1	will take notes about when she made these
2	statements, I'm going to let you re-direct for
3	anything that he's brought up.
4	But I don't see why it would be necessary
5	really to share those.
6	MR. RATNER: Okay. Well, just for example
7	
8	THE HEARING OFFICER: I mean, it would have
9	been nice. But I don't think he's required to do
10	that.
11	MR. RATNER: Okay. Well, just for example
12	And, again, what I would suggest is when he's
13	finished with his cross he gives me the documents
14	he asked about, and I can attempt to go through
15	them.
16	Because for example, right, he may be taking
17	one line out of context, and there could be a
18	bunch of other lines in there that support the
19	THE HEARING OFFICER: Well, she can deny
20	MR. RATNER: Sure, she can.
21	THE HEARING OFFICER: She can deny that she
22	said that.
23	MR. RATNER: But as you pointed out, she's
24	not even looking at the documents. He's just
25	giving her a memory test of emails she sent.

1	THE HEARING OFFICER: I think she can say,
2	"I don't remember"
3	MR. RATNER: Okay.
4	THE HEARING OFFICER: if that's what her
5	recollection is. All right. Move forward. And
6	we'll see what to do with the emails after you ask
7	the questions. Go ahead.
8	MR. ANDRIANO: And I'll remind you, Ms.
9	Freeman, the testimony on direct examination was
10	she's it's awesome. It's awesome. She's going
11	really She's doing very well. That was the
12	testimony.
13	THE HEARING OFFICER: Okay. Go ahead.
14	THE WITNESS: Can I not make a comment?
15	MR. RATNER: No. Just answer his
16	questions.
17	THE HEARING OFFICER: Just answer it.
18	Yeah.
19	BY MR. ANDRIANO:
20	Q Ms. REDACTED, you wrote The New Community
21	School, "I hate to say it, but REDACTED 's refusing to come
22	to school. I'm trying to get her there, but she's
23	currently unraveled, so I will let you know."
24	MR. RATNER: I'd ask for a date as to when
25	that statement was made, at least to help her

1	remember.
2	THE HEARING OFFICER: I think Yeah, just
3	give
4	BY MR. ANDRIANO:
5	Q Okay. On September 17th, 2021, you sent an
6	email to Cindy Smith. Who's Cindy Smith?
7	A Cindy Smith is her math teacher.
8	Q And you wrote, "I hate to say it, but REDACTED 's
9	refusing to come to school. I'm trying to get her
10	there, but she's currently unraveled, so I will let you
11	know."
12	Does that sound familiar to you?
13	A There is more context to what you're
14	referring to, which has been drilled down to a bullying
15	incident.
16	So it's not that she didn't want to go to
17	school, because
18	Q Ms. REDACTED, I haven't gotten to the bullying
19	incidents yet.
20	A Right. So
21	Q Those are next.
22	A So I'm telling you that this is in context,
23	and you're taking it out of context.
24	Q But did you make that statement to The New
25	Community School?

1	A Yes.
2	MR. RATNER: Ms. Freeman, if I could, I
3	noted a continuing objection to this entire line
4	of questioning. I think it is patently improper.
5	And that's the last I'm going to say on it.
6	THE HEARING OFFICER: All right. Let's
7	note the parents' objection. But go on with your
8	cross-exam. All right.
9	BY MR. ANDRIANO:
10	Q On September 17th, '21, in another email you
11	sent
12	THE HEARING OFFICER: Yeah. I do think
13	that's good though to give her the date so she has
14	some way to mark it in her mind.
15	BY MR. ANDRIANO:
16	Q Okay. On September 17th, 2021, in an email
17	to Cindy Smith you wrote, "My heart is breaking for her
18	to go through this much anxiety again." Correct?
19	A I don't recall.
20	Q Okay. Ms. REDACTED, I'm showing you an email
21	dated September 17, 2021, from you to Cindy Smith. If
22	you'd take a look at that last sentence.
23	A (The witness reviewed a document.)
24	Which last sentence?
25	Q (Indicating.)

1	A Yeah. Okay. Not the last sentence.
2	Is this the one you just said? Oh, yeah, "I
3	will leave to Ms. Oliver and Hudson to decide if she
4	should attend as an advisor."
5	THE HEARING OFFICER: I didn't hear the
6	last thing you said, "I will"
7	MS. REDACTED: Right, that last sentence. I
8	was just giving you what was before it. Okay,
9	yes, what you said is in writing on this piece of
10	paper.
11	BY MR. ANDRIANO:
12	Q "My heart is breaking for her to go through
13	this much anxiety." Did I read that correctly?
14	A That is what that piece of paper says. Yes.
15	Q Word for word?
16	A "My heart is breaking" Yeah. "My heart
17	is breaking for her to go through this much anxiety
18	again." Yes, that's what that says.
19	THE HEARING OFFICER: What date was that?
20	BY MR. ANDRIANO:
21	Q September 17th, 2021.
22	Ms. REDACTED, on October 27th, 2021, you wrote
23	an email to Julie Oliver. Do you know who Julie Oliver
24	is?
25	A Yes, I do.

And you said to Julie Oliver, "REDACTED is 1 0 2 hurting and I can't fix it by rescuing her from 3 school." 4 Do you recall making that statement to Ms. 5 Oliver? 6 I can't be -- I believe so. Α Yes. 7 On November 9th, 2021, you sent an email to 0 8 Ashlyn Hudson at The New Community School. Do you know 9 Ms. Hudson? 10 Α Yes, I do. 11 And you wrote, "Yesterday when we got close 0 12 to school had a panic attack which she could not 13 The fear of going to school was overcome. 14 insurmountable." 15 Do you recall making that statement? REDACTED developed an extreme fear of going to 16 Α 17 any school because of Chesterfield County. 18 Ma'am, that's not what I asked. Q 19 Α Oh. 20 Q Did you make that statement to The New 21 Community School? 22 Α If you're going to show me. Sure. Yes. 23 mean, it would have been nice to see this beforehand, 24 so I could actually review it and see what I was --25 If you want to give them all to me, I'll

look at them all and I'll tell you. 1 2 Ma'am, these are your emails. 3 Α I understand. But I don't remember what 4 happened months ago. 5 I'm happy to show them to you if you 6 don't recall. 7 Yeah, go ahead. Α 8 THE HEARING OFFICER: I think it's fair to 9 show her what she wrote. 10 MR. ANDRIANO: I'll do that for every one? 11 Yeah, go ahead and THE HEARING OFFICER: 12 show her. Because -- Yeah. 13 BY MR. ANDRIANO: 14 0 Okay. On November 9th, 2021, you sent an 15 email to -- again, to Ms. Hudson where you wrote, "I cannot imagine how she's managing to get through this. 16 It must be so painful for REDACTED 's heart. I will not 17 18 force her to come to school tomorrow, but I did want to 19 keep you in the loop." 20 I'm happy to show it to you if you don't 21 recall making that statement. 22 THE HEARING OFFICER: What was the rest of 23 "I will not force her to go to school" -it? 24 "I will not force her to MR. ANDRIANO: 25 come to school tomorrow, but I did want to keep

1	you in the loop."
2	THE HEARING OFFICER: "To come to school."
3	But what?
4	MR. ANDRIANO: "I did want to keep you in
5	the loop."
6	MR. RATNER: Mr. Andriano had raised an
7	objection previously about the best evidence rule.
8	I certainly think the emails would be,
9	quote/unquote, the best evidence.
10	THE HEARING OFFICER: Well, he said he
11	would show her the emails. And I think she made
12	the request to see them so she knows that he's
13	talking about.
14	So I think that's fair to show her the
15	emails.
16	MR. ANDRIANO: I'm happy to if she doesn't
17	recall
18	THE HEARING OFFICER: You'd be happy to
19	what?
20	MR. ANDRIANO: If she doesn't recall
21	stating them.
22	THE HEARING OFFICER: Okay. All right.
23	MR. ANDRIANO: I mean, these aren't I'm
24	not moving
25	THE HEARING OFFICER: I thought she said

1	she didn't recall generally some of the dates and
2	things like that. Do you want to just
3	MR. ANDRIANO: With the Hearing Officer's
4	permission, I'm happy to sit right next to Ms.
5	REDACTED
6	THE HEARING OFFICER: Yeah, yeah, go
7	MR. ANDRIANO: with the emails.
8	MS. REDACTED: You don't have to sit next to
9	me.
10	MR. ANDRIANO: And we can go through
11	MR. RATNER: Yeah, that's not what we're
12	asking. I think Mr. Andriano is, you know, now
13	going to try to invade Ms. REDACTED 's space.
14	And, again
15	THE HEARING OFFICER: Oh, yeah.
16	MR. RATNER: What we have here again, I
17	just want to state this very clearly. Mr.
18	Andriano is trying to use this evidentiary trick
19	of saying, "Oh, these are her emails."
20	We requested copies of these. There's a
21	reason you made a ruling that documents that were
22	going to be introduced into evidence must be in
23	the hearing book and on the exhibit list.
24	What we have here is an end run around that
25	by saying, "We subpoenaed these. We don't have to

1	share those with you, even though you asked. And
2	by the time we denied your request to share them
3	with you, it was too late for us to get the copies
4	to put them in the exhibit book."
5	And now he wants to ask her one by one by
6	one about all these emails we've never seen
7	before.
8	MR. ANDRIANO: Ms. Freeman, may I be heard?
9	THE HEARING OFFICER: Sure.
10	MR. ANDRIANO: This is really simple
11	impeachment. I don't really understand why
12	THE HEARING OFFICER: I was going to say
13	this is impeachment
14	MR. ANDRIANO: there's lots of
15	discussion.
16	THE HEARING OFFICER: And I don't know why
17	he would be required to show you all of those. It
18	sounds like it would be a nice thing to do. But
19	as far as whether or not he's required to
20	So let's move on.
21	MR. ANDRIANO: Again, Ms. Freeman, these
22	are mom's own emails.
23	THE HEARING OFFICER: I know. I know. Of
24	course I wouldn't remember everything that I had
25	written a couple of a year or so ago.

1	MR. ANDRIANO: But she clearly remembered
2	that it's awesome and she's doing very well.
3	THE HEARING OFFICER: Yeah, I understand
4	that. I do not want to interfere with your cross-
5	exam. So go ahead.
6	And I'll note you exception.
7	BY MR. ANDRIANO:
8	Q On November 9th, Ms. REDACTED you sent an
9	email to Ashlyn Hudson where you said, "We have
10	discussed home-schooling. But I have told REDACTED that
11	she has to finish this year at TNCS."
12	A In reference to the ongoing bullying
13	incident that they were working through with me, I was
14	expressing the anxiety the bullying incident was
15	creating. And, yes.
16	Q Yes, you did make that statement?
17	A I did make that statement.
18	Q On November 11th, 2021, you sent another
19	email to Ashlyn Hudson in which you said, "REDACTED's not
20	doing well, and was riddled with anxiety when she got
21	out of the car, but she did."
22	Do you recall making that statement to The
23	New Community School?
24	A Would it be helpful just if you give me all
25	the emails so I can look at them while you're looking

1	at them?
2	Q If you
3	A Because I don't I don't remember exactly
4	what I wrote. It was
5	Q I'm just asking. If you don't remember,
6	then just tell me and I will show the document to you.
7	A Okay. I don't remember.
8	Q Okay. Ms. REDACTED I'm showing you an email
9	dated November 11, 2021, from you to Ashlyn Hudson.
10	Read that line right there (indicating).
11	THE HEARING OFFICER: What date is that?
12	11/11?
13	MR. ANDRIANO: Yes, ma'am.
14	THE HEARING OFFICER: Okay.
15	BY MR. ANDRIANO:
16	Q "She's not doing well, and was riddled with
17	anxiety when she got out of the car, but she did.?
18	A Correct.
19	Q On November 16, 2021, you sent an email to
20	Julie Oliver at The New Community School and you wrote,
21	"When we came to school this morning We came to
22	school this morning, but due to a panic attack REDACTED
23	could not make herself get out of the car. So I drove
24	her home, which is a thirty minute trek each way."
25	Do you recall making that statement to The

1	New Community School?
2	A I cannot say that I recall exactly what I
3	wrote. I cannot recall.
4	Q Ms. REDACTED, I'm showing you an email dated
5	November 16th, 2021, from you to Julie Oliver, subject,
6	"REDACTED in late today."
7	Would you read that first paragraph, please?
8	THE HEARING OFFICER: What's my date again?
9	BY MR. ANDRIANO:
10	Q November 16th, 2021.
11	A And then it says, "We discussed her going to
12	a new science class instead of math today. I know it
13	was what I said last night, and she seems open to it.
14	In my opinion, the sooner we can move her the better.
15	She was just thinking it would be awkward, which is
16	what created the anxiety."
17	Q Right. But you wrote, "We came to school
18	this morning, but due to a panic attack"
19	A Yes. That was one of the lines.
20	Q And you mentioned moving. So you requested
21	that she be moved to another class?
22	A Correct.
23	Q On November 19th, 2021, you sent an email to
24	all of REDACTED 's teachers in which you said, "Each of you
25	have repared in your class. And as you have noticed, she

1 has missed quite a bit of these last two weeks. 2 Unfortunately, the longer she misses school the further 3 behind she gets, which increases her anxiety, which is 4 already pretty high." 5 Do you recall making that statement to her 6 teachers? 7 What does the rest of it say? Can we just 8 have the context? 9 "Unfortunately, the longer she misses school 0 10 the further behind she gets, which increases her anxiety, which is already pretty high." 11 12 That's the entire email? Q 13 I'm sure there was more. Α No. 14 0 Okay. I'11 --15 REDACTED, I'm showing you an email dated 16 November 19th, 2021, that appears to be to 17 teachers. 18 It also says, "If you are in agreement, 19 would like to get caught up on her break next week to 20 make up for points lost on her assignments. I wanted 21 to see if there was any extra credit she could do. 22 do realize having to catch up a student can be 23 disruptive to your class and planning. I assure you I 24 do not want to create any additional work for you. 25 also notice she needs to be accountable for her work.

And missing school is not an excuse, but I'm asking for 1 2 a little grace." 3 And so, yeah, this was still in the middle 4 of the bullying incident where the bully was then 5 suspended for an entire semester. 6 0 Thank you. I haven't gotten to the bullying 7 incidents yet. We'll get to those --8 Α But that's what was going on. No. 9 All right. You had mentioned the bullying Q 10 incident. But there were -- There's been more than one 11 incident of bullying at The New Community School, 12 hasn't there? 13 There has been one bully. Α 14 0 All right. Let's go through them. You said 15 one bully; correct? 16 Α Clarify. 17 0 All right. You wrote an email to Ashlyn 18 Hudson on October 26, 2021, where you stated, "And the 19 anxiety she was having about having a meeting with the 20 girls who continue to bully her was too much for her 21 eleven year old brain to handle." 22 Is that accurate? 23 You're intentionally misrepresenting Α 24 information. Yes, that does say "girls." 25 Q Is that an accurate statement that you made

1	to The New Community School?
2	A I do not recall.
3	(Discussion off the record.)
4	BY MR. ANDRIANO:
5	Q Ms. REDACTED, I'm showing you an email from you
6	to Ashlyn Hudson dated October 26, 2021. And read that
7	paragraph.
8	A (The witness reviewed a document.)
9	Yes. It says, "The girls who continue to
10	bully her was too much for an eleven year old brain."
11	So girls tend to band together, as they do.
12	One incident. Well, one group of girls, yes.
13	THE HEARING OFFICER: So for my own
14	clarification, it's one group of girls who were
15	bullying? Is that basically what you're talking
16	about?
17	MS. REDACTED You have girls; right? So
18	girls, typically there's a ring leader who is the
19	girl that got suspended. And New Community did a
20	fantastic job of addressing the bullying incident
21	and working with me for over a lengthy period of
22	time, which is why this all kind of went on.
23	They didn't want to call out a girl if it
24	was just hearsay. So it took a while to kind of
25	work through to make sure. You know, all these

1	girls were new. So, yes, there were a couple of
2	girls just kind of got caught up in being catty.
3	New Community handled it really, really,
4	wonderfully. The girl has now come back to
5	school. So, yeah, what was going on is, you know,
6	little girls being little girls, and it was
7	causing anxiety.
8	THE HEARING OFFICER: How long did the
9	incident go on with the one group?
10	MS. REDACTED: I think, you know, it kind of
11	dragged. But it was one of those situations where
12	I was addressing it. I didn't know what was
13	happening.
14	And then we kind of worked it out.
15	THE HEARING OFFICER: Okay.
16	MS. REDACTED: I was encouraging REDACTED to work
17	through it herself. And then the staff got
18	involved. But they didn't want to They didn't'
19	want to go on hearsay, so they had to observe for
20	a while, you know.
21	They were trying to give her
22	THE HEARING OFFICER: So was it a matter of
23	a couple of months?
24	MS. REDACTED: Yeah, yeah.
25	THE HEARING OFFICER: Okay.

1	MS. REDACTED: So it's just kind of two months		
2	or so.		
3	THE HEARING OFFICER: All right. I'm sorry		
4	to interrupt. Go ahead.		
5	BY MR. ANDRIANO:		
6	Q Ms. REDACTED, you previously said it was a boy;		
7	correct?		
8	A What?		
9	Q You previously called the bully a boy.		
10	A I don't remember saying that.		
11	Q Okay. And you just testified to the Hearing		
12	Officer that it just lasted a few months before it was		
13	resolved; correct?		
14	A I don't recall.		
15	THE HEARING OFFICER: I think she said a		
16	couple months.		
17	BY MR. ANDRIANO:		
18	Q A couple months? Okay.		
19	Isn't it true, as recent as February of this		
20	year, you were still complaining about bullying?		
21	A I don't recall.		
22	Q All right. You wrote		
23	A We have a very open relationship with The		
24	New Community School.		
25	Q Okay. On February 7th, 2022, you sent an		

1 email to Julie Oliver where you said, "The continuation 2 of the bullying, after meeting with Ms. Foy and a 3 resolution to go their own ways, is unacceptable. As you may notice, REDACTED is not at school today." 4 5 So okay -- I don't know. Let me see 6 I don't know what it's in reference to. the note. 7 THE HEARING OFFICER: Are you going to show 8 her the --9 MR. ANDRIANO: Yes, ma'am. I'm just trying 10 to find it. 11 (Pause.) 12 BY MR. ANDRIANO: 13 REDACTED, I'm showing you an email dated 0 14 February 7th, 2022, from you to Julie Oliver. The part 15 that I was reading to you was starting on this page and 16 that paragraph there. 17 (The witness reviewed a document.) 18 So prior to that, "Thank you for meeting 19 with Ashlyn and me yesterday. I know there is little 20 that I can say, but I hope you can find a way to lean 21 in and trust that we have her in our care. She has her 22 people and she is doing well. We will continue to 23 monitor things. Please continue to reach out as much 24 as needed." That's what The New Community School wrote 25 Q

1 back to you; correct? 2 Α Yeah. 3 But that's not your message. 4 Actually, that's the message prior to this. 5 So if you want context, I'd be happy to tell you. 6 Ashlyn Hudson -- I mean, I don't know how this works. 7 I've never been in court or anything like this. 8 But does she have to testify to -- I mean, I 9 just --REDACTED 10 Q Ms. 11 You're taking it out -- words that is not 12 actually --13 I simply asked if you --0 14 -- what was going on. So, yes, those are my 15 And that was in reference to when all the girls words. 16 came back, and the other girl was allowed to come back, it was awkward and people said things. 17 18 I was just acknowledging that with them, 19 because we have a wonderful working relationship. 20 Q You called The New Community School a toxic learning environment for REDACTED isn't that correct? 21 22 Α I don't know. 23 THE HEARING OFFICER: What's the date of 24 that one? 25 MR. RATNER: Do you mind?

1	MR. ANDRIANO: No, please.			
2	MR. RATNER: November 10th, 2021.			
3	BY MR. ANDRIANO:			
4	Q Ms. REDACTED, I'm showing you an email dated			
5	November the 10th, 2021, to a Nancy Foy. Who's Nancy			
6	Foy?			
7	A She is the head of school.			
8	Q Great. "I refuse to continue putting my			
9	daughter in this toxic environment."			
10	A Uh-huh. That was, yeah, when the incident			
11	was going on.			
12	Q Did I read that correctly?			
13	A Yes.			
14	Q You wrote an email to The New Community			
15	School in which you called it a traumatic experience			
16	that REDACTED was having at The New Community School; no?			
17	A I don't know. I don't know. I mean			
18	Q Let me read it to you. You said, "In			
19	particular, I do not feel this problem behavior was			
20	addressed quickly enough, which allowed it to become			
21	and continue to be a traumatic experience for REDACTED."			
22	A Okay.			
23	Q Did you make that statement to The New			
24	Community School?			
25	A Yes. Sure; I believe so. I don't know.			

1 Yes; show it to me. You know, I don't understand where 2 this is going. 3 (Pause.) 4 0 Ms. REDACTED, I'm showing you an email from you 5 to Julie Oliver dated February 7th, 2022. And it's 6 this paragraph here. 7 (The witness reviewed a document.) A 8 Okay. Yes. 9 So that statement I read was correct? 0 10 A Yes. 's been absent Ms. REDACTED, All right. 11 Q 12 from The New Community School for 14 school days this school year already; correct? 13 14 A Yes. 15 New Community --She had COVID, so she did have to 16 A 17 quarantine. 18 0 Okay. She's also had 29 days impacted by 19 early dismissals, tardies, and late arrivals. 20 I don't know. I didn't count. A 21 Do you disagree? 0 22 Do you have the dates? A 23 I do, if you'd like to see. Q 24 I didn't bring my planner, though. 25 So I make notes of everything. I didn't -- I wasn't

1	aware I needed that.	
2	THE HEARING OFFICER: Needed what?	
3	MS. REDACTED: My paper planner, I didn't	
4	bring it.	
5	THE HEARING OFFICER: Oh, your planner.	
6	MS. REDACTED: It's on my desk at home. So I	
7	guess showing me that is not going to I mean, I	
8	don't recall. There's doctors' appointments and -	
9	- I mean	
10	So you don't need to show me, because I have	
11	nothing to cross-reference it on.	
12	BY MR. ANDRIANO:	
13	Q So you agree that that's an accurate number,	
14	29 days?	
15	A I can't agree to it. I don't have	
16	Q Well, I can show you The New Community	
17	School documents, if that would be helpful.	
18	A Right. I can't compare it to my notes.	
19	THE HEARING OFFICER: What did you say the	
20	actual absences were?	
21	MR. ANDRIANO: Fourteen school days.	
22	BY MR. ANDRIANO:	
23	Q Ms. REDACTED, you threatened to sue The New	
24	Community School for experimental medical practice;	
25	isn't that correct?	

1 Can you clarify the context? Α You wrote, "REDACTED 's advocates will not 2 0 3 fail to take the maximum action permissible under the 4 law against your organization and against you 5 personally." 6 Α I sent that to Chesterfield County, Yeah. 7 as well, because I disagreed with them trying to push a 8 COVID-19 vaccine on my children. 9 0 But you sent that letter to Ms. Foy at The 10 New Community School, didn't you? 11 Α As well as I sent it to my son's 12 principal at Chesterfield. 13 Now, going back to that enrollment 14 application that you made at New Community School; you 15 remember signing that agreement? 16 Α Yes. 17 Q The enrollment agreement? 18 Α Yes, yes. 19 0 Didn't you agree that The New Community School at its discretion could switch to virtual at any 20 21 time? 22 Α If that -- yes, yes. 23 And didn't you agree that The New Community 0 24 School could close due to a pandemic and provide no 25 services?

1	A I'd have to reread the document. I			
2	Q I'm happy to share it with you.			
3	A Did they say that they could close? I don't			
4	know.			
5	Q And didn't you agree to continue paying			
6	tuition if they closed?			
7	A I'd have to read the document.			
8	Q All right.			
9	MR. RATNER: Ms. Freeman, while he's			
10	looking for that particular document, the			
11	agreement, I think, is one that's going to need			
12	some re-direct. And I would it can wait until			
13	:			
14	THE HEARING OFFICER: You're going to			
15	whatever he has for cross-exam for direct I			
16	mean, for re-direct.			
17	MR. RATNER: Right; but that was one I'd			
18	like to see, the application.			
19	MR. ANDRIANO: Oh, actually, Mr. Ratner, I			
20	believe it's in parents' exhibit binder. Let me			
21	see if I can you had directed Ms. REDACTED to it,			
22	but			
23	THE HEARING OFFICER: Where is it? Is it			
24	in your exhibit book?			
25	MR. ANDRIANO: It's not in the school			

1	board's exhibit book. It's in the parents'			
2	exhibit book.			
3	THE HEARING OFFICER: Oh, okay.			
4	MR. RATNER: Great.			
5	THE HEARING OFFICER: And what exhibit is			
6	it, if anybody knows?			
7	MR. ANDRIANO: Let me see.			
8	MR. RATNER: The one that I think he's			
9	referring to is for the next school year. So I'm			
10	not sure that's the one he's talking about.			
11	THE HEARING OFFICER: Oh, okay.			
12	MR. RATNER: She's already signed up for			
13	next year. That's why I was confused.			
14	MR. ANDRIANO: Well, I have			
15	THE HEARING OFFICER: Because I thought it			
16	was '21 that you were talking about.			
17	MR. RATNER: Uh-huh, right; but that's not			
18				
19	MR. ANDRIANO: It's the same one. It's			
20	just a different year.			
21	(Discussion off the record.)			
22	BY MR. ANDRIANO:			
23	Q Ms. REDACTED I'm showing you the 2021-2022 New			
24	Community School enrollment agreement.			
25	THE HEARING OFFICER: '21 to '22?			

1	MR. ANDRIANO: Correct.			
2	THE HEARING OFFICER: Okay.			
3	BY MR. ANDRIANO:			
4	Q That you and Mr. REDACTED signed on February			
5	23rd, 2021, the one we previously discussed.			
6	A Uh-huh.			
7	Q And if you take a look at paragraph 10,			
8	doesn't that indicate that The New Community School can			
9	close for a pandemic, among other things?			
10	A (The witness reviewed a document.)			
11	All right. Yes; the liability statement.			
12	Q Does it say that they can close due to a			
13	pandemic, among other things?			
14	A Yes, yes.			
15	Q And they wouldn't			
16	A It says, "This includes but is not limited			
17	to fire, flood, act of God, war, government action, act			
18	of terrorism, epidemic, pandemic, viral breakout			
19	outbreak, natural disaster"			
20	MR. RATNER: Ms. Freeman, if I may just			
21	interject for a moment. This seems very similar			
22	to a number of situations we had. The New			
23	Community School person is going to be here.			
24	Mr. Andriano is certainly welcome to quiz			
25	them about this. She signed it. There's I			

1	don't understand the relevance.
2	THE HEARING OFFICER: Well, one of the
3	issues is about the pandemic. And, apparently,
4	paragraph 10 of this contract, '21-'22, addresses
5	that.
6	And I think he was pointing out that she
7	agreed what she agreed to in the contract. But
8	I think, if you want to present your witness later
9	who will further clarify and explain the
10	circumstances or the
11	MR. RATNER: That's fine.
12	THE HEARING OFFICER: Yeah; but for now,
13	I'm going to respect his right to cross-examine.
14	MR. ANDRIANO: And Ms. Freeman, just for
15	the record, that same language is in Parents'
16	Exhibit 82, which Mr. Ratner
17	MR. RATNER: And we'll stipulate to that.
18	THE HEARING OFFICER: Okay. Thank you.
19	MR. RATNER: I mean, we could have done a
20	lot of this if we'd just shared them in advance.
21	THE HEARING OFFICER: Okay. So that's
22	Parents' 82, which was the school system's what?
23	MR. ANDRIANO: No; it was the New Community
24	School's
25	THE HEARING OFFICER: Oh, all right.

1	MR. ANDRIANO: enrollment application
2	for the 2022-2023 school year. But it contains
3	that same exact language.
4	THE HEARING OFFICER: Okay.
5	MR. RATNER: Could we further stipulate
6	I think it just might make it easier that the
7	two documents are essentially contain all of
8	the same provisions?
9	MR. ANDRIANO: I think so. I haven't
10	compared it paragraph by
11	MR. RATNER: Maybe not phrased in the exact
12	
13	THE HEARING OFFICER: They contain all
14	right.
15	MR. ANDRIANO: But I will stipulate
16	THE HEARING OFFICER: If it's by
17	stipulation, that's great.
18	MR. ANDRIANO: I mean, I will stipulate it
19	contains that language, that they can switch to
20	virtual learning at their discretion.
21	MR. RATNER: Right.
22	MR. ANDRIANO: And that they can close
23	THE HEARING OFFICER: And both contracts
24	say that?
25	MR. RATNER: We'll review it at the break,

1	and we'll			
2	THE HEARING OFFICER: Okay, all right.			
3	Well, yeah, let's not waste time on it right now.			
4	BY MR. ANDRIANO:			
5	Q All right. Now, Ms. REDACTED, you had			
6	testified earlier with Mr. Ratner that REDACTED would			
7	sometimes say things about Chesterfield County Public			
8	Schools, that school was silly, or she felt, I think			
9	you said			
10	A I said stupid.			
11	Q Yep. Isn't it true she has said the same			
12	things about The New Community School?			
13	A I don't recall.			
14	Q You wrote an email on September 15th, 2021,			
15	to Cindy Smith, where you said, "REDACTED tends to think			
16	it's stupid, or things I learned in the first grade."			
17	And she was referencing the language fundamental class			
18	at The New Community School.			
19	Does that sound familiar?			
20	A Yes, yes.			
21	Q And you refused to sign a release for			
22	Chesterfield County Public Schools to get records from			
23	The New Community School prior to the some of the			
24	IEP meetings; correct?			
25	A I signed a refusal? Is that what you just			

1 said? I'm sorry. Clarify. 2 Let me rephrase. Chesterfield County Public 3 Schools asked you to sign a release so that it could 4 get records, your child's records from The New 5 Community School; correct? 6 I remember I -- yeah. I'm sorry. I don't Α 7 remember. 8 REDACTED, I'm showing you an email dated 9 October 18th, 2021, from you to Diane Glover in 10 Chesterfield County Public Schools, the second 11 paragraph, second sentence. 12 "Because CCPS rejected the request to place 13 at TNCS we decline to sign the release you asked for at 14 this time." That's what it says; uh-huh. 15 Great; thank you. And that's dated October 16 18th, 2021; correct? 17 Α Yes. 18 MR. RATNER: I don't want to interrupt Mr. 19 Andriano's flow, but I think the restroom break 20 will become more urgent relatively soon. 21 just want to bring that up. 22 THE HEARING OFFICER: Okay. Restaurant 23 break. 24 MR. ANDRIANO: Restaurant? 25 THE HEARING OFFICER: Restroom, restroom

1	break. It's 3:00 o'clock. Do you want to come			
2	back in say five or ten? Let's give you ten			
3	minutes; is that okay?			
4	MR. RATNER: That's great; thank you.			
5	THE HEARING OFFICER: All right. So 3:10.			
6	MR. ANDRIANO: Thank you.			
7	(Brief recess.)			
8	THE HEARING OFFICER: We're back on the			
9	record. Mr. Andriano, I don't believe you were			
10	done yet.			
11	MR. ANDRIANO: Thank you, Ms. Freeman.			
12	BY MR. ANDRIANO:			
13	Q Ms. REDACTED, I'd like to direct your attention			
14	School Board Exhibit Number 13. Probably got all			
15	messed up there.			
16	A I got it, I think. 13?			
17	Q School Board 13. And I'm sorry; I think Mr.			
18	Ratner probably directed your attention to a similar			
19	document in parents' exhibits. I just don't have that			
20	number down.			
21	MR. RATNER: Should be her fourth grade			
22	report card.			
23	MS. REDACTED Yes; that's what I have.			
24	BY MR. ANDRIANO:			
25	Q Okay. I just wanted to talk briefly with			

You had discussed REDACTED's math grade on your 1 2 direct examination. 3 Α Yes. 4 But you all didn't talk about, didn't she 5 make a B in reading for the third nine weeks? 6 Α That's what it says. 7 And didn't she make an A in writing 8 for the third nine weeks? 9 Yes. Α 10 0 And she made a B in social studies for the 11 third nine weeks? 12 According to this report card; yes. Α 13 And in science, she made an A for the 0 14 third nine weeks? 15 Α Right; correct. 16 Now, going back to that mathematics grade, 17 that was -- you said that was an accelerated math 18 class; correct? 19 Α Correct. And wasn't that accelerated math class that 20 Q 21 was in -- didn't it compact three years of 22 mathematics content into two years of instruction? 23 Α I don't know. 24 Let me direct your attention to Okay. 25 School Board -- I'm sorry -- Parents' Exhibit 37. This

1 is a document that Mr. Ratner had reviewed with you. 2 Α Where am I looking? 3 MR. RATNER: Parents' volume one. 4 BY MR. ANDRIANO: 5 Parents' -- tab 37 of the -- I think it's 0 6 binder one of three, tab 37. You remember reviewing 7 this letter --8 А Yes. 9 -- with Mr. Ratner? 0 10 And specifically, if you'd look at the 11 second paragraph. Doesn't it indicate that the 12 accelerated math curriculum compacts three years of 13 mathematics content into two years of instruction? 14 Yeah; it says, "The accelerated mathematics 15 curriculum compacts three years of mathematics content into two years of instruction. Your student's fourth 16 17 grade year included study of fourth grade and most of 18 the fifth grade SOL objectives." And REDACTED made an A in that class in 19 0 Great. 20 the first semester, didn't she? First quarter; I'm 21 sorry. 22 Yes. Α 23 She made an A in that class for the second Q 24 quarter? 25 Yes. Α

П		7
1	Q	And then a C for the third quarter?
2	А	Yes.
3	Q	If I can direct your attention to School
4	Board Exhi	bit 53. Do you recognize that document?
5	А	It's the fifth grade report card.
6	Q	Yes; thank you.
7		Now, you had you and Mr. Ratner talked
8	about the	NAs that she received the first
9	A	Yes.
10	Q	first grading period.
11	A	Uh-huh.
12	Q	But didn't she make an A for the fourth
13	grading period in reading?	
14	А	They put an A on this report card.
15	Q	Okay. Didn't she make an A in writing for
16	the fourth period?	
17	А	On this report card, it has an A.
18	Q	Social studies, did she
19	A	Yes; an A.
20	Q	An A.
21		Mathematics?
22	А	Yes; an A.
23	Q	An A. Not NA, but an A.
24	А	I'm sorry; an A.
25	Q	An A.
11	ı	l la companya di managantan di managantan di managantan di managantan di managantan di managantan di managanta

1	А	An A; yes, agreed.
2	Q	Science, again, an A?
3	А	Yes.
4	Q	If I could direct your attention to School
5	Board Exhibit 16, 1-6. Do you recognize this document,	
6	Ms. REDACTED ?	
7	А	Yes.
8	Q	Is it REDACTED 's IEP from August 25th, 2020?
9	А	Yes.
10	Q	And look at page 1.
11		Were you present at that meeting?
12	A	I can't confirm that.
13	Q	Is your name listed there as an attendee?
14	А	Yes.
15	Q	Turn to page 8 of that document. If you
16	look there's a section up at the top of that page,	
17	page 8 of	that document. It's titled "Extended School
18	Year."	
19		And there's a question, "Does the student
20	meet criteria for extended school year services?"	
21	А	Uh-huh.
22	Q	And the team wrote "no"; correct?
23	A	Correct.
24	Q	And if you turn to page 11 of that document,
25	did you sign a consent to implementation of this IEP?	

1	А	Yes.
2	Q	If I could direct your attention to School
3	Board Exhi	bit 20, 2-0.
4	А	22?
5	Q	I'm sorry; 20, 2-0.
6	А	Oh, $2-0$.
7		MR. RATNER: Number 20.
8		MS. REDACTED: Okay. Yeah; I'm like what? 2-
9	0; go	t it.
10		BY MR. ANDRIANO:
11	Q	Is this an IEP amendment for REDACTED dated
12	November 4	th, 2020?
13	А	Yes.
14	Q	And were you in attendance at this meeting?
15	А	I believe so. Was this the date of the
16	meeting, t	he 11/4?
17	Q	Yes; that's well, that's the date of the
18	document.	You see at the top there it says, "Date
19	11/4/2020"	?
20	А	Okay.
21	Q	Is your name there, listed
22	А	Yes.
23	Q	as an attendee?
24	A	Yes.
25	Q	And Kevin Mueller?

1	А	Yes.
2	Q	Who's Mr. Mueller?
3	А	He's an attorney.
4	Q	He was representing you at this IEP meeting?
5	А	Yes.
6	Q	And Laura Burke?
7	А	Yes.
8	Q	She was there at your request?
9	А	Yes.
10	Q	Okay. And if you'd please turn to page 14
11	of that do	cument.
12		Did you provide consent to implementation of
13	this IEP a	mendment?
14	А	I just want to review the document, so I
15	remember.	
16	Q	Okay.
17	А	(The witness reviewed a document.)
18		Do you know if we were virtual at this time?
19	Q	I'm sorry.
20	А	I'm sorry. I don't remember on 11/4
21	where does	it flip? I was just trying to get my
22	ground	bearings.
23	Q	Yeah; I was just asking you, on page 11, did
24	you sign c	onsent to its implementation?
25	А	Well

1 It's page -- I'm sorry. Q 2 Α I'm getting there. 3 Q Page 14. Not 11, page 14. 4 Α Yeah; I just wanted to understand -- because 5 I know, with a lot of the ones that I signed, there was 6 a course on the email with stipulations. So I just 7 wanted to make sure this was not one of those. 8 Sure; I think that's the next one we'll get 9 to. 10 Α Yeah; well, I did it more than once. 11 (The witness reviewed a document.) 12 So do you know, is this the one --REDACTED, I'm just asking whether you 13 0 14 signed consent to its implementation. 15 Α It looks different. They do look different. 16 But that is my signature; yes. 17 Q And it says, "I give consent to implement 18 this IEP"? 19 Α Correct. 20 Q Dated November 18th, 2020? 21 Α Yes. 22 If you could turn, please, to School Board 0 23 Exhibit 37. 24 Is this an IEP dated February 19th, 2021? 25 Α Yes.

1	Q	And did you participate in this meeting?
2	А	I did. I don't recall Sharon Porter on this
3	list.	
4	Q	Okay.
5	А	But I was in attendance; yes.
6	Q	And was Mr. Mueller, your family attorney,
7	there, as	well?
8	А	Yes.
9	Q	And Ms. Burke, your family advocate?
10	А	Yes.
11	Q	And this was an IEP; correct?
12	A	Correct.
13	Q	And if you'd turn to page 14.
14		Did you provide signed consent to its
15	implementa	tion?
16	A	Okay; yeah. The email with conditions;
17	sure.	
18	Q	Yes.
19	A	Yes.
20	Q	But did you sign consent
21	А	Yes; I signed it on 3/24
22	Q	Okay.
23	А	2021.
24	Q	If I could direct your attention School
25	Board 59.	

Is that an IEP for REDACTED dated February 4th, 1 2 2022? 3 Α Yes. 4 That's the most recent IEP that's been 5 developed for REDACTED; correct? 6 Α I attended the initial meeting. And this is 7 what they emailed me after they reconvened. 8 And after they contacted you to reconvene, 9 you wrote that you were not going to attend; correct? 10 Α Correct. They had told me -- I was involved 11 in the IEP meeting. It went well over two hours. 12 yeah, so I -- correct. Now, Ms. REDACTED, I just want to go 13 Okay. 14 back and talk about that OT evaluation. 15 Α Okay. 16 Didn't you write to Chesterfield and say 17 that you do not object to the OT evaluation, "so please 18 send me whatever I need to sign to move forward with 19 the evaluation"? 20 Yes; with context, yes. 21 And you provided consent, written, signed consent to the OT evaluation? 22 23 I provided consent because I felt I had no Α 24 other option. 25 But you did provide consent. Q

1	A I provided consent to a what was told me	
2	as something other than evaluation.	
3	Q And you provided consent on March 24th,	
4	2021; is that accurate?	
5	A I don't remember.	
6	Q If you'd turn to School Board 41, please,	
7	41.	
8	A Yes. This is the document I signed after	
9	receiving an email from Lindsay Mottley letting me know	
10	that we're going to do not a formal evaluation.	
11	Q You said well, turn to page 1 of the	
12	exhibit, please, for me.	
13	A Yep.	
14	Q Doesn't it indicate an occupational therapy	
15	assessment?	
16	A Assessment or evaluation?	
17	Q Take a look I'm sorry page 2 of that	
18	document. You see the box checked there?	
19	A Yes.	
20	Q Doesn't it say an occupational therapy	
21	assessment?	
22	A Yes.	
23	Q And on page 3, doesn't it indicate that you	
24	provided consent to that OT assessment?	
25	A Yes.	

1	Q	Occupational therapy assessment?
2	A	Yes.
3	Q	Now, you called this, and I'm using your
4	language k	pecause I wrote it down exactly how you said
5	it, anothe	er roadblock.
6	А	Yes.
7	Q	And you signed this on March 24th, 2021.
8	А	Correct.
9	Q	But you had already completed the enrollment
10	application	on for New Community School on that date.
11	А	Right. You have to apply in March.
12	Q	Okay. I was just making sure.
13	A	Just being proactive.
14	Q	We can agree
15	A	Yes, yes; I
16	Q	that you had already completed the
17	A	Yes.
18	Q	enrollment application
19	A	Uh-huh.
20		MR. ANDRIANO: for New Community School.
21		Nothing further.
22		THE HEARING OFFICER: Re-cross, please, or
23	re-di	irect for her.
24		MR. RATNER: Yes; thank you.
25		THE HEARING OFFICER: Uh-huh.

1	RE-DIRECT EXAMINATION
2	BY MR. RATNER:
3	Q Let's stick on this one, briefly. And I'm
4	going to cover the OT assessment with a number of other
5	witnesses. So I don't want to belabor this.
6	A Sure.
7	Q You consented to an OT assessment; correct?
8	A Correct.
9	Q And we've already reviewed, what was the OT
10	conclusion after that assessment? Just remind Ms.
11	Freeman.
12	A It was not necessary. She did not the
13	evaluation concluded that she did not need OT services.
14	Q Okay. And then there was a lot of back and
15	forth on whether or not you had to meet about the
16	assessment; right?
17	A Correct.
18	Q Okay. And Mr. Andriano pointed out that at
19	this point you'd already applied to The New Community
20	School.
21	If you had decided after that application
22	that REDACTED wasn't going to go to The New Community
23	School, even after the application was submitted, what
24	would have happened?
25	A We would lose our small deposit.

1	Q Okay.
2	A And that was it.
3	Q And that was in the contract; correct?
4	A Correct.
5	Q And that was something that you made sure of
6	before you signed it; right?
7	A Correct.
8	Q Okay. And you were prepared to lose the
9	deposit if, in fact
10	THE HEARING OFFICER: Ask a question. This
11	is re-direct, I believe. And I don't recall Mr.
12	Andriano bringing up anything about deposits.
13	MR. RATNER: He just asked if she had
14	already applied.
15	THE HEARING OFFICER: Oh, he did; all
16	right. All right; go ahead. But
17	MR. ANDRIANO: I didn't say anything about
18	deposits.
19	THE HEARING OFFICER: ask direct
20	questions.
21	I'm sorry. I didn't hear you.
22	MR. ANDRIANO: I didn't ask about deposits.
23	I asked about the enrollment application.
24	THE HEARING OFFICER: That's what I
25	MR. RATNER: The enrollment application

1	THE HEARING OFFICER: I just couldn't
2	remember a deposit.
3	MR. RATNER: includes a deposit. I
4	mean, we can
5	THE HEARING OFFICER: Yeah; just my
6	concern, more than that, though, is ask her
7	questions, rather than leading or
8	MR. RATNER: Understood.
9	THE HEARING OFFICER: I don't remember
10	exactly what you said, but it certainly was
11	leading.
12	BY MR. RATNER:
13	Q No problem.
14	Regarding The New Community School, let's
15	talk about that for a few minutes. When you first
16	began investigating The New Community School as a
17	possible alternative to Chesterfield County Public
18	Schools, was that was the pandemic already was it
19	post-March of 2020 when you began that investigation,
20	do you recall?
21	A No.
22	Q No?
23	A I had looked at Riverside prior, when she
24	was much younger, which is a similar school.
25	Q Okay. But when you started giving serious

1 consideration to New Community School, do you remember 2 roughly when that was? 3 Α I don't. 4 Q Okay. 5 I can't say. 6 Is it fair to say that the pandemic had 0 7 already occurred before she -- before you signed that 8 application? 9 Objection, vague. MR. ANDRIANO: 10 BY MR. RATNER: 11 Mr. Andriano asked you about an 0 Okay. 12 application that you signed in the spring of 2021; 13 correct? 14 Α Correct. 15 And that meeting that he was asking you 16 about --17 That was --18 -- that was virtual, because there was the 19 pandemic? 20 Correct. 21 So was part -- tell the Hearing 22 Officer, did you ask The New Community School about how 23 they had responded during the pandemic? Was that part 24 of --25 Oh --Α

1	Q your vetting process?
2	A yes. They had an excellent presentation
3	for it. And I so they did virtual, but it was
4	interactive with the teacher for the entire time.
5	MR. ANDRIANO: I'm going to object. This
6	should come from The New Community School person,
7	not
8	MR. RATNER: If I may, this goes directlyl
9	to the reason Ms. REDACTED wanted to apply. They can
10	certain ask if it's true or not. But Mr. Andriano
11	has suggested
12	THE HEARING OFFICER: I'm going to let her
13	answer that and respond. But you can ask The New
14	Community School what this all those questions,
15	as well.
16	BY MR. RATNER:
17	Q And you don't need to get into it. But was
18	it a concern of yours? Was that something you
19	investigated?
20	A Yes.
21	Q Okay. And you were satisfied with the
22	responses The New Community School gave you about that?
23	A Yes; very much so.
24	Q Okay. Let's talk about bullying for a
25	little bit. Was REDACTED ever bullied at Chesterfield

1	County Public Schools?	
2	A Yes.	
3	Q Okay. How about at Old Hundred Elementary?	
4	A In fourth and fifth grade.	
5	Q Okay. And	
6	MR. ANDRIANO: Objection, assuming facts	
7	not in evidence.	
8	THE HEARING OFFICER: What did she say?	
9	MR. RATNER: Yeah; I just asked her a	
10	direct question, was she ever bullied. I don't	
11	know what	
12	MS. REDACTED: And I said in fourth and fifth	
13	grade.	
14	THE HEARING OFFICER: Well, wasn't there	
15	something about yeah; wasn't there testimony	
16	that she was bullied? Or maybe I read it in the	
17	due process request, that there was some bullying.	
18	But I don't think there was any huge amount	
19	of detail about it.	
20	MR. RATNER: Right. So Mr. Andriano and	
21	we're going to get into this made a big deal	
22	THE HEARING OFFICER: About the bullying	
23	incident	
24	MR. RATNER: at New Community School.	
25	THE HEARING OFFICER: or incidents at	

1	The New Community School. So I think on re-direct
2	you can go ahead and ask her questions about the
3	bullying incident at The New Community School.
4	But what was your objection?
5	MR. ANDRIANO: Beyond the scope, number
6	one.
7	THE HEARING OFFICER: Oh, hmm
8	MR. ANDRIANO: And number two, assuming
9	facts not in evidence, because there was never
10	there's been no evidence of alleged bullying in
11	Chesterfield.
12	MR. RATNER: I'm really sorry to just chime
13	in for a second. Ms. REDACTED 's testimony is
14	evidence. That's the thing that keeps getting
15	confusing.
16	I mean, she's there under oath saying REDACTED
17	was bullied.
18	THE HEARING OFFICER: Was there anything in
19	the due process request about
20	MR. RATNER: Yes; there was a lot.
21	THE HEARING OFFICER: That's what I
22	thought, that I had read that somewhere.
23	MR. RATNER: And how she responded to to
24	The New Community School
25	THE HEARING OFFICER: But I don't recall

1	her saying anything about bullying here.
2	MR. RATNER: Right; because
3	THE HEARING OFFICER: At this school
4	system.
5	MR. RATNER: No; because we didn't expect
6	them to get into bullying at The New Community
7	School. But how she responded
8	THE HEARING OFFICER: But now
9	MR. RATNER: to The New Community School
10	is directly impacted by her experience at
11	Chesterfield County Public Schools.
12	THE HEARING OFFICER: Well, that was her
13	testimony. All right. Just if you could ask her
14	some questions about her earlier testimony, I
15	think that would be okay.
16	But let's cut it off after that.
17	BY MR. RATNER:
18	Q Absolutely.
19	So let you said that there was some
20	were some bullying incidents.
21	A Yes.
22	Q Okay. And we can discuss those with some of
23	the Chesterfield County Public Schools witnesses.
24	MR. ANDRIANO: He's I'm sorry to
25	interrupt, but he's getting new areas. So just

1	so I want the Hearing Officer to know I'm going to
2	have
3	THE HEARING OFFICER: This is about
4	Chesterfield bullying?
5	MR. RATNER: No.
6	THE HEARING OFFICER: What?
7	MR. RATNER: It's about New Community
8	School bullying.
9	MR. ANDRIANO: Oh, I apologize.
10	THE HEARING OFFICER: Oh, The New Community
11	School; yeah.
12	MR. ANDRIANO: Okay.
13	THE HEARING OFFICER: I thought she was
14	you were talking about that.
15	MR. RATNER: Yes.
16	THE HEARING OFFICER: Okay.
17	MR. RATNER: So
18	THE HEARING OFFICER: And I know she
19	mentioned that during her earlier testimony in
20	response to Mr. Andriano.
21	MR. RATNER: Right.
22	THE HEARING OFFICER: So go ahead.
23	BY MR. RATNER:
24	Q And so I noticed in one of the emails that
25	Mr. Andriano showed me that I hadn't seen before you

1	mentioned your Mama Bear instincts.
2	Had those been what did you mean when you
3	mentioned your Mama Bear instincts?
4	A When you see your child hurting, as a mom it
5	heightens your emotions and you feel the need you
6	want to protect them. And so that's what I mean by
7	that.
8	Q Okay. And had you already been on alert to
9	that because of the past experiences at Chesterfield
10	County Public Schools?
11	MR. ANDRIANO: Objection. I mean
12	THE HEARING OFFICER: It does sound like
13	you're leading. What was your
14	MR. ANDRIANO: He's going into an area that
15	we didn't either on his direct or even on my
16	cross, we didn't get into.
17	THE HEARING OFFICER: I thought this was
18	I don't remember the Mama Bear instinct, honestly.
19	MR. RATNER: It's directly related well,
20	because you didn't get to see the emails.
21	THE HEARING OFFICER: Oh, I mean, I don't
22	remember that. But was it in your email? Did you
23	ask her that, about some sort of Mama Bear
24	instinct?
25	MR. ANDRIANO: No; I mean, I believe Ms.

1	REDACTED did state that in one of her emails to The
2	New Community School.
3	THE HEARING OFFICER: And that was what you
4	showed him.
5	MR. ANDRIANO: Correct.
6	THE HEARING OFFICER: And then she
7	responded, but she didn't re-use that expression
8	in her response, did she?
9	MR. ANDRIANO: She did include that in one
10	of her responses in an email to The New Community
11	School, that she was her Mama I'm
12	paraphrasing
13	MR. RATNER: I can move on.
14	THE HEARING OFFICER: All right. I don't
15	want to spend all afternoon on Mama Bear
16	instincts.
17	MR. RATNER: No; not at all.
18	THE HEARING OFFICER: Go ahead. We can all
19	sort of figure out what that means.
20	MR. RATNER: Thank you.
21	THE HEARING OFFICER: All right. Go ahead.
22	BY MR. RATNER:
23	Q So during your vetting, for lack of a better
24	word, your review of The New Community School program,
25	was there any discussion about how communication

1	between parents and staff would be handled?
2	A Yes.
3	Q Tell Ms. Freeman what you were led to
4	believe about how that communication was handled at New
5	Community School, and whether, in fact, that's been
6	your experience, now having REDACTED enrolled there.
7	A So the communication you have a main
8	teacher that you can send all your communications
9	through, or
10	THE HEARING OFFICER: This is New Community
11	School?
12	MS. REDACTED: This is at The New Community
13	School. It's very
14	THE HEARING OFFICER: Okay.
15	MS. REDACTED: open communication. They
16	want to know what's going on emotionally with your
17	child. So we've had open communication with
18	everybody we've come in contact, and more. And so
19	
20	THE HEARING OFFICER: Okay.
21	BY MR. RATNER:
22	Q Okay. And so were those emails that Mr.
23	Andriano asked you about some of your open
24	communication with The New Community School?
25	A Absolutely.

1	Q Okay.
2	A Yes.
3	Q So just give Ms. Freeman, if you could, the
4	context of the bullying incident or incidents that Mr.
5	Andriano asked you about.
6	A So when REDACTED started at New Community
7	School, things went wonderfully at the beginning. She
8	started having some problems coming to school, which we
9	deduced to, ultimately, just a group of little girls.
10	One was the ringleader, making up stories,
11	and picking on her. And it escalated. I was in
12	communication with The New Community School from the
13	beginning.
14	Initially, not knowing exactly what was
15	happening, all the way up until we really kind of
16	drilled it down. They then have gone out of their way
17	to check back in and see how things are going.
18	So I've been very honest with them, because
19	they've been very responsive. Any time there has been
20	a concern on my end, she gets to meet with the school
21	counselor, who then kind of helps her through that,
22	which is Ashlyn Hudson.
23	Nancy Foy has been very involved and in
24	multiple meetings. Julie Oliver, as well. So the
25	bullying incident, their response to it was very good,

1	in the sense that we were able to have open
2	communication, knowing that they would hear me.
3	And they empathized greatly with what we
4	were dealing with.
5	Q Okay. And you still expressed some
6	frustration at times with how things were going at The
7	New Community School; correct?
8	A Well, any time that anything's off at all, I
9	just feel completely comfortable letting them know that
10	and making them aware. So even when the other
11	little girl came back, it was just a little
12	uncomfortable at first.
13	And other kids start to talk. And so I was
14	I have had open communication with any little
15	hiccup.
16	Q Okay. And so when did the other student
17	return, approximately?
18	A It was after winter break
19	MR. ANDRIANO: Objection, Ms. Freeman. I
20	don't think we get into other students.
21	THE HEARING OFFICER: Well, overruled.
22	MR. RATNER: I mean, he asked a whole
23	series about bullying.
24	THE HEARING OFFICER: Overruled at this
25	time. But let's not talk about the other

1	students. I don't remember cross-exam going into
2	the other students.
3	MR. RATNER: I just asked when she came
4	back to school.
5	MS. REDACTED: So she came back February
6	THE HEARING OFFICER: Last question, and
7	then let's cut it off.
8	MS. REDACTED: Yeah; when there was I
9	guess. Yeah; there was an email where she had had
10	a little bit of other issues. But that was just
11	when
12	THE HEARING OFFICER: You're talking about
13	REDACTED now?
14	MS. REDACTED: REDACTED; yes. She had anxiety
15	when the little girl came back in February, just
16	for a couple days.
17	BY MR. RATNER:
18	Q Okay. So when you said REDACTED was doing
19	awesome at The New Community School, you meant she's
20	doing awesome now; correct?
21	A Correct.
22	Q And is that still your testimony?
23	A Absolutely. The issue has been resolved.
24	She's with a wonderful new group of friends. She's
25	happy and thriving. She so it's been good.

1 Okay. Let me ask you -- in the school Q 2 binder, tab 16, please. 3 THE HEARING OFFICER: Where did you direct 4 her? I'm sorry. 5 School Board Exhibit Number MR. RATNER: 6 16. 7 THE HEARING OFFICER: Oh, okay. 8 MR. RATNER: This was one Mr. Andriano 9 asked her about. 10 THE HEARING OFFICER: I know; okay. 11 BY MR. RATNER: 12 Q And I'd like you on the last page of that, 13 which is page 11 of 11, School Board Exhibit 73. 14 Are you there? 15 Α Okay. Yeah; I'm there. What's the date that you signed this 16 0 17 document? 18 September 25th, 2020. And what -- where was REDACTED in school? 19 0 Not 20 physically, what year, semester? In September of 2020 21 22 Fifth grade. Α 23 So that's the fall of fifth grade; correct? Q 24 Α Correct. 25 So when Mr. Andriano asked you about the Q

1 extended school year, on page 8, that would be for the 2 summer of 2021 --3 Α Correct. 4 -- that says "no." Q 5 Α Correct. 6 And she was already withdrawn from 0 Correct? 7 Chesterfield County Public Schools; right? 8 Α Yes; that's the summer -- yeah. 9 0 But her IEP in the third grade, 2019, did 10 provide for extended school year; correct? 11 Α Correct. 12 And then to just clarify your testimony, you 13 never got a new IEP signed until after -- the summer after the fourth grade; correct? 14 15 Α I don't recall. There was an amendment, I So I -- without seeing it, I'm not sure --16 believe. Sure; that's fine. 17 0 18 Let's talk about her fifth grade report card 19 for just a minute. That's in that same book, tab 53. 20 Let me make sure I've got the right -- wrong 21 I'm probably looking at the wrong thing. 22 There we go. 23 (Mr. Ratner reviewed some documents.) 24 Did you ever have any questions for any of 25 the teachers -- about the numerical issues or -- I

shouldn't say numerical issues. But there are sort of 1 2 additional things besides the A. There's these numbers 3 that go into he got a "Reads on benchmark 3, Expands 4 vocabulary." 5 Did you ever discuss any of those with the 6 teachers? 7 It was explained, way back in second grade. Α 8 0 Okay. 9 But, no, I didn't --Α 10 0 So we'll review that with somebody who can 11 address that better. 12 Mr. Andriano asked you about the IEPs that 13 you signed and said something to the effect of, "See 14 emails for conditions." Do you remember him asking you 15 about that? 16 Α Yes. 17 0 So let me just ask you to take a look in the 18 parents' book, volume one. And it's number 36. 19 all the way to the end of that document, the very last page, which is **REDACTED** Ed000134. 20 21 And Ms. Freeman, just for your benefit --22 you had asked us to number these sequentially. 23 THE HEARING OFFICER: It's a little bit 24 easier when you're going back through here. 25 MR. RATNER: I agree. And so I have to

1	apologize. You will see when you get
2	THE HEARING OFFICER: And I don't want to
3	waste my time, when I'm supposed to be looking
4	over this stuff, figuring out where it is.
5	MR. RATNER: Right. It's just really
6	miniature. That's all.
7	THE HEARING OFFICER: Oh, okay.
8	MR. RATNER: There's a really small number
9	on there. But we did our best.
10	THE HEARING OFFICER: Oh, okay; thank you.
11	Thank you.
12	BY MR. RATNER:
13	Q So, anyway, what's the date that you signed
14	this?
15	A March 24th, 2021.
16	Q Okay. And this was the document Mr.
17	Andriano asked you about; right?
18	A Correct.
19	Q Okay. And if you go back to the front of
20	this tab, the very first page, is this the email
21	A March 24th, 2021.
22	Q Okay. Just read that for
23	A "Mrs. Pettiway, you will find the IEP
24	signature page attached, and I will put the document in
25	the mail to you today. Please note that I do not agree

1	with the substance of this IEP for the reasons we
2	discussed during our meeting.
3	"But I am still signing it, so REDACTED can
4	receive the additional services she needs. I do not
5	object to the OT evaluation, so please send whatever I
6	need to sign to move forward with this evaluation."
7	Q Yeah; and just so there's no confusion on
8	it, you did consent for CCPS to do the OT evaluation.
9	The issue was what happened after the evaluation;
10	correct?
11	A Correct.
12	MR. RATNER: Okay. If I could have just
13	one minute to go through my notes.
14	THE HEARING OFFICER: Go ahead.
15	MR. RATNER: Just one more note.
16	(Mr. Ratner reviewed some documents.)
17	That's all I have. Thank you.
18	THE HEARING OFFICER: Thank you.
19	All right. And I can I dismiss the
20	witness now?
21	MR. RATNER: I am absolutely finished.
22	THE HEARING OFFICER: Okay, all right.
23	You're dismissed. Thank you so much.
24	(The witness stood aside.)
25	THE HEARING OFFICER: And you did not if

1	I understand you correctly, you didn't want to
2	have Mr. REDACTED testify at all.
3	MR. RATNER: That's correct.
4	THE HEARING OFFICER: All right. So now
5	we're ready for the next witness.
6	What time is it? Do you want to do you
7	have another witness you want to put on now?
8	MR. RATNER: Yeah; I'd like to.
9	MR. ANDRIANO: Do you want to start today,
10	or
11	MR. RATNER: Well, given we've got 30
12	minutes, right, and 30 minutes, and 10 minutes, I
13	think we could finish Ms. McCluskey.
14	THE HEARING OFFICER: I think yeah; I
15	think you could get through one witness.
16	MR. RATNER: Right.
17	THE HEARING OFFICER: Go ahead.
18	MR. RATNER: Sure. So could we just take a
19	quick break. I have a housekeeping item to
20	discuss with Mr. Andriano.
21	THE HEARING OFFICER: Go ahead.
22	MR. RATNER: Thank you.
23	(Brief recess.)
24	MR. RATNER: Ms. Freeman, if you'd indulge
25	me for just a little bit of guidance before we get

1	started.
2	THE HEARING OFFICER: Okay.
3	MR. RATNER: We've got about 30 minutes, I
4	think you said, for direct; and 30 minutes for
5	cross; and then
6	THE HEARING OFFICER: Uh-huh.
7	MR. RATNER: So I've got quite a bit to
8	cover. It's a lot of documents.
9	THE HEARING OFFICER: What I mean is try to
10	get it in that 30 minutes.
11	MR. RATNER: Oh, absolutely.
12	THE HEARING OFFICER: But if you need to go
13	on, then of course you can extend.
14	MR. RATNER: Okay. Well, I just was going
15	to say, for example
16	THE HEARING OFFICER: Those are guidelines,
17	really. Just to keep us kind of focused on the
18	time the general time frame, so that we get
19	through with this, and you are not out at the end
20	of the five days, without having witnesses
21	testify.
22	MR. RATNER: No; and I appreciate that.
23	THE HEARING OFFICER: That's all I'm
24	saying.
25	MR. RATNER: But I guess my question was

1	and, again, I'll follow your lead and Mr.
2	Andriano's, but so, for example, these are mostly
3	school board documents we're going to be
4	discussing; right?
5	I can either lay a foundation I mean, I'm
6	very familiar with laying a foundation. We can
7	take as much time as we want with that.
8	THE HEARING OFFICER: Do you want to share
9	those documents then? Maybe you all could
10	stipulate if you have a little conference or
11	something.
12	MR. RATNER: They're all in the book. But
13	I guess it would just be helpful.
14	THE HEARING OFFICER: They're all in the
15	book. Okay.
16	MS. OWENS: Which book are you referring
17	to?
18	THE HEARING OFFICER: Yeah; which book?
19	MS. OWENS: Are you referring to the school
20	board's book?
21	MR. RATNER: No; the parents' book.
22	THE HEARING OFFICER: Oh, I thought
23	MR. RATNER: They're all they're
24	documents that were produced by the school board.
25	THE HEARING OFFICER: Oh, all right. Well,

1	which
2	MR. RATNER: We'll just see how it goes.
3	That's fine.
4	THE HEARING OFFICER: That's fine. Yeah;
5	and remember, the original ruling was that we
6	would approach these and we thought that was
7	more probably would lead to a better result,
8	and time-wise, to look at them as the witness is
9	examined.
10	MR. RATNER: Absolutely.
11	THE HEARING OFFICER: What volume are you
12	in?
13	MR. RATNER: I haven't gotten there yet.
14	THE HEARING OFFICER: All right.
15	MR. RATNER: I'll let you know when I'm
16	ready. So I'll just get started, with your
17	permission.
18	THE HEARING OFFICER: Okay.
19	MR. RATNER: Thank you.
20	
21	
22	
23	
24	
25	

1		CUDICTIVE Macricus
		CHRISTINE McCLUSKEY,
2		having been duly sworn,
3	was	s examined and testified as follows:
4	D	IRECT EXAMINATION
5		BY MR. RATNER:
6	Q	Ms. McCluskey, good afternoon.
7	А	Good afternoon.
8	Q	My name's Todd Ratner.
9		Have you ever given testimony before?
10	A	Yes.
11	Q	Okay. Ever been offered as an expert
12	witness in	any proceeding?
13	A	I haven't; no.
14	Q	Okay. So we're here on behalf of the REDACTED
15	family, and	d REDACTED specifically. Do you know REDACTED
16	REDACTED ?	
17	А	Yes, I do.
18	Q	Was she a student of yours at Old Hundred
19	Elementary	School?
20	A	She was.
21	Q	Okay. And what academic years were those?
22	A	Her fourth grade year and her fifth grade
23	year.	
24	Q	Okay. And if I said that was the '19-'20
25	and	

1	A '19-'20.	
2	Q and '20-'21 school years	
3	A Yes.	
4	Q would you agree with me about that?	
5	A Yes.	
6	Q Okay. And Old Hundred was a new brand-	
7	new elementary school at that time?	
8	A Yes.	
9	Q Asking you if you can put yourself back to	
10	school opening 2019. Had you ever been in a brand-new	
11	school before	
12	A Yes.	
13	Q on the first day it opened?	
14	A Yes.	
15	Q Okay. Is it fair to say that sometimes	
16	things don't go as smoothly as people might have hope	
17	with new construction?	
18	MS. OWENS: I'm going to object to	
19	relevancy of that question, lack of foundation.	
20	Is he just referring to the construction of the	
21	school	
22	THE HEARING OFFICER: You mean what	
23	relevance would that have about the construction	
24	of the school building?	
25	MS. OWENS: Right.	

1	THE HEARING OFFICER: You want to maybe	
2	perhaps explain that in your foundation question.	
3	BY MR. RATNER:	
4	Q Absolutely.	
5	Were there any issues with REDACTED receiving	
6	services right at the beginning of the school year, due	
7	to any issues with the school building?	
8	A The building?	
9	Q Anything.	
10	A Not that I know of.	
11	Q Okay. Not that you recall.	
12	What was your role for her in fourth grade?	
13	And I know it changed.	
14	A Right; in fourth grade, I interpreted her	
15	the written expression.	
16	Q Okay. What does that mean, exactly.	
17	A For her writing, the way that she produces	
18	her writing for writing samples and writing	
19	competencies.	
20	Q Okay. And does that include spelling then,	
21	as well?	
22	A No. I mean, it's part of the proofreading	
23	process; yes.	
24	Q Okay.	
25	A But like word study or	

1	Q	Okay. So that was only fifth grade?
2	А	Yes, sir.
3	Q	Okay. Let me just ask you. How long have
4	you been a	teacher for Chesterfield?
5	А	This is my 16th year.
6	Q	Okay. And any prior experience before that?
7	A	Yes.
8	Q	Okay. How long have you been a teacher in
9	total?	
10	A	It's my 29th year.
11	Q	And is it always special education?
12	A	No, sir.
13	Q	Have you always done special education?
14	А	Also general education.
15	Q	Okay. And that's both in the 29 years as
16	well as wit	thin the 16 years at Chesterfield?
17	А	Somewhat in the 16 years; yes.
18	Q	Okay. How about at Old Hundred? Any
19	general ed	
20	А	No.
21	Q	or only special ed?
22	А	Special education.
23	Q	Did you know REDACTED or Mrs. REDACTED prior
24	to the star	rt of school that fourth grade year?
25	А	No.

1	Q Had you ever met them?
2	A No.
3	MS. OWENS: I would also ask that Ms.
4	McCluskey speak louder so that we can all hear
5	you.
6	THE WITNESS: Oh, sure; sorry.
7	THE HEARING OFFICER: Thank you. I was
8	having trouble, too.
9	MR. ANDRIANO: Use your teacher voice.
10	THE WITNESS: I can get I can do teacher
11	voice. I apologize.
12	THE HEARING OFFICER: That's okay. Go
13	ahead.
14	BY MR. RATNER:
15	Q So before you met REDACTED on the first day of
16	school, what did you do to prepare to teach her?
17	A Looked at her cumulative records and her IEP
18	prior.
19	Q Okay. What did you see
20	THE HEARING OFFICER: Can you hear her, Ms.
21	Owens?
22	THE WITNESS: Yeah; her cumulative records,
23	her IEP.
24	MS. OWENS: Thank you. If you could
25	THE WITNESS: Yes.

1	MS. OWENS: speak louder, that would be
2	great. Thank you.
3	BY MR. RATNER:
4	Q Okay. And what did you see in her
5	cumulative record and her IEP?
6	A Specifically, in what what do you mean,
7	specifically?
8	MS. OWENS: Is Mr. Ratner referring her to a
9	specific document? We're talking about the
10	student's cumulative file.
11	THE WITNESS: I mean, yeah, what are you
12	referring to, exactly.
13	BY MR. RATNER:
14	Q Well, I'm asking what you did to prepare to
15	provide the specialized instruction to REDACTED in
16	fourth grade.
17	MS. OWENS: And she answered that question,
18	said she reviewed the cumulative file.
19	THE WITNESS: Yeah; and her IEP.
20	BY MR. RATNER:
21	Q And what was your conclusion when you
22	reviewed the cumulative file about REDACTED 's strengths and
23	weaknesses?
24	A I could pull up her IEP, if you'd like me
25	to.

1	Q I'm just asking if you remember.
2	A Specifically, I mean, I would like to look
3	at her IEP if we've got it.
4	Q Yeah; absolutely.
5	A Sure.
6	Q But, I mean, having worked with her for two
7	years, do you have a pretty good idea of REDACTED 's
8	strengths and weaknesses?
9	A Yes.
10	Q Okay. Tell the Hearing Officer what you
11	remember about those.
12	MS. OWENS: Now, are you referring to when
13	she first became a student at Old Hundred; or are
14	you referring to what Ms. McCluskey, after working
15	with REDACTED, is familiar with?
16	THE WITNESS: Right.
17	MS. OWENS: Those are two separate
18	questions. I think you began by asking her about
19	her knowledge, her understanding before she began
20	working with her.
21	MR. RATNER: I did. And then I moved on,
22	because you objected.
23	MS. OWENS: That wasn't clear.
24	THE WITNESS: Right; that's why I'm a little
25	confused. I apologize.

1	BY MR. RATNER:	
2	Q No; that's okay.	
3	A I want to make sure I'm answering	
4	Q Do you understand having worked with	
5	for the past two years	
6	A Yes.	
7	Q do you have an understanding of her	
8	strengths and weaknesses as a student?	
9	A Yes, I do.	
10	Q Okay. Could you please tell the Hearing	
11	Officer what your understanding is, and how you got	
12	that understanding.	
13	A Sure; what my opinion is on how she	
14	Q No.	
15	A Or do you want me then I need to look at	
16	her	
17	Q Absolutely.	
18	A Okay.	
19	[Unintelligible crosstalk.]	
20	MS. OWENS: would you like Ms. McCluskey	
21	to look at?	
22	THE WITNESS: Which one?	
23	MR. RATNER: I don't know. She said she	
24	wants to look at documents to answer the question.	
25	THE WITNESS: Well, which do you want the	

1 most current IEPs, to see -- or would you --2 BY MR. RATNER: 3 0 Let's talk about the fourth grade IEP. 4 Α Okay. 5 0 Okay. 6 What number is that under? I don't have the Α 7 table of contents --Yeah; so I believe that will be -- and 8 9 there's a bunch of different books up there, so I 10 apologize. But there will be -- let's look at tab 14 11 in the school division's book. 12 Α That's the progress report. 13 Right; from the end of fourth grade. 0 correct about that? 14 15 Α Yes. 16 And so I'm going to direct your 0 Okay. 17 attention to the pre-pandemic part of the progress 18 So that would be starting with June 2019, and 19 then on through January 2020. Uh-huh. 20 Α 21 You see where I'm talking about? 22 Α Yes. Did REDACTED 23 master any of her goals in Q 24 fourth grade? 25 So it would be the November and the January, Α

1 because June would be third grade. 2 I'm sorry? Say that again. 3 Α It would be the November and the January, 4 because June would be third grade. 5 Exactly. 0 6 Oh, okay. You had said June. Α 7 That's exactly --Q 8 Α Okay. 9 Q Right. That's good volume, 10 THE HEARING OFFICER: 11 by the way. 12 THE WITNESS: Okay. Thank you. I'm working on it. 13 14 BY MR. RATNER: Yeah; so you know she first became 15 16 identified and eligible as a student with a disability 17 eligible for special education services in third grade. 18 Α Yes. 19 0 Correct? 20 Α Yes. 21 So looking at this progress report, 22 did she master any of her goals in fourth grade? 23 I'm going to object to this MS. OWENS: 24 question, to the extent that at that time Ms. 25 McCluskey was not the student's case manager.

1	This document was prepared by Ms. Smith.
2	MR. RATNER: Ms. McCluskey testified and
3	Ms. REDACTED testified that, although Ms. Smith was
4	her case manager, Ms. McCluskey was giving her
5	special education instruction in fourth grade.
6	In fifth grade, she became a case manager
7	and was also providing instruction.
8	THE HEARING OFFICER: But that's in fifth
9	grade. And we're now talking about fourth grade,
10	aren't we?
11	THE WITNESS: Right.
12	MR. RATNER: Fourth grade, when she gave
13	her direct instruction.
14	THE HEARING OFFICER: So why don't you ask
15	the well, she's the case manager of fifth
16	grade.
17	MR. RATNER: Right.
18	THE HEARING OFFICER: In fifth grade, but
19	not in fourth grade.
20	THE WITNESS: Right.
21	MR. RATNER: Right. But she was her
22	teacher in fifth grade.
23	THE HEARING OFFICER: Seems to me you could
24	ask her orientation to treating her as teaching
25	her excuse me as a student, what she what

1	her what she did with REDACTED, specifically.
2	BY MR. RATNER:
3	Q Sure. So there's three goals.
4	THE HEARING OFFICER: In fourth grade.
5	BY MR. RATNER:
6	Q Okay. For fourth grade, she had three
7	goals.
8	THE HEARING OFFICER: So sustained.
9	BY MR. RATNER:
10	Q Am I reading this correctly?
11	A Yes, she did.
12	Q Okay. Which one of these three goals were
13	you involved in?
14	A Writing.
15	Q I'm sorry. Which one?
16	A So the written expression, the writing.
17	Q So page 3 of 3?
18	A Yes.
19	Q Okay. And for each one of those marking
20	periods, redacted was scored. And did you make those
21	did you fill this out or
22	A Yes.
23	Q provide the documentation?
24	A I did.
25	Q It says, "The student has demonstrated some

1	progress towards achieving this goal"; correct?
2	A Yes.
3	Q Okay. Not "making sufficient progress
4	toward achieving this goal within the duration of IEP";
5	correct?
6	A Right; she was making some progress.
7	Q Okay.
8	A Yes.
9	Q And did you help craft the IEP for fourth
10	grade, specifically the writing goals?
11	A The writing; yes.
12	Q Okay. And you're supposed to make a goal
13	that's achievable within the year; correct?
14	A Yes.
15	Q Okay. And she was not able
16	A Make progress
17	Q She was not able to achieve it; correct?
18	MS. OWENS: I'm going to object to that
19	question. She's already testified that she made
20	some progress towards that goal.
21	BY MR. RATNER:
22	Q Isn't the goal supposed to be
23	THE HEARING OFFICER: She testified that
24	she made some
25	MR. RATNER: Progress.

1	THE WITNESS: Some progress.
2	THE HEARING OFFICER: So
3	BY MR. RATNER:
4	Q Okay. Isn't the goal supposed to be to
5	master it within the one year? Isn't that what you're
6	supposed to be working towards, mastery, number 5?
7	THE HEARING OFFICER: But aren't you
8	switching off between what she was teaching her
9	and what the goals in the IEP were? I just I'm
10	confused about what it is you're asking her about.
11	MR. RATNER: I'm asking her if she was able
12	to make progress on what Ms. McCluskey was
13	teaching her.
14	THE HEARING OFFICER: Oh, that sounds fine.
15	MR. RATNER: Because she
16	THE WITNESS: And I stated that, yes, she
17	was making progress.
18	THE HEARING OFFICER: She made progress.
19	THE WITNESS: Yes.
20	BY MR. RATNER:
21	Q Right. But she did not master the goal that
22	you were working towards.
23	A No.
24	Q Correct? And she was not making sufficient
25	progress towards achieving this goal within the

1 duration of the IEP. 2 Α Yeah; I gave her --3 0 Is that correct? 4 Α -- a 3. Yes. 5 Thank you. So let's talk just briefly about 0 6 And let me ask you first, had you in your 27 COVID. 7 years of experience at that point ever experienced 8 anything as disruptive as that, when schools were shut 9 down? 10 Α I had never experienced COVID; no. 11 Okay. Or anything that caused schools to 0 12 close and have to go to remote? 13 No. Α 14 0 Okay. Was it challenging as a teacher, I 15 assume? 16 Α In one word, yes. Yes. 17 Q I can imagine. 18 Were you able to provide any direct instruction to REDACTED for the rest of fourth grade after 19 20 schools sort of largely went --21 Α Well, school -- yeah; school shut down March 22 15th. 23 Right. Q 24 So there was no longer direct instruction 25 There was no new instruction. after that.

1	Q Did you ever meet with her virtually or by
2	telephone?
3	A I did meet with her virtually. I'd have to
4	check my
5	Q Sure; and I'm not asking for specific dates
6	or anything.
7	A Okay. I'm like I don't have dates in my
8	head or anything like that
9	Q But were you providing
10	A so
11	MS. OWENS: I'm sorry. Could you allow the
12	witness to respond to the question, just for
13	clarity for the court reporter.
14	THE HEARING OFFICER: Thank you.
15	THE WITNESS: Yeah; I don't have dates in
16	my head.
17	THE HEARING OFFICER: Sustained.
18	THE WITNESS: I kept my own records. So
19	I'd have to go back and check to see how often
20	THE HEARING OFFICER: Do you have your
21	records with you?
22	THE WITNESS: If it's in if it's in
23	here; yeah. I believe it's in here for fourth
24	grade.
25	THE HEARING OFFICER: But you remember that

1	you met with her during COVID?
2	THE WITNESS: Yes, I did.
3	THE HEARING OFFICER: Okay. Do you
4	remember how many times?
5	THE WITNESS: I do not. I'd have to check
6	
7	THE HEARING OFFICER: Oh, no; okay.
8	THE WITNESS: Yes.
9	THE HEARING OFFICER: You've got to look in
10	your thing?
11	THE WITNESS: Yes.
12	THE HEARING OFFICER: Yes.
13	MR. RATNER: Could I ask a slightly
14	different question before
15	THE HEARING OFFICER: Yes; go ahead.
16	BY MR. RATNER:
17	Q When you met with her, what were the what
18	did you do during those meetings?
19	A Again, I'd have to check my logs.
20	Q Okay. And you're looking for the service
21	logs?
22	A Yes.
23	Q Okay. We'll come back to that.
24	Let me ask you to change gears a little bit.
25	A Okay.

1	Q When you're teaching a student who has an
2	IEP, are you a member of their IEP team?
3	A Yes.
4	Q Do you attend the IEP team meetings?
5	A Yes; as I'm a case manager, yes.
6	Q Well, what about in fourth grade, when you
7	weren't the case manager?
8	A Yes; I attended that, as well.
9	Q Okay. So let me ask you to take a look,
10	please, at tab number 6. Not in that book. And I'm
11	sorry.
12	If I can approach, I'll help her find it.
13	THE HEARING OFFICER: Go ahead.
14	BY MR. RATNER:
15	Q These are all
16	A Right.
17	Q And tab 6 involves this appears to be a
18	meeting notification dated April 10th, 2020. Do you
19	have that in front of you? It's a two-page document.
20	A I do; yes.
21	Q Okay. Excuse me; a three-page document. I
22	apologize.
23	Was this a meeting that you took part in?
24	A My name's not on here. It does not say.
25	Doesn't have anyone's name on here.

1	Q Okay.
2	A It just has "teacher of students with
3	disabilities." So it could have been Ms. Smith.
4	
	Q Okay. Well, let me ask you to turn to the
5	second page.
6	A Uh-huh.
7	Q And at the bottom, you see where it says,
8	"Describe any other factors that are relevant to CCPS's
9	proposal or refusal"?
10	A Yes.
11	Q Okay. So you may not recall, and that's
12	absolutely fine. But it indicates that a meeting was
13	held via phone conference due to school closures due to
14	COVID-19. Did I read that correctly?
15	A Yes.
16	Q Okay. Do you remember participating in a
17	meeting on or around April 10th, or there's a late date
18	of April 20th, for a prior written notice which we're
19	going to talk about.
20	A I do not recall.
21	Q You're not sure; okay. Let me ask you to
22	flip to tab 7, if we could.
23	Do you know Kim Pettiway?
24	A I do.
25	Q Who is Ms. Pettiway?

1	A She's our coordinator of special education
2	at Old Hundred Elementary.
3	Q And just briefly, could you explain what
4	that means? What's Ms. Pettiway's job, basically?
5	A She is oversees all the special education
6	teachers and students at the school. And I believe, at
7	that time, also the 504s.
8	Q Okay. So we're going to come back to 7,
9	just flip to 8 real quick. Do you recognize this
10	document?
11	A Yes, I do.
12	Q Okay. What is it?
13	A It's REDACTED''s draft IEP from 4/20/2020.
14	Q Okay. Now
15	MS. OWENS: I'm going to object to this
16	document, to the extent that there are handwritten
17	notes on this document.
18	MR. RATNER: We covered that already. It's
19	already been admitted in evidence.
20	MS. OWENS: But not this witness. This
21	witness has no idea that there are handwritten
22	notes, and she's identified it as a draft exhibit
23	because there is a draft IEP, because on the first
24	page
25	THE HEARING OFFICER: Oh, is this the one

1	with the notes on it?
2	MS. OWENS: Yes, ma'am. I just think the
3	witness should be aware
4	THE HEARING OFFICER: Yeah; we are
5	referring to the one that doesn't have the notes
6	on it. Wasn't it SB
7	MR. RATNER: No; that was a completely
8	different document, though.
9	MS. OWENS: It wasn't a completely different
10	document. They're both dated April 20th, 2020.
11	THE HEARING OFFICER: What's the number of
12	it? 12, I think?
13	MS. OWENS: Dated April 20th, 2020. If he's
14	going to refer to this document with the witness,
15	she should be aware that there are that this is
16	not CCPS changes made to the document.
17	MR. RATNER: I haven't even asked her a
18	question yet. It's in
19	MS. OWENS: You asked her to identify the
20	document.
21	MR. RATNER: She said she recognized it.
22	THE HEARING OFFICER: The one with the
23	writing all over it.
24	MR. RATNER: Right.
25	THE HEARING OFFICER: I thought we were

1	using the other one.
2	MR. RATNER: My recollection was they're
3	different documents.
4	THE HEARING OFFICER: They're different?
5	THE WITNESS: Yeah; I don't recognize the
6	writing.
7	BY MR. RATNER:
8	Q Sure. And I'm not going to ask you about
9	that.
10	A Okay, okay.
11	THE HEARING OFFICER: Which exhibit is
12	MR. RATNER: I'm on Parents' 8. And I have
13	no intention of asking her about the writing.
14	THE HEARING OFFICER: Okay. So overruled
15	at this point. But what go ahead.
16	BY MR. RATNER:
17	Q Thank you.
18	So on the first page of that document, which
19	is PARENTS 79 you see that number at the bottom?
20	A Yes.
21	Q Okay. So your name is on there as attending
22	the meeting.
23	A Yes.
24	Q And, again, I'm not trying to trick you.
25	Does that mean you did participate in the phone

1 conference we just talked about, if your name was on 2 here? 3 Α If this -- oh, this shows the phone 4 conference? Then yes. 5 So how many goals are in this IEP, 6 measurable annual goals? 7 Α Two. 8 And which of these would you have 0 9 been responsible for in the fourth grade? 10 Α The writing. 11 Okay. And did you draft this goal, or have 0 12 input into this goal? 13 Yes. Α 14 And it's your testimony sitting here 0 Okav. 15 today that -- is this the only reading -- excuse me --16 writing skill that **REDACTED** needed assistance with in 17 fourth grade, being able to write a prompt with a 18 beginning, middle, and end with 80 percent accuracy 19 each nine weeks? 20 Α Yes. 21 And so how is that measured? I don't 22 really understand what that means, 80 percent accuracy 23 24 We have quarterly writing prompts that we 25 And we use a Chesterfield County rubric.

it's graded on point scale, and you come up with a 1 2 percentage. 3 0 Okay. So that she would score an 80, 4 basically? Is that what 80 percent --5 Α Yes. 6 -- accuracy means? Okay. Because I was 0 7 thinking, well, there's three things, beginning, 8 middle, end. So if she left out the end, she only got 9 two-thirds accuracy. That's not --10 Α No; it's not scored --11 0 Oh, okay. 12 Α -- points. No. 13 So beginning, middle, and end might be 0 14 something like, "Once upon a time there was a princess named Cinderella. Cinderella met the prince. 15 16 lived happily ever after." 17 Is that beginning, middle, and end? 18 Α For your writing; yes. 19 0 Let's now take a look back at number 20 7; okay? 21 MS. OWENS: Parents' Exhibit 7? 22 BY MR. RATNER: 23 Q Parents' Exhibit 7. That's the letter from 24 Kim Pettiway, about a student who you're teaching at 25 this time; right?

1	A Yes.
2	Q Okay. Were you aware that this IEP
3	Amendment & Prior Written Notice During COVID-19
4	Mandated School Closure was sent to the parents of
5	REDACTED
6	MS. OWENS: I'm going to object to this
7	witness being asked questions about a letter that
8	she didn't prepare.
9	THE WITNESS: Yes; I didn't write it.
10	THE HEARING OFFICER: Because she didn't
11	what?
12	MS. OWENS: She did not prepare this letter.
13	This is a letter that's been written by another
14	individual who
15	THE HEARING OFFICER: Wasn't it written by
16	Ms. Pettiway?
17	THE WITNESS: Yes; it was written by Ms.
18	Pettiway.
19	THE HEARING OFFICER: Were you asking her
20	about this?
21	MR. RATNER: I'm asking her about the
22	amended IEP that has a goal that she's going to be
23	responsible for implementing. So I wanted to know
24	if she was aware
25	THE HEARING OFFICER: Is she familiar with

1	this letter?
2	THE WITNESS: I didn't write this letter.
3	THE HEARING OFFICER: Were you familiar
4	with it at all? Was it part of your teaching
5	protocol with REDACTED ?
6	THE WITNESS: It was in her file.
7	MR. RATNER: Yeah; well, in an attempt to
8	clarify, I'm more interested in the third and
9	fourth pages of the document, not the letter, the
10	IEP itself.
11	THE HEARING OFFICER: Oh, all right. So
12	let's move on to the IEP then.
13	So 2 wait; I'm sorry 2 oh, I'm
14	looking at date of birth. 4/23/2020 IEP; right?
15	MR. RATNER: Yes.
16	THE HEARING OFFICER:
17	MR. RATNER: Correct.
18	MS. OWENS: And the school board would
19	object, to the extent that this document has
20	handwritten notes on it.
21	THE HEARING OFFICER: Oh, that's the
22	document that
23	MS. OWENS: This is another document
24	THE HEARING OFFICER: notations on it;
25	right?

1	MS. OWENS: So to the extent that if I'm
2	looking at the correct exhibit, we're looking at
3	parents' exhibits, under tab 7. And it's
4	PARENTS000040.
5	THE HEARING OFFICER: Yeah; I don't see the
6	notes.
7	MS. OWENS: And then in the margin, there
8	are
9	THE HEARING OFFICER: Maybe I haven't
10	reached them yet.
11	MR. RATNER: There is there's a small,
12	handwritten note in the margin on page 4, which I
13	don't intend to ask about.
14	MS. OWENS: And to the extent it's not
15	it's not appropriate to pretend as though those
16	hand markings are not there. Because when we're
17	reviewing the transcript, we're just gong to have
18	questions about an exhibit that was responded
19	questions about an exhibit.
20	MR. RATNER: Well, we're saying right now -
21	_
22	MS. OWENS: And so we don't have all I
23	ask, Mr. Ratner, is that you indicate that you are
24	asking a witness a question about a document
25	that's been modified.

1	There is a handwritten modification on this
2	document. It is not a school board document with
3	the modifications that were made on it.
4	MR. RATNER: No one ever suggested it was.
5	So I'm sorry if that was
6	THE HEARING OFFICER: Well, if it's not the
7	document, then is there where is the other
8	document that doesn't have the written notation on
9	the side?
10	MS. OWENS: School Board Exhibit Number 2.
11	THE HEARING OFFICER: Oh, okay, all right.
12	Well, let's
13	MR. RATNER: LaRana, is that the
14	THE HEARING OFFICER: Let's use then School
15	Board Exhibit Number 2.
16	MS. OWENS: I'm sorry. I want to make sure
17	that that's the correct number.
18	MR. RATNER: It's not.
19	THE HEARING OFFICER: It doesn't have the
20	handwritten note.
21	MR. RATNER: That's just a totally
22	different document.
23	THE HEARING OFFICER: Oh, it's not the
24	same?
25	MS. OWENS: No; it's the 23rd. It is School

1	Board Exhibit Number 10. I apologize.
2	THE HEARING OFFICER: Okay.
3	MR. ANDRIANO: Right.
4	MS. OWENS: And the School Board Bates label
5	is 47 at the bottom.
6	THE WITNESS: 10?
7	THE HEARING OFFICER: I'm looking at 10; is
8	that
9	MR. RATNER: Second page.
10	THE HEARING OFFICER: Oh, the page number
11	10?
12	MR. RATNER: No.
13	MR. ANDRIANO: No, no.
14	MR. RATNER: Tab 10, second page.
15	THE HEARING OFFICER: Oh, I'm so sorry. I
16	apologize. Okay. Second page; I'm on it.
17	MR. RATNER: Okay.
18	THE WITNESS: This is the IEP. Are we
19	looking at the same thing?
20	BY MR. RATNER:
21	Q This has 00047 at the bottom.
22	A Oh, okay.
23	Q Are you on that page?
24	A Yes.
25	Q Okay; great. This is an amended IEP;
11	

1	correct?	
2	A Yes.	
3	Q How many goals are in this IEP?	
4	A This is just the writing goal.	
5	Q Okay. So that's a change from the IEP we	
6	just looked at that had two goals; correct?	
7	A This is just the amendment part.	
8	Q Right.	
9	A Yes.	
10	Q It's saying there's it went from two	
11	goals to one goal; correct?	
12	A I don't I'll be honest with you, I don't	
13	recognize because this isn't the whole thing.	
14	Q Oh, well, this is what your the school	
15	board put in its exhibit book.	
16	MS. OWENS: Again, this is referring to a	
17	document that was attached by Ms. Pettiway, not	
18	this witness.	
19	THE WITNESS: Right.	
20	MS. OWENS: If you have a question	
21	specifically for this witness	
22	THE HEARING OFFICER: I don't understand	
23	why we're asking this witness about items in the	
24	letter that Ms. Pettiway wrote.	
25	MR. RATNER: I'm so sorry. I'm just trying	

1	to make sure I understand. This has a writing
2	goal on it. Ms. McCluskey was the writing
3	teacher.
4	THE HEARING OFFICER: Okay.
5	MR. RATNER: She was supposed to be
6	implementing this IEP. I think it's appropriate
7	to ask her if she's ever seen this IEP. And I
8	think now she's said she hasn't.
9	THE HEARING OFFICER: All right. She said
10	she's seen it.
11	MR. RATNER: I thought she said she wasn't
12	able to
13	THE WITNESS: Well, this was prepared
14	THE HEARING OFFICER: This was prepared
15	what?
16	THE WITNESS: by Kim Pettiway.
17	THE HEARING OFFICER: Oh.
18	BY MR. RATNER:
19	Q Okay. Were you ever asked to implement that
20	IEP with the one goal on it?
21	A From 4/20?
22	Q 4/23, I believe it says.
23	A Okay. Because I thought the 4/20 one, the
24	REDACTED didn't sign. So that's why I was confused.
25	Q Well, I'm confused, too. That's why I'm

1	trying to get some answers here.	
2	Were you ever asked to implement the	
3	MS. OWENS: Certainly, if he has questions	
4	about a letter that was prepared by Ms. Pettiway,	
5	Ms. Pettiway is the	
6	BY MR. RATNER:	
7	Q I'm not asking questions about the letter	
8	prepared by Ms. Pettiway. I'm trying to ask questions	
9	about the I was asking questions about my document.	
10	Ms. Owens asked me to ask questions about	
11	her document. So we're now on tab 10, page 2, 47 and	
12	48. And I'm asking a very direct question for Ms.	
13	McCluskey.	
14	Did you ever implement this IEP with your	
15	student REDACTED ?	
16	A This is during school closure, though.	
17	That's why I'm confused.	
18	Q Okay. So is that a, no, you didn't?	
19	A We weren't doing any new instruction, so no.	
20	Q So let's flip ahead to tab 11, if we could.	
21	Are these examples of the logs you were	
22	talking about?	
23	A Yes.	
24	Q Okay. And so I'm specifically interested	
25	in, on the first page, which is marked School Board	

1 Exhibit 51, the entry for May 14th, 2020. 2 Uh-huh. Α 3 Service provider, both yourself and Ms. 0 4 You see where I'm talking about? 5 Α Yes. 6 And then it looks like -- what's 0 7 being reflected in this document? I know it's small 8 print. 9 It is very little. That it was a Google Α 10 Meet to discuss accommodations and help on distance 11 learning assignments. 12 0 Okay. Let me focus your attention, if I 13 could, to the General Notes, so that's the last column. 14 Α Okay. 15 0 And then number 3. I'll read it, and --16 Α Okay. 17 0 -- then I'll ask you if I read it correctly 18 and what it means, if that's okay. 19 "We explained that WPM goal was not 20 continued on the new IEP, as direct instruction in that area frustrates REDACTED, as well as the fact that fluency 21 22 is not negatively impacting her comprehension, so we 23 did not feel it need to be addressed with specialized 24 instruction. We will keep data on it through progress 25 monitoring."

Did I read that correctly? 1 2 You did. Α 3 And was that a comment you made, or 0 4 Smith made, do you recall? 5 Words per minute was Ms. Smith, I would 6 assume. 7 But were the three of you on a Q Okay, okay. 8 Google Meet together? 9 Ms. Smith and I were; yes. Α Oh, and it didn't involve Ms. REDACTED at all? 10 0 11 I -- it does not state it here. 12 Was it REDACTED or Ms. 13 0 I'm not sure. 14 I do not know. 15 But at least you and Ms. Smith were having a discussion about changing the goals that 16 17 was going to work on? 18 That's what it looks like it says here; yes. 19 0 And that's an IEP team decision that a 20 parent would have to consent to; correct? It was a discussion. 21 Α It wasn't an IEP 22 meeting, it looks like. 23 "We explained that the goal was not Okay. 24 continued on the new IEP. " That was the change from 25 two goals to one goal; right?

1 I can't recollect. I need to look in here Α 2 at that. 3 0 Sure. 4 Let me ask you, if I could, to go 5 back to the parents' book, volume one. And I'd like 6 you on tab number 2. 7 Tab 2? Α 8 Tab 2. 0 9 Α Okay. 10 0 This is a prior written notice from an IEP 11 meeting less than a year ago, June of 2021. And we can 12 get the meeting, but I'm just asking you if you recall 13 participating in this one. 14 I participated in the meeting; yes. 15 Okay. And does this prior written notice 16 accurately reflect CCPS's position with respect to what 17 was discussed at the meeting? 18 Α Kim Pettiway did the prior written notice. 19 0 Let me ask you this, if I could. 20 Item number 4 at the bottom of page 1 and then 21 continuing onto the top of page 2, where it talks about 22 REDACTED has demonstrated progress towards IEP goals, 23 specifically word study, encoding data, et cetera. 24 Would that have been your contribution to 25 this document?

1	А	That would be from the progress report, I
2	assume Ms.	Pettiway got that from.
3	Q	Okay. But this is now fifth grade. I've
4	jumped ahe	ad.
5	А	Correct.
6	Q	And you're the case manager; correct?
7	А	Correct.
8	Q	And you're providing her what type of
9	instruction	n are you providing her in fifth grade?
10	А	Her word study, her decoding and encoding
11	words.	
12	Q	And how decoding is writing or spelling,
13	and encodi	ng is reading; or do I have that backwards?
14	А	Backwards.
15	Q	Okay. So encoding is spelling?
16	А	Yes.
17	Q	Decoding is reading; is that correct?
18	А	Yes; and how she yes.
19	Q	Okay. And those are two different skills?
20	А	Yes; they do go together, though, as far as
21	when it, y	ou know, comes to reading and then written
22	expression	. It's all together. It's good to teach
23	them both	together.
24	Q	Okay. How do you teach them together, at
25	the same t	ime?

1	A Well, you have to be able to read the words.
2	And then we spend a lot of time using a lot a
3	variety of sentences to spell the words. And we would
4	use a word list for two weeks.
5	Q Okay. How many kids were in your the
6	class that REDACTED was in with you?
7	THE HEARING OFFICER: Which school year are
8	we referring to?
9	MR. RATNER: The fifth grade school year.
10	THE WITNESS: Virtually or in person?
11	BY MR. RATNER:
12	Q Let's talk about in person.
13	A It was a small group. Four
14	Q Okay.
15	A maybe.
16	Q And were they all working on the same word
17	study for two weeks?
18	A Yes.
19	Q Okay. How was that individualized to REDACTED?
20	A As far as the words?
21	Q Yes.
22	A Well, I would look through their writing
23	from fifth grade. And we would I would look at the
24	words that the children were missing regularly. And I
25	would put those as the red words, which are the sight

1	words, which is what she has to do anyway.
2	Q Okay. Let me ask if, if I could and I
3	don't want to disrupt things. But there are four
4	specific word studies referenced in this prior written
5	notice, a /k/ word ending; a /ch/tch/ ending; /dge/ge/;
6	and then the VC double rule and VCC nothing rule words.
7	Do you see that?
8	A Yes.
9	Q Flip to tab 1, so just back up one tab. And
10	I want to ask you if those first four pages correspond
11	to the references in the prior written notice.
12	MS. OWENS: Mr. Ratner, I cannot hear your
13	question.
14	MR. RATNER: I'm so sorry.
15	So on page 2 of Parents' 2 in the prior
16	written notice it says, "REDACTED has demonstrated
17	progress towards IEP goals. Specifically, word
18	study/encode data includes" and then there are
19	four specific word study documents referenced.
20	Those are a /k/ word ending; the /ch/tch/
21	ending; the /dge/ge/ ending; and the VC double
22	rule and VCC nothing rule. And I believe that the
23	first four pages of tab 1 are those documents

25

And I'm asking Ms. McCluskey if she can

1	verify that.
2	THE WITNESS: They are the assessments, but
3	it's not how I got all the percentages.
4	BY MR. RATNER:
5	Q Okay. Because the percentages that I see on
6	here seem to match within the prior written notice; is
7	that right?
8	A Well, for the $/ck/$, but not let me see.
9	Oh, my apologies. Yes, they do.
10	Q Okay. So these are the
11	A Yes.
12	Q percentages and the assessments
13	A Yes.
14	Q that are referenced in the prior written
15	notice
16	A Yes. For the progress report; yes.
17	Q Okay. So I was a little bit confused on how
18	you got these specific percentages. For example, on
19	the first page, 39 out of 41. I see there's a minus 2,
20	right, for "pancake"? Do you see that?
21	A Yes.
22	Q Okay. But I couldn't figure out how you got
23	41 as a denominator
24	A Oh, okay.
25	Q for the grade.

1 Α I can explain that. 2 0 Okay. 3 You get -- she gets a point for every word Α 4 spelled correctly, and if it's in the correct feature. 5 So if she were to spell "snake," is it under the "-ke" 6 where it should be, and is it also spelled correctly. 7 So that each word is worth 2 points. 8 0 Okay. 9 So I'm looking is she able to spell it, and Α 10 is she able to understand it phonetically, as well. 11 So, for example, where it says "-ke," Q 12 there's "snake," "spoke," and "strike." 13 Yes. Α 14 0 She would get 3 points? 15 6. Α 16 I'm sorry; she would get 3 points for 0 17 spelling each one correctly. 18 Α Yes. 19 0 And then because they're in the right 20 column, she'd get another 3 points. 21 Α Yes. 22 Is that right? 0 23 Α Yes. 24 So I'm just going to -- if you would indulge 25 me, I just wanted to count them real quick.

1	So I see
2	MS. OWENS: Ms. Freeman?
3	THE HEARING OFFICER: Yes.
4	MS. OWENS: What is the relevancy of this
5	exercise?
6	MR. RATNER: The relevancy is they're
7	citing this as she's got a 94 percent, A, as
8	progress on her goals. And I don't understand how
9	you get a 95 excuse me a 95 percent, A, on
10	this document. So that's what I'm trying to
11	understand.
12	MS. OWENS: That wasn't the question that
13	was pending. He's asking the witness to go
14	through and re-grade this assignment.
15	MR. RATNER: No; I'm not asking her to re-
16	grade it at all. I'm trying to understand how we
17	got the 41.
18	THE HEARING OFFICER: What the grading
19	system it?
20	MR. RATNER: How we got 39 out of 41 on
21	this.
22	THE HEARING OFFICER: Well, it says here 39
23	out of 41, doesn't it?
24	MR. RATNER: Right. But it doesn't add up.
25	That's my problem.

1	THE HEARING OFFICER: You're saying it
2	doesn't make mathematical sense?
3	MR. RATNER: Correct.
4	THE HEARING OFFICER: Oh.
5	MR. RATNER: I don't see how you get 39 out
6	of 41, based on the information on this page. And
7	I'm hoping Ms. McCluskey can enlighten me.
8	THE HEARING OFFICER: All right. Overruled
9	at this time. Go ahead.
10	THE WITNESS: Well, the dictation also
11	counts, at the bottom.
12	BY MR. RATNER:
13	Q Okay. So at the top, I count ten words;
14	right?
15	A Right.
16	Q And she got them all right.
17	A Right.
18	Q Okay. And they're all in the right spot.
19	A Yes.
20	Q So that's 20?
21	A Correct.
22	Q Okay. So then if you count the dictation, I
23	get 37 words.
24	A With capital letters in the beginning, and
25	correct punctuation at the end.

1	Q	Okay. And so that adds up to 41?
2		
	А	Yes, sir.
3	Q	Is that right? Okay. And then I was just
4	confused.	What are the words on the side?
5	А	Oh, that's her her style. She very much
6	enjoyed li	ke to spell it out on the side first, see if
7	it looked :	right, and then put it in the
8	Q	Okay. So that was her
9	А	Yes.
10		THE HEARING OFFICER: So these were all her
11	notes	?
12		THE WITNESS: Yes.
13		THE HEARING OFFICER: Okay.
14		THE WITNESS: She'd rather write notes or
15	draw.	
16		BY MR. RATNER:
17	Q	So we had four that she did pretty well on;
18	correct?	
19	А	What do you consider pretty well? A, B, C?
20	Q	I mean, you cited it in the prior written
21	notice as	evidence of progress.
22	А	Yes.
23	Q	These four; right? You thought these were
24	successes;	right?
25	А	Yes.

Are these fifth grade word study words? 1 0 2 I don't do it based on grade level. Α 3 based on feature and the sounds that we're working on. 4 I don't have like a list, like a third grade list, 5 fourth grade list, fifth grade list. 6 0 You've heard of Dolch words? Okav. Are you 7 familiar with that? 8 Α Yes. 9 And primer, pre-primer --Q Okay. 10 Α Yes. 11 -- and things like that? REDACTED had trouble 0 12 with primer and pre-primer Dolch words; correct? 13 Correct, correct. Α 14 She wasn't on grade level; correct? 0 15 I don't have documentation whether or not I Α 16 gave her like a Dolch sight word list. I don't believe 17 that's in here. 18 Okay. 19 Α And that wasn't an IEP accommodate -- like 20 an IEP goal for her to master. 21 Not at all. 0 22 Α Okay. 23 But she couldn't read them or spell them; 0 24 correct? 25 She could read them. Α Spelling was

1 challenging; yes. 2 So let me ask you to flip to page 5 3 in Exhibit 1. 4 Α Okay. 5 This is after that prior written notice date 0 6 in February of 2019; correct? 7 2021; excuse me. February 19th, 2021. 8 Α Yes. 9 It's in March; correct? Q 10 Α Yes. 11 How'd she do on this one? 0 12 78, C. Α 13 0 Okay. 14 THE HEARING OFFICER: Well, I'm on page 5, 15 and I don't -- I see something that begins the 5th 16 of March 2021. 17 MR. RATNER: Right; so it was after the 18 prior written notice. 19 THE HEARING OFFICER: Oh, after that is 20 3/19; right? 21 Well, no; what I was saying MR. RATNER: 22 was the prior written notice where they cited the 23 first four as progress was dated February 19th. 24 THE HEARING OFFICER: Oh, okay. 25 MR. RATNER: We're now ahead in time by a

1	few weeks.
2	THE HEARING OFFICER: Okay.
3	MR. RATNER: And she didn't do well or
4	she got what she got on this one. That was my
5	point.
6	THE HEARING OFFICER: Okay.
7	BY MR. RATNER:
8	Q How about
9	MS. OWENS: Ms. Freeman, we believe that
10	that was a mischaracterization of what the witness
11	has testified to.
12	THE HEARING OFFICER: Why do you think it
13	was a mischaracterization?
14	MS. OWENS: Because that's not what the
15	witness testified to.
16	THE HEARING OFFICER: Oh.
17	MS. OWENS: If you have a question for the
18	witness, rather than trying to interpret what
19	she's testified to
20	MR. RATNER: I'll withdraw the comment.
21	You can strike it from the record.
22	THE HEARING OFFICER: Okay. He withdrew
23	it.
24	MS. OWENS: Thank you.
25	THE HEARING OFFICER: Thank you.

1		BY MR. RATNER:
2	Q	Let's go to page 6, if we could.
3		THE HEARING OFFICER: And just ask
4	quest	ions, if you would.
5		Where are we now? At page 6?
6		BY MR. RATNER:
7	Q	Page 6; yes, ma'am. In Exhibit Number 1.
8		What's this, Ms. McCluskey?
9	А	Her word study assessment.
10	Q	Okay. For what syllable types, or how would
11	you classi	fy this?
12	A	Hard C, soft C, and both sounds.
13	Q	Okay. And what grade did she make on this?
14	А	69.
15	Q	Okay. What at the bottom before the 1
16	and the 2?	What's that word she's trying to write?
17	А	Dictation.
18	Q	Dictation; okay. So that is not spelled
19	right; cor	rect?
20	А	Correct.
21	Q	Okay. That's something you worked on with
22	her?	
23	А	No.
24	Q	Okay. Why not?
25	А	I'm not grading the word "dictation."

1	Q Okay. So I'm sorry. When you're
2	teaching a student on spelling, and they spell
3	something wrong, you're not going to correct them
4	A That wasn't what I was assessing her on at
5	the time.
6	Q Okay. That's not what I'm asking.
7	MS. OWENS: That's asked and answered. She
8	said she didn't grade her on it because that
9	wasn't what she was assessing her on.
10	BY MR. RATNER:
11	Q Okay. But that's not what I was asking.
12	Did you notice that REDACTED misspelled
13	"dictation" on multiple assessments?
14	A It's not something I looked at.
15	Q Okay. I see a note in the margin here.
16	A Yes.
17	Q That's not your writing, is it?
18	A No; that's REDACTED.
19	Q Okay. REDACTED that?
20	A Yes.
21	Q Are you able to read that?
22	THE HEARING OFFICER: Is that the part
23	where she loves the teacher?
24	MR. RATNER: Right.
25	THE WITNESS: Yes.

1	BY MR. RATNER:
2	Q She's expressing affection for you, and
3	appreciation for your work.
4	A Yes.
5	Q Right?
6	A Yes.
7	Q That's why I was a little surprised there
8	were some comments in the logs that you seemed a little
9	frustrated with REDACTED at times.
10	THE HEARING OFFICER: I'm going to object.
11	BY MR. RATNER:
12	Q And she wasn't trying her best.
13	THE HEARING OFFICER: Is there a question?
14	MR. RATNER: Yes, there is.
15	THE HEARING OFFICER: Okay. What's the
16	question?
17	MS. OWENS: That's his interpretation of his
18	reading of the log.
19	BY MR. RATNER:
20	Q Did you ever get frustrated with REDACTED for
21	not trying her best?
22	THE HEARING OFFICER: Sustained. And he's
23	rephrasing the question.
24	THE WITNESS: I don't understand the
25	question.

1		BY MR. RATNER:
2	Q	Did you request a function do you know
3	what a func	tional behavior assessment is?
4	A	That was part of her reevaluation.
5	Q	Right. And did you give input into that?
6	A	Yes.
7	Q	Okay. Let's talk about that for a minute,
8	if we could	. Bear with me for just a minute. I have
9	to find it.	
10		It's tab 29 in that book.
11	A	In this book?
12	Q	Yes. Parents' Exhibit 29.
13		THE HEARING OFFICER: Which number?
14		MR. RATNER: 29.
15		THE HEARING OFFICER: Okay.
16		BY MR. RATNER:
17	Q	Can you identify the portions of this that
18	are your co	ntributions to this document?
19	A	I did not write up this document.
20	Q	Okay. What about pages 335 and 336?
21	A	Are you asking if I prepared this document?
22	Q	No.
23	A	I did not.
24	Q	It appears to be an interview of you; is
25	that correc	t?

1	A (The witness reviewed a document.)
2	MS. OWENS: Ms. Freeman, we are 4:37 now. I
3	don't know how much longer
4	THE HEARING OFFICER: Is that 430 that's
5	page 430
6	MR. RATNER: She's talking about the time.
7	MS. OWENS: The time is now 4:37.
8	THE HEARING OFFICER: Oh, okay.
9	MS. OWENS: How much longer does Mr. Ratner
10	think
11	THE HEARING OFFICER: How much yeah;
12	looks like we're getting close to the 30 minutes.
13	MR. RATNER: Yes.
14	THE HEARING OFFICER: If not more. Is it
15	beyond the 30 minutes?
16	MR. RATNER: I think it probably is. But
17	that was based on your assessment. I've got a lot
18	more to go.
19	THE HEARING OFFICER: Yeah; okay. How much
20	more do you have to go on this?
21	MR. RATNER: I can finish at 5:00.
22	THE HEARING OFFICER: All right.
23	MS. OWENS: Well, we will have to it's my
24	understanding that the hearing today closes at
25	5:00 o'clock. So have to call the witness back.

1	MR. RATNER: Yes; that's right. I mean, we
2	can stop now and call her back, but
3	MS. OWENS: Well, we can proceed. I mean,
4	that's 30 minutes.
5	THE HEARING OFFICER: All right. Let's
6	proceed. I'm giving you a little extra time with
7	this witness, because I know she's one of your
8	main witnesses.
9	MR. RATNER: No
10	MS. OWENS: You indicated you could finish
11	up by 5:00.
12	MR. RATNER: Right; that's not 30 minutes.
13	THE HEARING OFFICER: That's what?
14	MS. OWENS: 20 minutes, 23 minutes, if you
15	want to be precise.
16	MR. RATNER: Right. But
17	THE HEARING OFFICER: But you're going to
18	be done by 5:00.
19	MR. RATNER: I'm going to
20	THE HEARING OFFICER: Okay.
21	MR. RATNER: be done by 5:00.
22	THE HEARING OFFICER: All right; good.
23	BY MR. RATNER:
24	Q Great.
25	A I did not write this up. So I do not

1	know
2	THE HEARING OFFICER: Well, I lost where we
3	were.
4	THE WITNESS: Yes; I do not know where the
5	information came from, if it was a checklist, if
6	it was an interview, where the documentation came
7	from, because I did not write this.
8	BY MR. RATNER:
9	Q Okay. So let me ask you a different
10	question. Have you ever seen this page before, 335,
11	336?
12	A Yes. This was discussed at the re-eval.
13	Q Okay. So you have seen it. And this
14	purports to be your responses to questions; correct?
15	A And Ms. Houston's, I believe.
16	Q Well, Ms. Houston's is pages 337 and 338;
17	correct?
18	A I was looking at the wrong pages then.
19	Q Oh, I'm so sorry.
20	A Because you had
21	THE HEARING OFFICER: 335, 336; right?
22	MR. RATNER: Correct.
23	THE HEARING OFFICER: And we're in
24	THE WITNESS: I was looking at 350.
25	THE HEARING OFFICER: volume one.

1 I was looking at 350. THE WITNESS: 2 why I was like, "I didn't write that." 3 BY MR. RATNER: 4 So it says at the top, "Respondent Christine Q 5 McCluskey." 6 Α Yes. Sorry; yes. 7 Do you recognize this document? 0 8 I did not type this up. But, yes, I do Α 9 recognize the document. 10 And are they -- does it accurately reflect the answers you provided in response to questions about 11 REDACTED ? 12 13 Yes. Α 14 So, for example, is it fair to --0 Okav. 15 does this accurately capture your feeling about REDACTED 's "REDACTED has the ability to do her work; 16 academic skills? 17 however, ability to attend or follow through with 18 assignments hurts her grades, even when extended time 19 is given and study skills taught." 20 Α At that time; yes. "What are the problem behaviors? 21 Okay. 22 What do they look like?" Do you see that under 23 Interview Questions? 24 Α Yes. 25 Q Can you read that?

1	A Yes. "She will lie instead of doing her
2	work. She will sign off on class, be late, or not sign
3	in at all." And that's what we observed virtually.
4	Q Okay. That she was lying?
5	A That's what it appeared was my that was
6	my opinion at the time when I wrote this.
7	Q Okay. "What is the single most concerning
8	problem behavior?" Could you read that?
9	A "Her not doing her schoolwork on time, when
10	time is given."
11	Q Did you ever inquire as to whether or not
12	she was having trouble doing the work that was given to
13	her?
14	A During our study skills sessions, I'm sure I
15	did. I don't recollect exactly what I asked her.
16	Q Okay. But it was your job to provide her
17	with the specialized instruction so she could do the
18	work.
19	A Yes.
20	Q Okay. But you felt like she didn't she
21	wasn't doing it, or was lying? That's where I'm
22	confused.
23	A This is during the virtual sessions, during
24	the whole group class.
25	Q Okay. But during virtual, you were

1	responsible for providing her with specialized
2	instruction; correct?
3	A Well, this says "schoolwork." So this was
4	her everyday work, her math, and her reading, and
5	things like that. It's not specified as far as like
6	Q Did you work with her on
7	MS. OWENS: I'm sorry. Allow the witness to
8	answer the question, Mr. Ratner. I think she was
9	mid-sentence when you chimed in.
10	MR. RATNER: Well, if she would answer my
11	questions, instead of
12	MS. OWENS: I'd ask to strike. The witness
13	has been responding.
14	THE HEARING OFFICER: What was the question
15	again?
16	MR. RATNER: I'll move on.
17	THE HEARING OFFICER: He withdrew it.
18	Okay. Go ahead.
19	MR. RATNER: May I?
20	THE HEARING OFFICER: Yes; go ahead.
21	BY MR. RATNER:
22	Q Thank you.
23	So are you saying that you were talking
24	about work that you didn't instruct her on? I just was
25	a little confused.

1 So this was in January. So most of the Α 2 time, we were virtual; correct? Right? 3 I'm not sure, to tell the truth. 0 4 So during virtual instruction is Okay. 5 where she had the difficulty. And I was -- she's in 6 the collaborative setting -- she's in a collaborative 7 classroom, of which I attended all those sessions with 8 Ms. Houston. 9 Q Okay. 10 So these were my observations during that It wasn't necessarily during the specialized 11 12 instruction. Do you recall a period when REDACTED 13 Okay. 14 returned to school for four days a week, and other 15 students were only coming two days a week? 16 Α Yes. 17 Q And that was this time, January; correct? 18 Α I do not recollect the time. 19 0 If it was, would that change your 20 testimony about the virtual versus in person? 21 Α Well, yes. I thought -- I mean, I assumed this was after the virtual. I didn't think we went 22 23 back -- I don't know the time line. I'm sorry. 24 Well, if you would assume for me that Okav. this was during the time when REDACTED was there four days 25

1 a week, how would that change what you just told the 2 Hearing Officer? 3 I'd like to know how many days she was there 4 four days a week. 5 0 Okay. 6 Because it didn't last very long. Α So I 7 can't -- I can't respond to that. 8 So let's talk about the service logs Sure. 9 for a few minutes, if we could. So go to the second 10 book, volume two, tab 47. 11 Do you have that in front of you? 12 Α Yes, sir. 13 So take a minute to flip through it. 14 will tell you, it's got the fourth guarter before the 15 third quarter, so it's a little bit --16 But I want to make sure that this is the log 17 you prepared; is that right? 18 Α Yes. 19 0 What is the purpose of this type of Okay. 20 document? 21 Α This is just for my documentation, so that I 22 remember what I do with my students and what I did with 23 24 Is this how you track, for example, Okay. 25 the special education service hours that they're

1 receiving? 2 This is how I tracked what I did with REDACTED; Α 3 yes. 4 Okay. So is it something that it's Q 5 important to be accurate, or do you edit it? 6 Α It's for me. And I -- you know, if I 7 remember something later, and I need to go back and 8 edit, I do. 9 Well, do you ever remember in July or 0 Okay. 10 August of 2021, so after the summer, after school was 11 out for fifth grade, editing this document? 12 I don't recall. I'd have to look back at my Α 13 editing --14 0 Okay; sure. 15 So let's just take a look at a couple of notes here, if we could. Did REDACTED ever have any 16 17 difficulties with bullying issues at Old Hundred that 18 you were aware of? 19 Α Being bullied, or her bullying, or bullying 20 21 0 Being bullied. I knew there was an incident. I don't know 22 23 if I would call it bullying. But I was -- that was in 24 her general education classroom. 25 Q Okay. So I want you to look at -- on the

1 first page here, the entry on 4/14, so it's the middle 2 of the page. 3 Α Yes. 4 Q What are the notes on, "Observed during 5 recess." 6 "Observed during recess." Α 7 I'm so sorry. What are the notes? 0 8 shouldn't have added, "Observed during recess"; right? 9 Α Yes. 10 0 So I meant to have these in two separate 11 books, so it would be a little bit easier for you to 12 compare side by side, but sometimes the best laid plans 13 don't quite work out. 14 So if you could look at tab 66 in this same 15 book. 16 MS. OWENS: Which tab, Mr. Ratner? 17 BY MR. RATNER: 18 66. Yes; okay. And we see that same 4/1419 date at the bottom of the page. 20 Α Yes. 21 Read the notes there for --"Girls were playing tag and calling REDACTED 22 23 She told them she doesn't like it. -banana. 24 did not stop, so I told them to stop." 25 Q Okay. So did you prepare both of these

1	documents?	
2	A	No.
3	Q	Oh, okay.
4	А	I prepared the first one, sent it to
5	administra	tion. And then that was administration.
6	Q	Administration. So let me just to be
7	clear, 47	is your document.
8	А	47?
9	Q	Tab 47.
10	А	No.
11	Q	No?
12	А	No.
13	Q	Tab 66 is your document?
14	А	Yes.
15	Q	Okay. Tab 66 is your document. And then
16	I'm sorry	when you say you sent it to
17	administra	tion, to whom did you send it?
18	А	Kim Pettiway.
19	Q	Okay. And then so you did not edit it from
20	then on?	
21	А	No.
22	Q	Okay. Thank you.
23	А	Sure.
24	Q	Are you familiar with Google Docs, the
25	program?	

1	A Yes.
2	Q Okay. Is that something you use with your
3	students and REDACTED ?
4	A Yes.
5	Q Okay. And when you do that, are you able to
6	edit the documents that they worked on?
7	A Yes.
8	Q Okay. And did you have to make some
9	significant edits to REDACTED 's written work using Google
10	Docs?
11	A Oh, during study skills, when we worked on
12	it together, yes, we talked it through together.
13	Q Okay. And what did that look like?
14	A It depends. Sometimes I would edit as she
15	would verbalize to me what she wanted done. And
16	sometimes we edited it together. It sort of depended
17	on the day and her mood, what she wanted to do.
18	She was very verbal. So she preferred to
19	tell me. And I'd say, "Is this what you want?"
20	"Yes."
21	"Is this what you want?" So I would edit as
22	she told me what to edit.
23	Q Got it. Bear with me for just a second
24	A Sure.
25	Q while I find a specific document.

(Discussion off the record.) 1 2 BY MR. RATNER: Let's talk about the work that REDACTED did in 3 0 4 your work study group, and specifically -- again, I 5 know I'm jumping around a lot, so please --6 Look at tab 53, please. 7 Α In --8 0 It's volume -- parents' volume two. 9 THE HEARING OFFICER: Did you say that's 10 volume two? What tab did you say, 58? 11 MR. RATNER: 53. 12 Got it. THE HEARING OFFICER: Okay. 13 BY MR. RATNER: 14 0 Do you know what -- this is how we received 15 it from the school board. So I'm just going to ask you 16 -- there's a lot of pages here -- do you recognize 17 this? 18 Some of it; yes. 19 0 Okay. 20 Not the first page, but --Α 21 Do you know generally what this is? 22 It's her word study notebook from Ms. Α Yes. 23 Smith and from me. 24 So I'm specifically interested in Okay. 25 page 683 in that. They are in order. The first page,

it's hard to read, but it's 564. So there's a lot of 1 2 pages --3 Α Yes. 4 Is that something you were working on Q Okay. with REDACTED? 5 6 It's not complete, so I'm not sure. Α 7 Do you see where it says "Spectrum 0 8 Word Study and Phonics Grade 3"? 9 I do. Α 10 Were you working on grade three work Q Okay. 11 during fifth grade? 12 No; I was working on the "oi" sound with Α 13 her. 14 0 But it came from the Spectrum Word Okav. 15 Study and Phonics Grade 3? 16 It did happen to come from that book; yes. Α 17 0 Okay. And there were other things that were 18 below grade level that you were working on with REDACTED; 19 correct? 20 I was working on the features that she 21 needed for word study. 22 Objection. MS. OWENS: There's been no 23 foundation laid for the statement that Mr. Ratner 24 just made. 25 THE HEARING OFFICER: Was it a statement or

1	a question?
2	MS. OWENS: It was a statement about the
3	sample being below grade level. No foundation has
4	been laid for that question.
5	BY MR. RATNER:
6	Q Okay. You were working on her with her
7	on word study in fifth grade?
8	A Yes.
9	Q Okay. And this, on its face, says it's for
10	grade three; correct?
11	A That's where I got it; yes.
12	Q Okay. But you're saying it's not grade
13	three level work?
14	A She's not working on a grade level for word
15	study. I don't have it I don't have like a fourth
16	grade list, a third grade list. So there's no list.
17	I'm meeting her needs, of what she needs
18	Q I thought you said all four of the students
19	were doing the same list.
20	THE HEARING OFFICER: You have about five
21	minutes.
22	MR. RATNER: Yes.
23	THE WITNESS: Yes; same list. Yes.
24	BY MR. RATNER:
25	Q Okay. Let me ask you to get to tab 52, so

1 just one back. These are some of the Google Docs I was 2 referencing earlier. 3 Α Yes. 4 Okay. And so, for example, I was 5 particularly interested in page 631, which was the snow 6 globe. 7 Yes. Α 8 Do you remember in an IEP meeting telling 0 9 the family how proud you were of how she did on the 10 snow globe piece? 11 Α Yes. 12 Which part, working in the color, did Okay. 13 write, versus what part did you write? 14 Well, is this her final copy, or no? Α 15 0 This was her working with you. 16 Yes; but I don't know if it's her final copy Α 17 or not. 18 Okay. Well, as of December 10th, 2020, 19 which parts did you write, and which parts did she 20 write? 21 Α She wrote the whole thing. We worked on it 22 together. 23 Well, what does the purple text mean? Okay. 24 Either something that I highlighted -- it 25 looks like things that I highlighted, to bring her

1	attention to.
2	Q Okay. So your testimony is you didn't draft
3	that?
4	A She may have told me to type it. I did not
5	it's not my words, as far as written expression.
6	It's hers.
7	Q Okay. Well, do you remember, or do you
8	not
9	A I do not I don't have her do you have
10	her graphic organizer from before that went with this?
11	Q Well, one of the problems that we have is we
12	didn't get all the documents that we were hoping to
13	get. So this is what we have. And if you're not able
14	to answer
15	MS. OWENS: I'm going to object.
16	[Unintelligible crosstalk.]
17	MS. OWENS: So the statement that Mr. Ratner
18	made is inaccurate.
19	THE HEARING OFFICER: What
20	MS. OWENS: We complied with the terms of
21	the subpoena.
22	THE HEARING OFFICER: Thank you. So we are
23	almost out of time.
24	MR. RATNER: Yeah; I've got about four
25	minutes, by my watch.

1	THE HEARING OFFICER: Four minutes; okay.
2	And where are we right now? I'm reading a story
3	about turkey. Is that where we are?
4	MR. RATNER: We were on the snow globe
5	store.
6	THE HEARING OFFICER: Okay. Let me go back
7	to snow globe.
8	MR. RATNER: But we're about to skip to the
9	spooky story, which is the first page.
10	THE HEARING OFFICER: Oh, the spooky story.
11	All right. I just passed that.
12	MR. RATNER: That's the first page.
13	THE HEARING OFFICER: Right. Are these
14	things that she wrote?
15	THE WITNESS: Yes.
16	THE HEARING OFFICER: Are these things that
17	she wrote?
18	THE WITNESS: These are things she either
19	wrote, or dictated, or we worked on together to
20	edit. It kind of depended on what the assignment
21	
22	THE HEARING OFFICER: And this is what her
23	mom was talking about when she said she likes to
24	she likes to tell stories.
25	

1	BY MR. RATNER:
2	Q Okay. But if you could just elaborate
3	briefly. She would dictate to you, and you would
4	actually type it up sometimes?
5	A Sometimes; especially if it's virtual. Yes.
6	Q Okay. And so then that wouldn't address her
7	spelling deficits; correct?
8	A Correct.
9	Q Okay.
10	A It would be written expression.
11	Q Right; okay. Right; and those are different
12	issues.
13	A Yes, they are.
14	Q Okay. And you agree REDACTED has a deficit in
15	spelling?
16	A Yes.
17	Q Okay. So with the spooky story, do you
18	remember what these purple highlights mean?
19	A It looks like this was one that she
20	dictated.
21	Q Okay.
22	A Would be my assumption.
23	Q Did you work with her on Lexia, or was that
24	something Ms. Houston did?
25	A Lexia is an independent reading program

1	that's done in the general education program general
2	education setting.
3	Q Okay. So then you wouldn't have worked on
4	it with her?
5	A No.
6	Q Okay. Thank you.
7	Did you ever try writing cursive with REDACTED?
8	A I think we practiced our names several
9	times; yes.
10	Q Okay. Did you ever get any training on
11	working with students with dyslexia from CCPS?
12	MS. OWENS: Objection, relevancy, to that
13	question.
14	THE HEARING OFFICER: What's the question?
15	MR. RATNER: Did she ever
16	THE HEARING OFFICER: I was reading the
17	turkey story.
18	MR. RATNER: Oh, I'm so sorry. Did she
19	ever get any training from CCPS about working with
20	students with dyslexia.
21	THE HEARING OFFICER: Oh, all right. It
22	seems to me you lay a foundation, though for that
23	question.
24	BY MR. RATNER:
25	Q Was it your understanding that REDACTED was

specified as a student with a specific learning 1 2 disability? 3 She has a specific learning disability. Α 4 Q And that is dyslexia; correct? 5 Not necessarily. Α 6 So your feeling is she doesn't have 0 Okay. 7 dyslexia? 8 It was not in any of her educational Α 9 assessments that she's a student with dyslexia. She's 10 a student with a specific learning disability. 11 Did you ever receive any training on 0 12 how to work with a student with a specific disability like REDACTED has from Chesterfield County Public Schools? 13 14 Α Yes. 15 Okay. And when was that? 16 I do not recall the exact date. Α 17 Q Okay. Did you ever consult with Ms. Lennox, April Lennox, about working with PEDACTED? 18 19 Α Yes; we've met before, and we've had 20 training with Ms. Lennox before. But did you discuss working with REDACTED 21 22 with Ms. Lennox? 23 I do not recall. 24 Because she's a dyslexia specialist; Okay. 25 right?

1	A Yes.
2	Q Okay. So if you didn't think REDACTED had
3	dyslexia, why would you consult with Ms. Lennox?
4	THE HEARING OFFICER: She didn't say REDACTED
5	has dyslexia.
6	THE WITNESS: I never said
7	MR. RATNER: She said she thought she
8	didn't have dyslexia.
9	THE HEARING OFFICER: Right.
10	THE WITNESS: I
11	MR. RATNER: Right; so I don't know why she
12	would consult
13	THE WITNESS: I didn't say she didn't
14	MS. OWENS: Ms. Freeman, this line of
15	questioning is completely irrelevant.
16	THE HEARING OFFICER: She's SLD.
17	MR. RATNER: Yes.
18	THE WITNESS: Right.
19	MR. RATNER: If I could have just one
20	minute to go through my notes, I think I'm
21	finished.
22	THE HEARING OFFICER: All righty.
23	MR. RATNER: Right in time.
24	THE HEARING OFFICER: Go ahead. You've got
25	about 30 seconds left, though.

1	MR. RATNER: Oh, is it running while I look
2	through my notes?
3	THE HEARING OFFICER: But you just go
4	ahead. Go ahead and review we'll let you
5	finish up.
6	(Discussion off the record.)
7	MR. RATNER: That's all I have. Thank you
8	so much.
9	THE HEARING OFFICER: Thank you.
10	Now, I guess we will save our cross-
11	examination for tomorrow. And is it safe to leave
12	the books in here? Does anybody have an issue
13	with that?
14	MR. RATNER: I'd like to leave them.
15	THE HEARING OFFICER: So that's what I'm
16	saying. I'd like to is this door going to be
17	locked?
18	MS. OWENS: We can find the facilities
19	manager and ensure that happens.
20	THE HEARING OFFICER: All right.
21	MR. RATNER: And I'll just make the offer
22	I'm more than happy, if she'd like to finish
23	tonight
24	THE HEARING OFFICER: I don't think that
25	it's fair to stay any later than 5:00 o'clock.

1	MR. RATNER: That's fine. I just was
2	I'm happy to keep going, so she doesn't have to
3	come back.
4	THE HEARING OFFICER: Yeah; children and
5	I don't yeah.
6	MR. RATNER: That's fine.
7	THE HEARING OFFICER: Sometimes we can do
8	that. But sometimes it just doesn't work out.
9	THE WITNESS: What time tomorrow?
10	THE HEARING OFFICER: I'm sorry? What?
11	THE WITNESS: What time tomorrow?
12	THE HEARING OFFICER: Well, all of the
13	hearing days start at 9:00.
14	THE WITNESS: Okay.
15	THE HEARING OFFICER: If both sides agree
16	to start earlier, I usually do that, unless
17	there's some issue with that. But I'm I don't
18	know if there's an agreement about starting early,
19	or going on later, so
20	THE WITNESS: Well, I have a doctor's
21	appointment tomorrow
22	THE HEARING OFFICER: Oh, really? What
23	time
24	THE WITNESS: that I scheduled like
25	months ago. That's why I'm asking.

1	MR. ANDRIANO: Are you able to be here at
2	9:00?
3	THE WITNESS: Yes.
4	THE HEARING OFFICER: You can be here at
5	9:00. And then what time do you have to be out of
6	here? I'm not going to ask you what time your
7	doctor's appointment is, but
8	THE WITNESS: 1:00?
9	MR. ANDRIANO: That works.
10	THE HEARING OFFICER: Oh, okay. That'll
11	yeah, all right. Okay. I'll see you tomorrow
12	then for I guess it was about an hour for
13	cross-examination by the school.
14	THE WITNESS: Okay. Thanks.
15	THE HEARING OFFICER: And then we're done
16	for today. Thank you.
17	(The witness stood aside.)
18	
19	
20	
21	
22	
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24	
25	

1	CERTIFICATE OF COURT REPORTER
2	I, KURT D. HRUNENI, a Certified Verbatim
3	Reporter, do hereby certify that I took the notes of
4	the foregoing proceedings and thereafter reduced the
5	same to typewriting; that the foregoing is a true
6	record of said proceedings to the best of my knowledge
7	and ability; that I am neither counsel for, related to,
8	nor employed by any of the parties to the action in
9	which these proceedings were held; and further, that I
10	am not a relative or employee of any attorney or
11	counsel employed by the parties hereto, nor financially
12	or otherwise interested in the outcome of the action.
13	IN WITNESS WHEREOF, I have hereunto set my
14	hand this 3rd day of April, 2022.
15	
16	
17	
18	Kent D. Jums
19	KURT D. HRUNENI, CCR-VA
20	
21	
22	
23	
24	

25

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