

**State-Level Complaint 2018:518
Cherry Creek Schools**

DECISION

INTRODUCTION

This state-level complaint (Complaint) was filed on April 24, 2018 by Parent's Attorney (Complainant) on behalf of Parent and Student against the District. Student currently attends High School. After review of the written Complaint, the Colorado Department of Education (CDE) State Complaints Officer (SCO) determined that the Complaint identified three allegations subject to the jurisdiction of the state-level complaint process under IDEA and its implementing regulations at 34 C.F.R. §§300.151 through 300.153. The SCO has jurisdiction to resolve the Complaint pursuant to these regulations.

The CDE assigned this Complaint to an independent contractor for investigation. Through this assignment, the undersigned State Complaint Investigator acts as an authorized representative of the CDE. The scope of the assignment was: 1) to investigate the allegations raised in the Complaint, 2) to make findings of fact and conclusions of law; and 3) prepare a written decision for review and approval by the CDE. In compliance with the IDEA, Federal Regulations, and the Colorado Rules for the Administration of the Exceptional Children's Educational Act (ECEA), the CDE issues this Decision.

COMPLAINT ALLEGATIONS

Whether the District violated the IDEA and denied Student a free appropriate public education (FAPE) by District's:

1. Failure to meet its "child find" obligation when it failed to identify and evaluate Student as a student with a suspected disability since on or about April 24, 2017;
2. Failure to provide Parent with appropriate notice of a meeting and prior written notice on December 13, 2017; and
3. Predetermination that Student's conduct on November 10, 2017 was not a manifestation of his disability on December 13, 2017 resulting in a change of placement.

INVESTIGATORY PROCESS

The Investigation included the following components:

- The Investigator reviewed the following Student records:
 - The original Complaint and supporting exhibits filed by the Complainant;
 - CDE's acknowledgement letter;
 - The District's response to the allegations raised in the Complaint and supporting exhibits; and
 - The Student's special education records.
- The Investigator conducted telephonic interviews with the Complainant, Parent, two District staff members, and District's legal counsel.
- The Investigator provided the opportunity for all parties to submit additional information for consideration during the complaint investigation.

APPLICABLE STATUTES, REGULATIONS, OR RULES

34 C.F.R. §§300.17 and 300.101	Free Appropriate Public Education
34 C.F.R. §300.111	Child Find
34 C.F.R. §300.322	Parent Participation
34 C.F.R. §300.503	Prior Written Notice
34 C.F.R. §§300.530-300.536	Authority of School Personnel

RELEVANT TIME PERIOD

Pursuant to 34 C.F.R. §300.153(c), CDE has the authority to investigate allegations of violations that occurred not more than one year from the date the original complaint was received. In light of this limitation, the investigation will be limited to the period of time from April 25, 2017 through April 24, 2018 for the purpose of determining if a violation of IDEA occurred. Additional information beyond this time period may be considered to fully investigate all allegations. Findings of noncompliance, if any, shall be limited to one year prior to the date of the complaint.

FINDINGS OF FACT

1. The Student enrolled in the District as a freshman during the 2015-2016 school year. He transferred from another state and experienced some initial difficulty making friends and feeling accepted in the District. The Student participated successfully as a general education student in his previous school and had never been considered for special education eligibility.

2. The Parent first expressed concerns to School staff via an email on January 14, 2016. The Parent expressed concern that the Student was depressed. In relevant part, the email states:

I am sorry for bothering you again. I am going to need your help. My son came home in tears explaining that everyone hates him and that he has no friends. He is having a tough time after moving here from [state], and I am sure he misses his friends. The change has been drastic for him.

. . .

I don't want to interfere, but he is very depressed coming home every day. Can you please speak to him? Can you advise him? I've done my part, but I am sure coming from someone else might help. Please keep me posted. I am extremely worried about him.

(Ex. 5, 0036.)

3. The School Counselor recalled meeting with the Student episodically throughout his freshman year, reporting that the Student was sad because he was not successful in his efforts to be accepted in the School of Arts, and he had difficulty making friends in high school.
4. The School Counselor reported an after-school concern that occurred in October 2016. Text messages that the Student sent to a friend resulted in the School requesting law enforcement to conduct a welfare check on the Student. Law enforcement made contact with the Student and determined that he was safe.
5. The School Counselor reported that he would periodically attempt to check in with the Student, sending him a pass to come to the Guidance Office. Typically, the Student did not use the pass to connect with a counselor.
6. The Parent next expressed concern on April 23, 2017, during the Student's sophomore year. In an email, the Parent indicated, "This weekend was rough. All we did was argue and it got pretty ugly. He walked out of the house twice." (DR Ex. 5, 0180.) The Parent further informed the School that the Student was suicidal and had attempted to deliberately walk into traffic to end his life. Upon advice of the School, the Parent took the Student to a Crisis Service Walk-In Clinic. The School Psychologist called ahead to alert the Clinic of the Student's arrival. (Ex. 12, 0071.)
7. On the same day, the School Psychologist conducted a Suicide Risk Intervention, which resulted in a determination that the Student was a high suicide risk. (DR Ex. 5, 0182.)

8. According to the Parent, the Student was not hospitalized at this time, and he returned to school the following day.
9. The Student Narrative indicates the School Psychologist followed up with the Student on April 28, 2017. The School Psychologist printed and gave the Student a referral for a community counseling resource. (Ex. 12, 0070.)
10. The Parent described a May 2, 2017 reentry meeting for the Student in which the School recommended the Parent arrange for counseling for the Student. School records confirm a meeting for the same day. The Student Narrative documented that the Student and Parent would call a counselor in the next couple of days. (Ex. 12, 0071.)
11. The Parent expressed frustration with the Student in a May 7, 2017 email, stating in salient part:

I am just writing again to express my frustration over this child. I am so sick and tired of his little tantrums over food. I went and got him food. I got myself the same, but I did not finish eating it so he decided to eat it later. Well, within two hours after he had eaten his meal, he came and ate mine. I was upset when I realized he had eaten my left overs, so we got into an argument that then escalated due to his tone and attitude that I can't really stand. Now he took off again angry. I am sitting here at home angry with him for putting us under this kind of stress. . . I can't deal with this anymore and on top of that, we have to take care of the other three.

I feel that he loves to manipulate us and makes us believe he will be hurting himself. I am so sick of it. He needs to stop it and act more mature and respect our rules. Every time he blows is over food.

(DR Ex. 5, 0184.)

12. The Parent next expressed concerns on September 14, 2017 when she emailed the School Counselor, stating in relevant part:

[Student] is giving us a really hard time right now. I am almost certain he is doing drugs. He is not using his off period to complete HW but rather to hang out with friends outside of the school. I wish I could stop that from happening. Is that possible? But I don't want him to know it was my idea. That would cause more animosity between us. Could you probably tell him that you have noticed his grades are slipping and that you want to make sure he is using his time appropriately? Maybe have him check in with you during his off and he can do his work in the counseling office? I don't want him leaving campus at all.

I am trying to figure out what I can do to make sure this child graduates at least from high school. After that he is on his own. He is always angry and being a

bad example for his little brothers especially my 9 year old by telling him about the vapor thing he smokes and talking to us using the F word in front of the little ones. I am honestly so sick of it. I wish I could send him to anger management school or a boarding school. He needs a wake up call. I don't know what else to do. He will refuse to go see you. If necessary, have security take him. He needs help, and at this point, I'm out of options.

(Ex. 5, 0036.)

13. On September 15, 2017, the School documented that the Parent emailed the School to check on the Student, as he had called five times during the day, and the Parent was concerned for his safety. The School Counselor checked in with the Student. He appeared to be upset over a classmate. The Parent picked the Student up from school. (Ex. 12, 0071).
14. The School Counselor met with the Student as a result of the Parent's concerns. On September 18, 2017, the School Counselor reported back to the Parent that alcohol or drugs did not appear to be a concern, and he encouraged the Student to engage in some goal setting with a check-in the following week. (Ex. 5, 0035-0036.)
15. On September 19, 2017, the Parent informed the School that the Student was taken to Children's Hospital for a mental health evaluation. (Ex. 12, 0071.)
16. The Parent notified the School on September 23, 2017 that the Student would be discharged from the hospital the following Monday. The Parent indicated she would bring the Student back to school and inquired if a meeting was warranted. (Ex. 5, 0029.)
17. A re-entry meeting convened on September 26, 2017. The School and Parent established a check-in plan and a plan for academic support to get the Student caught up after being in the hospital. (Ex. 12, 0070, DR Ex. D 0216-0130.)
18. The Parent notified the School on September 30, 2017 that the Student had been caught "doing weed" at home. (DR Ex. 5, 0188.)
19. The Student was truant from one class on October 2, 2017. (Ex. 12, 0070.)
20. In an October 11, 2017 email to the School Psychologist and the School Counselor, the Parent requested a meeting with the School, explaining that the Student's state of mind was still fragile. The Parent also requested a 504 Plan for the Student. (Ex. 5, 0027.)
21. The Student was truant from class for two periods on October 10, 2017. (Ex. 12, 0070.)
22. On October 13, 2017, the Parent sent an email to school, stating in salient part:

The last couple of months have been really tough for us and we just want to help him get caught up. His passion is his music and playing his saxophone. . . He is taking medication for depression and has been for two weeks now. I am hoping he gets better soon as far as his depression goes.

(DR Ex. F, 0196.)

23. The Student's father dropped him at school on November 9, 2017 and met with the School Counselor to express concern regarding an argument he had with the Student. The father asked the School Counselor to check on the Student. The School Counselor sent the Student a pass to meet, but the Student failed to appear. (Ex. 12, 0070.)
24. The following day, November 10, 2017, other students reported that the Student had spoken about bringing weapons in a duffel bag and shooting up the school. When confronted, the Student denied it was a real threat, and denied feeling suicidal. According to School records, the Student expressed a desire to have "everything return to normal." The Student mentioned that there was a lot of arguing with his parents at home over house rules including an incident the previous night when the Parents locked the Student out of the house. When asked to wait in the lobby for a few minutes, the Student initially complied, but then left School premises. Security staff went to look for him. The School called the Parents and the police. The Parent reported the Student called her and stated he was going to kill himself. (Ex. 12, 0070.)
25. According to the Parent, the police located the Student and took him back to Children's hospital, where he was admitted for evaluation. (DR Ex. F, 0167.)
26. The Student was initially suspended for five days. (Ex. 12, 0070.)
27. The Student was discharged from the hospital on November 15, 2017 with a primary diagnosis of Major Depressive Disorder, recurrent, severe and a secondary diagnosis of generalized anxiety disorder. The Student was determined to be a low suicide/homicide risk at discharge. (DR Ex. D, 0117.)
28. In a November 15, 2017 email, the Parent renewed her request for a 504 plan and expressed frustration that she would have referred him for special education and an IEP sooner if she had known that was an option. (DR Ex. F, 0169.)
29. In a letter dated November 17, 2017, the Student's treating physician indicated that the Student was diagnosed with depression. (Ex. 8, 0051.)

30. The School proposed to conduct a special education evaluation to address the social and emotional needs of the Student. Prior Notice and Consent for Initial Evaluation was issued on November 17, 2017. The Parent signed her consent for the Initial Evaluation on the same date. (DR Ex. A, 0006 – 0011.)
31. The School Psychologist completed a Psychological Evaluation of the Student on November 17, 2107. In relevant part, the School Psychologist noted that the Student is having difficulty with regulating his emotions and is experiencing significant symptoms associated with anxiety and depression. (DR Ex. B, 0015 and 0022.)
32. In a November 21, 2017 email, the School informed the Parent that the expulsion would be on hold until the evaluation was complete by the special education/504 team. If the Student was found eligible for special education or a 504, a Manifestation Determination meeting would be held to determine if the School will move forward with the expulsion process. (DR Ex. F, 0157.)
33. A November 27, 2017 Notice of Meeting addressed to the Student and the Parent documented that an IEP team meeting was scheduled for December 13, 2017. (DR Ex. C, 0189 – 0191.)
34. A December 8, 2017 Notice of Meeting addressed to the Student and the Parent documented that a Manifestation Determination review meeting was scheduled for December 14, 2017. (DR Ex. C. 0192 – 0194.)
35. The School determined the Student was eligible for special education as a learner with a Serious Emotional Disability on December 13, 2017. (Ex. 3, 0013 – 0016.) An IEP was drafted the same date. The Parents attended the IEP meeting. In relevant part, the IEP contained a Social/Emotional/Wellness goal as follows: “Given direct support/instruction, [Student] can describe and demonstrate ways to express emotions in a socially acceptable manner.” (DR Ex. C, 0096 – 0106.)
36. The Student’s record contains documentation titled *Statement of Manifestation* dated December 12, 2017. The form indicates it is to be included in the Expulsion Review Packet. (Ex. 14, 0073.) The form states that the Student’s conduct was NOT a manifestation of his disability.
37. The School convened a Manifestation Determination meeting on December 14, 2017. The Parents attended the Manifestation Determination Review. The School determined that the

Student's behavior of threatening to shoot up the school was not a manifestation of his disability. Parents disagreed with that determination. (DR Ex. H, 0213 – 0217.)

38. A Behavior Intervention Plan was developed on December 14, 2017. (DR. Ex. C, 0107-0109.)
39. In a letter dated December 14, 2017, the Parent was informed that an expulsion review hearing was scheduled for December 20, 2017. The Student was to remain on suspension until the expulsion hearing. (Ex. 15, 0074.)
40. The District expelled the Student on December 20, 2017 until January 10, 2019. (District Response.)
41. The Parent withdrew the Student from school on January 22, 2018.
42. The School Counselor reported during this investigation that the Student was not referred for special education earlier because the behavior concerns primarily resulted from home conflict. The School did not see an increase in behavior until November 2017.

CONCLUSIONS OF LAW

1. The overarching purpose of the IDEA is to ensure that students with a disability have available to them a Free Appropriate Public Education (FAPE), including special education and related services that meet the unique needs of individual students and prepare them for further education, employment and independent living. *34 C.F.R. §300.1.*
2. Child Find is the affirmative, ongoing obligation of states and local schools to identify, locate and evaluate all children with disabilities residing within the jurisdiction that either have, or are suspected of having, disabilities and need special education as a result of those disabilities. *34 C.F.R. §300.111.*
3. The IDEA provides that either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability. *See 34 C.F.R. 300.301(b).* However, parents are not required to request an evaluation. *Robertson County Sch. Sys. v. King*, 24 IDELR 1036 (6th Cir. 1996). *See also D.G. v. Flour Bluff Indep. Sch. Dist.*, 59 IDELR 2 (5th Cir. 2012).
4. The child find obligation matures and the school may not delay an initial evaluation when the School suspects a disability and the need for special education. *Memorandum to State Directors of Special Educ.*, 67 IDELR 272 (OSEP 2016).

5. As applied to this Student, the Parents allege that the District should have known the Student had a disability and needed special education in April 2017. However, there is no basis to support this allegation. The Student left the home after a family conflict and engaged in a suicidal gesture. This act is not sufficient to trigger the District's child find obligation, especially when viewed in the context of the Parent emails describing conflict between the Student and Parent at home.
6. The same analysis must be applied to the September 2017 incident when the Student was hospitalized for a mental health evaluation. It is important to note that Parent emails up to this point had expressed frustration with the Student, suspicion of possible drug use, and concern for disrespect the Student was demonstrating in the home. The School Counselor reported that this Student seems like many other students, and did not stand out to the School or teachers.
7. Precipitating this September 2017 incident, the Student experienced conflict in the home, which lead to a Parent request for the School Counselor to speak with the Student. The School Counselor met with the Student and listened to him express concerns about home and his music. The fact that a student has a turbulent relationship with his parents or engages in problem behaviors at home will not in itself qualify the student as a child with an emotional disturbance. *Letter to Anonymous*, 213 IDELR 247 (OSEP 1989); *G.H. v. Great Valley Sch. Dist.*, 61 IDELR 63 (E.D. Pa. 2013). The Parent elected to hospitalize the Student after continued conflict in the home over the weekend. This act is not sufficient to trigger the District's child find obligation.
8. The Parent expressed ongoing mental health concerns and requested a 504 Plan on October 11, 2017. The Parent is not held to the standard of knowing or using special education terminology when expressing special education concerns. Therefore, the October 11, 2017 request is deemed sufficient, and triggers additional safeguards under IDEA. 34 C.F.R. §300.534 states, in relevant part:
 - (a) *General.* A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in this part if the public agency had knowledge (as determined in accordance with paragraph (b) of this section) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

(b) *Basis of knowledge.* A public agency must be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred—

(1) The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;

(2) The parent of the child requested an evaluation of the child pursuant to §§ 300.300 through 300.311; or

(3) The teacher of the child, or other personnel of the LEA, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency.

9. Based on the foregoing, the District is deemed to have knowledge that the Student was a child with a disability. The Parent's October 11, 2107 expression of concern regarding the Student's ongoing mental health issues and the request for a 504 Plan triggers the additional protections for students not yet eligible under IDEA, including a Manifestation Determination Review for removals constituting a change in placement.
10. When the Student was hospitalized a second time after threatening to shoot up the School on November 10, 2017, the Parent requested an evaluation for special education. The District issued the requisite notice and commenced the evaluation on November 17, 2017. Ultimately, the Student was found eligible for special education as a learner with a Serious Emotional Disability. The District met its child find obligation when it conducted a comprehensive initial evaluation.
11. The Student was removed from school as a result of the threat on November 10, 2017 and remained out of school until the expulsion in December 2017. Removals exceeding 10 consecutive school days are always considered a change in placement necessitating a Manifestation Determination Review. *34 C.F.R. §300.530(b)*. Because the November 10, 2017 removal constituted a change in placement, a Manifestation Determination Review was required.
12. The Complaint alleges that the District predetermined the outcome of the Manifestation Determination Review when concluding that the Student's behavior was not a manifestation of his disability. Predetermination occurs when members of the IEP team unilaterally decide the outcome of a meeting without meaningful parental input. In this case, the Parent alleged that the December 12, 2017 documentation included in the Expulsion Review Packet

confirms predetermination, as it was created on a date preceding the actual Manifestation Determination Review and documented that the Student's behavior was NOT a manifestation of his disability. The disparate dates caused confusion, but alone do not substantiate predetermination.

13. A Manifestation Determination must review all the relevant information in the Student's file before answering the question of whether the conduct was directly and substantially related to the Student's disability. *34 C.F.R. §300.530(e)*. As applied to this Student and the December 14, 2018 Manifestation Determination, it is unclear if all relevant information was considered. Specifically, three independent sources indicate that the Student suffered from depression and anxiety. The sources include:
 - a. November 15, 2017 hospital discharge summary documenting a primary diagnosis of Major Depressive Disorder, recurrent, severe and a secondary diagnosis of Generalized Anxiety Disorder.
 - b. November 17, 2017 Evaluation Report, in which the School Psychologist noted that the Student is having difficulty with regulating his emotions and is experiencing significant symptoms associated with anxiety and depression; and
 - c. December 13, 2017 IEP, which contained one Social/Emotional/Wellness goal as follows: "Given direct support/instruction, [Student] can describe and demonstrate ways to express emotions in a socially acceptable manner."
14. It is unclear how or if the Manifestation Determination Review team considered the Student's disability, i.e. Serious Emotional Disability with the underlying diagnosis of Major Depressive Disorder and Generalized Anxiety Disorder in its review of the Student's conduct on October 10, 2017.
15. This uncertainty, coupled with the suspicion that information in the Student's Expulsion Review Packet predated the Manifestation Determination Review, yet documented that the Student's behavior was not a manifestation of his disability support a conclusion that the determination was predetermined and that team failed to consider all relevant information to make a team determination on the answers to the manifestation questions.
16. As a matter of policy, the CDE will not upset or overturn a team's manifestation determination through a state complaint decision. The IDEA mandates that manifestation determinations be completed by a multidisciplinary team, including parents, who know the student and the situation best. If a state complaint investigation were to conclude that a

school district made a determination inconsistent with IDEA's manifestation determination review procedures, the CDE would instruct the school district to conduct a manifestation determination review that remedies the deficiencies and concerns noted in the Decision, and to then reconsider whether the Student's conduct was caused by or had a direct and substantial relationship to the Student's disability consistent with specific guidance provided in the Decision.

17. In the Student's case, the inconsistencies warrant a conclusion that the Manifestation Determination Review must be conducted anew consistent with the guidance in the Corrective Action section of this Decision.
18. Parents are important participants in the IEP process. The District must take steps to ensure one or both parents participate in team meetings. One of the ways the District must ensure participation is to provide notice of team meetings early enough to ensure an opportunity to attend. *34 C.F.R. §300.322.*
19. In this case, the District issued a meeting notice on November 27, 2017 for a December 13, 2017 meeting, and a December 8, 2017 meeting notice for the December 14, 2017 Manifestation Determination meeting. The meeting notice was sufficient to ensure the Parents' attendance for both meetings.
20. Prior Written Notice must be provided to the Parent a reasonable time before the District proposes or refuses to initiate or change the identification, evaluation, educational placement, or the provision of FAPE to the Student. As applied to the Student, the District provided Prior Written Notice to propose an initial evaluation, implement an IEP, and after the Manifestation Determination before commencing expulsion proceedings. The District met its obligation to provide Prior Written Notice consistent with IDEA.

DECISION

Whether the District violated the IDEA and denied Student a free appropriate public education (FAPE) by District's:

Failure to meet its "child find" obligation when it failed to identify and evaluate Student as a student with a suspected disability since on or about April 24, 2017.

CDE finds no violation. The child find obligation was triggered by the November 2017 incident and the Parent's request for special education evaluation. The District promptly initiated an initial evaluation consistent with IDEA.

Failure to provide Parent with appropriate notice of a meeting and prior written notice on December 13, 2017.

CDE finds no violation. The District provided prior written notice and notice of team meetings consistent with IDEA.

Predetermination that Student's conduct on November 10, 2017 was not a manifestation of his disability on December 13, 2017 resulting in a change of placement.

CDE finds a violation of the Manifestation Determination Review process. A thorough review of the Student's record supports a conclusion that the outcome of the review was predetermined and did not take into consideration all relevant information.

CORRECTIVE ACTION REMEDIES

1. By July 18, 2018, the District must submit to the Department a proposed corrective action plan (CAP) that addresses the violations noted in this Decision. Parents must notify the District's Legal Counsel or Director of Special Education no later than July 6, 2018, that they accept or decline the remedies specified below. If the District does not hear from Parents by July 6, 2018, the District will be excused from complying with the remedies ordered.
2. By August 15, 2018, the District shall reconvene the Student's multidisciplinary team to conduct a manifestation determination review anew as follows:
 - a. The team shall consist of all relevant members familiar with the Student at the time of the offense, including the Parents;
 - b. The team shall comply with all IDEA notice provisions in reconvening the manifestation determination review;
 - c. The team shall specifically review the relevant factors below:
 - i. November 15, 2017 hospital discharge summary documenting a primary diagnosis of Major Depressive Disorder, recurrent, severe and a secondary diagnosis of Generalized Anxiety Disorder.
 - ii. November 17, 2017 Evaluation Report, in which the School Psychologist noted that the Student is having difficulty with regulating his emotions and is experiencing significant symptoms associated with anxiety and depression; and
 - iii. December 13, 2017 IEP, which contained one Social/Emotional/Wellness goal as follows: "Given direct support/instruction, [Student] can describe and demonstrate ways to express emotions in a socially acceptable manner."

- d. The team shall document with specificity how these factors support the team's conclusion in the new manifestation determination review; and
 - e. Documentation evidencing completion of the above steps shall be submitted to CDE by August 31, 2018. Documentation shall include the manifestation determination review and meeting notes, and prior written notice.
3. If the outcome of the new manifestation determination review concludes that the Student's behavior was a manifestation of his disability, the District must create a clear record of the multidisciplinary team's determination as it relates to Student's expulsion. In addition, the District must inform Parents, in writing, of their specific rights under FERPA to seek amendment of Student's education records, consistent with 34 CFR 99.20 through 34 CFR 99.22 and 34 CFR 300.618 through 34 CFR 300.621. Documentation that this has occurred must be submitted to CDE by August 31, 2018.

CONCLUSION

The Decision of the SCO is final and is not subject to appeal. If either party disagrees with this Decision, their remedy is to file a Due Process Complaint, provided that the aggrieved party has the right to file a Due Process Complaint on the issue with which the party disagrees. See, 34 CFR § 300.507(a) and Analysis of Comments and Changes to the 2006 Part B Regulations, 71 Fed. Reg. 156, 46607 (August 14, 2006).

This Decision shall become final as dated by the signature of the undersigned State Complaints Officer.

Dated this 22nd day of June, 2018.



Lenore Knudtson
CDE assigned investigator