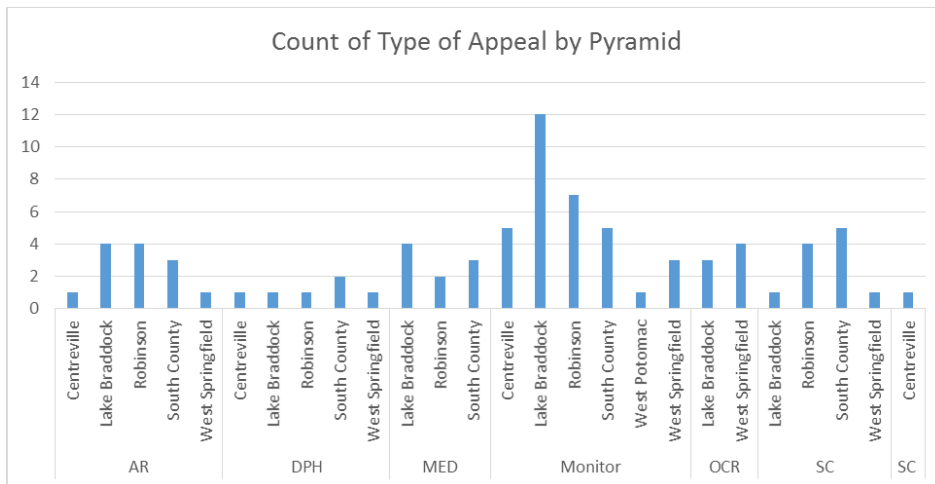
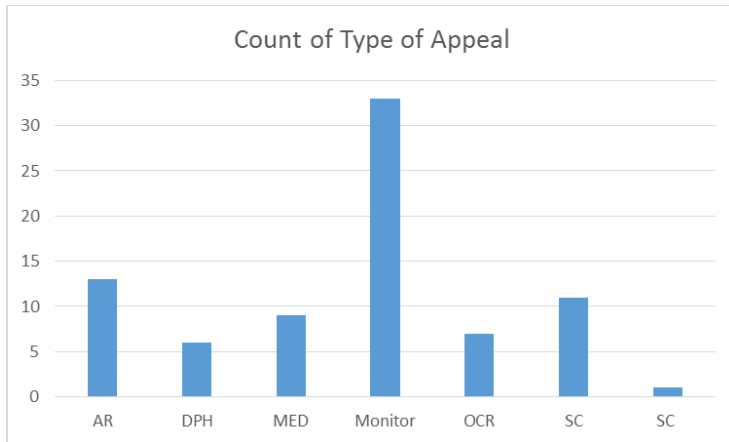


Region 4 Summary FY15-FY17



KEY	
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)

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Overall Issues

~~The legal issues in Region 4 have included mental health, physical health as well as dyslexia that led to placement disputes. Mental health concerns for students continues to be at issue throughout the division. In Region 4, th~~These concerns have led to hospitalizations and then more restrictive placements for several students. One particular concern has been the lack of feasible community supports for students who are experiencing mental health crises. We continue to work with school teams to provide appropriate educational placements for students, including private day and residential schools.

Commented [SJ1]: I'm wondering if this should be moved to a conclusion or just orally commented.

~~Mental health and physical H~~health concerns are becoming more prevalent for students and are becoming the driving force for disputes. ~~We worked on an Sangster Elementary had an~~ OCR complaint ~~at Sangster~~ in which a student with severe food allergies was forced to sit alone at a peanut free table, rather than the school team working with the family and student to find a better alternative. At Cherry Run, a student with significant and complex health concerns, ~~including and~~ nursing services required ~~compensatory education because of her inability to attend school without a nurse.~~ At Keene Mill, Irving and West Springfield HS, we have been working for years with a family with two daughters with Type 1 diabetes. There have been three OCR complaints. Some of the issues ~~have~~ included ~~the exclusion of~~ a student from the annual play because of her dietary needs ~~and therefore her diabetes~~, attempting to place all students with Type 1 diabetes on the same field trip, requiring the parents to provide medical care, and the provision of specific medical-related services on overnight field trips. ~~The family's advocacy has brought many changes to the programming and care provided to students with diabetes, but the work continues.~~

Commented [SJ2]: Wasn't the comp due to HD not being able to keep a nurse on the case? Rather than comp because of a sped failure?

Dyslexia and fidelity of instruction continue to be significant concerns across the division. In the Lake Braddock pyramid, there were four significant cases where elementary school students with dyslexia did not receive adequate reading instruction, did not make progress over time, and were subsequently placed in private day placements with some parental reimbursement ~~by FCPS~~. In the Robinson pyramid, there were several cases with similar concerns. Several appeals were filed due to difficulties at local screening and eligibility for students with dyslexia, including two administrative reviews at Laurel Ridge and one at

Commented [SJ3]: I would not include this but if you feel strongly, then keep. I would keep the written doc to facts and take aways and we can orally comment things like this.

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Fairview. There was also one mediation held due to the parental request for reimbursement for private instruction (Lindamodd-Bell) which we did not agree with and parents have not pursued other legal recourse. The parent is currently satisfied with instruction at Robinson.~~in an attempt to resolve parent concerns about reading instruction.~~ In the South County pyramid, work continues on one case that began as a Child Find concern at Silverbrook, and has now become about fidelity and instructional match at South County MS. There have been two requests for due process hearings, two mediations held, and there are five pending state complaints in this matter, ~~spanning between Silverbrook ES and South County MS.~~ We anticipate mixed findings regarding the state complaints due to two breaches ~~in of~~ confidentiality.

~~Confidentiality of student records is a significant concern across the division. FCPS was found out of compliance by VDOE due to a confidentiality breach at Silverbrook ES, and we anticipate a noncompliant finding by VDOE again in the pending state complaint regarding Silverbrook and South County MS.~~

Commented [SJ4]: Duplicative?

~~In keeping with DC Metro and national trends, we~~ There have ~~sb~~ been an increase in disputes regarding communication, including the Americans with Disabilities Act Title II complaints. At Cherry Run, the parent of a rising kindergarten student with autism wanted her son to attend the Canterbury Woods deaf ed program so that he could receive sign language. The parent filed a complaint with the Office for Civil Rights. ~~Ultimately,~~ Following extensive negotiation we resolved the complaint by allowing the student to go to Canterbury Woods for one semester for a trial placement and taking data on his communication preferences that has been successful. The family withdrew the OCR complaint. At Oak View, a student with autism uses the Rapid Prompting Method in private therapy, and parents requested a due process hearing seeking to allow him to use it in ~~the~~ school environment. We agreed to use it at school based on our evaluation data. The hearing was withdrawn but efforts to completely resolve the situation and plan for middle school are ongoing. ~~There are a couple dozen RPM cases across the division.~~

Commented [SJ5]: 24 RPM cases? I am not aware of that?? is that accurate?

Recommendations

Region 4 Summary FY15-FY17

Schools continue to need additional training on dyslexia and implementation of evidence-based reading programs. Continued collaboration and consultation with OSEI and OSEPS staff is recommended.

Schools need additional training on confidentiality of student information. ~~While best practice is reinforced by IT, Division Counsel, and OSEPS, does not seem to be followed in day-to-day interactions.~~ Additional training will be offered division wide, including at ~~to~~ Silverbrook and South County MS as part of the state complaint process/corrective action. ~~It may make sense to offer training to a wider audience.~~

Schools' ability to program for students with multiple disabilities continues to be a concern across the division. ~~Continued collaboration and consultation with OSEI and OSEPS staff is recommended.~~

Commented [SJ6]: I'm not sure where this recommendation comes from? As a result of which case(s)? Is this a Cherry Run focus? We do already collab between OSEI and OSEPs.....this document is to get RAS to reinforce topics with principals.

Issues

Issue	Count
Child Find/Local Screening	3
MDR/Discipline	5
Bullying	1
Placement/reimbursement	26
Extracurricular Activities	1
504	8
Retaliation and Discrimination	6
IEP	26
Eligibility	6
FERPA	2
ESY	3
RPM	1
Service Dogs	1

Changes of Placement due to dispute resolution processes:

Region	Pyramid	School	Student	Type of Appeal	Issue	Notes	Outcome/ Takeaway
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4	Lake Braddock	Cherry Run ES		Monitor	placement	Mike Eig is attorney; Eig indicated he would file DPH; Eig sent demand letter on 6/5 seeking private placement payment / placement @ Katherine Thomas School	Lack of implementation of reading instruction and data over multiple years resulted in MAS placement at Katherine Thomas School
4	Lake Braddock	Lake Braddock MS		Monitor	FAPE	Grace Kim is attorney. Student went to Ravensworth thru 6th grade; parent withdrew & placed at Oakwood School and sought reimbursement	Ravensworth did not provide Lack of any reading program with fidelity provided, so parents withdrew her to Oakwood, where she made progress. Resolved by FCPS sending her to Oakwood via the IEP and paying for previous tutoring (\$1310). She is now at Lab School, on a stay-put IEP.
4	Lake Braddock	MAS		Monitor	placement	Bill Brownley is attorney. Parents placed her at Commonwealth and wanted her to continue there.	Due to bullying at Ravensworth and adverse action by AP: Reimbursed parents for unilateral placement (\$35K) and placed at Commonwealth via MAS because of bullying at Ravensworth and adverse actions by the AP.

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4	Lake Braddock	White Oaks-ES		Monitor	placement	Bill Reichhardt was attorney; parent unilaterally withdrew him to Oakwood and sought private day for lack of reading progress	student <u>Student had not been provided adequate reading instruction which led to mental health concerns; reimbursed parent \$14K and IEP team placed him at Oakwood</u>
4	Lake Braddock			Monitor	placement eligibility	Grace Kim was attorney; School did not identify him for special education in a timely manner; student was hospitalized; HO sent him to Burke ALC; resolution mtg held 2/9; negotiating terms;	-Settled with parents by paying part of hospitalization and therapy costs (\$4737) and placing at Laurel Ridge CSS
4	West Springfield	Hunt Valley ES		DPH	IEP implementation	parents were pro se; worked with OSEL for autism expertise	It was very difficult to program for him in the enhanced autism class. Placed student in private day school via IEP.

Monies paid out during dispute resolution processes:

Region	Pyramid	School	Student	Type of Appeal	Issue	Notes	Outcome/ Takeaway
4	South County	Silverbrook ES		DPH	Childfind, FAPE	parent was pro se; concerned that Silverbrook did not identify his dyslexia until end of sixth grade; hearing withdrawn; mediation held	Resolved by providing after school tutoring to student all of 7th grade, and paid for private evaluation; \$6K. There have since been 7 state complaints (5 taken up by VDOE) and

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							another hearing request and another mediation.
<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>							\$61,037

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Major cases:

Region	Pyramid	School	Student	Type of Appeal	Issue	Notes	Outcome/ Takeaway
4	Lake Braddock	Sangster ES		OCR	food allergies/ <u>Section 504</u>	child find issues for student; delayed eligibility; conflicts about plan; completed VRA on 4/7/15	child find did not find him eligible for 504 in a timely manner; food allergy—student was being forced to sit at nut free table alone.
4	Robinson	Fairview ES		MED	FAPE	dyslexia	<u>Lack of acceptance of dyslexia by teachers</u>
4	Robinson	Oak View ES		Monitor	RPM	Mike Eig is attorney. Sought RPM methodology in the classroom.	On-going case—resolved. IEP process began—some references to preferred communication mode in IEP. Will be covering part of the cost

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							of the RPM trainer;
4	Robinson	Fairview ES		AR	eligibility	Grace Kim was attorney. Appealed SLD ineligibility. AR panel upheld decision.	private-dyslexia diagnosis; student parentally placed at Oakwood; expect Grace Kim to ask for reimbursement
4	Robinson	Laurel Ridge ES		AR	eligibility	Parents appealed SLD ineligibility.	Withdraw AR request based on results of IEE and eligibility committee reconsidering her eligibility
4	Robinson	Laurel Ridge ES		AR	eligibility	Parent appealed SLD ineligibility.	Withdraw AR request based on results of IEE and eligibility committee reconsidering her eligibility
4	West Springfield	West Springfield HS		OCR	FAPE; discrimination	Alleged that FCPS did not implement her HCP, 504 plan and DMMP when she was participating in school activities and extracurricular activities. Entered into VRA with OCR on 6/5/17.	Ongoing case—care for students with Type 1 diabetes. We have worked with the family to care for her on multiple overnight trips and extracurricular activities. Diabetes guidance document forthcoming.
4	West Springfield	Keene Mill ES		OCR	discrimination (504)	parent alleged discrimination b/e of pump battery change on 1/1/16; response sent 3/31/16. Entered into VRA	Ongoing case—care for students with Type 1 diabetes. Diabetes guidance

Commented [SJ7]: Need estimate of cost

Commented [SJ8]: Isn't this one time barred now? Do we still expect this to come back?

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						with OCR on 6/5/17.	document forthcoming.
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Complaints lost:

Region	Pyramid	School	Student	Type of Appeal	Issue	Notes	Outcome/ Takeaway
4	South County	Silverbrook ES		SC	Confidentiality	SLP asked all sixth grade speech students to stand to be recognized during the EOY assembly in front of entire school. Proposed resolution to parents and they declined. CAP required training for SES and letter of assurance.	Maintain student confidentiality, particularly about sped status. Provided FERPA/confidentiality training to Silverbrook.
4	Robinson	Bonnie Brae ES		SC	private school reimbursement	did not evaluate student for hearing and vision issues at his reevaluation; also did not provide PWN	Provided training to Bonnie Brae; also considered compensatory services at IEP.