work and hardship, academic loss, lack of academic gain, and outside counseling for Student.

### **RESPONSE**

School District denied the allegations in its Response, dated May 27, 2016, and asserted that Private School unilaterally discharged Student at the conclusion of the Fall 2015 semester. School District also asserted that an IEP meeting was convened immediately upon learning of Student's discharge from Private School, that the IEP team agreed that special education and related services would be provided through homebound instruction ("Homebound") and that Student would continue to participate in the School-to-Work Alliance Program ("SWAP") on transition-related goals. School District further asserted that Student's IEP was implemented, that Student completed the requirements necessary to earn a diploma from Private School, and that School District continued to implement Student's IEP through Homebound, SWAP and the School District's transition services program ("Transition") until Mother insisted that Student receive a diploma on May 13, 2016, thereby terminating Student's right to FAPE.

### **REPLY**

Mother's Reply, dated June 2, 2016, alleged that (1) Student never met with a School District mental health staff member and had no mental health support since December 17, 2015; (2) there was no behavior intervention plan ("BIP") in place for Student at Private School; (3) on April 21, 2016 School District failed to comply with the safety and transportation aspects of Student's IEP; (4) School District failed to provide adequate job training and job coaching; and (5) School District failed to provide instruction in math skills, budgeting, and social skills while Student was in Transition.

### **RESPONSE TO COMPLAINANT'S REPLY**

In its Response to Complainant's Reply, dated June 10, 2016, School District responded that (1) School District was not required to hold an MDR meeting because School District never suspended Student; (2) School District provided mental health services in accordance with Student's IEP; (3) Private School implemented a behavior plan according to its program and independent from School District; (4) School District correctly implemented its transportation agreement with Mother; and (5) School District provided support with respect to social skills, independent living, and life skills in accordance with Student's IEP.

## FINDINGS OF FACT

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

### Background

1. At all times relevant to the Complaint, Student has lived with Mother within the boundaries of the School District. Since the beginning of the 2013-14 school year, Student has been identified as a student with a disability under the category of serious emotional disorder (SED), eligible for special education and related services under the IDEA and ECEA.<sup>3</sup>
2. Based on the credible record, including numerous interviews and a thorough review of the documentation, SCO concludes that Mother and School District agreed that Student's academic and behavioral needs were being met by Private School without the need for an FBA or a BIP.
3. While Student was attending Facility School in the Fall of 2014, Mother requested that Student attend Private School which she believed would better meet Student's needs. Private School is a private, alternative school which seeks to provide a structured and supportive environment for students with a wide variety of learning, behavioral, and emotional needs. Private School's academic curriculum accommodates each student's current abilities, extensive counseling support, and a solution-focused, empathy based approach to behavior management. School District agreed to Mother's request and Student was transferred to Private School in January 2015. Student's IEP team agreed that the services provided for in Student's IEP would be implemented in Private School at public expense.<sup>4</sup>
4. Private School's agreement with School District with regard to Student's enrollment provided that if Student had significant behavioral problems that disrupted Private School's learning environment or threatened the safety of the school community, Private School would make reasonable efforts to address the issue, including placing Student on a behavior contract, and that Private School reserved the right to immediately dismiss Student if it believed that Student posed a safety risk to the School, its students, teachers or administrators.<sup>5</sup>
5. Student initially experienced some difficulty transitioning into Private School, but by Spring of 2015 behavior was not a concern.<sup>6</sup> At Mother's request, School Psychologist reevaluated Student in May of 2015 in order to reassess Student's cognitive functioning. Student's IEP team met on May 22, 2015 to discuss the results of the assessments and agreed that Student's needs were being met by Private School.<sup>7</sup>

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<sup>3</sup> Complaint, School District's Response, Exhibit A, and Interviews with Mother and Special Education Director.

<sup>4</sup> Private School website and Interviews with Mother, Special Education Director, Head of Private School, and School District Liaison.

<sup>5</sup> Exhibit 4

<sup>6</sup> SCO notes that the IEP team did not develop a positive behavior support plan and that behavioral support was inherent in Private School's practice and the motivation behind Student's placement at Private School.

<sup>7</sup> Exhibit 4 and Interviews with Mother, Head of Private School, and School Psychologist. SCO notes that Student also attended Private School in the Summer of 2015, having qualified for extended school year ("ESY") services.

## **Fall 2015 and Discharge from Private School**

6. Student had all new teachers in the Fall of 2015, Student's senior year, and was progressing well academically, but also began having some behavioral issues. Throughout the Fall of 2015, Private School documented Student's behavior in a behavior log, which included several behavior incidents and suspensions totaling six days. On October 9<sup>th</sup> and October 22<sup>nd</sup>, days on which Student was suspended, Head of Private School requested that Mother agree to sign a behavior contract in order to hold Student accountable and to help Student avoid making further poor choices. Mother refused to sign a behavior contract or to allow Student to sign a behavior contract.<sup>8</sup>

7. Private School and School District staff members held regularly scheduled quarterly meetings to discuss Student's progress and any concerns. At an October 28, 2015 meeting, School District Liaison, Head of Private School, SWAP Coordinator, School District Case Manager, and Private School Director discussed Student's academic progress and behavioral concerns, agreeing on a behavior success plan in order to encourage Student to behave respectfully and responsibly.<sup>9</sup>

8. The transition services section in Student's IEP provided that Student would participate in SWAP. SWAP exists through collaborative agreements among the Colorado Department of Education, the Division of Vocational Rehabilitation, and local school districts/BOCES/BOCS such as School District. The agreements provide year-round services including counseling and guidance, job development, job placement, on-the-job training and job-site support to assist young people with disabilities to become employed and self-sufficient. To qualify for SWAP, youth are 16-25 years old, have mild to moderate employment needs, and have been identified as having a disability or are suspected of having a disability. The primary goal of SWAP is to assist youth in successful transition from school to the world of work on a short term basis.<sup>10</sup>

9. In September 2015, having applied and been accepted, Student began participating in SWAP. SWAP Coordinator was assigned to work with Student. Together they developed an Individual Plan for Employment ("IPE"), identifying Student's desire to pursue employment in a clothing store. From September through December 2015, SWAP Coordinator met with Student, reviewed and practiced interview questions, developed Student's resume, accompanied Student to submit applications, attended interviews, and discussed issues related to employment. Student was hired as a seasonal employee at Department Store.<sup>11</sup>

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<sup>8</sup> Exhibit 6 and Interviews with Mother, Student, Head of Private School, and School District Liaison.

<sup>9</sup> Exhibit 4 and Interviews with School District Liaison, School District Case Manager, SWAP Coordinator, and Head of Private School.

<sup>10</sup> Exhibit 4, Interviews with SWAP Coordinator, and Colorado Department of Education SWAP Technical Assistance document. SCO notes that youth may qualify for SWAP even if they have graduated.

<sup>11</sup> Exhibit 4 and Interviews with SWAP Coordinator, Mother, and Student.

10. Based on the credible record, SCO concludes that Student's discharge from Private School was a unilateral decision by Private School and was not a suspension or expulsion that would require a MDR meeting. SCO further concludes that School District scheduled an IEP meeting as soon as possible to determine how and where to provide services for Student.

11. Throughout November 2015, Private School noted no behavior incidents in Private School's behavior log, but in December Student began having behavior incidents which focused on a specific teacher. On December 16<sup>th</sup> Student intentionally poured water onto the teacher's computer, damaging the computer and resulting in Student's suspension for two and half days. On December 17, 2015, the day before Private School was scheduled to begin winter break, Head of Private School emailed School District Liaison and Mother to request a meeting and inform them that Student was being discharged from Private School due to numerous discipline issues. School District Liaison was already out of the office for winter break and only became aware of Student's discharge upon returning from winter break on January 4, 2016, at which time School District Liaison immediately contacted Mother and Head of Private School, scheduling an IEP meeting for January 13, 2016.<sup>12</sup>

### **January 13, 2016 IEP**

12. At the January 13, 2016 IEP meeting, including Mother and Student's aunt ("Aunt") who served as Student's advocate, Private School staff confirmed that Student was no longer allowed on Private School grounds. The IEP team reviewed Student's academic progress and agreed, however, that because Student was close to completing the academic requirements for graduation from Private School, special education and related services would be provided through Homebound in order to enable Student to graduate from Private School. Student's January 13, 2016 IEP provided for one-to-one or small group instruction, thirty minutes per week of educational services provided indirectly by a special education teacher, and thirty minutes of social/emotional services per week provided indirectly by an integrated team. The IEP contained no provisions related to concerns regarding Student's safety or transportation.<sup>13</sup>

13. Transition Coordinator was also present at the January 13<sup>th</sup> IEP meeting to discuss the services and supports School District could provide for Student in Transition to work on Student's IEP goals related to social skills, life skills, and job training. School District team members felt that Transition could more appropriately provide services for Student than SWAP, which is not intended to be as intensive or long term. The team discussed that Student and Mother would research SWAP and Transition before deciding whether Student would receive her diploma in May 2016 or have it held so Student could receive services through Transition, agreeing that Student would continue to

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<sup>12</sup> Exhibits 1, 4, 6, 8, A, B, D, and E and Interviews with Head of Private School, Mother, Student, School District Liaison, and School District Case Manager.

<sup>13</sup> Exhibits A, B, and 4 and Interviews with Mother, Head of Private School, School District Liaison, and School District Case Manager.

participate in SWAP for the time being.<sup>14</sup>

14. Based on the credible record, SCO concludes that School District provided support on Student's IEP goals through Homebound, SWAP, and Transition.

### **January 21 through March 9, 2016**

15. From January 21<sup>st</sup> through March 9<sup>th</sup> Student completed the academic credits required for graduation from Private School. Student worked at Education Center with Homebound Teacher, a licensed teacher, for two hours a day. Student also worked directly with School District Case Manager, a special education teacher, who provided social/emotional support. At the same time, Student continued to participate in SWAP, working toward gainful employment. Student had regularly scheduled meeting with SWAP coordinator where they worked on such things as interview skills, job search planning, resume and reference list building.<sup>15</sup>

16. On March 8, 2016, Private School notified School District that Student had completed all of the academic requirements necessary to graduate from Private School. Mother, Aunt, Special Education Director, School District Case Manager, Homebound Coordinator, and SWAP Coordinator met the next day to discuss Student's graduation and moving into Transition. School District staff members explained that Transition was a more appropriate program for Student to work on the remaining IEP goals, but Mother and Student were resistant to Transition. The team decided that Student would continue Homebound in order to support Student's remaining IEP goals and SWAP Coordinator would continue to work with Student on issues related to employment.<sup>16</sup>

### **March 9 through April 22, 2016**

17. Homebound Coordinator created a calendar for service providers to support Student in Homebound, which included regularly scheduled meetings with Homebound Teacher, SWAP Coordinator, School Psychologist, and School District Case Manager, as well as a trial period in Transition.<sup>17</sup>

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<sup>14</sup> Exhibits A, B, and 4 and interviews with Mother, Transition Coordinator, SWAP Coordinator, School District Case Manager, and School District Liaison.

<sup>15</sup> Exhibits 1, 5, and 8 and Interviews with Mother, Student, School District Case Manager, SWAP Coordinator, and Special Education Director. SCO notes that a substitute teacher worked with Student and that Student completed work at home on two days.

<sup>16</sup> Exhibits 4, 5, and 8 and Interviews with Mother, Special Education Director, School District Case Manager, Homebound Coordinator, and SWAP Coordinator.

<sup>17</sup> Exhibits 1, 5 and 8 and Interviews with Homebound Coordinator, School District Case Manager, SWAP Coordinator, School Psychologist, and Transition Coordinator.

18. Homebound Teacher and School District Case Manager worked with Student on functional math goals, including budgeting, banking and credit cards, and other functional math skills.<sup>18</sup>
19. SWAP Coordinator continued to support Student on a regularly scheduled basis on issues related to employment, including visiting Student at Job, updating Student's resume and references, discussing issues related to finding work and on the job.<sup>19</sup>
20. School Psychologist met with Student weekly to discuss social/emotional issues.<sup>20</sup>
21. Beginning the week of April 4<sup>th</sup>, Student attended Transition on a trial basis, at which time Student participated in group activities planned and coordinated by Transition Case Manager, a licensed special education teacher, that focused on social and life skills, i.e., budgeting, banking, shopping, cooking, obtaining housing, riding public transportation, and working in a group.<sup>21</sup>

#### **April 22 through May 13, 2016**

22. On April 22<sup>nd</sup> the IEP Team, including Student, Mother, Transition Coordinator, Transition Case Manager, Homebound Coordinator, and Social Worker, met to discuss changing Student's placement from Homebound to Transition. Student wanted to receive a diploma and the team discussed that this would end Student's eligibility for services from School District. The meeting was cut short after Student left the meeting and School District staff members and Mother went to search for Student.<sup>22</sup>
23. Based on the credible record, SCO concludes that although the April 22<sup>nd</sup> IEP was never finalized, Mother and School District agreed to change Student's placement to Transition. Beginning on April 28<sup>th</sup>, Student attended Transition for nine days and then was absent. On May 13, 2016, Mother insisted that Student receive the Private School diploma. School District provided Mother with PWN on the same day advising her that Student's entitlement to special education services was

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<sup>18</sup> Exhibits 5 and 8 and Interviews with Student and School District Case Manager.

<sup>19</sup> Exhibits 4, 5, and 8 and Interviews with Student and SWAP Coordinator. SCO notes that Student had become disengaged with the SWAP process.

<sup>20</sup> Exhibits 5 and 8 and Interviews with School Psychologist and Student.

<sup>21</sup> Exhibits 5 and 8 and Interviews with Transition Coordinator and Transition Case Manager.

<sup>22</sup> Exhibit 4 and Interviews with Student, Mother, Transition Coordinator, Special Education Director, and Homebound Coordinator. SCO notes that Mother and School District agreed to change Student's placement from Homebound to Transition at that time, but never met to finalize the IEP document.

terminated.<sup>23</sup>

### **CONCLUSIONS OF LAW**

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

**A. Whether School District was required to hold a MDR meeting after Student’s discharge from Private School**

1. There is no dispute in this case that Student did not attend Private School or any other school from January 4 through January 16, 2016. Mother contends that this period of time was a change of placement resulting from Private School’s suspension or expulsion of Student and obligated School District to hold an MDR meeting. School District contends that School District never suspended Student or otherwise removed Student from Private School, but rather, Private School unilaterally discharged Student at the conclusion of the Fall 2015 semester and, therefore, School District was not obligated to hold an MDR meeting. School District further contends that when it first became aware of Student’s discharge on January 4, 2016, an IEP meeting was immediately scheduled and School District provided special education and related services through Homebound.

2. The IDEA provides procedural safeguards which include the requirement that a school district must give a parent PWN 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 PWN 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-

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<sup>23</sup> Exhibit 4 and Interviews with Transition Coordinator, Transition Case Manager, Student, Mother, and Special Education Director.



- (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).

3. With regard to private school placements and decisions, courts have recognized that when a private school placement becomes unavailable, a school district cannot force the private school to serve the student. *Dist. of Col. Pub. Sch.*, 111 LRP 17030 (DC SEA 2010); *Smith v. James C. Hormel Sch. of Virginia Inst. of Autism*, 2009 WL 4799738, at \*1 (W.D. Va. 2009), *report and recommendation adopted in part, rejected in part*, 2010 WL 1257656 (W.D. Va. Mar. 26, 2010)(holdings in school district's favor were affirmed).<sup>24</sup> Moreover, in such instances, courts have ruled that School Districts have not denied FAPE and have acted appropriately when providing alternative special education and related services through homebound services.

4. In this case, it is clear that Private School unilaterally discharged Student on December 17<sup>th</sup> without any input from School District. School District first learned of Student's discharge on the first day back from winter break, at which point School District contacted Private School and Mother to immediately schedule an IEP meeting for January 13<sup>th</sup> to determine how and where to provide Student with services. Accordingly, SCO concludes that the School District was not required to hold an MDR meeting and, further, that School District's immediate action to hold an IEP meeting and provide Student with alternative special education and related services was not a denial of FAPE.

#### **B. Whether School District appropriately developed and implemented Student's IEP**

5. The SCO next addresses the issues raised in the Complaint regarding the development and implementation of Student's IEP since December 2015.

6. Under the IDEA, public school districts are required to provide children with disabilities with a "free appropriate public education" by providing special education and related services individually tailored to meet the student's unique needs, and provided in conformity with an individualized education program developed according to the Act's procedures. 20 U.S.C. § 1401(9); 23 C.F.R. § 300.17; ECEA Rule 2.19. The Act contains extensive procedural requirements relating to the development of the IEP, including requirements that the IEP be a written document, reviewed at least annually, and that it be developed by a team of individuals with knowledge about the child, including the child's parents, and that it be based upon the input of the IEP meeting participants as

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<sup>24</sup> See 53 IDELR 261 and 54 IDELR 75.

well as evaluative data derived from valid, scientifically based assessments conducted in accordance with the Act's requirements. *See, e.g.*, 34 C.F.R. §§ 300.301-300.304; 300.320-300.324.

7. Typically, contemplation of the two prong analysis set forth in *Rowley* is necessary to determine whether the procedural violation resulted in a denial of FAPE. *Rowley, supra* at 206-207. "First, has the State complied with the procedures set forth in the Act? And second, is the individualized educational program developed through the Act's procedures reasonably calculated to enable the child to receive educational benefits?" *Id.*

8. Mother alleges that School District failed to develop a BIP and that Private School failed to implement a behavior plan. School District asserts that Private School implemented a behavior plan according to its program and independent from School District.

9. With regard to behavior, FBAs and BIPs are not required components of the IEP under 34 C.F.R. § 300.320. While an FBA may help the IEP team address behavioral issues, the IDEA does not require the IEP team to conduct an FBA in order to meet this requirement. 71 Fed. Reg. 46,683 (2006). *See also W.S. and K.M. v. Nyack Union Free Sch. Dist.*, 56 IDELR 210 (S.D.N.Y. 2011)(observing that the lack of an FBA does not render an IEP procedurally inadequate and that the IDEA requires only that the IEP team consider behavior interventions and strategies). In developing an IEP, the IDEA does require that IEP teams consider the use of "positive behavioral interventions and supports" in the case of a student with a disability whose "behavior impedes his learning or that of others." 34 C.F.R. § 300.324(a)(2)(i).

10. Upon a thorough review of the documentation and numerous interviews with credible witnesses, it is clear to SCO that Mother and School District agreed that Student's behavioral needs were being met by virtue of Student's attendance at Private School. Indeed, Mother chose Private School, in large part, based on its approach to behavior management. As a result, even though Student's behavior was certainly concerning at times, Student's attendance at Private School was agreed upon in lieu of the development of a BIP.<sup>25</sup> Moreover, it is clear in the record that Private School did implement a behavior plan. Private School kept a behavior log, twice attempted to get Mother's agreement to a behavior contract to assist Student with behavioral issues, and included School District staff members in devising a plan to support Student's positive behavior. Accordingly, SCO also concludes that Private School did implement a behavior plan for Student.

11. Mother further alleges that School District failed to provide adequate job training and job coaching, failed to provide mental health services since December 17, 2015, and failed to provide

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<sup>25</sup> SCO notes that even if School District developed a BIP, Private School would be under no obligation to implement it. *See, e.g. Bd. Of Educ. of the Onteora Central Sch. Dist.*, 39 IDELR 85 (NY SEA 2003)

instruction in math, budgeting, and social skills while Student was in Transition. SCO concludes otherwise.

12. Student participated in the SWAP program throughout the Fall 2015 semester and continued to do so through April 2016. It is evident to SCO that Mother and School District actually agreed that the SWAP program was not necessarily the best program to meet Student's needs as it was not as intensive as the services that could be provided in Transition and was intended to be a short program of services. Mother was simply resistant to School District's programs overall. Nonetheless, in an effort to provide support for Student and to satisfy Mother, School District continued to support Student. Student received direct support in job training and job coaching from SWAP Coordinator, social/emotional support from School District Case Manager and School Psychologist, and math and budgeting instruction from School District Case Manager and Homebound Teacher. Finally, Student and Mother agreed to a trial period in Transition and eventually a change of placement to Transition where Student could begin to receive support on all of the goals on Student's IEP. Student's participation in Transition was simply too short lived to have any real impact and, unfortunately, Student terminated School District's services by accepting a diploma on May 13<sup>th</sup>. Accordingly, SCO concludes that the School District provided the services and supports in Student's IEP throughout the 2015-16 school year.

13. Lastly, Mother alleges School District failed to comply with the safety and transportation aspects of Student's IEP on April 21, 2016. Student's January 13, 2016 IEP contains no provisions related to safety or transportation concerns and, as such, SCO concludes otherwise.

14. Accordingly, SCO finds no violations with regard to the development or implementation of Student's IEP since December 2015.

### **REMEDIES**

Because the SCO has concluded that the School District has not violated the IDEA, no remedies are ordered.

### **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, 2016.

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Lisa A. Weiss, Esq.  
State Complaints Officer

## APPENDIX

### **Complaint, dated March 31, 2016, pages 1-8**

- Exhibit A: 1/13/16 IEP with handwritten notes
- Exhibit B: 1/13/16 conference summary; February 2016 calendar page with handwritten notes
- Exhibit C: 11/21/13 Private Clinic evaluation report with handwritten notes
- Exhibit D: Email correspondence
- Exhibit E: Correspondence from School; Student's unofficial School transcript, dated 12/14/15
- Exhibit F: 3/9/16 handwritten note

### **Reply to School District's Response, dated June 2, 2016, pages 1-2**

- Exhibit G: Behavior Intervention Plan (BIP) form (blank); Colorado Department of Education ESSU Technical Assistance document regarding Functional Behavioral Assessment (FBA) and Behavior Intervention Plans (BIP)
- Exhibit H: Email correspondence

### **Documents requested from Mother by SCO, pages 1-76**

- Exhibit I: Documentation from Private School; Calendar with highlighting and handwritten notes; email correspondence

### **Response, dated May 27, 2016, pages 1-25<sup>26</sup>**

- Exhibit 1: Email correspondence; Text messages
- Exhibit 2: Contact list
- Exhibit 3: School District policies and procedures
- Exhibit 4: Behavior Plan, 2/20/15; Notices of Meeting, 5/1/15; IEP, 5/21/15; Evaluation Report, 5/20/15; Quarterly Conference, 10/28/15; Student enrollment Agreement, 2015-16; Notice of Meeting, 1/13/16; IEP, 1/13/16; Conference Summary, 1/13/16; Conference Summary, 3/9/16; Prior Written Notice, 4/22/16; IEP, 4/22/16; Conference Summary, 4/22/16; Prior Written Notice, 5/13/16; School-to-Work Alliance Program Documentation, 2015-16 school year; Transition Services, Spring 2016
- Exhibit 5: Private School attendance, August to December 2016; Homebound Attendance, January to April 2016; Transition Attendance; Letter of Completion and Transcript, April 2016; Diploma, May 2016; Correspondence, dated January to April 2016
- Exhibit 6: Private School Behavior Log, Fall 2015
- Exhibit 7: *See Exhibit 4*
- Exhibit 8: 2015-16 Private School Academic Calendar; Discharge letter from Private School; Student Schedule, March-April 2016; Colorado Civil Rights Division determination, 2014

### **Response to Complainant's Reply, dated June 10, 2016, pages 1-5**

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<sup>26</sup> SCO notes that documents were provided with School District's Response containing personally identifiable information regarding other students.

**Interviews with:**

Student

Mother

Grandmother

Special Education Director

Head of Private School

School District Liaison

SWAP Coordinator

Homebound Coordinator

School District Case Manager

Transition Coordinator

Transition Case Manager

School Psychologist