

**DELAWARE DEPARTMENT OF EDUCATION
EXCEPTIONAL CHILDREN RESOURCES**

**FINAL REPORT
ADMINISTRATIVE COMPLAINT RESOLUTION
DE AC 14-11 (*August 4, 2014*)**

On June 5, 2014, Father filed a complaint with the Delaware Department of Education (“Department”) on behalf of Student. The complaint alleges that Cape Henlopen School District (“District”) violated state and federal regulations concerning the provision of a free, appropriate public education (“FAPE”) to Student. The complaint has been investigated as required by federal regulations at 34 C.F.R. §§ 300.151 to 300.153, and according to the Department’s regulations at 14 DE Admin. Code §§ 923.51.0 to 53.0. The investigation included a review of Student’s educational records, Family Court documents, and documentation provided by Father. The investigation also included interviews with District and school staff members, as well as both of Student’s parents.

COMPLAINT ALLEGATIONS

The complaint alleges that the District: (a) violated Student’s right to a complete and appropriate evaluation and determination of eligibility, resulting in an improper classification of Autism, by only considering input provided by Mother and not considering a recently completed outside evaluation; (b) improperly invited an unnecessary and inappropriate third party, Mother’s Spouse, to the IEP meeting; and (c) improperly failed to respond to Father’s concerns or consider Father’s input in the development of Student’s IEP and the educational process, generally.

FINDINGS OF FACT²

Background Summary

1. Student is currently eleven years, eleven months of age and is entering the 4th grade at a District elementary school (“the School”).
2. On June 29, 2010, a Family Court mediation was held in Sussex County, Delaware. During the mediation, Student’s education was a source of contention. The mediator recommended the following: “Due to [Student’s] condition, treatment, special educational accommodations, and the inability of the parties to reach a mutual agreement regarding schooling, it is recommended that Mother, as primary placement parent, be given the interim duty of final decision in regards to the educational needs of the children.” A Family Court judge subsequently issued an order implementing the mediator’s recommendation. Although listed as an “interim duty,” there is no evidence in the record rescinding or otherwise superseding such provision.

² The facts referenced herein are my conclusions based upon the entirety of my investigation.

3. Student enrolled in the School on March 1, 2012 as a “homeless” student pursuant to the McKinney-Vento Act. Student later moved to the Indian River School District. However, Student continues to attend the School as a student of the Sussex Elementary Consortium.
4. On August 5, 2013, Student was identified as eligible for special education services under the classification of Autism.
5. At the time of the August 5, 2013 Multidisciplinary Team (“MDT”) evaluation and Evaluation Summary Report (“ESR”) meeting, Student resided with Mother and Mother’s Spouse and a Protection from Abuse (“PFA”) order was in place against Father. The PFA was issued by the Family Court of the State of Delaware in and for Sussex County and ordered Father to refrain from threatening, molesting, attacking, harassing or committing any other act of abuse against Mother and minor child(ren) residing in Mother’s household. It further ordered Father to stay 100 yards away from Mother’s person, residence, and workplace, stay away from the School, and not contact or attempt to contact Mother in any way. Finally, it contained provisions mandating that Father relinquish and not subsequently possess firearms. The PFA was issued on January 11, 2013 as a temporary PFA and, on April 4, 2013, was converted to a formal PFA lasting until January 18, 2014.
6. While the PFA was active, District administrators consulted with legal counsel regarding how to proceed. Specifically, District sought advice regarding when and how to involve Father in matters involving Student’s education. Legal counsel advised District administrators to take a conservative approach by honoring the PFA and not providing information to Father as long as the PFA remained active.
7. An IEP meeting was held on May 30, 2014. A representative of the Indian River School District attended the meeting in order to authorize placement of an Indian River student in the Sussex Elementary Consortium.
8. On June 5, 2014, Father filed a complaint with the Department alleging violations of the IDEA.³ In his complaint, Father acknowledged that “a very complex and ongoing custody dispute” was involved.
9. At the time the complaint was filed, Student resided with Mother and Mother’s Spouse, with therapeutic visitations having begun with Father, and the PFA having formally been lifted.
10. Under the current IEP, Student is fully included in the general education classroom for all subjects, with a minimum of twenty (20) minutes per day of staff support, across all academic and social settings. The support is designed to: provide differential reinforcement of appropriate behaviors; teach functionally-equivalent alternative

³ Verbally, Father also alleged violations of Student’s rights under the Americans with Disability Act (“ADA”). However, this complaint investigation is limited to alleged violations of the IDEA and related regulations.

responses; use prompting strategies and error correction; teach coping strategies; review expectations prior to socially demanding or unstructured activities; and redirect Student to task. Academic goals include: answering comprehension questions relating to group activities and multi-media presentations; and communicating requests appropriately when needing a break. Student participates in the Delaware Comprehensive Assessment System (“DCAS”) with no accommodations.

11. A Behavior Intervention Plan (“BIP”) is in place for Student. The BIP involves minimally-intrusive approaches and differential reinforcement of positive behaviors. Student’s documented behavioral needs include the following interfering behaviors within the school setting: picking at his/her skin until it bleeds; picking his/her nose; and tantrums of arguing, yelling, putting his/her head down, and crying.⁵
12. Student’s IEP describes Student’s strengths as academic skills in math, social studies, science, reading and spelling. Student’s IEP further describes Student as an avid reader, able to describe personal experiences clearly, able to follow general safety rules across settings, able to play alone, and able to participate in group sports at recess.
13. Prior to the May 30, 2014 IEP meeting, Mother and Father completed Parent IEP Input Forms.
14. On separate Parent IEP Input Forms, both Mother and Father stated that Student had improved over the course of the 2013-2014 school year and that Student’s self-confidence and grades had improved. Mother also noted improvements in conflict resolution with peers, self-esteem and math comprehension. Mother made no comment on potential reasons for Student’s improvements, whereas Father attributed Student’s improvements at school to Father’s increased contact and presence in Student’s life.
15. Mother noted the following educational concerns for Student on the Parent IEP Input Form: peer interactions when functioning as part of a group; difficulty transitioning from one activity to another without a lot of prompting; struggle with sudden changes in routine; struggle with reciprocal play; and difficulty structuring leisure time when video games are unavailable.
16. Father documented the following educational concerns for Student on the Parent IEP Input Form: improving Student’s confidence and social awareness; developing a positive relationship with school in light of misrepresentations about Father; developing Father’s relationship with Student; acknowledging the importance of the role of fathers in lives of students; providing personal safety training outside of school regarding weapons; and supporting extracurricular activities. Father acknowledged that the majority of the concerns he listed were beyond the reach and responsibility of school officials, but that he wanted to make officials aware of them. Father also acknowledged that nothing should change with respect to Student’s current IEP if Student continued to excel in school and if Student’s needs did not change.

⁵ Father reported that these behaviors are not observed when Student is with him.

Initial Eligibility Determination

17. Father did not participate in the evaluation process or the August 5, 2013 ESR meeting. Specifically, Father did not sign a permission to evaluate, student was not observed in Father's home, and Father did not complete behavior ratings that were included in the MDT report. Father was made aware of Student's classification and placement only afterwards.
18. On December 20, 2012, Alfred I. duPont Hospital for Children psychological staff conducted a full psychological evaluation of Student. The evaluation included input and survey results from both Mother and Father. There were significant differences regarding atypical behaviors observed across Mother and Father, and when compared with Teacher. Father reported minimal pathology and no significant observed problems, whereas Mother reported substantial atypical behaviors and issues.
19. The December 20, 2012 Alfred I. duPont report ("the A.I. Report") described "dysregulated attention," hyper-focus on trivial details, and hyper-vigilance of the environment." The A.I. Report also included a complete summary of Student's clinical history. The A.I. Report diagnosed Student with Attention Deficit Hyperactivity Disorder ("ADHD") and recommended that a 504 Plan be implemented for Student.
20. The A.I. Report was attached to the referral for special education services and was part of the record review conducted at the beginning of the District's evaluation process in the Summer of 2013.⁶ The A.I. Report was specifically referenced in the August 5, 2013 ESR documents.
21. Other outside reports reviewed during the ESR process included Student's history at Rockford Center, a psychiatric evaluation, and counseling and assessment conducted by Delaware Guidance Services. Medical diagnoses throughout Student's history, by the various clinicians, include: ADHD, Major Depressive Disorder, Asperger's Disorder, Social Phobia, and Generalized Anxiety Disorder. These diagnoses were considered and were one piece of the ESR process.
22. Student's classroom report cards indicated satisfactory progress in first and second grades, but a notable deterioration in the third grade in spite of accommodations put in place by Student's third grade teacher ("Teacher"). Teacher described the following areas as needing improvement: work habits; task completion; listening; and use of time. Teacher identified the following weaknesses in social and emotional areas: self-control; picking at self; being easily distracted by noises not heard by others; and having trouble working with partners.
23. The MDT and ESR assessment procedures included record review, teacher interviews teacher completion of rating scales, an interview with Mother, Mother's completion of

⁶ Father provided an additional copy of the A.I. Report to the School on November 11, 2013. However, as noted, District was already in receipt of the A.I. Report.

rating scales, and direct observations of Student in both the school setting and at home. Emphasis was placed on direct data, such as direct school observation and functioning in the school setting. Home input was considered, but not utilized as the sole criterion for placement.

24. Findings revealed some social awkwardness and limitations, behaviors such as picking at ears/hands until they bled, low frequency of reciprocal social communications, and unusual patterns of interest. Teacher responses placed Student in “high/probable” range on Gilliam Asperger’s Disorder Scale. In addition, Student exhibited above average possibility of being on the Autism spectrum based upon teacher responses on the Social Skills Improvement System (SSIS) rating system.
25. The ESR team considered all pieces of information and determined that Student exhibited behaviors consistent with the Autism criteria outlined in 14 DE Admin. Code § 925.6.6.
26. In the same meeting, the ESR team also served as Student’s Individual Education Plan (“IEP”) team and considered Student’s needs for educational supports. Student’s academic functioning was strong, but there were problems with progress in math and in social areas, which indicated that Student needed supports.
27. On February 7, 2014, all PFA provisions against Father were lifted.

Third Party Participation

28. Mother’s Spouse did not attend the August 5, 2013, ESR meeting.
29. Mother and Father were formally invited to the May 30, 2014 IEP meeting. Mother’s invitation included a Parent IEP Input Form, whereas Father’s invitation did not. Father requested and was provided a Parent IEP Input Form prior to the meeting. Mother and Father were also included in the notice of the Functional Behavior Assessment for the May 30, 2014 meeting.
30. District did not formally invite Mother’s Spouse to the May 30, 2014 meeting. However, Mother’s Spouse was listed on the Invitation to Meeting as an individual who “may attend this meeting.” The School added Mother’s Spouse’s name to the Invitation to Meeting as a courtesy to Father in order to alert him that Mother’s Spouse may attend the meeting. However, Mother’s Spouse was not issued a formal invitation to the meeting.
31. Mother’s Spouse attended the May 30, 2014 meeting.
32. At the time of this investigation, Mother and Father were listed in the school’s electronic database. Mother’s Spouse was listed as an emergency contact, but not listed as a parent.

Father's Participation in Student's Education

33. With the lifting of the PFA in February 2014, the School resumed communication and contact with Father. There were, however, “glitches” in that communication, which involved school pictures, school reports, permission to visit the School, and permission to eat lunch with Student.
34. Review of court documents and outside evaluations indicate that Father met court-mandated stipulations, and therapeutic visitations between Student and Father have begun.
35. The reinstatement of parent communication following a court-mandated PFA is a relatively uncommon situation for the School, and School personnel have attempted to navigate a situation described by Father as a “complex and ongoing custody dispute.” The School’s and District’s intention has been to move toward inclusion and communication with Father in a safe and legally-appropriate manner.
36. At all times relevant to this investigation, there was no formal school or state policy regarding searching parents for weapons prior to IEP meeting participation, nor any written policy regarding the establishment of a relationship with a parent following a PFA that has been lifted, particularly in cases involving references to firearms.
37. In light of the lack of guidance regarding how to proceed under such circumstances, the School contacted District’s central office which, in turn, inquired with the State Police Officer in charge of the School Resource Officer (“SRO”) Program regarding the May 30, 2014 IEP meeting. That same State Police Officer in charge checked the State Police files and made the decision to be present on School grounds both prior to and during the May 30, 2104 IEP meeting.
38. A State Police officer was not present at Student’s previous IEP meeting on August 5, 2013, and District does not typically have an SRO present at IEP meetings.
39. In light of the history of disagreement between the parents, District invited a mediator from the University of Delaware (“Mediator”) to the May 30, 2014 IEP meeting in order to facilitate communication with Mother and Father relative to the IEP process.
40. IEP Meeting Facilitation Services are offered through the Conflict Resolution Program of the University of Delaware’s Institute of Public Administration. IEP meeting facilitation involves the use of a facilitator who is not an IEP team member, but whose role is to assist team members in communicating effectively in order to reach decisions that are in the best interest of the student. IEP meeting facilitation services are intended to develop and sustain collaborative relationships between IEP team members, as well as to preserve and maintain a productive relationship between families and schools. IEP meeting facilitation is utilized by multiple districts throughout the State of Delaware.

41. On May 30, 2014, Father entered the school with Mediator and was called aside by the State Police Officer, who was wearing a protective vest labeled "police." The State Police Officer had a brief conversation with Father and checked him for weapons.
42. Not all staff members were aware of the presence of the State Police Officer. However, there was some degree of awareness and sidebar discussion among some IEP participants prior to the start of the meeting regarding the police presence.
43. The staff members in attendance at the IEP meeting were not aware that Father had been checked for weapons. No other individual had been checked for weapons.
44. The Principal of the Sussex Elementary Consortium ("Principal") read a statement at the outset of the meeting. The statement advised participants to remain on topic and to remain professional and courteous. The purpose of the statement was to set the stage for the meeting so that the meeting would go as smoothly as possible. The statement had been reviewed by District's legal counsel and administration prior to the meeting.
45. The statement was not read at the previous IEP meeting, which Father did not attend. The statement is also not typically read at IEP meetings, but had been used in other potentially-contentious meetings. Another option, sometimes utilized in the case of divorced parents, would have been to have separate meetings for Mother and Father. However, the option to have separate IEP meetings was ruled out in favor of having both Mother and Father equally present.
46. During the meeting, questions arose and were addressed by Principal. Principal made statements relative to the IEP, asked Father if he understood, and provided explanations to Father as needed.
47. Father had approached the IEP meeting dressed professionally. Additionally, during the meeting, Father asked appropriate questions, was knowledgeable about educational "lingo," and behaved both calmly and collectively. Father asked questions comfortably and moved on after his questions had been answered. The issue of choice application for Student's sibling was addressed primarily with Mother, but in all other respects, Mother and Father were addressed equally.
48. During the meeting, the IEP team offered home visits to assist in the structuring of Student's evening activities. Father requested a home visit so that the IEP team could observe that Student did not display the problematic behaviors described in the IEP when he/she is with Father. The IEP team scheduled visits with both Mother and Father.
49. The consensus following the May 30, 2014 meeting was that the meeting had gone well.
50. Members of the IEP team subsequently held a home visit in Mother's home, but Mother contacted the School and informed them that Student would not be with Father on the date scheduled. As a result, the home visit with Father was subsequently cancelled.

CONCLUSIONS

Initial Eligibility Determination

As a general matter, both parents of a child retain rights under Part B of the IDEA. *See generally* 34 C.F.R. §§ 300.500-300.515; 300.530-300.536; and 300.340-300.350. Among those rights is the opportunity to participate in meetings regarding “[t]he identification, evaluation, and educational placement of the child.” 20 U.S.C. § 1414(e); 34 C.F.R. § 300.501(b)(1)(i); 14 DE Admin. Code § 926.1.3. However, a parent’s rights under the IDEA may be limited by a court order. *See* 34 C.F.R. § 300.30(b); 14 DE Admin. Code § 922.3. Moreover, if a judicial decree specifies an individual to act as the “parent” of a child, or to make educational decisions for the child, then that individual qualifies as the child’s “parent” for IDEA purposes. *See* 34 C.F.R. § 300.30(b)(2); 14 DE Admin. Code § 922.3.

Here, a June 29, 2010 judicial decree specifically granted educational decision-making authority to Mother. As such, *for IDEA purposes only*, Mother was Student’s “parent” pursuant to 34 C.F.R. § 300.30(b)(2) and Father possessed no parental rights under the IDEA. *See also* 14 DE Admin. Code § 922.3. Assuming, *arguendo*, that the June 29, 2010 order was no longer in effect, or was otherwise invalidated, the fact remains that there was, at the time of Student’s initial eligibility determination, a judicial decree prohibiting Father from any contact with Mother, Student, or School. Regardless of whether the issuance of the PFA by the Family Court was proper under the circumstances, Father’s rights under the IDEA were nonetheless limited by the PFA. *See* 34 C.F.R. § 300.30(b)(1); 14 DE Admin. Code § 922.3. Indeed, any contact between Father and Mother, Student, or School – which would include Father’s participation in an IEP meeting – would have been in direct violation of a court order and, as a result, the IDEA.

The IDEA requires informed consent of “the parent” in order to conduct an initial evaluation to determine whether a student is eligible for special education services. 34 C.F.R. § 300.300(a)(1)(i); 14 DE Admin. Code § 925.1. Moreover, either the public agency or a parent may initiate a request for an initial evaluation. *See* 34 C.F.R. § 300.301(b); 14 DE Admin. Code § 925.2.2. Here, Mother initiated the request for an evaluation of Student for special education eligibility after a 504 Plan failed to adequately address Student’s behaviors and Student’s school functioning began to deteriorate. Because Mother was Student’s only “parent” for IDEA purposes, District may have been in violation of the IDEA had it *not* conducted an initial evaluation or at least provided Mother with an explanation of its refusal to do so. *See* 34 C.F.R. § 300.301(c)(1) (mandating that initial evaluation be conducted upon request by parent or public agency); 14 DE Admin. Code § 925.2.3 (same); *Letter to Anonymous*, 20 IDELR 998 (OSEP 1998) (explaining that the IDEA does not require evaluation automatically upon parental request if a district has no reason to suspect eligibility). Moreover, because Father’s parental rights were limited by one or more court orders, as noted above, Father was entitled to neither notice nor the opportunity to participate in the eligibility determination process.

Here, the evidence demonstrates that District’s evaluation process was procedurally proper. *See* 14 DE Admin. Code §§ 925.4-925.6. As a general matter, parents do not have the right to choose the specific measures to be utilized in an initial eligibility determination. *See Heller v. Minnesota Dep’t of Educ.*, 54 IDELR ¶ 260 (Minn. Ct. App. 2010). However, a public

agency must at least consider information provided by *a parent*, so long as the evaluation meets agency criteria. 34 C.F.R. § 300.502(c)(1); 14 DE Admin. Code § 925.4.2. In this case, the A.I. Report was provided by Mother, Student's "parent" for IDEA purposes. District therefore properly considered the A.I. Report, which included information provided by Father, in making its initial eligibility determination. Indeed, District utilized a variety of measures and considered all existing evaluation data, including Student's complete history and outside medical reports. 14 DE Admin. Code §§ 925.4.2 (requiring use of a variety of assessment tools and strategies); 925.5.1 (requiring review of existing evaluation data), 925.6 (establishing eligibility criteria for Autism).

The August 5, 2013 ESR meeting document stated that Student met Delaware's criteria for an educational classification of Autism. Meeting Delaware's criteria for an educational classification of Autism is not the same as meeting the requirements for a medical diagnosis of Autism or Asperger's Disorder, as a medical diagnosis is not the same as an educational classification. Medical practitioners utilize the Diagnostic and Statistical Manual of Mental Disorders ("DSM"), which is a five-axis system for diagnosis and documentation of disorders that contains numerous diagnosis categories from which to choose. On the other hand, educational professionals utilize Delaware Code and related regulations, which contain definitions for only thirteen (13) disability categories. *See* 14 DE Admin. Code § 922.3.0. In Delaware, there are definitive guidelines for eligibility determination procedures and specific criteria for a classification of "Autism," which serves as an umbrella term for a range of maladaptive behaviors. *See* 14 DE Admin. Code § 925.6.6.

Throughout Student's history, Student has demonstrated various "soft signs," or subtle indicators, of social weaknesses and atypical functioning. These indicators have been consistently documented, both in school observations and in outside evaluations, including the time periods in which Student was in contact with Father, as well as the time periods in which Student was not in contact with Father.⁸ Moreover, all documents are clear that the behavior and characteristics were relatively mild, but were nonetheless negatively impacting Student's progress in school. This evidence of social weaknesses and atypical functioning provided the ESR and IEP teams with sufficient and legitimate grounds for a classification of Autism. Indeed, the appropriateness of Student's classification has been further evidenced by Student's significant improvements subsequent to his/her educational classification.

Although Father was not directly involved in the assessment process during the summer of 2013, or in the initial eligibility determination, the law did not require Father's involvement under the circumstances. Father's input was nevertheless considered, at least in part, through District's consideration of the A.I. Report. Here, Student's initial eligibility determination was procedurally sound. Therefore, notwithstanding the legitimacy of the allegations leading to the limitation of Father's educational rights under the IDEA, which is beyond the scope of this

⁸ Although discrepancies have been noted between Student's behavior across different settings – namely, that Student does not exhibit these behaviors when with Father – it is worth noting that Autism is often "stimulus-driven." That is, behavior frequently is reflective of the environment setting and demands, which may result in differences across homes, in the case of divorced or separated parents, or even between home and school, regardless of parents' marital status. School and home are entirely different settings, such that if no demands are made on Student and there is ready access to all that Student may need, then problematic behaviors may not be observed. Therefore, it is possible and actually common for there to be differences across settings.

investigation, **I have not identified a violation of Part B of the IDEA or corresponding state regulations with respect to Father's allegations concerning Student's initial eligibility determination.**

Third Party Participation

Parents have the right, at their discretion, to invite "other individuals who have knowledge or special expertise regarding the child" to be a member of their child's IEP team. 14 DE Admin. Code § 925.21.1.6; *see also* 34 C.F.R. § 300.321(a)(6). Furthermore, the determination of said knowledge "shall be made by the party...who invited the individual to be a member of the IEP team." 14 DE Admin. Code § 925.21.3; *see also* 34 C.F.R. § 300.321(c). Here, Mother determined that Mother's Spouse possessed "knowledge or special expertise regarding" Student, presumably by virtue of the step-parent relationship and living in the same household as Student. Under the circumstances, District may have been in violation of the IDEA if District did *not* allow Mother's Spouse to attend the May 30, 2014 meeting at Mother's request. Therefore, **I have not identified a violation of Part B of the IDEA or corresponding state regulations insofar as Mother's Spouse attended Student's IEP meeting at Mother's request.**

Father's Participation in Student's Education

As discussed above, Father does not qualify as Student's "parent" for IDEA purposes by virtue of the June 29, 2010 judicial decree. Although the School resumed contact with Father after February 7, 2014, when all PFA provisions against Father were lifted, as legal matter, Father still does not possess parental rights under Part B of the IDEA as long as the June 29, 2010 judicial decree remains valid.

Assuming, *arguendo*, that the June 29, 2010 judicial decree is no longer in effect, or has otherwise been invalidated, Father has, in all material respects, been included in Student's education for IDEA purposes since February 7, 2014. Importantly, notwithstanding the fact that Father was checked for weapons by State Police Officer,⁹ or that Principal read a cautionary statement before the May 30, 2014 IEP meeting, Father was invited to the meeting and was able to fully participate, consistent with 14 DE Admin. Code § 926.1.3. Moreover, while Delaware law grants parents the right to observe their child in the educational setting, District's alleged failure to afford Father that right, even if fully substantiated, would not rise to a substantive denial of FAPE. *See* 14 DE Admin. Code § 926.1.2.3 (granting parents the right to observe their child in the educational setting). Finally, the other circumstances in which Father claims that he was denied parental participation (i.e. school pictures and permission to eat lunch with Student) are not parental rights protected under the IDEA. Therefore, **I have not identified a violation of Part B of the IDEA or corresponding state regulations related to Father's participation in Student's education.**

⁹ As noted *above*, this complaint investigation is limited to allegations arising under the IDEA. As such, the legality of any search of Father's person is beyond the scope of this investigation.

CORRECTIVE ACTIONS

The Department is required to ensure that corrective actions are taken when violations of federal or state regulations are identified through the complaint investigation process. *See* 14 DE Admin. Code § 923.51.3.2. In this case, no violation of IDEA was identified. Therefore, **“no further action by the Department shall be taken.”** 14 DE Admin. Code § 923.51.3.

However, in light of the June 29, 2010 order, I encourage all parties to exercise diligence in determining the extent to which Father’s retains rights under Part B of the IDEA. If it is the intent of the parties, and the Family Court, that Father be granted decision-making authority with respect to Student’s education, then the matter should be specifically addressed in a court of law. Once Father’s decision-making authority has been fully reinstated (if it is not already), this decision does not preclude District from conducting a re-evaluation of Student, providing Father the appropriate notice and an opportunity to participate, prior to Student’s August 2016 re-evaluation date.

By: /s/ Mary M. Herrera
Mary M. Herrera, Ed.D.
Assigned Investigator

Date: August 4, 2014