

COMPLAINT INVESTIGATION REPORT

Complaint Number: 24.25.11
Complaint Investigator: REDACTED
Date Complaint Filed: October 30, 2024
Date of Report: REDACTED

Introduction

The Student is a 7th grade Student eligible for special education under the category of Autism. The Student receives 60 minutes per day of specialized instruction in a general special education and special education setting. The Student also receives related services including personal assistance, speech and language services, occupational therapy services, assistive technology services/devices, and transportation services. The Student's placement is an out-of-District placement.

During the investigation the complaint investigator reviewed all evidence and documentation provided by both the complainant and the District. Six issues were identified for investigation. An additional three issues were identified that were not investigated because they fell outside the 1-year look back period. Both parties were timely notified, in writing, of all issues to be investigated as well as those that would not be investigated. Any information received that fell outside the one-year complaint period was reviewed for context only.

Issues Investigated

1. Did the District timely provide the Parents with a Prior Written Notice (PWN) regarding the Student's November 2023 change in placement? [92 NAC 51-009.05; 34 C.F.R. 300.503]
2. Did the District implement speech and language and occupational therapy services as required in the 2023-2024 and 2024-2025 IEPs? [92-NAC 51-007.02; 34 C.F.R. 300.323]
3. Did the District properly provide transportation as a related service, including making the Student's IEP available to related services providers responsible for implementing the service, as required in the 2023-2024 and 2024-2025 IEPs? [92 NAC 51-007.02A; 92 NAC 51-007.02C-D]
4. Did the District properly amend the Student's IEP to reflect the use of a harness restraint on the bus and a shortened school day? [92 NAC 51-007.09F; 34 C.F.R. 300.324(a)(6)]
5. Did the District properly provide Parents with Prior Written Notices (PWN) as required under state and federal law? [92 NAC 51-009-05B-C; 92 NAC 51-003.42; 34 C.F.R. 300.503(c)(ii)]

6. Did the District provide the Student a free appropriate public education (FAPE)? [92 NAC 51-003.24; 34 C.F.R. 300.17]

Issues which fell outside the one-year lookback period, and therefore outside the scope of the investigation were not investigated. These alleged violations included:

7. Did the District properly develop the Student's IEP regarding a change of placement determination at the October 20, 2023, IEP team meeting, based on the Student's Least Restrictive Environment? [92 NAC 51-007.10; 92 NAC 51-008.01A; 92 NAC 51-008.01C1-2; 34 C.F.R. 300.325(a)]
8. Did the District release Student information in accordance with the Family Educational Rights and Privacy Act (FERPA)? [92 NAC 51-009.03J1-2; 34 C.F.R. 99.30; 34 C.F.R. 99.31]
9. Did the District properly provide Parents with a Notice of Meeting (NOM) prior to the October 20, 2023, IEP meeting? [92 NAC 51-007.06B; 34 C.F.R. 300.322(b)]

Information Reviewed by Investigator

From the Complainant

- Letter of Complaint dated October 28, 2024, and received by Nebraska Department of Education on October 30, 2024.
- Screenshot of Community Services website, undated.
- Email exchange between Special Education High School Program Facilitator and the Parent, dated October 29, 2024, through November 4, 2024, regarding bus verse The Cab Service transportation and the Student's shortened day.
- Email communication sent by the Parent to the Special Education High School Program Facilitator, dated January 25, 2024, regarding transportation issues.
- Email communication sent by the Special Education High School Program Facilitator to the Parent, dated January 28, 2024, regarding transportation and speech and OT services.
- Email communication exchange dated February 8, 2024, through February 9, 2024, between the Parent and the Special Education High School Program Facilitator, in which speech, OT, and transportation services are discussed.
- Email communication exchange between the Parent and the Special Education High School Program Facilitator, dated April 18, 2024, through April 23, 2024, regarding ABA services and transportation.

- Email communication exchange between the Parent and the former Director of Special Education, dated April 17, 2024, through April 26, 2024, regarding the placement decision and transportation concerns.
- Email exchange between the Student's Parents, and District Staff, dated May 9, 2024, through May 10, 2024, regarding the use of a safety harness during transportation.
- Prior Written Notice (PWN) dated March 4, 2024, Annual IEP Meeting.
- PWN dated October 20, 2023, Change of Placement.
- Individual Education Program (IEP) dated August 24, 2023.
- Individual Education Program (IEP) dated April 30, 2024.
- Parent written explanations of parent provided emails and other documentation, undated.
- Email communication sent by the District Resource Teacher to the Parent, dated October 16, 2023, regarding the Student's behavior and requesting a team meeting.
- Email communication sent by Special Education High School Program Facilitator to the parent, dated October 24, 2023, confirming a tour of a Level 3 placement facility (Facility B). Included on the document is a handwritten statement regarding an alleged meeting between Director of Facility B and the Student weeks prior.
- Email communication exchange between the Parent and the Middle School Special Education Facilitator, dated April 25, 2024, through May 23, 2024, requesting any documentation related to the change in placement decision that occurred in October 2023.
- Letter to "Senior high principal/School District B District/social worker", dated September 10, 2024, regarding a bus accident involving a Student other than the Student in this complaint.
- The complaint investigator attempted to contact the parent on three separate occasions without success. Due to a lack of response from the Parent, the complaint investigator was unable to conduct an interview with the parent.

From the School District

- District response dated November 24, 2024;
- Interview held December 6, 2024;
- Interview held December 10, 2024;
- District Follow up questions;

Issue #	Information Requested	Information Received (Citation)
#1, #9	Notice of Meeting pertaining to change of placement meeting.	Notice of Meeting dated October 19, 2023
#1, #7, #6	Meeting notes from placement meetings.	Prior Written Notice dated October 20, 2023
#2, #3, #4, #6	Individual Education Programs (IEP) for the complaint period of October 30, 2023, to October 30, 2024.	IEPs dated: <ul style="list-style-type: none"> • August 24, 2023; • April 30, 2024.
#1, #4, #5, #6	Prior Written Notices sent during the complaint period October 30, 2023, through October 30, 2024.	Prior Written Notices dated: <ul style="list-style-type: none"> September 6, 2023; October 20, 2023; March 4, 2024; May 1, 2024;
#1, #7, #8, #9	All written communications and notes related to the alleged placement meeting and concerns for the Student which led to a change in placement.	Prior Written Notice dated October 20, 2023; Email communications dated: <ul style="list-style-type: none"> • November 6, 2023, through November 10, 2023; • April 25, 2024, through May 23, 2024.
#1, #2, #3, #4, #5, #6	District policies and procedures for: <ul style="list-style-type: none"> a. The review and revising of IEPs; b. Notice of team meetings; c. Parent participation; d. Confidentiality; e. When an IEP must be in effect; and f. Prior Written Notice. 	District policy and practices documents.

Issue #	Information Requested	Information Received (Citation)
#2, #6	Documentation/communication related to speech language and occupational service minutes for the 2023-2024 and 2024-2025 school years.	2023-2024 Service Provider Logs; 2024-2025 Service Provider Logs; Prior Written Notices as described previously; Email communications between OT and the District, dated March 4, 2024; Email communication between OT and the District, dated November 15, 2024; OT service notes dated September 2022 through April 2023; Daily Schedule for 2024/2025.
#2, #6	IEP service logs/verification of compensatory minutes for the 2023-2024 and 2024-2025 school years.	Service log titled, "[Student] OT visits at the Level 3 placement; Compensatory and regular speech and Language Service logs; Speech Service Logs 2024-2025 school year.
#1, #2, #3, #4, #5, #6, #7, #8, #9	Timeline of events.	Timeline of Events dated school year 2021/2022 through school year 2024/2025;
#3, #6	Attendance records.	Attendance records from District A dated August 14, 2023, through November 3, 2023; Email titled [the] attendance, dated December 9, 2024.
#3, #6	The Cab Service logs from November 13, 2023, until transportation change to bussing began.	District response dated November 24, 2024; Interview held December 6, 2024; Interview held December 10, 2024; Email titled [the Student's] attendance, dated December 9, 2024.

Issue #	Information Requested	Information Received (Citation)
#5, #6	Documentation pertaining to PWNs being provided in native language.	Interview dated December 6, 2024; District response dated November 24, 2024; Interview held December 6, 2024; Interview held December 10, 2024.
#4, #6	IEP meeting notes or other documentation related to the use of a safety harness during transportation.	Prior Written Notice dated March 4, 2024; Interview held December 6, 2024; Interview held December 10, 2024; Emails dated May 6, 2024 through May 10, 2024.
#4, #6	IEP meeting notes or other documentation related to shortening the Student's school day.	Interview held December 6, 2024; Interview held December 10, 2024; Email communication dated November 7, 2023, titled Enrollment change and transportation request.
#6	Progress reports; information pertaining to goals	Level 3 placement progress reports from November 2023 – April 2024; Interview with District dated December 10, 2024; Email communication between District and staff at the Level 3 placement titled "[Student] IEP", dated November 8, 2023, through November 10, 2023; District progress monitoring report dated November 7, 2023.

Findings of Fact

1. On October 20, 2023, an IEP team meeting was held, and actions were proposed in the area of "Change of Placement". (Prior Written Notice (PWN) dated October 20, 2023).

2. A PWN, dated October 20, 2023, indicates the change of placement decision was made on October 20, 2023. (Prior Written Notice dated October 20, 2023).
3. The Letter of Complaint dated October 28, 2024, states, in relevant part, "Six months later, on April 25, 2024, in I emailed [the Middle School Special Education Program Facilitator] requesting the official, appealable placement decision. She sent a Prior Written Notice (PWN) dated October 20, 2023, which had never been shared". (Letter of Complaint).
4. According to the District, the PWN, dated October 20, 2023, was created after the meeting on October 20, 2023, and finalized on November 8, 2023. The Parent was sent a paper copy on November 9, 2023, due to parental preference, along with a copy of the parental rights and the Student's updated IEP. (District Interview held December 10, 2024).
5. Email communication from the Parent to the Middle School Special Education Program Facilitator dated April 25, 2024, at 9:19 AM, regarding the October 2023 IEP meeting, requests, in part, "could you please send me a copy of the official team decision?" The District responded at 11:05 AM with an attached copy of the October 20, 2023, PWN. (Email between parent and the Middle School Special Education Program Facilitator dated April 25, 2024).
6. Email communication from the Parent to, the Middle School Special Education Program Facilitator dated April 26, 2024, 11:20 am, states, "Thank you for sharing the Prior Written Notice (PWN). The PWN is usually shared after changes are proposed, but before any changes go into effect. I am requesting a copy of the final decision made by the team before changing [the Student's] placement." (Email between Parent and the Middle School Special Education Program Facilitator dated April 26, 2024).
7. Email communication, from the Parent to the Middle School Special Education Program Facilitator dated May 23, 2024, at 3:36 am clarifies, "I am assuming that the District made the decision and IEP change before the placement...If any paperwork other than the PWN related to [the Student's] placement needs to be shared with me as a Parent, please share it with me." (Email between the Parent and the Middle School Special Education Program Facilitator dated May 23, 2024).
8. Email communication from the Special Education High School Program Facilitator to the District Resource Teacher, dated November 7, 2023, at 1:48 PM, states, "I checked and do not see a PWN from the last meeting indicating a change in placement. Do we need to have another meeting prior to [the Student] starting there to document the discussion of a level 3

- placement?" (Email, dated November 7, 2023, titled *PWN-Change of Placement*).
9. Email communication from the Special Education High School Program Facilitator to the District Resource Teacher, dated November 8, 2023, at 8:32 AM states, "I added a couple of things- what the proposal is based on and the last box. You can finalize and send to parents." (Email, dated November 8, 2023, at 8:32 am, titled *PWN-Change of Placement*).
 10. The Student began attending the Level 3 placement on November 13, 2023. (District Response dated November 24, 2024).
 11. Email communication between the Special Education High School Program Facilitator, the Parents, and the Resource Teacher of the Level 3 Program, confirm the Student's first day at the Level 3 placement was November 13, 2023 (Email exchange, dated November 8, 2023 – November 10, 2023).
 12. Email communication between the District, the Level 3 Placement staff, and the Parent, detail the Parent's tour of the facility on November 7, 2023. Specifically, the Parent states, on November 8, 2023, in an email to the Level 3 Placement, "Looking forward to start working with you soon." (Email exchange, dated November 6, 2023, through November 8, 2023, titled *[Level 3 Program] Tour*).
 13. District provided policy states after an IEP team meeting, teams should "Fill out PWN after meeting summarizing changes considered/made." (District policy and procedure documents).
 14. The Student's current IEP, dated April 30, 2024, requires speech/language services to be provided in the special education setting 1 time per week for 30 minutes each session and occupational therapy sessions to be provided in the special education setting 6 times per year for 20 minutes each session (120 minutes per year). Service delivery dates include April 29, 2024 – April 30, 2025. (April 30, 2024, IEP).
 15. The Student's previous IEP dated August 24, 2023, required speech/language services to be provided in a special education setting 8 times per month for 15 minutes per session (120 minutes per month x 6 months = 720 minutes), and occupational therapy in a special education setting 10 times per month for 15 minutes per session (150 minutes per month). Service delivery dates include August 24, 2023 – April 30, 2024 (total of 900 minutes during dates). (August 24, 2023, IEP).
 16. Two IEP meetings were held, one on March 1, 2024, and one on April 30, 2024, resulting in the current IEP dated April 30, 2024. (District Interview held December 10, 2024).

17. On March 1, 2024, an IEP team meeting was held during which the IEP team agreed to continue the regularly scheduled speech services (8 times a month for 15 minutes each session) and offer compensatory speech services minutes of 360 minutes (November 2023, December 2023, January 2024). (Prior Written Notice dated March 4, 2024).
18. At the March 1, 2024, IEP team meeting, under the "options considered" section the District lists, "continue occupational therapy services" but does not state whether this option was accepted or rejected in the "reason options were accepted or rejected" section. (Prior Written Notice dated March 4, 2024).
19. On April 30, 2024, the IEP team agreed to "update the speech services to 30 minutes 1x per week", and agreed "OT consultative services could occur approximately every six weeks". (Prior Written Notice dated May 1, 2024).
20. From November 2023 through the end of the 2023/2024 school year (May 23, 2024) the Student was required to receive a total of 810 speech service minutes. This included 120 minutes for the months of November 2023, December 2023, January 2024, February 2024, March 2024, April 2024, (720 total) plus 90 minutes for the month of May 2024. (August 24, 2023, IEP; April 30, 2024, IEP).
21. The District provided the Student a total of 920 speech minutes between March 5, 2024, and May 16, 2024. This includes the 360 compensatory speech service minutes agreed upon at the March 1, 2024, IEP team meeting and delivered between March 5, 2024, and April 23, 2024, and all regularly scheduled speech minutes from March 5, 2024, through May 16, 2024. The Student's last day of school, according to the logs was May 23, 2024. (Compensatory and regular speech and language service logs).
22. Beginning in the 2024/2025 school year, speech and language service logs show the Student received weekly speech minutes, as required in the IEP dated April 30, 2024, from August 14, 2024, through November 14, 2024. (Speech Services log school year 2024-2025).
23. The PWN, dated March 4, 2024, states different service delivery methods were discussed including that, "both related services described the direct support model and the consultative model when working with staff at the Level 3 placement." (Prior Written Notice dated March 4, 2024).
24. Listed in the PWN, under the section labeled, "Any other factors which are relevant to this proposal/refusal", the District states, "[The Student] will most likely need less OT support at [Level 3 Placement] due to [the Student's] needs being different. [The Student] was on consult at [the

District] and OT will continue to provide consultative services". (Prior Witten Notice dated March 4, 2024).

25. OT services were "provided in person at [the Level 3 Placement] with the addition of the services that were missed from Nov-Feb. (Services started at the beginning of March)." (District Follow-up questions).
26. Services logs, provided by the District, show OT services began in March 2024 and were delivered to the Student on March 6, 2024, March 22, 2024, April 18, 2024, May 16, 2024, August 23, 2024, September 13, 2024, and October 25, 2024. (Service log titled, "[Student] OT visits at [the Level 3 Placement]").
27. According to the District, the OT minutes required from November 2023 to February 2024 were 1 time a month for 15 minutes each month. The District states, "We made up services in over three months by doubling time (15 minutes each month at minimum – total of 45 minutes." "The OT doubled up her time for the March, April, and May." (District Follow-up questions.)
28. According to the District, "In NE services are not required to be indicated direct or indirect or consultative. Our IEP's do not reflect direct or indirect. However, the services were provided directly at [the Level 3 Placement] and continue to be. We explain what consultative services were, but the time is still direct. We are providing direct services because the team agreed this is what [the Student] needed at this time." (District Follow-up questions.)
29. The Student's IEPs both list occupational services in the "individual" setting, with an integrated status of "special education setting", as opposed to "the general education setting." (IEP dated April 30, 2024; IEP dated August 40, 2023).
30. Transportation is a related service listed in the Student's August 24, 2023, IEP and the Student's April 30, 2024, IEP. (August 24, 2023, IEP; April 30, 2024, IEP).
31. Transportation is listed in the IEPs under the heading "Justification for Transportation", stating "The nature of the Student's disability is such that transportation is required". (August 24, 2023, IEP; April 30, 2024, IEP)
32. Following the Level 3 placement, transportation was provided by the District utilizing a contracted cab service. (District Interview December 6, 2024; District Interview December 10, 2024; District Response dated November 24, 2024).
33. An email, dated November 7, 2023, from the Special Education High School Facilitator to District staff, including the Transportation Manager, titled, *Enrollment change and transportation request*, states, "[the Student] is able to start on Monday, November 13th pending

transportation availability." The email further states, "[P]lease let me know when transportation is able to start. I know the request for the start date is under the 5 day window." (Email dated November 7, 2024, titled *Enrollment change and transportation request*).

34. An email sent from the Transportation Manager to the Special Education High School Facilitator confirms the Cab Service began transportation services on Tuesday November 14, 2023. (Email dated November 13, 2023, titled *Enrollment change and transportation request*).
35. An email sent from the Parent to the Special Education High School Facilitator on November 15, 2023, at 11:28 am addresses the Parent's concerns regarding transportation. Parent concerns include "different drivers" vs. a consistent driver, a lack of "safety tools" and video surveillance, and driver's training related to Students with disabilities. (Email dated November 15, 2023, sent at 11:28 am titled *[The Student's] transportation*).
36. An email sent from the Special Education High School Facilitator to the Parent on November 15, 2023, at 2:12 pm stating the District will "request a consistent driver for [the Student]." (Email dated November 15, 2023, sent at 2:12 pm titled *[The Student's] transportation*).
37. An email sent from the Special Education High School Facilitator to The Transportation Manager and the Coordinator/Secondary Special Education Administrator, requests a consistent driver and states the Special Education High School Facilitator will provide training. (Email dated November 15, 2023, sent at 2:13 pm titled *[The Student's] transportation*).
38. On November 16, 2023, the Special Education High School Facilitator sent an email to the Resource teacher at the Level 3 Placement, requesting the Resource Teacher at the Level 3 Placement "share information with the driver about working with [the Student]." (Email dated November 16, 2023, at 2:51 pm between the Special Education High School Facilitator and the Resource Teacher at the Level 3 Placement).
39. Email communication sent from the Parent to the Special Education High School Facilitator on November 16, 2023, at 8:42 am, states "Yesterday they [the Cab Service] arrived an hour late after several phone calls. Today, we are still waiting for them to show up. It's 70 minutes late now from [the Student's] schedule and the operator said they are still 20 minutes away." (Email communication dated November 16, 2023, at 8:42 am).
40. Email communication sent to the Special Education High School Facilitator from the Parent, on November 16, 2023, at 9:40 am, states that

the Parent opted not to send the Student to school following a conversation wherein the Parent attempted to verify drop off procedures at [Level 3 placement] with the driver. The Parent states, "It is very obvious that this service is not compatible with [the Student's] disability." (Email communication dated November 16, 2023, at 9:40 am, titled *Transportation*).

41. An email communication sent from the cab service's dispatch to The Transportation Manager, on November 16, 2023, at 2:43 pm, states, "[The Parent] refused transportation this morning and said that our drivers need to be trained to work with the disabled". (Email dated November 16, 2023, at 2:34 pm titled *[The Student's] transportation*).
42. Transportation was discussed during the March and April IEP team meetings. (PWN dated March 4, 2024; PWN dated May 1, 2024).
43. The March 4, 2024, lists, "[P]arents request of additional support to safely transport" under proposals considered section, and "[T]he team agreed to reach out to drivers about training and child locks as well as other supplementary aids and services" under the reasons options were accepted or rejected section. (PWN dated March 4, 2024).
44. During the April 30, 2024, IEP meeting the IEP team considered "[P]roviding compensatory time due to [the Student] missing school because of transportation safety concerns". The team agreed "[T]he district will put together a proposal to share with [the Parent]." (PWN dated May 1, 2024.)
45. According to the District, the proposal was administrative compensatory time provided for three weeks in the summer for "missed school time due to Parents' refusal to send [the Student] to school due to [the Parent's] transportation concerns." The District Timeline indicates a phone call made on May 5, 2024, confirmed compensatory school time proposed "for summer (9-2 pm for 3 weeks). (Email response from District to investigator dated December 10, 2024; District timeline; District follow up questions).
46. Under "any other factors" section of the PWN, the District states, "the District will examine alternate routes to transport [the Student] to address the safety concerns." (PWN dated May 1, 2024).
47. During interviews, the District stated training is provided to all contracted service drivers, including bus drivers and cab drivers and was provided to the cab drivers and bus drivers in regard to the Student. Training includes reviewing safety concerns for the Student and reviewing what is required under the Student's IEP. (District interview December 10, 2024).
48. Training for drivers includes, "Communication about Student needs with IEP service provided transportation is done through the classroom

teacher/service provider. The teacher uses the IEP documents and planning (PBIP) to share with the driver to ensure a safe transport to and from school." (District follow up sent December 10, 2024).

49. Level 3 Placement transportation protocol states, "Each Student at [Level 3 Placement] has a safety plan, on file, that extends to his/her transportation routine. The safety plans are aligned with each Students' IEP and are communicated to the drivers, and any other individual responsible for the transportation of the Students. (This includes new, or substitute, transportation personnel.)" (District follow up sent December 10, 2024).
50. During interviews, the District stated that following the April 30, 2024, IEP team meeting, the District began transporting the Student by bus. The District clarified the request for bus transportation usually takes five days, during that time the Student was transported using The Cab Service. (District Interview December 10, 2024).
51. Email communication from the Special Education High School Facilitator to the Parent and copied to The Coordinator/Secondary Special Education Administrator, includes confirmation of the new bus route and schedule, stating the Student will "begin at [Level 3 Placement] about 8:45 am and end at 2:00 pm." (Email communication dated May 7, 2024, titled *Transportation – Bus*).
52. The District states that the use of a harness was discussed at the March IEP team meeting. The District states the Parent shared the Student's past traumatic experience with the use of a harness. The District states that, at the time of the meeting, the District thought the Parent was ok with the use of the harness. (District interview December 10, 2024).
53. Email communication from the Special Education High School Facilitator to the Parent and copied to The Coordinator/Secondary Special Education Administrator, states, "The transportation department is working on getting transportation arranged for [the Student]. Would it be okay if a safety vest is used for [the Student]?" (Email communication dated May 6, 2024, at 12:16 pm, titled *Safety Vest*).
54. Email response from Parent to the Special Education High School Facilitator stating "Yes, using the harness is ok if the one supervising [the Student] was informed about the safety concern related to the harness to keep their eyes on [the Student]." (Email communication dated May 6, 2024, at 4:07 pm, titled *Safety Vest*).
55. Email communication from the Parent to the Special Education High School Facilitator stating concerns about the use of the safety harness

- and the Student's uncomfortableness with the harness. (Email communication dated May 9, 2024, at 10:35 am titled *Harness*).
56. Email communication from the Parent to the Special Education High School Facilitator sent May 20, 2024, discussing the April 30, 2024, IEP states, "The IEP did not mention the Parents' concerns, which were used as special considerations to develop this IEP. Specifically, there is nothing related to the Student's transportation concerns and concerns related to the use of the harness, which was one of the main points of our discussion." (Email communication dated May 20, 2024, at 9:59 am)
 57. Email communication from the Special Education High School Facilitator to The Resouce Teacher, the Parents, and The Coordinator/Secondary Special Education Administrator, stating "I received the information below from our transportation department. The bus company will not transport with[out] the safety vest. The bus company stated they won't transport without it on." (Email communication dated May 10, 2024, at 11:01 am).
 58. District interviews confirm discussions related to shortening the Student's day and adjusting the Student's schedule were "behind the scenes discussions" not documented in the IEP. The Student's schedule and breaks were rearranged to accommodate the shortened day. A bus route had to be created for just this Student, which meant the Student's day needed to be 9:00 am – 2:00 pm rather than the 8:00 am to 3:00 pm school day the Student had been attending. The District states the Parent would only accept bus transportation. (District Interview December 6, 2024; District Interview December 10, 2024).
 59. Use of a safety harness is not specifically referenced in the March PWN or the May PWN. (Prior Written Notice dated March 4, 2024; Prior Written Notice dated May 1, 2024).
 60. Email communication from the Special Education High School Facilitator to The Transportation Manager and copied to The Coordinator/Secondary Special Education Administrator, the Special Education High School Facilitator states, "The Coordinator/Secondary Special Education Administrator told me that you would be able to transport [the Student] to [the Level 3 Placement] (Formerly [Level 3 Program]) from 9-2 next year. [The Student did not attend school this year due to safety concerns. Is there any way we could start that schedule for the remainder for this year?]" (Email communication dated May 3, 2024, titled *[The Student] Transportation*.)
 61. Shortened school days are not referenced in the March PWN or May PWN. (Prior Written Notice dated March 4, 2024; Prior Written Notice dated May 1, 2024).

62. The IEP dated April 30, 2024, does not include shortened days or the use of a safety harness. (IEP dated April 30, 2024).
63. Email communication sent from the District to other District staff, referencing the Student's start at the Level 3 placement and school time, stating "[The Student] is able to start on Monday, November 13th pending transportation availability. The hours at [Level 3 Program] [Level 3 Placement] are from 8 am to 3 pm. (Email communication, titled Enrollment change and transportation request, dated November 7, 2023).
64. The Emergency Intervention and Safety Plan dated November 21, 2023, does not include the use of a safety harness. (Level 3 Placement Emergency Intervention and Safety Plan, dated November 21, 2024).
65. An email from the Parent to the Special Education High School Facilitator stating, "in the IEP meeting, when you asked me about the harness, I said that the Student had experienced an incident in a previous school bus where the harness hung around [the Students] neck when [the Student] tried to escape it." The Parent further states that at the meeting, the Parent thought the use of a harness was something the team would try regardless of the Parent's hesitation and so agreed as long as the Student was supervised. (Email communication dated May 9, 2024, at 5:26 pm).
66. The PWN dated March 4, 2024, includes a description of the actions proposed or refused, an explanation of why the District approved or refused to take action, the options considers and why those options were rejected, and a description of any factors which are relevant to the school District's proposal or refusal. The PWN contains a section for the description of evaluations used, but the District failed to fill out this section. (PWN dated March 4, 2024).
67. The PWN dated May 1, 2024 includes a description of the actions proposed or refused, an explanation of why the District approved or refused to take action, the options considers and why those options were rejected, a description of each evaluation procedure, assessment, record, or report the District uses as a basis for the proposal or refusal, and a description of any factors which are relevant to the school District's proposal or refusal. (PWN dated May 1, 2024).
68. The Student's IEP dated April 30, 2024, indicates the home language is Arabic. (IEP dated April 30, 2024).
69. The District confirmed that neither the March 4, 2024, PWN nor the May 1, 2024, were provided in the Parent's native language due to the Parent becoming frustrated by the offer to provide translating services during IEP team meetings. The District stated they felt continuing to offer the use of a

translator would be offensive to the Parents. (District Interviews December 10, 2024).

70. District interviews explain the Parent adamantly refused a translator at the meetings. The District states they attempted to provide interpreter services at several meetings without success. (District interview December 10, 2024).
71. The District indicated they feared the relationship between the District and the Parent may be negatively affected if the District continued offering interpreting services, therefore, the District did not offer the PWN in the Parent's native language. (District Interview December 10, 2024).
72. Prior to the Student's change of placement, progress reports from the District, dated November 7, 2023, show 6 monitored goals from the IEP dated August 24, 2023. Of the 6 goals the Student is listed as having ISP (Insufficient progress) on four. One goal (speech), the Student has met the goal by 2%, and on one goal the Student is listed as having AP (Adequate progress) but has not yet met the goal. (District progress report dated November 7, 2023).
73. Goal #4 was removed when the Student began at the Level 3 Placement. The goal is listed as, "By August 2024, in group activities comma the Student will increase his interaction time amongst peers by 15 minutes in five out of seven class periods comma as measured by teacher observation." District progress monitoring lists the Students as having adequate progress but not yet meeting the goal on November 7, 2023. (District progress report dated November 7, 2023).
74. Goal #5 was removed when the Student began at the Level 3 Placement. The goal is listed as, "By August 2024, when given a teacher directed activity the Student will increase [the Student's] interaction time with activities to 20 minutes of each of seven class periods a day comma as measured by teacher observation." District progress monitoring lists the Students as having insufficient progress and not meeting the goal on November 7, 2023. (District progress report dated November 7, 2023).
75. The District states, "We didn't progress monitor 2/6 goals because, "[T]hese two goals were put on hold to focus on the other four goal(s) in transition from [the District] to the Level 3 Placement." (District response to follow up questions).
76. During interviews the District acknowledges that the removal of two goals from progress monitoring was not an IEP team decision. (District Interviews December 10, 2024).
77. Email communication between the Special Education High School Facilitator and The Resouce Teacher at the Level 3 Placement discuss the

Students' goals and the challenges of monitoring two of the goals due to the new setting. (Email communications dated November 8, 2023, through November 14, 2023).

78. Email communication from the Special Education High School Facilitator to The Resouce Teacher indicating the dates on the goals can be changed when the IEP is updated in January, stating, "I am not even sure if [the Student] has met those objectives at this point." (Email communication titled *[The Student] IEP*, dated November 10, 2023, at 12:36 pm).
79. Email communication between the Special Education High School Facilitator and The Resouce Teacher wherein The Resouce Teacher asks if it is OK for her to leave out goals #4 and #5 and only work on the other 4 goals listed in the Student's August 24, 2023, IEP, stating "[I]s it OK if I leave out four and five until we can meet? I feel like 6 IEP goals is a lot especially if the Student is only passing one." The Special Education High School Facilitator responds, "Yes that is fine." AT 1:48 pm. (Email communication titled *[The Student] IEP*, dated November 10, 2023, at 1:46 pm).
80. Level 3 Placement progress report dated November 2023 – October 2024, with a start date of November 13, 2023, lists four monitored goals. These goals are goals from the IEP dated August 24, 2023. The report itself states, "Skipping IEP Goal's #4 & 5 until January per Wendy." (Level 3 Placement Progress Report, dated November 2023–October 2024).
81. The Student's IEP, dated August 24, 2023, includes 6 goals. (IEP dated August 24, 2023).
82. The Student's IEP, dated April 30, 2024, includes 8 goals, all of which are different than the goals listed in the IEP dated August 24, 2024. The IEP lists progress monitoring to be provided quarterly. (IEP dated April 30, 2024).
83. According to the District, progress monitoring is done by Level 3 Placement on a monthly basis. (District Interview December 10, 2024).
84. Level 3 Placement Progress Reports from April 2024 to October 2024 do not indicate that any progress monitoring occurred for any of the 8 goals as listed in the IEP dated April 30, 2024. (Level 3 Placement Progress Report, dated November 2023– October 2024).
85. Of the goals listed in Level 3 Placement progress monitoring report that the District did monitor (incorrectly from April 2024 on), show the Student failed to meet 3 of the 4 goals monitored. By August 2024, the Student had met one behavioral/social emotional goal, but by October 2024 had again regressed. (Level 3 Placement Progress Report, dated November 2023– October 2024).

86. There is no indication in the record that Level 3 Placement has monitored any of the new goals. Records from April 2024 to October 2024 show progress monitoring for the same 4 goals:

- a. Level 3 Placement goal report #1 (Behavioral/Social Emotional) is listed as, "After being given 2 reinforcement choices and a verbal request, [the Student] will independently walk to a designated work area and sit in a chair or desk with minimal no more than 3 verbal prompts 60% of the time by August 2024." Progress monitoring indicates the Student could independently walk to a designated workstation 23.08% of the time in August 2024 and 40% of the time in October 2024, failing to meet the goal.
- b. Level 3 Placement goal report #2 (Behavioral/Social Emotional) is listed as, "By August 2024, given positive behavior system (token chart and behavior plan), [the Student] will decrease the Students instances of physical aggression (punching, pulling hair, inappropriate touch, pushing adults) to no more than 5 instances per week as measured by teach observation. Progress monitoring indicates the Student could decrease physical aggression an average of 1.8 times a week in August 2024 and an average of 5.4 times a week in October 2024, meeting the goal in August, but then regressing by October.
- c. Level 3 Placement goal report #3 (Speech and Language) is listed as, "by August 2024, upon task completion and provided examples of preferred and non-preferred items in an array of nine, the Student will request a preferred item by going to the Students communication book or devices within reach and constructing sentence strips with desired item icon, independently in 90% of opportunities". Progress monitoring indicates the Student could request a preferred item by the 3rd opportunity 16.67% of the time in August 2024 and 31.58% of the time in October 2024, failing to meet this goal.
- d. Level 3 Placement goal #6 (Other) is listed as, "by August 2024, [the Student] will select a specific picture of a common item or person from an array of six pictures held or places in any position in front of [the Student] for 35 pictures over 5 consecutive correct probes. (Currently 15)." Progress monitoring indicates the Student could select a specific picture from a common array over 5 consecutive correct probes 40% of the time by August 2024 and 8.83% of the time by October 2024. It is unclear whether the Student met this

goal in August, but the Student did regress in October. (Level 3 Placement Progress Report, dated November 2023– October 2024).

Issue # 1

Did the District timely provide the Parents with a Prior Written Notice (PWN) regarding the Student's November 2023 change in placement? [92 NAC 51-009.05A; 34 C.F.R. 300.503]

92 NAC 51-009.05A states:

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

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

Allegations Position

According to the Letter of Complaint, on April 25, 2024, six months after the IEP placement meeting held in October 2023, the Parent requested an “official, appealable placement decision.” The Parent claims that in response, the District sent a Prior Written Notice, dated October 20, 2023, “which had never been shared” and that the PWN “contained misleading information.” (Letter of Complaint dated October 28, 2024).

District Response

In response, the District states, “meeting notes and communications illustrate Parental involvement in the process, with compliance under 92 NAC 51-007.06B.” (District Response, dated November 24, 2024). Further the District argues, “[The District] provided documentation of IEP team's meetings held, revisions made, and updates implemented prior to any placement decisions.” (District Response, dated November 24, 2024).

Investigative Findings

The IEP team met to discuss a change of placement on October 20, 2023. (Finding of Fact 1). The PWN documenting this meeting and the change in placement decision is dated October 20, 2023. (Finding of Fact 2). The Parent claims a PWN was not provided until April 25, 2024, following the Parent's request

for “an official, appealable placement decision”. (Finding of Fact 3). The District claims the PWN was created following the October 20, 2023, IEP team meeting, finalized on November 8, 2023, and provided to the Parent on November 9, 2023, in paper version. (Finding of Fact 4). Email communication, dated April 25, 2024, from the Parent to the District show the Parent requested documentation of “the official team decision.” (Finding of Fact 5). The request does not specify which document or set of documents is sought. (Finding of Fact 5). The Middle School Special Education Program Facilitator responded with a copy of the PWN dated October 20, 2023. (Finding of Fact 5). The Parent replies, by distinguishing a PWN from the requested documents by clarifying what a PWN is and stating, “I am requesting a copy of the final decision made by the team before changing [the Student’s] placement.” (Finding of Fact 6). Further clarification regarding the type of documentation sought comes in an email dated May 23, 2024, in which the Parent states, “I am assuming that the District made the decision and IEP change before the placement...If any paperwork other than the PWN related to [the Student’s] placement needs to be shared with me as a Parent, please share it with me.” (Finding of Fact 7).

Email communication dated November 7, 2023, between District staff reveals the Prior Written Notice, regarding the change in placement may not have been sent on October 20, 2023, as indicated by the document date listed on the PWN. (Finding of Fact 8). The District confirmed the PWN was not sent until November 9, 2023. (Finding of Fact 4). In an email dated November 8, 2023, the Special Education High School Facilitator requests the PWN be finalized and sent to Parents. (Finding of Fact 9).

According to the record, the IEP team determined placement on October 20, 2023, at the IEP team meeting. (Finding of Fact 1). A timeline of events, provided by the District indicates the Student started at the out-of-district placement on November 13, 2023. (Finding of Fact 10). Email communication between the District, the out-of-district placement staff, and the Parent confirm November 13, 2023, as the date the Student’s change of placement was implemented. (Finding of Fact 11). Email communication further confirms the Parent toured the Level 3 placement on November 7, 2023, stating to the Level 3 Placement staff, “Looking forward to start working with you soon.” (Finding of Fact 12) Finally, the District policy states a PWN should be drafted following an IEP team meeting and should summarize the changes considered/made. (Finding of Fact 13).

Summary and Conclusions

Districts are required to provide a Prior Written Notice (PWN) to the Parent of a Student with a disability a reasonable time before it proposes to initiate or change the identification, evaluation, or educational placement of a child or

the provision of a free appropriate public education. (91 NAC 51-009.05A; 34 C.F.R. 300.503). This means the PWN must be provided to Parents before the proposed action occurs.

In this case, the District states the PWN was sent on November 9, 2023, while the Parent alleges not to have received it until April 25, 2024. The record shows the PWN document date as October 20, 2023. While the document date indicates the date the document was first created, it does not necessarily prove the date the Parents received the document. In fact, here, the record confirms the Parent did not receive the PWN on October 20, 2023.

An email exchange, beginning on April 25, 2024, between the District and the Parent, includes a copy of the Prior Written Notice in question. However, this exchange falls short of clearly demonstrating the PWN was not provided until April 25, 2024. On the contrary, the communication more strongly suggests the Parent sought documents other than the provided PWN. Notably, within the email exchange, the Parent makes numerous attempts to distinguish the provided PWN from the type of documentation sought, stating "The PWN is usually sent after changes are proposed, but before any changes go into effect. I am requesting a copy of the final decision made by the team before changing [the Student's] placement." When the District failed to produce any documents other than the PWN, the Parent continued to clarify, stating, "I am assuming that the District made the decision and IEP change before the placement...If any paperwork other than the PWN related to [the Student's] placement needs to be shared with me as a Parent, please share it with me." While nothing in the email exchange confirms when the Parent received the PWN, it does imply the Parent already had the PWN and was now seeking other documents.

However, the record does confirm the Parent did not receive the PWN on October 20, 2023, as suggested by the document's date. A series of email communication between District staff verify the PWN was not finalized nor sent to Parents any earlier than November 8, 2023. During District interviews, the District confirmed the PWN was sent, in paper form, on November 9, 2023. The record shows District staff communicated about the PWN between November 7th and November 8th, 2023, ending with Special Education High School Program Facilitator directing The District Resource Teacher to send the finalized document to the Parents. While there is no written documentation of Parent's receipt of the PWN on November 9, 2024, the record indicates this is more likely than not when the PWN was provided.

To be timely, the District is required to provide Parents with a PWN before the IEP team's proposed change is implemented. Email communication and District

documentation show the Student's change of placement was implemented on November 13, 2023. Email communication further shows the Parent's involvement in the process through Level 3 placement tours and discussions with the District and the Level 3 placement staff. In this case, the record suggests it is more likely than not that the Parent received the PWN on November 9, 2023. While not a significant amount of time, providing the PWN 4 days prior to the implementation of the change in placement is reasonable, especially given the Parent's significant involvement in the placement change. Therefore, the Parent timely received the Prior Written Notice, following the IEP team decision and before the change of placement was implemented.

Based on the record, the District implemented the requirements of 92 NAC 51-009.05A and **no corrective action is required**.

Issue # 2

Did the District implement speech and language and occupational therapy services as required in the 2023-2024 and 2024-2025 IEPs? [92-NAC 51-007.02; 34 C.F.R. 300.323]

92 NAC 51-007.02 states:

007.02 *School districts or approved cooperatives must provide special education and related services to a child with a disability in accordance with the child's IEP.*

007.02A *At the beginning of each school year, each school district or approved cooperative shall have an IEP in effect for each child with a verified disability within its jurisdiction.*

Allegations/Parent Position

The Parent alleges the District failed to implement the Student's IEP as required under state and federal law. In the Parent's formal complaint, the Parent states, "Despite continuous requests, [the Student] did not receive services required by [the Student's] IEP such as Speech and Occupational Therapy until March 2024, five months into [the Student's] placement." (Letter of Complaint dated October 28, 2024).

District Response

In response, the District states, "All outlined services and supports were delivered as planned. When [the Student] began attending [Level 3 placement], a temporary lapse in Occupational and Speech-Language service was brought to [the District's] attention by the family." (District Response dated November 24, 2024). The District further states, following the notification, compensatory services

were offered. (District Response dated November 24, 2024). Finally, the District responds, "This proactive response demonstrates the District's commitment to fully and effectively implementing [the Student's] IEP". (District Response dated November 24, 2024).

Investigative Findings

Over the relevant time period for this complaint investigation, the Student had two IEPs in place. (Finding of Fact 14,15). The first IEP, dated August 24, 2023, required the District to provide the Student speech services, in the special education setting, 8 times a month for 15 minutes each session (120 minutes per month) and occupational therapy minutes in the special education setting 10 times a month for 15 minutes each session (150 minutes per month). (Finding of Fact 15). The second IEP was finalized on April 30, 2024, following two IEP team meetings, one on March 1, 2024, and one on April 30, 2024. (Finding of Fact 16). The IEP, dated, April 30, 2024, requires the District to provide speech services in the special education setting 1 time a week for 30 minutes each session and occupational therapy minutes in the special education setting 6 times per year for 20 minutes each session (total of 120 minutes a year). (Finding of Fact 14).

Speech Services

At the IEP team meeting held March 1, 2024, the team addressed the missing speech service minutes by agreeing to continue the regularly scheduled speech minutes of 8 times a month for 15 minutes each and provide a total of 360 compensatory speech minutes to make-up missed minutes from November 2023, December 2023, and January 2024. (Finding of Fact 17). A total of 360 compensatory speech service minutes were provided between the dates of March 5, 2024, and April 23, 2024. (Finding of Fact 21). At the April 30, 2024, IEP team meeting, the team agreed to "update the speech services to 30 minutes 1x per week". (Finding of Fact 19). According to the record, the Student's regularly scheduled speech services were also provided from March 5, 2024, to May 16, 2024. (Finding of Fact 21).

In total, under the August 24, 2023, IEP, the Student should have received 120 speech service minutes in the special education setting per month (8x a month for 15 minutes each) for a total of 720 minutes for the months of November 2023, December 2023, January 2024, February 2024, March 2024, and April 2024. (Finding of Fact 20). Under the April 30, 2024, IEP, the Student should have received 30 minutes of speech services in the special education setting each week for the months of May 2024, August 2024, September 2024, October 2024, and November 2024. (Finding of Fact 14). According to the speech logs, the last day of school for the 2023/2024 school year was May 23, 2024, and the Student's last day of services was May 16, 2024 (Finding of Fact 21). The Student should

have received 90 minutes of speech services for May 2024. (Finding of Fact 20). The Student did receive services from the beginning of school, August 14, 2024, to the filing of this complaint on October 30, 2024. (Finding of Fact 22). In total, from November 13, 2023, through the end of the 2023/2024 school year the Student should have received a total of 810 speech service minutes (720 minutes from November 2023 – April 2024 plus 90 minutes for May 2024). (Finding of Fact 20). According to the record, the District provided a total of 920 speech service minutes. (Finding of Fact 21). Speech delivery logs show the Student has received all speech services, as required, from August 14, 2024. (Finding of Fact 22).

Occupational Therapy

Occupational Therapy (OT) services were missing from November 2023 until March 2024. (District Response dated November 24, 2024). The IEP dated August 24, 2023, required OT services delivered 10 times a month for 15 minutes each session in the special education setting and the IEP dated April 30, 2024, requires OT services delivered 6 times a year for 20 minutes a session in the special education setting. (Finding of Fact 14,15). According to the District, the OT minutes required from November 2023 to February 2024 were 1 time a month for 15 minutes each month. (Finding of Fact 27).

At the March 1, 2024, IEP team meeting, the team considered continuing occupational therapy minutes, but did not clarify whether that option was accepted or refused. (Finding of Fact 18). According to the March 4, 2024, PWN, the District discussed different service delivery options, and states, "Both related services describe the direct support model and the consultative model when working with staff at [the Level 3 placement]." (Finding of Fact 23). Under the "Any other factors" section of the PWN, the District writes, "[the Student] will most likely need less OT support at [the Level 3 placement] due to [the Student's] needs being different. [the Student] was on consult at MPS and OT will continue to provide consultative services" (Finding of Fact 24).

On April 30, 2024, the IEP team discussed occupational therapy services and agreed, "OT *consultative* services could occur approximately every six weeks." (Finding of Fact 19). However, the Student's IEP dated April 30, 2024, lists occupational services, delivered 6 times a year for 20 minutes each in the special education setting. (Finding of Fact 14). The District states, "We made up services in over three months by doubling time (15 minutes each month at minimum – total of 45 minutes. The OT doubled up her time for the March, April, and May." (Finding of Fact 27).

An OT service log shows OT services were provided on seven days: March 6, 2024, March 22, 2024, April 18, 2024, May 16, 2024, August 23, 2024, September 13, 2024, and October 25, 2024. (Finding of Fact 26).

In total, according to the August 24, 2023, IEP, the Student should have received 150 occupational therapy minutes per month (10x a month for 15 minutes each), for the months of November 2023, December 2023, January 2024, February 2024, March 2024, and April 2024, for a combined total of 900 occupational services minutes in the special education setting. (Finding of Fact 15). Under the April 30, 2024, IEP, the Student should have received 120 minutes of occupational therapy services minutes per year (6x a year for 20 minutes each), for the months of May 2024, August 2024, September 2024, October 2024, November 2024. (Finding of Fact 14). The District, states OT services were "provided in person at [Level 3 placement]." (Finding of Fact 25). According to the District, "In [Nebraska] services are not required to be indicated direct or indirect or consultative. [The District's] IEP's do not reflect direct or indirect. However, the services were provided directly at [Level 3 placement] and continue to be. We explain what consultative services were, but the time is still direct. We are providing direct services because the team agreed this is what [the Student] needed at this time." (Finding of Fact 28). [The Student's] IEPs both list occupational services in the "individual" setting, with an integrated status of "special education setting", as opposed to "the general education setting." (Finding of Fact 29).

Summary and Conclusions

Services listed in a Student's IEP must be provided to the Student in accordance with the Student's IEP at the beginning of each school year. (92-NAC 51-007.02; 34 C.F.R. 300.323). This includes related services. (92-NAC 51-007.02).

Here, both the August 24, 2023, IEP and the April 30, 2024, IEP required the Student to receive speech and occupational therapy as related services. According to the Parent, the District failed to properly provide these services until March 2024. The District does not dispute that the Student missed speech services and occupational services between November 2023 and March 2024. Both parties acknowledge the missed services were brought to the attention of the District by the Parent. The record shows the District took steps to rectify the situation, holding multiple IEP team meetings in March and in April of 2024 to discuss, among other things, the missed services. However, while it is clear how the District addressed the missed speech services, it is less clear how the District addressed the missed occupational therapy services or whether these services were to be delivered directly to the individual Student in a special education setting or through consultative minutes.

Speech and Language Services

In this case, the District acknowledged the Student did not receive speech services, as required in the Student's IEP, after a placement change on November 13, 2023. The District addressed this over multiple IEP team meetings. The record shows the IEP team agreed to compensatory speech services, in the amount of 360 speech minutes, to make up for minutes missed in November 2023, December 2023, and January 2024. The record also shows the District continued to provide regularly scheduled speech service minutes. According to the record and based on the required speech services listed in both the August 24, 2023, and April 30, 2024, IEPs, between November 2023 and the end of the 2023/2024 school year, the Student was required to receive a total of 810 speech minutes. This includes the 360 agreed upon compensatory service minutes. The record shows the District properly delivered all 810 minutes plus an additional 110 minutes, for a total of 920 speech minutes between March 5, 2024, and May 16, 2024. Speech service minutes from August 2024 through the filing of this complaint are not included in this calculation because the record shows those minutes were properly provided.

However, while the District has provided the Student with all required speech service minutes, they have essentially over-served the Student. Nebraska and federal law require Districts to provide services in accordance with the Student's IEP. (92-NAC 51-007.02; 34 C.F.R. 300.323). When an IEP team determines the appropriate number of service minutes for a Student, that is the amount the Student should receive. Receiving more service minutes than required according to a Student's IEP not only negates the IEP team's determination of the appropriateness of the service but may also remove a student from their general education setting to a greater extent than is appropriate.

Occupational Therapy Services

Again, the District acknowledges the Student did not receive occupational therapy services as required in the Student's IEP from November 2023 until March 2024. The record indicates the District included OT services in discussions during both the March 2024 and April 2024 IEP team meetings. Specifically, the PWN dated March 4, 2024, establishes the IEP team considered continuing OT services as required in the August 24, 2023, IEP, but failed to include a statement as to whether this proposal was accepted or denied. Since there was no indication as to the team's final decision in the March 4, 2024, PWN, and more importantly the Student's IEP remained unchanged, the services listed in the IEP dated August 24, 2023, should have continued as written.

The record further shows that during the April 2024 IEP meeting, the District considered and accepted "OT *consultative* services could occur approximately

every six weeks". However, once again, the Student's IEP fails to reflect the purported decisions detailed in the PWN. Rather than consultative minutes, the IEP dated April 30, 2024, lists services in the special education setting. Further, the District stated, "We are providing direct services because the team agreed this is what [the Student] needed at this time."

The record includes an OT services log, showing services were provided on 7 separate occasions between March 6, 2024, and October 25, 2024. The District further clarifies that during the months of March 2024, April 2024, and May 2024, the OT provider, "doubled up" on minutes, providing an additional 45 minutes of service on top of the regularly scheduled service delivery. In follow-up questions, the District states services were provided "in-person". According to the District, the Student should have received 15 minutes of service, 1 time a month for the months of November 2023 through February 2024. However, this is not what the Student's IEP states. The August 2023 IEP states the Student should receive 15 minutes of services 10 times a month. The August 2023 IEP was in effect from November 2023 until the end of April 2024. The Student's IEP was updated on April 30, 2024, requiring 20 minutes of OT services 6 times a year in the special education setting.

Therefore, according to the Student's IEP, the Student should have received 900 OT service minutes between November 2023 and April 2024 (10x a month for 15 minutes each session). The Student should also receive a total of 120 minutes a year starting April 30, 2024 (6x a year for 20 minutes each). The record shows OT services were provided in the 2023-2024 school year on March 6, 2024, March 22, 2024, April 18, 2024, May 16, 2024.

A review of the record indicates conflicting information contained within the Student's IEPs, the PWNs, and even the District statements themselves. The Student's IEPs list OT services, provided to the student in the special education setting, while the PWNs discuss consultative OT services. While the District insists the Student was receiving service minutes "in-person" in the special education setting, other statements indicate *consultative* services may have been delivered, as evidenced by statements such as, "the services were provided directly at [Level 3 placement] and continue to be. We explain what consultative services were, but the time is still direct."

In the complaint, the Parent notes services are not being provided properly but declined to speak with the investigator to clarify further. However, a review of service logs does show the OT was at [the Level 3 placement] delivering services, and the District does admit services were not provided until March 2024, (which aligns with the Parent's statements). Furthermore, the District states

compensatory services were provided March through May of 2024 in the amount of 45 minutes. Considering the District's assertion that they provided, "regular services" (according to the District 15 minutes 1 time a month) from March 2024 through May 2024, with an additional 45 minutes of services, it is more likely than not that the District provided the Student a total of 90 minutes of OT services in the special education setting. However, the Student's IEPs, dated August 24, 2023, required the Student to receive 900 minutes of OT services (15 minutes 10 times a month for 6 months, November 2023 through April 2024). In this case, the District has failed to provide 810 occupational service minutes to the Student in accordance with the Student's IEP.

Additionally, a review of the service logs shows OT services have been provided at [Level 3 placement] for the 2024-2025 school year on August 23, 2024, September 13, 2024, and October 25, 2025. Since the current IEP only requires 20 minutes of OT services, 6 times a year, the District is on track to properly provide services this school year and therefore, minutes from April 30, 2024, to the filing of this complaint, are not calculated into the total missed service minutes.

Finally, while not an identified issue in this case, it is worth noting the District's assertion that services do not need to be distinguished between direct or indirect. Specifically, the District states, "services are not required to be indicated direct or indirect or consultative. [The District's] IEP's do not reflect direct or indirect." While that may be the case, what does need to be clearly stated on an IEP is the educational setting in which a Student will receive services. According to federal and state law, a Student must be educated in the Student's least restrictive environment (LRE), "to the maximum extent possible." (92 NAC 51-008.01A). This means educating a Student with non-disabled peers, in regular classes, to the greatest extent determined appropriate to meet the Student's individual needs. As such, placement is a fundamental element of a Student's IEP and one of the most important IEP team decisions. When making a placement decision, an IEP team, including Parents, must determine the services a Student requires, the appropriate number of service minutes required, and importantly, the appropriate setting in which those services will be provided. (92 NAC 51-008.01C1). Ultimately, a Student's least restrictive environment (LRE) is not a location, or a person, but rather the extent to which a Student is educated with non-disabled peers. A Student's IEP must be developed with the Student's LRE in mind, and therefore, whether the Student will be provided services in the general education classroom, or in a special education setting is important and needs to be properly documented in the Student's Individualized Education Plan (IEP). Additionally, while consultative services may be delivered "in-person", consultative services are different than

minutes provided to a student in the special education or general education setting because they are typically observations conducted by a related service provider followed by discussions with the general education teacher/para/etc. to provide guidance related to the student's needs. Here, the Student's IEPs do list the setting in which the Student will receive services. Both IEPs list occupational services in the "individual" setting, with an integrated status of "special education setting", as opposed to "group" setting with an integrated status of "the general education setting". This implies these are service minutes provided directly to the Student outside the regular class, not services in the general education classroom or through consultation with other professionals.

Based on the District failing to provide the appropriate number of occupational therapy service minutes in accordance with the Student's IEP, the District has failed to fully implement the requirements of 92-NAC 51-007.02. Thus, the following **corrective action is required**.

Corrective Action

1. For the period of November 13, 2023, through May 23, 2024: The Student's IEP Team shall convene an IEP Team meeting by January 30, 2025, to develop a mutually agreed upon schedule to provide 810 minutes of compensatory service for occupational therapy in the special education setting.
 - a. The IEP team, including the Parent shall determine the schedule for which the 810 minutes of compensatory services will be provided. If the District is unable to convince the Parent to attend the IEP Team meeting, the District will document the attempts to contact the Parent as required by 92 NAC 007.06D and hold the meeting without the Parent. If a schedule cannot be agreed upon by the parties, each party must provide their proposed schedule to NDE. NDE will then determine the schedule of services to be provided.
 - b. The schedule for compensatory services must be provided to NDE within 10 calendar days of the IEP Team meeting.
 - c. Compensatory services shall be completed by May 15, 2025. Student absence or refusal of the Parent to make the child 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 date shall be deemed waived (assuming the District has made a good faith effort to timely commence and provide all compensatory services).

- d. The 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.

Issue # 3

Did the District properly provide transportation as a related service, including making the Student's IEP available to related service providers responsible for implementing the service, as required in the 2023-2024 and 2024-2025 IEPs? [92 NAC 51-007.02A; 92 NAC 51-007.02C-D]

92 NAC 51-007.02A states:

007.02 *School districts or approved cooperatives must provide special education and related services to a child with a disability in accordance with the child's IEP.*

007.02A *At the beginning of each school year, each school district or approved cooperative shall have an i.e. P in effect for each child with a verified disability within its jurisdiction.*

007-02C *The child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and*

007-02D *Each teacher and provider described in 92 NAC 51-007.02D must be informed of his or her specific responsibilities related to implementing the child's IEP; and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.*

Allegations/Parent Position

In the complaint, the Parent states, "[the District] opted to transport [the Student] via a taxi service with untrained drivers, unaware of [the Student's] disability." The Parent continues, claiming, "After six months of trials, [the District] finally arranged bus transportation." (Letter of Complaint dated October 28, 2024).

District Response

The District claims, "[T]he family's concern about the mode of transportation provided as an agreed upon IEP service was addressed multiple times as Parents brought forward concerns about using a bus/van verses individualized transportation/cab for safety reasons." (District Response dated November 24,

2024). The District further states, "Discussions about its use were addressed at the [April 30, 2024] IEP team meeting, but confusion surrounding its implementation persisted. Despite these challenges the team worked collaboratively to resolve issues while maintaining open communication with the family". (District Response dated November 24, 2024).

Investigative Findings

The August 24, 2023, IEP and the April 30, 2024, IEP lists transportation as a related service, stating, "The nature of the Student's disability is such that transportation is required". (Finding of Fact 30, 31). Following the Student's change in placement, email communication confirms the District requested transportation, as required in the Student's IEP, beginning as early as November 7, 2023. (Finding of Fact 33). The record shows transportation was secured through a contracted Cab Service, beginning on November 14, 2023. (Finding of Fact 32, 34). The Parent expressed concerns related to transportation. (Finding of Fact 35). Parent concerns included "different drivers" vs. a consistent driver, a lack of "safety tools" and video surveillance, and driver's training related to Students with disabilities. (Finding of Fact 35). The District immediately responded to the Parent on November 15, 2023, stating, the District will "request a consistent driver for [the Student]". (Finding of Fact 36). The record confirms The Special Education High School Program Facilitator communicated with the Coordinator/Secondary Special Education Administrator and the Transportation Manager, the same day, requesting a consistent driver be located and confirming she would provide training. (Finding of Fact 37). The record also shows The Special Education High School Program Facilitator followed up with the out-of-District placement on November 16 at 2:51 pm, requesting information about the Student be shared with the Cab Service drivers. (Finding of Fact 38).

The record shows the Parent continued to have concerns, emailing The Special Education High School Program Facilitator on November 16, 2023, at 8:42 am claiming transportation was 60 minutes late picking the Student up on November 15, 2023, and was at least 70 minutes late dropping the Student off on November 16, 2023. (Finding of Fact 39). The Parent emailed again at 9:40 am stating, "It is very obvious that this service is not compatible with [the Student's] disability" and informing The Special Education High School Program Facilitator the Parent opted not to send the Student to school. (Finding of Fact 40). An email from the Cab Service dispatch, sent to the Transportation Manager sent on November 16, 2023, at 2:43 pm confirms the Parent opted to keep the Student home. (Finding of Fact 41).

The IEP team discussed transportation related concerns at the IEP team meeting held March 1, 2024, and the meeting held on April 30, 2024. (Finding of Fact 42). During the March meeting, the team considered additional support to safely transport the Student and agreed to train drivers and confirmed safety locks. (Finding of Fact 43). During the April 30th, 2024, IEP meeting the team considered "providing compensatory time due to [the Student] missing school because of transportation safety concerns" and agreed to create a proposal to share with the Parent. (Finding of Fact 44). In an email from the District to the investigator, the District states, compensatory services were provided for three weeks in the summer for "missed school time due to Parents' refusal to send [the Student] to school due to [the Parent's] transportation concerns." (Finding of Fact 45). Additionally, under the "Any relevant factors" section of the PWN, the District states, "the District will examine alternate routes to transport [the Student] to address the safety concerns." (Finding of Fact 46).

The District also claims training is provided to contracted service drivers, including bus drivers and cab drivers. (Finding of Fact 47). Training includes reviewing safety concerns for the Student and reviewing what is required under the Student's IEP and was provided to all the Student's drivers. (Finding of Fact 47). According to the District, "Communication about Student needs with IEP service provided transportation is done through the classroom teacher/service provider. The teacher uses the IEP documents and planning (PBIP) to share with the driver to ensure a safe transport to and from school." (Finding of Fact 48). Additionally, [the Level 3 placement] also provides training on Student's IEP, specifically stating, "Each Student at [the Level 3 placement] has a safety plan, on file, that extends to his/her transportation routine. The safety plans are aligned with each Students' IEP and are communicated to the drivers, and any other individual responsible for the transportation of the Students. (This includes new, or substitute, transportation personnel.)" (Finding of Fact 49). Following the April 30, 2024, IEP team meeting, the District began transporting the Students by bus. (Finding of Fact 50). The District clarified the request for bus transportation usually takes five days, during that time the Student was transported using The Cab Service. (Finding of Fact 50).

Summary and Conclusions

Districts are required to implement related services in accordance with a Student's IEP. (92 NAC 51-007.02A). Districts are also required to make sure each related service provider has access to, and understands, their role in implementing the Student's IEP. (92 NAC 51-007.02C-D). Additionally, OSEP guidance suggests whether a Student requires transportation as a related service and how the transportation is required to assist a Student with a disability

is an IEP team decision. (*Questions and Answers on Servicing Children with Disabilities Eligible for Transportation*, 53 IDELR 268 (OSERS 2009)).

In this case, transportation is a related service listed in the Student's IEP. While both the August 2023 and April 2024 IEPs include transportation as a related service, neither clarify how the transportation will be provided. Even so, the record confirms transportation as a related service and concerns about how that transportation would be provided was discussed during both the March 1, 2024, and April 30, 2024, IEP team meetings.

The record confirms the District provided transportation following the Student's change in placement on November 14, 2023. The record also verifies the Parent had immediate concerns and expressed those concerns to the District on November 15, 2023. Email communication between the Parent, the District, [Level 3 placement], and The Cab Service confirm a challenging start to the cab provided service. The record indicates the Parent was most concerned with the consistency of drivers, Student safety, and late pick-up and drop offs. The record shows the District took immediate action to rectify the situation, often responding the same day to the Parent. To address Parent concerns, the District contacted [Level 3 placement], addressed training with drivers, requested consistent drivers, and held two IEP team meetings.

At the IEP team meetings, the IEP team addressed the safety concerns of the Parent by accepting a proposal to reach out to transportation to train drivers, check on the use of child locks, as well as other supplementary aids and services. Further, the May 1, 2024, PWN shows the IEP team agreed to a proposal to make up lost time due to the Parent choosing not to utilize The Cab Service due to safety concerns. According to the District, that proposal included 3 weeks of compensatory school time in the summer. Additionally, under the "any other factors" section of the May 1, 2024, PWN, the District states, "the District will examine alternate routes to transport [the Student] to address the safety concerns." District interviews confirm the District switched from the contracted cab service to bussing. The District further clarified that while transportation on the bus was being scheduled, the Student was transported through the Cab Service, therefore the Student did not miss any transportation services due to the Student's switch from the Cab Service to a bus service. When a Student is placed in an out of District placement through an IEP team decision, the District is required to provide transportation. In this case, the IEP team discussed transportation in multiple meetings and agreed to provide training and other supplementary aids and services in order to safely transport the Student. There is nothing in the record to indicate the District failed to provide the student with transportation as a related service.

Finally, a Student's IEP must be accessible to related service providers who are responsible for its implementation, and those service providers must "be informed of his or her specific responsibilities related to implementing the child's IEP. (92 NAC 51-007-02C – D).

Here, the District claims to have provided training to the drivers as stated in email communication. This is further discussed and confirmed through the PWN dated March 4, 2024, where the IEP team agrees to "reach out to transportation about driver training and child locks as well as other safety aids and services." Finally, the record shows the District and [the Level 3 placement] have policies in place that include training drivers on Student safety, transportation routines, and implementing services Students need related to their IEPs.

Based on the record, showing transportation was provided through a cab service beginning November 14, 2023, showing the IEP team determined the appropriateness of transportation as a related service and addressed concerns on how to provide that service at multiple IEP team meetings, and indicating the District provides training and provided direction on implementing the Student's IEP the District has implemented the requirements of 92 NAC 51-007.02A; 92 NAC 51-007.02C-D and **no corrective action** is required.

Issue #4

Did the District properly amend the Students IEP to reflect the use of a harness restraint on the bus and a shortened school day? [92 NAC 51-007.09F; 34 C.F.R. 300.324(a)(6)]

92 NAC 51-007.09F states:

007.09 IEP Meeting

007.09F *Changes to the IEP may be made either by the entire IEP team at an IEP team meeting, or as provided in 92 NAC 51-007.09E of this section, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.*

Allegations/Parent Position

According to the Parent, "[The District] finally arranged bus transportation, albeit with a schedule shortening [the Student's] school day by two hours." (Letter of Complaint). Additionally, the Parent claims, "The transportation Manager, Kim Carlson, insisted on a harness in [the Student's] bus transport, despite the risks clarified in [the Student's] IEP." (Letter of Complaint dated October 28, 2024).

District Response

Due to the addition of this issue, the District's initial response to the investigator does not include a response specific to the issue. However, the issue was specifically discussed with the District during interviews. In those interviews, the District clarified that transportation safety concerns, and bussing were addressed in both the March 1, 2024, IEP team meeting and in the April 30, 2024, IEP team meeting. (District Interviews December 6, 2024, and December 10, 2024). Additionally, the District's response does include a statement pertaining to the overall development of the Student's IEP, stating, "[The District] consistently developed IEPs designed to meet [the Student's] unique needs. These IEPs included measurable academic and functional goals, provision for special education and related services, and supplementary aids." (District Response dated November 24, 2024).

Investigative Findings

The IEP team discussed transportation related concerns at both the March 1, 2024, and April 30, 2024, IEP team meetings. (Finding of Fact 42).

Safety Harness

The PWN, dated March 4, 2024, lists, "Parents request of additional support to safely transport" under proposals considered section, and "the team agreed to reach out to drivers about training and child locks as well as other supplementary aids and services" under the reasons options were accepted or rejected section. (Finding of Fact 43). According to District interviews, the IEP team discussed the use of a harness during the March meeting and the Parent shared a story about the Student's past traumatic experience related to the use of a harness. (Finding of Fact 52).

Following the meetings, on May 6, 2024, The Special Education High School Program Facilitator sent an email to the Parent asking if it was okay to use the harness. (Finding of Fact 53). In response, the Parent sent an email the same day, confirming use of the harness was acceptable provided the Student was supervised. (Finding of Fact 54). The record also shows that on May 9, 2024, the Parent emailed the District with concerns related to the use and comfortableness of the harness. (Finding of Fact 55). On May 10, 2024, The Special Education High School Program Facilitator emailed the Parent noting, "The bus company will not transport with[out] the safety vest." (Finding of Fact 57).

In an email, dated May 20, 2024, sent from the Parent to the District, in which the Parent refers to the contents of the April 30, 2024 IEP and the IEP team meetings, the Parent confirms the IEP team discussion stating, "[Th]ere is nothing related to

the Student's transportation concerns and concerns related to the use of the harness, which was one of the main points of our discussion." (Finding of Fact 56). The Parent further confirms agreement with the use of the harness in two separate emails, one sent on May 6, 2024, at 4:07 pm, and one sent on May 9, 2024, at 5:26 pm. (Finding of Fact 54, 65). However, in the May 9, 2024, email the Parent claims that at the IEP team meeting, the Parent thought the use of a harness was something the team would try regardless of the Parent's hesitation and so agreed as long as the Student would be supervised. (Finding of Fact 65).

Nothing in the IEP dated April 30, 2024, or the March 4, 2024, PWN or the May 1, 2024, PWN specifically references the use or implementation of a safety harness for bus transportation. (Finding of Fact 59). The [Level 3 placement] Emergency Intervention and Safety Plan does not include the use of a safety harness during transportation. (Finding of Fact 65). According to the Level 3 placement's protocol, "Each student at [the Level 3 placement] has a safety plan, on file, that extends to his/her transportation routine. The safety plans are aligned with each students' IEP..." (Finding of Fact 49).

Shortened Day

During the April IEP meeting, the team considered "providing compensatory time due to [the Student] missing school because of transportation safety concerns" and agreed to "put together a proposal to share with [the Parent]." (Finding of Fact 44). The May 1, 2024, PWN also states, "the District will examine alternate routes to transport [the Student] to address the safety concerns." (Finding of Fact 46). Emails in the record shows transportation would be provided through bussing and the Student's day would be 9:00 am – 2:00 pm during the summer compensatory time. (Finding of Fact 60). Once transportation was determined for the compensatory time, The Special Education High School Program Facilitator then requested the bus and school schedule be continued for the remainder of the 2023-2024 school year. (Finding of Fact 60). Interviews with the District and email communication confirm transportation was switched from the cab company to the bus and that the Student's day was shortened to 9:00 am to 2:00pm as a result. (Finding of Fact 51, 58). District interviews confirm discussions related to shortening the Student's day and adjusting the Student's schedule were "behind the scenes discussions" not documented in the IEP. (Finding of Fact 58). The Student's schedule and breaks were rearranged to accommodate the shortened day. (Finding of Fact 58). A bus route was created for just this Student, which, according to the District, meant the Student's day needed to be 9:00 am – 2:00 pm rather than the 8:00 am to 3:00 pm school day the Student had been attending. (Finding of Fact 58). The District states the Parent would only accept bus transportation.

(Finding of Fact 58). Shortened school days are not specifically addressed in the March 4, 2024, PWN or the May 1, 2024, PWN. (Finding of Fact 61). Shortened school days are not included in the Student's IEP dated April 30, 2024. (62).

Summary and Conclusions

Changes to the IEP may be made either by the entire IEP team at an IEP team meeting, or by amending the IEP rather than by redrafting the entire IEP. (92 NAC 51-007.09F). Changes must be documented in the IEP. In this case, the IEP team met in March and April to discuss transportation and safety concerns related to transportation.

Safety Harness

The record confirms the use of a safety harness on the bus was discussed at the IEP team meetings. However, the record also indicates there may have been some miscommunication pertaining to the discussion. Follow up emails between the District and the Parent add to the inference that the decision to use a safety harness may not have been fully decided, as evidenced by the District asking permission from the Parent to use a harness on May 6, 2024 and in an email from the District to the Parent on May 10, 2024 stating the bus company would not transport the Student without the harness. Even so, Parent communication, following the April 2024 meeting, indicates the Parent did agree to the use of a safety harness during the IEP team meetings. However, in later emails, the Parent seems to also claim the agreement to use a safety harness was made based on the Parent's perception that the District would use the harness regardless of Parent input. The Parent was unavailable for further comment.

While the record confirms the use of a safety harness was something the IEP team discussed and possibly considered, a review of the March 4, 2024, PWN and the May 1, 2024, PWN clearly falls short of fully capturing that discussion. The PWN dated May 1, 2024, only discusses compensatory time. The March 4, 2024, PWN does include the language, "Accepted: The team agrees to reach out to transportation about driver training and child locks as well as other supplementary aids and services needed to safely transport", but without any additionally indication as to what "other supplementary aids and services needed to safely transport" included. Even assuming the "accepted" language in the March PWN was referencing the use of a safety harness, nothing was changed or included in the April 30, 2024, IEP to show the team agreed to use the harness. Additionally, the use of a safety harness was not included in the safety plan developed by [the Level 3 placement], which according to the Level 3 placement's protocol aligns with the Student's IEP.

In this case, the record indicates it is more likely than not that the IEP team did, at minimum, discuss the use of a safety harness at the IEP team meeting in March. However, it is less clear as to whether the IEP team agreed to include the use of a safety harness in the Student's April 30, 2024, IEP. Regardless, of the ultimate framework of that discussion, the use of a safety harness is not listed in the Student's April 30, 2024, IEP. Therefore, the District failed to amend the IEP as required, to include the use of a safety harness.

Shortened days

During the April 30, 2024, IEP team meeting the team discussed Parent concerns related to missed school due to transportation issues. The District created a proposal for compensatory school time and presented it to the Parent. As part of that proposal, the team agreed to provide bus transportation from 9:00 am to 2:00 pm. Email communication shows following this switch, the District suggested the Student remain on bus transportation for the following school year (2024-2025) and maintain the length of day from 9:00 am to 2:00 p.m. According to the Parent complaint, and confirmed by the District in interviews, this shortened the Student's day by two hours. As stated by the District, the regular school day is from 8:00 am to 3:00 pm. While the May 1, 2024, PWN shows the team discussed creating a proposal for missed school time, it does not include anything pertaining to shortening the Student's school day. Similarly, the PWN dated March 4, 2024, is also absent of any discussion related to shortening the Student's school day. Finally, a review of the April 30, 2024, IEP does not include shortened school days. Discussion with the District confirm conversations related to shortening the Student's school day were all held "behind the scenes" and were not IEP team decisions. The District further acknowledges the decision to shorten the Student's day was, at least in part, based on availability of the bus and routing challenges. The District claims the Parent would only accept bus transportation. Therefore, the District switched the Student from the cab service to a bus service. As a result, the Student's day was shortened, and the Student's school schedule and break schedule were changed outside an IEP team decision-making process to align with the new school day.

Even if the Parent agreed to bus transportation, shortening a Student's school day is an IEP team decision. A District must assess a Student's need for a shortened school day based on the Student's individual needs and not based on the availability of a District resource. (See, *Osseo Area Schs., Indep. Sch. Dist. No. 279 v. A.J.T.*, 81 IDELR 256 (D. Minn. 2022), *aff'd*, 124 LRP 9021 (8th Cir. 03/21/24)). Here, the District failed to reconvene an IEP team meeting to assess the Student's needs and whether shortening the Student's school day was

appropriate for the Student. Instead, the District unilaterally determined to shorten the student's day based on availability of resources,

Based on the District failure to change the Student's IEP in the meeting or with an amendment regarding the use of a safety harness, and the District's failure to hold an IEP team meeting to address the Student's individual needs related to shortening the Student's school day, the District has failed to fully implement the requirements of 92 NAC 51-007.09F. Thus, the **following corrective action is required.**

Corrective Action

1. By January 30, 2025, the District must reconvene the Student's IEP Team and ensure the use of a safety harness and shortened school days are fully discussed and addressed by the Student's IEP team and the Student's, based on the student's individual needs and not availability or resources.
 - a. The District must send the Parent a Notice of Meeting at least 10 calendar days prior to the IEP team meeting. If the District is unable to convince the Parent to attend the IEP Team meeting, the District will document the attempts to contact the Parent as required by 92 NAC 007.06D and hold the meeting without the Parent. If a schedule cannot be agreed upon by the parties, each party must provide their proposed schedule to NDE. NDE will then determine the schedule of services to be provided.
2. The District must issue a Prior Written Notice to Parent, which includes all required sections of the Prior Written Notice, as required under 92 NAC 51-009.05;
 - a. the PWN must be provided in the Parent's native language.
 - b. the IEP and any associated PWN must be sent to NDE no later than 10 days after the IEP Team meeting.

Issue # 5

Did the District properly provide Parents with Prior Written Notices (PWN) as required under state and federal law? [92 NAC 51-009.05B-C; 92 NAC 51-003.42; 34 C.F.R. 300.503(c)(ii)]

92 NAC 51-009.05 states:

009.05 *Prior Written Notice*

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.*
- 009.05C *The notice must be written in language understandable to the general public, and provided in the native language of the parents or other mode of communication used by the parents unless it is clearly not feasible to do so.*

Allegations/Parent Position

During the investigation a potential issue was identified and both parties were timely notified in writing. The Parent was contacted on three separate occasions for comment but failed to respond to the investigator.

District Response

The District states a PWN was provided to Parents following every IEP team meeting. (District Response dated November 24, 2024). According to the District, "these notices documented proposed or refused actions, the rationale for decisions, options considered, and procedural safeguards, meeting the requirements of 92 NAC 51-009.05. (District Response dated November 24, 2024). PWNs were accessible and written in clear language to ensure the Parents understood their content." (District Response dated November 24, 2024). During interviews the District acknowledged the Prior Written Notices were not provided in the Parent's native language. (District Interview December 10, 2024).

Investigative Findings

The District provided the Parent with two PWNs, both of which failed to contain all required sections of a Prior Written Notice. (Finding of Fact 66, 67). The PWN dated March 4, 2024, fails to list the description of each evaluation procedure, assessment, record, or report the District uses as a basis for the proposal or refusal, a statement that the Parents of the child with a disability have protection under the procedural safeguards or how those procedural safeguards can be obtained, and sources for the Parents to contact to obtain assistance in understanding the provisions of this chapter. (Finding of Fact 66). However, the PWN itself does contain a section titled, "This proposal/refusal is based on the evaluation procedures, test, records, or reports described below". (Finding of Fact 66). The PWN dated May 1, 2024, is also missing sections required under the law, specifically, a statement that the Parents of the child with a disability have protection under the procedural safeguards or how those procedural safeguards can be obtained, and sources for the Parents to contact to obtain assistance in understanding the provisions of this chapter. (Finding of Fact 67). The April 30, 2024, IEP lists the Student's home language as Arabic. (Finding of Fact 68). Neither the March 4, 2024, nor the May 1, 2024, PWN were provided in the native language. (Finding of Fact 69). During interviews, the District explained that translating services were offered to the Parent at multiple meetings, but the Parent was uninterested utilizing a translator and adamantly refused one when asked. (Finding of Fact 70). Finally, the District states that based on the Parent's reaction to the offer of interpreting services, they feared damaging the relationship between the District and the Parent if they continued

to offer an interpreter or documents in the Parent's native language. (Finding of Fact 71).

Summary and Conclusions

Under Nebraska and federal law, a PWN must include certain sections. These sections are 1) a description of the action proposed or refused, 2) an explanation of why the school District proposes or refuses to take the action, 3) a description of other options the IEP team considered and why those options were rejected, 4) a description of each evaluation procedure, assessment, record, or report the District uses as a basis for the proposal or refusal, 5) a description of any other factors which are relevant to the District's proposal or refusal, 6) a statement that the Parents of the child with a disability have protection under the procedural safeguards or how those procedural safeguards can be obtained, and 7) sources for the Parents to contact to obtain assistance in understanding the provisions of this chapter. (92 NAC 51-009-05B).

In this case both the March 4, 2024, PWN and the May 1, 2024, PWN failed to provide all required sections under the law. Both PWNs did contain a section for:

- a description of the action proposed or refused,
- an explanation of why the school District proposes or refuses to take the action,
- a description of other options the IEP team considered and why those options were rejected,
- a description of each evaluation procedure, assessment, record, or report the District uses as a basis for the proposal or refusal, and
- a description of any other factors which are relevant to the District's proposal or refusal.

However, neither contained:

- a statement that the Parents of the child with a disability have protection under the procedural safeguards or how those procedural safeguards can be obtained, or
- sources for the Parents to contact to obtain assistance in understanding the provisions of this chapter.

While the March 4, 2024, PWN does include a section for the District to explain what the District's proposal or refusal is based upon, this section was left blank.

Furthermore, 92 NAC 51-009.05C and 34 C.F.R. 300.503(c)(ii), state the PWN "must be provided in the native language of the Parent or other mode of communication used by the Parent, unless it is clearly not feasible to do so."

In this case, the District states an interpreter was offered at multiple IEP team meetings. In response to the District's offer, the District asserts the Parent adamantly refused interpreting services. Due to the Parent's refusal, the District felt continuing to offer interpreting services or documents in the Parent's native language may negatively affect the relationship between the District and the Parent. While this may be true, and the District's effort to maintain a positive relationship with the Parent are commendable, providing the PWN in the Parent's native language or other mode of communication used by the Parent is imperative to ensure a Parent understands the decisions made by the IEP team during the IEP team meeting. Moreover, a Parent's refusal of interpreting services during an IEP team meeting does not establish circumstances in which it is "clearly not feasible" for a District to provide the prior written notice in the Parent's native language.

While it is noted that the District offered interpreting services at the IEP team meetings, this alone does not negate a District's obligation to provide a PWN in the Parent's native language. To ensure parents fully understand the decisions made during an IEP team meeting, state and federal law requires districts to provide parents with a Prior Written Notice. That notice must be complete and comprehensive and include all sections required under the law. It must also be provided in a language understandable by the general public and in the Parent's native language or other mode of communication used by the Parent.

Based on the District's failure to include all required sections of a Prior Written Notice in their PWNs, and the District's failure to provide the PWNs in the Parent's native language, the District has failed to fully implement the requirements of 92 NAC 51-009.05B-C. Thus, the **following corrective action is required.**

Corrective Action

1. By January 20, 2025, the District must review their Prior Written Notice District document for compliance with state and federal law.
 - a. The District must correct, and include, any missing section of the Prior Written Notice missing from the notice.
 - b. The corrected PWN form must be sent to NDE no later than January 30, 2025.
2. The School District must develop and provide training to all relevant staff regarding appropriately drafting a PWN, including the necessity to fully capture the meeting through the required sections of a PWN, and the importance of providing a PWN in the Parent's native language by February 26, 2025. Staff involved in the training should include any of the groups of staff that may make the same violation(s) as found in the Investigation Report:

- a. IEP Team members
 - b. General education early childhood teachers;
 - c. Special education early childhood teachers;
 - d. Principals or individuals who may serve as the representative of the school District as described in 92 NAC 51-007.03A4; and
 - e. Related service personnel; and
 - f. Any other school personnel who are responsible for overseeing special education legal requirements.
3. The training must be approved by the NDE Office of Special Education two calendar weeks prior to the training.
 4. The school District must provide NDE with copies of the participant sign-in sheets or other evidence of attendance, the business day following the conclusion of the training(s).
 5. On or before October 1, 2025, NDE will request 3 Student's PWNs to ensure the PWN contains all required elements to verify correction.

Issue # 6

Did the District deny the Student a free appropriate public education (FAPE)?
[92 NAC 51-003.24; 34 C.F.R. 300.17]

92 NAC 51-003.24 states:

003.24 *Free appropriate public education of FAPE means special education related services that are provided at public expense, under public supervision, and direction, and without charge; Meet the standards of the state including the requirements of this chapter; Include an appropriate preschool, elementary school, or secondary school education in Nebraska and are provided in conformity with an individualized education program IEP that meets the requirements of 92 NAC 51- 007.*

Allegations/Parent Position

According to the Parent, [the Student] has been subjected to direct, indirect, systemic, and continuous discrimination and neglect by every department involved in [the Student's] care and by all individuals approached for assistance, resulting in depriving [the Student] of [the Student's] right in FAPE." (Letter of Complaint dated October 28, 2024).

District Response

In response, the District asserts, "[The District] has consistently provided FAPE to [the Student] through the development and implementation of IEPs tailored to [the Student's] unique needs." (District Response dated November 24, 2024). The District continues, "These IEP's ensure access to special education and related

services at no cost to the family, align with state extended standards, and supported [the Student's] academic and functional progress. The IEP's included provisions for supplementary aids and supports enabling [the Student] to make progress toward [the Student's] annual IEP goals." (District Response dated November 24, 2024).

Investigative Findings

The District failed to implement the Student's IEP as written. (Investigative Findings Issue #2). Specifically, the District missed speech and occupational service minutes from November 2023 until March 2024. (Investigative Findings Issue #2). In March 2024, the IEP team convened and agreed to provide 360 compensatory minutes of speech services to the Student for the months of November 2023, December 2023, and January 2024. (Finding of Fact 17). According to the Student's IEPs, dated August 24, 2023, and April 30, 2024, the Student was required to receive 810 speech service minutes. (Finding of Fact 20). Ultimately, the record confirms the District provided the Student with 920 speech service minutes from March 2024 until May 2024, overserving the Student by 110 speech minutes. (Finding of Fact 21).

Additionally, the Student's IEPs required 900 occupational service minutes provided between November 2023 and the end of the 2023-2024 school year. (Finding of Fact 15). The record shows the Student received a total of 90 minutes within that timeframe. (Finding of Fact 27).

The District failed to properly amend the Student's IEP to include a safety harness. (Investigative Findings Issue #4). The District failed to properly amend the Student's IEP to include shortened school days. (Investigative Findings Issue #4). Specifically, the District held an IEP meeting on March 1, 2024, and discussed transportation related concerns. (Finding of Fact 42). The IEP team agreed to reach out to transportation about, in part, "other supplementary aids and services needed to safely transport the Student." (Finding of Fact 43). The record confirms the IEP team did discuss the use of a safety harness. (Finding of Fact 56). The Student's IEP does not include the use of a safety harness during transportation. (Finding of Fact 62). Additionally, the District shortened the Student's school day without convening an IEP team to assess the Student's needs. (Investigative Finding Issue #4). The record confirms the District held "behind the scenes" discussions wherein the team determined to shorten the Student's day and adjust the Student's daily schedule and breaks. (Finding of Fact 58). The record confirms that shortening the Student's school day was based on the availability of bus transportation. (Finding of Fact 58).

The District failed to provide the Parent with a prior written notice in accordance with state and federal laws. (Investigative Finding Issue #5). The District failed to provide the Parent with a Prior Written Notice in the Parent's native language. (Investigative Finding Issue #5). Specifically, the PWN dated March 4, 2024, fails to list the description of each evaluation procedure, assessment, record, or report the District uses as a basis for the proposal or refusal, a statement that the Parents of the child with a disability have protection under the procedural safeguards or how those procedural safeguards can be obtained, and sources for the Parents to contact to obtain assistance in understanding the provisions of this chapter. (Finding of Fact 66). The PWN dated May 1, 2024, is missing a statement that the Parents of the child with a disability have protection under the procedural safeguards or how those procedural safeguards can be obtained, and sources for the Parents to contact to obtain assistance in understanding the provisions of this chapter. (Finding of Fact 67). Neither the PWN dated March 4, 2024, nor the PWN dated May 1, 2024, were provided in the native language. (Finding of Fact 69).

Prior to the Student's change in placement, the District was monitoring 6 goals, as listed in the Student's IEP dated August 24, 2024. (Finding of Fact 72). Of those 6 goals the Student had met only the speech and language goal by November 7, 2023. (Finding of Fact 72). Following the Student's change in placement, the District unilaterally determined to stop progress monitoring on two of the Student's goals, as confirmed through District interviews and written responses. (Finding of Fact 75, 76). The Student had not met either of the removed goals. (Finding of Fact 73, 74). The Student's progress was listed as ISP (insufficient progress) and AP (adequate progress) for the two removed goals. (Finding of Fact 73, 74) Emails between The Special Education High School Program Facilitator (District) and The Resouce Teacher ([Level 3 placement]), discuss the challenges of assessing the Student's goals as written due to the nature of the Student's new setting. (Finding of Fact 77). Email communication between the District and [Level 3 placement] confirms the District's knowledge the Student was not meeting the Student's goals, as early as November of 2023, as evidenced by the statement from The Special Education High School Program Facilitator, "I am not even sure if [the Student] has met those objectives at this point", clarifying that goals could be updated in January. (Finding of Fact 78). The Resouce Teacher requested removing the two goals, #4 and #5. (Finding of Fact 79). The Special Education High School Program Facilitator confirmed with the Resouce Teacher that not monitoring 2 goals was acceptable, stating "Yes that is fine." (Finding of Fact 79). A comparison of the two progress reports, (the Level 3 placement progress reports and the District's progress reports), shows that goal #4 and goal #5 were not progress monitored. (Finding of Fact 80, 72).

The [Level 3 placement] progress monitoring report confirms the removal of the goals from progress monitoring, stating, "Skipping IEP Goal's #4 & 5 until January per [the Special Education High School Program Facilitator]." (Finding of Fact 80).

In the IEP dated August 24, 2023, the Student had 6 goals, four of which [the Level 3 placement] monitored. (Finding of Fact 81, 80). The IEP dated April 30, 2024, contains 8 new goals and requires progress monitoring quarterly. (Finding of Fact 82). In interviews the District clarified that [the Level 3 placement] progress monitors the Student and provides monthly progress reports. (Finding of Fact 83). [The Level 3 placement]'s progress monitoring reports do not include any monitoring reports of the 8 goals listed in the IEP dated April 30, 2024. (Finding of Fact 84). A review of the record does confirm, that of the four goals monitored at [the Level 3 placement] between November 2023 and October 2024, (incorrectly from April 2024 on), are the same goals listed in the IEP dated August 24, 2023, and that of those goals, the Student had only met one goal (Behavioral/Social Emotional) by August 2024. (Finding of Fact 85, 86). However, by October 2024 the Student had regressed below the goals target. (Finding of Fact 86).

Summary and Conclusions

This section includes information and findings discussed above and incorporates findings and facts discussed under issue one, issue two, issue four, and issue five.

Every student with a disability eligible under the IDEA is entitled to FAPE. Under state and federal law, a free appropriate public education (FAPE) means special education and related services that are provided at public expense, under public supervision, and direction, and without charge; Meet the standards of the state including the requirements of this chapter; Include an appropriate preschool, elementary school, or secondary school education in the state and are provided in conformity with an individualized education program IEP that meets the requirements of 92 NAC 51-007. (92 NAC 51-003.24).

Part of the requirements under 92 NAC 51-007 and federal law includes the implementation of special education and related services in accordance with a student's IEP. (92 NAC 51-007.02; 34 C.F.R. 300.323). While IDEA does create an implementation mandate, that does not mean that to provide FAPE a District must perfectly implement the IEP at all times. A failure to implement in accordance with a student's IEP may lead to a procedural violation, but in most cases, a minor discrepancy between the services provided and the services required under a student's IEP will not amount to a denial of FAPE. (See, *I.Z.M. v. Rosemount-Apple Valley-Eagan Pub. Schs.*, 70 IDELR 86 (8th Cir. 2017)). However,

the 8th circuit, of which Nebraska belongs, has held that a material implementation failure will qualify as a denial of FAPE. (*Neosho R-V Sch. Dist. v. Clark*, 38 IDELR 61 (8th Cir. 2003)).

Additionally, parents must be afforded the opportunity to meaningfully participate in the identification, evaluation, placement and provision of FAPE for their child. 34 C.F.R. 300.501(b)). IDEA requires parent's participate in meetings as mandatory members of the IEP team, and as such, must be a member of any group that makes educational decisions related to the Student's unique needs. (34 CFR 300.321(a)(1)). An IEP team must determine what the student needs to receive FAPE. (71 Fed. Reg. 46,665 (2006).) Part of that process is the Prior Written Notice. State and federal law require the PWN to include certain sections and be provided in the Parent's native language. (92 NAC 51-009.05B-C; 92 NAC 51-003.42; 34 C.F.R. 300.503(c)(ii)).

Finally, a District must offer an IEP that is reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. (*Endrew F. v. Douglas County Sch. Dist. RE-1*, 69 IDELR 174 (U.S. 2017)). Accordingly, teams must develop, monitor, and revise IEPs as necessary to ensure they are appropriately individualized and ambitious. (*Endrew F. v. Douglas County Sch. Dist. RE-1*, 69 IDELR 174 (U.S. 2017)).

In this case, the District failed to implement the Student's IEP as written. First, by the District's own admission, the District failed to provide speech and occupational therapy services for 5 months following the Student's change in placement, from November 2023 until March 2024. The record confirms the Parent brought this implementation failure to the District's attention, after which, the IEP team met to determine compensatory services. However, the District failed to fully develop a plan for occupational therapy services that compensated for the total amount required under the Student's IEPs. The record confirms beginning in the 2024/2025 school year the District has been properly implementing both speech and OT minutes, so this analysis will just focus on the 2023/2024 school year.

According to the record, the District was required to provide the Student with 810 speech service minutes and 900 occupational therapy minutes from November 2023 through May 2024. Following an IEP team meeting and an IEP agreement, the Student received a total of 920 direct speech minutes. Since the District provided compensatory time for all speech minutes, there was not a material implementation failure regarding speech services.

However, the District did materially fail to provide the Student with all required OT service minutes. As discussed under issue two, the District stated OT services

were required in the amount of 1 time a month for 15 minutes each session, but this is not what the Student's IEP requires. The Student's August 24, 2023, IEP required 10 sessions a month for 15 minutes each session of OT services in the special education setting. Additionally, the Districts limited explanations in their PWNs fall short of providing enough information to understand the relevant discussions held within the March 4, 2024, or May 1, 2024, IEP team meetings or, in some cases, the specifics of the final IEP team decisions. Therefore, although the record shows the District did provide OT services in the amount of 45 minutes of compensatory services and an additional 45 minutes of regularly scheduled OT service minutes, the District is still short by 810 OT service minutes. Given the Student missed OT services for 5 months, and the District has made up only 10% of those missed service minutes, the District has materially failed to implement the IEP regarding occupational service minutes.

The District also failed to provide the Parent with PWNs that complied with state and federal law. As discussed under issue five, PWNs must include certain sections and must be provided in the Parent's native language. In this case, the District failed to do either. While the District did attempt to provide an interpreter during IEP meetings without success, this does not relieve the District of its obligation to provide the PWNs in the Parent's native language. Furthermore, the District failed to include key elements on their PWNs, which are required to ensure Parents understand their due process rights and fully understand IEP team proposals, agreements, and rejections. Specifically, the District's PWNs fail to include a statement that the Parents of the child with a disability have protection under the procedural safeguards or how those procedural safeguards can be obtained, and sources for the Parents to contact to obtain assistance. The District also failed to detail the data used to support the proposals or refusals in one of the PWNs. Finally, the explanations offered in the PWNs were limited and seemed to create confusion as evidenced by the multiple conflicting statements in the record. In this case, based on the lack of continuity between the district's own explanations, the information listed in the PWNs, and what was ultimately included in the student's IEPs, the procedural violations related to the PWN do amount to a denial of FAPE and more likely than not hindered meaningful participation.

As stated above, the IEP team determines what a Student needs to receive FAPE. (71 Fed. Reg. 46,665 (2006).) Parents are mandatory members of that team. However, the District consistently made educational decisions outside the IEP team process. By its own admission, the District unilaterally shortened the Student's school day due to transportation availability and scheduling. Following a switch in transportation from the cab service to a bus, the District reduced the

Student's day by 2 hours. Email communication confirms this was a decision outside the IEP team and directly related to the availability of the bus rather than the unique needs of the Student. Further, in a review of email communication, the IEP team seemingly discussed the addition of a safety harness for transportation, but the PWNs fail to specify its use or whether it was agreed upon or not. Regardless, the District failed to update the IEP to include the use of a safety harness.

Finally, the District unilaterally decided to stop monitoring two goals listed on the Student's August 24, 2023, IEP despite acknowledging in email communication that the Student was not making progress. The record shows that in early November 2023 the District recognized the Student had only met one of six goals. Despite this recognition, the District decided to only work on 4 goals and wait 2 months, until January 2024, to reconvene an IEP team meeting to address the Student's progress. Furthermore, despite the District's intentions, the IEP team did not reconvening until March 1, 2024, five months after the District acknowledged the Student's lack of progress. The IEP was finally amended on April 30, 2024, when 8 new goals were created. However, the record lacks any indication the new goals have been monitored. Instead, the records show that from November 2023 until October 2024, [the Level 3 placement] continued to monitor the same four goals agreed upon between the Special Education High School Facilitator and the Level 3 placement Resource Teacher in November of 2023, which align with the August 24, 2023, IEP not the April 30, 2024, IEP. In this case, the record shows the district knew of the student's lack of progress from at least November of 2023 on, yet unilaterally decided to stop working on or monitoring two goals. Furthermore, even though the record does confirm the district addressed goals at the April 30, 2024, IEP team meeting, there is nothing in the record to show the district monitored the updated goals from April 2024 until the filing of this complaint.

Based on the District materially failing to implement the Student's IEP as written for OT services, and failing properly develop, monitor, and revise the IEP as necessary to ensure it is appropriately individualized, specifically related to shortening the Students day and the removal and monitoring of IEP goals, and for failing to provide a PWN in the Parent's native language or with all required sections, the District has failed to fully implement the requirements of 92 NAC 51-003.24, and has denied the Student a FAPE. Thus, the **following corrective action is required.**

Corrective Action

1. By January 30, 2025, the District must reconvene the Student's IEP Team and determine what FAPE is appropriate for the Student.

2. The Student's IEP team must offer an IEP that is reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. The Student's IEP team must address:
 - a. Shortened school days;
 - b. The use of a safety harness;
 - c. Occupational therapy services and delivery;
 - d. Progress monitoring;
 - e. The Student's goals and objectives;
 - f. The Student's progress or lack thereof related to the Student's goals and objectives.
3. The District must issue a Prior Written Notice to the Parent, which fully describes all proposals discussed, whether those proposals were accepted or rejected and an explanation why, all data used as a basis of the IEP team decisions, the rationale for accepting or rejecting the proposals;
 - a. The PWN must include all required sections of the Prior Written Notice, as required under 92 NAC 51-009.05;
 - b. the PWN must be provided in the Parent's native language;
 - c. the IEP and any associated PWN must be sent to NDE no later than 10 days after the IEP Team meeting.

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:

Abbey Cron, Complaint Specialist
Jordyn Brummund, Complaint Specialist
NDE Office of Special Education
nde.speddr@nebraska.gov