

**DELAWARE DEPARTMENT OF EDUCATION
EXCEPTIONAL CHILDREN RESOURCES**

**FINAL REPORT
ADMINISTRATIVE COMPLAINT RESOLUTION**

DE AC 17-10 (June 25, 2017)

On April 25, 2017, Parent filed a complaint on behalf of Student with the Delaware Department of Education (“DDOE”).¹ The DDOE received another copy of the complaint on April 26, 2017. The “Description of the Attempts Made to Resolve the Problems Prior to Filing the Complaint” section was slightly different in both documents. It was decided that both documents would be considered one complaint.

The complaint alleges that (“School”) violated the Individuals with Disabilities Education Act (“IDEA”) with respect to the 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 DDOE’s regulations at 14 DE Admin Code §§ 923.51.0 to 53.0. The investigation included a review of Student’s educational records provided by the School, interviews with Parent, the (“Advocate”), the School’s Enrichment Director, and Head of School.

COMPLAINT ALLEGATIONS

Parent alleges the School violated Part B of the IDEA and implementing regulations as follows:

1. The School failed to implement Student’s IEP, specifically Student’s behavior intervention plan including a positive feedback point card system and behavior prompt.
2. The School denied parent participation in the development of Student’s behavior contract, which Parent claims, conflicts with the behavior intervention plan in Student’s IEP.
3. Parent was denied proper notice of a March 27, 2017 meeting to allegedly revise Student’s behavior intervention plan.

¹ The Final Report identifies some people and places generically, to protect personally identifiable information about the student from unauthorized disclosure. An index of names is attached for the benefit of the individuals and agencies involved in the investigation. The index must be removed before the Final Report is released as a public record.

FINDINGS OF FACT

1. Student is x years of age, and enrolled in the x grade x school x program. Student began attending School in x grade.
2. Student is identified as a student with a “learning disability,” as defined in 14 DE Admin Code § 925.6.11, in the areas of reading fluency, reading comprehension, written expression, and mathematics problem solving. Student receives special education and related services pursuant to the IDEA and 14 Del. C. § 3101 *et seq.* Student was first identified as a student with a learning disability in x grade.

Development of Student’s Individualized Education Program on October 24, 2016

3. Prior to Student’s annual IEP Team meeting, Parent provided documentation to the School confirming Student’s diagnosis of attention deficit hyperactivity disorder (“ADHD”). Parent also submitted a “Parent Input Form” to be considered in the development of Student’s IEP which included academics, homework completion, and behavior as areas of concern.
4. On October 12, 2016, the Special Education Director, one of Student’s Special Education teachers, and Parent met to discuss the specific supports to include in Student’s IEP to address behavior and impulsivity in the classroom setting.
5. Student’s IEP was developed at an October 24, 2016 IEP Team meeting.
6. The School provided timely written notice of the October 24, 2016 IEP Team meeting to Parent.
7. The IEP Team members included Parent, a General Education teacher, two Special Education teachers, and the School’s Representative Designee.
8. Parent participated in the IEP Team meeting, and provided input into the development of the Student’s IEP. As indicated on page 3 of the IEP dated 10/24/16, the IEP documents Parent’s concerns that Student receive adequate support to manage behaviors and be able to work independently. Parent also reported concern that Student is not able to complete homework online since Student does not have the logins and passwords at home.
9. The October 2016 IEP describes Student’s educational needs as reading comprehension, written expression, math problem solving, and behavior related to impulsivity. The October 2016 IEP contains an annual goal in each of these areas, except for behavior which was addressed through accommodations. When considering other facts relevant to the IEP, the IEP Team concluded that there was not a need for positive behavior interventions, supports and strategies for behaviors that impeded learning as indicated on page 4 of the IEP.

10. In the area of reading comprehension, the October 2016 IEP indicates:
 - (a) Student struggles to complete grade level comprehension questions independently, answer higher level questions such as analyzing character, setting and plot, and make connections with the text and infer what may happen next.
 - (b) Student requires direct instruction, frequent breaks, visual and verbal prompts, shortened assessments and assignments, extended time, and positive reinforcement, read aloud questions, chunking of directions, praise, frequent breaks, visual and verbal prompts, checks for understanding, use of technology, preferential seating, opportunity to choose a work location, and use of a sign when Student needs to take a break.

11. In the area of written expression, the October 2016 IEP indicates:
 - (a) Student struggles to include accurate conventions and spelling which impact the intelligibility of essays, and to elaborate, provide evidence and implement conventions when providing written responses.
 - (b) Student requires direct instruction, use of a graphic organizer, checklist, repeated practice, preferential seating near a positive role model, extended time, chunking of directions, positive reinforcement, praise, frequent breaks, visual and verbal prompts, checks for understanding, use of technology, refocus attention, spell checker, opportunity to type assignments and assessments, opportunity to choose a work location, and use of a sign when Student needs to take a break.

12. In the area of math problem solving skills, the October 2016 IEP indicates:
 - (a) Student struggles to complete grade level work independently, and is not willing to accept help from others, including the teacher. When solving word problems, Student skips steps or rushes through the work causing incorrect answers.
 - (b) Student requires guided notes, verbal prompts, restating of problems, directions read aloud, modified assessments, use of graphic organizer, chunking of problems, use of a multiplication table, prompting to complete assignments, and abbreviated assignments.

13. In the area of behavior, the October 2016 IEP indicates:
 - (a) Student has difficulty controlling Student's actions, verbal responses, and impulsivity. Student has difficulty knowing what is expected if not directly stated to Student, and is easily distracted. Student has a hard time focusing, struggles to turn in homework, remain in Student's seat, and inconsistently follows teacher directions.

- (b) Student requires modification across all subjects, redirection when a consequence is finished, use of positive language in a soft, gentle manner, positive reinforcement, cool down periods before regrouping to address situations and how to move forward, opportunity for a reflective discussion to discuss other possible choices for Student to make in future situations, a positive adult in the school setting to foster a trusted relationship, frequent breaks, opportunity to choose location to work, use of a sign when Student needs a break, preferential seating near a positive role model, warnings prior to transitions when applicable and questions to answer, electronic calendar or agenda to keep track of homework assignments, checklists, and teacher check in or positive supportive conversation 5 times per week for 5 minutes per session.
- 14. The IEP Team concluded Student's educational needs could be met in the general education setting with special education support, and the accommodations and services outlined in the IEP.
 - 15. The IEP Team also concluded Student would adhere to the School Code of Conduct.
 - 16. On October 24, 2016, Parent signed the IEP in agreement with the proposed program and placement.

Additional Relevant Facts

- 17. Before the IEP meeting held on October 24, 2016, Student had 8 discipline referrals including:
 - (a) September 7, 2016- disruption in the hallway
 - (b) September 15, 2016 - general disruption of the orderly education process
 - (c) September 22, 2016- disrespect toward a staff member
 - (d) September 22, 2016 - lateness to school or class
 - (e) September 27, 2016 - technology misuse
 - (f) September 30, 2016 - other
 - (g) October 18, 2016 - disrespect toward a staff member
 - (h) October 18, 2016 - disruption of the orderly school process

18. After the IEP meeting held on October 24, 2016, Student had 15 discipline referrals including:
- (a) October 25, 2016 - lateness to school or class
 - (b) October 28, 2016 - general classroom disruption
 - (c) October 28, 2016 - disrespect toward a staff member
 - (d) November 3, 2016 - technology misuse
 - (e) November 4, 2016 – technology misuse
 - (f) November 9, 2016 – general classroom disruption
 - (g) November 15, 2016 – technology misuse
 - (i) November 15, 2016 - disruption in the cafeteria
 - (h) November 21, 2016 - disrespect toward a staff member
 - (i) December 12, 2016 - general classroom disruption
 - (j) December 13, 2016 - lateness to school and class
 - (k) December 13, 2016- defiance of school authority
 - (l) December 13, 2016- disruption in the cafeteria
 - (m) December 13, 2016- defiance of school authority
 - (k) December 15, 2016 – defiance of school authority
19. Parent requested the School develop a functional behavior assessment and a behavior intervention plan for Student as evidenced by the Prior Written Notice dated December 9, 2016.

20. In response, the School scheduled an IEP Team meeting for December 19, 2016. Parent waived the right to receive ten school days notice of the IEP Team meeting.
21. On December 19, 2016, the IEP Team convened and discussed Parent's concerns, Student's recent behaviors, and specific interventions and supports to immediately address the behaviors. Per the Prior Written Notice dated 12/19/16, "If Student has any behavioral incidents that are escalating and are not cooling down, they should call Parent immediately to notify Parent and allow Parent to help with de-escalation." The IEP Team also agreed to begin the process of conducting a functional behavioral assessment and development of a behavior intervention plan to further support Student.
22. On January 6, 2017, the Enrichment Teacher emailed the Parent and indicated, "...we have started the process for the functional behavioral assessment and behavior intervention plan by collecting data." In addition, the Enrichment Teacher reminded the Parent to complete questions that were sent prior.
23. On January 16, 2017, Parent emailed the Enrichment Teacher the answers to the questions posed.
24. Between December 19, 2016 and January 26, 2017, Student received 10 behavior referrals documented on the Student Discipline Report:
 - (a) December 19, 2016 - disrespect toward a staff member
 - (b) December 20, 2016 - disruption of the orderly school process
 - (c) January 10, 2017 - disruption toward a staff member
 - (d) January 10, 2017 - disruption of the orderly school process
 - (e) January 10, 2017 - inflammatory actions
 - (d) January 13, 2017 - general classroom disruption
 - (e) January 18, 2017 - disruption in the cafeteria
 - (f) January 20, 2017 - disruption toward a staff member
 - (g) January 20, 2017 - general classroom disruption
 - (g) January 24, 2017 - disruption in the hallway

25. Per the Prior Written Noticed dated January 26, 2017, the IEP Team convened to review the draft of the functional behavior assessment and behavior intervention plan that were sent home as a draft. The IEP Team agreed to reconvene on February 6, 2017 to "...add concrete action steps into the Behavior Intervention Plan such as a behavior card with a discreet plan for frequent review with Student, silent take a break signal, and reinforcement schedule (provided by the school team), and a list of reinforcers (provided by Parent. Additionally, the team agreed to discuss the addition of a behavioral goal into Student's IEP at that time."
26. The School provided timely written notice of the January 26, 2017 IEP Team meeting to Parent.

Revisions to Student's Individualized Education Program and

Completion of Behavior Intervention Plan on February 6, 2017

27. Per the Prior Written Notice dated February 6, 2017, the IEP Team convened and finalized Student's behavior intervention plan. Parent participated in the IEP Team Meeting.
28. The behavior intervention plan identifies Student's target behaviors as task completion, compliance, and classroom distractions. The plan includes specific provisions for decreasing problem behaviors, increasing appropriate behaviors, using replacement behaviors, and detailed reactive strategies.
29. The behavior intervention plan further outlines general steps to implementation, proactive strategies, potential reinforcers, and progress monitoring.
30. Strategies include the use of positive feedback forms and point cards by staff to monitor Student's behaviors daily, with regular updates provided to Parent.
31. The behavior intervention plan states if an action in the plan conflicts with the School Code of Conduct, the Code of Conduct procedures should be followed.
32. At February 6, 2017 IEP Team meeting, Student's IEP was also revised to include a behavior goal targeted to Student's impulsive and off task behaviors. Student's present level of performance was described as completing a task after nine redirections. The annual goal would enable Student to complete a task after only one redirection across multiple days and trials.
33. In addition, the IEP was revised to note Student's present level of performance included increased difficulty in complying with adult initiated direction, task completion, avoidance of distracting behaviors, and other behavior needs that elevated since the development of his/her IEP on October 24, 2016.

34. The school reported that once the behavior intervention plan was implemented, the School's counselor began meeting with Student and assisted Student with handling frustrations with peers and teachers, providing a "take a break" card before behaviors escalate and how to use it, providing morning check-ins, celebrating Student's appropriate choices, arriving to guidance when other teachers send Student, and discussing ways to change strategies after a problem incident.
35. The IEP Team did not revise Student's IEP to identify counseling as a necessary support for Student to receive a free, appropriate public education ("FAPE").
36. Once the behavior intervention plan was in place, Student received 6 behavior referrals as documented on the Student Discipline Report:
 - (a) February 13, 2017 - disruption in the cafeteria
 - (b) February 14, 2017 - disrespect toward a staff member
 - (c) February 15, 2017 - inflammatory actions
 - (d) February 17, 2017 - disrespect toward a staff member
 - (e) February 21, 2017 - disrespect toward a staff member
 - (f) February 21, 2017- general classroom disruption
37. The Head of School reported that on February 21, 2017, the IEP Team convened to review the implementation of the behavior intervention plan.
38. Parent participated in the February 21, 2017 IEP Team meeting. At the time, Parent was providing snacks to be offered to Student as rewards for positive behaviors and was documented accordingly by staff on Student's weekly point cards.
39. At the February 21, 2017 IEP Team meeting, Student special education teacher for x reported Student was not cooperating in class and refusing to complete assignments. In response to the discussion, the Special Education Director agreed to provide Student with additional support in a pull out setting for x for a period of approximately two weeks.
40. After the IEP Team meeting, the pull out sessions were provided and Student completed class assignments and actively engaged in the instruction. The Enrichment Director provided individual tutoring to Student during the x class time for a period of two weeks.

41. Student received two additional behavior referrals as documented on the Student Discipline Report:
 - (a) February 23, 2017 - inflammatory actions
 - (b) February 24, 2017 - inflammatory actions
42. The School was concerned that Student's behaviors were becoming more serious infractions, and less related to the behaviors addressed in the behavior intervention plan.
43. For example, Student's behavior infractions on February 15, 23, and 24, 2017 were characterized by "inflammatory actions" and had led to Student's suspension for two days out of school, and one detention.
44. As reported by the Head of School, the School requested a meeting with Parent on February 28, 2017 to review a behavior contract.
45. The Head of School reported that the behavior contract states Student will follow the School Code of Conduct in addition to the behavior intervention plan and that a violation "may" result in an alternative placement.
46. Parent attended the meeting on February 28, 2017, but refused to sign the behavior contract. Parent claims the behavior contract contradicts Student's behavior intervention plan as adopted by the IEP Team on February 6, 2017.
47. The purpose of the behavior contract was to assist Student and Parent in understanding the expectation that Student must comply with the School Code of Conduct.
48. On page 14 of the IEP dated February 6, 2017, it states that the Student will follow the School Code of Conduct. It is also indicates that a behavior intervention and support plan were developed.
49. The behavior intervention plan, developed by Student's IEP Team, states, "All defiant outbursts should be reported as office referrals and dealt with according to the behavior contract." It also states, "If action does not comply with School Code of Conduct follow the Code of Conduct for procedures."
50. The School proposed another meeting with Parent to be held on March 27, 2017 as a follow-up meeting to the February 28, 2017 meeting to discuss the behavior contract.

51. In the interim, Student received three additional behavior referrals as follows:
- (a) March 6, 2017 - inflammatory actions
 - (b) March 15, 2017 - offensive touching
 - (c) March 17, 2017 - disruption in the hallway
52. The March 15, 2017 incident of “offensive touching” resulted in a one day suspension, and was characterized as a more serious infraction than the behaviors outlined in the behavior intervention plan.
53. On March 22, 2017, the Assistant Head of the School sent an E-mail to Parent reminding Parent of the March 27, 2017 follow-up meeting related to the behavior contract.
54. Parent did not appear for the March 27, 2017 follow-up meeting. Parent advised the School Parent did not receive the reminder E-mail.
55. Head of School reported that the School offered to reschedule the March 27, 2017 meeting, and provided two alternate dates to Parent.
56. On March 28, 2017, Student was involved in a behavioral incident of “defiance of school authority” resulting in a one day suspension.
57. In a March 31, 2017 E-mail, Parent agreed to attend a meeting on April 13, 2017 to discuss concerns regarding Student’s recent behavior and the implementation of the behavior plan. The April 13, 2017 meeting was scheduled as an IEP Team meeting.
58. In the interim, Student received three additional behavior referrals as follows:
- (a) April 7, 2017 - leaving class without permission
 - (b) April 10, 2017 - inappropriate comments to teacher
 - (c) April 12, 2017 - fighting
59. The April 12, 2017 incident of “fighting” resulted in a three day out of school suspension. But, the School later informed Parent Student could serve the three day suspension in school with academic support. Student’s first day of suspension was scheduled for April 13, 2017, but Student was absent, and the suspension was postponed.
60. On April 13, 2017, the IEP Team convened to review Student’s behavior, the behavior contract, and related issues and concerns. This meeting was facilitated by a representative from the University of Delaware’s conflict Resolution Program. Both the Parent and the School agreed to this service.

61. As per the Prior Written Notice dated April 13, 2017, the IEP Team reviewed Student's recent behavior incidents and again confirmed Student's behavior intervention plan had been implemented since February 6, 2017. In addition,
- (a) Parent advised the IEP Team Parent had not received copies of Student's completed point cards. Rather, Parent had only received the number of points from the cards. The Special Education Director responded to Parent's request, and agreed to send to Parent copies of Student's point cards that were filled out by staff on a weekly basis. The point cards were provided to Parent by the end of the day on April 13, 2017 as evidenced by an email sent to the Parent from the Enrichment Director.
 - (b) The IEP team discussed the behavior incident on April 12, 2017 for which Student received a three day suspension. The School discussed options with Parent to support Student in completing the suspension, including the option of providing Student with half days so not to overwhelm Student and provide support from a special education teacher to help Student use the time to make up missed work and assignments.
 - (c) The IEP Team agreed Student would serve the three day in-school suspension on April 24, April 25, and April 26, 2017 from 8:30 am-12:00 pm. Student would receive support from a special education teacher to catch up on work and missed assignments.
 - (d) The School also provided Parent a list of Student's incomplete assignments across all subjects. The IEP Team and all content teachers expressed their concern with Student's incomplete classwork assignments and homework.
 - (e) The IEP Team recognized the behaviors addressed in Student's behavior plan had improved within the classroom and the improvement was evidenced by a decrease in disciplinary referrals related to the less serious behavior infractions since Student's behavior intervention plan was implemented.
 - (f) However, The IEP Team also recognized Student had an increase in more serious behavior infractions, such as inflammatory actions and offensive touching, which resulted in several suspensions.
 - (g) The IEP Team agreed Student seemed to be having difficulties behaving appropriately and achieving academically when in an environment with peers. The IEP Team discussed the option of Student being placed in a separate setting for part of the school day.

- (h) The IEP Team agreed to reconvene after spring break, on April 26, 2017, when Student completed the in-school suspension period, to discuss a potential change in Student's educational placement and additional supports for Student.
62. As a result, no revisions were made to Student's IEP at the April 13, 2017 IEP Team meeting.
63. School was then closed for spring break from April 14 through April 23, 2017.
64. The Head of School reported that on April 24, 2017, Student did not attend school. When the School contacted Parent, Parent reported difficulty in getting Student to attend school. The Special Education Director reminded Parent of the IEP Team meeting scheduled for April 26, 2017.
65. On April 25, 2017, Parent sent an E-mail to the School advising that Student would not attend the in-school suspensions on April 25 and April 26, 2017.
66. In response, the School agreed to count the non-attended days of suspension as fulfilled so Student could return to class on April 27, 2017.
67. On April 25, 2017, Parent sent an E-mail to the School advising Parent would not be attending the April 26, 2017 IEP Team meeting. Parent advised she would defer to the formal state complaint process to resolve ongoing concerns.
68. On April 25, 2017, Parent filed this Complaint with the DDOE.
69. On April 28, 2017, Student returned to school and received a discipline referral for name calling/taunting.
70. Given Parent's refusal to participate in the IEP Team meeting process, the School has not moved forward with revisions to Student's IEP and schedule, to include providing pull out support for two core subjects to maximize Student's productivity without the distraction of peers.
71. During the investigation, the School provided copies of positive feedback point cards completed by core instructional staff for the period February 7, 2017 through May 5, 2017 evidencing implementation of data collection on student's positive behavior of listening, using an inside voice, and being prepared. No evidence was provided on staff implementation of other elements of the behavior intervention plan such as redirection/verbal warning, tasks being shortened, prompts for a break, a follow up break with a reflective conversation, given choice of where to work, etc.

72. According to grade reports, Student was receiving passing grades until the last reporting period. Grades in the “D” and “F” range on the interim reports were a reflection of missed homework assignments and incomplete classroom work.
73. Throughout the school year, Student’s disciplinary behaviors were documented on the Student Discipline Report. Each entry contains the date of the offense, a description of the behavior, actions of the school administration, and steps to resolve the offense. In total, Student received nine out of school suspensions, and the three out of school suspensions from the April 12, 2017 fighting incident were changed to in-school suspensions as noted above. Student’s behavior offenses typically resulted in referrals to the counselor, detentions, mediation, and Parent contacts.

CONCLUSIONS

A. Implementation of the Student's Behavior Intervention Plan

State and federal regulations require, “In the case of a child whose behavior impedes the child’s learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address the behavior.” *See*, 34. C.F.R. §300.324(a)(2)(i); 14 DE Admin Code § 925.24.2.1. In addition, when developing an IEP (which the behavior intervention plan is part of), the IEP Team must consider the results of the initial or most recent evaluation of the child *See*, 34. C.F.R. §300.324(a)(iii); 14 DE Admin Code § 925.24.2.1. In Student’s most recent evaluation, it was reported that Student was diagnosed with ADHD by a neurologist.

Parent alleges the School failed to implement the behavior intervention plan in Student’s IEP, as adopted by the IEP Team on February 6, 2017. There is evidence of positive feedback point cards completed by core instructional staff for the period February 7, 2017 through May 5, 2017 indicating implementation of data collection on student’s positive behavior of listening, using an inside voice, and being prepared. However, no evidence was provided on staff implementation of other elements of the behavior intervention plan such as redirection/verbal warning, tasks being shortened, prompts for a break, a follow up break with a reflective conversation, given choice of where to work, etc.

Additionally, 43 discipline referrals are documented since the IEP Team convened in October, 2016 to address Student’s behaviors and determined that a functional behavior assessment and behavior intervention plan were needed. The IEP Team periodically reviewed the effectiveness of the behavior intervention plan and its implementation in response to Student’s specific behaviors and Parent’s concerns. However, no revisions were made to address the specific behaviors that led to further office referrals and escalating behaviors.

From the evidence provided, it is not clear that the School addressed the behaviors consistently and with fidelity to the behavior intervention plan. The Student was diagnosed with ADHD by a neurologist. There is no evidence that the IEP Team considered this and the behaviors associated with ADHD while developing and implementing the Student’s functional behavior assessment and behavior intervention plan. **As a result, I find a violation of Part B of the IDEA and corresponding state regulations related to the development and implementation of Student’s behavior intervention plan.**

B. *Denial of Parent Participation and Conflict between Behavior Contract and Behavior Intervention Plan.*

Parent alleges the School developed a behavior contract without Parent's participation and asked Parent to sign the contract which, Parent claims, is in direct conflict with the terms of Student's behavior intervention plan developed by Student's IEP Team on February 6, 2017. The record establishes, however, the School requested a meeting with Parent on February 28, 2017 to review a behavior contract that served to reinforce the principle that Student would comply with the School Code of Conduct. The IEP indicates that the Student will follow the Code of Conduct. In addition, the behavior intervention plan, developed by Student's IEP Team states, "If an action does not comply with School Code of Conduct follow the Code of Conduct for procedures." The purpose of a behavior intervention plan is to support the Student in following the Code of Conduct. **For the reasons described, I find no violation of Part B of the IDEA and corresponding state regulations because the law does not address behavior contracts.**

C. *Parent Notification of the Proposed March 27, 2017 Meeting.*

State and federal regulations require schools to ensure one or both parents are afforded an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of a child with a disability, and the provision of FAPE to the child. *See*, 34 C.F.R. § 300.501(b)(1); 14 DE Admin Code § 926.1.3. Schools must also ensure the parent of each child with a disability is a member of any group that makes decisions on the educational placement of the child. *See*, 34 C.F.R. § 300.501(c)(1); 14 DE Admin Code § 926.1.4. Decisions involving identification, evaluation, educational placement, and the provision of FAPE to a child are made an IEP Team meeting. Schools must provide notice at least ten (10) school days prior to an IEP Team meeting, and describe the purpose, time, and location of the meeting, and who will be in attendance. *See*, 14 DE Admin Code § 925.22.1; 34 C.F.R. § 300.322(b)(1).

In this case, Parent claims the School violated Parent's right to parental participation and proper notice in the development of a behavior contract for Student to be reviewed at a March 27, 2017 meeting. But in this case, the record establishes the School did not treat the March 27, 2017 as an IEP Team meeting to review or revise Student's IEP or the provision of FAPE to Student. However, the purpose of the meeting was to discuss the Student's behavior as described in the IEP and the behavior intervention plan thus necessitating that it be considered an IEP meeting. Accordingly, the School would be required to provide the proper notice for IEP Team meetings. **As a result, I find a violation of Part B of the IDEA and corresponding state regulations related to parent notification of an IEP meeting.**

CORRECTIVE ACTIONS

To address the regulatory violations noted in this Decision, the DDOE directs the School to take the following corrective actions:

Student Level Corrective Actions

1. Before Student's first day of school for the 2017-2018 school year, the School shall convene an IEP Team meeting to review the psychological evaluation to consider the Student's diagnosis of ADHD and how it may impact the development and implementation of the IEP and behavior intervention plan. The IEP Team should then review and revise the functional behavior assessment and behavior intervention plan taking into consideration how the symptoms of ADHD may manifest themselves through Student's behavior/s. The IEP Team should make appropriate revisions as necessary. In conducting these meetings, the IEP Team should utilize IEP Facilitation services if necessary. It is recommended that the School involve a consultant knowledgeable about addressing behavior/s specific to ADHD in revising the behavior intervention plan and revising the related IEP goal. The School must ensure that Parent receives proper notice of meeting for the meetings outlined above.

School Level Corrective Actions

1. On or before October 30, 2017, the School shall ensure professional development is provided to all staff regarding notice of meeting, as well as the development of a functional behavior assessment and behavior intervention plan that recognizes and addresses all the needs of a child.
2. Copies of professional development materials, PowerPoint presentations, agendas, and attendance rosters shall be provided to the Director of Exceptional Children Resources for the DDOE on or before October 30, 2017.

By: _____
Assigned Investigator