



Amended

STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, ME 04333-0023

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GOVERNOR

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COMMISSIONER

**Complaint Investigation Report
Parent v. Bangor Public Schools
Complaint 18.064C (Student [REDACTED])
Complaint Investigator: Jeannette Sedgwick
March 16, 2018**

COMPLAINT INVESTIGATION REPORT¹

The Department of Education received this complaint on January 18, 2018. A complaint investigation meeting was held on January 29, 2018. The complaint investigator reviewed all documents, information, and responses from the parties.

The complaint investigator conducted interviews with the complainant and [REDACTED]'s occasional caregiver on February 21, 2018 and District staff on February 14 and 28, 2018. District staff interviewed included the following people: the Director of Special Education, the Student's Special Education teacher at the Student's former district, the Principal at the [REDACTED] School, the Student's adapted physical education teacher, the Student's occupational therapist, speech therapist, and the special education teacher while the Student was at [REDACTED] School.

Because of the violations of law and regulation, the District must complete the corrective action plan detailed in this report.

FINDINGS

1. The Student is a seven year old who qualifies for special education and related services based on the disability of autism. He is nonverbal and communicates using a variety of methods, including sign language.
2. The Student moved into the District and began attending the substantially separate, self-contained special education classroom at the [REDACTED] School on January 26, 2017.
3. The IEP provisions from the Student's previous district (dated 6/9/2016-6/10/2017) that are relevant to this complaint are the following related services and supplementary modifications:
 - Support by an Ed. Tech. 5 times/week for 2 hours; any time student is in the general education setting or during any significant transition;
 - Consultation by a BCBA 1 time/month;
 - Speech and language services 3x30 minutes/week;
 - Occupational therapy 2x30/week;
 - Daily transportation;
 - Need for assistive technology devices and services.
4. The District amended the Student's IEP when the Student entered the District to increase the amount of specially designed instruction and transportation need of a safety harness. The

¹ This report was amended in accordance with the procedures outlined in the Department's Investigation Handbook: A Guide for Parents and Educators. Amendments appear in bolded text in footnotes.

Student began attending school in the self-contained classroom for special education students at the [REDACTED] School. The Student's sibling was also in that classroom, which contained 11 students. The class was taught by a special education teacher with over 20 years of experience and was supported by three or four paraprofessionals each day.

5. The IEP Team met on February 10, 2017 in response to the Parent's request. The Team discussed the Student's behaviors at this meeting. The Team looked at the Student's behavior plan that had been in place in the Student's former school and determined that the current program was following the suggestions and strategies as outlined in that plan.

6. On January 30, 2017, the Parent requested an Adapted Physical Education (APE) evaluation. The Parent signed consent on January 31, 2017. The evaluation was completed on March 21, 2017. The Team discussed the Report on March 28, 2017.

7. The IEP Team met on February 10, 2017. The Parent asked about an assessment by a BCBA during that meeting. The Parent also expressed concern with the level of support for the Student while riding the bus. Based on the written notice from this meeting, the District interpreted this request to be an inquiry about the Student's consultation services as stated on the Student's IEP. The District stated that the school psychologist performed the consultation services within the District, as stated on the Student's amended IEP from January 25, 2017.

8. The Student's special education teacher at [REDACTED], who has over a decade of experience as a special education teacher, stated that the Student did well in that class at first, but also stated that he would benefit from a more structured environment. While the Student was at [REDACTED], he was engaged in a multi-modal communication system that included verbalization, some signing, and gestures.

9. The Parent informed the District that the Student learned better while he was using a sensory swing, which was an accommodation on the Student's IEP not added to the Student's sensory diet at the [REDACTED] School. The District had purchased a sensory swing but was unable to set it up in the classroom because it could not be attached to the indoor ceiling. The Student had access to the swings outside during recess and free time.

10. On March 28, 2017, the Student's IEP Team met for the annual review. The Team did not have new evaluations completed for the annual meeting except the APE evaluation, which was discussed at this meeting. The Parent shared his concern with the Student's increase in self-injurious behaviors and the Team decided to gather data on this particular behavior. The Team determined that ESY was necessary. The speech language therapist discussed the Student's use of the PECS book and some vocalization.

11. The Student's IEP dated March, stemming from the annual review, states that the Student will receive instruction in the substantially separate program, receive OT, speech and language, and have access to a full array of sensory modifications and aids.

12. While at [REDACTED] School, the Student attended specials, lunch and recess with the general education students but did not stay the entire periods with his general education peers. Elopement from the classroom was a safety issue during this time.

13. From March to June, 2017, the District reported significant changes in the Student's behaviors. In the month of May, the District reported that the Student's behaviors occurred over 500 times (IEP meeting in October and November and FBA). Student behaviors included flopping to the floor, urinating on the floor, unsafe climbing behaviors, self-injurious behaviors, and kicking at staff. The home-school notes also reflect this change in behavior. The Behavior Data chart provided by the District shows

significant increases in behavioral incidents in March, April, and May 2017. Toileting, which had not previously been a problem, was an issue in May and a high level of physical aggression was also recorded during this time. Some District staff, including the Special Education Director and the Principal, believed the Student's recent changes in school and home life contributed to the Student's behaviors.

14. The Parent signed consent for an FBA on May 19, 2017. The date of the FBA was May 30, 2017. The psychologist who conducted the evaluation is the same person who provided the monthly consultation services to the Student's special education teacher and used the data taken during the year to write the FBA.

15. On June 9, 2017, the IEP Team met to review the FBA and behavioral support plan. The Parent disagreed with some of the ways the behavior was recorded, such as how an incident of non-compliance was characterized as several separate instances. The Team discussed the needs of the Student which involved needing a more structured environment. The Team discussed changing the Student's educational placement to the Bangor Regional Therapeutic Program, a day program contained within the Bangor Public School District ("day program").

16. At the June meeting, the District reported on progress in math, literacy, and functional skills based on the District's data collection of the Student. Progress reports for this school year show that the Student made limited progress toward all his goals, with the exception of one goal where the Student achieved satisfactory progress.

17. On June 9, 2017 the District proposed a new IEP that would include an addition of social work services 2x30/week, support by a BCBA for 60 minutes/week, among other modifications, and placement at the day program. The Team proposed meeting to discuss goals 30 days after the Student started school at the day program.

18. The District provided a tutor to provide 36 hours of special education instruction in ESY in the Student's home. The Student did not attend ESY with his peers. On June 9, 2017, the Parent signed consent for a psychological evaluation of the Student. The evaluation is dated August 30, 2017 and the Team discussed the evaluation at the Team meeting on October 11, 2017.

20. From June 12-16, 2017, the Parent did not send the Student to school.

21. On August 31, 2017, the IEP Team met. The Parent requested the school use ASL while communicating with the Student, at least for a few short words involving the Student's functional needs. The Team decided to discuss this issue at the 30-day meeting.

22. Beginning on September 5, 2017, the Student attended the day program for approximately one week.

23. The Parent visited the day program on September 7, 2017 and found several issues with the physical plant, including the appropriateness of the location for the Student given the Student's sensitivity to noise, which had been documented in the Student's IEP prior to the Bangor IEPs. The Program Director at the Bangor Regional Program and District staff repeatedly discussed the Parent's concerns with the physical location of the program and took steps to alleviate the Parent's concerns, including testing the noise level of the noise in the building.

24. The Parent told the Team that he would not send the Student to that program approximately in the second week in September, 2017.

25. At a Team meeting on September 19, 2017 for the 30-day program review, the Parent shared his concerns with the day program's facility. The Team discussed the Student's needs and access to sensory objects, and the District responded to the Parent's concerns with the facility.

26. On October 11, 2017, certain members of the Team met again to discuss placement. At the meeting, the Parent requested an independent evaluation for an FBA by an outside evaluator twice. The Parent explained that he disagreed with the current FBA. Also at this meeting, Parent stated that he felt that the physical location of the program was not appropriate for the Student. The Parent asked if the Student could return to the self-contained classroom at the [REDACTED] School. The District's Special Education Director stated that the whole IEP Team must be present to make a decision about placement and that because a general education teacher was not present, she would schedule another meeting. The Parent requested a tutor for the Student until the time the Team could meet. The Special Education Director stated that the District would not provide a tutor because there was an appropriate placement for the Student which was available to the Student.

27. At the October 11, 2017 Team meeting the Parent also requested instruction in ASL. The District responded that it was waiting for an evaluation to make the determination about providing ASL instruction. A copy of the consent form (dated 10/11/17) shows the Parent did not give consent for this evaluation.

28. The District requested a mediation on October 26, 2017 to resolve the dispute about placement. The Parent did not agree to mediation.

29. The IEP Team met on November 3, 2017 at the Parent's request. At the meeting, the Team discussed the kinds of reinforcers used for the Student. Placement discussions involved the Parent requesting the Student attend the self-contained classroom at the [REDACTED] School, where he believed the Student could succeed with 1:1 support for the whole school day. The District stated that the special education teacher would not be able to give the Student the intensive support the Student had had the previous year. The Parent requested a placement at the Student's out of District placement at his former school, and the District explained that the Superintendent would have to approve this plan. At that meeting there was no consensus about educational placement for the Student.

30. On December 6, 2017, approximately three months after the Student last attended school, the District sent the Parent notice that the Student was truant.

31. On December 21, 2017, the IEP Team met. The team discussed the physical work that had been completed at the day program and the Parent's concerns with the Student's sensory issues. The Parent again requested that the Student return to the [REDACTED] School. The District explained that the Student is severely impaired and explained the types of specialized training and therapeutic supports that a day program would provide. The Parent stated that he did not believe that the Student was severely impaired and that he believed that with the proper supports, the Student could succeed.

32. At the December meeting, District staff suggested the Student attend, for half days, the special education program at the Downeast School. The parent requested a 1:1 aide; Written notice from this time period states that transitioning to school after a long absence required a half day. The Parent agreed to transport the Student because of concerns of whether a smaller bus that was more quiet would be available. Written notice does not reflect the request for a 1:1 aide.

33. At the December meeting, the District offered in-home tutoring for the Student for the two weeks prior to the Student's start date at Downeast School. The Parent declined this tutoring, stating that he had wanted tutoring before, but that the Student did not need tutoring for such a short time. The

District stated that the start date at the new program would begin when the District hired a 1:1 aide for the Student.

34. The Student did not begin school at the Downeast School in December, 2017 or January, 2018 because a 1:1 for the Student was not hired.

35. On January 31, 2017, the IEP team discussed sending the Student to the new program at Downeast School. The Parent requested tutoring for the Student, who was supposed to begin on February 5, 2017. An amendment to the IEP was created to show a new start date that would occur after this complaint was filed.

36. The Parent did not submit an intent to homeschool the Student to the Department. The Student is currently enrolled in the Bangor School District.

37. The Student has not had an educational placement for the entirety of the 2017-2018 school year, approximately five months, with the exception of one week of instruction at the Bangor Regional Program in September 2017.

Other relevant facts are included in the determinations discussed below.

DETERMINATIONS

1. *The District has not developed an IEP to provide the Student a free appropriate public education. Specifically, the complainant alleges that the Student needs instruction and/or related services in (a) hearing, (b) vision, (c) touch, (d) taste, (e) smell, and (f) physical movement as they relate to his functional performance. MUSER VI(2)(J)(4); MUSER II(15).*
COMPLIANCE FOUND.

The Student's IEP was amended when he enrolled in the District and a new IEP, dated 3/28/17, resulted from the annual review held in March 2017. The IEP was amended in August, October, and December 2017. These IEPs contain numerous provisions about academic and functional goals, including the sensory needs of the Student listed in the allegation. For instance, the October IEP stated that the Student would engage in parallel play for 5 minutes or longer on 4 out of 5 opportunities, would point to common vocabulary and match appropriate pictures or icons to demonstrate understanding of descriptive concepts, and would improve fine motor skills and attend a task for 10 minutes with no more than 3 verbal cues. Supports for sensory issues in the classroom, as described by the teacher, include play-doh, bodysocks, balls, a sit-and-spin, a hand bike, bubbles, and a videochair. Sensory play and sensory breaks are built into the classroom and the Student's schedule.²

2. *The District has not provided specially designed instruction in a curriculum to address the unique needs of the Student to allow the Student to advance appropriately toward attaining the Student's annual goals. MUSER IX(3)(A)(1)(c); MUSER X(2).* **NON-COMPLIANCE FOUND.**

The most recent psycho-educational evaluation of the Student, dated June 1, 2016, took place at the Student's previous school when the Student was in Kindergarten. That report states that in February of 2013, the Student showed delays and exhibited skills about equal to those of a child 10 months of age.

² The Department's review of the documentation shows that the District provided the IEP to the parent within the regulatory timeframe, in accordance with MUSER VI(2)(H).

The report also states that when the Student was in kindergarten, he did not demonstrate aggressive behaviors. The Student's communication, daily living skills, and socialization fell lower than the first percentile at this time. The assessment reaffirmed the diagnosis of "Autism Spectrum Disorder, requiring very substantial support."

In December, the Team developed another IEP for the Student and decided the provision of special education and related services would occur at the Downeast School. This was to occur as soon as January 2018. The IEPs and amendments were appropriate to the Student's needs and contained instruction in academics and functional skills. The majority of the IEPs and amendments contained more functional goals than academic, but the instruction and services were appropriate for this Student and his needs as determined by the Team and supported by evaluations. The documentation from the [REDACTED] program, the day program, and the program at the Downeast school show the Student would be actively learning in a setting appropriate for his needs.

During the process of deciding upon the best place for delivery of services, however, the **District did not comply with MUSER VI(3)(L)** regarding the decision to recommend an abbreviated school day for the Student. The Written Notice of Feb. 2, 2018 states that the Student had not had a full day since September 2017, an inadequate reason for a shortened day, and the Team did not meet other requirements of the regulation, including a re-entry plan. Additionally, after the December IEP Team meeting, the Team agreed to educate the Student in a different location. However, the District did not educate the Student from the date of that decision until the date of this Report.

3. The Student's IEP does not contain measurable annual goals, including academic and functional goals, designed to meet the Student's educational needs. MUSER IX(3)(A)(b)(ii).
COMPLIANCE FOUND.

The Student's IEP was amended when he enrolled in the District. A new IEP, dated March 28, 2017, resulted from the annual review held in March 2017. The IEP was amended in August, October, and December 2017.

These IEPs and Amendments during this time period, which are numerous, contain measurable goals to allow the Student to meet his academic and functional needs. Examples of these goals include the Student requesting items using a preferred mode of expressive communication by producing utterances. The Parent stated that he would like to see more academic goals on the Student's IEP. The IEP created after the December 2017 meeting contains the academic goals of communication, APE, and Mathematics, which are all measurable and appropriate to the Student's needs, as discussed above.

4. The Student's behavioral needs have not been addressed and have prevented the Student from accessing his education in order to advance appropriately toward his annual goals. MUSER IX(3)(C)(1); MUSER IX(3)(C)(2)(a). **COMPLIANCE FOUND.**

When a Student's behavior impacts his ability or the ability of others to participate in educational experiences, the Team must consider behavioral interventions. According to the Documentation and Team meeting records, the Team spend a good deal of time discussing and considering the behavioral needs of the Student. The Team believed a smaller day program would benefit the Student and proposed this change in June 2017. Data collected at the school was discussed during many IEP Team meetings and the Team considered how best to educate the Student in keeping with his functional and academic needs. The Student made limited progress in his goals when he was attending school.

5. The District did not develop a behavioral plan for the Student, including positive behavioral interventions and supports and other strategies, to address the Student's behavior issues,

even though behavioral issues were reported both at home and school. MUSER IX(3)(C)(2)(a). COMPLIANCE FOUND.

The Student entered the District with a behavioral plan. The Team opted not to use the behavioral plan because the Student's program at the [REDACTED] School incorporated the behavioral strategies in the plan. The Parent's perspective is that the Student was not succeeding in school because the Student did not have 1:1 support and did not have proper behavioral interventions.

The District collected discrete trial data about the Student and a psychologist provided ongoing consultation with District staff. The Student's classroom was structured so that the Student received appropriate behavior modifications, such as sensory breaks. Examples of sensory breaks, according to the Student's teacher, included playing with bubbles or sitting to look out the window. The Team decided that after viewing the Student's patterns of response to work requests, the Student would be better served in a more different educational placement. The District addressed the Student's behavioral needs by proposing a more structured placement.

However, the District did not comply with regulation after the Parent requested an IEE because it did not file a due process complaint to show its evaluation was appropriate or provide the IEE at public expense, as required. **This constitutes a violation of MUSER V(6)(B).**

6. *The District has not considered the communication needs of the Student, specifically with regard to the provision of personnel who are trained in American Sign Language (ASL), the Student's primary means of communication. MUSER IX(3)(C)(2)(d); MUSER X(2)(A)(2). COMPLIANCE FOUND.*

The Team discussed the Student using sign language at home during the October 2017 IEP Team meeting. The Parent stressed that using signs is a primary method of communication for the Student. The District replied that it would like to assess the Student for the need of ASL and sent the Parent a consent form. The Parent did not return the consent form.

When interviewed, the Student's teacher from his previous school stated that she would use very basic signs, usually paired with a verbal or visual cue, with the Student. The Student's special education teacher described the whole-language approach used by the staff in the [REDACTED] School classroom. ASL signs were used, if rarely, as part of this approach. While the Team may have considered implementing more of the Parent's suggestions on this matter, the documentation does not show that the Student required ASL to communicate. Rather, the use of ASL signs are part of the whole language approach utilized by the District.

7. *The Student's IEP lacks appropriate modifications or supports for the Student to advance in the annual goals on the Student's IEP and to make progress in the general education curriculum. MUSER IX(3)(A)(1)(d); MUSER IX(3)(C)(1)(d). Specifically, the complainant refers to the lack of the following supports and modifications:*

The following determinations pertain to the time the Student was educated at [REDACTED] School.

- (a) 1:1 full-time adult assistant. **NON-COMPLIANCE FOUND.**

The documentation does not show that the Student needs a 1:1 specifically dedicated to him. The documentation is not clear, however, how the Student's needs were met when there were 11 students, one special education teacher, and four educational technicians. During the first half of the year, the Team discussed the role of the teacher as the person who spent the most time with the Student. The Student was eloping and exhibited very negative patterns of behavior, including SIBs, for several months.

- (b) Sensory swing. **COMPLIANCE FOUND.**

The swing and sensory cube were listed as an accommodation that had been provided by the Student's previous district. The Parent stated that he believed that the Student learns best when he is in motion. When the Parent inquired about this accommodation for the Student, the District ordered a swing but later learned it could not put it up because of the construction of the Student's current classroom. The District made appropriate attempts to provide this accommodation, had many other accommodations in the classroom which were accessible to the Student, and offered swings during other times of day, such as recess.

(c) IPAD with appropriate technology. **COMPLIANCE FOUND.** When interviewed, District staff stated that the Student had access to his communication device while the Student was educated at [REDACTED]. District staff was working primarily on increasing the Student's verbalization so that the Student would be better able to express his wants and needs.

(d) Behavioral supports **COMPLIANCE FOUND** (see response to allegation 5, above).

(e) Inadequate behavioral plan **COMPLIANCE FOUND** (see response to allegation 5, above).

(f) Sensory cube **COMPLIANCE FOUND** (see response to "b" above).

(g) Lack of assistive technology **COMPLIANCE FOUND.** (See response to "c" above).

8. *The Student's IEP is not being implemented, particularly with regard to physical education. MUSER IX(3)(B)(3).* **COMPLIANCE FOUND.**

The following determination pertains to the time the Student was educated at [REDACTED] School.

The Student's IEPs call for 1x30minutes/week of APE. Written notice from February 2017 states that the APE evaluation would determine eligibility and assist with the pre-teaching of skills to be used in the regular physical education setting if eligible. The report states that due to the Student's physical needs, he was eligible for APE. APE was provided to the Student for the time allotted in his IEPs.

9. *The Student was unable to access the curriculum because the special education and related services occurred in a placement, specifically, the Bangor Regional Therapeutic Day Program, that did not take into account the Student's unique sensory needs involving noise, opportunity for active play, and sensitivity to smell. MUSER IX(3)(A)(1)(d).* **NO DETERMINATION; NO DENIAL OF FAPE.**

The Parent and Student agreed upon this placement. After the agreement, the Parent decided to remove the Student within the first week of his attending. Student attended the Bangor Regional Therapeutic Day Program for five days. Based on this limited time period, it is not possible to determine whether the Student's sensory needs impeded the Student's access to education. The District had proposed this day program; the Parent disagreed with that placement for reasons other than the educational programming.

10. *The Student's sensory needs, particularly smell, were not taken into account when developing transportation for the Student to and from school. MUSER XI (Transportation-Special Education).* **COMPLIANCE FOUND.**

When considering providing transportation, particularly with regard to transportation to the Downeast School in the December meeting, the Team discussed the Student's sensory needs and the

provision of transportation in a smaller bus that would not produce as much noise or fumes as the larger buses. The Team discussed transportation safety at other times, and the Student's IEPs offered transportation as a related service.

One assessment, the 2016 psychoeducational assessment, stated that the Student has fear of loud noises. Because of this assessment, and because the Parent had witnessed the Student holding his hands over his ears and being disturbed by fumes when loud trucks passed him, the Parent opted to transport the Student to school when the day program and Downeast School were proposed. The documentation does not show that the Student required further specialization regarding transportation. The Team may wish to discuss this at its next meeting.

11. The District has not transported the Student to school in January 2018. MUSER XI (Transportation-Special Education). NON-COMPLIANCE FOUND.

The Student was supposed to attend the Downeast School in January 2018. However, the District was unable to hire the 1:1 aide specified on the amended IEP and did not transport the Student to school. This transportation should have occurred when the Student was enrolled in the program at the Downeast School after the Parent and District agreed on the services and placement in December, 2017.

12. The District did not implement the Student's existing IEP when the Student moved into the District. MUSER IX(3)(B)(5).

- Based on the documentation, interviews, and other materials, the District did not provide the Student with support by an Ed. Tech. 5 times/week for 2 hours or any time student is in the general education setting or during any significant transition. Instead, the District relied on the existing structure of the program in order to provide that support. According to discussions at Team meetings, when the Student was in the general education classroom, such as in the hallways, the Student eloped, even though he was accompanied by his teacher. **NON-COMPLIANCE FOUND.**

- The District provided consultation services, though not by a BCBA, 1 time/month. MUSER XI states that a "psychologist licensed by the Board of Examiners of Psychologists may provide consultation services to children, school staff members and parents; evaluation services for children; behavior management including assisting in designing, implementing, evaluation and modifying positive behavioral intervention strategies...". MUSER XI also states that a BCBA designs and supervises behavior analytic interventions and is able to effectively develop and implement appropriate assessment and intervention methods...". The District provided consultation services by a serviced provider who is licensed to provide those services according to Maine regulation. That psychologist provided documentation of the many dates he interacted with the Student's teacher and took part in numerous Team meetings. **COMPLIANCE FOUND.**

- The District provided speech and language services 3x30 minutes/week and occupational therapy 2x30/week. The Student's IEP, amended when the Student entered the District and again in March, contained Speech and Language and occupational therapy services. When interviewed, the speech and language pathologist and the occupational therapist stated that all services were provided to the Student as stated on the IEPs and amendments. Both service providers submitted ample documentation about the Student's progress and types of methodologies used while working with the Student. For instance, the occupational therapist described her use of the PECs book when working with the Student to improve his fine motor skills. The speech therapist stated that the Student was working at what she considered to be a 0-18 month level and that she was working on the Student forming initial consonants, among other skills. **COMPLIANCE FOUND.**

- Daily transportation was offered by the District to [REDACTED], Downeast and the day program as that service appeared on the Student's IEP. (see determinations for allegations 11-12, above). Based on the materials submitted, the Parent offered to drive the Student once the dispute about placement occurred. **COMPLIANCE FOUND.**

- Prior to the Student's enrollment in the District, the Student's IEP stated that the Student needed assistive technology services as described in the Student's speech goals and objectives. In those goals and objectives, the Student was to use sign, low tech communication books, PECS, and verbal methods of communication. Therefore, no AT was required when the Student enrolled in the District and the District has complied with MUSER IX(3)(B)(3) regarding AT.³ **COMPLIANCE FOUND.**

CORRECTIVE ACTION PLAN

1. The District must immediately provide information about and fund an independent psychological evaluation that was requested by the Parent. Written notice with the information about the IEE must be provided to the Department by **March 29, 2018.**

2. The District and Parent must develop a compensatory services plan that will make up for the lack of provision of FAPE from January – the date the Student enters the Downeast program. The parties should be sure to consider the Student's current needs and levels of performance.

If the parties cannot reach a mutual decision regarding the provision of compensatory services, each party should separately submit a compensatory services plan to the complaint investigator by **March 29, 2018**, after which date the complaint investigator will determine the type and amount of compensatory services owed to the Student.

3. The Student's current IEP Team must meet and provide written notice to the Department by **March 29, 2018** to discuss how the District will implement the Student's current IEP and engage the Student in his educational experience.

4. The District must conduct in-person training for all special education staff and special education administrative personnel at the [REDACTED] School. In-person training must be held by **April 18, 2018**. Agendas and sign in sheets that specify names and title must be submitted to the Department by **April 18, 2018**. The following topics must be reviewed:⁴

- a. Implementing a previous District's IEP when a student enters the District. MUSER V(3)(F); MUSER IX(3)(B)(5).
- b. District responses to requests for IEEs. MUSER V(6)(B).
- c. Determination of an abbreviated day. MUSER VI(2)(L).

³ The Department's review demonstrates that the District has complied with MUSER IX(3)(B)(5) regarding assistive technology because of the specific facts listed in the IEP.

⁴ The training need not include review of MUSER V(3)(B) and MUSER VI(2)(H) based on the determinations in this report.