

## COMPLAINT INVESTIGATION REPORT

Complaint Number: 21.22.13  
Complaint Investigator: [Redacted]  
Date Complaint Filed: October 21, 2021  
Date of Report: [Redacted]

### Issues Investigated

1. Did the District develop, review, revise and implement individual education plans (IEPs) for The Student in accordance with 92 NAC 51-007; 007.10?
  - a. Allegations 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 10, 11, 12, 13, 14
2. Did the District provide special education and related services to The Student in accordance with The Student's IEP (92 NAC 51-007.02)?
  - a. Allegations 1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
3. Did the District consider the use of positive behavioral interventions, and supports and other strategies to address Student's behavior (92 NAC 51.007.07B3)?
  - a. Allegations 1, 2, 3, 5, 6, 7, 8, 9, 10, 11
4. Did the District afford parents the opportunity to participate in meetings with respect to the identification, evaluation, educational placement and provision of a free appropriate public education (FAPE) for The Student in accordance with 92 NAC 51-007.06; 92 NAC 51-009?
  - a. Allegations 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
5. Did the District determine The Student's placement considering the requirements for least restrictive environment (LRE) in accordance with 92 NAC 51-008?
  - a. Allegations 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14

### Information Reviewed by Investigator

#### *From the Complainant*

- Letter of Complaint not dated; received by the Nebraska Department of Education (NDE) October 21, 2021
- Narrative document dated July 20, 2020
- Telephone interview with Parent on December 1, 2021

#### *From the School District*

- Letter of Response dated November 17, 2021; received by NDE electronically on November 17, 2021

- The Student's most recent MDT
- Copy of the Student's most recent educational evaluation.
- Copies of any additional documents pertaining to the Student's education, physical or mental health, other outside therapy, counseling, etc., since 2020-21 school year.
- Description of "retraining cards" including an explanation of when and how used including details relevant to the Student
- Attendance records for the Student, including dates and times of check-in and check-out for outside appointments.
- Report card, progress reports and progress monitoring data for the Student general education and IEP goals for the 2020-2021 school year to present.
- Description and progress monitoring data for behavior plan, monitoring or PBIS in place for the Student during the 2020-2021 school year to present.
- Log for the dates, times and reasons that the Student has not been allowed to attend recess or any other activity with peers during the 2020-2021 school year to present.
- Description of the Student's school day including time spent in general education class, special education class, with related service providers, recess, lunch, other breaks, and etc. for the 2020-2021 school year to present.
- Description of the "Google Doc" communication log or other methods of communication between school and parents and how that communication is and has been applied for Parents of the Student
- Individualized Education Plans (IEPs) developed and in place for the Student during the 2020-21 AND 2021-22 school years.
- Notices of meeting and other correspondence for scheduling meetings with parents at a mutually agreeable time and location during the past year.
- Information pertaining to a complaint filed with the District by Parents on or about October 30, 2020.
- Copy of the final report for any other complaint investigation between these parties on behalf of the Student during the 2019-20, 2020-21 school years.
- Copies of any documents or notes in the Student's educational records, files, emails or elsewhere, relevant to this investigation, including but not limited to recommendations from IEP team members, outside providers, health care providers or medical documentation.

- Any and all correspondence, including emails, interoffice memorandum/communication and information disseminated to between district employees or between district employees and parents of the Student pertaining to the provision of general education and special education services, behavior, and attendance for the Student.
- Contact information for all educational service providers, case manager, and principal for the Student
- Signed statement from the District's Special Education Director or Superintendent, responding to the issues raised in the complaint.
- Results of the District's internal investigation, if any, into this matter and a proposed corrective action plan for any deficiencies that were identified.
- Narrative response to the allegations in the complaint and describing any issues in the complaint that have been resolved or acted upon since the complaint was filed; and
- Any other documentation or information that the District thinks is relevant to the proper understanding and resolution of this complaint.
- Interviews with District Staff and Student's service providers (Superintendent, Principal, Case Manager, ESU Director of Special Education, Occupational Therapist, Speech and Language Pathologist, School Psychologist, Classroom Teacher)

### **Introduction**

The State Complaint process is available to any individual or organization alleging a violation of a Part B requirement of the IDEA and Nebraska Rule 51. The IDEA requires that State Educational Agencies provide a model form for filing a State Complaint to help ensure access to the dispute resolution options of the Procedural Safeguards. The Nebraska Department of Education, Office of Special Education Services provides this model form, a State Complaint Process Flowchart, a technical assistance document explaining the options for dispute resolution afforded by the IDEA and Nebraska Rule 51 and contact information for an individual at the NDOE who is available to answer questions and provide guidance to a prospective complainant upon request.

Both the model form and technical assistance documents clearly articulate and explain the elements of filing a State Complaint including filing requirements and the statute of limitations. While the model form is available to all potential complainants and may be helpful for a complainant to organize their complaint, there is no requirement to use the form in order to submit a complaint. In this case, Parents did not choose to use the model form and

submitted their complaint in the form of a narrative document essentially articulating a struggle between Parents and the District that has been ongoing for at least two and one-half (2 ½ ) years. The investigator necessarily endeavored to extrapolate issues for investigation.

In this particular case, it is important to note that the Procedural Safeguards of the Individuals with Disabilities Education Act (IDEA) and Nebraska's Rule 51 require that a State Complaint must allege a violation occurring not more than one year prior to the date that the complaint was received, require that the complaint be filed with both the State Department of Education and the local education agency (LEA or district in this case). Furthermore, IDEA does not grant jurisdiction for some of the allegations included in the narrative including matters of discrimination more appropriately directed to the Office of Civil Rights (OCR). Based on the allegations set forth in the complaint, five (5) issues listed above have been identified for investigation.

### **Summary of Allegations/Parent Position**

In the written complaint submitted to NDE, Parents allege the following:

1. The District is not meeting the Student's needs
2. The District is not responsive to Parent's concerns
3. The Student's anxiety is increasing and while the Student is not a behavior problem at school, parents are seeing an increase in problem behavior at home that may be attributed to what is happening at school.
4. The District has denied parent's request for a new case manager to be assigned for Student.
5. The Student is spending more time in the general education setting and therefore is not receiving appropriate special education services while at school.
6. The Student is bringing home a great deal of homework which is causing the Student significant anxiety.
7. The Student is not receiving appropriate accommodations and modifications needed for success.
8. The Student comes home from school frustrated by the school day.
9. The Student is receiving consequences at school because the Student is not receiving appropriate special education services.
10. The District does not provide appropriate accommodations when the Student needs to leave school for an outside appointment.
11. The District is not allowing the Student to go out to recess or to receive a sensory break in place of missed recess.

12. The District has not been responsive to parent's request for an IEP meeting to address their concerns.
13. The District fails to include important information in the communication log.
14. Parents perceive that the District has a pervasive attitude of hostility toward the Parents and Student including blocking the Parents from the District's electronic system for communication between the District and parents.

**Issue # 1**

Did the District develop, review, revise and implement individual education plans (IEPs) for the Student in accordance with 92 NAC 51-007 and 007.10?

007	Individualized Education Program (IEP) [including all subcomponents]
007.10	The IEP team shall revise the IEP as appropriate to address:
007.10A	Any lack of expected progress toward the annual goals described in 92 NAC 51-007.07 and in the general education curriculum, if appropriate;
007.10B	The results of any reevaluation conducted under 92 NAC 51-006.05A;
007.10C	The information about the child provided to, or by, the parents, as described in 92 NAC 51-006.06A1;
007.10D	The child's anticipated needs; or
007.10E	Other matters.

*District Response*

In a written response provided by the District's legal counsel, the District admits that the Parents in this case have longstanding grievances with the District. However, the District denies the issues identified and allegations set forth in the complaint. In support of this position, the District asserts that Student's IEP team convened in August and November 2020 and April 2021 to consider the Student's progress, services and needs and the Complainants' concerns and was responsive to Complainants' October, 2021 communications requesting an IEP meeting (District Response dated November 17, 2021). The District also asserts that the Student's IEPs were developed following appropriate procedures with a

duly assembled IEP team providing parents ample opportunity for participation (District Response dated November 17, 2021).

The District asserts that the IEPs were implemented and that provision of services consistent with the IEP is documented in the daily logs. The District's response counters Complainant's suggestion that the District failed to implement the Student's IEP appropriately because the Student received educational interventions called "retraining", consistent with the District's programming and positive behavioral supports (PBIS). The District's avers that the Student's behavior was typical for her age, was appropriately addressed through PBIS interventions implemented by the District, did not present in conjunction with the Student's disability, and that the accommodations identified in the Student's IEP were implemented with fidelity and consistently available to the Student (District Response dated November 17, 2021).

#### *Investigative Findings*

An IEP shall be developed, reviewed, revised, and implemented, at least annually, for each child who receives special education and related services and sets forth the details and procedures according to the law (92 NAC 51-007 and 92 NAC 51-007.09C). The Student in this case has been identified as a student with a disability, by a team including parents, and is eligible to receive special education services under the classification of Other Health Impairment (OHI). (Multidisciplinary Team (MDT) Report of Student reevaluation, February 10, 2020).

School districts or approved cooperatives must provide special education and related services to eligible students in accordance with the Student's IEP (92 NAC 51-007.02). In order to meet the requirement, each school district or approved cooperative must have in effect, at the beginning of each school year, an IEP for each eligible student (92 NAC 51-007.02A). The District's first day of school for the 2020-2021 school year was August 13, 2020. An IEP was appropriately developed for Student, by a team including parents, on August 4, 2020 and was in place at the commencement of the school year (IEP dated August 4, 2020).

Prior to the August 4, 2020 IEP, the District and the Parents participated in mediation conducted by the Nebraska Mediation Center. Twelve individuals attended the mediation; including, the Parents, an adult sibling of the Student and a representative from the Nebraska Parent Information and Training Center (PTI), the principal of the school, the Student's general education teacher from the previous school year, the Student's prospective general education teacher for the current school year, the Student's special education teacher, the speech

and language pathologist (SLP) providing service to the Student, the school psychologist, the occupational therapist (OT) providing service to the Student. The mediation addressed the following three topics of the Parent's concern (Mediated Plan for Student and Parent/District Communication Protocol; IEP dated August 4, 2020, IEP dated November 5, 2020, and IEP dated April 21, 2021):

- Homework
- Communication between the school and Parents
- Accommodations to address the Student's anxiety/fatigue

The August 4, 2020 IEP incorporates the results of the Students most recent multidisciplinary team (MDT) evaluation completed in February 2020 and is the IEP in place at the commencement of the 2020-2021 school year (IEP dated August 4, 2020). Goals developed by the team include the following:

- 1) Articulation – Student will produce the /s &r/ speech sounds in all positions of all single words during a 5 minute conversational speech with no more than 3 errors on 3 of 4 trials.
- 2) Expressive Language – Student will improve expressive language through direct instruction by speech and language pathologist (SLP) and resource teacher during structured activities with 80% accuracy on 3 of 4 trials.
- 3) Occupational Therapy (OT) – Student will improve fine motor and visual motor skills by meeting 2 out of 3 of the following objectives:
  - a. Student will produce work with 95% legibility based on letter formation, line placement and spacing 2 out of 3 observations.
  - b. Student will produce legible cursive signature on 2 out of 3 observations.
  - c. Student will tolerate a fine motor task for at least 15 minutes before showing signs of fatigue (hand tremor or shaking) on 2 out of 3 sessions.
- 4) Social/Emotional – When given scenarios of social situations, Student will identify emotions(s) involved and choose one self-regulation/coping strategy (movement break, deep breathing, quiet space break, deep pressure/heavy work activity, etc.) appropriate to the situation in 4 out of 5 trials. Progress on goals will be reported quarterly (IEP dated August 4, 2020).

A student's IEP team shall review the Student's IEP periodically, but not less frequently than annually, to determine whether the annual goals for the Student are being achieved (92 NAC 51-007.09C).

During the 2020-2021 school year, additional IEP meetings were held for the Student to review and revise the IEP in order to address Parent's concerns. Student's August 4, 2020 IEP was reviewed and revised on November 5, 2020 (IEP dated November 5, 2020 and corresponding Notice of Meeting (NOM)). This meeting was convened to address Parent's concerns including accelerated reader (AR) assignments, all aspects of homework and communication between school and home. Parents expressed concern about Student's level of fatigue upon arriving home from school. During this meeting, the IEP goals remained the same and the team addressed the following items:

- Parents requested the Student be allowed to do Accelerated Reader (AR) using audio books in order to reduce homework and anxiety. The team decided that the Student will read shorter books to continue reading progress until the AR goal is met and then switch to an audio book to finish the quarter.
- In order to clarify the specific information to be included on the communication log, the team stated that the lesson covered would be listed on the communication log but specific problems or questions are not necessary.
- To address concerns about the amount of homework, the team determined that Friday's recess would be used to catch up on homework not completed, the Student would only be expected to complete ½ of the daily math assignments, the Student would have a Powerade in the afternoon to see if that helps with fatigue and a new sensory diet would be developed and scheduled by the OT.
- IEP goals remained the same and progress on annual goals was not reviewed. However, accommodations listed on the IEP were revised to address Parent's concerns.

The Student's IEP was again revised on April 21, 2021. IEP goals remained the same and once again, accommodations were revised to address Parent's concerns. At this meeting, the Parents shared another lengthy letter of concerns and comments. The Parent's report that the struggle with homework is still an issue but has improved, and that the school/home communication log is a work in progress. AR is still a concern for the Parents; they would like the Student to continue AR with the smaller books until the goal is reached but raise concerns about when the Student takes the AR tests in the general classroom. The Parents also raise concerns about bullying on the bus and peer socialization. The Parents also reminded the District that the Student receives private services from outside providers and shared some related success stories. Attending appointments for these services requires the Student to miss school with some regularity. The IEP

was revised to include this information and address concerns (IEP dated April 21, 2021).

The 2021-2022 school year began on August 13, 2021. The April 21, 2021 IEP is the IEP in effect for the beginning of the school year and the IEP currently in effect. The District and Parent are in the process of scheduling another IEP meeting (Letter of Complaint dated October 21, 2021; Interviews with District staff and Letter of Response dated November 17, 2021).

Each student's IEP is developed so that the Student may advance appropriately toward attaining annual goals and be involved in and make progress in the general education curriculum to the extent possible (20 USC 1414(d)(1)(A)(i)(IV). See *Endrew F. v. Douglas County Sch. Dist. RE-1*, 69 IDELR 174(U.S. 2017).) Nebraska Rule 51 provides that students with special needs receive their education in the regular classroom environment to the maximum extent appropriate or, to the extent that such placement is not appropriate, in an environment with the least possible amount of segregation from the Students' nondisabled peers and community (92 NAC 51-008). The District must ensure that a continuum of alternative placements is available to meet individual student's needs (92 NAC 51-008.01D). The Student's IEP team developed IEPs for the Student and has determined that placement in the general education classroom for most of the school day with specialized instruction taking place in the general education classroom and also in a pull out setting for a portion of the day is the most appropriate setting for the Student to receive educational services. Each of the Student's IEPs details the amount of service and location where service will be received. The Student's daily schedule supports that the Student is receiving the special education services indicated on the IEP (IEPs dated August 4, 2020, November 5, 2020 and April 21, 2021; the Student's schedule, Letter of Response dated November 17, 2021; Service logs; Interviews with school staff).

Homework is an ongoing source of struggle between the Parents and District. While the Parents report that the Student arrives home after school in a state of anxiety and fatigue, school staff report that they do not see signs of anxiety at school. The Student has a list of fidget items available to relieve stress, has reduced assignments and receives extra time for submitting work, receives assistance in the general education classroom and resource room as well as a host of other accommodations selected to counter any anxiety or fatigue that is unseen at school but may manifest at home.

The team continues to make adjustments intended to reduce the amount of homework that the Student takes home. School staff interviewed reported that

homework is expected from all students as they progress for the transition to middle school. School staff who are members of the Student's IEP team also state that homework is important for the Student because repetition of learned material is necessary practice for skill acquisition and reported that the Student's homework might be expected to take approximately 30 minutes per day. The Student's assignments have been reduced, extra time is provided for completion, afternoon recess time on Friday is allocated to completing homework when needed and school assistance is provided to help the Student complete any homework not completed at home (IEPs dated August 4, 2020, November 5, 2020 and April 21, 2021; Interviews with school staff including the classroom teacher, special education teacher, SLP, OT and Principal; Daily Communication Logs; emails between Parents and School staff).

The District produced service logs showing that the Student receives OT service regularly as indicated on each of the IEPs and progress reports states that the Student is making progress commensurate with reaching the goal by the end of the year. However, no data correlating the OT activities with progress toward the IEP goals is available. Student's fine motor/handwriting goal remains in place throughout each of Student's IEPs relevant to this complaint (IEP dated August 4, 2020; IEP dated November 5, 2020 and IEP dated April 21, 2021 with the same goal and identical wording regarding progress). This IEP goal challenges the Student to improve her ability to tolerate a written activity for 15 minutes before showing hand shaking/tremoring or other signs of fatigue. The goal also challenges the Student to write legibly 95% of the time but the Student's PLAAFP indicates that the Student is only independently able to write one word legibly. Teachers report that the Student might have up to thirty (30) minutes of homework on a given day while the Parents believe that the Student could reasonably be expected to complete up to fifteen (15) minutes of homework per day. Given the Student's level of fine motor capability and the fact that both school staff and Parents recognize that the Parents have numerous other students at home, it is plausible that written homework may be a challenge for the Student to complete independently.

Parents and school staff both shared that the amount of homework has lessened and that other avenues for completing homework have been reasonably successful. Because the team indicates that homework is an expectation for the Student, with value academically, and to develop executive functioning skills and responsibility for transition, the team should revisit the OT goal to determine the Student's progress on the goal and how this area of need may affect the Student's ability to complete written homework.

Once again, significant portions of the complaint refer back to the details included in the narrative document dated July 20, 2020 and are outside of the statute of limitations for this investigation. Since that time, the Student has had three (3) IEP meetings within nine (9) months. Each IEP meeting made changes to the accommodations listed on the IEP to address the Parent's concerns and is supported by an inordinate amount of correspondence by daily communication log and email. The Parents complain that the Student is punished by missing recess and then not provided with a sensory break. On the other hand the Parents email the school that the Student is supposed to be using recess time to complete homework. The school explained that there have been a few occasions when the Student was expected to stay in to complete a retraining exercise as part of the school's PBIS. Staff described the situation with clarity including that the Student completed the retraining exercise and then went out to recess with the same expectation of age appropriate peers. The retraining exercise was not related to anything on the Student's IEP and the Student may reasonably be expected to participate in schoolwide PBIS unless otherwise indicated on the IEP. School staff report that the Student will ask for a sensory break and receives one upon request. Additionally, school staff have not observed the Student exhibiting any signs of agitation, or anxiety suggesting that a sensory break is needed but not identified by the Student and there are times when school staff ask the Student if a sensory break is needed and the Student declines. School staff do report occasions when the Student has shown signs of annoyance after declining a sensory break and school staff pursue the issue by asking if the Student is certain. Accommodations have been provided and adjustments have been made based upon parent feedback. Finally, the Parents continue to request adjustment of the detail provided in the communication log and complain that they are unable to write on the Google Doc communication log. School staff reported that the Parent's concern about the Google Doc was investigated and it seemed to be something on the Parent's side of things. According to the school, this problem has been rectified and the Parents did not mention this to the investigator as a continuing problem. It is undeniable that the District provides copious amounts of daily feedback to the Parents in the form of daily contact logs and email correspondence and teachers described daunting amounts of time spent responding to the Parents with a seemingly unattainable turnaround time (Daily Contact Logs and emails). All in all, it appears that the school is providing the accommodations and modifications listed on the IEP that are necessary for the Student to access special education curriculum in light of the Student's unique circumstances.

In the complaint document and much correspondence between the school and the Parents, the Parents express concern that the Student comes home with

behavior that they perceive to be a manifestation of anxiety and fatigue. The Parents attribute this behavior to the Student striving to manage anxiety and fatigue during the school day. On the other hand, every member of the school staff reported that the Student is successful at school and shared the following details:

- Student has friends and is often a leader, organizing small groups at the beginning of class
- Student sometimes chooses to play alone but also plays with friends
- Student has good relationships with teachers and will ask for time to visit with them
- Student is cooperative and follows directions
- Student makes age appropriate mistakes and receives the same correction as age appropriate peers
- Student advocates for herself at school. The Student sometimes requests sensory breaks and sometimes states that a sensory break is not need or wanted.
- Student is observed sitting in the school foyer in the morning after getting off the school bus. During these times, the Student is friendly, happy and communicates with teachers and other staff who walk by.
- Student participates in check-in/check-out sessions regularly. Sometimes the Student talks about fun activities at home playing with family and helping the Student's father with outdoor chores and activities which the Student greatly enjoys.
- At the beginning of the 2021-2022 school year, the Parents reported that the Student was only taking one medication. The teacher observed that the Student seemed more alert and bubbly. When medications were increased the teacher reported that the Student seemed to become a bit more distant and withdrawn but was quickly attentive and responsive when approached.
- Student does not exhibit symptoms of anxiety, attention difficulty, behavior problems at school.
- Student does not appear frustrated or anxious before, during or at the end of the school day.
- Student was assigned a seat at the front of the bus because the Student was pestering siblings on the bus. Student did not appear to be bothered by the preferential seating.

The Parent reports a dramatically different picture of the Student when home including describing fatigue and sleeping at odd hours, being overly excited or having temper tantrums. The Parent also reports that the Student takes four (4)

to five (5) different medications. The Student sees private therapists and health care providers organized and scheduled by the Parents outside of school. When necessary, the Student is excused from school in order to attend these appointments and accommodations are made so that instruction and other services are not missed.

Because Parents are concerned that activities at school contribute to the Student's behavior at home, the IEP team may want to discuss whether communication, social skills, or counseling a goal bridging the school day to home would be appropriate to add to the IEP in order to help the Student learn to identify any connection between the school day that may contribute to dysregulation at home. Additionally, because the Student takes a variety of medications and some are taken at school, the IEP team may want to consider including the school nurse as a member of the IEP team. As the school's health care professional, the school nurse may be able to collaborate with the Student's outside health care providers in seeking a connection between school and home.

Parents have not provided any evidence in support of their allegation that the District does not provide appropriate accommodations when the Student needs to leave school for an outside appointment. The Student's attendance is not penalized for these absences. The school has arranged the Student's schedule to be sure that special education and related services are not missed during these absences. The school has provided accommodations in the Student's work assignments and provided additional support to be sure that any instruction missed during these absences is made up. Parents reported that the situation with homework is better. Notes in the IEP state that the team has discussed that reducing assignments may slow Student's progress in the general education curriculum and agreed that reducing assignments was still appropriate. Finally, Student's progress reports show that the Student is making progress.

A student's IEP team shall review the Student's IEP periodically, but not less frequently than annually, to determine whether the annual goals for the Student are being achieved (92 NAC 51-007.09C). The Parent's assertion that the District has not been responsive to parent's request for an IEP meeting to address their concerns is simply without merit. The District scheduled three IEP team meetings for the Student for the 2020-2021 school year and has vast email correspondence showing other communication between the Parents and the school as well as daily communication logs with extensive detail. This allegation appears to stem from the Parent's request for an IEP meeting this year and just prior to the Parents filing this complaint. In the complaint, the Parents state that

an IEP team meeting was requested and that the school asked the Parents to provide some dates that would and would not work for the Parents. According to the District, the Parents insisted that the meeting take place within ten (10) days. The Parents were not available on the soonest proposed date and the Parents expressed dissatisfaction with the fact that the next available dates were approximately three (3) weeks later (Letter of Response dated November 17, 2021; Letter of Complaint dated October 21, 2021; Interviews with District staff and Parents).

In the Letter of Complaint, the Parent goes on to elaborate regarding who she thinks the District needs to have attend the meeting and suggests that some members invited by the District do not need to attend (Letter of Complaint dated October 21, 2021). Nebraska Rule 51 clearly stipulates the mandatory members of an IEP team. Attendees particularly relevant to this item of complaint include a district representative who is 1) qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities; 2) is knowledgeable about the general education curriculum; and 3) is knowledgeable about the availability of district resources; and, at the discretion of the parent or the district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (92 NAC 51-007.03). Just as the District may not dictate who the Parent brings to the IEP meeting on behalf of the Parents and the Student, individuals the District selects to attend IEP meetings on the District's behalf is a decision left entirely up to the District.

The District has a clear history of striving to accommodate the Parent's request for meetings. The Student's last IEP meeting was conducted April 21, 2021 and therefore, need not be reviewed until April 2022. While an earlier IEP meeting may be in order, a reasonable time to schedule a meeting to allow the desired members to attend is appropriate. The District reported that the Parents have not responded to the District attempts to schedule an IEP meeting outside of the demand for a meeting within 10 days.

Another portion of the complaint indicates the Parent's believe that the District is not responsive to the Parent's concerns. During a telephone conversation with the investigator, the Parent clarified that this allegation pertained particularly to the Superintendent. The Parent elaborated about a lengthy document dated July 20, 2020 that was provided to the Superintendent and submitted with this complaint. The document was also included in the documents submitted to the NDOE with this complaint. At first glance, the document appears to fall outside the statute of limitations; however, both parties agree that the complaint was received by the District on October 30,

2020. In fact, the school principal produced a postmarked envelope as evidence that the document was received by the District on October 30, 2020. Therefore, the document was received by the District within the one-year statute of limitations and admissible for due consideration in this investigation. The document consists of twelve (12) pages, expressing concerns and comments pertaining to the Student's condition, educational program, including significant dissatisfaction with the principal, the Student's special education teacher and fourth grade teacher. The second paragraph states that parents are filing a formal complaint against school staff. The District did not respond to the complaint document until April 2021, nine months after the complaint document was received. When the Parents requested a status update, the Superintendent responded by email with a one sentence answer stating that perceptions concerning professionalism will differ and staff would be asked about the situation. During this investigation the Superintendent reported that he didn't see any need for any additional response (Letter dated July 20, 2020 included with Letter of Complaint dated October 21, 2021; email between Parent and Superintendent).

No effort was made to determine whether the Parents intended to file a "State Complaint" under the IDEA and NAC Rule 51 (92 NAC 51-900.11B5). However, the complaint was not filed with the Nebraska Department of Education, Office of Special Education; and therefore, did not meet the procedural filing requirements (92 NAC 51-900.11B6). Furthermore, there is no indication that the District failed to provide the Parents with notification of the procedural safeguards and an IEP meeting was convened within a week of the complaint document's delivery in order to address parent concerns. Because Nebraska Rule 51 requires a State Complaint to allege violations occurring not more than one year prior to the date that the complaint is received, the date of the document and Parent's testimony that the document was prepared in July of 2020 to address dissatisfaction based on the 2019-2020 school year, the allegations set forth in this document still fall outside of the statute of limitations (92 NAC 009.11B5).

Parents narrative complaint includes a statement that the Parents request for a new case manager be assigned for the Student was been denied. In support of this request, the Parents state their belief that there is a sense of hostility emanating from staff toward the Parents and that the case manager is unwilling to assist in helping the Parents develop an IEP to "set the Student up for success now and in the future." The case manager's description of her interactions with the Student and her efforts to respond to the Parents regular concerns and correspondence show undeniable commitment to the Student's success. All

staff interviewed as part of this investigation emphatically stated their desire to meet the Student's needs, that the Student is well liked and has good relationships, especially with staff. The problem, in this case, is that the concerns expressed by the Parents are dramatically different from what is observed by staff during the school day. The Student's IEP was developed, revisited and revised three times for the 2020-2021 school year. While the IEP goals essentially remain consistent, accommodations have been repeatedly revised in order to address the Parent's concerns including insistence upon an overwhelming amount of detailed feedback on a daily basis. There is no provision in the IDEA, or Nebraska Rule 51, allowing parents to direct the particular individuals who will provide services to the Student (See 51 IDELR 76 B.F., a minor child, by and through P.F. and R.F., parents as next friends, Plaintiff, v. Fulton County School District, Defendant – U.S. District Court, Northern District of Georgia, September 9, 2008).

The Parent's perceive that the District has a pervasive attitude of hostility toward the Parents and the Student including alleging actions such as blocking the Parents from the Districts electronic system for communication between the District and the Parents. The fact that protocol for communication was developed in a mediation is a clear sign that the relationship between parents and the school is strained. The IDEA and Nebraska Rule 51 provide mediation as a dispute resolution option within the parameters of the procedural safeguards (92 NAC 51-009.12). Unfortunately, in although the parties participated in mediation, there is no ability to guarantee or insist upon an amicable relationship (Mediated Plan for Student)

During the 2019-2020 school year, the Parents believe that the District or possibly the Student's fourth (4th) grade teacher blocked the Parents from an electronic communication system (Parent Document dated July 20, 2020). As previously stated, since these allegations would have taken place outside of the statute of limitations for this complain and will not be considered. Parents also point to an occurrence during the current school year during which they were unable to write communication directly onto the communication document. District staff interviewed stated that they were aware of this occurrence and upon investigation it was something that happened with the Parent's computer that was rectified by the Parent.

Communication is still an ongoing issue between the parties. The protocol and strategies for communication have been updated at each IEP meeting based on the Parents ongoing requests. Documentation, including over 100 emails and copies of communication logs, provided by the District shows that school staff are providing an extraordinary and significantly burdensome amount of daily

communication to the Parents and that the majority of Parent's insistence on the detail of the communication is a request for evermore detailed reporting rather than accommodations necessary for the Student to access special education and related services and to make progress in the general education curriculum. Finally, the Parents report that communication is still a work in progress but has improved (Letter of Complaint dated October 21, 2021; interview with investigator).

### *Summary and Conclusions*

The Student's IEP is not developed appropriately. There is a flaw in the OT goal because there is no nexus between the OT activities and measurement of the actual goal. Additionally, the District would be wise to consider establishing procedures to identify a special education complaint received though not artfully drafted. Based on careful consideration of information provided by the parties including personal interviews by telephone with each of the parties, the investigator finds that though the OT activities in the service logs might reasonably lead to progress on the Student's OT goal, progress is not supported with data correlating the activities in the service logs with progress on the written goals. Therefore, the District failed to fully implement the requirements of 92 NAC 51-007. In addition to a flaw in the IEP, there is a potential negative correlation with the OT goal and performance on homework and potential anxiety and fatigue that Parents say is observed at home. Thus, the following **corrective action is required**.

### *Corrective Action*

1. The District must reconvene the child's IEP with 30 days of the date of this report.
  - a. Address the OT goal and update accordingly
  - b. Consider the Student's current performance and how it effects homework, anxiety and fatigue after school
- i. The District may want to include the following:
  1. Consideration of communication, social skills, or counseling to bridge the school day to home to assist in reducing the dysregulation identified by the Parents
  2. Consider adding the school nurse on the IEP team to serve as a liaison between the school and outside health care providers
  - c. Provide a copy of the revised IEP and notes regarding the considerations suggested under bullets (i1) and (i2) to Brenda Tantow.
2. The district will develop training for all staff who serve as IEP team members for the Student regarding:

- a. Drafting and measuring goals and objectives
- b. Identification of anxiety or fatigue and impact on a student making progress toward goals and objectives

## **Issue # 2**

Did the District provide special education and related services to the Student in accordance with the Student's IEP, 92 NAC 51-007.02?

92 NAC 51-007.02 states:

007.02 School districts must provide special education and related services to a student with a disability in accordance with the Student's IEP.

### *Allegations/Parent Position*

In the written complaint submitted, Parents allege the following:

1. The District is not meeting the Student's needs.
2. The Student's anxiety is increasing and while the Student is not a behavior problem at school, parents are seeing an increase in problem behavior at home that may attributed to what is happening at school.
3. The District has denied parent's request for a new case manager assigned for the Student.
4. The Student is bringing home a great deal of homework which is causing the Student significant anxiety.
5. The Student is not receiving appropriate accommodations and modifications needed for success.
6. The Student comes home from school frustrated by the school day.
7. The Student is receiving consequences at school because the Student is not receiving appropriate special education services.
8. The District does not provide appropriate accommodations when the Student needs to leave school for an outside appointment.
9. The District is not allowing the Student to go out to recess or to receive a sensory break in place of missed recess.
10. The District has not been responsive to parent's request for an IEP meeting to address their concerns.
11. The District is fails to include important information in the communication log.
12. Parents perceive that the District has a pervasive attitude of hostility toward the Parents and Student including blocking the Parents from the District's electronic system for communication between the District and parents.

### *District Response*

The Student's IEP was in effect at the beginning of the 2020-2021 school year and revised twice more to address the Parent's concerns. The Student also had an IEP in effect at the beginning of the 2021-2022 school year. The District asserts that the IEP was implemented and that provision of services consistent with the IEP is documented in the daily logs. Responding to the Complainant's suggestion that the District failed to implement the Student's IEP appropriately because the Student received educational interventions called "retraining", consistent with the District's programming and positive behavioral supports (PBIS). The District's position is that the Student's behavior was typical for her age, were appropriately addressed through the corresponding interventions implemented by the District, did not present in conjunction with the Student's disability, and that the accommodations identified in the Student's IEP were implemented with fidelity and available to the Student. (Letter of Response dated November 17, 2021).

### *Investigative Findings*

With the exception of a flaw in the OT goal of the Student's IEP addressed above, the District has worked tirelessly to successfully address the Parent's concerns and provide the Student with special education and related services. The Student's August 4, 2020 IEP utilizes information from the most recent MDT evaluation as well as substantial parent information (IEP dated August 4, 2020). The school modified the Student's schedule to accommodate private outside appointments and ensure that the Student still received general education and special education in the LRE and adhered to the schedule for special education and related services specified in the IEP (Letter of Response dated November 17, 2021; Student schedule; descriptions provided in three (3) IEPs; Student Mediation Plan; progress monitoring data; and service logs). The Student's IEP team revised the accommodations on multiple occasions during the same year in order to address the Parent's concerns. IEP goals remain the same and, with the exception of the OT goal, provide sufficient information to show progress. Teachers and service providers explained in detail their perception of the Student and how the Student's education program is implemented while the Parents merely stated that the school was incorrect absent supporting evidence.

### *Summary and Conclusions*

Based on thorough consideration of the information provided and interviews with the Parent and school staff, the investigator finds that the District implemented the requirements of 92 NAC 51-007.02 and **no corrective action** is required.

### Issue # 3

Did the District consider the use of positive behavioral interventions, and supports and other strategies to address Student's behavior (92 NAC 51-007.07B3)?

92 NAC 51-007.07 states:

007.07B In developing, reviewing or revising each child's IEP:

007.07B3 In the case of a child whose behavior impedes his or her learning or that of others, the IEP team shall consider the use of positive behavioral interventions, and supports and other strategies to address that behavior.

#### *Allegations/Parent Position*

1. The District is not meeting the Student's needs.
2. The District is not responsive to parent's concerns about their student's safety and ability to self advocate.
3. The Student's anxiety is increasing and while the Student is not a behavior problem at school, parents are seeing an increase in problem behavior at home that may attributed to what is happening at school.
4. The Student is spending more time in the general education setting and therefore is not receiving appropriate special education services while at school.
5. The Student is bringing home a great deal of homework which is causing the Student significant anxiety.
6. The Student is not receiving appropriate accommodations and modifications needed for success.
7. The Student comes home from school frustrated by the school day.
8. The Student is receiving consequences at school because the Student is not receiving appropriate special education services.
9. The District does not provide appropriate accommodations when the Student needs to leave school for an outside appointment.
10. The District is not allowing the Student to go out to recess or to receive a sensory break in place of missed recess.
11. The District has not been responsive to parent's request for an IEP meeting to address their concerns.

#### *District Response*

The District also avers that the Student's IEP team considered the use of positive behavioral interventions for the Student and determined that the Student's

behavior did not impede her learning at school. The District explains that the Student's IEP team reasoned that the Student's behavior was appropriately managed by district-wide positive behavioral supports and interventions (PBIS) because the Student did not present atypical or disruptive behaviors that were inappropriate for her age or inconsistent with her typically developing peers and normal behavior was successfully addressed with strategies for all students. In order to address Parent's concerns and Student's needs, the District asserts that the following accommodations are incorporated into the Student's IEP:

- Sensory breaks to assist with self-regulation
- Preferential seating
- Access to fidgets
- Access to headphones
- Shortened assignments
- Decompression opportunities prior to the school day after bussing.

(Mediated Student Plan; IEPs; daily communication logs; email correspondence between the parties; Letter of Response dated November 17, 2021; staff and Parent interviews).

### *Investigative Findings*

The Student has three (3) IEPs that have been in effect during the 2020-2021 and 2021-2022 school years, the relevant time span open for consideration in this case. Each of the IEPs clearly states that the team considered the use of positive behavioral interventions and supports and other strategies to address the Student's behavior. The team held additional IEP meetings and revised accommodations to address Parent's concerns. All school district members of the IEP team report that the Student is successful at school and perceive no reason for Student to have any type of behavior intervention plan (BIP). (Letter of Response dated November 17, 2021; IEPs; communication logs; Mediated Student Plan; staff and Parent interviews).

The Parents continue to express their struggles with the Student at home and attribute these struggles to anxiety the Student experiences during the school day. However, school staff describe the Student as happy, friendly and successful. Staff also indicate that normal age appropriate Student behavior is managed through district wide PBIS and that Student's behavior does not impede her learning at school (IEPs; communication logs and email correspondence between the parties consistent with staff interviews). The Parent drew attention to a few occasions when the Student was required to stay in from recess to complete retraining exercises. Specifically, the Parent objected

to a writing assignment that was part of a retraining exercise that the Parent found problematic due to the Student's diminished fine motor skills that make handwriting difficult. The District provided documentation of these occurrences and explained that retraining exercises are part of the District-wide PBIS system. The District also explained that after considering the Student's diminished writing ability, written retraining exercises have been revised so that student's model the correction rather than write. Teachers report that the Student has been asked to complete significantly fewer retraining exercises than other students in the same grade, that the exercises only take a few minutes of recess time and that the Student does not appear to be physically or emotionally affected by the exercises. In fact, on one occasion, the teacher stated that it appeared as though the Student may have copied the actions of some other students in a playful attempt to stay in from recess with the others, that the Student's actions were similar to behavior that same age peers might exhibit and that they all went out together afterward. While Parent's continue to assert that the Student experiences significant anxiety and fatigue during the school day that manifests only when the Student arrives at home after school, there is no evidence of a nexus between Student's performance and behavior at school and Parents struggle with Student at home.

#### *Summary and Conclusions*

Based on thorough review and consideration of the information provided and acquired during interviews with the parties, the investigator finds that the District implemented the requirements of 92 NAC 51-007.07B and **no corrective action** is required. However, the District is highly encouraged to work with NeMTSS to ensure policies, procedures, and practices within the PBIS system in use follow current recommendations.

#### **Issue #4**

Did the District afford parents the opportunity to participate in meetings with respect to the identification, evaluation, educational placement and provision of a free appropriate public education (FAPE) for the Student in accordance with 92 NAC 51-007.06; 92 NAC 51-009.01 and 009.02?

92 NAC 51-007.06 details the requirements for parent participation.

92 NAC 51-009.01 states:

009.01 Parent Participation in Meetings

009.01A The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, and educational

placement of the child and the provision of FAPE to the child.

- 009.01B Each school district or approved cooperative must provide notice consistent with 92 NAC 51-007.06A1 and 007.06B to ensure that parents of children with disabilities have the opportunity to participate in meetings described in 92 NAC 51-009.01A.

92 NAC 51-009.02 states:

009.02 Parent Involvement in Placement Decisions

- 009.02A The school district or approved cooperative shall ensure that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of their child.

- 009.02B In implementing the requirements of 92 NAC 51-009.02A, the school district or approved cooperative shall use procedures consistent with the procedures described in 92 NAC 51-007.06A, 007.06B, and 009.01A.

*Allegations/Parent Position*

1. The District is not meeting the Student's needs.
2. The District is not responsive to parent's concerns about their student's safety and ability to advocate for herself.
3. The Student's anxiety is increasing and while the Student is not a behavior problem at school, parents are seeing an increase in problem behavior at home that may attributed to what is happening at school.
4. The District has denied parent's request for a new case manager assigned for the Student.
5. The Student is spending more time in the general education setting and therefore is not receiving appropriate special education services while at school.
6. The Student is bringing home a great deal of homework which is causing the Student significant anxiety.
7. The Student is not receiving appropriate accommodations and modifications needed for success.
8. The Student comes home from school frustrated by the school day.
9. The Student is receiving consequences at school because the Student is not receiving appropriate special education services.

10. The District does not provide appropriate accommodations when the Student needs to leave school for an outside appointment.
11. The District is not allowing the Student to go out to recess or to receive a sensory break in place of missed recess.
12. The District has not been responsive to parent's request for an IEP meeting to address their concerns.
13. The District fails to include important information in the communication log.
14. Parents perceive that the District has a pervasive attitude of hostility toward the Parents and Student including blocking the Parents from the District's electronic system for communication between the District and parents.  
(Extrapolated from the Letter of Complaint dated October 21, 2021)

#### *District Response*

According to the District, the Parent's have been afforded an ample opportunity to participate in meetings with respect to the identification, evaluation, educational placement, and provision of a FAPE for the Student. In support of that position, the District provides evidence of multiple meetings with parents, vast ongoing correspondence between the District and Parents and engagement in mediation and a follow up IEP meeting intended to ensure that more of the Complainant's suggestions were incorporated into the plan. The District admits that, upon receiving parent's most recent request for an IEP meeting within ten (10) days, the team was unable to find a date within that time frame that all necessary members of the team were able to attend. The District stated that Parents were not willing to continue to work with the District to find the soonest day possible to convene the IEP team (Letter of Response dated November 17, 2021; IEPs including Notices of Meeting; email correspondence between school staff and Parents, detailed communication logs).

#### *Investigative Findings*

Nebraska Rule 51 requires Districts to provide for meaningful parental participation in the IEP meeting. This participation should include:

- Considering parents' suggestions and, to the extent appropriate, incorporating them into the IEP. *Deal v. Hamilton County Bd. Of Educ.* 42 IDELR 109 (6th Cir. 2004); and
- Considering any independent educational evaluation, discussing placement options, and answering parents' questions. *Board of Educ. Of Waterford-Halfmoon Union Free Sch. Dist.* 20 IDELR 1092 (SEA NY 1994).

The Student's annual IEP for the 2020-2021 school year was developed August 4, 2020 and revised twice during the same school year in order to address Parent's concerns. These revisions were not intended to revise the Student's IEP goals. Parents have not objected to the IEPs; rather, they continue to articulate struggles with the Student at home and blame those struggles on the school day. In addition to multiple revisions of the IEP, there is extensive communication between Parents and the school in the form of communication logs and emails, all of which shows the school's responsiveness to Parent's concerns. Most recently, in response to Parent's concerns, the District tried to accommodate Parent's insistence upon an IEP meeting within ten (10) days. Parents were not available on the meeting date proposed by the District and Parents were not responsive when the District proposed additional options because the dates were approximately three weeks instead of within ten days (Letter of Complaint dated October 21, 2021 Letter of Response dated November 17, 2021).

The fact that the Parents remain dissatisfied does not mean that the District is not striving to address their ongoing and somewhat evolving concerns. There is no doubt that the Parents have had the opportunity for meaningful participation in the IEP process.

#### *Summary and Conclusions*

Based on careful consideration of entirety of information provided in this case, the District implemented the requirements of 92 NAC 51-007.06; 92 NAC 51-009.01 and 009.02 and **no corrective action** is required.

#### **Issue # 5**

Did the District determine the Student's placement considering the requirements for least restrictive environment (LRE) in accordance with 92 NAC 51.008.01?

92 NAC 51-008.01 states:

008.01 Least Restrictive Environment (LRE) Requirements

008.01C In determining the educational placement of a Student with a disability, Districts and approved cooperatives must ensure that:

008.01C1 The placement decision is made by a group of persons, including the parents and other persons knowledgeable about The Student, the meaning of the evaluation data, and the placement options; and

008.01C2 The placement decision is made in conformity with the least restrictive environment requirements and based on The Student's unique needs and not on The Student's disability.

008.01D Each school district or approved cooperative must ensure that a continuum of alternative placements is available to meet the needs of students with disabilities for special education and related services.

008.01D1 The continuum must:

008.01D1a Include instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions; and

008.01D1b Make provision for supplementary services (such as resource or itinerant instruction) to be provided in conjunction with regular class placement.

008.01E The district or approved cooperative shall ensure that the educational placement of a child with a verified disability:

008.01E1 Is determined at least annually;

008.01E2 Is based on the Student's IEP; and

001.08E3 Is as close as possible to the student's home.

*Allegations/Parent Position*

1. The District is not meeting the Student's needs.
2. The District is not responsive to parent's concerns about their student's safety and ability to self-advocate.

3. The Student's anxiety is increasing and while the Student is not a behavior problem at school, parents are seeing an increase in problem behavior at home that may attributed to what is happening at school.
4. The District has denied parent's request for a new case manager assigned for the Student.
5. The Student is spending more time in the general education setting and therefore is not receiving appropriate special education services while at school.
6. The Student is bringing home a great deal of homework which is causing the Student significant anxiety.
7. The Student is not receiving appropriate accommodations and modifications needed for success.
8. The Student comes home from school frustrated by the school day.
9. The Student is receiving consequences at school because the Student is not receiving appropriate special education services.
10. The District does not provide appropriate accommodations when the Student needs to leave school for an outside appointment.
11. The District is not allowing the Student to go out to recess or to receive a sensory break in place of missed recess.
12. The District has not been responsive to parent's request for an IEP meeting to address their concerns.
13. The District is fails to include important information in the communication log.
14. Parents perceive that the District has a pervasive attitude of hostility toward the Parents and Student including blocking the Parents from the District's electronic system for communication between the District and parents.  
(Extrapolated from Letter of Complaint dated October 21, 2021).

#### *District Response*

Parents allege that the Student may be spending too much time in the general education setting and therefore not receiving necessary special education services. The District asserts that the Student's placement was determined following a multidisciplinary evaluation and determined by a group including parents and others knowledgeable about the Student. The District also asserts that the Student is successful in the general education setting with the accommodations and modifications indicated on the IEP and, therefore, is appropriately placed in the least restrictive environment (Letter of Response dated November 17, 2021).

### *Investigative Findings*

Each eligible student's IEP is developed so that the student may advance appropriately toward attaining annual goals and be involved in and make progress in the general education curriculum to the extent possible (20 USC 1414(d)(1)(A)(i)(IV). See *Endrew F. v. Douglas County Sch. Dist. RE-1*, 69 IDELR 174(U.S. 2017)) Nebraska Rule 51 provides that students with special needs receive their education in the regular classroom environment to the maximum extent appropriate or, to the extent that such placement is not appropriate, in an environment with the least possible amount of segregation from the Students' nondisabled peers and community (92 NAC 51-008). District's must ensure that a continuum of alternative placements is available to meet individual student's needs. *Id.*

Both the District and the Parents report that the Student's academic performance is satisfactory (IEPs; progress reports; progress monitoring data and interviews with school staff and Parents). The Parents are concerned that, in general, the school day creates anxiety for the Student that may not be noticeable at school but is apparent at home (Letter of Complaint dated October 21, 2021; email correspondence between the parties; Letter of Response dated November 17, 2021; interviews with the parties). These ongoing concerns, while not observed by school staff during the school day and do not negatively impact educational progress on IEP goals are addressed at each IEP meeting (IEPs). Each IEP developed for the Student and has determined that placement in the general education classroom for most of the school day with specialized instruction taking place in the general education classroom and also in a pull out setting for a portion of the day is the most appropriate setting for the Student to receive educational services (IEPs).

The Student's schedule has been arranged to accommodate private appointments that require the Student to leave school for periods of time on a regular basis so that the Student is able to participate in general education with peers. When questioned about the Student's absences for private appointments, the Parent also stated that the Student was not missing instructional time (Letter of Response dated November 17, 2021; IEPs; interviews with the parties). District documents and verbal descriptions from school staff indicate that the Student is successful in the general education classroom receiving support both in the general education classroom, in the resource room and from the SLP and OT as itinerant service providers. School staff also report that the Student is friendly, cooperative, has friends, sometimes chooses to play alone at recess but also chooses to play with others by initiating or being invited to join in activities. The Student makes mistakes and has social struggles

at times but no more than would be expected for any sixth grade student (Interviews with teachers, school principal and service providers.)

Each of the Student's IEPs detail the amount of service and location where service will be received. Student's daily schedule supports that the Student is receiving the special education services indicated on the IEP.

No evidence suggests that it would be reasonable for the Student to be placed in a more restrictive environment.

#### *Summary and Conclusions*

Based on careful consideration of documentation provided and information from interviewing the parties, the investigator finds that District implemented the requirements of 92 NAC 51-008.01 and **no corrective action** is required.

#### **Notice to District**

Unless otherwise indicated, the corrective action specified must be completed within sixty (60) calendar days of the date of this report. Documentation must be submitted as soon as possible following the completion of the corrective actions. All documentation of correction must be sent to:

Brenda Tantow, Complaint Specialist  
NDE Office of Special Education  
Nde.speddr@nebraska.gov