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October 20, 1997

To: PARENTS

Richard Moreau, Superintendent
Department of Education
State House Station #23
Augusta, ME 04333-0023
287-5909

From: Katherine A. Neale, Hearing Officer

Subject: Hearing Decision #97.153, PARENTS v. Education in the Unorganized Territories

This is to provide you with my decision in the Special Education Due Process Hearing involving PARENTS and EUT on behalf of their child.

Either party may appeal this decision by filing a petition for review in Maine Superior Court or Federal District Court within thirty (30) days of receipt of this decision. The petition for review in Superior Court must be filed in the county in which the student resides or the county in which the Administrative Unit is located.

The Administrative Unit shall submit to the Commissioner of the Department of Education, with a copy to the Due Process Consultant, documentation that the Unit has either complied with this decision or that an appeal is pending. Such documentation shall be submitted no later than forty-five (45) days after the receipt of this decision.

The parent may request the Department of Education to review the Unit's compliance with this decision by filing a written complaint with the Commissioner of the Department of Education.

Any questions regarding this decision or the record of the hearing should be directed to: Due Process Consultant, Division of Special Education, Department of Education, State House Station #23, Augusta, ME 04333.

cc: James Munch, III, Esq.
Eric Herlan, Esq.
Nancy Diadone, Director of Special Services
A. Leigh Phillips, Due Process Consultant

STATE OF MAINE
SPECIAL EDUCATION DUE PROCESS HEARING

October 20, 1997

Case # 97.153, PARENTS v. Education in the Unorganized Territories

Attorney for the Parent: James C. Munch, III, Esq.

Attorney for the School: Eric R. Herlan, Esq.

Hearing Officer: Katherine A. Neale, M.Ed., J.D.

THIS HEARING WAS HELD AND THE DECISION WRITTEN PURSUANT TO TITLE 20-A, M.R.S.A., §7207 et. seq.; TITLE 20 USC, § 1415 et. seq.; AND IMPLEMENTING REGULATIONS.

On August 28, 1997, the Department of Education received a request for a Due Process Hearing from parents on behalf of their child.

The pre-hearing was held on September 22, 1997 via a telephone conference call. The respective document productions were mailed the following day. Exhibits submitted by the Parent are numbered P-1 through P-53 and exhibits submitted by the School (joint production) are numbered 1 through 88. The hearing was held on September 29, 1997 in Bangor, ME. The record was held open until October 6, 1997 to allow both parties to submit Post-Hearing Memoranda.

I. PRELIMINARY STATEMENT

The student (DOB) is x years old and identified for special services under the category of multi-handicapped. Student was born premature with an undiagnosed genetic disorder which has resulted in medical and pervasive developmental complications, including severe mental retardation. Student also was born with a cleft palate and has had surgery. The student walks with small steps, seats self and gets up from a seat by self. Although student is nonverbal, the student communicates with eye contact, smiles, body language, and vocalizations. Student indicates preferences by reaching toward the desired object and responds to a number of verbal cues and sign language gestures.

The family lives in an “unorganized territory” which does not maintain its own school system. Students living in these rural areas attend the nearest school to their place of residence and often have a choice of districts in which to attend. The Maine Department of Education employs a Superintendent (Richard Moreau) and a Special Education Director (Nancy Diadone) to coordinate the programs of the special education students from the unorganized territories, referred to as, Education in the Unorganized Territories (EUT).

II. ISSUES

1. Whether the school failed to implement the 1996-97 Individualized Educational Program (IEP)?
2. Whether the current IEP reasonably calculated to provide educational benefit in the least restrictive environment?
3. Whether the school’s current placement is appropriate?
4. What should be the “stay put” placement?

III. FINDINGS OF FACT

1. The student functions approximately around the 6 to 10 month old level cognitively according to Polly Earl, Program Coordinator of Aroostook Outreach (Governor Baxter School for the Deaf) in a March, 1997 report. The student was absent the day of this evaluator’s visit, so the observations are based on discussions with the teaching staff and the records. In November, 1995, the Occupational Therapy Progress Report detailed the following: fine motor skills at 9 to 12 month level; eating skills at 9 month level; dressing skills at 12 to 15 month level; toileting/hygiene skills at 12 month level. “Improvements have been seen in all areas in the past year with more improvements noted last spring and this fall with the increase in therapy.” (Exhibits: 3, 54)

2. The student attended a private special education pre-school, the Little Red School House in Dover until the fall of 1994, when at the age of x, student transferred to Sedomocha Middle School (M.S.A.D. #68). The parent reports that the 1994-95 program functioned well, despite an interruption of personal aide services. The student had an Educational Technician with the student all day (a shortened day) and student received services from the Speech/Language Therapist, Occupational Therapist and Physical Therapist. (Exhibits: 66, 71, 72, P-3; Testimony: Parent; Nancy Diadone)

3. The 1995-96 academic year began with the same providers as the previous year. On November 8, 1995, the PET met for the annual review and to develop the new IEP. The minutes indicate that the student was making progress. "Sue [Garrettson, PT] noted that [the student] has shown distinct improvements since the addition of craniosacral therapy to (the student's) program: awareness, increase in volition, task avoidance, manipulation, laughter, problem-solving, better trunk mobility, and overall much higher levels of attention and interaction.....Lynn

[Winters, OT] reports beginning imitation (new), more reaching, and beginning to maintain a grasp....Mary [Bray, Ed. Tech.] reports improvements in a number of areas: making choices, walking away from the (the student's) (volition), better spoon grasp, sitting longer on toilet and urinated in it once, holding a toy (new), watching the computer (like noises, music, and color) and making friends." Ms. Garrettson's October 1995 evaluation report actually states that the student made "dramatic improvements" since the OT began using cranio-sacral techniques. The team reached consensus on the academic goals, but not on the speech, OT or PT services despite having all three providers at the meeting. (Exhibits: 64, P-22, P-24)

4. In her November 1995 cover letter to Nancy Diadone, Special Education Director for Education in the Unorganized Territories (EUT), with an attached PT evaluation, Ms. Garrettson states, "Justification for services is in the fact that [the student] has made gradual changes and steady improvements with student's program, and will benefit from continued services, with increased time at each session. Students should be able to progress as rapidly as possible, and [the student] will progress more steadily and rapidly with more time in each therapy." She goes on to say, "It is difficult for a therapist to co-ordinate services, when excluded from the meetings where the entire team is together. I would appreciate it if meetings were scheduled on Wednesday, so I could be present." Laura Specyal, Speech/ Language Pathologist, states in her November 17, 1995 letter to Nancy Diadone, "In my 13 years of working with the public school special education program, I have never been asked to provide a "justification"...I am concerned about your specific request that I not be invited to attend [the student's] PET." Lynn Winters, OTR/L writes in her November 27, 1995 letter to Ms. Diadone, "You requested a "justification" for occupational therapy services. I am not sure what you expect or how that would differ from the information presented in the enclosed report....I understand that you requested that those therapists working with [the student] not attend her PET meeting. I was told that this is a financial matter." The PET reconvened on December 4, 1995 to complete the IEP as per the Speech, OT and PT services. As the providers were not invited to this meeting, no goals and objectives were developed. In her report, Lynn Winters, OT, recommended more direct service time, plus

consultation time with the Speech and PT providers. However, the team determined that the student would receive 60 minutes per week of PT and 60 minutes per week of OT services inclusive of consultation time with staff only, not the other special service providers. (Exhibits: P-24, P-26, P-30, P-57)

5. In early 1996, there was a disruption of services and a number of staff changes, i.e. new special education teacher and speech therapist. On February 14, 1996, the PET met to continue the review of the program from the December 4, 1995 meeting. The team reviewed the results of Miriam Tully's (Speech/Language Pathologist) Communication Consultation/Observation, which had been ordered by the school, not the PET, and without notice to the parent. The PET determined that speech services would be increased to two and one half hours per week (from 60 minutes per week). The minutes make no mention of OT or PT and yet the IEP developed pursuant to the February meeting indicates a decrease in OT and PT services to 40 minutes per week each (decreased from 60 minutes per week each) . (Exhibits: 39, 42, 48)

6. During the 1996-97 academic year, the student's teachers were all new. In the beginning of the school year the student's teachers included Linda Smith, Special Education Teacher, Kimber Howard, Educational Technician, and Edie Vose, Speech. No OT or PT was being provided. Edie Vose went on leave in November. The January 1997 progress report documents that the student was not receiving Speech, OT or PT services at that time. Sometime in January, 1997, Janis Ames was contracted to consult with a U. of ME speech student (Dept. of Ed. approved conditional certification) to provide direct services. In April, Kimber Howard left and May Johnson was hired as an Ed. Tech. following a number of substitutes including members of the student's family. The school advertised for the missing special service providers both in state and as far as Maryland to no avail. (Exhibits: 19, 29; Testimony: L. Smith; Parent; D. Folsom; N. Diadone)

7. On February 12, 1997, the PET met to review the program and the student's progress on the student's IEP goals. The teacher and Ed. Tech. reported on the student's progress toward the student's goals and the parent reported that the student's physician was disturbed by the student's regression. The parents were taking the student to Eastern Maine Medical Center (Bangor) for OT and PT sessions following evaluations conducted at EMMC in the fall of 1996. Janis Ames, Speech Therapist, was contracted to provide three consultations to the classroom teachers. The amended IEP (2/12/97 - 2/12/98) provides for Speech/Language Therapy 30 minutes per week and, in lieu of OT or PT, "adaptive PE - leisure swim at the YMCA and participation in the Physically Challenged Club at he YMCA twice a week, as available." (Exhibits: 20, 22, P-38)

8. In an Eastern Maine Medical Center annual report from the Genetics Clinic dated November 19, 1996, Dr. Feingold states, "There has not been any significant change in her development. She still does not use any words or signs." The Occupational Therapy report dated December 31, 1996, notes the following strengths: emotionally connected to caregivers; communicates needs/wants vocally, motorically, and visually; makes choices when presented with food; and demonstrated expansion of communication, motor and functional skills in self-feeding. The report also notes in part the following issues: no communication system that is understood by people other than caregivers; nearly dependent in all areas of self-help skills; and musculoskeletal issues limiting mobility, motor skills and movement input. (Exhibits: P-36, P-38)

9. A review of the Sedomocha Middle School Progress Reports from October 1996, January 1997 and April 1997 indicates minimal to no progress. In the area of communication, the reports note that the student understands a few sign language words, i.e. eight words in January and nine words in April, and had not attempted to sign the word, "hello," after working on greetings the whole year. In the area of fine motor skills, the reports indicate pointing or reaching for a specific desired food item by January, and manipulating and drinking from her cup without assistance by April. In the area of gross motor skills, all three reports state, "Without physical therapy, progress is slow." Nonetheless, the most notable progress was an increase in the student's gait from 2-3 inches to 4-5 inches by April. In the area of daily living skills, the student had not begun a toileting program as of the January report, but was using the toilet five out of ten times by April. As of April, student had not acquired self-dressing or self-care skills. The parent testified that the student regressed during the 1996-97 academic year and lost skills student had previously acquired, i.e. the ability to walk greater distances on student's own; hand to mouth coordination; and no toileting skills (loss of toileting schedule). Ms. Diadone testified that she observed great progress in the student's walking skills and eye contact during a visit to the school during the 1996-97 year. Ms. Smith also testified to the progress made during the 1996-97 academic year. In the beginning of the year she noted that the student was unmotivated, fragile, disconnected, demonstrated no eye tracking, no toileting skills, walked hunched over with baby steps, and needed to be fed. By the end of the year, she testified that the student had more stamina, stood straighter, had an increased gait, could walk up and downstairs, improved eye tracking, made eye contact with people, and started using objects as symbols for communication (Exhibits: 78, 81, 87; Testimony: Parent; N. Diadone; L. Smith)

10. On June 12, 1997 the PET met to determine the student's placement during the next academic year. The parent reported on the three programs for severely disabled students which he had visited, i.e. Milo, Brewer and Bangor. Other team members reported on the programs they had visited. The PET reached consensus that the Brewer program was the placement for the student for the 1997-98 school year. On July 23, 1997, Kerry Priest, Special Education Director, sent a letter to the parents and copied Nancy Diadone that the student was accepted to the Brewer composite program. (Exhibit: 16, 15)

11. In a letter dated August 6, 1997, Nancy Diadone informed the parents that Richard Moreau, Superintendent of Education in the Unorganized Territories (EUT), was adamant that the distance to Brewer would be detrimental to the student's welfare. Ms. Diadone further informed the parents of a new program at Dexter and stated that the "Milo program will have the therapies she requires but it will be a life skills program." The PET met on August 25, 1997 to re-visit the placement issue. The parents left the meeting in protest. The minutes reflect the following determination: "[the student] will receive one-to-one instructional services with an educational technician, speech language therapy 30 minutes per week and consultation once per month arranged by the parents, adapted physical education 3 times per week, OT and PT once per month as arranged by parents as outlined in the present I.E.P." (Exhibits: 14, 12, 9; Testimony: Nancy Diadone; Parent)

12. Although there was disagreement and much testimony as to how long the ride is from the parents' home to the Brewer program, in the end, there was agreement that it takes approximately 1 hour and 15 minutes to drive to Brewer. Apparently, it takes approximately 30 minutes to drive from the student's home to the Milo program. The parent has always driven the student to school and plans to continue doing so. It is the school's contention that an hour and 15 minutes is too long for the student to be in transit, and, in fact, it is harmful to the student, especially if student engages in self-stimulating behaviors or student is fatigued by the travel. In Ms. Diadone's August 6, 1997 letter to the parents, she mentions that Superintendent Moreau spoke with consultants from the Special Education Department at the University regarding the student's needs and he was advised that the Brewer program was not feasible due to the distance. It is the parent's testimony that the student is accustomed to long trips as student travels to Bangor for medical appointments routinely. Student typically naps at around 2:00 PM and would thus sleep on the way home. When traveling the student flips through magazines, looks out the window, and student and student's father communicate with each other. (Exhibit: 14; Testimony: Parent; N. Diadone; J. Ames)

13. The Milo program is described as having two rooms, one set up as an apartment for daily living skills, and the other is a classroom in the high school for basic survival academic skills. The room for the daily living program is located in the far end of the building. It is the old art room and has a cement floor with a 9 x 12 area rug in the living room. The walk to the bathroom is a distance of approximately three classrooms in length. At this time there are a total of 12 students in the program. One other student has severe disabilities and if the student were to attend, the student would be the most disabled student in the class. The staff at Milo includes a special education teacher, two Educational Technician IIIs (one life skills and one job skills), one Ed. Tech. I, two Speech clinicians employed by the district (S.A.D. #41), one Occupational Therapist employed by the district, and one Physical Therapist contracted to provide services twice a month to the district. The district has also hired an Ed. Tech. III to work with the student. The team at the Milo program is new this year, so has no experience integrating a program as a team. The parent testified that Christine Morgan (one of the two speech clinicians) told him that she was not comfortable nor qualified to work with severely disabled students like the student. Deborah Folsom, Special Education Director for S.A.D #41 testified that Christine Morgan has experience working with students with severe communication disorders, i.e. two autistic students. (Testimony: D. Folsom; Parent; N. Diadone)

14. The Brewer program is described as being in the middle of the school with the bathrooms next door. Currently there are 12 students in the composite room and one third of them spend the whole day there. They are described as having profound and severe disabilities. Three or four other students have similar disabilities to the student and the student would not be the lowest functioning student in the class. There is a special education teacher, three full time Ed. Techs. and one part time Ed. Tech. and a vocational transitional coordinator. On staff is a PT and an OT, both of whom work three days per week, and a full time Speech Therapist. There is also a Physical Therapist aide. All are qualified and experienced with severely disabled students, and have worked together for a long time as a team. Every Monday the class participates in a recreational swim at the YMCA. The Brewer program also runs a monthly parent group which provides education and support, in addition to holding two parent conferences each year.

15. On September 19, 1997, Ms. Diadone wrote a letter to the parents proposing an appropriate program at Milo and states in part, "Placement would be in the Life Skills Program at Milo High School. That program has a very experienced teacher and support personnel. Although individualized to each student's needs, it has components for survival academic skills, daily living skills and vocational skills. There are mainstreaming opportunities and the students

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also go out into the community....[W]e would provide an increased level of supported services, including one hour per week of direct speech therapy plus one hour per month of speech consultation. We would provide on site occupational therapy services one-half hour per week and physical therapy twice a month." (Exhibit: 2)

16. A review of the documents regarding Speech, OT and PT services reveals the following:

1/11/95 PET	Speech	60 min./week
12/94-12/95 IEP	OT	40 min./week
	PT	40 min./week
12/4/95 PET	Speech	60 min./week
12/95-12/96 IEP	OT	60 min./week (not provided during 1996-97)
	PT	60 min./week (not provided during 1996-97)
2/14/96 PET	Speech	2 hours & 30 min./week
1/96-1/97 IEP	OT	40 min./week (not provided during 1996-97)
	PT	40 min./week (not provided during 1996-97)
2/12/97 PET	Speech	30 min./week
12/97-12/98 IEP	OT	no provision
	PT	no provision
8/25/97 PET	Speech	30 min./week
determinations	OT	once per month
	PT	once per month
9/19/97 Diadone ltr.	Speech	60 min./ week
Proposed services	OT	30 min./week
	PT	2x/month

These fluctuations in service times often appear to be the result of new administrators and/or staff attrition, as there is no evidence indicating a change based on a PET decision following provider recommendations or new evaluations. The exception to this is the February 14, 1996 PET determination to increase Speech services to two and a half hours weekly following Miriam Tully's Communication Consultation/Observation dated February 5, 1996. (Exhibits: P-13, 59, 42, 39, 22, 19, 9, 2)

IV. CONCLUSIONS

1. Whether the school failed to implement the 1996-97 IEP?

The 1996-97 IEP calls for Occupational Therapy and Physical Therapy services 40 minutes each per week and Speech/Language Therapy for two and one half hours per week. Due to the student's low level of functioning, the special education program is primarily focused around the integration of the supportive service therapies, e.g. fine motor skill development integrated into pointing communication system and self-care skills. The October, 1996 Progress Report notes that the student was receiving Speech Therapy three days a week (unclear how many minutes) and that the student was not receiving Physical Therapy or Occupational Therapy. The January, 1997 Progress Report notes that the student was receiving Speech Therapy for 30 minutes one day per week and was not receiving PT or OT. The April, 1997 Progress Report notes that the student was not receiving Speech Therapy, PT or OT. It is clear that the related services in the IEP were not provided.

By all accounts, the Special Education Teacher, Linda Smith and the Ed. Tech., Kimber Howard, did an excellent job educating the student. At the same time, they went to great lengths in attempting to provide the student the supports student needed to learn. The Ed. Tech. went to Eastern Maine Medical Center with the student and the student's family to learn (OT and PT) strategies. Unfortunately (though perhaps understandably), they were informed that the EMMC staff would not be providing therapy training to school personnel. Ms. Smith called a PT at a near-by hospital who ran a swim program ("Physically Challenged Club") at the YMCA resulting in the student participating in that program from April to June.

The school experienced a high degree of staff attrition, losing all three support service providers. The evidence indicates that school administrators actively advertised to fill the vacant positions, but to no avail. The school argues that the only gap in speech services was the three months from November 1996 (when Edie Vose went on leave) to January or February 1997 when the graduate student began working with the student for 30 minutes per week. The reduction of Speech services from two and one half hours per week to 30 minutes per week was obviously to accommodate the graduate students availability, not the student's needs. However, the April 1997 Progress Report states that the student was not receiving Speech services, so it is unclear for how long the graduate student actually worked with the student. The school also argues that the "gap" (i.e. failure to provide the service for the whole year) in PT and OT was addressed by the student's participation in the Physically Challenged Club at the

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YMCA from April to June. Neither of these arguments are convincing. The

evidence is clear that the school failed to implement the IEP as per the provision of the support services.

While it is true that losses in personnel do occur and replacing personnel is not always immediate or possible, especially in rural areas, it is the responsibility of the school to call the PET together to discuss how to handle the change of program. The school also failed to follow this procedure. (Maine Special Education Regulations, Section 9.5).

2. Whether the current IEP is reasonably calculated to provide educational benefit in the least restrictive environment?

The current IEP was developed on February 12, 1997 and runs to February 1998. It provided for the following support services: 30 minutes per week of direct Speech/Language Therapy; unspecified consultation time with Janis Ames; monthly therapy sessions at EMMC as arranged by parents; participation in Physically Challenged Club at the YMCA twice a week, as available; and adapted physical education - leisure swim at the YMCA. On June 12, 1997 and August 25, 1997 the PET met to discuss placement but the services remained the same. In a letter dated September 19, 1997, Ms. Diadone proposes to the parents the services the school would provide in the Life Skills Program at Milo High School were the student to attend. She states, "In addition to the Special Education piece, we would provide an increased level of supported services, including one hour per week of direct speech therapy plus one hour per month of speech consultation. We would provide on site occupational therapy services one-half hour per week and physical therapy twice a month." A review of support services in IEPs over the past few years clearly indicates that provider availability determines service amounts and not the student's needs. For example, following the Communication Consultation by Miriam Tully, the PET increased speech services on February 14, 1996 to two and one half hours per week and apparently this continued until November, 1996 when the Speech Therapist went out on leave. When the PET met in February to develop the 1997-98 IEP, speech was reduced to 30 minutes per week. There is no evidence that this decision was based on the student meeting the student's speech goals or that new evaluative data dictated a reduction in services. Rather, it was clearly related to the fact that the graduate student providing speech services was only available for 30 minutes per week. Furthermore, in September, Ms. Diadone proposes that the school will provide 60 minutes per week of Speech; 30 minutes per week of OT; and PT twice a month for an unspecified amount of time. Where do these figures come from? They do not appear to be based on the student's needs as they are not related to any

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evaluative data or professional input. The last professional input was Ms. Tully and the result was two and one-half hours per week.

Given the student's current low skill levels in communication, gross motor, fine motor, mobility and self-care, the IEP in question is found to be inadequate. Specifically, the service provisions are not based on evaluative data, or professional observations or recommendations, and are not found to be reasonably calculated to provide educational benefit. While progress was noted last year in some areas, including increased gait and eye contact, it is found to be so minimal as to be lacking educational benefit.

The school argues strenuously that the Milo program is the least restrictive environment (LRE) as it is closer in proximity to the family's place of residence than is the Brewer program. The history of the regulation requiring a school placement in close proximity to the student's place of residence stems from the problem of students receiving a shortened academic day due to long distances of transportation. There is no evidence in the present case that the student will be receiving a shortened academic day by attending school in Brewer. In the present case there is no neighborhood school. Arguably, the least restrictive environment in the present case is Foxcroft Academy in Dover-Foxcroft where most, if not all, of the student's classmates from Sedomocha Middle School went after 8th grade and where the student's siblings would attend. Foxcroft Academy was discussed at the June 1997 PET meeting, but not seriously considered as a placement. If the school (i.e. Maine Department of Education) was genuinely concerned about creating a program for the student in the least restrictive environment, it would have worked with Foxcroft Academy to develop an appropriate and individualized program, rather than looking for a life skills or composite setting in which to place the student. Nonetheless, distance is a factor to consider and one needs to assess the impact on the student of being in transit two and a half hours each day (Brewer) versus an hour each day (Milo). The parent testified that the student typically naps in the afternoon on the way home from school and is accustomed to long trips to Bangor (once a week) for the medical appointments and to Boston to see grandparents. There was no evidence that these trips fatigue the student or that the student will be negatively impacted by the additional distance. The educational needs of this student take precedence over the LRE provision, which is a preference not a presumption.

Furthermore, it has not gone unnoticed that the school (MDOE) allowed this student to be placed in a pre-school program **until the age of x**, thereby denying student an appropriate education in the least restrictive environment for years and violating numerous procedural regulations. The school's sudden

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concern about the student being educated in the least restrictive environment appears disingenuous and is more likely related to a financial concern.

3. Whether the school's current placement is appropriate?

For the student to benefit from the student's education, it is essential that the student be provided a program with experienced staff and most importantly, consistency of services. While both the Milo and Brewer staffs are qualified under the regulations and experienced with severe and profound students, the Brewer providers have pediatric backgrounds which is relevant in the present case due to the student's profound developmental delays. Further, the Brewer providers (Special Education Teacher, Speech/Language Therapist, Occupational Therapist, Physical Therapist, plus Ed. Technicians) have a history of working together as a team. It is a known commodity, unlike Milo where they are all together for the first time this year. Given the lack of consistency in services last academic year, it is imperative that this year's program be consistent and the Brewer program meets that requirement.

The physical location of the class in the school is another consideration in comparing the two programs. The evidence indicates that the Brewer composite room is located near the front office in the middle of school activity, while the Milo life skills program is described as being in the far end of the building. Being in the middle of the regular education program potentially lends itself to more meaningful opportunities for inclusion. Additionally, proximity to the bathroom may become important this year as the student develops toileting skills. In Brewer, the bathroom is next to the composite class, while in Milo, the bathroom is down the hall approximately the length of three classrooms. Additionally, the Brewer program provides a monthly education and support groups for parents. The Brewer program is found to be the appropriate program for the student.

4. What should be the "stay put" placement?

The issue is moot at this time.

V. DECISION

The Brewer High School program is found to be the appropriate program for the student for the 1997-98 academic year. Parents have prevailed.

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VI. ORDER

1. The school (MDOE) shall take immediate steps to enroll the student in the Brewer High School composite room. If it is determined that the parent will transport the student, the school shall provide reimbursement.

2. The PET shall reconvene with the new staff to review the IEP goals and objectives and to document the service provision times. Additionally, the PET shall provide for as many meaningful opportunities for inclusion as possible.
3. The school shall maintain detailed documentation of progress made this year to determine if the student is benefiting from the student's education.