

KEY	
AR	Admin Review
DPH	Due Process Hearing
MED	Mediation
OCR	Office of Civil Rights
SC	State Complaint
Mon	Monitor (cases that have other dispute issues)

Overall Issues

[REDACTED]: parent communication and climate, Child Find obligations (training has been provided), and instruction in the Cat B program (ongoing efforts between OSEI and OSEPS staff to the school).

Madison pyramid: Trends related to bullying and placement disputes. Placement issues are to be expected due to cases originating out of a CSS or Day Program ([REDACTED]).

Oakton pyramid: Issues observed concerning programming and ability to meet needs of students.

South Lakes pyramid: Placement disputes from cases originating out of a CSS. However, the two most costly settlements were not for students in CSS (one Cat B and one in regular program). Increased number of MDR appeals, perhaps because of increased number of MDRs at the high school.

Recommendations

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Issues

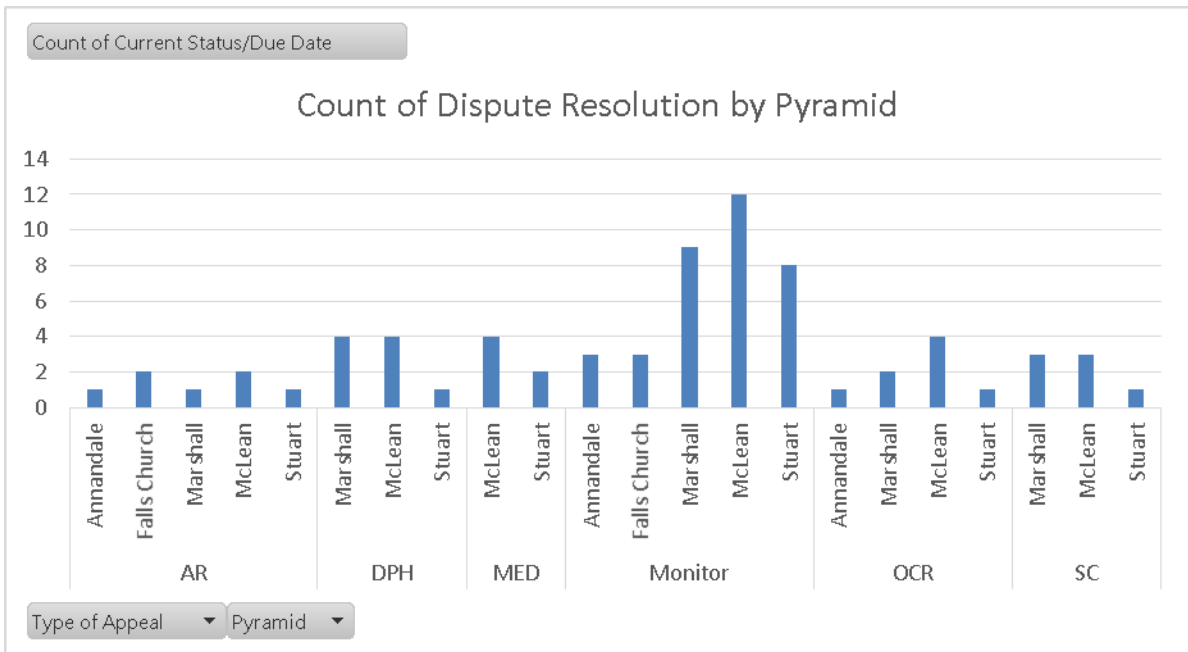
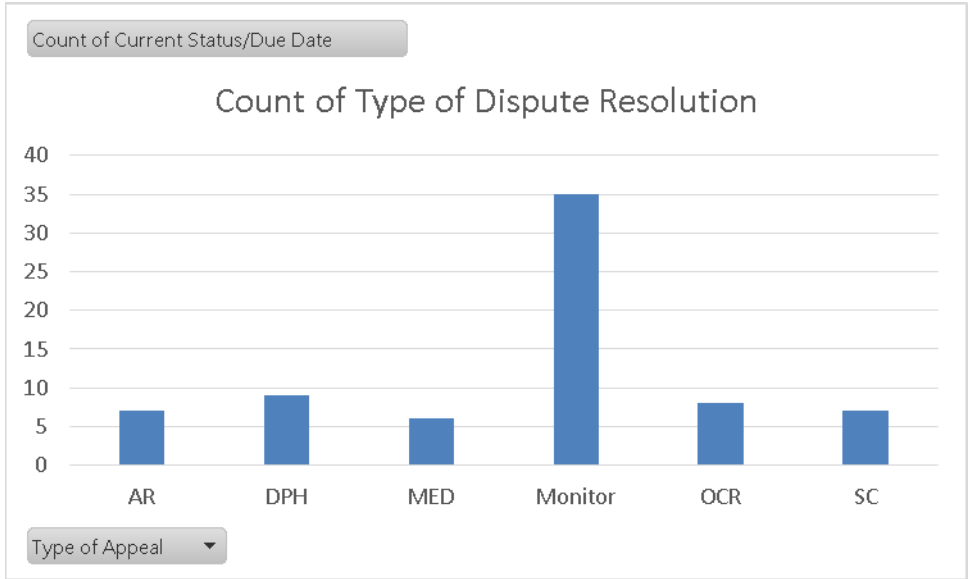
Issue	Count
Child Find/Local Screening	10
MDR	7
Methodology	2
IEEs	5
Bullying	5
Placement/reimbursement	49
Extracurricular Activities	1
504	7
Retaliation and Discrimination	3
IEP	51
Eligibility	8
FERPA	11
FBA/BIP	4

Monies paid out during dispute resolution processes:

Case	Pyramid	School	Student	Type of Appeal	Issue	Notes	Outcome/Takeaway

Changes of Placement due to dispute resolution processes:

Case	Pyramid	School	Student	Type of Appeal	Issue	Notes	Outcome/Takeaway
Total monetary settlement costs for disputes in this Region; this does not account for staff or division attorney costs or the costs of students having to be placed private day or residential by the County CSA.							\$130,000



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Overall Issues

The special education and Section 504 legal issues over the last three years that led to disputes in Region 2 have included Child Find and evaluation, dyslexia, instructional fidelity and IEP implementation, bullying, and placement/reimbursement requests.

Child Find concerns have led to disputes in the McLean and Marshall pyramids. In most cases these disputes centered on dyslexia, while other times they were about mental or physical health issues. In one case at [REDACTED], OSEPS staff members provided training to the local screening committee at the principal's request.

Dyslexia and fidelity of instruction continue to be significant concerns across the division. At [REDACTED] three students did not receive adequate instruction, did not make progress over time, and were subsequently placed in private day placements because of these concerns. In one case, the student was placed in a private day placement via [REDACTED] IEP; in the other two cases, compensatory services were discussed but the parents declined all offers and unilaterally placed their [REDACTED] in a private school of their choice. At [REDACTED], one student's parents requested a due process hearing because [REDACTED] was not identified adequately for special education and was not provided with appropriate instruction in reading. FCPS provided the family with compensation and the student with compensatory services for an entire school year.

Instruction of students receiving Category B services continues to be a concern across the division. Each situation where this has been an issue in Region 2 has been slightly different, but the overall concern has been programming for students with low incidence needs, whether the students are receiving autism services or ID services. One ongoing case at [REDACTED] involves a student for whom his parents have significant concerns regarding the instruction that [REDACTED] is receiving in [REDACTED] self-contained classes.

Another issue that is becoming more widespread is the use of the Rapid Prompting Method (RPM) methodology. There are two RPM cases at [REDACTED]—one student has been withdrawn while the other student's IEP team will

Region 2 Summary FY15-FY17

meet to discuss RPM and [redacted] need for a communication partner in early January. There is significant potential for litigation to come from the second case.

Several cases have included bullying and harassment as a component. School teams were not responding to concerns about bullying and were not documenting their actions to response to the allegations of bullying.

Recommendations

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Issues

Issue	Count
Child Find/Local Screening/Eligibility	14
MDR/Discipline	4
Bullying	3
Placement/reimbursement	29
504	2
Retaliation and Discrimination	1
IEP/FAPE	34
FERPA	1
Residency	1
PWN	2
Parent participation	3
Progress Reporting	1

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Changes of Placement due to dispute resolution processes:

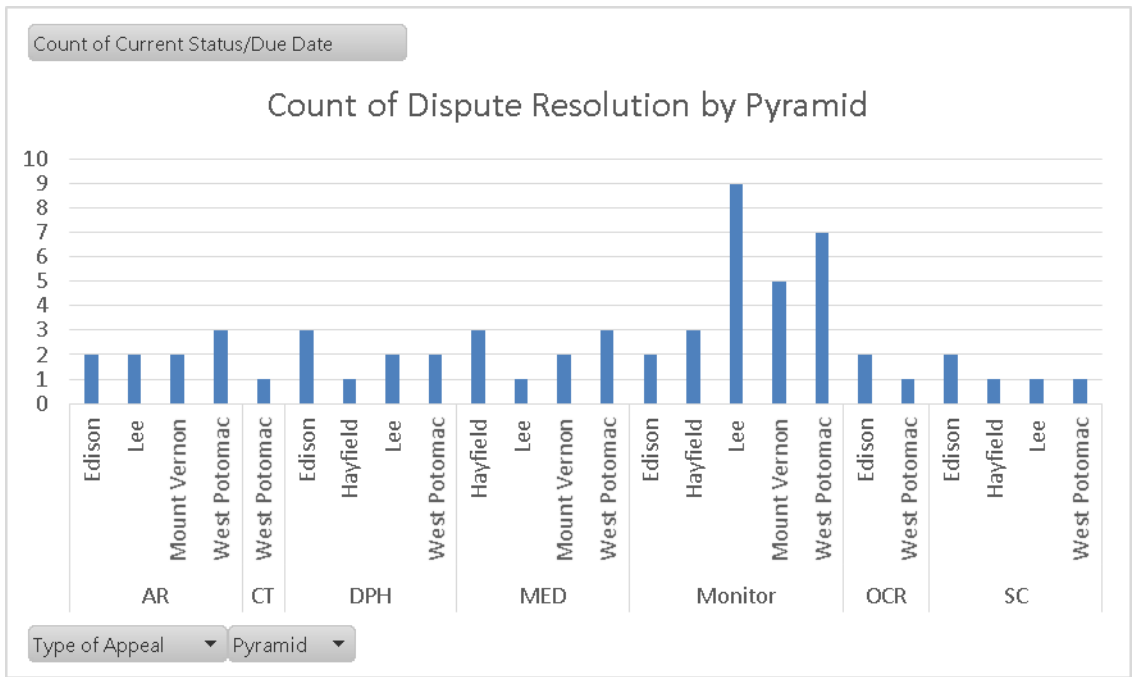
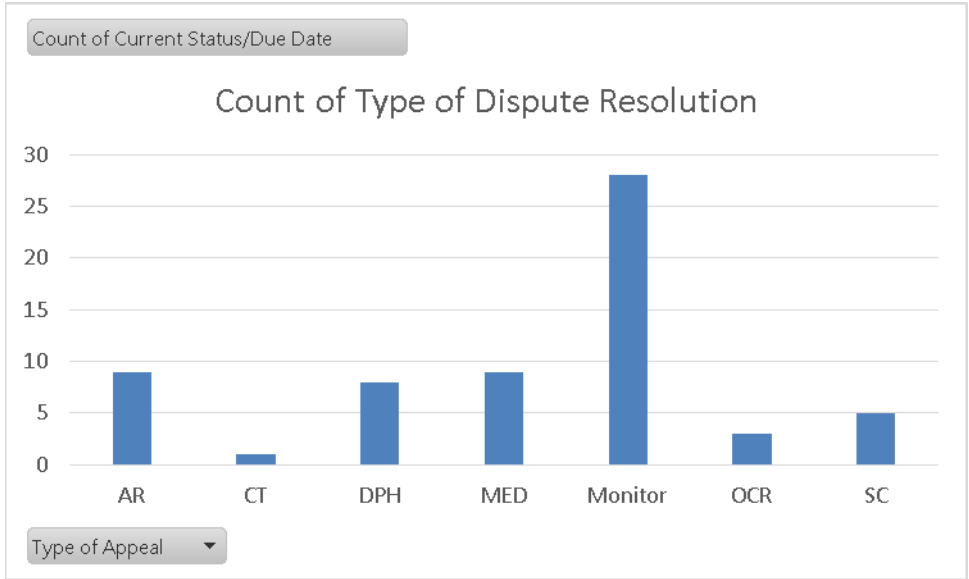
Case	Pyramid	School	Student	Type of Appeal	Issue	Notes	Outcome/ Takeaway

Monies paid out during dispute resolution processes:

Case	Pyramid	School	Student	Type of Appeal	Issue	Notes	Outcome/ Takeaway
<p>Total monetary settlement costs for disputes in this Region; this does not account for staff or division attorney costs or the costs of students having to be placed private day or residential by the County CSA.</p>							\$168,404

Major cases:

Case	Pyramid	School	Student	Type of Appeal	Issue	Notes	Outcome/ Takeaway



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AR	Admin Review
DPH	Due Process Hearing
MED	Mediation
OCR	Office for Civil Rights
SC	State Complaint
Mon	Monitor (cases that have other dispute issues)
CT	Court

Overall Issues

The special education legal issues over the last three years that led to disputes in Region 3 have included bullying, discrimination, Child Find, instruction, placement, reimbursement, and discipline/MDR. In many cases concerns regarding bullying, Child Find, and instruction, have led to significant disputes regarding placement and reimbursement.

Concerns regarding the administrations' response to bullying concerns at [REDACTED] and then [REDACTED] led us to partially reimburse a parent for a private placement. Child Find concerns at [REDACTED] have resulted in a current due process hearing in which the family is seeking payment for two private placements. Child Find concerns at [REDACTED] led to a noncompliant finding in a state complaint, followed by training and an offer of compensatory services to the family.

Fidelity of instruction and IEP implementation continue to be significant concerns across the division. In the West Potomac pyramid, there were five significant cases where students did not receive adequate instruction. Two cases at [REDACTED] and one case from [REDACTED] have led to private placements. There is one case from [REDACTED] and one from [REDACTED] that are ongoing. Two cases in the Hayfield pyramid have similar instructional concerns, and led to partial reimbursement for private parental placements as compensatory services for lack of instruction. At [REDACTED], lack of reading instruction led FCPS to reimburse the parent for reading tutoring. At [REDACTED], a situation in which the IEP team did not accurately reflect the student's need for support throughout his school day, including in IB classes, led FCPS to reimburse the parent for placement in a private day school for the student's senior year.

Placement concerns for students in CSS programs or at [REDACTED] also led to disputes. At [REDACTED], and [REDACTED], and in one of the [REDACTED] cases, concerns regarding the schools' ability to meet the student's needs led to changes in placement. In another [REDACTED] case, divorced parents did not agree that their [REDACTED] required placement at [REDACTED]. We were able to resolve the mother's concerns with a trial placement at [REDACTED] IDS program, with data taken to examine whether the student was benefitting from the placement. Ultimately, the student was placed at [REDACTED] by the IEP team.

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There were two appeals related to MDRs at [REDACTED], and one major case at [REDACTED]. The [REDACTED] case has yielded an administrative review, a due process hearing, an appeal to the Eastern District Court of Virginia, and an OCR complaint. The OCR complaint is outstanding and we expect a court date in February with a decision in late spring. The [REDACTED] case is significant because it highlights discipline practices, MDR decision-making, racial discrimination allegations, and practices in our alternative learning centers.

Recommendations

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Issues

Issue	Count
Child Find/Local Screening	2
MDR/Discipline	7
Placement/reimbursement	31
Extracurricular Activities	1
504	1
Retaliation and Discrimination	4
IEP	5
Eligibility	1
FERPA	1
ESY	1
Age of Majority	1
FAPE	7
Health concerns	3

Region 3 Summary FY15-FY17

Changes of Placement due to dispute resolution processes:

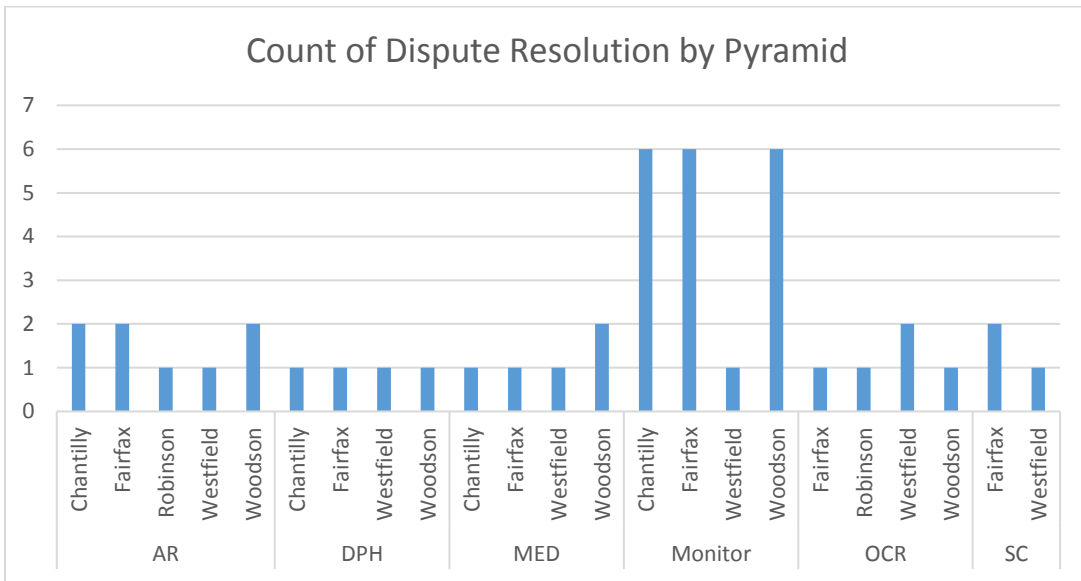
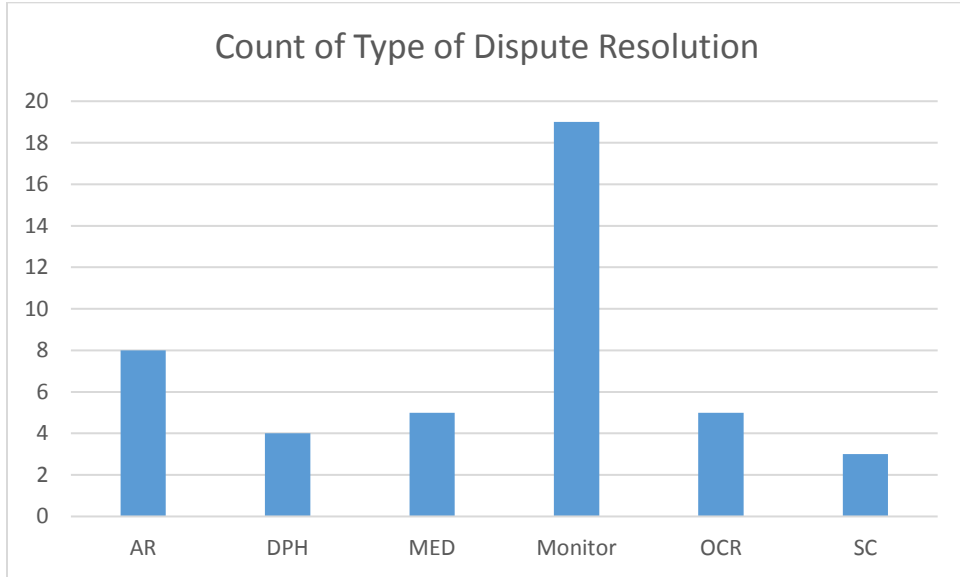
Case	Pyramid	School	Student	Type of Appeal	Issue	Notes	Outcome/ Takeaway
<p>Total monetary settlement costs for disputes in this Region; this does not account for staff or division attorney costs or the costs of students having to be placed private day or residential by the County CSA.</p>							\$174,760

Major cases:

Case	Pyramid	School	Student	Type of Appeal	Issue	Notes	Outcome/ Takeaway
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Complaints lost:

Case	Pyramid	School	Student	Type of Appeal	Issue	Notes	Outcome/ Takeaway
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Overall Issues

The special education legal issues over the last three years that led to disputes in Region 5 have included seclusion, discrimination, instruction, placement, and services. There was relatively little money paid in settlements in Region 5 over the last three years; however much work has been done at the IEP team level and through informal dispute resolution such as mediation and resolution, with satisfactory outcomes including school changes in many cases.

The ██████████ OCR complaint is of particular concern. This complaint involves allegations of discrimination against students in the CSS, special education as a whole, and students who were English Learners, as well as improper seclusion and services. The complaint is ongoing; however, we have had four significant cases stem from the time period referenced in the complaint. In one case, the student went to middle school, was homeschooled following a disciplinary incident, was unilaterally placed by the parent in a private day school, with some funding from FCPS, and then returned to a private day placement through FCPS this year. In another case, the parent homeschooled the student because the family could not return ████████ to ██████████ due to the treatment ██████ received there. We ultimately resolved the matter by providing ██████ with home-based services and placing ██████ in a private day school via ██████ IEP. In a third matter, the student was placed at another CSS via ██████ IEP, assaulted a teacher there, and then was placed in a private day school, only to engage in risky behavior there. ██████ is currently living out of state, but we anticipate ██████ return to FCPS, and with it, a demand for compensatory services. Finally, settlement discussions are ongoing for a fourth student. This student is traumatized by the treatment ██████ received at ██████████, and the documentation supports the family's allegations. ██████ is currently parentally placed in a private day school, although ██████ IEP also recommended a private day placement. Training and support for the staff and administration at ██████████ is ongoing, with additional training on IEP process and behavior management scheduled for the next teacher workday.

An OCR complaint regarding seclusion practices at ██████ in 2014 helped to update FCPS's guidance, training, and practice regarding restraint and seclusion. In that matter, the student was being secluded in the bathroom and via tall gym mats, where the staff could not adequately hear or see ██████. As part of the resolution

agreement with OCR, the IEP team placed the student in a private day placement specializing in students with autism.

There were several cases in which elementary students with mental health concerns at their base schools were moved to higher levels of placement via their IEPs or mediated agreements. In two cases at [REDACTED], students were experiencing very concerning mental health and behavioral concerns, and the staff did everything they could to provide supports and services to the students. Both IEP teams proposed more restrictive levels of services for the students. In another case at [REDACTED], a student experienced mental health and learning concerns over a significant period of time, and was moved to [REDACTED] CSS via a mediated agreement.

At [REDACTED] and [REDACTED], there were three state complaints in which there were concerns regarding the services and IEP procedures that were in place. In one case at [REDACTED], FCPS prevailed regarding procedures although the student had not received adequate preparation for life after high school. In another case at [REDACTED], the student had not received services outlined in [REDACTED] IEP, nor had [REDACTED] transition plan been adequately addressed. We settled that particular case by providing training to staff members involved and reimbursing the parents for the cost of their advocate. In the final case at [REDACTED], the teacher did not follow proper IEP procedures regarding parental notice or IEP team composition and did not address the student’s transition needs. FCPS was found out of compliance on this complaint.

A recent OCR complaint at [REDACTED] regarding services and coursework for a student in the CSS has had a divisionwide impact in terms of how we are addressing parents’ ability to choose coursework for students and the IEP team’s responsibility to provide the student with appropriate services. Conversations continue regarding how IEP teams should address this concern.

Recommendations

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Issues

Issue	Count
Child Find/Local Screening	2
MDR/Discipline	1
Placement/reimbursement	16
Retaliation and Discrimination	4
IEP	5
Eligibility	3
FAPE	4
ADA issue	1
BIP	1
Bullying	1
Services	8
Seclusion	2

Changes of Placement due to dispute resolution processes:

Case	Pyramid	School	Student	Type of Appeal	Issue	Notes	Outcome/ Takeaway

Monies paid out during dispute resolution processes:

Case	Pyramid	School	Student	Type of Appeal	Issue	Notes	Outcome/ Takeaway

Region 5 Summary

FY15-FY17

<p>Total monetary settlement costs for disputes in this Region; this does not account for staff or division attorney costs or the costs of students having to be placed private day or residential by the County CSA.</p>	<p>\$36,051</p>
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Major cases:

Case	Pyramid	School	Student	Type of Appeal	Issue	Notes	Outcome/ Takeaway
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Complaints lost:

Case	Pyramid	School	Student	Type of Appeal	Issue	Notes	Outcome/ Takeaway
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