

## Appendix D

[Issue]	[Result at Hearing]
I. Whether the district failed to provide the parents a complete copy of the student's education records in a timely manner and if so, whether this procedural violation significantly impeded the parents' opportunity to participate in the decision-making process regarding the provision of a free appropriate public education (FAPE) to the student;	Ruled in favor of Plaintiffs as to one record. CPS failure to timely provide the "2012-13 LRE grid... significantly impeded their participation in the decision-making process regarding the provision of FAPE to their son" (Decision at p. 43).
II. Whether the district conducted a full individual evaluation of the student when it re-evaluated him in October 2010;	Ruled in favor of Plaintiffs (Decision at pp 43-46).
III. Whether the district failed to develop appropriate IEPs in school years 2010-11, 2011-12, and 2012-13 that include: a. Accurate present levels of performance that objectively state the student's current academic, functional, and developmental skills; b. Goal statements that are responsive to the student's learning needs and objectively measure his progress; c. Objectives that provide accurate and meaningful strategies for improving the student's academic, developmental, and functional skills; d. An appropriate transition plan; e. And, which provide an appropriate educational program that utilizes scientific, research based teaching methods.	Ruled in favor of Plaintiffs: a) Regarding present level of performance, the "May 2011 IEP does not meet this standard" (decision at p 47); b) Although the 2010 and 2011 IEPs provide program modifications to help the student advance toward his goals, they do not include a statement of the special education, based on peer-reviewed research that the district will provide to help the student accomplish the goals." (Decision at p. 48); A draft IEP developed on 12/19/12 had "content area goals do not meet the required statutory procedural standard;" c) see finding for b) above; d) the December 2012 IEP "draft transition plan is not appropriate" (decision at pp 48-9).
IV. Whether the student required assistive technology (AT) in the classroom setting for all schoolwork and if so, whether the district failed to provide the necessary AT for the student and training for staff, student, and	Ruled in favor of Plaintiffs (Decision at p. 49).

parents in a timely manner;	
V. Whether the student needed social work services and/or psychological services to address his emotional needs in the school setting that impact his access to education and if so, whether the district failed to provide those required services in a timely manner	Ruled against Plaintiffs (Decision at p. 49-50).
VI. Whether the student needed speech/language therapy, occupational therapy, central auditory processing disorder (CAPD) interventions, and services to address attention, executive functioning, and adaptive functioning and if so, whether the district's failure to provide these services deprived the student of a FAPE	Ruled in favor of Plaintiffs: IHO ruled that CPS should have, but did not, conduct occupational therapy and CAPD assessments, and that the speech/language assessment was inadequate (Decision at pp. 43-46).
VII. Whether the student required Extended School Year (ESY) services in summers 2011 and 2012 and if so, whether the district's failure to provide ESY deprived the student of a FAPE;	Denied by hearing officer, however, ESY for 2014 awarded in post hearing settlement of non-compliance complaint regarding CPS failure to implement decision (Doc # 17-1, Exh. I).
VIII. Whether the student failed to make academic progress since school year 2010-11 and if so, whether the district failed to accurately and objectively report that lack of progress to the parents and/or to implement an appropriate response to the student's continuous lack of progress;	Ruled against Plaintiffs.
IX. Whether the student required a therapeutic day school as his least restrictive environment (LRE) since August 22, 2010 and if so, whether the district's failure to provide that LRE has deprived the student of a FAPE;	Ruled against parent; however, settlement of post hearing non-compliance complaint provided for placement at therapeutic day school (Acacia Academy (Doc # 17-1, Exhibit I).
X. Whether the student was bullied by other students and whether the parents and student reported the alleged bullying to administration and staff and if so, whether the district failed to	Ruled against Plaintiffs; however, ordered 60 mpw services by social worker or speech/language pathologist "to address the student's difficulties in semantic language as they impact his

<p>address the impact the bullying had on the student's ability to function and to access a FAPE.</p>	<p>peer relationships" (Decision/Order at para 1(c)(v) at p. 60).</p>
<p>XI. Whether the district failed to notify the parents on the May 2012 IEP Conference Recommendation Form that it was changing the student's special education, related services, and/or educational placement, as described in the IEP and if so, whether this procedural violation significantly impeded the parents' opportunity to participate in the decision-making process regarding the provision of a FAPE to the student; and,</p>	<p>Ruled in favor of Plaintiffs (Decision at p. 56-59).</p>
<p>XII. Whether the district failed to implement the IDEA's stay-put provision in a timely manner when it did not provide the student with the services and program indicated on the IEP's 2011-12 LRE grid sheet at the beginning of the 2012-13 school year, and whether the district failed to implement the student's services on the 2012-12 LRE grid sheet in a separate class as required on that grid sheet when it did implement the stay-put placement.</p>	<p>Ruled in favor of Plaintiffs (Decision at p. 59).</p>

Dkt. 24-1 at 4-5.

<b>[Relief Requested]</b>	<b>[Result at Hearing]</b>
<p>1. An interim order compelling the district to provide all the student's education records and, if necessary a finding that the lack of records denied the student a FAPE;</p>	<p>IHO declined to issue order, but noted "District's counsel provided some records during the hearing and more on the final day of hearing" (Decision at p. 29). IHO ruled in favor of Plaintiffs on one document – withholding 2011 grid determined to be "persuasive evidence of a significant and egregious procedural violation"... remedy is "is placement at a public high school that can implement the student's education program for language arts and math as described on the 2011-12 LRE grid" (Decision, pp 58-59).</p>
<p>2. Reimburse the parents for all costs associated with the IEE that the parents have obtained;</p>	<p>Denied as to private psychological report (\$3,375; see Decision at p. 39-41; Awarded as to private speech/language evaluation ((\$1,375); occupational therapy evaluation (\$1,950) and central auditory processing evaluation (\$600) (Decision at p. 61).</p>
<p>3. Convene an IEP meeting to review the IEE results and recommendations;</p>	<p>Ordered CPS to "convene an IEP meeting within 10 school days of receipt of this Final Decision to revise the student's IEP in accordance with the findings of this Decision" (Decision at p. 59).</p>
<p>4. Develop an IEP that:  a. Implements all IEE recommendations;  b. Contains individualized and measureable goals and objectives, accurate present levels of performance, and appropriate modifications and accommodations;  c. Identifies and provides all direct and related services based on scientific research based evidence including but not limited to social work, psychological, speech/language direct services, CAPD interventions, occupational therapy services, and learning disability</p>	<p>4(a) – IHO ordered development of IEP adopting recommendations by four of five IEE's (Speech/language, OT, AT, and central auditory processing evaluations) (Decision/order at Para (1)(c)(ii) and (1)(d) at p. 60); (Decision at pp. 60-61).  4(b) – awarded (Decision/Order para 1(h) at p. 61).  4(c) – awarded, except for psychological services (Decision/Order, para 1(c) through para 1(h) at pp 59-60).</p>

<p>services with appropriate individual and group services across all educational settings; and,  d. Provides appropriate AT per IEE recommendations, including classroom implementation and training for student, parents, and staff as required;</p>	<p>4(d) – awarded: IHO directed IEP developed with 90 mpw support in use of AT, and additional consultation time for student, staff and parent (Decision/Order at para 1(c)(ii). IHO also ordered that CPS pay for 10 hours of consultation and technical support by author of AT report, Dr. M-J (Decision/order, para 1(c)(v) at p. 60). IHO ordered AT equipment and software recommended by Dr. M-J (Decision/order, para 1(d) at p. 60).</p>
<p>5. Placement at Acacia Academy or Cove School, which are private therapeutic day schools for students with severe learning disabilities and which use methodologies based on scientific, research-based evidence;</p>	<p>Denied by hearing officer, however, placement at Acacia awarded in post hearing settlement of non-compliance complaint regarding CPS failure to implement decision (Doc # 17-1, Exh. I).</p>
<p>6. ESY [extended school year] for summer 2013; and,</p>	<p>Denied by hearing officer(Decision/Order, p. 51-52), however ESY for 2014 awarded in post hearing settlement of non-compliance complaint regarding CPS failure to implement (Doc # 17-1, Exh. I).</p>
<p>7. Compensatory education in the form of:  a. 1:1 tutoring beyond the school day by a certified special education teacher trained in scientific research based inventions such as Wilson Reading program for 60 minutes/session twice a week for the period of FAPE denial;  b. additional 1:1 tutoring beyond the school day by a certified special education teacher trained in scientific research based inventions in the area of language arts/English/reading/writing programs for 45 minutes/session, once a week for the period the district failed to provide the stay-put placement beginning in the 2012-13 school year;  c. additional 1:1 tutoring services beyond the regular school day by a certified special education teacher trained in scientific</p>	<p>7  a. not awarded   b. Did not award after school tutoring, but ordered placement for first year of high school with specified level of services (Decision/Order, para 2 a p. 61).   c. not awarded</p>

<p>research based interventions in the area of mathematics programming for 45 minutes/session once/week for the period the district failed to provide the stay-put placement at the beginning of the 2012-13 school year;</p> <p>d. 1:1 speech/language services beyond the school day by a certified speech language pathologist for 60 minutes/week once/week for the period of FAPE denial;</p> <p>e. 1:1 occupational therapy services beyond the regular school day by a certified OT for 60 minutes/week once/week for the period of FAPE denial;</p> <p>f. social work services beyond the school day to address the student’s anxiety and the bullying that occurred at school;</p> <p>g. additional AT to assist the student in all academic areas, placed on a laptop computer with appropriate program interventions identified by the IEE evaluators to enable the student to complete homework and additional AT for the time the district failed to provide the stay put placement;</p> <p>h. additional compensatory time in the form of additional time at the Cove School for the period of time the district failed to provide the stay-put placement at the beginning of the 2012-13 school year; and</p> <p>i. other relief ordered by the hearing officer to provide FAPE; and,</p>	<p>7 d – awarded 60 minutes per week by a speech pathologist for two years; CPS states this is 72 hours (Doc # 20 at p. 7). [Settlement agreement confirmed that 80 hours of speech/language services would be available after school for two years. (PSMF ¶25 and Exhibit I (Doc # 17-1)].</p> <p>7(e) – awarded 60 minutes per week by a occupational therapist for two years; CPS states this is 72 hours (Doc # 20 at p. 7) Settlement agreement confirmed that 80 hours of occupational therapy would be available after school for two years. (PSMF ¶25 and Exhibit I (Doc # 17-1).</p> <p>7(f) – not awarded.</p> <p>7(g) – awarded 90 minutes per week AT support during the school day (Order para 1(c)(ii) at p. 60) and awarded AT equipment recommended by private evaluator (Order para 1(d) at p. 60).</p> <p>7(h) – did not order Cove school, but awarded specific requirements for placement in high school (Decision and order, para 2 at p. 61).</p> <p>7(i) – IHO ordered placement at a high school capable of implementing the ordered services, along with the</p>
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	“2011 grid”; also ordered transportation.
8. Reasonable attorney fees and costs.	IHO decision established prevailing party status regarding reasonable attorney fees.

Dkt. 24-1 at 6-8.