

COMPLAINT INVESTIGATION REPORT

Complaint Number: 24.25.05
Complaint Investigator: REDACTED
Date Complaint Filed: September 3, 2024
Date of Report: REDACTED

Introduction

At the time of this writing, the Student is nine years old and continues to be educated in a home school setting. Rule 51 states "Parentally-placed nonpublic school children with disabilities are eligible for the provision of a free appropriate public education [FAPE] from the school district or approved cooperative in which they reside." (92 NAC 51-015.03C1a.) Therefore, the Student is entitled to receive special education services from the District, despite the Student's home school status.

Parents previously filed a state complaint on January 4, 2024 (Complaint #23.24.23). At the time of filing the previous complaint, the Student had not yet been made available for special education services for the 2023-24 school year. Parents refused to make Student available, in part, because at the June 28, 2023, IEP meeting, a meeting in which only Father was present, the IEP Team, including Father, changed the start time of Student's services from 10:30 a.m. to 10:15 a.m. for the 2023-24 school year. Parents later proclaimed the decisions made on June 28, 2023, were void because Mother was not present. In addition, Parents stated the earlier start time was not appropriate due to the Student's sleep disorder and difficulty in waking at an earlier time.

The allegations asserted in the complaint received on January 4, 2024, were investigated and NDE found, in part, that the June 28, 2023, IEP meeting was comprised of the appropriate team members, Mother's attendance was not required, and the decision regarding the earlier start time was appropriate. The findings concluded that, at that time, there was no evidence that suggested the 15-minute earlier start time was not appropriate. Had Parents made the Student available during the 2023-24 school year so that data could be collected regarding the earlier start time and Student's success with the same, the District may have had an obligation to review and/or revise the IEP, as appropriate.

The decision was emailed to the parties on February 28, 2024. Following receipt, the Parent(s) made the Student available for services on February 29, 2024.

The previous investigation and findings are important for a general understanding of how the parties find themselves in the position they are in. However, the previous allegations have already been investigated and decisions rendered. The previous allegations will not be discussed again here. As a result, the findings of fact will begin as of February 29, 2024.

Of note, in the findings of facts, if a specific party (i.e., Mother or Father) is referred to as sending an email it is because the email came from the designated person's email address. Investigator understands Parents proclaim all emails with both of Parents' names in the signature are to convey both Parents' opinions and beliefs are reflected in the same.

Issues Investigated

1. Whether the IEP team must include a regular education teacher even though the Student is homeschooled. [92 NAC 51-007.03A2]
2. Whether the Parent was provided the opportunity to meaningfully participate in the IEP process. [92 NAC 51-007.07B1 and 009.01A]
3. Whether the District is using prior written notice appropriately and providing same in a timely manner. [92 NAC 51-009.05]
4. Whether the Parent was provided the finalized IEP in a timely manner. [92 NAC 51-007.09D]
5. Is the Student's IEP tailored to their unique needs and reasonably calculated to enable the Student to make progress appropriate in light of their circumstances? [92 NAC 51-004.01 and 007.07]

Information Reviewed by Investigator

From the Complainant

- Letter of Complaint dated August 18, 2024; received by NDE September 3, 2024
- Second Letter of Complaint dated September 5, 2024; received by NDE September 12, 2024
- Emails to the District between August 8, 2024, through October 10, 2024
- Interview with Parent on October 10, 2024

From the School District

Issue #	Information Requested	Information Received
All	A statement responding to the issues raised in the complaints	<ul style="list-style-type: none"> • Letter of Response dated September 30, 2024
1	Individualized Education Programs (IEPs) developed and/or implemented for the Student during the 2023-24 and 2024-25 school years	<ul style="list-style-type: none"> • IEP dated June 28, 2024 • IEP dated August 7, 2024

Issue #	Information Requested	Information Received
2 and 3	All prior written notices (PWNs) sent between July 2024 and present	<ul style="list-style-type: none"> • PWN dated March 4, 2024 • PWN dated March 11, 2024 • PWN dated March 19, 2024 • PWN dated April 10, 2024 • PWN dated May 1, 2024 • PWN dated June 4, 2024 • PWN dated June 10, 2024 • PWN dated June 25, 2024 • PWN dated July 11, 2024 • PWN dated August 20, 2024 • PWN dated August 20, 2024 (different than above) • PWN dated September 5, 2024
1	All meeting notices during the 2023-24 and 2024-25 school years	<ul style="list-style-type: none"> • Invitation to Meeting dated May 17, 2024 • Invitation to Meeting dated June 4, 2024 (including Notes Page) • Invitation to Meeting dated July 12, 2024 • Invitation to Meeting dated July 17, 2024 • Invitation to Meeting dated August 6, 2024
1	All attendance sheets for IEP meetings held during the 2023-24 and 2024-25 school years	<ul style="list-style-type: none"> • Notes Page regarding the June 6, 2024, IEP meeting • Attendance sheet dated July 22, 2024 • Attendance sheet dated August 7, 2024
1	All relevant correspondence regarding the attendance of a regular education teacher between Parent and District during the 2023-24 and 2024-25 school years	<ul style="list-style-type: none"> • See "relevant correspondence" below.

Issue #	Information Requested	Information Received
2 and 3	All meeting notes, recordings, and/or other documentation of discussions held at the IEP meetings held in July 2024 and August 2024	<ul style="list-style-type: none"> • IEP Agenda/Draft IEP dated June 5, 2024 • IEP Agenda/Draft IEP dated June 5, 2024; July 22, 2024; and August 7, 2024 • Pictures of handwritten notes from the IEP meetings (no date)
3	Documentation showing when PWNs were mailed and/or emailed to Parent(s) between July 2024 and present	<ul style="list-style-type: none"> • Email from District to Parent dated July 11, 2024 • Email from District to Parent dated August 20, 2024 • Email from District to Parent dated September 6, 2024
4	Documentation showing when the Student's IEP(s) was mailed and/or emailed to the Parent between July 2024 and present	<ul style="list-style-type: none"> • Email from District to Parent dated September 3, 2024
5	Progress reports between January 2024 and present	<ul style="list-style-type: none"> • Progress Report dated May 17, 2024
5	The "seizure plan" and documentation showing it is in fact incorporated into the IEP.	<ul style="list-style-type: none"> • Seizure Action Plan dated April 23, 2024, attached to IEP dated August 7, 2024
5	The service notebook or other documentation showing, in part, the Student's ability to wake for services/attendance and productivity/behavior through the use of emojis	<ul style="list-style-type: none"> • *Home-School Communication Log pages dated February 29, 2024, through May 14, 2024 • Data Sheets dated March 6, 2024, through May 14, 2024
2-5	All relevant correspondence between July 2024 and the present	<ul style="list-style-type: none"> • *Emails with Parent(s) between February 29, 2024, through September 6, 2024 • Email to Parent on October 9, 2024

Issue #	Information Requested	Information Received
1-5	Any additional documentation pertinent to the resolution of the complaint issues	<ul style="list-style-type: none"> • 2023-24 District Calendar • 2023-24 Attendance • Service Calendar during the months of March, April, and May 2024 • Seizure Action Plan dated September 19, 2024 • Complaint Investigation Report dated February 28, 2024

- District Questionnaire Responses received October 8, 2024
- Interview with District on October 9, 2024

Additional documentation was provided by the District but deemed irrelevant. Said documentation is not included in the list above.

Documents with a * next to it were also provided by Parent.

Findings of Fact

1. The Student's most recent evaluation report is dated May 5, 2022. The Student is identified as a student with a disability under the primary classification of Other Health Impairment (OHI). The report indicates complications in utero and at birth and diagnoses of Attention Deficit Hyperactivity Disorder (ADHD) and Autism Spectrum Disorder were considered in determining Student's eligibility.
2. On February 29, 2024, Student was first made available again to receive services after a long hiatus (2023-24 Attendance). The IEP dated June 28, 2023, was in effect. Relevant portions of the IEP include:
 - a. The IEP contains four annual goals to support academics, physical therapy (PT), and occupational therapy (OT) needs. Specifically:
 - i. Goal 1: "[Student] will perform 3 consecutive single-leg hops on each leg on 3 out of 5 observations in order to improve [their] overall balance and strength in order to participate in play with peers."
 - ii. Goal 2: "When provided activities, [Student] will demonstrate the ability to cross midline on 3/5 attempts."
 - iii. Goal 3: "By the end of 36 weeks, [Student] will independently write the six letters of [their] first name using correct letter formation in 4 out of 5 attempts."
 - iv. Goal 4: "By the end of 36 weeks, [Student] will independently write the numbers 1-10 using correct letter formation in 4 out of 5 attempts."

- b. Special education services include:
 - i. Academics (resource): 45 minutes/day, 4 days/week
 - ii. Speech-language therapy: 30 minutes/day, 4 days/week
 - iii. OT: 30 minutes/day, 1 day/week
 - iv. PT: 30 minutes/day, 2 days/month
 - c. The Student is to receive transportation to and from the neutral location where services are to be provided.
 - d. The IEP was to be in effect through June 26, 2024.
3. Per a prior written notice (PWN) dated June 28, 2023, special education services were to begin at 10:15 a.m.
 4. Previously, a "Seizure Action Plan" had been developed for the Student, due to the Student's risk of a seizure. The Seizure Action Plan is dated September 19, 2022. In part, the Seizure Action Plan requires the school nurse to be contacted first if the Student were to have a seizure. Afterward, 911 is to be called for transport to the hospital.
 5. On March 11, 2024, the Mother emailed the District requesting, in part, a "new IEP" due to the difficult, early start time. The mother also indicated a concern regarding the Student's seizure plan and the lack of a school nurse to call if the Student were to have a seizure. The district responded through a PWN dated March 19, 2024. The PWN indicates, in part, that a meeting would be held to develop an up-to-date seizure plan. In addition, the PWN stated District refused to convene an IEP meeting to develop a new IEP because the Student had only received eight days of services and there was insufficient data to determine if the earlier start time was affecting the Student's behaviors.
 6. On April 5, 2024, the Mother emailed the District requesting a new IEP and for the District to incorporate an individualized health plan (IHP) into the Student's IEP. The District responded through a PWN dated April 10, 2024. The PWN indicates, in part, District proposed to hold a meeting to develop a seizure plan. In addition, the District refused to convene an IEP meeting to revise the Student's IEP.
 7. On April 23, 2024, the Mother emailed the District a new seizure plan. The new seizure plan is dated April 23, 2024, and is identical to the previous plan except the emergency protocol now says to contact the school nurse but if the nurse is not available, 911 is to be called.
 8. Through a PWN dated April 24, 2024, the District accepted the seizure plan.
 9. On April 25, 2024, the Mother emailed the District requesting a new IEP again. The mother's reasons for requesting a new IEP were due to the difficult, earlier start time and to discuss extended school year (ESY)

services, providing Student lunch, and potential physical education (PE) services.

10. The district responded through a PWN dated May 1, 2024. The PWN indicates, in part, District agreed to convene an IEP meeting.
11. On May 16, 2024, a meeting notice was emailed to Parents. The meeting notice indicated the date, time, and place where the IEP meeting would be held. The notice also indicated the invited attendees, including a regular education teacher (Invitation to Meeting dated May 17, 2024).
12. On May 17, 2024, and May 20, 2024, the Mother emailed the District expressing their disagreement with a regular education teacher attending the upcoming IEP meeting. The district referred to and sent Parents the Nebraska Department of Education (NDE) guidance regarding the participation of a regular education teacher at an IEP meeting of a homeschooled child.
13. On June 3, 2024, the District emailed Parents the meeting agenda, draft IEP, and a progress report. The "draft IEP" consisted of, in part, a Word document that listed the Student's strengths, areas of concern, and present levels identified by the Student's educational providers. There were blank spaces to include Parents' input. Proposed goals were also included. However, the goals were not written in complete sentences. The proposed goals included:
 - a. Single leg hopping
 - b. Imitate five gross motor movements
 - c. Verbal instruction compliance
 - d. Letter sound correspondence (five consonants and two vowels)
 - e. Numeracy – one-to-one correspondence #1-20
14. The progress report emailed to Parents is dated May 17, 2024. The report indicates the following:
 - a. Student made progress on the IEP goal related to performing three consecutive leg hops on each leg.
 - i. In the comments, it was reported, that each time the Student jumped on one foot, Student used the support of some kind.
 - b. The student met the IEP goal related to crossing the midline.
 - c. Student made progress on the IEP goal related to writing the six letters of the Student's first name.
 - i. In the comments, it was reported, that Student correctly formed three or more letters of their first name in 25/30 attempts. Student consistently forms two letters correctly but does not write four letters correctly consistently.

- d. Student made progress on the IEP goal related to writing numbers 1-10 correctly.
 - i. In the comments, it was reported, that the Student can independently write the numbers 1 and 2. The student is able to trace numbers 1-10.
- 15. The IEP Team convened on June 5, 2024, to develop a new IEP for the Student. At the beginning of the meeting, Parents requested that all team members sign a document that stated, in part, that a regular education teacher was not "necessary" (Letter of Response dated September 30, 2024; Interview with Parent on October 10, 2024). The IEP team members refused to sign the paper (Letter of Response dated September 30, 2024). As a result, Parents refused to sign the attendance sheet. *Id.* After an impasse, the IEP meeting was concluded. *Id.* In total, the meeting lasted less than ten minutes (District Questionnaire Responses).
- 16. A PWN dated June 10, 2024, articulates what happened at the IEP meeting. The PWN states, in part:
 - a. A regular education teacher should be included on the Student's IEP Team, per NDE guidance and the previous state complaint findings.
 - b. The June 5, 2024, IEP meeting was discontinued because the District perceived the Mother's tone of voice as disrespectful. The district will reach out to Parents to schedule another IEP meeting.
 - c. The current IEP will remain in effect until another meeting can occur.
 - d. The District rejects the Parent(s) request that the district representative, regular education teacher, and speech-language pathologist (SLP) no longer be included on the Student's IEP Team because the District has the right to determine which staff members will represent the IEP team.
- 17. The district emailed Parents on June 13, 2024, proposing dates to reconvene. On June 17, 2024, Father responded by requesting new IEP team members. Father indicated once Parents were informed of the new members, a meeting date could be selected. Both parents' names were included in the signature of the email.
- 18. The district sent a PWN on June 25, 2024, addressing Father's June 17, 2024, email. The PWN indicated District was refusing to change the Student's IEP team members because "federal and state laws" allow the District to designate specific staff members to serve on the IEP team. The District proposed to reconvene the IEP Team on June 27, 2024, or another time if preferred by Parents.

19. That same day, on June 25, 2024, Mother responded to the PWN via email indicating they would bring a document to the next IEP meeting stating a regular education teacher was not necessary. In addition, the Mother requested information on what laws the District was referring to in the previous PWN regarding the District's authority to designate staff members on an IEP team.
20. The mother emailed on July 1, 2024, inquiring, in part, about extended school year (ESY) services for the Student. The district did not respond to the email (District Questionnaire Responses).
21. On July 10, 2024, the District emailed Parents and proposed holding an IEP meeting on July 19, 2024. Mother replied stating, in part, ESY services needed to be determined but an IEP meeting was not necessary to do so.
22. Through a PWN dated July 11, 2024, the District responded to Mother's July 10, 2024, email refusing, in part, to determine ESY services without convening the IEP Team and again proposed to hold an IEP meeting on July 19, 2024.
23. A meeting notice dated July 12, 2024, invited Parents, amongst other team members, to attend an IEP meeting on July 19, 2024. On July 12, 2024, Mother emailed stating they were unavailable to attend the meeting. Mother proposed alternative dates they were available.
24. On July 16, 2024, via email, the District proposed an IEP meeting on July 22, 2024. Presumably, Parents agreed to this date as a meeting notice was emailed to Parents the following day, July 17, 2024. The meeting notice indicated an IEP meeting would be held on July 22, 2024, at 12:00 p.m. The notice also included the invited attendees, including a regular education teacher (Invitation to Meeting dated July 17, 2024).
25. On July 21, 2024, the Mother emailed the District asking if they should bring a paper for the IEP Team to sign regarding the excusal of the regular education teacher. The district did not respond.
26. An IEP meeting was held on July 22, 2024. The IEP Team discussed the Student's strengths, areas of concern, and present levels, and began discussing IEP goals (Letter of Response dated September 30, 2024; Interview with District on October 9, 2024). The things discussed at the meeting were written down at the meeting and provided to the Investigator. See Pictures of handwritten notes from IEP meetings. Some of the Parent(s) proposed goals and/or areas of concern that were written down included:
 - a. Gross motor skills (e.g., ball skills, skipping, catching, strength, balance)
 - b. Pronouncing words/sounds

- c. Writing more proficiently (including first and last name)
- d. Recognizing numbers 1-20

After Mother indicated she had to leave shortly, ESY services were discussed (Letter of Response dated September 30, 2024). The IEP Team agreed that the Student needed ESY services. *Id.* At that time, Mother accused the team of predetermining ESY services. *Id.* The meeting ended after Mother read a, purportedly, threatening, prewritten statement. *Id.*

- 27. On August 1, 2024, the District emailed Parents and proposed to meet on August 7, 2024, to continue the IEP meeting. The mother agreed to the date but again requested that the district representative and regular education teacher not be part of the IEP Team.
- 28. A meeting notice dated August 6, 2024, indicated an IEP meeting would be held on August 7, 2024, at 12:00 p.m. The same district representative and regular education teacher were invited to the meeting.
- 29. An IEP meeting was held on August 7, 2024. The IEP Team continued discussing the Student's IEP, including appropriate goals. The district indicated Mother was disagreeable regarding the proposed goals. Due to the Mother's unwillingness to collaborate, the District Representative explained that the Student's school day would start at 10:15 a.m., the District would finish developing the Student's IEP and send it to Parents later and ended the meeting (Letter of Response received September 30, 2024; Interview with District on October 9, 2024).
- 30. On August 8, 2024, the Mother emailed the District indicating that the District Representative was not allowed to make decisions on their own and requested a new IEP. The mother stated it was not determined if the start time was appropriate, whether goals needed to be changed, what summer services were needed, whether an IHP would be incorporated in the IEP nor were lunch services discussed.
- 31. On August 14, 2024, the District emailed Parents stating that the Student would be picked up the following day at 10:10 a.m.
- 32. The first day of the 2024-25 school year was August 15, 2024.
- 33. On August 15, 2024, the District attempted to transport Student for special education services. No one answered the door (Interview with Parent on October 10, 2024).
- 34. On August 19, 2024, the District attempted to transport Student for special education services. At that time, Mother told the driver that they did not have an IEP or PWN. As a result, the Student would not be attending services that day. The mother indicated she informed the driver that Student "started [school] on September 3, 2024" (Second Letter of

Complaint received September 12, 2024; Interview with Parent on October 10, 2024).

35. A PWN regarding the transportation attempts is dated August 20, 2024. Relevant portions of the PWN include:

- a. No one responded to the attempt to transport Student on August 15, 2024.
- b. The mother informed the transportation driver on August 19, 2024, that Student would not be attending services until September 3, 2024.
- c. The district will no longer attempt to transport the Student due to the Mother's statement regarding the Student's availability.

36. In the days following the August 7, 2024, IEP meeting, District team members collaborated together to finish developing the new IEP. Each provider entered information within a working IEP document and a final review was conducted by the District Representative (District Questionnaire Responses; Interview with District on October 9, 2024).

37. A PWN regarding the finalized IEP is also dated August 20, 2024. The PWN was emailed to Parents on August 20, 2024. Relevant portions of the PWN include:

- a. The seizure plan will be incorporated into the Student's IEP.
- b. Transportation will pick up the Student at 10:10 a.m. for the Student's 10:15 a.m. services. The first date of service will be August 15, 2024, in alignment with the school calendar.
- c. The district will update the present levels based on the educational providers' expertise. Annual goals will be implemented focusing on gross motor, literacy, and numeracy skills.
 - i. The PWN provides more specific details regarding what the goals would target and how it determined what appropriate goals would be.
- d. The student is eligible for ESY services. The district proposes 30 minutes of ESY services, one time per week.
- e. District is prepared to provide compensatory education for three, 30-minute sessions.
 - i. The district explained to the Investigator that compensatory education was offered because the IEP Team was unable to agree on ESY services prior to July 22, 2024. The ESY services noted above were to be provided as compensatory education in the areas of resource and speech services (District Questionnaire Responses).

- f. District rejects Mother's accusation that it predetermined ESY services.
 - g. District rejects Mother's proposal to develop 31 annual IEP goals because "It is essential to narrow down the number of goals to ensure that [Student's] team members create educational programming reasonably calculated to enable [Student] to make progress appropriate for [their] needs and circumstances."
 - h. The district ended the August 7, 2024, meeting because it was clear the meeting would not be productive after Mother expressed repeated disagreement, accused team members of rolling their eyes, and made other accusations.
38. The finalized IEP was emailed to Parents on the morning of September 3, 2024. The IEP is dated August 7, 2024. Relevant portions of the IEP include:
- a. The strengths and concerns of educational providers and Parents that were discussed at the July 22, 2024, IEP meeting were included.
 - b. The special considerations section regarding behavior, communication, and assistive technology needs is substantially similar to the June 23, 2023, IEP.
 - c. The IEP contains five annual goals to support PT, OT, and academic/communication needs. Specifically:
 - i. Goal 1: "By the end of 36 weeks, when a locomotor gross movement (ex: walking, jumping, hopping, skipping, etc.) is modeled by the provider, [Student] will imitate 5 different gross motor movements in 3 out of 5 opportunities for carryover into coordination, balance, strength, and crossing the midline."
 - ii. Goal 2: "By the end of 36 weeks, [Student] will legibly (adequate size and placement of letters on the line) write the letters of [their] first and last name in 3 out of 4 observable attempts."
 - 1. The student is to use the correct capitalization.
 - iii. Goal 3: "By the end of 36 weeks, when given a model, [Student] will legibly write (adequate size and placement of numbers) the numbers 1-10 in 3 out 4 observable attempts."
 - iv. Goal 4: "By the end of 36 weeks, [Student] will be able to complete 3 out of the 5 following benchmarks to demonstrate improvements with [their] hand-eye coordination and ability to cross the midline."
 - 1. Five benchmarks are included related to dribbling a basketball, kicking a stationary ball, throwing a small

ball, catching a medium ball, and hitting a small ball off a tee.

- v. Goal 5: "By the end of 36 weeks, when presented a visual of the letter, [Student] will correctly identify letter-sound correspondences (Consonants-m, s, r, t, f and short vowels-a, o) in 3/4 opportunities."
 - d. The special education services remained the same as the June 28, 2023, IEP.
 - e. The student is to be provided transportation to and from services. The IEP indicates the transportation driver will review the seizure plan and have seizure training completed prior to transporting the Student.
 - f. The student is to receive one 30-minute session of ESY services for a period of three weeks.
 - g. The seizure plan dated April 23, 2023, is attached and referenced in the IEP.
39. The district attempted to transport Student for services on September 3, 2024. The driver informed the District that Mother made a statement about having another IEP meeting (PWN dated September 5, 2024; Interview with Parent on October 10, 2024). As a result, the District emailed Parents on September 3, 2024, inquiring about what the Mother wanted to hold an IEP meeting for.
40. The district attempted to transport Student for services on September 4, 2024. The mother refused to make the Student available (PWN dated September 5, 2024).
41. The district sent a PWN to Parents on September 6, 2024. The PWN is dated September 5, 2024, and states the following, in part:
- a. The finalized IEP was emailed to Parents at 8:00 a.m. on September 3, 2024.
 - b. The mother indicated to the transportation driver on September 3, 2024, and September 4, 2024, that the Student would not be available for services until Parents received the finalized IEP.
 - c. The district understands Parents will not make Students available for special education services. Once the Parent informs the District Representative regarding the Parents' intent to make the Student available, services identified in the IEP will be provided.
 - d. The district will make a decision regarding holding another IEP meeting once it receives clarifying information about the same from Parents.

42. The mother responded to the PWN via email on September 6, 2024, stating "August 8th email." The district did not respond (Interview with the District on October 9, 2024).
43. The district has not attempted to transport the Student since September 4, 2024 (District Questionnaire Responses).
44. The parent emailed the District on September 13, 2024; September 18, 2024; September 24, 2024; and September 30, 2024, requesting the District respond to Parent's request for a new IEP. The district did not respond to any of the emails.
45. On October 7, 2024, the District emailed Parents proposing to hold another IEP meeting. Mother responded on October 9, 2024, requesting all communication be sent through the U.S. mail.
46. During the 2023-24 school year, the parties communicated, in part, through a communication notebook. For each day the Student received services, Parent(s) and service providers had the opportunity to report on the student's wake time, snack time, mood, etc. There is also space to write notes. The data provided shows that, between February 29, 2024, and May 14, 2024, the Student's mood was "good" 42% of the time, "okay" 30% of the time, and "difficult" 28% of the time. The parent reported that of the 31 days the Student attended services, the Student did not have to be woken up six times (19%). Out of nine service dates, on average, the Student took approximately nine minutes to transition upon arrival for the day.

Issue # 1

Whether the IEP team must include a regular education teacher even though the Student is homeschooled. [92 NAC 51-007.03A2]

92 NAC 51-007.03 states:

007.03 *IEP Team Participants*

007.03A *The school district or approved cooperative shall ensure and document that each IEP team includes the following:*

007.03A2 *Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment)*

Allegations/Parent Position

The parent alleged District continues to invite a regular education teacher to be a part of the Student's IEP Team even though the Student is, and always will be, home-schooled and does not receive services in the general education environment. The parent indicated they have requested the regular education teacher be excused from attending IEP meetings, but the District refuses to agree. The district's inclusion of the regular education teacher is not in conformity with Rule 51 (Letter of Complaint received September 3, 2024; Second Letter of Complaint received September 12, 2024).

District Response

District asserts the regular education teacher invited to Student's IEP meetings is permitted to be there as the regular education teacher brings experience as a classroom teacher and knowledge of curriculum and standards. The regular education teacher's expertise helps the IEP Team develop appropriate goals for the Student. Moreover, the regular education teacher, even if not required to attend, also serves as the special education teacher (Letter of Response dated September 30, 2024).

Investigative Findings

As reported in the previous state complaint, the IDEA requires an IEP team to include a regular education teacher of the child, if the student is, or may, participate in the regular education environment (34 C.F.R. § 300.321(a)(2); see also 92 NAC 51-007.03A2). A regular education teacher is not required to be a part of an IEP team if the student is not participating, or is not anticipated to participate, in the regular education environment (71 Fed. Reg. 46540, 46675 (August 14, 2006)).

Here, Parents have made it very clear that the Student will not be participating in the regular education environment and that a regular education teacher's attendance is not necessary. Findings of Facts #12, 15, 19, 25, 27. However, *at the discretion of the parent or the district*, other individuals who have knowledge or special expertise regarding the child may be included on the IEP team (34 C.F.R. § 300.321(a)(6); 92 NAC 51-007.03A6). The determination of the knowledge or special expertise of an individual invited pursuant to 92 NAC 51-007.03A6, is made by the party who invited the individual to be a member of the IEP team (34 C.F.R. § 300.321(c); 92 NAC 51-007.03A6a).

The district has determined that the IEP Team should include the identified regular education teacher invited to the IEP meetings, as the teacher has the knowledge or special expertise regarding the Student. Findings of Facts #11, 12, 15, 16, 18, 19, 23, 24, 28. The district has every right to do so.

The IDEA allows for **mandatory** team members to be excused from attending an IEP meeting in certain circumstances (34 C.F.R. § 300.321 (e); 92 NAC 51-007.04). In that scenario, the parent **and** the district must agree to that team member's excusal, in writing. *Id.*

Here, the regular education teacher is not a mandatory member of the Student's IEP Team. Therefore, there is no need to excuse their absence. There is no requirement that a discretionary team member (e.g., the regular education teacher on the Student's IEP Team) be excused by the parties. Even if there was, both parties must agree to their excusal. The district did not agree to excuse the regular education teacher from any of the IEP meetings (Findings of Fact #15), nor was the District required to agree to same.

Parents have expressed a desire for the Student's IEP team members to be changed which the District has refused. Findings of Facts #16, 17, and 27. There is nothing in the IDEA that allows a parent to determine, or dictate, who from the district is a part of their child's IEP team. In fact, a parent may not exclude any of the required members of the IEP team (71 Fed. Reg. 46540, 46673 (August 14, 2006)). Therefore, so long as a given team member meets the requirements specified for that given role in 34 C.F.R. § 300.321 and 92 NAC 51-007.03, the District may decide who is to fill that role.

Summary and Conclusions

Unless and until the Student is or may participate in the regular education environment, a regular education teacher is not required to be a part of the Student's IEP Team. However, the District has the discretion to invite a regular education teacher, amongst other people, to be a part of the Student's IEP Team; the Parent does not have the authority to overrule the District's determination regarding whom to invite. Similarly, the District does not have the authority to preclude someone's Parent(s) invited to an IEP meeting. As such, the identified district representative, regular education teacher, and SLP are permitted to be a part of the Student's IEP Team. The district implemented the requirements of 92 NAC 51-007.03A2 and **no corrective action is required**.

Going forward, the District is encouraged to refrain from listing an individual as the regular education teacher of the Student on both the meeting invite and the attendance sheet. Instead, the District should identify this person as an individual who has knowledge or special expertise regarding the child. Under said section, the District should feel free to clarify the role (e.g., regular education teacher), if desired. The district is not required to do this but should take this suggestion under careful consideration to foster the relationship with Parents.

Issue # 2

Whether the Parent was provided the opportunity to meaningfully participate in the IEP process. [92 NAC 51-007.07B1 and 009.01A]

92 NAC 51-007.07 states:

007.07 *IEP Development*

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

007.07B1 *The IEP team shall consider the strengths of the child and the concerns of the parents for enhancing the education of their child.*

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.*

Allegations/Parent Position

The parent alleges the District Representative developed the Student's IEP without input from or consideration of other team members, including the Parent's opinions (Second Letter of Complaint received September 12, 2024; Interview with Parent on October 10, 2024).

District Response

District asserts it held three IEP meetings in an attempt to develop Student's new annual IEP (Letter of Response dated September 30, 2024).

Specifically, the Parent was in attendance at the first IEP meeting held on June 5, 2024. Due to the Parent's insistence on the IEP Team excusing the regular education teacher and perceived disrespect, the District concluded the IEP meeting prior to the IEP Team being able to discuss anything related to the Student's new IEP. *Id.*

A second IEP meeting was scheduled on July 22, 2024. The district asserts the IEP meeting was unable to be scheduled earlier mostly because of Parent's insistence that a regular education teacher not be invited to the IEP meeting

and that the district representative should change. Nonetheless, the Parent was in attendance at the second IEP meeting where the IEP team was able to discuss the Student's present levels and the subject areas for IEP goals. The IEP was unable to be finished because, in part, Mother explained she was unable to meet after 1:50 p.m. As 1:50 p.m. neared, the IEP Team began discussing ESY eligibility and services. After accusations of predetermination and Mother reading a, purportedly, threatening statement the meeting was ended. *Id.*

A third IEP meeting was held on August 7, 2024. The discussion focused on developing IEP goals. District stated Mother was obstinate regarding every decision proposed by the IEP Team. After accusations were made by the Mother and the District's perception that district staff were uncomfortable, the IEP meeting was concluded. *Id.*

Despite the IEP Team's inability to develop a finalized IEP, the District acted in good faith to develop the IEP and incorporated the Parent's concerns and hopes for the Student in same. *Id.*

Investigative Findings

Parent(s) were provided notice of IEP meetings (Findings of Facts #11, 23, 24, 28), attended the IEP meetings, shared their concerns regarding Student, and proposed new IEP goals (Findings of Facts #26, 29, 37, 38). The question is whether the Parent(s) was provided a meaningful opportunity to develop the IEP even though the District ended the IEP meetings prior to finishing discussions and then finalized the IEP without the Parent(s).

The IDEA's procedural requirements for developing a student's IEP are designed to provide a collaborative process that "places special emphasis on parental involvement." (*Sytsema v. Academy School District No. 20*, 538 F.3d 1306, 1313 (10th Cir. 2008)). But the "IDEA does not mandate that parental preferences guide educational decisions." (*M.M. and C.M. v. District 0001 Lancaster County Sch.*, 60 IDELR 92 (8th Cir. 2012)).

Here, the District ended all three IEP meetings due to its presumption that Parent(s) and District staff could not collaborate any longer (Findings of Facts #16, 26, and 37). Despite ending the IEP meetings before the new IEP could be developed, the Parent was provided the opportunity to share what goals they would like incorporated (Findings of Facts #26, 29, 37). Based on the provider's opinions and the Parent's input, the District finished developing the IEP (Findings of Fact #36).

The IEP incorporates the strengths and concerns shared by the Parent and includes goals that appear to relate to some of the Parent's proposed goals

(Findings of Fact #26 and 38). For example, the Parent requested goals related to gross motor skills including dribbling, skipping, catching, and balance (Findings of Fact #26). The IEP contains a PT goal related to gross motor movement (e.g., skipping) which will support, in part, the Student's balance (Findings of Fact #38). The IEP also contains a goal related to the Student's ability to dribble, catch, kick, throw, and hit a ball. *Id.* This goal was not originally proposed by the District (Findings of Fact #13). Its inclusion suggests that the District was willing to and did consider Parent's proposals when developing the IEP.

While it is not ideal that the August 7, 2024, IEP was not developed/finalized at the IEP meetings with the Parent, the District had a duty to ensure that the Student had an IEP in effect at the beginning of the school year (92 NAC 51-007.02A). Had the District not developed an IEP when it did, it may have been at risk of violating other regulations.

The mother shared her belief that the District Representative developed the IEP without input from others (Interview with Parent on October 10, 2024). The mother supported this claim by stating Student's providers never talked about their proposed goals at the IEP meetings. *Id.*

There is sufficient evidence that relevant District staff members collaborated on the Student's August 7, 2024, IEP following the August 7, 2024, IEP meeting (Findings of Fact #36). While the District Representative did the final review, there is no indication District Representative did not consult with other team members or that the District Representative developed the IEP alone.

Summary and Conclusions

It is therefore concluded that the parent (s) was given a meaningful opportunity to participate in the development of the Student's new IEP. District implemented the requirements of 92 NAC 51-007.07B1 and 009.01A and **no corrective action is required.**

Going forward, if agreeable to all parties, the District is encouraged to use a facilitator at IEP meetings so that the IEP team can remain focused on the meeting objectives, each member can feel heard, and, hopefully, accomplish the task at hand.

Issue # 3

Whether the District is using prior written notice appropriately and providing same in a timely manner. [92 NAC 51-009.05]

92 NAC 51-009.05 states:

009.05 *Prior Written Notice*

009.05A *Prior written notice shall be given to the parents of a child with a disability a reasonable time before a school district or approved cooperative:*

009.05A1 *Proposes to initiate or change the identification, evaluation, or educational placement of a child or the provision of a free appropriate public education; or*

009.05A2 *Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child.*

009.05B *Such prior written notice shall include:*

009.05B1 *A description of the action proposed or refused by the school district or approved cooperative;*

009.05B2 *An explanation of why the school district or approved cooperative proposes or refuses to take the action;*

009.05B3 *A description of other options the IEP team considered and the reasons why those options were rejected;*

009.05B4 *A description of each evaluation procedure, assessment, record, or report the school district or approved cooperative uses as a basis for the proposal or refusal;*

009.05B5 *A description of any other factors which are relevant to the school district's or approved cooperative's proposal or refusal;*

009.05B6 *A statement that the parents of a child with a disability have protection under*

the procedural safeguards of this Chapter and, if this notice is not an initial referral for evaluation, the means by which a copy or description of the procedural safeguards can be obtained; and

009.05B7

Sources for parents to contact to obtain assistance in understanding the provisions of this Chapter.

Allegations/Parent Position

The parent alleged services for the 2024-25 school year began prior to the receipt of a PWN regarding the new August 7, 2024, IEP (Second Letter of Complaint received September 12, 2024).

The mother also indicated District includes complaints regarding the Mother and mistruths in the PWN (Interview with Parent on October 10, 2024).

District Response

The district asserts the PWN regarding the new IEP was prepared and provided as soon as possible considering the District had to finish the IEP outside of an IEP meeting.

The district stated it is unclear if the IEP team considered which IEP would be implemented on August 15, 2024, the first day of the 2024-25 school year. However, because the June 28, 2023, IEP and the August 7, 2024, IEPs had the same special education services, transportation, and start time, there was little impact regardless of which IEP was to be implemented (Letter of Response dated September 30, 2024).

Investigative Findings

District provided PWN 13 days following the August 7, 2024, IEP meeting (Findings of Fact #37). At the time the August 20, 2024, PWN was provided to Parents, the 2024-25 school year had been in session for three school days (Findings of Fact #32). Rule 51 requires that PWN be provided a reasonable time before a school district proposes or refuses to change the provision of a child's FAPE (92 NAC 51-009.05A). Despite the District's proposal to begin offering services as of August 15, 2024, the District did not provide PWN until five calendar days later, in violation of Rule 51. However, despite attempts to transport Student for services (Findings of Facts #34-35), Student had not been made available to receive same (Findings of Fact #35). In fact, Parents had no intention to make Students available for services until September 3, 2024, when the Student's homeschool

program was to begin (Findings of Fact #35; Interview with Parent on October 10, 2024). For this reason, even though the District should have issued PWN a reasonable time prior to August 15, 2024, there is no fault for the same.

Of importance, the June 28, 2023, IEP “expired” on June 26, 2024 (Findings of Fact #2). While the June 10, 2024, PWN stated the IEP would remain in effect, the PWN only stated it would remain in effect “until another meeting [could] occur.” (Findings of Fact #16.) Another meeting occurred on July 22, 2024 (Findings of Fact #26). Because the IEP Team was still unable to develop a new IEP after the July 22, 2024, meeting, it would have been best practice for the District to provide another PWN stating its intent to continue implementing the June 28, 2023, IEP. Alternatively, the June 10, 2024, PWN should have stated the IEP would remain in effect until the new IEP could be developed/finalized.

The parent’s second allegation is that the District misuses PWNs to document mistruths.

One of the main purposes of PWN is to provide notice to parents regarding what the district is proposing and/or refusing in regard to a student’s educational program. While a PWN should be an accurate representation of events, discussions held, and decisions made, the PWN is simply a district’s notice to the parent.

Here, many of Parent’s allegations of “mistruths” in PWNs are simply a disagreement with what is written. For example, in the August 20, 2024, PWN regarding the August 7, 2024, IEP, the District indicated what time and date the Student would be transported for services (Findings of Fact #37). The parent stated in the second complaint letter that nobody on the IEP Team agreed to the time/date indicated in the PWN. Instead, the District Representative decided the time/date and concluded the IEP meeting. The parent’s rendition of events is accurate, but that does not render the PWN inaccurate. The point of this statement in the PWN is to inform the Parent of the proposal being made by the District. Similarly, the Parent took issue with the goals identified in the PWN (e.g., literacy goal of 12-letter sound recognition); stating the goals were never accepted. It is true, that the goals were not accepted at the IEP meeting, but that is not what the PWN says. The PWN is providing notice to the Parent that the goals outlined are being proposed by the District.

In other PWNs, the Parent indicated what was written was not true. For example, the September 5, 2024, PWN states District understands Parent does not intend to make the Student available for services (Findings of Fact #41). The parent asserts in the second complaint letter that this is not true. Despite the Parent’s assertion, the Parent did not reach out to the District to request an

amendment to the PWN nor did the Parent clarify their position after receiving the PWN. Going forward, if the Parent believes the information in a PWN(s) is inaccurate or misleading, the Parent may request that the District amend the information to which the District then must either agree to do so or inform the Parent of its refusal. See 34 C.F.R. § 300.618 and 92 NAC 51-009.03G.

Finally, on August 8, 2024, the Parent emailed the District requesting a “new IEP.” (Findings of Fact #30.) After the District requested further information regarding what the Parent would like to discuss at a new IEP meeting, the Parent referred the District to the August 8, 2024, email (Findings of Facts #41-42). The parent continued to email the District between September 13, 2024, and September 30, 2024, indicating they were still awaiting a response from the District regarding holding another IEP meeting (Findings of Fact #44). Despite multiple emails from the Parent requesting an IEP meeting, the District did not respond after September 6, 2024 (Findings of Facts #42 and 44).

As stated in the previous state complaint decision, if a district refuses to convene an IEP meeting requested by a parent it must provide PWN explaining why (Notice of Interpretation, Appendix A to 34 CFR Part 300, Question 20 (1999 regulations)). The district repeatedly ignored Parent's requests for an IEP meeting without providing notice as to why.

Summary and Conclusions

As District did not provide notice of its proposal regarding what IEP was to be implemented during the period between July 22, 2024, and August 15, 2024; District did not send the August 20, 2024, PWN a reasonable time prior to the start of the proposed services; nor did District provide PWN of its refusal to convene the IEP Team following Parent's request, the District failed to fully implement the requirements of 92 NAC 51-009.05. The following **corrective action is required**.

Corrective Action

1. As a result of the District's failure to respond to Parent's emails during the month of September 2024 regarding Parent's request for another IEP meeting, at the reconvened IEP meeting, the IEP team shall determine what compensatory education is appropriate for the missed services between September 3, 2024, and present.
 - a. All compensatory services shall be completed by May 22, 2025.
 - b. The IEP Team, including the Parent, shall determine the schedule for which the compensatory services will be provided.
 - i. The IEP meeting must be held by December 1, 2025.

- ii. The schedule for compensatory services must be provided to NDE within 10 calendar days of the IEP meeting.
 - iii. Student absence or refusal of Parent to make Student available shall result in a waiver of service scheduled for that day. Staff absences must be rescheduled. Any compensatory services declined or not used by May 22, 2025, shall be deemed waived (assuming the District has made a good faith effort to timely commence and provide all compensatory services).
 - iv. District must submit service provider logs verifying completion of all compensatory services to NDE by the last business day of each month until the service is complete, and all service has been verified.
- 2. As the District has indicated it is willing to reconvene the IEP team (Findings of Fact #45), on or before December 1, 2025, the District shall reconvene the IEP Team to review and/or revise the IEP, as appropriate.
 - a. The IEP and any PWN regarding the meeting must be sent to NDE no later than 2 business days after the IEP meeting.
- 3. On or before May 22, 2025, NDE will provide the District with the name of a student whose file will be reviewed to ensure PWNs are provided as required.

Issue # 4

Whether the Parent was provided the finalized IEP in a timely manner. [92 NAC 51-007.09D]

92 NAC 51-007.09 states:

007.09 *IEP Meeting*

007.09D *The school district or approved cooperative shall provide a copy of the IEP to parents at no cost.*

Allegations/Parent Position

The parent alleged services for the 2024-25 school year began prior to receipt of the finalized IEP (Second Letter of Complaint received September 12, 2024).

District Response

The district asserts the finalized IEP was emailed to Parents on September 3, 2024 – the soonest the district could prepare and finalize the IEP considering the District had to finish the IEP outside of an IEP meeting.

The district stated it is unclear if the IEP team considered which IEP would be implemented on August 15, 2024, the first day of the 2024-25 school year.

However, because the June 28, 2023, IEP and the August 7, 2024, IEPs had the same special education services, transportation, and start time, there was little impact regardless of which IEP was to be implemented (Letter of Response dated September 30, 2024).

Investigative Findings

The finalized IEP was provided two weeks following the August 20, 2024, PWN regarding the same (Findings of Fact #38). The IDEA, nor Rule 51, indicate a timeframe in which a copy of the IEP must be provided to a parent. Nor do the regulations or rules require that a copy of an IEP be provided prior to the start of services; simply, a copy must be provided. Waiting two weeks to send the IEP following the August 20, 2024, PWN was not untimely.

Summary and Conclusions

As the Parent was provided a copy of the IEP in a reasonable amount of time following the August 20, 2024, PWN, the District implemented the requirements of 92 NAC 51-007.09D, and **no corrective action** is required.

Issue # 5

Is the Student's IEP tailored to their unique needs and reasonably calculated to enable the Student to make progress appropriate in light of their circumstances? [92 NAC 51-004.01 and 007.07]

92 NAC 51-004.01 states:

004 *Responsibility for Special Education Programs*

004.01 *All providers of special education services shall be under the general supervision of the Nebraska Department of Education for the purpose of meeting the standards of this Chapter. School districts and approved cooperatives shall ensure that all children with verified disabilities, from birth through the school year in which the child reaches age twenty-one, including children who have been suspended or expelled from school, have available to them a free appropriate public education (FAPE) which includes special education and related services to meet their unique needs. School districts and approved cooperatives responsibility to ensure the availability of FAPE includes ensuring the availability of FAPE for resident children in detention facilities, correctional facilities, jails, and prisons.*

92 NAC 51-007.07 states:

- 007.07 *IEP Development*
 - 007.07C5 *Extended School Year Services (ESYS)*
 - 007.07C5a *Each school district or approved cooperative shall ensure that extended school year services are available as necessary to provide a free appropriate public education consistent with 92 NAC 51-007.07C5b.*
 - 007.07C5b *Extended School Year (ESY) services must be provided only if a child's IEP team determines, on an individual basis, in accordance with Section 007, that the services are necessary for the provision of a free appropriate public education.*
 - 007.07C5c *In implementing the requirements of this section, a school district or approved cooperative may not limit extended school year services to particular categories of disability or unilaterally limit the type, amount, or duration of those services.*

Allegations/Parent Position

The parent alleges the District has not developed an IHP that includes all of the Student's medical records and doctors' notes despite the Parent's request for same (Second Letter of Complaint received September 12, 2024).

The parent further stated their disagreement with the 10:15 a.m. start time and ESY services. *Id.*

District Response

District asserts Parent's allegation that the earlier start time is not appropriate is simply an extension of the previous complaint filed. There is no documentary evidence the earlier start time is inappropriate and, in fact, the Student has made great progress on the IEP goals. The district further asserts Student's seizure action plan is incorporated as a supplemental document within the Student's IEP (Letter of Response dated September 30, 2024).

Investigative Findings

First and foremost, as stated under Issue #2, after repeated attempts to develop an IEP with the Parent, the District was permitted to develop the IEP without the Parent when it became clear a consensus would not be reached. The district's actions do not make the IEP unreasonable. Therefore, only the 10:15 a.m. start time, ESY services, and an IHP will be discussed below.

10:15 a.m. Start Time

The parent previously filed a complaint regarding the 10:15 a.m. start time. The Letter of Finding concluded that the Student's medical diagnoses and history had been considered when determining the Student's start time and there was no new information or data that suggested the 15-minute earlier start time was inappropriate. The parent continues to allege the earlier start time is inappropriate. However, unlike the previous complaint, now there is data that one can look at to help determine whether Parent's allegation is true. (See Findings of Facts #14 and 47).

Despite the Student having difficult moods, at times; being woken for services regularly; and taking, on average, nine minutes to transition upon arrival, the Student progressed on all IEP goals. *Id.* With the data provided, it appears the 15-minute earlier start time is not having as severe of an impact on the Student as the Parent reports. Having said that, it was noted that during the interview with Parent, Student did not wake until after 11:15 a.m. (CST) and requested to rest upon waking. There is merit to the Parent's allegation, but the data supports that Student has progressed even though the start time is earlier than the Parent desires. Therefore, there is no finding that the 10:15 a.m. start time is inappropriate.

ESY Services

Little discussion was had regarding what ESY services the Student needed (Findings of Facts #20-22 and 26). The only determination made by the IEP team was that the Student did need ESY services; the subject matter, amount, nor duration of said services were discussed (Findings of Fact #26). Following the failed attempts to develop the Student's new IEP, and discuss ESY services, the District provided PWN regarding its decision regarding the same (Findings of Fact #37). As stated under Issue #2, the District was permitted to develop the IEP, including determining ESY services, without Parents. For this reason, there is no finding the ESY services offered are not appropriate.

IHP

The parent first raised a concern regarding the Seizure Action Plan on March 11, 2024 (Findings of Fact #5). The parent continued to raise concerns until April 24, 2024, when the District accepted the new Seizure Action Plan that was provided by the Parent (Findings of Fact #6-8). Following the acceptance of the new Seizure Action Plan, there is no written record of the Parent's issue with the same until August 8, 2024. At that time, the Parent indicated an IHP needed to be discussed (Findings of Fact #30).

An IHP is a document that memorializes the health and medical services a student needs at school. Typically, an IHP includes instructions for the administration of medicine, signs/symptoms of a student's medical condition, and directives to follow. An IHP does not typically include medical records. Medical records, if appropriate, are housed in a student's education file.

Here, the Parent stated they wanted an IHP because they want all of the Student's medical records to be incorporated within the same (Interview with Parent on October 10, 2024). The IEP Team should consider Parent's request but the lack of medical records in the Seizure Action Plan (which is incorporated in the IEP) does not render the plan faulty.

Summary and Conclusions

For the reasons stated above, there is no finding that the IEP is not reasonably calculated to enable Student to make progress appropriately in light of their circumstances. Thus, the District implemented the requirements of 92 NAC 51-004.01 and 007.07 and **no corrective action is required.**

It appears that the relationship between the District and Parents began to sour following the decision to change the Student's start time. At the upcoming IEP meeting, the IEP Team is encouraged to discuss the start time of services and come to a consensus regarding the same to repair the relationship, for the benefit of the Student. The IEP Team is also encouraged to revisit

ESY/compensatory services and discuss the Parent's request that the Student's medical records be included in an IHP.

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:

Christopher Chambers, Complaint Specialist

Jim Ageton, Complaint Specialist

NDE Office of Special Education

nde.speddr@nebraska.gov