



STATE OF CONNECTICUT
STATE BOARD OF EDUCATION



August 27, 2014

██████████
██████████
Barkhamsted, CT 06063

Re ██████████
Complaint # 15-0021

Dear Mr. and Mrs. ██████████

This letter is to acknowledge your request to withdraw the complaint that you filed with the Bureau of Special Education against Regional School District #7 on July 14, 2014. Per our recent telephone conversation you stated that the issues you raised in your complaint have been resolved. The district conducted a neuropsychological evaluation at district expense. Additionally, the district agreed to provide 14 hours of compensatory time for counseling services to be provided by the psychologist during the 2014-15 school year. The district supervisor reviewed time tables and timelines with school staff regarding RSCA Section 10-76d-13 (a) (6) requiring that a full copy of the individualized education program shall be sent to the parents within five days after the planning and placement team meeting to develop, review or revise the individualized education program.

Please be advised that your complaint is closed and will be kept on file at the Bureau of Special Education. Should you have any questions or concerns, please do not hesitate to contact me at (860) 713-6924.

Sincerely,

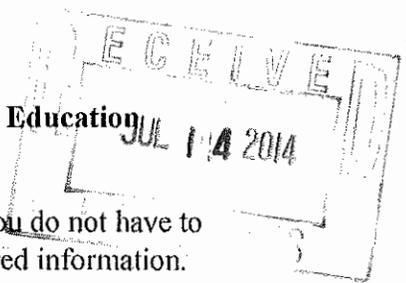
Rhonda Kempton

Rhonda Kempton
Education Consultant
Bureau of Special Education

RDK: rk

cc: Ms. Paula Gladu-Moribito, Executive Director, Regional School District #7
Dr. Judith A. Palmer, Superintendent of Schools, Regional School District #7
Ms. Jacqueline Kelly, parent advocate
Program Review Coordinator
File

Connecticut State Department of Education - Bureau of Special Education
Special Education Complaint Form



This is a recommended form for the filing of special education complaints. You do not have to use this form to file a complaint although it will help you to include the required information. (Questions may be directed to Bureau staff at 860-713-6928.) Please complete this form and forward to the parents or school district (as appropriate) and send a copy to:

State Department of Education
Bureau of Special Education
P.O. Box 2219 Room 364
Hartford, CT 06145-2219

Date: * 7/14/2014 Person filing the complaint: Mrs. [redacted]
(Parents) _____

Address: _____ Phone: _____

(Street)
Barkhamsted CT 06063 Email: *
[redacted]
(town) (state) (zip)

Parent's Name (if different): * _____ Phone: * _____

Child's Name _____ Date of Birth * _____
(last) (middle) (first)

Education Agency (school district) * Regional School District _____

Name of School the Child Attends: _____ Disability Category *
ED

Child's Address: same as above

(street)

(town) (state) (zip)

Be specific as to why you believe that a requirement of the Individuals with Disabilities Education Act has been violated. Include a description of the relevant facts, the nature of the child's problem and a proposed resolution of the problem to the extent known and available at this time. Please forward a copy of this complaint to the education agency. If necessary, you may attach additional sheets as well as documentation of your complaint allegations.

L. Violation of FAPE: Failure to provide a free and appropriate public education, to a child with disabilities. [redacted] has been attending [redacted] [redacted] since the 7th grade. This year, he has made unsatisfactory progress with primary goals and objectives. Recently, his behaviors have escalated due to his disability, and lack of appropriate support to help him cope with his anxiety, and social phobias. A public high school does not have the resources needed to support [redacted] disabilities. In addition, there has been no evidence of SRBI, to support [redacted] academic success. His social, emotional, and academic needs are not being met, in this

educational setting. [redacted] was diagnosed with General Anxiety Disorder, along with social phobias, and the possibility of ADD. (Unfortunately, we do not have a written report from the evaluation conducted in 2012. [redacted])

2. Violation of Child Find: It took the district over three years, to determine that [redacted] had any disabilities. [redacted] began to struggle at school while in the 5th grade, and his struggle increased in 7th grade, when he started at his current Middle/High School. Several PPT meetings were held, but the district denied [redacted]'s eligibility to receive special education support, until February 7th, 2013. [redacted] has continued to attend [redacted] with special education supports that have been in place for the last year and a half. The supports being provided are not working, as [redacted] behaviors continue to escalate. He is not able to achieve success in this environment, due to his anxiety, social phobias, and other areas of concerns that have yet to be identified, or diagnosed.

Summation of Child Find Act: [Justification that the district violated Child Find]

"All schools have an affirmative duty to locate, identify and provide services to children who may be disabled and may need special education and related services. If school employees know or have reason to suspect that a child has a disability, these *school employees have an affirmative duty to act on the child's behalf*. If they fail to do so, they have defaulted in their obligation to identify, locate and evaluate children with disabilities who need individualized special education programs. If the school district fails to act and the child does not receive the necessary services, the school district and the state department of education may be liable for this failure."

3. Failure to Implement IEP Services: The school psychologist has not been seeing [redacted] for related services, as stated in the IEP. When asked about his sessions with the school psychologist, he stated, "I knows who she is..." but does not recall seeing her on a regular basis. (Every other week, for 45 minutes per session, is what the IEP states). This related service was supposed to be implemented since the beginning of his first IEP. I am certain that [redacted] would be able to remember seeing her on a regular basis, if in fact he was. This is of extreme significance, due to the fact that if she has not been seeing him, she cannot be informed of the supports he needs, or of the proper assessments needed to identify more specific disabilities.

4. Violation of Timeline: The District failed to provide a copy of the IEP, within 5 school days, from the PPT held on June 10th. School ended on June 19th, and I did not receive a copy of the minutes/summary of this meeting until July 7th. The delay of this information prevented me from the opportunity to disagree, or have the minutes revised, prior to the end of the school year.

Signature of Complainant _____

[redacted]

[redacted]

[redacted]

Additional Information & Proposed Resolution: [REDACTED] **D.O.B** [REDACTED]

Primary Concerns:

A PPT meeting was held on June 10th, of this past school year. Once again, we requested that the district conduct a neurological evaluation, in order for us to assess more specific areas of concern, and to determine an appropriate program to meet [REDACTED] needs. Although the district agreed that a neurological evaluation may be in order, our request was refused, as the district felt that another psychiatric evaluation should be completed first, and "then a neuropsychological evaluation would be considered." This is not written in the minutes of the meeting, and the district claims that they did not refuse our request for this evaluation. We do not have enough information in order to support [REDACTED] academic, social/emotional, or behavioral needs. We need a neuropsychological assessment in order to determine an appropriate educational placement, where [REDACTED] can achieve success. By conducting a second psychiatric evaluation, we are repeating the same assessment of information we already have; needless to say, without a successful outcome. The district states that a current psychiatric report is needed, due to the fact that the original report was never provided. *Why did it take the district two years to conclude that another psychiatric evaluation should be conducted?*

Overall, the district has failed to identify and evaluate [REDACTED] in all suspected areas of disability. Since [REDACTED] as in the 7th grade, my husband and I have been asking for help with providing [REDACTED] with the supports he needs, in order to be successful at school. This past year, his grades have been impacted in several areas, and he is currently attending summer school. In addition, due to an incident that occurred at the end of the year, [REDACTED] was denied appropriate instruction in [REDACTED] II, and the District suspended him for 2 days. Since that suspension [REDACTED] has totally shut down and the District is liable for the detrimental impact that this consequence has had on [REDACTED] social and emotional well-being. We were informed that [REDACTED] would not be allowed to take a third year of [REDACTED] due to this incident.

The following are dates and results of PPT meetings held:

10/26/2010: initial parent request made for referral to receive special education services

Result: "The PPT recommends evaluation to determine possible ADHD diagnosis."

Action: Conduct an initial evaluation

1/13/2011: *(review of results)* – "Although the screening results are inconclusive, with respect to ADHD, and based on the results of the comprehensive evaluation [REDACTED] does not demonstrate any learning deficiencies consistent with ADHD." A 504 plan is not recommended, and no further interventions recommended at this time. *(Although [REDACTED] demonstrated a relative weakness in Processing Speed, and Executive Functioning, these areas were not explored any further).*

Action: NONE

10/16/2012: 2nd referral, made by parents; **request of neuropsychological evaluation denied.**

Instead, the district offered to conduct a comprehensive psycho-educational evaluation.

Action: district to conduct a comprehensive psycho-educational evaluation.

12/04/2012: “Based on evaluation results, PPT determined that [REDACTED] does not qualify for special education services at this time.” *A 504 Plan was recommended, along with conducting a psychiatric evaluation.* (Please review IEP/ PPT meeting summary notes). Although [REDACTED] scored a 121 (Global Intellectual Ability), he was failing two core content areas (Math = 33% Integrated Science = 41%); he also scored “below capability” on 3 out of 4 composites. Psychologist reported, **“On measure of executive functioning, [REDACTED] struggles with daily behavioral and cognitive routines which lie at the core of his difficulties.”** *The district continued to deny the identification of [REDACTED] having any disability, and therefore failed to provide the necessary special education support services that were necessary for him to be successful.*

Action: *Continued denial of eligibility to receive special education support services.*

District created a 504 Plan, although the implementation of this Plan is questionable. It is questionable due to the fact that it was *allegedly* in effect for only 2 months, prior to the District “finally” identifying [REDACTED]’s disability, only due to the verbal results from the psychiatric evaluation.

2/07/2013: Review of psychiatric- [REDACTED]

Result: “After considering all of the evaluations including the recent psychiatric the PPT recommends that [REDACTED] be made eligible for Special Education services as a student with emotional disturbance.” *(Why wasn’t OHI considered, for Anxiety and Social phobia issues, along with the possibility of ADD? With [REDACTED]’s history of social concerns, why didn’t the district rule out the possibility of [REDACTED] being on the Autism Spectrum? He is extremely bright, but very rigid in his thinking, along with his demand for structure and routines, as well as many other symptoms of exhibiting behaviors similar to that of Asperger’s Syndrome.)*

Action: [REDACTED] was dismissed from the 504 Plan; an IEP will be written and implemented at this time. *(Please note: from our initial request on 10/26/2010, until the PPT meeting held on 2/07/2013, [REDACTED] was denied eligibility to receive special education supports that were needed, in order for him to achieve success at school.)*

6/04/2013: Conduct an Annual Review? [REDACTED] was JUST identified as eligible to receive special education services on 2/07/2013 – *how is this PPT meeting an Annual Review? **Shouldn’t his annual review be one year, from the date of the initial IEP?*** This is significant due to the fact that IF his annual PPT meeting was held in February, we would have 5 more school months to review/revise his plan, in order for him to achieve success. *Clearly, the current IEP is not effective, nor is [REDACTED] being offered the appropriate educational placement that can meet his needs.* (Second reason for PPT meeting, “Transitional Planning”)

5/12/2014: Conduct an Annual Review & Transition Planning: (Please see notes on IEP dated 5/12/2014). The district continues to place [REDACTED] in academic classes (specifically Math), that are inappropriate and fail to support his needs. He has failed Math this year, and is currently attending

summer school. The PPT notes suggest that the team, "rethink the recommendations for next year. Perhaps [REDACTED] would do better in an applied math class." [REDACTED] is scheduled for Geometry, next year.

"[REDACTED] [REDACTED] asked that the school do something to help [REDACTED]. He expressed his extreme frustration that nothing is getting done to help [REDACTED] with his real issues. [REDACTED] stated that the PPT will need to reconvene with [REDACTED] and Ms. Morabito to review parents' concerns."

Once again, we have requested a neurological evaluation, to gain further knowledge of [REDACTED] specific needs and professional recommendations to plan for an appropriate program. Although the district continues to claim it did not refuse this request, the district did not accept our request, either. (District needs to "reconvene," in order to determine whether or not a neurological evaluation should be done at this time).

6/10/2014: Parental Request: PPT held due to [REDACTED]'s out of school suspension for 2 days, (June 2nd and 3rd) and an internal suspension on May 30th. In addition, this was our 4th request for a neurological evaluation, which once again, was refused by the district. A copy of this IEP was just received on Saturday, July 7th.

Parents disputed the terms used in the disciplinary action taken, that "[REDACTED] was involved in sexual harassment and disorderly conduct which substantially disrupted the classroom." [REDACTED] was clearly at the wrong place, at the wrong time, with the wrong peers. Although he should not have allowed himself to be involved with ANY of their actions, he most certainly did not sexually harass the teacher. He expressed to the Housemaster that he was extremely uncomfortable with the actions of his peers, and that he did not participate, nor actively engage in showing sexually suggestive pictures to the teacher. **We are requesting that this record be expunged from his file, and replaced with the correct disciplinary terminology, of disorderly conduct, only.**

In addition, due to [REDACTED]'s anxiety, social phobias, and his continued attempts to be accepted by peers, this was certainly a social situation that [REDACTED] did not know how to handle. The district should have taken [REDACTED]'s disability into consideration, prior to wrongly accusing him of such a serious act of "sexual harassment." This continues to support the fact that the district does not have the appropriate resources to support [REDACTED]'s social/emotional and behavioral needs.

Proposed Resolution:

1. The district pays for the cost of a neurological evaluation, to be conducted immediately, by an independent evaluator.
2. We are requesting an immediate, out of district placement: [REDACTED] needs to be placed in an appropriate educational environment, where his social/emotional, behavioral, and academic needs can be supported. He needs an appropriate placement where he will have the opportunity to achieve academic success and receive appropriate transitional support services. *(Appropriate placement to happen prior to the start of the 2014-2015 school year, is critical to [REDACTED]'s*

opportunity for success, due to his social/emotional challenges with transition).

3. Compensatory educational services for 2.2 years (26 months), in which the district failed to identify, and offer special education services to support [REDACTED]'s academic, social/emotional, and behavioral needs.
4. The above correction to be made to [REDACTED]'s file, with the removal of Sexual Harassment, as a wrong accusation.

Dear Complaint Investigator:

Your time and immediate attention to the above complaint is sincerely appreciated. Please feel free to call me with any additional questions, or information you may need in order to expedite the resolution process. You may reach me by phone at (860) [REDACTED] by email at: [REDACTED].rg.

Best Regards,

[REDACTED]

[REDACTED]