

THE CASE:

My son, Pat, is a K student at the neighborhood school. He transitioned from EI where he received services for ADHD, developmental delay and a language disorder. He received push in and pullout services along with behavior specialist consultations. Behaviors of concern: elopement, non-compliance, poor interactions with peers. In January over a year ago, we had a transition meeting with the LEA. The LEA conducted a reevaluation in the spring. The RR concluded Pat qualified under OHI and needed services to address deficits in gross motor, expressive/receptive language, focus/attention, coping, & compliance. Recommendations included time with gen ed peers and gen ed curriculum, consider an AT assessment, multisensory approach, and PBSP. The proposed IEP was for supplemental AS and included services for OT, PT, SL, APE, adult supervision in less structured times, core academics and PBSP. In addition, the LEA proposed the IEP be implemented at another district school due to his language needs and its provision of ABA and VB-MAPP. We toured the proposed program. We disapproved the NOREP. An informal meeting was held. We agreed the EI IEP was the pendent program for FDK. In the Fall we filed DPH due to the LEA not offering FAPE as the IEP did not offer LRE in light of the fact the RR was inadequate, the IEP did not even follow the RR recommendations. Both factors led to an inadequate IEP. We are questioning the appropriateness of the LEA's RR, the proposed IEP, and implementation of the EI IEP in FDK including times we are aware he was given instruction in the AS class. Therefore, we are claiming the denial of FAPE to our son and are seeking compensatory education.

We have countered that our proposed IEP is appropriate as it included services outside the gen ed classroom for part of the day (AS) to address skills deficit as well as instruction in the gen ed classroom. It was proposed that he attend gen ed for science, social studies, and specials along with some instruction in math & language arts. The IEP contains the supports and direct instruction determined to be necessary for the provision of FAPE in the LRE. The offering of supplemental AS at the other district school is believed to be appropriate due to the severity of Pat's deficits, especially in language & social skills. Overall, our RR is considered valid and comprehensive to determine Pat's areas of strength and need. It had also been agreed via the PTRe that his academic skills would be evaluated once he began K. The SL eval component admittedly will need to be done again due to Pat's refusal to comply with the test demands when assessing him. However, the SLP determined he was still eligible for SL services. When we met with the parent upon their request via the disapproved NOREP, the team agreed to implement the pending IEP from EI in the K program at Pat's neighborhood school. At the start of the year, Pat was inconsistent in his attendance due to illnesses. He received modified work in the K class to address the pendent IEP's goals and match his skills & needs. Additionally, a full time aide was assigned to Pat in the K class of 22 other students. His progress was monitored weekly by the inclusion team meetings. This team includes the special ed teacher, BCBA, RS providers, and any others relevant to Pat's programming. The LEA believes it offered FAPE in the LRE and provided what was in the pending IEP, plus more due to Pat's needs, when the family disapproved the NOREP.

THE QUESTION(s):

- A. ***Did the District fail to conduct a proper reevaluation?***
- B. ***Was the proposed K IEP substantively inappropriate and therefore, not in compliance with LRE requirements?***
- C. ***Was the implementation of the services in K a denial of FAPE?***
- D. ***If so, is compensatory ed to be awarded?***

WHAT DO YOU THINK?

- 1. YES for All 4 Questions
- 2. NO for All Questions
- 3. YES for A & B. NO for C & D
- 4. YES for A. NO for B, C & D
- 5. NO for A & B. YES for C & D

~Please "VOTE" by demonstrating your choice on your response cards and hold up when asked to share your answer with the group~

Additional discussion at your tables:

Based on the information provided, what suggestions would you make to the IEP team?