

**DEPARTMENT OF EDUCATION DIVISION OF SEPCIAL EDUCATION
AND STUDENT SERVICES OFFICE OF DISPUTE RESOLUTION AND
ADMINISTRATIVE SERVICES**

IN THE MATTER OF REDACTED
REDACTED A MINOR, BY HER
PARENTS, REDACTED AND
REDACTED
Petitioners,

v.

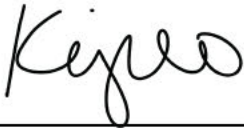
PRINCE WILLIAM COUNTY
PUBLIC SCHOOLS,
Respondent.

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VDOE Case No..
24-018

Before Hearing Officer Rhonda J. Mitchell

PETITIONERS' CLOSING BRIEF



**SUBMITTED BY PETITIONERS' ADVOCATE, DR. KIMBERLY MEHLMAN-
OROZCO on January 30, 2024.**

Table of Contents

Preface	3
Overview	5
DENIAL OF FAPE ADMITTED BY PWCS	7
504 and IEP fails to adequately address the student's specific educational needs.....	7
REDACTED was excluded from assignments without parental consent and in violation of VDOE ruling	8
IEP Lacks Measurable Goals and Inadequate Progress Monitoring.....	9
IEP/504 WAS NOT PROPERLY IMPLEMENTED AND WAS OUT OF COMPLIANCE WITH THE LAW	12
Failure to Implement 504 and IEP as Written and Failure of Adequate Support	13
FAILURE TO REIMBURSE FAMILY FOR VISION THEORY AND DENIAL OF AN IEE WAS A DENIAL OF FAPE	14
Chronology of Facts	15
Failed Compliance with VDOE Guidance Related to Homebased and Homebound Services....	19
Concerning Testimony of Case Manager	21
PWCS Refusal to Remediate in a Meaningful Way	28
Delayed Remediation.....	28
Victim-Blaming	29
Additional Inconsistencies.....	38
Prayer for Relief.....	40
Summary of Documents Withheld in Violation of Subpoena Duces Tecum.....	41
Concluding Remarks	43
Appendix A. Sample of Relevant Case Law	45
Appendix B. VDOE Guidance for Homebound Services.....	47
Appendix C. PWCS Policy for Homebased/Homebound Services	50
Appendix D. Rebuttal to PWCS Position.....	52

Table of Figures

Figure 1. Sample of Inadequate Progress Monitoring for Goal 1: 2022-2023	12
Figure 2. Partial Timeline of Inadequate IEP	13
Figure 3. Timeline of Compensatory Services for Homebased Services	14
Figure 4. Screenshot of Redacted Payments to Date	19
Figure 5. Email from Sandra Ramsey Regarding Speaking to Other Families About Ability to Re-Apply.....	29
Figure 6. REDACTED were not the only family denied homebound services during 2022-2023 school year	44
Figure 7. Screenshot of PWCS Failure to Educate due to Specialist Unavailability.....	44

Table of Tables

Table 1. Supplemental Chronology	15
Table 2. Concerning Testimony of Case Manager	21
Table 3. False Allegations Against the REDACTED versus Countervailing Testimony and Evidence	30
Table 4. Example of Inconsistent Testimony	38

Preface¹

Dear Hearing Officer Mitchell,

In your analysis of the REDACTED case and in reading my closing brief below, I am hopeful that you will see that our discontent with Prince William County did not develop out of thin air. Certain conditions existed and continue to exist within the Prince William County Public Schools which must be condemned as vigorously, if not more vigorously, than how PWCS attempts to condemn the REDACTED advocacy and their advocates' choice of speech.

I anticipate that you may not agree with some of the language that has been used during the course of this process and I will admit that I have used some pejorative language to refer to Prince William County Schools. While I would agree that this language is not particularly professional, my language was catalyzed by their repeated and unrelenting unprofessional actions, which resulted in the denial of a Free Appropriate Public Education for many children, including REDACTED

Any person with a sense of ethics and justice or with a strong moral compass would condemn what Prince William County Schools has done toward these children and families.

The language that has been shared, while perhaps terse, is an expression of our constitutionally protected opinions² and should not in any way undermine the veracity of the claims against Prince William County. I realize that my choice of language may be perceived as hurtful to Prince William County Schools administrators, but it is nothing close to the harm these same administrators, in my constitutionally protected opinion, have systemically perpetuated against special education children in this county. While you may not agree with my first amendment protected speech, I will hope that you will at least empathize with our powerless situation and understand that my choice of zealous advocacy, which occasionally manifests with terse language, is an expression of my passion for justice.

This type of terse language can be present in these types of educational disputes because these families have been marginalized and this choice of wording is tantamount to the language of the unheard.

And what has Prince William County failed to hear? It has failed to hear that the plight of special education students has worsened over the last few years and their rights under IDEA and ADA have been systematically violated. It has failed to hear that the promises of a free

¹ Everything contained in this document is based on the Petitioners' honest belief and constitutionally protected opinion, but we believe this is also supported by ample evidence. We are relying upon the Hearing Officer as the ultimate finder of fact.

² Specifically, in *Pickering v. Board of Education* (1968), the Supreme Court held that a teacher's speech is protected by the First Amendment when addressing matters of public concern, unless the school district can demonstrate that the speech interferes with the teacher's ability to perform his or her job duties. My speech is in no way interfering with PWCS's ability to do their job duties. And while *Pickering* involved a teacher, the principles of balancing free speech rights with the interests of the school has implications for parents, especially when expressing concerns related to matters of public concern.

appropriate public education have not been met in Prince William County. And it has failed to hear that large segments of Prince William County administrators are more concerned about tranquility and the status quo than about education, equality, and accountability. And so in a real sense the discontentment of the [REDACTED] family and the terse language of their advocate are caused by Prince William County's "winters of delay". And as long as Prince William County Administration postpones justice and meaningful remediation, we stand in the position of having these recurrences of IDEA and ADA violations over and over again. Social justice, accountability, remediation, and progress are the absolute guarantors of parental discontent prevention³.

However, time is of the essence. [REDACTED] only has 3.5 years left before finishing high school and Prince William County has made no articulable efforts to ensure social justice, accountability, remediation, and progress moving forward, much less any guarantee of FAPE. Until this changes, [REDACTED] should be placed in private placement at the public expense of Prince William County Schools.

Thank you in advance for your consideration, understanding, and for upholding the law and the United States Constitution,

Dr. Kimberly Mehlman-Orozco

³ Adopted from Martin Luther King Jr. Speech—"The Other America" April 1967 at Stanford University.

Overview

According to legal authorities⁴, to prove that FAPE was not received, typically one might consider the following aspects:

- I. **Inadequate Individualized Education Program (IEP)**: An IEP that does not adequately address the student's specific educational needs, lacks measurable goals, or is not properly implemented can be a sign that FAPE was not provided.
- II. **Lack of Appropriate Services or Supports**: If the school fails to provide necessary services or supports that are critical for the student to access and benefit from education, this can indicate a failure to provide FAPE.
- III. **Failure to Implement the IEP as Written**: Even if an IEP is appropriately designed, failure to implement it as written can result in a denial of FAPE.
- IV. **Inadequate Progress Monitoring**: Failure to adequately monitor and report on a student's progress can indicate that the education provided is not meeting the student's needs, thus failing to provide FAPE.
- V. **Disciplinary Actions that Limit Access to Education**: Excessive disciplinary actions, especially those that remove a student with disabilities from their educational setting, can be evidence that the student is not receiving FAPE.

In the case of **REDACTED** the family has proven well beyond a preponderance of the evidence that the Prince William County Individualized Education Plan was inadequate. Namely:

- I. **REDACTED** IEP did not adequately address her specific educational needs;
- II. **REDACTED** IEP lacked measurable goals; and
- III. **REDACTED** IEP was not properly implemented.

Demonstrably and admittedly by PWCS, her school failed to provide necessary services and supports that were critical for **REDACTED** access and benefit from education. Additionally, the IEP was not implemented as written and her progress (or lack thereof) was not adequately monitored by her case manager.

In response to the clear and consistent denial of FAPE, the **REDACTED** family documented a host of concerns, which required remediation, and communicated their intent to remove **REDACTED** from PWCS well in advance of the 10-day deadline. Instead of remediating any of the issues, Prince William County issued a Prior Written Notice (PWN) refusing each and every request of the family, thereby entitling the **REDACTED** to reimbursement for private placement.

⁴ For examples, see Appendix A.

As a part of their concerning pattern and practice, Prince William County regularly denies parent concerns and then gaslights and victim blames the parents for PWCS wrongdoing. In fact, PWCS has demonstrably even denied VDOE concerns and attempted to gaslight and blame VDOE for attempting to hold PWCS accountable for PWCS wrongdoing. This, in our constitutionally protected opinion, narcissistic behavior is absolutely unconscionable and demonstrates the recalcitrant refusal of PWCS to remediate in a meaningful way.

Like VDOE and many other parents, the **REDACTED** do not expect PWCS to be perfect, but there is a reasonable expectation to, without unnecessary delay, remediate mistakes and prevent their reoccurrence. Instead, PWCS has dug their heels in and remained steadfast in their adoption of the “Narcissist Prayer” response:

1. PWCS will deny the violation;
2. If the violation can't be denied, PWCS will diminish the severity of the violation;
3. If the violation severity can't be denied, PWCS will claim they weren't responsible for the violation;
4. If PWCS can't deny the severity and responsibility of the violation, PWCS will claim it was unintentional; and
5. If PWCS can't deny the severity, responsibility, or intentionality of the violation, PWCS will victim-blame the parents or the child, claiming the violation was deserved.

For any so-called educational institution to behave in this fashion is, in our opinion, abhorrent, especially when some of the violations of law are blatant and have such a negative impact on the educational, social, and emotional well-being of many children, including **REDACTED**

DENIAL OF FAPE ADMITTED BY PWCS

Even with all of the deception through incredulous testimony and withholding of responsive documents, Prince William County essentially concedes that their actions were **NOT** in compliance with the law. For example:

504 and IEP fails to adequately address the student's specific educational needs

REDACTED is a student with a lifelong condition⁵ that results in repeated and intermittent absences from school. However, despite the attendance issues and their effect on her education, Prince William County repeatedly failed to incorporate a homebound and/or homebased provision that adequately addressed **REDACTED** specific educational needs in her 504 plan or in her IEP.

Teachers repeatedly documented the impact of her medical condition on her education.

For example:

1. On February 28, 2022, in the Teacher Education Report, **REDACTED** Creative Writing teacher Mrs. Champion wrote, "Unfortunately, **REDACTED** absences have made it difficult for her to catch up in creative writing."⁶
2. On March 9, 2022, in the Teacher Education Report, **REDACTED** Math teacher Mrs. Dorsey wrote, "However, due to her extended absences there are some objectives that **REDACTED** has not been able to show mastery of at this time."⁷
3. On March 9, 2022, in the Teacher Education Report, **REDACTED** Science teacher Mr. Maneno wrote, "**REDACTED** misses a lot of school due to health issues."⁸
4. On March 10, 2022, in the Teacher Education Report, **REDACTED** Language Arts teacher Mrs. Branchetti wrote, "I have exempted her from some formative and ungraded assignments due to her numerous absences."⁹

This is also documented via repeated verbal requests in the recorded IEP meetings, as well as in a doctor letter dated 2/16/2023, which was shared by the school. Therein, Dr. Russow writes, "**REDACTED** will need intermittent homebound written into her IEP before she returns so that a plan is already in place and service won't be delayed when she is absent due to her illness."¹⁰ However, **REDACTED** did not have any provision for homebased services written into her 504 plan form September 14, 2021 to January 23, 2022¹¹. An allotment for up to three hours following three consecutive absences was provided via word document on January 24, 2022¹². Despite

⁵ See PWCS Binder VI, Exhibit 119, Page 148.

⁶ PWCS Volume I, Exhibit 11, Page 035.

⁷ PWCS Volume I, Exhibit 11, Page 041.

⁸ PWCS Volume I, Exhibit 11, Page 055.

⁹ PWCS Volume I, Exhibit 11, Page 039.

¹⁰ PWCS Volume II Exhibit 65, Page 006

¹¹ PWCS Binder Volume 1, Exhibit 5, Page 005.

¹² PWCS Binder Volume II, Exhibit 40, Pages 003-004..

multiple teacher reports indicating this was insufficient in February and March of 2022¹³, this was never increased. Despite IEP progress reports¹⁴ and failing grades showing lack of progress, this was never increased, despite a clear and demonstrable need. REDACTED IEPs consented to on June 16, 2022 failed to include a provision for adequate homebound or homebased services, despite multiple requests from the parent. In fact, from the 2021 to 2022 school year, despite being absent 46¹⁵ times during the 2022-2023 school year, REDACTED was only provided with a mere SIX HOURS of services. Even more dishearteningly, REDACTED was absent a whopping 40 TIMES before she received her FIRST HOUR of homebound services¹⁶.

REDACTED was excluded from assignments without parental consent and in violation of VDOE ruling

On August 29, 2023, the Virginia Department of Education ruled that unilateral¹⁷ exclusion from significant parts of a student's grade level curriculum was a denial of a Free Appropriate Public Education.¹⁸ While REDACTED did have a provision for a reduction of assignments based on the "student's ability to demonstrate mastery of the content/skills expected to be achieved," it does not appear this draft was ever consented to¹⁹. However, even if this was later consented to, it appears as though the assignment exclusion predated this document (assignment reduction was not in the September 14, 2021 504²⁰). More importantly, it appears as though REDACTED assignment reductions were due to her absences, not through her mastery of the content.

For example, on February 24, 2022, in the Teacher Education Report, REDACTED Social Studies teacher Mr. Fairman wrote, "I have excused her from learning targets during times of extended absences when offering her extended time for assignments has not been enough due to accumulating absences²¹."

Similarly, On March 10, 2022, in the Teacher Education Report, REDACTED Language Arts teacher Ms. Branchetti wrote, "I have exempted her from some formative and ungraded assignments due to her numerous absences."²² IN FACT, MS. BRANCHETTI HONESTLY CONCEDEDS, "REDUCTION OF NON-ESSENTIAL ASSIGNMENTS (MY OWN ACCOMMODATION)".²³

¹³ PWCS Binder Volume I, Exhibit 11, Pages 35-55.

¹⁴ REDACTED BINDER 1, TAB 27

¹⁵ School believes only 42.

¹⁶ For absences, see PWC Binder Volume III, Exhibit 98. For service provision start date, see PWC Binder Volume II, Exhibit 103.

¹⁷ Without parental consent and without being written into the IEP.

¹⁸ See Parent Binder Tab 35 and emailed complete ruling.

¹⁹ PWCS Binder Volume I, Exhibit 10. Draft language on page 001 and 504 language on Page 53.

²⁰ PWCS Volume I, Exhibit 5, Page 005.

²¹ PWCS Volume I, Exhibit 11, Page 057.

²² PWCS Volume I, Exhibit 11, Page 039.

²³ PWCS VOLUME I, Exhibit 11, Page 040. Emphasis added.

THIS UNILATERAL EXCLUSION FROM COURSE MATERIAL IS A DENIAL OF FAPE. A TEACHER SHOULD NOT BE ABLE TO MAKE THEIR OWN ACCOMMODATION, WITHOUT CONSULTING WITH A TEAM AND THE PARENT.

IEP Lacks Measurable Goals and Inadequate Progress Monitoring

Annual Goal 1: Given direct instruction and a writing task, access to a word processor and editing checklist, REDACTED will use a graphic organizer and checklist to follow the steps of the writing process (prewrite, write, revise, edit) with 85% on assigned writing targets by 05/10/2023.²⁴

This goal should be measured using written reports, which were requested via the Subpoena Duces Tecum, but never provided. Either they were spoliated, despite repeated requests for preservation of documents, or they never existed. Based on the testimony, the latter is suspected. However, either way, it is not possible for these written reports to be able to measure this poorly written goal.

With regards to special education law, a written report is a document prepared by an evaluator.²⁵ However, Ms. Adelina Blakenship, testified that she erroneously believed that the “written reports” were “writing samples” measured by some other non-descript rubric. For example, during her testimony Ms. Blakenship responded as follows:

Dr. Mehlman-Orozco: And how does it say that you'll measure this annual goal?

Blakenship: By written reports.

Dr. Mehlman-Orozco: Who provided those written reports? Who created them?

Blakenship: The student.

Dr. Mehlman-Orozco: So the student's written reports is how--are how you measure this annual goal?

Blakenship: Yes

Dr. Mehlman-Orozco: Okay. And then how would they show sufficient progress according to your interpretation of this measurable goal?

Blakenship: We have rubrics.

Dr. Mehlman-Orozco: Okay. And what would that rubric entail?

Blakenship: It depends on the project. They were in Canvas, so every assignment would have different rubrics.

RUBERICS ARE NOT CHECKED OFF OR WRITTEN IN AS THE MANNER OF MEASURING THIS ANNUAL GOAL. THIS IS A CLEAR VIOLATION OF THE IEP AND DENIAL OF FAPE.

²⁴ See. PWCS Binder Volume II, Exhibit 50, Page 004.

²⁵ For example, see: https://www.cahelp.org/parents_students/services/assess_iep AND <https://www.kent.k12.md.us/IndividualizedEducationalProgram.aspx>. Also, see <https://www.fcps.edu/sites/default/files/media/forms/SpecialEducationParentHandbook.pdf> “written reports from teachers or other school personnel.”

IF “writing samples” were used in combination with rubrics, then “Checklist” and “Class work” or “other” should have been checked off in the IEP, not “written reports.” However, given the Subpoena Duces Tecum and the failure of PWCS to provide any checklist, rubric, class work, writing sample, or written report, it is suspected that IEP was not implemented as written and this measurable goal was never properly measured. Moreover, the goal is likely unmeasurable as written.

Prior to the issuance of the subpoena, which was not fully complied with, Mrs. REDACTED repeatedly asked for these documents, but they were never provided. For example, during the August 9th IEP meeting, Dr. Mehlman-Orozco asked Mrs. Graham to provide copies of the writing samples, she replied

“Yes, well, whatever we’re able to access from the case manager, we will put together²⁶.”

These documents were never provided.

Similarly, the checklists for Measurable Goal #2²⁷, the tallies and observation notes for Measurable Goal #3²⁸, the tests and quizzes for Measurable Goal #4²⁹, and the tallies for Measurable Goal #5³⁰ were repeatedly requested and subpoenaed but never provided. This suggests that they were never used as the basis for evaluating REDACTED progress or were spoliated to conceal the issues regarding the immeasurability of these poorly constructed goals.

Even PWCS staff concede that these goals are not clearly worded as written. For example, during the August 9th IEP meeting, when discussing the so-called “measurable goals” Special Education Teacher John Treadwell conceded,

“I’m just letting you know it’s not possible with the way it’s written.”³¹

At no point during the 3-hour August 9th IEP or during the four day due process hearing did any Prince William County Employee coherently describe how these goals are measurable as written, much less correlating them with REDACTED educational need.

Moreover, given the lack of instruction, the majority of REDACTED assignments were not completed in a timely manner or at all and therefore resulted in inadequate progress monitoring. For example:

1. In March of 2022, with three months left in the school year, REDACTED had been absent for 30 days and the teacher Language Arts teacher reported, “I have limited data on her

²⁶ PWCS Binder Volume III, Exhibit 110, Page 085.

²⁷ PWCS Binder Volume II Exhibit 50, Page 005

²⁸ PWCS Binder Volume II Exhibit 50, Page 006

²⁹ PWCS Binder Volume II Exhibit 50, Page 007

³⁰ PWCS Binder Volume II Exhibit 50, Page 009

³¹ PWCS Binder Volume III, Exhibit 110, Page 112

writing ability because she has not completed the major writing assignments we have done this year.”³²

2. [REDACTED] was absent and “did not complete the HMH Growth Measure reading assessment that the rest of the class took.”³³

In fact, [REDACTED] special education teacher Adelina Blakenship submitted progress reports that illustrated stagnant progress or regression. For example, on 10/28/2022, Ms. Blakenship documented that [REDACTED] Goal 1 was **Annual Goal 1: Given direct instruction and a writing task, access to a word processor and editing checklist [REDACTED] will use a graphic organizer and checklist to follow the steps of the writing process (prewrite, write, revise, edit) with 85% on assigned writing targets by 05/10/2023.**³⁴ On 10/28/2022, Ms. Blakenship reported that [REDACTED] was making “Sufficient Progress” and was accomplishing this goal with 90% on assigned writing targets³⁵. It is unclear why according to Blakenship, [REDACTED] had surpassed the target by 5%, but instead of stating “Mastered,” she wrote “Sufficient Progress.”

Additionally, although Goal 1 was substantively identical to the Goal 1 written in the 12/5/2022 IEP (aside from punctuation and the date change), Blakenship referred to it as a “new IEP Goal” in the progress report. The Progress Reports for Goal 1, as documented in the 12/5/2022 IEP had several issues:

1. The measurement target date was the following month, January 23, 2023;
2. The measurement for January came after March;
3. The measurement for March reflected “Sufficient Progress,” but with insufficient data; and
4. The measurement from October 2022 to May 2023 reflected a 10-15% decrease in progress, but reflected “Sufficient Progress” in May as well.

Ultimately, a review of this progress report suggest that it may have been fabricated and certainly does not demonstrate “sufficient progress” see Figure 1).

³² PWCS Exhibit Binder Volume I, Exhibit 11, Page 39-40

³³ PWCS Exhibit Binder Volume I, Exhibit 11, Page 39.

³⁴ See. Parent Binder 1, TAB 27

³⁵ *Ibid.*

SAMPLE: Inadequate Progress Timeline

GOAL 1: Given direct instruction and a writing task, access to a word processor and editing checklist
REDACTED will use a graphic organizer and checklist to follow the steps of the writing process (prewrite, write, revise, edit) with 85% on assigned writing targets by 05/10/2023 (OR 01/23/2023).

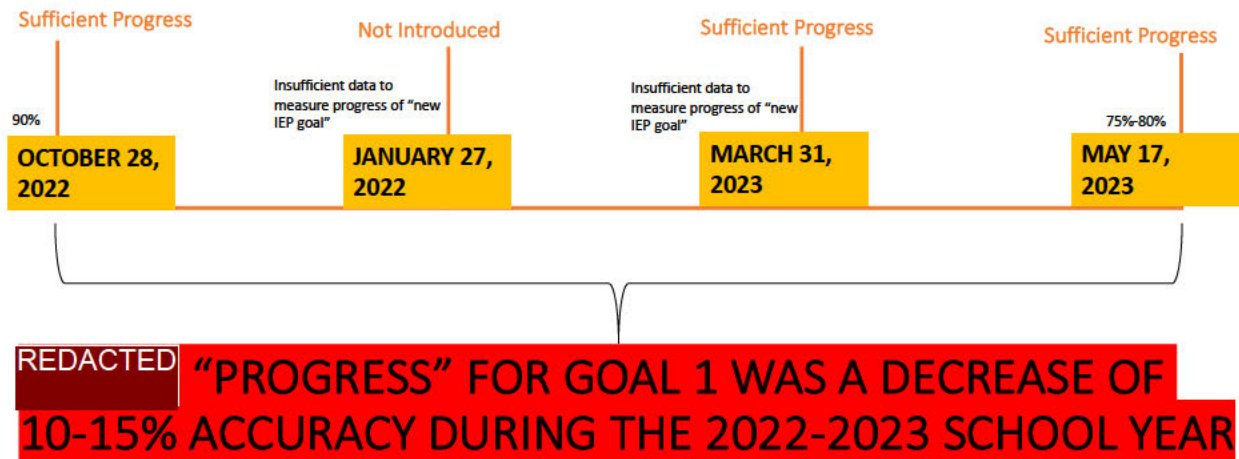


Figure 1. Sample of Inadequate Progress Monitoring for Goal 1: 2022-2023

ULTIMATELY, PRINCE WILLIAM COUNTY HAS ESSENTIALLY CONCEDED THAT REDACTED IEP GOALS ARE NOT MEASURABLE AS WRITTEN AND PROGRESS WAS INADEQUATELY MEASURED.

IEP/504 WAS NOT PROPERLY IMPLEMENTED AND WAS OUT OF COMPLIANCE WITH THE LAW

First, the homebased service provision was out of compliance with the law in that the minimum number of hours was not 1.6 per day (8 per week). However, more importantly, the hours were generally not provided. There were only 6 hours provided, despite 46 absences during the 2021-2022 school year and the first hour provided during the 2022-2023 school year followed 40 absences (see Figure 2).

Inadequate IEP Timeline

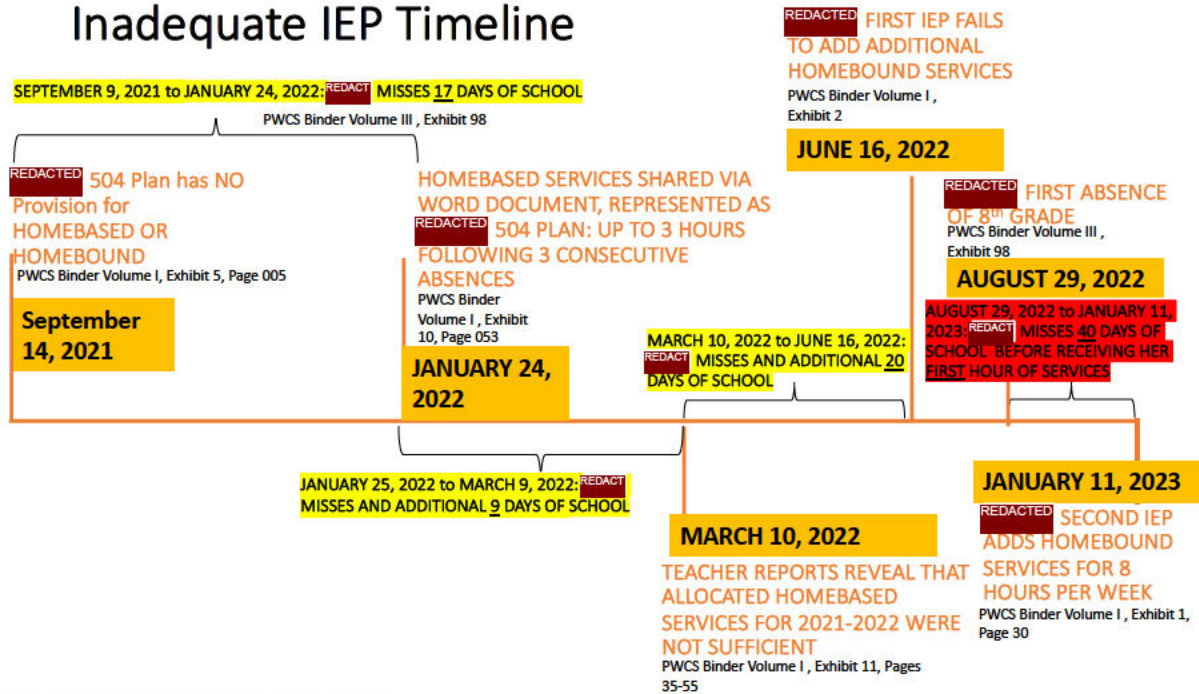


Figure 2. Partial Timeline of Inadequate IEP

Even Amanda Mallory conceded this was in violation of the law:

DR. KIMBERLY MEHLMAN-OROZCO: Okay. So compliance. In your opinion, Ms. Mallory, was the provision of Home-based services to **REDACTED** in compliance with the law?

AMANDA MALLORY: Time period or intermittent Home-based services? I think it was a determination by the IEP team and to the extent that hours have been owed, they have been working on them and there's 6 hours owed.

HEARING OFFICER MITCHELL: So that's a no? That's a no. I'll take that as a no³⁶.

However, PWCS also didn't abide by other provisions documented in the IEP. For example on page 30 of the IEP Created on 12/19, PWCS stated that "The team determined that during this time of homebound instruction, the parent will be provided with weekly updates to support **REDACTED** related to her IEP goals."³⁷ These weekly updates never materialized and the hours overwhelmingly were not provided.

Failure to Implement 504 and IEP as Written and Failure of Adequate Support

³⁶ Transcript Day 4, Page 886, Lines 1-11

³⁷ PWCS Binder, Exhibit 1, Page 30.

While both the 504 plans and the IEPs failed to include adequate supports for [REDACTED] to have access to a Free Appropriate Public Education, PWCS failed to implement as written. Compensatory time for homebased services was delayed over a two years (see Figure 3).

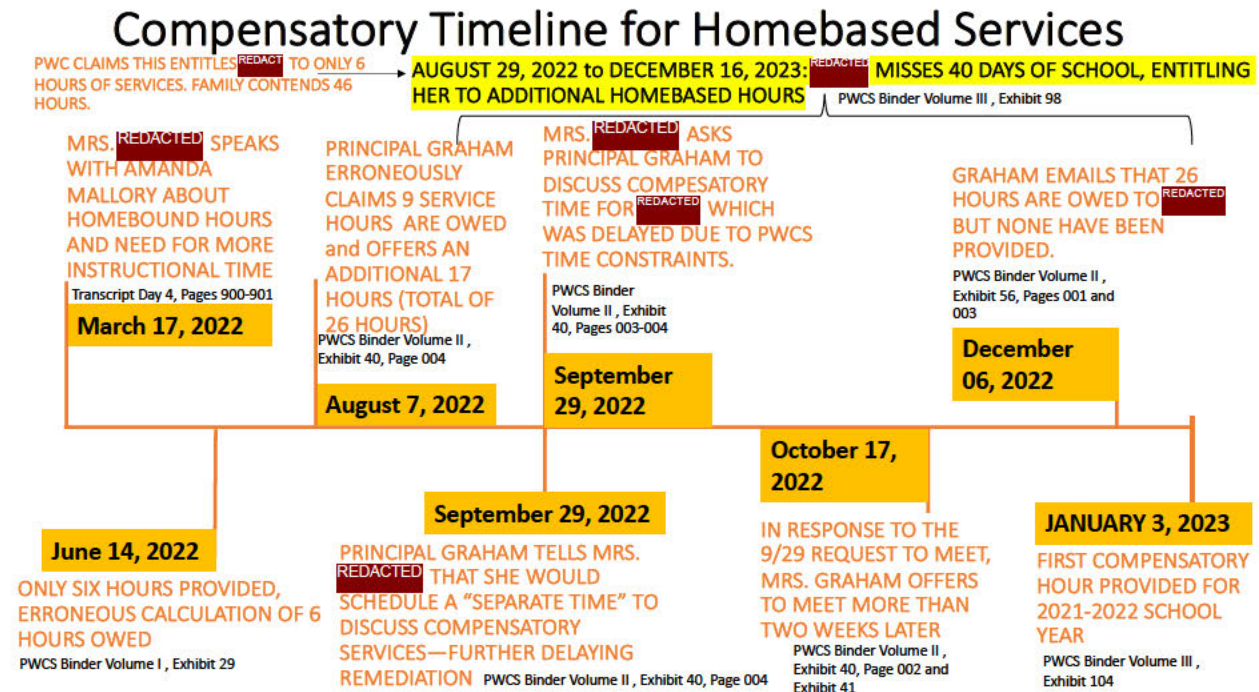


Figure 3. Timeline of Compensatory Services for Homebased Services

Ultimately, the family believes that for the 46 absences during the 2021-2022 school year and 40 absences prior to the homebound approval at the beginning of the 2022-2023 school year, [REDACTED] was owed a total of 137.6 hours (86 absences multiplied by 1.6). Of the 137.6 hours that were due, 32 were provided. Entitling [REDACTED] to another 105.6 hours of compensatory time, which we are asking in the form of private placement.

PWCS, on the other hand, admits that 26 hours were owed, which took more than seven months before they even started to make up hours, and PWCS claims that 6 hours are currently owed (see PWCS Binder III, Exhibit 104).

FAILURE TO REIMBURSE FAMILY FOR VISION THEORY AND DENIAL OF AN IEE WAS A DENIAL OF FAPE

It is unnecessary to repeat all of the facts that illustrate that the [REDACTED] repeatedly requested vision therapy and an IEE for a Functional Vision Assessment, considering that PWCS agreed to provide both of these in the Settlement Agreement dated January 3, 2024 (Please see Parent Gray Binder, Tab U). These requests are documented repeatedly in the Prior Written Notices, most recently from the one provided on October 18, 2023, following the 10 day written notice.³⁸

³⁸ PWCS Binder Volume III, Exhibit 114, Page 1

Chronology of Facts

In Prince William County Binder II, TAB 32, Prince William County provides a significantly incomplete chronology of events. Table 1 below provides a supplement.

Table 1. Supplemental Chronology

Date	Event	Exhibit
9/14/2021	504 Plan, which includes limit of high impact activities based on student discretion.	PWCS Binder Volume I, Exhibit 5, Page 005
12/02/2021	Amanda Mallory emails [REDACTED] documenting concerns of disability discrimination	PWCS Binder Volume I, Exhibit 7
1/24/2022	Amanda Mallory Emails [REDACTED] changing the 9/14/2021 504 plan to include a provision for intermittent homebased services (up to 3 hours following 3 consecutive absences).	PWCS Binder Volume I, Exhibit 10, Page 053
3/10/2022	Teacher Education Reports document that [REDACTED] was being excluded from progress monitoring and major assignments, but was “respectful with teachers” and “kind and respectful towards adults and peers in the classroom.”	PWCS Binder Volume I, Exhibit 11, 039-043
3/17/2022 ³⁹	[REDACTED] Found Eligible for IEP under Other Health Impairment	PWCS Binder Volume I, Exhibit 15, Pages 001 and 005
3/21/2022	Dr. John W. Dresely recommends vision therapy.	PWCS Binder Volume I, Exhibit 13, Page 1-2
3/22/2022	Dr. John W. Dresely outlines what classroom teachers can do to help [REDACTED]. Accommodations were not provided.	PWCS Binder Volume I, Exhibit 13, Page 3
3/25/2022	Email documenting when [REDACTED] was not able to stop running, in violation of 504 plan accommodation.	PWCS Binder Volume I, Exhibit 14
4/5/2022	IEP forces meeting at a day and time that was not mutually agreed	PWCS Binder Volume I, Exhibit 17 and 18

³⁹ IEP Document created 3/28/2022, but eligibility determination 3/17.

	upon, due to PWCS delay in scheduling and deadline requirements.	
4/20/2022	Email from REDACTED documenting exclusion from meeting discussed in Exhibits 17 and 18	PWCS Binder Volume I, Exhibit 19
5/17/2022	Mrs. REDACTED speaks with Mrs. Mallory about the number of homebased hours not being enough.	Transcript Day 4, Pages 980-981, Lines 22 and 1-13 respectively.
5/26/2022	First IEP Created	PWCS Binder Volume I, Exhibit 2
5/26/2022	PWCS Agrees to pay Dr. Federici \$1,500-\$3,000 for an IEE	PWCS Binder Volume I, Exhibit 2, Tab 26
6/14/2022	PWC Erroneously believes that they only owe REDACTED 6 hours for the 2021-2022 school year. In actuality, PWCS admits that owed 32 hours ⁴⁰ , while Parents contend that 61.2-67.6 hours were owed. ⁴¹	PWCS Binder Volume 1, Exhibit 29.
6/16/2022	IEP Consented, 21 days after creation	PWCS Binder Volume I, Exhibit 2, Page 021
9/30/2022	Dr. Dresely writes another letter outlining REDACTED need for accommodations that were not provided.	PWCS Binder Volume II, Exhibit 43, Page 002
10/1/2022	Letter from Dr. Russow documenting concerns and REDACTED needs.	PWCS Binder Volume II, Exhibit 43, Page 003-004
10/18/2022	REDACTED has been absent 11 times at this point in the school year. ⁴² However, Ms. Graham claims that she is only entitled to six hours of intermitted home-based services ⁴³ . This is inconsistent with the PWCS policy, which states that home-based should follow home bound hour allocation, entitling REDACTED to a minimum of 1.6 hours per absence for a total of 17.6 hours at this point in the year (August 2022 to October 18, 2022).	PWCS Binder Volume III, TAB 98 and PWCS Binder Volume II, Exhibit 47.
11/1/2022	REDACTED emails Case Manager Adelina Blankenship detailing concerns, symptoms of anxiety, issues of bullying, feeling overwhelmed, etc	PWCS Binder II. Exhibit 51, 002
11/2/2022	Mrs. REDACTED emails Principal Graham and Mrs. Prime detailing	PWCS Binder Volume II, Exhibit 49.

⁴⁰ See Day 4 Transcript, Page 957, Lines 13-15.

⁴¹ 42-46 absences x 1.6 hours per absence minimum, minus the 6 hours that were provided. (for example, see pages 1081 on Day 4 transcript).

⁴² See PWCS Binder Volume III, TAB 98.

⁴³ PWCS Binder Volume II, Exhibit 47.

	REDACTED medical issues and asking for a consideration of homebound services.	
11/3/2022	TWO DAYS after REDACTED self-advocacy, Miss Blankenship responds. In our constitutionally protected opinion, the response is short, impersonal, and fails to address the overwhelming majority of concerns raised.	PWCS Binder Volume II, Exhibit 51, 002.
11/3/2022	Mrs. Blankenship emails present levels, goals, and accommodations for REDACTED Homebased or homebound services are NOT listed as an accommodation, despite repeated requests. Listed goals are NOT measurable as written.	PWCS Binder Volume II, Exhibit 50.
11/28/2022	Principal Graham emails Mrs. REDACTED reflecting the erroneous belief that REDACTED could receive fewer than but no more than 8 hours of instruction per week. This is in direct contrast to the VDOE policy for minimum hours for instruction.	PWCS Binder Volume I, Exhibit 53, Page 005 AND
11/28/2022	Mrs. REDACTED replies to Principal Graham asking if teachers can start this week. Mrs. Graham responds stating that she will work on finding providers ASAP.	PWCS Binder Volume II, Exhibit 53, Page 011.
11/29/2022	Mr. Williams emails Mr. Silber about REDACTED homebound approval. ERRONEOUSLY states that a signed IEP is needed before services can commence. Services did not commence until over a month later. This is in violation of VDOE guidance on homebound services⁴⁴.	Email from Mr. Williams to Mr. Silber dated 11/29/2022. WITHHELD in violation of the Subpoena. Provided via email by Amanda Mallory on January 11, 2023.
12/9/2022	Discussion of intermittent home-based service hours with Mr. Silber	PWCS Binder Volume I, Exhibit 8
12/19/2022	Second IEP Created	PWCS Binder Volume I, Exhibit 1
1/11/2023	Second IEP Consented, 22 days after creation	PWCS Binder Volume I, Exhibit 1, Page 029
1/12/2022	Amanda Mallory emails REDACTED regarding: (1) IEP referral for Evaluation and (2) Commencement of homebased Services	PWCS Binder Volume I, Exhibit 8
2/16/2023	Dr. Russow requests for intermittent homebound to be written in to REDACTED IEP.	PWCS Binder Volume II, Exhibit 65, 006

⁴⁴ See TAB 5 of Parent Binder 1.

6/26/2023	Amanda Mallory emails Mrs. Graham asking to “make sure we have an accurate record of what has been provided and what is owed at this time. Also to “develop a plan for implementation”	Parent Gray Binder II, Exhibit K.
8/8/2023	Mrs. REDACTED provides written concerns and 10 day notice of private placement.	PWCS Binder Volume III, Exhibit 114, Page 36-41
8/14/2023	REDACTED applies to Redacted Six days after 10 day notice.	PWCS Binder Volume II, Exhibit 101, Page 18
8/16/2023	REDACTED is accepted into Redacted Eight days after 10 day notice.	PWCS Binder Volume II, Exhibit 101, Page 18
8/21/2023	REDACTED parents pay the \$1,000 deposit for enrollment. 13 days after the 10 day notice of private placement	PWCS Binder Volume II, Exhibit 101, Page 17
10/18/2023	PWCS fails to include Mrs. REDACTED parental concerns in the IEP. As evidenced in the email sent by Mrs. Mallory, she sent the IEP and procedural safeguards but NO THIRD ATTACHMENT of parental concerns. PWCS DENIES all parental requests, even though many of them were subsequently agreed to during due process settlement.	PWCS Binder Volume III, Exhibit 114, Page 1. NOTE: PWCS Deceptively includes the print out in this Exhibit Tab, even though it was omitted from the 10/18/2023 email. We believe this was done to mislead the hearing officer into believing the concerns were incorporated into the IEP, when they were not.

It should be noted that the **REDACTED** are making ongoing payments to **Redacted** to support the private placement of their child. These are not reflected in the chronology but rather an updated billing account is provided in Figure 4.

Redacted

Figure 4. Screenshot of **Redacted** Payments to Date

Failed Compliance with VDOE Guidance Related to Homebased and Homebound Services

Prince William County Public Schools (PWCS) has repeatedly and demonstrably failed to comply with the Virginia Department of Education guidelines document for homebound instruction (see Appendix B). Namely:

1. PWCS internal communications and **REDACTED** grades illustrate that she fell significantly behind during her periods on homebound and/or homebased;⁴⁵
2. The limited instruction provided was often not interactive (e.g., she did not have to complete homework or assignments and when questions were asked the teachers without experience in the content area (e.g. Aanderud) were unable to answer them);⁴⁶
3. PWCS demonstrably did not make “every effort to ensure academic progress” and the record reflects that not even a de minimis effort was made for the overwhelming majority of the 2021-2022 and 2022-2023 school years;
4. Ms. **REDACTED** was chastised and victim-blamed for attempting to have the school provide priority to the core academic subjects;⁴⁷
5. The policies and procedures used by Prince William County for providing homebound services are out of compliance with the law. For example, VDOE mandates a MINIMUM of 8 hours per week (or 1.6 hours per day) and PWCS offers a MAXIMUM of 8 hours per

⁴⁵ For example, See PWCS Binder IV, Exhibit 120, page 058 and PWCS Binder II, Exhibit 115 **REDACTED** received no grade for Social studies, creative writing, and science enrichment for first, second, or third quarter. **REDACTED** received all Fs for Advanced Algebra.

⁴⁶ Ms. Aanderud testified that she has no teaching experience in civic and has never taught language arts for middle school, only for kindergarten (see Transcript Day 3, Page 771). As such, her ability to provide meaningful instruction in these areas is questionable at best.

⁴⁷ See, for example, Parent Binder 1 Tab 7.

week⁴⁸. INCREDULOUSLY, PWCS has the hubris to suggest that ALL general education students receive a minimum of 8 hours per week, but ONLY students with fewer than 8 hours⁴⁹. Not only is this inaccurate, but it is discriminatory;

6. While PWCS did employ teachers licensed to teach in Virginia, a license to teach does not make someone an educator. Education requires the ability to instruct on a given subject matter;
7. PWCS failed to ensure [REDACTED] homebased and homebound services were provided in a timely manner.
 - a. As documented in the PWCS and [REDACTED] settlement agreement, the 8th grade HOMEBOUND service hours totaled 105.5 hours, which will now be provided by the New Community School; and
 - b. While PWCS believes that [REDACTED] is only entitled to 32 service hours, of which 6 are still owed (see PWCS Binder III, Exhibit 104); the [REDACTED] contend that the 46 absences during the 2021-2022 school year and 40 absences that preceded the homebound services (total of 86 absences) should have entitled [REDACTED] to 137.6 hours (86 absences multiplied by 1.6). Of the 137.6 hours that were due, 32 were provide. Entitling [REDACTED] to another 105.6 hours of compensatory time, which we are asking in the form of private placement.
8. Demonstrably, PWCS failed to ensure the continuity of instructional services to [REDACTED] in violation of VDOE guidance. In fact, [REDACTED] didn't receive her first homebased compensatory hour or homebound hour until January 2023 (after the first half of the year);
9. The program coordinator failed to coordinate the provision of services in a timely manner;
10. The program coordinator failed to complete an annual report;
11. The program coordinator failed to provide appropriate oversight of instruction. In fact, PWCS didn't even know how many hours were provided versus owed until AFTER the end of the 2022-2023 school year⁵⁰;
12. [REDACTED] missed elements of Virginia's State Assessment program due to her absences, despite the VDOE directive indicates that they should be included;
13. Written record reflects that some of [REDACTED] homebound teachers did not maintain "close contact" with [REDACTED] teachers, counselor, or program coordinator to receive an implement appropriate educational programs; and
14. PWCS failed to maintain an accurate record of the hours of instruction provided (e.g. testimony reflects that the hours in Tab 103 and 104 are inaccurate. For examples, Mrs. Mathers has recorded hours before she was introduced to the [REDACTED] Mrs. Aanderud has hours only for civics, when she claims to have provided language arts. In June of 2023, the [REDACTED] were being told [REDACTED] was owed 6 hours. In August of 2023 that was

⁴⁸ See, for example, Transcript of Hearing Day 3, Page 571-572, 574, 577-580, 512 to 519

⁴⁹ For example, see Hearing Day 2 Pages 201. During a speaking objection, Ms. Thompson stated: "Ms. Huebner agreed, it says this applies to all general education students. Aren't we—are not here because they're saying [REDACTED] is a student with a disability?" The belief that only children with disabilities can be provided with fewer than a MINIMUM outlined by VDOE is both erroneous and discriminatory, in our opinion.

⁵⁰ See For example Tab K of Parent Gray Binder II.

increased to 9, with an additional 17, for a total of 23). While PWCS claimed they only owed 32 homebound hours in TAB 103, they ultimately agreed to 105.5 when presented with evidence to the contrary.

15. Any VDOE reference to support that the parental concerns in PWCS Binder III, Exhibit 114, Page 036 were incorporated into the 10/18 IEP or PWN. While they were printed out and deceptively included in the PWCS exhibit binder, they were EXCLUDED FROM THE EMAIL SENT TO MRS. [REDACTED] on 10/18/2023 at 3:23pm by Amanda Mallory (PWCS Binder III, Exhibit 114, Page 001).

Concerning Testimony of Case Manager

Despite [REDACTED] former special education case manager signing an affidavit claiming that she could reliably testify on [REDACTED] IEP in her federal lawsuit against [REDACTED] she remembered little to nothing about [REDACTED] during her due process testimony. However, her concerning testimony suggest beyond the preponderance of evidence that the goals were not easily understood or measurable and the progress was not monitored with fidelity (see Table 2).

Table 2. Concerning Testimony of Case Manager

Question	Response	Page Number	Line Number
So how long were you [REDACTED] case manager for?	I don't remember exactly	31	13-15
You don't remember when you were introduced to [REDACTED]	That's correct.	31	16-18
Okay. Does April 2022 sound correct?	Ma'am, I do not remember that. Thank you.	31	19-20
Did you complete the progress reports for [REDACTED]	I do not remember if I did all of them. There may have been other people involved.	31 32	21-22 1-2
Who else would be completing progress reports if it wasn't you?	It could have been anyone involved with her case.	32	3-6
Okay. Anyone involved in her case. So who else was involved in her case?	I don't remember everyone's name.	32	7-9
Do you remember anything about [REDACTED]	Of course.	32	10-11
What do you remember?	That [REDACTED] was a student at Gainesville Middle School.	32	12-14
Is that it?	I mean, she was a student at Gainesville Middle School in 7th and 8th grade.	32	15-17
HO question- Is it a part of your job as a case manager to write progress reports?	Yes	36	4-6
Okay. Ms. Blankenship -- or Mrs. Blankenship, could you turn to Tab 50 in -- not in that binder, in the PWCS binders, Tab 50. It should be binder 2, I believe. Volume 2. Is this an e-mail from you to Mr. and Mrs. [REDACTED]	Let me read it, please. It appears to be so.	36	8-16

regarding the draft; present goals, that was submitted on November 3rd, 2022?			
Okay. And in this document -- or this e-mail has an attachment of an IEP amendment of services. And how many goals does it have for -- measurable annual goals, does it have for REDACTED	Five	36	17-22
Okay. For the first one it says: Given direct instruction in a writing task, access to a word processor and editing checklist. REDACTED will use a graphic organizer and checklist to follow the steps of the writing process; prewrite, write, revise, edit, with 85 percent on assigned writing targets by 5/10/2023. Did I read that correctly?	Would you like me to read it out loud? Is that what you're asking?	37	1-10
The question was, did I read it correctly?	I only heard you. I wasn't following along as you read it. So do you want to read it again? I'm not sure of the question, sorry. Do you want me to read it out loud or did you want to read it --	37	11-16
HO Statement- Go ahead, read it out loud.	Sorry. Number 1: Measurable annual goal, written language. Given direct instruction and a writing pass, access to a word processor and editing checklist. REDACTED will use a graphic organizer and checklist to follow the steps of the writing process; prewrite, write, revise, edit. With 85 percent on assigned writing targets by 5/10/2023.	37 38	17-22 1-4
And how does it say that you'll measure this annual goal?	By written reports.	38	5-7
Who provided those written reports? Who created them?	The student.	38	8-10
So the student's written reports is how--are how you measure this annual goal?	Yes	38	11-13
Okay. And then how would they show sufficient progress according to your interpretation of this measurable goal?	We have rubrics.	38	14-17
Okay. And what would that rubric entail?	It depends on the project. They were in Canvas, so every assignment would have different rubrics.	38	19-21
I'm asking you this question because as a statistician, I don't understand how someone would get 85 percent given the language in here. So I'm asking you as the case manager to edify everyone in here, including the Hearing Officer, of how you would measure this goal?	So we would look at the assignment turned in, we would match it with the rubric and see if 85 percent of these things that were in the rubric were met.	38 39	22 1-5, 11-14
HO question- Who makes up this rubric?	The language Art Department	39	15-17

HO question- Okay. So the school itself, it's not something that comes from the overall system?	On the county	39	19-22
HO Question- The County?	Yes	40	1-2
And so then how would you calculate 85 percent in this rubric? Does it have percentages on it?	It has numbers. So like a 5 is 100, a 4 is an 80, and so forth.	40	5-9
So does this mean that she would score an 85 percent on the assignment? Because the way I read this -- and please correct me if I'm wrong, because I'm not -- I'm just not -- I'm trying to have you testify so we all understand, it says: Given direct instruction on a writing task, access to a word processor, an editing checklist. REDACTED will use a graphic organizer and checklist to follow the steps of the writing time or is it she's scoring 85 percent on the actual assignment? process; prewrite, write, revise, and with 85 percent on assigned writing targets. So is this saying that she's using the graphic organizer and checklist 85 percent of the time or is it she's scoring 85 percent on the actual assignment?	She's scoring 85 percent on those -- not on the assignment, not total, but on these portions of it.	40 41	10-22 1-5
Okay. And so if she was making sufficient progress, then that would mean she got 85 percent?	Not necessarily	41	6-8
So what would she need to show for sufficient progress to be in your progress report?	It varies. So we would -- there are a couple different things, the sufficient progress, insufficient progress, there's also not meeting standards. So if a student is -- could possibly be not meeting the 85 percent, it could be an 80 percent and that would be sufficient progress.	41	9-16
HO question- How do you determine the percentage for sufficient progress? Is that on a rubric also?	That is on the rubric. It will say like sufficient progress mastering, non-mastering.	41	17-22
Regarding measurable annual goal number 2, it says: Checklist. Is that a checklist that would be developed by REDACTED or by you?	A So that was the checklist that I had made. When REDACTED was in school we would meet once a week to go over her assignments that she had turned in and what she hadn't turned in	42	13-20
Okay. And with this measurable goal number 2 it says: Given direct instruction and the list of assignments after an absence, she would complete the assignments in the time frame agreed upon with her teacher with success on 3 out of 4 opportunities by 2010 -- by 5/10/2023. So with this measurable goal, if she was not turning in 3 out of 4 of these assignments and these opportunities, would that not be sufficient progress or how would you measure this?	I don't remember that.	42 43	21-22 1-9

All right. Number 3, measurable annual goal, study skills. It says: Given -- it says: Given a task and maximum of one verbal queue, [REDACTED] will attend to independent assignment without protest and remain on task with no task avoidance, off-task passive behavior such as staring off for 20 minutes within 3 out of 4 observed trials by 5/10/2023. And here it says it Could you just, again, explain how this measurable annual goal is measured using tallies and observations? Because as it's written, I don't understand it. □ Would be measured by tally and observation.	So we had a check sheet, like a sheet that I would have during language arts, and when I would make sure she was staying on task, that would be a tally. If she was not, that would be marked as well.	43 44	14-22 1-9
Did Homebound instructors provide you with any information that was incorporated into progress reports?	I don't remember.	44 45	20-22 1
Okay. If [REDACTED] was on Homebound, is it possible to measure this annual goal?	I was not her Homebound, so I don't know.	45	2-4
For measurable annual goal number 4, it says: Given grade level multi-step math problems, [REDACTED] will identify key vocabulary, set up, and solve with 85 percent accuracy by 5/10/2023. And this was to be measured with tests and quizzes. Again, as this is written, how would you measure this? Is it simply just whether she got a grade of 85 percent or above on the tests and quizzes?	On tests and quizzes on those standards.	45	10-20
So this is for mathematics. So on tests and quizzes in order for her to meet this measurable goal she would have to solve with 85 percent accuracy; is that correct?	On those specific standards, not on the tests in general.	45 46	21-22 1-4
What are the specific standards? So it's the multi-step math problem?	Depends what the test was on at that time.	46	8-11
Okay. Do you recall what [REDACTED] grades were for math during that calendar year for this IEP?	I do not.	46	8-11
If she failed every quarter during the time this IEP was in effect, does that mean that she failed to make sufficient progress on this measurable annual goal?	I don't remember.	46 47	22 1-4
I'm not asking whether you remember if she failed, I'm asking you if she failed every quarter does that, as the person who's the case manager, does that mean she failed to make sufficient progress on this measurable annual goal?	No	47	5-12
Okay. You said no. Why not?	I don't know. This is like -- I've answered. You keep asking the same question in different ways. I don't remember.	47	13-16
For behavioral it says: Given a situation that arises -- that rises her anxiety and taught coping strategies, [REDACTED] will identify and use coping strategy to reduce her feelings of anxiety in 4 out of 5 observations by 5/10/2023. And the way it's measured is tallies. Who is conducting these observations for this measurable annual goal?	I do not recall.	47 48	20-22 1-5
Would it be a teacher?	I don't recall, ma'am	48	7-8
All right. Do you remember if -- so how long have you been a -- how long have you been in your position as an IEP coordinator?	I'm not an IEP coordinator.	50	19-22

Or what's your position?	I'm a special education teacher	51	1-2
Special education teacher. How long have you been in that position?	3 years	51	3-5
HO question- How long have you been a teacher?	3 years	51	6-8
HO question- So you went straight into special ed?	Yes.	51	9-11
Have you ever put, not sufficient progress, on a progress report?	I don't remember. I'd have to look through. I see a lot of students.	51	17-20
Do you remember whether REDACTED you were her special education teacher made sufficient progress during the time in which	I don't remember	51 52	21-22 1-2
Do you remember the incident where you were e-mailed about REDACTED being denied a bathroom pass, that was in her IEP, which led to her menstruating all over her clothing?	I don't remember.	52	3-7
So on Tab 2 -- well, if you just look at the table of contents, Prince William County on page 1 says that -- or excuse me, Tab 1. Tab 1, excuse me. Tab 1, it says: December 2, 2022 IEP for I. REDACTED And according to PWCS this was the last, consented to, IEP. And in this -- Do you see that on page 1?	No	52 53	16-22 1
Tab 1. So this was the last -- according to Prince William County, the last, consented to, IEP. So behind Tab 1, on page 1, it lists the names of participants for this meeting. Are you the first participant listed there?	Yes	54	6-11
Did you draft the document?	I'd have to look through it. I don't remember because at times there were multiple people drafting.	54	12-15
And then -- so is it -- do you recall whether REDACTED had issues coming to school due to her health issues?	I don't recall why she didn't come to school.	56	14-18
Do you recall whether REDACTED only had physical issues that qualified her for an IEP or were there other psychological issues as well?	I don't recall.	56	19-22
Do you want to look at the paragraph to see if it refreshes your recollection? At the bottom of page 6, 31. It starts with: The IEP met on 9/27/2022. Could you read that paragraph?	Out loud?	57	1-5
Yes, please	The IEP team met on 9/27/2022. The IEP team reconvened to continue the meeting from 8/23/2022. Parents shared concerns about REDACTED math skills. Based on recent testing, neurophysiological evaluation from Dr. Federici and concerns in math class, the team discussed REDACTED need for instruction and/or support in the area of math. Neurophysiological evaluation from Dr. Federici	57	7-20

	on June, July, and August 2022 noted deficits in the areas of mental math, higher level math and multi-step reasoning problems. Educational testing from spring 2022 indicates that REDACTED is performing in the average range, but with deficits in mental math.		
So it says deficits in mental math. Did you have any -- do you recall whether you had any reason to question the validity of Dr. Federici's findings?	I don't recall. I don't know.	57 58	21-22 1-3
You don't recall? But generally, if you had any concerns, would they have been documented in the IEP?	Not every concern. Not every concern that somebody would have would be in the IEP.	58	4-7 10-11
Under what circumstances would a concern regarding reliability of a medical professional's report -- under what circumstances would it be omitted?	IEPs are done as drafts before we meet as a team with parents and the remainder of the team. So at the meeting, any changes if the parents feel need to be made would be made.	58	12-19
And if it were not made, where would it be documented in an IEP?	I don't know.	59	4-6
Do you recall whether there was any difference between the draft IEP that we just looked at, and this finalized IEP regarding the present levels of academic achievement and functional performance? You said maybe sometimes a parent would say something that would lead to it changing. In that circumstance, would there be a difference between the draft and the final?	I don't recall.	59 60	16-22 1
So let's see. The first draft had five goals, this draft appears to also have five goals; is that correct?	There are five goals on this document in front of me.	61	4-6, 12-13
Could you read -- I don't want to -- in the interest of -- time and the Hearing Officer being respectful, I would just like for you to read measurable goal four regarding mathematics. It's on page 20.	A Given curriculum multi-step math problems. REDACTED will identify key vocabulary, set up and solve with 85 percent accuracy by 1/23/2023.	61 62	14-22 1-2
HO question- If she scores an 85 percent, does she meet the goal?	It has to be on those standards. So she could get a different score on the test and still meet the standards.	62	10-14
As a special education teacher, what is the requirement for measurable goals? Do you know in how they should be written? Do you know of any guidance documents or requirements in drafting these?	A I don't recall. I'm not completely sure of your question.	63	1-9
Is it a requirement that the goals that are included in an IEP must be understood and measurable?	Yes	63	10-13
Mrs. Blankenship, would you ever submit a progress report that you did not draft or agree with?	I don't know. I don't understand your question.	64	7-13

All right. Let's start at the first one. Do you see goal number 1 written there?	Yes	68	18-20
Okay. And it says, essentially, the same goal that's listed in the IEP, correct?	I don't know.	68 69	21-22 1
Okay. Under the progress evaluations, it has March 31st, 2023 first, then January 27th, then May 17th. Is that what you see?	Yes	69	2-6
So it appears to be out of order. So let's look at that center one first. It says: January 27th, insufficient data to measure progress of new IEP goal. Under what circumstances would there be insufficient data?	I don't know. It would depend -- I really can't answer that right now.	69	7-14
What would it depend on?	It would depend if we had data from the student, if we had any information	69 70	15 1-2
Okay. So if you wouldn't have enough data from the student, then you would not be able to measure it. And can you read under that same goal, March 31st, 2023, does it also say: Insufficient data was collected to determine progress?	Yes, it does say that.	70	3-9
So two months later there was still insufficient data. Yet, why does it say – why does it say here, the status is sufficient progress, if there was insufficient data?	I don't know.	70	10-14
If you go down to the second goal, under January 27th, it again says: Not introduced; correct?	Yes	70 71	20-22 1
And for the reasoning why it was not introduced, what is the goal progress statement? Could you read that, please?	A Student Homebound during quarter 2 of the 2022/23 academic school year	71	2-6
So the question is, for the progress statement it says: Student Homebound during quarter 2 of the 2022-2023 academic school year and it says: Not introduced. Do these goals not apply when a student is on Homebound?	I don't remember the specifics of this situation.	71 72	17-22 1
So this is related to study skills. What -- which Homebound instructor was supposed to report to you regarding progress in relation to this goal?	I don't know.	72	2-6
Do you know if she even had a Homebound instructor related to this goal?	I don't remember.	72	7-9
Do you know if she had a Homebound instructor related to the first goal of written language?	I don't remember.	72	10-13
Do you know, if you're turning to the next page, did she have a Homebound instructor for goal 4, mathematics?	I don't remember.	72	14-17
Okay. And under mathematics, again, January comes after March, and it states: Not introduced, insufficient data to measure progress of new goal. Was this because [REDACTED] was on Homebound?	I don't remember.	72 73	18-22 1
In this progress statement it states that [REDACTED] scored an 80 on one assessment, a 40 on a review assessment, and it did detail some aspects of the scores that she received on math. What was required for her to be deemed sufficient progress for this goal?	I don't recall.	75	14-20
Do you recall any delays that went into the signing of [REDACTED] IEP?	I don't remember.	75	17-19

I guess just the last question I have, do you remember whether [REDACTED] was excluded from any assignments?	I don't remember.	77	6-11
So you said that the goals are supposed to be understood by the people implementing them. Did you implement these goals?	It depends on which ones.	79	16-19

Rightfully, Hearing Officer Mitchell called Mrs. Blakenship's credibility into question on the record:

HEARING OFFICER MITCHELL: "I question her credibility anyway⁵¹."

PWCS Refusal to Remediate in a Meaningful Way

Delayed Remediation

Unfortunately, Prince William County administrators do not respond to the "honey" approach to advocacy. Remediation is typically delayed until there is a threat of legal action or legal action effectuated. For example, although it is a legal requirement to keep track of homebased and homebound service provision, at the end of the school year, on June 14, 2022, only SIX HOMEBASED HOURS were provided to [REDACTED] and her Principal erroneously only believed that an additional SIX HOURS were owed⁵³, for a total of 12 hours. This is despite having at least 42-46⁵⁴ absences, [REDACTED] principal only believed that SIX hours were owed. After [REDACTED] parents advocated on her behalf, PWCS eventually admitted that another 32 hours were owed⁵⁵, not six, but these hours didn't begin until January of 2023. To put that into perspective, the compensatory services for [REDACTED] 7th grade year started SEVEN MONTHS after the end of the school year and TEN MONTHS after Mrs. [REDACTED] first brought this issue to the attention of Amanda Mallory.⁵⁶

When Mrs. [REDACTED] read that Principal Graham believed that "six hours is all that is owed⁵⁷" to [REDACTED] she was heartbroken, frustrated, and just in utter disbelief. Mrs. [REDACTED] immediately replied to Principal Graham and CCed Mrs. Baker, Mrs. Kellner, Mrs. Huebner, and Mrs. Hornbeck, writing in part on June 15, 2022: "No one could give me an answer yesterday on the formula or policy or thought process to justify only offering her an additional 6 days for the 46+ days she missed instructional time, the day before school ends⁵⁸." Mrs. [REDACTED] also emailed referencing the Prince William County policy that students generally qualify for 32 hours of instruction per month⁵⁹ (8 hours per week, 1.6 hours per day). Ms. [REDACTED] didn't receive any

⁵¹ Transcript Day 2, Page 123, Lines 11-12.

⁵² Transcript Day 4, Page 957, Lines 10-11.

⁵³ PWCS Binder I, Exhibit 29.

⁵⁴ Transcript Day 4, Page 991, Lines 9-10.

⁵⁵ Transcript Day 4, Page 957, Lines 13-15.

⁵⁶ Transcript Day 4, Page 981, Lines 4-13.

⁵⁷ PWCS Binder Volume I, Tab 30, Page 003.

⁵⁸ PWCS Binder Volume I, Tab 30, Page 003.

⁵⁹ PWCS Binder Volume I, Tab 31.

response to her questions until nearly **TWO MONTHS LATER** on August 7, 2022.⁶⁰ Ms. Graham contended that only 9 hours were owed and offered an additional 17 hours (26 hours offered) for 46 absences. Ms. [REDACTED] again advocated for her child, asserting that 8 hours would not be enough to satisfy the number of absences (46+).⁶¹ This clearly documents the pleas of a concerned parent and the recalcitrance and unnecessary delay of a school district to provide FAPE and remediate failed service provision. Instead of remediating these issues in a timely fashion, PWCS chose to further delay compensatory service provision and engage in victim-blaming when Mrs. [REDACTED] took legal action.

Similarly, Prince William County was directed to allow ALL children who were denied accommodations for the Colgan specialty program to reapply (see Figure 5 and full VDOE decision provided via email⁶²).

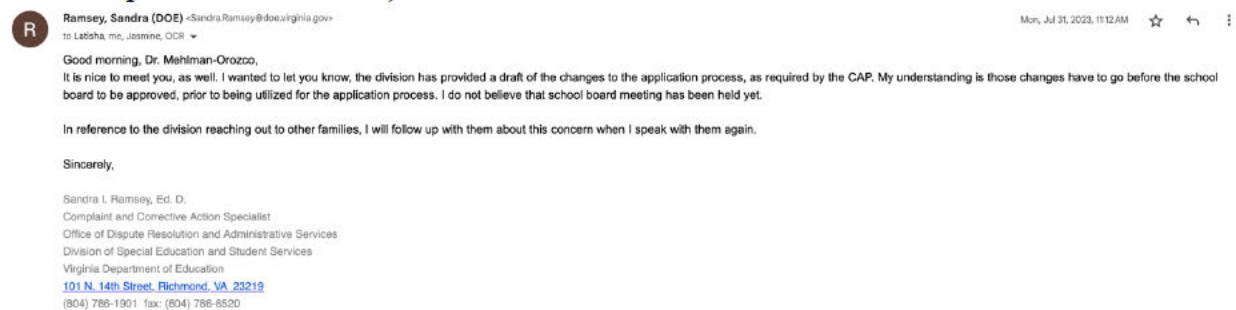


Figure 5. Email from Sandra Ramsey Regarding Speaking to Other Families About Ability to Re-Apply

Mrs. [REDACTED] advocated for her child, but was not allowed to reapply⁶³. Now, PWCS erroneously claims that the decision was only applicable to the one child who filed the complaint, not all children⁶⁴. After this systemically discriminatory treatment, [REDACTED] now no longer wants to attend Colgan or any high school in Prince William County. While PWCS now offers [REDACTED] placement at Colgan, which should be distinguished from Colgan's specialty program, this is eight months after the VDOE ruling, it is too late and that is no longer a viable option for the family and it is certainly not the in the best interest of [REDACTED] even if they were to offer placement in the specialty program. She is doing well at Wakefield and should remain there.

Victim-Blaming

Although Prince William County initially erroneously claimed that [REDACTED] was only owed SIX HOURS⁶⁵ for the 7th grade year, they never apologized and certainly didn't remediate without delay. Later, PWCS admitted it was actually 26 hours in their opinion that were owed, which is less than half of what the family believes are owed— 61.2-67.6 hours for homebased compensatory time. Additionally, compensatory services for [REDACTED] 7th grade year started **SEVEN MONTHS** after the end of the school year, **TEN MONTHS** after Mrs. [REDACTED] first

⁶⁰ PWCS Binder Volume II, Tab 40, Page 004.

⁶¹ PWCS Binder Volume II, Exhibit 44, Page 001.

⁶² Segment included in Tab 37.

⁶³ See for example, Tab M of Parent Binder 1.

⁶⁴ Transcript Day 4, Page 838.

⁶⁵ PWCS Binder Volume I, Tab 29.

brought this issue to the attention of Amanda Mallory⁶⁶, and **SEVEN MONTHS** after the issues were escalated to Denise Huebner⁶⁷. Although PWCS was solely to blame for this miscalculation and unnecessary delay in remediation, that didn't stop PWCS from alleging that the [REDACTED] were "uncooperative⁶⁸," even though each and every piece of evidence related to the receipt and scheduling of services prove the [REDACTED] were more than flexible in accommodating the PWCS scheduling limitations.

Misappropriated blame on the [REDACTED] began only after Mrs. [REDACTED] expressed her intent to file state complaints, illustrating the retaliatory nature of these false allegations. For example, on June 13, 2022 Assistant Principal Steven P. Williams, attached some "notes" that he felt would be "helpful in any response required by the state for I.L.'s homebound."⁶⁹ Principal Graham shared these "notes" with Amanda Mallory despite the fact that they are not supported by evidence in the record and contain false allegations against the [REDACTED] (see Table 1). In fact, both Mrs. Graham and Mr. Williams later provided countervailing testimony during the due process hearing (see Table 3).

Table 3. False Allegations Against the [REDACTED] versus Countervailing Testimony and Evidence

Allegations against the [REDACTED]	Countervailing Testimony	Countervailing Evidence	Relevance
Mrs. [REDACTED] refused to allow instruction via Zoom.	<p>Question: Did Mrs. [REDACTED] refuse services or did she express a preference for in-person services? Because I'm happy to refresh your recollection with the audio recording.</p> <p>Principal Graham: I mean, I would imagine that she asked to express her-- she expressed her— whatever the word that you used.</p> <p>Question: Preference.</p> <p>Principal Graham: Preference. Yes.</p> <p>Question: So would you agree with me that</p>	Expression of preference, not refusal, is also documented in Prince William County Volume II, Exhibit 61, page 002 and PWCS Binder Volume II Exhibit 53, Page 008 Ms. [REDACTED] expressed a preference for in-person services, but never refused zoom services. For example, she writes "[REDACTED] has communicated with me that she does not do well with virtual instruction and prefers in person instruction. We can discuss this	This allegation is a lie. I am using the word lie because that is what this is. In our opinion this is not an accidental mistake or provision of incidental misinformation; this was a malicious and deliberate attempt by Prince William County Schools specifically designed to

⁶⁶ Transcript Day 4, Page 981, Lines 4-13.

⁶⁷ PWCS Binder I, Exhibit 30.

⁶⁸ Transcript Day 4, Page 993, Line 6

⁶⁹ Parent Binder I, Tab 7

⁷⁰ Prince William County Binder III, Page 2 and Parent Binder 1, Exhibit 7, Page 2.

	<p>expressing preference for in-person services is not the same as a refusal?</p> <p>Principal Graham: Sure.</p> <p>HEARING OFFICER: So what's your answer? She refused or expressed a preference?⁷¹</p> <p>Principal Graham: I think from - I think it was expressing the preference. I don't remember the conversation, but I'm going to say that if that were the case, that she probably -- you have an audio recording of me saying that, then that's probably the case⁷².</p> <p>Question: Sitting here today -- or now that you see this, would you agree with me that Ms. Cohen's services were provided virtually, at least part of them?</p> <p>Assistant Principal Williams: It appears to be, yes⁷³.</p> <p>Question: The question again was, do the Zoom links in this section with all the correspondences between Mr. Sprinella and Ms. REDACTED refresh your recollection that the services provided by</p>	<p>further in the IEP meeting.” More importantly, REDACTED preference for in-person services was NOT MET and ZOOM SERVICES WERE PROVIDED.</p> <p>Mr. Williams further acknowledges this was a PREFERENCE, not a REFUSAL, in his email to Rochelle Concepcion dated 12/5/2022.⁷⁵</p>	<p>manipulate the Virginia Department of Education into erroneously placing the blame erroneously on the parents. This should be condemned and PWCS should be sanctioned to help deter this pattern and practice that is used against EVERY FAMILY who dares to file a formal complaint or due process claim.</p>
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⁷¹ NOTE: Hearing Officer Mitchell was rightfully confused because moments earlier, before being confronted with the recording of the meeting, Mrs. Graham incredulously testified that it was a refusal (page 307 of the transcript 6-16 lines), but that changed her testimony to it was a preference, not a refusal. Moreover, ironically, Mrs. Graham questions why the student stated she lies in a TikTok video (see Transcript Day 2, Page 408). Her testimony supports why the student felt this way.

⁷² Day 2 Hearing Transcript, Graham Testimony, Pages 307-309.

⁷³ Day 3 Transcript, Page 598. Lines 4-8.

⁷⁵ Email from Mr. Williams to Ms. Concepcion dated 12/5/2022. WITHHELD in violation of the Subpoena. Provided via email by Amanda Mallory on January 11, 2023.

	<p>Mr. Sprinella were provided from January 2023 to March 2023 via Zoom?</p> <p>Answer: I have it. I'm just looking through to see how many Zoom links are here. So it appears that there are some Zoom meetings, yes.⁷⁴</p>		
<p>Mrs. REDACTED limited the availability of providers to meet with REDACTED in-person.</p>	<p>When asked whether this was true Principal Graham testified: "I remember having a conversation or there was an e-mail about us talking about providing services afterschool. And the parents shared that REDACTED had therapy afterschool that she had specific dates for, I think it was multiple times a week the therapy for her hand, so physical therapy, and that she wasn't able to participate in things after school."⁷⁶</p> <p>Even more remarkable is the fact that when Assistant Principal Williams was confronted with the countervailing evidence to this claim, he conceded that it was NOT TRUE.</p> <p>Question: Would you be surprised that in Tabs 17, 18, 19, 20, 22, 39, and 38, in all of the correspondences between the REDACTED and your service providers, that there is not a single refusal of Zoom services or any other services documented anywhere. Does that surprise you?</p>	<p>There is not a single recording, document, email, or text message that suggests the REDACTED did anything to limit the services. In fact, each and every recording of the IEP meetings and the associated correspondence regarding the coordination of services prove the opposite. See, for examples, emails and texts between the services providers in the following Tabs of the Parent Binder:</p> <ol style="list-style-type: none"> 1. Tab 17; 2. Tab 18; 3. Tab 19; 4. Tab 20; 5. Tab 21; 6. Tab 22; 7. Tab 38; and 8. Tab 39. <p>PWCS documentation further proves that the outreach was limited and there was a lack of available providers. For</p>	<p>Not only does this prove beyond a preponderance of the evidence that the REDACTED DID NOT limit the availability of providers, but we contend it proves this fact beyond a reasonable doubt. We affirmatively assert again, this allegation is a lie. I am using the word lie because that is what this is. In our opinion this is not an accidental mistake or provision of incidental misinformation; this was a malicious and deliberate attempt by Prince William County Schools specifically designed to manipulate the Virginia</p>

⁷⁴ Day 3 Transcript, Page 629-630.

⁷⁶ Day 2 Transcript, Pages 310-311, Lines 9-22 and 1-3 respectively.

	<p>Mr. Williams: No⁷⁷.</p> <p>Q Would you agree that the complete absence of any refusal or any limitation of any service documented in any correspondence is in direct contradiction to what you wrote in Tab 7 where you claim that the REDACTED were refusing services and limiting their availability?</p> <p>Mr. Williams: It appears that way in written correspondence, yes⁷⁸.</p> <p>COMMENTARY: Prince William County Teacher Laura Mathers provided more reliable and evidence-supported testimony on why the serve provision was limited. MR. WILLIAMS DID NOT REACH OUT TO HER UNTIL LATE IN THE YEAR. IF SHE WOULD HAVE BEEN CONTACTED SOONER, SHE COULD HAVE PROVIDED SERVICES EARLIER.</p> <p>Specifically, Ms. Mathers testified:</p> <p>Question: Okay. Do you recall around how many Homebound sessions you did?</p> <p>Mathers: I was trying to calculate them. Five.</p> <p>Question: Okay. Why so few?</p>	<p>example, Ms. Watkins from Bull Run Middle school stated that he was “already working with a homebound student” and unavailable⁷⁹. Similarly, Ms. Kemp was not available in response to outreach on January 4, 2023 or on February 17, 2023.⁸⁰</p>	<p>Department of Education into erroneously placing the blame erroneously on the parents. This should be condemned and PWCS should be sanctioned to help deter this pattern and practice that is used against EVERY FAMILY who dares to file a formal complaint or due process claim.</p>
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⁷⁷ Day 3 Transcript, Page 631, Lines 11-17.
⁷⁸ Transcript Day 3, Page 632, Lines 3-10
⁷⁹ Email from Mr. Williams to Ms. Watkins dated 1/17/2023. WITHHELD in violation of the Subpoena. Provided via email by Amanda Mallory on January 11, 2023.
⁸⁰ Email from Mr. Williams to Ms. Kemp dated 1/4/2023 and 2/17/2023. WITHHELD in violation of the Subpoena. Provided via email by Amanda Mallory on January 11, 2023.

	<p>Mathers: I didn't get the thing to do Homebound until late in the year.</p> <p>Question: So you didn't receive -- and first, thank you for being honest, but you didn't receive any notice of solicitation for Homebound services until late in the year?</p> <p>Mathers: Correct.</p> <p>Question: Okay. If you had gotten the solicitation for Homebound instructors earlier, would you have provided services to [REDACTED]</p> <p>Mathers: Yes.</p> <p>Question: Was [REDACTED] cooperative during her sessions with you?</p> <p>Mathers: Very.</p> <p>Question: Was she thankful?</p> <p>Mathers: Yes</p> <p>Question: Were the [REDACTED] ever rude or disrespectful to you?</p> <p>Mathers: No.</p>		
<p>Mrs. [REDACTED] denied services from teachers not-certified in the content area (Mrs. Aanderud.)</p>	<p>Question: So how did Mrs. [REDACTED] deny the services if they were provided for (sic)⁸¹ Ms. Aanderud?</p> <p>Graham: So in an IEP meeting that was very soon after Ms. Aanderud began providing services to [REDACTED] I remember [REDACTED] being present, I remember [REDACTED] saying something along the lines of — that the teacher was a bus driver and that the bus driver shouldn't be — like isn't a teacher and shouldn't be providing her with instruction.</p>	<p>While Mrs. [REDACTED] did question Mrs. Aanderud's qualifications in an email dated March 3, 2023⁸⁵, given her complete lack of experience in teaching middle school language arts and civics, services were NEVER refused and continued thereafter.</p> <p>The correspondences between Mrs. Aanderud and Mrs. [REDACTED] are contained</p>	<p>Ultimately, despite Mrs. Aanderud having ZERO EXPERIENCE teaching middle school civics, going on walks with [REDACTED] instead of teaching, allegedly playing candy crush during instructional time, and admittedly not being able to</p>

⁸¹ "By" is the correct word here.

⁸⁵ Parent Gray Binder II, Tab L.

	<p>Question: Did at any time Mrs. [REDACTED] deny services from Ms. Aanderud?</p> <p>Principal Graham: I don't know directly if that was what was said. I remember the IEP meeting where they discussed her being a bus driver and talked about Candy Crush.</p> <p>HEARING OFFICER: Did Ms. Aanderud just stop doing Homebound services for everybody or just –</p> <p>Principal Graham: I don't remember. I honestly don't⁸².</p> <p>COMMENTARY: However, Ms. Aanderud testified that she wasn't even aware of the “bus driver comment” much less that it was the reason why SHE QUIT⁸³. Regardless, the testimony and evidence prove that the [REDACTED] NEVER “denied” her services.</p> <p>DR. MEHLMAN-OROZCO: So if she doesn't know that the comment was made, how is that the reason she quit?</p> <p>HEARING OFFICER: She didn't say that was the reason quit.</p> <p>MS. THOMPSON: No one said that.</p>	<p>in Tab 18 AND Tab 22 of the Parent binder 1. Mrs. [REDACTED] NEVER denied any services from Mrs. Aanderund and instead accommodated her the teachers multiple tardies and cancelations.</p> <p>3/9/2023: Aanderud running late. 3/16/2023: Aanderud cancellation. 3/23/2023: Aanderud cancellation. 3/30/2023: Aanderud cancellation and cessation of services.</p> <p>INCREDULOUSLY, PWCS has provided an email from May 1, 2023, MORE THAN A MONTH AFTER AANDERUD QUIT, stating that “Ms. Cohen shared with me that mom wants us to find a new civics hb teacher because they feel she is not qualified.”⁸⁶ MS. COHEN NEVER TAUGHT CIVICS! Moreover, this in direct contradiction of PWCS claim that “When Special Education services started with</p>	<p>answer [REDACTED] questions about the course content, Mrs. [REDACTED] NEVER cancelled services or refused services from Mrs. Aanderud or any other teacher. There is no reliable testimony or evidence to prove otherwise.</p> <p>Ultimately, following Mrs. Aanderud, Mr. Williams again solicited civics teachers, but only one person was suggested as an option and no one was retained⁸⁹.</p>
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⁸² Day 2 Transcript, Pages 318-326.

⁸³ For example, see Day 3 Transcript, Page 665.

⁸⁶ Email from Ms. Blakenship to Mr. Williams and Mrs. Kellner dated 5/1/2023. WITHHELD in violation of the Subpoena. Provided via email by Amanda Mallory on January 11, 2023.

⁸⁹ Email from Williams to Branscome dated 5/2/2023. WITHHELD in violation of the Subpoena. Provided via email by Amanda Mallory on January 11, 2023.

	<p>HEARING OFFICER: She didn't say that.</p> <p>DR. MEHLMAN-OROZCO: She didn't say that.</p> <p>HEARING OFFICER: No, she didn't.</p> <p>DR. MEHLMAN-OROZCO: Ms. Graham said that and other people said it.</p> <p>HEARING OFFICER: Well, I heard it somewhere⁸⁴.</p>	<p>Mrs. Cohen, Mrs. REDACTED requested Mrs. Cohen work on grade level content.”⁸⁷ It is unclear whether this email was altered/doctored OR whether it was fabricated in attempt to falsify a record, placing erroneous blame on the parents for failed service provision. Either way, Ms. Cohen never taught Civics and Mrs. REDACTED never refused or ended any civics services from Mrs. Cohen.</p> <p>HOWEVER, MRS. COHEN DID END SPECIAL EDUCATION SERVICES FOLLOWING A CONVERSATION WITH MRS. REDACTED ON MAY 1, 2023⁸⁸. In this email Mrs. Cohen THANKS Mrs. REDACTED for being flexible and understanding. NOTABLY, PWCS omitted the email sent from Mrs. Cohen to Mrs. Blakenship OUTLINING Mrs. REDACTED concerns from their production. THIS IS</p>	
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⁸⁴ For example, see Transcript Day 3, Pages 805 to 806.

⁸⁷ Parent Binder 1, Tab 7

⁸⁸ See Parent Binder Tab 42.

		RESPONSIVE TO THE SUBPOENA, BUT WAS WITHHELD IN VIOLATION. IT HAS SINCE BEEN REQUESTED VIA FOIA. IF IT IS PRODUCED IT WILL BE PROVIDED.	
When Special Education services started with Mrs. Cohen, Mrs. REDACTED requested Mrs. Cohen work on grade level content.	N/A	<p>Ms. Cohen first reached out to the REDACTED on March 27, 2023—SEVEN MONTHS after the start of the school year and 2.5 months before the year ended.⁹⁰</p> <p>When Ms. Cohen stated that she is scheduled to work with REDACTED on her IEP goals, Mrs. REDACTED responded in agreement.</p>	There is nothing in the communications that suggests Mrs. REDACTED requested Mrs. Cohen to work on grade level content, but even if she had, it is unclear why PWCS is attempting to blame her for this, considering the significant delay in service provision and approaching end of the school year.

In the months since sending this email, Prince William County Schools has invented even more false allegations against the **REDACTED**. For example, suggesting that Mrs. **REDACTED** TikToks impacted the service provision⁹¹, despite the fact that **ALL OF THE TIK TOKS WERE POSTED AFTER THE END OF THE 2022-2023 SCHOOL YEAR**. It is **NOT POSSIBLE** for these TikToks to have any impact on the service provision considering that the first one was posted on June 23, 2023.

⁹⁰ See Parent Binder 1, Tab 39.

⁹¹ For example, see Transcript Day 2, Page 408.

Additional Inconsistencies

In addition to the inconsistencies discussed above, cursory review of the testimony reflects numerous inconsistencies across testifying employees for PWCS. For example:

1. Testimony by Principal Graham and Vice-Principal Williams directly conflicts with the testimony from Homebound Teacher Aanderud about the reason why she left;
2. Testimony by Vice-Principal Williams directly conflicts with testimony from Homebound Teacher Mathers about outreach and the reason why she left;
3. Testimony by Vice-Principal Williams directly conflicts the written record about his emails regarding outreach; and
4. Testimony between Mrs. Graham and Mr. Goode regarding the running incident (see Table 4).

Table 4. Example of Inconsistent Testimony

Unreliable Testimony	Countervailing Testimony	Countervailing Evidence	Relevance
<p>MARY KATHRYN GRAHAM: GRAHAM: No, I don't know of her running after complaining of discomfort.⁹² Q. Did the PE teacher limit these activities based off of the student's discretion after she complained about coughing up blood? GRAHAM: From my understanding, yes. Q Your understanding is he limited them how? GRAHAM: She didn't continue running or she walked⁹³.</p>	<p>DUSTIN GOODE: Q. Do you recall a particular incident where [REDACTED] had asked to stop running but was told she had to continue? GOODE: Yes. HEARING OFFICER: Who told her she had to continue? GOODE: I did⁹⁴.</p>	<p>PWC Binder Volume I Exhibit 14: Email to Ms. Graham indicating that [REDACTED] was told to “keep running.” PWC Binder Volume I Exhibit 20: Email from Ms. Graham acknowledging her understanding that [REDACTED] “ran the pacer test” despite advocating regarding discomfort. PWC Binder Volume I Exhibit 31 (last page): Essay from [REDACTED] documenting the incident.</p>	<p>Despite Ms. Graham’s absolutely incredulous testimony that [REDACTED] wasn’t forced to keep running, PWCS testimony and evidence contradicts her statements. Moreover, [REDACTED] 504 Plan was in place to limit high impact activity on student discretion. A limit to high impact activity did not occur was denied, <i>in clear violation of 504 plan.</i></p>

⁹² Transcript Day 2, Page 280, Lines 8-9.

⁹³ Transcript Day 2, Page 280-281, Lines 21-22 and 1-5, respectively.

⁹⁴ Transcript Day 2, Pages 268 to 269.

Prayer for Relief

In light of the foregoing, we respectfully request the following relief:

1. Reimbursement for **Redacted** School Tuition: We seek full reimbursement for the costs associated with the placement of **REDACTED** at **Redacted** School for the 2023-2024, 2024-2025, 2025-2026, and 2026-2027, totaling \$32,300 per year. This request is based on the failure of Prince William County Public School to provide **REDACTED** a child with several conditions, including ADHD, Dyslexia, and Venus Vascular Malformation, a Free Appropriate Public Education as mandated by the Individuals with Disabilities Education Act (IDEA).
2. Rationale for Private School Placement: This private school placement was necessitated due to the inadequacy of the provided Individualized Education Program (IEP) at Prince William County Schools which failed to address **REDACTED** unique educational needs. Despite our efforts to collaborate with the district to modify and improve **REDACTED** **REDACTED** IEP, the public school system was unable to offer an appropriate educational program. Ten day notice was provided in compliance with the law, entitling the family to reimbursement.⁹⁵
3. Evidence of Appropriateness of **Redacted** School: **Redacted** School has provided an educational environment and accommodations that meets **REDACTED** unique needs, leading to demonstrable academic and developmental progress. Documentation of this progress and the appropriateness of the program at **Redacted** School is evidenced in the record.
4. Reasonableness and Necessity of the Decision: Given the urgency of **REDACTED** educational needs and the lack of suitable alternatives within the public school system, our decision to enroll **REDACTED** in **Redacted** School was both reasonable and necessary. This action was taken in the best interest of **REDACTED** education and development.
5. Supporting Legal Precedents: This request for reimbursement is supported by established legal precedents where courts have ruled that parents are entitled to reimbursement for private school tuition when a public school fails to provide FAPE.

Therefore, we respectfully urge the hearing officer to grant this prayer for relief and order Prince William County Public Schools to reimburse us for the tuition expenses incurred for **REDACTED** **REDACTED** education at **Redacted** School.

⁹⁵ As referenced previously, notice was provided on 8/8/2023. Deposit of \$1,000 was made on 8/21/2023, 13 days later. See PWCS Binder III, Exhibit 101. Relevant caselaw is split on when enrollment occurs, some claim that it is when a deposit is made and others claim it is later (e.g., when attendance begins and/or a significant portion of tuition is paid). Regardless, ALL of these things occurred after the ten days expired.

Summary of Documents Withheld in Violation of Subpoena Duces Tecum

Also, it should be noted that we are reiterating the objection the PWCS demonstrable failed compliance to the subpoena duces tecum. We feel that we would have further evidence if PWCS had complied with the document requests documented repeatedly via email and in the transcripts, namely Day 2 and Day 3. Examples include, but are not limited to:

1. Email from Ms. Cohen to Mrs. Blankenship documenting Mrs. REDACTED concerns. Sent between April 28 and May 1. Referenced in Parent Binder 1 Tab 42, Cohen writes: "I did send an email outlining the topics you mentioned and waiting back on how best to address the IEP goals." This document would provide countervailing information to the email sent from Blankenship to Williams and Kellner on May 1, 2023, which was provided by Mallory in the 1/11/2023 emailed supplement.
2. All documents used to inform the progress reports:
 - a. Written reports;
 - b. Tallies;
 - c. Checklists;
 - d. Observation notes; and
 - e. Rubrics.
3. Text messages and emails between Blankenship and the homebound and/or homebased instructors.
4. Emails between Cohen and Blankenship and/or Williams about the provision of homebound services. VDOE requires "close contact" with student's teachers, counselor, or the program coordinator. VDOE also requires assignments and materials provided by the classroom teacher or supervisor of instruction. VDOE requires submission of the student's completed work to the designated school representative prior to the end of the grading period and a maintenance of WRITTEN DOCUMENTATION OF WORK COMPLETED WITH THE HOMEBOUND RECORDS. Even when online instruction is used, the teacher is supposed to provide a WRITTEN RECORD. None of these documents were provided and PWCS did not concede that they did not exist, which would be a violation of VDOE guidance.
5. Emails between Aanderud and Blankenship and/or Williams about the provision of homebound services. VDOE requires "close contact" with student's teachers, counselor, or the program coordinator. VDOE also requires assignments and materials provided by the classroom teacher or supervisor of instruction. VDOE requires submission of the student's completed work to the designated school representative prior to the end of the grading period and a maintenance of WRITTEN DOCUMENTATION OF WORK COMPLETED WITH THE HOMEBOUND RECORDS. Even when online instruction is used,

the teacher is supposed to provide a WRITTEN RECORD. None of these documents were provided and PWCS did not concede that they did not exist, which would be a violation of VDOE guidance.

6. Emails between Williams and Blankenship and/or Williams about the provision of homebound services. VDOE requires “close contact” with student’s teachers, counselor, or the program coordinator. VDOE also requires assignments and materials provided by the classroom teacher or supervisor of instruction. VDOE requires submission of the student’s completed work to the designated school representative prior to the end of the grading period and a maintenance of WRITTEN DOCUMENTATION OF WORK COMPLETED WITH THE HOMEBOUND RECORDS. Even when online instruction is used, the teacher is supposed to provide a WRITTEN RECORD. None of these documents were provided and PWCS did not concede that they did not exist, which would be a violation of VDOE guidance; and
7. Annual Report for 2022-2023 school year, which should have been completed by Mr. Williams per VDOE guidance document; among others.

Concluding Remarks

The most resentment-provoking element of the denial of a Free Appropriate Public Education is when gaslighting is used to make the FAPE-denied children and their parents feel as though they are expected to simply silently absorb what any so-called education administrator decides to do, even if it is a clear violation of federal and state law. Once a parent becomes enlightened to their child's rights under the IDEA and/or ADA and feels emboldened enough to respond to special education violations, that response is often treated like the FAPE denial itself. No school administrator should make any child or parent feel as they are the offender, for simply defending their child against a corrupt system that has systemically discriminated against and disadvantaged children with disabilities and/or learning differences.

For years, Prince William County has denied children with disabilities and learning differences with access to a Free Appropriate Public Education. This has occurred without remorse and without effort for genuine remediation. Instead, if any parent or child dare to speak up, they are most often met with one of three responses:

1. Placation;
2. Gaslighting; and/or
3. Retaliation.

The record reflects that the **REDACTED** experienced all three.

Only after years of asking politely and waiting patiently for their child to receive a Free Appropriate Public Education did the **REDACTED** begin to call out the gaslighting and the lies they had endured. At this point, **REDACTED** had missed so much instructional time that even Prince William County teachers acknowledged that meaningful remediation would be a Sisyphean task. For example, on Friday March 3, 2023 8th grade social studies teacher Mrs. Sutton wrote,

*"I'm so sorry to be getting back to you so late but I was struggling with what to give **REDACTED**. She has missed, and not done anything for, 3.5 units for my class...I'm just struggling with where to start for her."*⁹⁶

A child should not have to wait SEVEN MONTHS to START her 8th grade education. Even PWCS staff concede this is not an APPROPRIATE education. For example, when asked whether continuity of education was important, Laura Mathers agreed, "It's important."⁹⁷ This is also codified in the VDOE Homebound Service Guidance document, which states:

"The goals of homebound services are to sustain continuity of instruction and to facilitate the student returning to school."⁹⁸

⁹⁶ See PWCS Binder IV, Exhibit 120, Page 058.

⁹⁷ Transcript Day 3, Page 725, Lines 11-14.

⁹⁸ Parent Binder 1, Tab5.

Not only has Prince William County Schools repeatedly failed to provide FAPE in this regard but they have demonstrated remarkable audacity in gaslighting and victim-blaming the parents for their failures. Incredulously, despite these violations, they also claim that they can provide FAPE moving forward.

To this we question, **IF THEY HAD THE ABILITY OR INCLINATION TO PROVIDE FAPE, WHY DIDN'T THEY FOR THE LAST TWO YEARS?**

Ultimately, these issues are not unique to the **REDACTED** (see Figure 6) and Prince William County Schools continue to face issues regarding staffing, which are prohibiting service delivery for children with disabilities. For example, Figure 7.

Instead of allocating additional funds or paying for private service providers to prevent and/or remediate these issues, Prince William County Schools decreased their budget for special education instruction by 25% in 2024.⁹⁹

Hearing Officer Mitchell, you have a critical opportunity before you for the rights of children like **REDACTED**. Please do what Prince William County Schools has demonstrably failed to do for years—take a stand against these injustices and issue a ruling that reflects the best interest of this child.

Thank you in advance for your thoughtful consideration and taking the time to read this closing brief.

To Whom it May Concern:

My name is Tiffany Bennett. I am the mother of Mia Zuluaga-Bennett who attends Lake Ridge Middle School in Prince William County. Based on my and my child's experience at this school, I agree with the decision from the Virginia Department of Education, which states in part, "PWCS' has a fundamental misunderstanding of its responsibility to implement IEP accommodations and has systemically denied IEP accommodations to Student's with disabilities."

Specifically in grade year 7, my special needs daughter was placed on home bound for the 4th quarter and she received none of her IEP minutes as required. When this was realized by her IEP team with 1 week left in the school year, they required us to do 4-5 hours of zoom time late into the evening past 10pm with her aide night after night trying to make up the required hours just so the school wouldn't get in trouble. I put a stop to it after a few days because it wasn't benefitting my daughter which is the whole point of receiving IEP accommodations. PWCS needs some major improvements in IEP accommodations in their implementation and I stand by the Virginia Department of Education's decision.

Please uphold this important decision to protect the rights of students with disabilities.

Sincerely,

Redacted

07/01/2023

Figure 6. **REDACTED** were not the only family denied homebound services during 2022-2023 school year



Figure 7. Screenshot of PWCS Failure to Educate due to Specialist Unavailability

⁹⁹ See Parent Gray Binder II Tab C.

Appendix A. Sample of Relevant Case Law

Florence County School District Four v. Shannon Carter, 510 U.S. 7 (1993): the parents of a child with a learning disability enrolled her in a private school after becoming dissatisfied with the special education services provided by the public school district. The parents then sought reimbursement for the cost of the private school tuition from the school district, arguing that the district had failed to provide the child with a FAPE. The Supreme Court held that the school district was liable for the cost of the private school tuition, since the district had failed to provide the child with a FAPE. The Court noted that under the IDEA, parents have the right to seek reimbursement for private school tuition if the school district fails to provide a FAPE and the private school placement is appropriate to meet the child's needs. In a unanimous 9-0 decision, the Supreme Court held that if the public school fails to provide an appropriate education and the child receives an appropriate education in a private placement, the parents are entitled to be reimbursed for the child's education, even if the private school does not comply with state standards.

Andrew F. v. Douglas County School District RE-1, 580 U.S. (2017): In this case, the parents of a student with autism challenged the adequacy of their son's individualized education program (IEP) developed by the public school district. This case clarifies the standards under the IDEA for determining whether a student has received a FAPE. It emphasizes the importance of the IEP and the requirement that schools provide students with disabilities with an education that is reasonably calculated to enable them to make progress appropriate in light of their unique needs. U.S. Supreme Court unanimously rejected the "de minimis" standard for one that is "markedly more demanding than the 'merely more than de minimis' test applied by the 10th Circuit." In his opinion, Chief Justice Roberts wrote, "a student offered an educational program providing 'merely more than de minimis' progress from year to year can hardly be said to have been offered an education at all."

Anchorage School District v. MP (9th Cir. 2012) In awarding reimbursement to the parents, the Court noted that "we are sympathetic to the difficulties posed by the obviously strained relationship between the ASD and M.P.'s parents, but this circumstance does not excuse the ASD from compliance with the IDEA. To conclude otherwise would subvert the purposes of the IDEA and sanction a school district's unilateral decision to abandon its statutorily required responsibility to the detriment of its students."

DEPARTMENT OF EDUCATION DIVISION OF SPECIAL EDUCATION AND STUDENT SERVICES OFFICE OF DISPUTE RESOLUTION AND ADMINISTRATIVE SERVICES, VDOE Case #: 22-089 by Hearing Officer Rhonda Mitchell: A material failure to implement an IEP, or, put another way, a failure to implement a material portion of an IEP, violates the IDEA.

Van Duyn v. Baker Sch. Dist. 5J, 502 F.3d 811, 822 (9th Cir. 2007) (“[A] material failure to implement an IEP violates the IDEA.”).

Neosho R-V Sch. Dist. v. Clark, 315 F.3d 1022, 1027 n.3 (8th Cir. 2003) (“[W]e cannot conclude that an IEP is reasonably calculated to provide a free appropriate public education if there is evidence that the school actually failed to implement an essential element of the IEP that was necessary for the child to receive an educational benefit.”).

Houston Indep. Sch. Dist. v. Bobby R., 200 F.3d 341, 349 (5th Cir. 2000) (“[A] party challenging the implementation of an IEP must show more than a de minimis failure to implement all elements of that IEP, and, instead, must demonstrate that the school board or other authorities failed to implement substantial or significant provisions of the IEP.”).

Hours of Homebound Instruction

Homebound instruction is designed so the student does not fall significantly behind during the period of confinement. It is necessary for the student to participate in the instructional process and complete assignments. Homework should be expected. Not all work will be completed in the presence of the homebound teacher. Every effort will be made to ensure academic progress; however, course credit must still be **earned** according to class requirements. Priority will be given to core academic subjects. Specialty classes (i.e., those requiring labs, special facilities or equipment) may not be comparable. Elective courses are not guaranteed (see **Figure 1**).

Figure 1 Homebound Instruction IS:	Homebound Instruction IS NOT:
<ul style="list-style-type: none"> • Designed so that the student does not fall significantly behind during the period of confinement • Interactive; the student is expected to participate in the instructional process and complete assignments • Expected to include homework • Intended to make every effort to ensure academic progress • Intended to provide priority to core academic subjects 	<ul style="list-style-type: none"> • Intended to supplant school services • Expected to have all work completed in the presence of the homebound teacher • A substitute for course credit that must be earned according to class requirements • A guarantee that specialty classes (i.e., requiring labs, special facilities or equipment) will be comparable • Automatically inclusive of elective courses • A guarantee of on-time graduation; all diploma requirements must be met for graduation

¹⁰⁰ Included in entirety in Parent Binder 1, Tab 5. Also here: <https://www.doe.virginia.gov/home/showpublisheddocument/28651/638046354252370000>

The following represent the minimum hours of instruction to be provided. These hours may not be applicable in all instances (i.e., for students with IEPs, the IEP team determines the hours required in accordance with the student's educational needs.)

1. Elementary school students –one hour per day
2. Middle school students - eight hours per week
3. High school students –two hours per core academic subject per week; other accommodations on an individualized basis

Responsibility for Provision of Services

The School Division

Local school division responsibilities in the provision of homebound instructional services include:

1. Developing policies and procedures for providing homebound services
2. Designating an individual to coordinate the services for the school division, including supervision of instruction provided
3. Submitting an annual report for reimbursement
4. Employing teachers licensed to teach in Virginia
5. Facilitating the return of the student to school
6. Providing services in a timely manner
7. Ensuring the continuity of instructional services to the student
8. Ensuring that students who receive homebound services are included in Virginia's State Assessment program

The Program Coordinator

The individual designated to coordinate homebound services for a school division is a vital link in the appropriate provision of services. The school division shall include processes for the following activities in its local procedures:

1. Documenting the receipt of requests for homebound instruction
2. Validating requests for homebound instruction or for students with IEPs, submitting such requests to the IEP team for determination of a change in placement
3. Communicating the status of the request to appropriate school personnel
4. Coordinating the overall provision of services in a timely manner
5. Considering the possibility of available technology (distance broadcasting, robotics, etc.) for the student to participate in certain classroom activities from home
6. Verifying ongoing treatment and/or therapy and monitoring progress towards transition back to the school setting
7. Facilitating the student's return to instruction in the classroom
8. Completing the annual report
9. Providing oversight of instruction
10. Documenting that students who receive homebound services are included in Virginia's State Assessment program

Responsibilities of the Homebound Teacher

Persons serving as homebound teachers must:

1. Maintain close contact with the student's teachers, counselor, or the program coordinator to receive and implement appropriate educational programs
2. Use assignments and materials provided by the classroom teacher or supervisor of instruction
3. Maintain an accurate record of the hours of instruction provided for each assigned student and file such information with the designated school division representative
4. Submit the student's completed work to the designated school representative prior to the end of the grading period and maintain written documentation of work completed with the homebound records, or in cases where online instruction is used, provide a written record
5. Document any instructional time that is interrupted because of the child not being available for the instruction period

The homebound teacher is an essential part of the team of persons who provide materials and instruction to enable the homebound student to maintain academic progress while not attending the regular school program. Homebound instruction is a modification of the general education program. School division policy should address whose responsibility it is to grade academic assignments during the time the student is receiving homebound services. If work is returned to the classroom teacher for grading, prompt feedback to the homebound teacher and student is expected, and necessary, in order to ensure progress in the academic program.

Appendix C. PWCS Policy for Homebased/Homebound Services

PWCS policy for the calculation of homebased hours is that it should follow homebound hours requirements. Thus, this entitled **REDACTED** to 8 hours per week or 1.6 hours per day. Unfortunately, **REDACTED** team erroneously believed there was no minimum to the number of hours that could be provided, but there was a maximum of 8 hours per week.

Code	687-2
Status	Active
Adopted	May 8, 2019

Instruction

HOME-BASED INSTRUCTION

REGULATION 687-2

Home-based instruction is academic instruction that may be provided in the home or other public location as designated by the Individualized Education Program (IEP) team, to students with disabilities pending outcome of disciplinary action or while on long-term suspension or expulsion. Home-based instruction shall take place in accordance with the student's IEP and shall only be used when the IEP team determines on-site computer-based instruction is not appropriate. Should the student be long-term suspended or expelled, the IEP team may determine that the student shall attend an on-site computer-based instruction program or remain on home-based instruction.

This type of instruction may be provided for unique circumstances, as determined by the IEP team, which may include (but is not limited to) disciplinary reasons, long-term medical conditions which require services in the home or nursing facility, or services during a period of transition between placements.

Should a student with disabilities be placed on home-based instruction, refer to Regulation 687-1, "Homebound Instruction," for all additional information pertaining to the following: number of hours per month; approval process; home-based teacher time sheets; and the responsibilities of the school, the home-based student, the classroom teacher, and the home-based teacher.

The Associate Superintendent for Special Education and Student Services (or designee) is responsible for implementing and monitoring this regulation.

This regulation and related policy shall be reviewed at least every five years and revised as needed.

Instruction

HOMEBOUND INSTRUCTION

REGULATION 687-1

Homebound instruction may be provided for students enrolled in Prince William County Public Schools (PWCS) who are physically or emotionally unable to attend school as certified by a physician, licensed clinical psychologist, or nurse practitioner. Homebound instruction is not intended to supplant school services and is by design temporary.

"Homebound instruction" means academic instruction provided to students who are confined at home or in a healthcare facility for periods that would prevent normal school attendance, based upon medical certification of need by a physician, licensed clinical psychologist, or nurse practitioner. For the purposes of homebound instructional services, "confined at home or in a healthcare facility" means the student is unable to participate in the normal day-to-day activities typically expected during school attendance; and absences from home are infrequent, of relatively short duration, or to receive healthcare treatment.

A determination of eligibility for homebound shall be made by the Office of Student Services. Approval of services is based upon a completed medical certification of need. The medical certification of need is the healthcare provider's documentation of the student's illness, treatment plan, and the estimated length of recovery time. The certification must be fully completed, including parental permission to contact the treating physician, licensed clinical psychologist, or nurse practitioner, in order for the student to be considered for homebound services. The School Division reviews all requests for completeness of information and appropriateness of the request and will follow up with the treating physician, licensed clinical psychologist, or nurse practitioner to clarify the need for homebound instruction versus school-based instruction with appropriate accommodations, as necessary. Homebound services are for student illness/injury only; services are not appropriate to compensate for absences related to family care or illness.

Students with a disability must have a new Individualized Education Program (IEP) developed to meet the student's temporary instructional needs after the referral for homebound instruction has been approved by the Office of Student Services. If the IEP team determines that homebound services are appropriate, the team must include language in the IEP that clearly defines the time period for the frequency and duration of the homebound services. The IEP may also include a statement that the IEP team will reconsider the need for continuation of services by a specified date. The IEP team should add a statement that addresses the fact that these services are temporary and thus do not constitute a permanent change in placement and are not the "stay put" placement should the IEP team and parents/guardians later disagree over the continuation of homebound services. When the student is able to return to school, the IEP team must amend the IEP to terminate homebound services in order to return the student to the school setting.

The following information applies to all general education students. Students in grades kindergarten-five are generally eligible for 20 hours of instruction per month. Students in grades six-eight are generally eligible for 32 hours of instruction per month. Students in grades nine-12 are generally eligible for 40 hours of instruction per month. Twenty hours per month are generally approved for students in grades nine-12 taking two courses or less on homebound.

Homebound instruction is delivered during regular school hours, later afternoon, or early evening and only on those days when school is in session. Instruction will not be given to homebound students when PWCS students are not in attendance (i.e., in cases of inclement weather, teacher work days, winter break, spring break, and student holidays). Under special circumstances, exceptions may be approved by the program manager from the Office of Student Services.

Students receiving homebound instruction should return to school-based instruction as soon as possible. Homebound services will typically not be approved for periods in excess of nine calendar weeks. If it is necessary for homebound instruction to continue beyond nine weeks, an extension form, including treatment plan, progress towards treatment goals, and specific plans to transition the student back to the school setting, will be required from the treating healthcare provider to document the need for extended services.

When scheduling sessions, homebound teachers will take into consideration parent or guardian requests, but not all requests can be accommodated.

The payment of teachers shall be at the hourly rate as established during the budget cycle. Payment will not be made for travel or preparation time.

A hospital/day treatment center which provides academic instruction to qualified PWCS students in a group setting shall be reimbursed for such services at the prevailing hourly homebound instruction rate. PWCS shall reimburse such instructional providers for two hours of instruction per school day for one teacher who is certified to teach in Virginia, regardless of the number of students enrolled in the group. The procedure for applying for approval for homebound services through a hospital or day treatment center is the same as for non-hospitalized students requesting homebound services. Payment will not be made for homebound services rendered prior to approval of the homebound request by the Office of Student Services.

The Associate Superintendent for Special Education and Student Services (or designee) is responsible for implementing and monitoring this regulation.

This regulation and any related policy shall be reviewed at least every five years and revised as needed.

Cross References

گھر تک محدود تدریس [جسمانی یا ذہنی معذور طلباء کے لیے] - Urdu

Appendix D. Rebuttal to PWCS Position

- A. Prince William County Failed to Mediate In Good Faith: Prince William County stated, on the record, they were going to consider private placement, during the Day 1 of the Hearing.¹⁰¹ However, PWCS failed to offer even ONE PENNY toward private placement. The reasons offered were erroneous. For example, claiming:
- a. [REDACTED] attended fewer than 30% of school at [Redacted] which is untrue per [Redacted] attendance records;
 - b. [Redacted] does not offer accommodations, which is also untrue per the testimony of [Redacted]
 - i. Q And does [Redacted] provide specially designed instruction, such as goals, services, accommodations --
 - ii. A Yes.
- B. Parents have more than met the burden of proof—preponderance of the evidence—for multiple and repeated violations to FAPE, including but not limited to:
- a. the failed provision of homebound and homebased services;
 - b. the failure to incorporate parental concerns in the IEP;
 - c. the failure to provide an IEE and vision therapy;
 - d. the failure to abide by the IEP;
 - e. the failure of having measurable goals;
 - f. the failure of measuring progress;
 - g. the failure of making progress;
 - h. the failure to accommodate and allow re-application to Colgan;
 - i. the failure to gain parental consent for exclusion from curriculum;
 - j. among many others.
- C. Parents provided timely and appropriate notice of private placement—completion of application process and payment of deposit occurred after the 10 day notice.
- D. PWCS ADMITTEDLY owes [REDACTED] more compensatory education than agreed to. The settlement agreement in Parent Gray Binder Tab U ONLY covered the 105.5 hours owed for failed HOMEBOUND services. By their OWN ADMISSION, PWCS failed to provide all HOMEBASED Services (See PWCS Binder Volume III, Tab 104).
- E. The Credibility of many members of the PWCS staff is questionable as outlined in the sections above.
- F. PWCS has undermined the trust of the family behind repair and are incapable of providing FAPE at present.

¹⁰¹ Day 1 Hearing Transcript, Pages 93-94.

¹⁰² See Parent Gray Binder Appendix 0.

¹⁰³ See Day 3 Hearing Transcript, Page 735.