

**STATE OF MAINE  
SPECIAL EDUCATION DUE PROCESS HEARING**

March 29, 2004

Case # 04.006H, Parents v. MSAD #61

REPRESENTING THE FAMILY : Richard O'Meara, Esq.

REPRESENTING THE SCHOOL: Eric Herlan, Esq.

HEARING OFFICER: Lynne A. Williams, J.D., Ph.D.

This hearing was held and the decision written pursuant to Title 20-A, MRSA, 7202 et. seq., and 20 U.S.C. §1415 et. seq., and accompanying regulations.

This due process hearing was requested by the mother and father on January 20, 2004. The case involves the student, whose date of birth is xx/xx/xxxx. He is currently attending Lake Region Middle School and is receiving special educational services under the eligibility category of Learning Disabled.

A prehearing conference was held on February 4, 2003. Present at the prehearing conference were the parents, Richard O'Meara, Esq., counsel for the family, Mark Ryder, Director of Special Services, M.S.A.D. #61, Eric Herlan, Esq., counsel for the school department and Lynne Williams, Esq., hearing officer. At the prehearing conference, issues for hearing were agreed upon and documents and witness lists were exchanged.

Because of school vacation and the vacation of the special education director, and upon agreement of both parties, the hearing was held on March 5, 2004. The family submitted 68 pages of documents into evidence, and the school department submitted 267 pages of documents. Three witnesses testified.

Following is the decision in this matter.

**I. Preliminary Statement**

This case involves a xx year-old male student who is eligible for special education services under the category of Learning Disabled. He currently attends Lake Region Middle School in M.S.A.D. #61, and is in the xx grade.

The family requested this hearing. It is their contention that M.S.A.D. #61 failed to implement all of the services set forth in Student's 2003-2004 I.E.P. during the period from the beginning of the 2003-2004 school year until February 2004. They seek the remedy of compensatory education for this failure.

The school denies this contention.

## **II. Issues to be Decided by Hearing**

- Did M.S.A.D. #61 fail to fully implement all services set forth in Student's 2003-2004 I.E.P. during the period from the beginning of the 2003-2004 school year until February 2004? (M.S.E.R. §10.5)
- If so, what is the appropriate remedy?

## **III. Findings of Fact**

1. Student's date of birth is xx/xx/xxxx and he is currently xx years old. (Due Process Request)
2. Student was referred by his teacher for an evaluation on February 13, 2001. At that time, a psychoeducational evaluation, occupational therapy evaluation and an academic achievement assessment were done. Psychological Examiner Alice M Gruba conducted a psychological evaluation of Student on April 3, 2001. Ms. Gruba administered the WISC-III, bhe[sic] Bahvior[sic] Evaluation Scale (BES), the ADD-H Comprehensive Teacher Rating Scale (ACTeRS), reviewed records and interviewed teachers. Student's WISC-III scores were 110 Verbal IQ, 99 Performance IQ and 105 Full Scale IQ. Student's subtest score in fine visual-motor coordination and speed was at the 5<sup>th</sup> percentile, significantly lower than his IQ scores. On May 10 and 12, 2001, Lee-Ann VanAtta administered the Test of Written Language (TOWL) to student, and on May 18, 2001 she administered the Woodcock-Johnson Tests of Achievement-Revised: Writing Fluency (WJR: Writing Fluency). Student's scores on the TOWL were all within average range, except for his Style score, which was below average. His WJR-Writing Fluency score was 88, in the low average range. At a P.E.T. meeting on June 8, 2001, Student was found to be ineligible for special educational services. (Exhibits: S177-178, S182-186, S199-204, S209)
3. On December 30<sup>th</sup> and October 1<sup>st</sup>, 2001, the Slingerland Screen Test was administered to Student by Adrienne Ackerman. Ms. Ackerman recommended an intensive, individualized, multisensory program aimed at building the basic language foundation that Student needs. She specifically recommended the Orton-Gillingham approach. (Testimony: Mother; Exhibits: P57-62)
4. An independent psychoeducational evaluation of Student was completed by Alina Shumsky, Ph.D., on October 9<sup>th</sup> and 16<sup>th</sup>, 2001. Dr. Shumsky administered the Woodcock-Johnson Tests of Achievement III (WJ-III), the Wechsler Individual Achievement Test-Second Edition (WIAT-II), Gray Oral Reading Test (GORT), Wide Range Assessment of Memory and Learning (WRAML), Comprehensive Test of Phonological Awareness Processing (CTOPP), The Phonological Awareness Test: selected subtests, Process Assessment of the Learner - Test Battery for Reading and Writing (PAL) and various behavioral and projective

tests and checklists. Dr. Shumsky did not perform any cognitive testing, but incorporated the WISC-III scores from Alice Gruba's testing into his [sic] report. Those WISC-III scores were Verbal IQ, 110, Performance IQ, 99 and Full Scale IQ, 105. Dr. Shumsky's results showed a combination of process weaknesses and skill gaps, as well as some mild language related difficulties. Math fluency was weak and reading fluency was strong as long as processing demands were low. Student also demonstrated limited skills in the mechanics of writing. Although the behavioral measures did show some attentional issues, it did not appear that attentional difficulties were the primary cause of Student's problems. (Exhibits: S149-167, S203)

5. A P.E.T. was held on January 2, 2002 at which time the team determined that Student met the criteria for special educational services as a student with a learning disability in the area of written expression and math calculation. (Exhibits: S137-138, S139-142)
6. Due to scheduling issues and some personal issues within the family, Student's I.E.P., with goals and objectives, was not developed until February 5, 2002. The service plan in this I.E.P. included direct instruction in written language, spelling and math within the special education classroom, for 8.5 hours per week, and 1.75 hours per week of organizational skills training by special education staff in the regular classroom setting. Student's encoding goal stated that he would be given a "multisensory direct approach to encoding." The I.E.P. included goals in organizational skills, written language, spelling, math calculation and encoding. Modifications included taped materials, copies of notes, oral presentations, use of manipulative calculator in content areas, wait time before expecting a verbal response, verification of comprehension of oral directions and written directions, reduction of copying tasks and samples of expected assignments to be made available. Also indicated was some modification of assignments in terms of time, length and project parts. (Testimony: Mother; Exhibits: S78-94)
7. A graded I.E.P., dated June 2002, indicated that Student had progressed through the first three steps of his "multisensory direct approach to encoding." He also made adequate progress on some of his written language and organizational objectives and limited progress on some others. (Exhibits: P45-46)
8. At a P.E.T. meeting held on May 29, 2002, the team decided to carry over Student's I.E.P., developed in early 2002, to the first half of Student's xx grade year, 2002-2003. (Exhibits: S43-44)
9. Student's progress during the first half of the 6<sup>th</sup> grade was good. He was receiving the Wilson Reading Program from Ms. Seavey and one-to-one academic support from Mr. Chase, his case manager and special education teacher. Student also received organizational skills support first thing each morning. (Testimony: Mother)

10. Prior Written Notice, dated February 4, 2003, and allegedly mailed to the family on the same day, stated that the proposed action for the P.E.T. on the following day was to implement a new I.E.P. with three hours per week direct language arts, 1.75 hours direct organizational skills training, and full mainstream math. Mother testified that she never received this document. (Testimony: Mother; Exhibits: S27)
11. The P.E.T. met on February 5, 2003, and the I.E.P. developed at that time included a service plan offering 1.75 hours per week of organizational skills training in the regular education and special education room, by special education staff, one hour per week of language arts instruction in the special education room, by special education staff and two hours per week of multisensory spelling/language instruction by special education staff in the special education room. The I.E.P. goal in encoding included “multisensory direct approach to encoding.” The I.E.P. also included goals in written language. The team noted that overall Student was making good progress. He was doing grade level math, so they recommended mainstream math classes. Student’s written language goal references a WIAT-II, supposedly administered on February 27, 2003, which is after the February 5, 2003 date of the P.E.T. meeting. The parents requested a copy of the results of this test, but they never received the information. The parents expressed concern about Student’s transition to middle school and it was noted that the parents “will look into arranging a meeting with middle school. “ However, the parents did not express concern about the reduction in services and there appears to have been little if any discussion of that topic during the meeting. (Testimony: Mother; Exhibits: S7, S25-26, S28-37)
12. Despite the cut back in services, the elimination of direct instruction in math and the change from 150 minutes to 120 minutes per week in the encoding service, student received at least the same amount of services that he had received in the spring of 2002, if not more. His actual schedule included 565 minutes of pullout services, including 150 minutes per week of the Wilson reading program, 110 minutes of small group language arts/organization, 125 minutes per week of small group language arts, and 180 minutes per week of supported study hall. (Exhibits: P39; Testimony: P. Farnum, Mother)
13. Student made good progress during the 2002-2003 school year. A graded I.E.P. dated June 2003, indicated that he had now progressed through levels four and five of his “multisensory direct approach to encoding,” and made adequate progress towards his written language goals. (Testimony: Mother; Exhibits: P35-38, S40A – 40C<sup>1</sup>)

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<sup>1</sup> The school district appears to have produced two different graded I.E.P.’s one indicating adequate progress on the first two steps of level five, and limited progress on the last two steps, the other indicating mastery of level five. It must be noted that this is just one of a number of instances of inconsistent documentation and misdating of documents.

14. Student began Lake Region Middle School for the 2003-2004 school year. Student's first quarter report card showed grades ranging from 76 in language arts to 88 in social studies and 89 in home economics. Comments by teachers included "a pleasure to have in class," and "good class participant," although there were certainly issues with class preparation and effort. (Exhibits: S267)
  
15. A P.E.T. meeting was held on either September 24<sup>th</sup> or 25<sup>th</sup>, 2003, soon after Student began seventh grade.<sup>2</sup> Teacher comments from this meeting include "[Student's] greatest strength is his personality" and [Student has made] "tremendous improvement." The minutes from this meeting state "[T]he current I.E.P. and classroom modifications are appropriate and will continue to be implemented." They further state the following: "Regarding reading, Mrs. Shane clarified the benefits of being exposed to the regular curriculum in conjunction with the direct instructions so [Student] will be involved in the enjoyment pieces of the reading class along with getting direct instruction in his skill deficit area of decoding. The services were explained as being available in an inclusive setting, within the classroom and in small groups as needed." Ms. Farnum stated that she "services [Student] ...for multisensory reading instruction – 30 minutes two to three times a week. However, the I.E.P. that was being carried over specifies multisensory spelling/language arts for two hours per week[sic]. The encoding goal in this I.E.P. utilizes stages that are identical to those used in the Wilson program. According to the minutes, the family notified the team that they were having a "neurological" examination conducted, although it was later clarified that the family was having a neuropsychological examination done. (Testimony: Mother; Exhibits: S17-19, S31)
  
16. Soon after this meeting, the family realized that Student was not receiving the services that they thought he had been receiving – essentially the same services he had been receiving since the middle of the xx grade. Nor was he receiving even the reduced amount of services called for on his February 5, 2003 I.E.P. Mother met with Ms. Farnum, who was providing the encoding instruction, and she was told that Student must have been absent on the days that she had done the reading program.<sup>3</sup> Mother passed along Student's Wilson reading notebook from elementary school and told Ms. Farnum that she thought it was a wonderful tool to use. Mother also suggested to Ms. Farnum that Student get pulled out of Language Arts II in order to do his reading instruction. Soon after, Student was removed from Language Arts II and began receiving small group direct instruction in Literature. At this time, Mother also became aware that Student was not receiving the 1.75 hours per week of organizational skills training. He was receiving only a five-minute check in each morning so his assignment book could be checked. Although it was suggested that organizational skills training

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<sup>2</sup> There is some confusion about this since the relevant documents are dated inconsistently. In addition, there were two prior written notices in the documents submitted as evidence with similar, although not identical, content. Again, this is just one of many examples of inconsistent documentation.

<sup>3</sup> Student was ill during part of this month and did have a number of absences.

- was provided in virtually all of Student's classes, there is no documentation that this was, in fact, the case. (Testimony: Mother, P. Farnum)
17. Student received his first mid-quarter progress report October 11, 2003. The report showed an "incomplete" in Language Arts, 58 in Science, 70 in Language Arts II, 74 in Math and 86 in Social Studies. (Exhibits: P27)
  18. On November 12, 2003, Mother asked Ms. Farnum why she had just started the Wilson reading program at the end of the first quarter. Ms. Farnum replied that she had "met with [Student] individually and within a small group. There have been occasions when he was absent...." Mother then contacted Special Services Director Mark Ryder, and asked the same question. She received no response from Mr. Ryder. To date, there is no written record of any Wilson sessions or other "multisensory direct approach to encoding" sessions that Student may have received. According to testimony at hearing, the school currently has seven students receiving the Wilson program. (Testimony: Mother, P. Farnum; Exhibits: P25, P26, P13-16)
  19. Student's first quarter report card, dated November 13, 2002, showed a 75 in Language Arts, 82 in Math, 85 in Language Arts II, 87 in Science and 88 in Social Studies. Many of the negative comments on the report card cite missing assignments or lack of class preparation. (Exhibits: S267)
  20. Student's second quarter report card showed grades ranging from 65 in Science to 84 in Social Studies. The Science grade is a failing grade and grades in all subjects had gone down. (Exhibits: S267)
  21. On January 6, 2004, Mother requested, in writing, that Ms. Farnum send home Student's Wilson notebook and work samples. Ms. Farnum responded on January 7, 2004, but failed to mention the Wilson notebook and only speaking [sic] of the availability of Student's mainstream class work. Mother again requested the Wilson notebook, which she eventually received after the February winter break. No additional recording had been made in the notebook. (Testimony: Mother, P. Farnum; Exhibits: P13, P15, S5)
  22. Student's February 5, 2003 I.E.P. was graded in November 2003. At that time Student had only made limited progress on level six of his "multisensory direct approach to encoding" program, and adequate progress on one of his written language goals. These were the same goals that had been on his sixth grade I.E.P. (Exhibits: P22-24)
  23. Student's teachers, as a group, completed a Teacher Report Form submitted to them by Dr. Slotnick, who was conducting a neuropsychological evaluation of Student. Teacher responses on this checklist included many negative behaviors, including "is defiant and talks back to staff," "destroys his own things," "disturbs

other pupils,” “does not seem to feel guilty after misbehaving,” “lies and cheats,” “disrupts class discipline,” and the like. (Exhibits: S19-20)

24. On January 20, 2004, the family filed a Request for Due Process. (Due Process Request)
25. On January 24, 2004, Mother prepared a summary of the services that Student should have been receiving and those that he had received, to her knowledge. Her calculations indicate that Student is owed 1670 minutes of organizational skills instruction and 2315 minutes of direct multisensory/spelling/language arts instruction in a special education room with a special educator certified in this methodology. (Testimony: Mother; Exhibits: P8-12)
26. As of January 2004, Student’s graded I.E.P. indicates that he has made adequate progress, but not yet mastered, level six of the “multisensory direct approach to encoding.” (Exhibits: P65)
27. On February 9, 2004, a letter was sent to the family stating that the staff was concerned with “non-completion of in-class assignments and homework,” and that they had tried the following strategies: “direct assistance during focused study and in classes, verbal and written reminders, after school student opportunities, and assignments written in agency books.” The letter went on to state that “[t]hese interventions we have implemented are not producing positive results.” This letter was signed by Ms. Farnum. (Exhibits: P68)

#### **IV. Discussion and Conclusions**

The issue in this case is a narrow one – whether M.S.A.D. #61 substantially implemented Student’s I.E.P from September 2003 through February 2003. The family did not argue that the I.E.P. at issue was inappropriate, or not reasonably calculated to provide educational benefit.

A student’s I.E.P. is “the centerpiece of the [IDEA]’s education delivery system for disabled children.” *Honig v. Doe*, 484 U.S. 305, 311 (1988). Federal regulations require that the public agency must – (1) Provide special education and related services to a child with a disability in accordance with the child’s IEP; and (2) Make a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP. 34 C.F.R. §350(a)(1)(2). Furthermore, the school department must ensure “that all services set forth in the child’s IEP are provided, consistent with the child’s needs as identified in the IEP.” 34 C.F.R. §300, App. A, Q. 31.

If, in fact, the school department failed to fully implement Student’s I.E.P., the question becomes whether that failure deprived Student of educational benefits. See *Roland M. v. Concord School Comm.*, 910 F.2d 983, 994 (1<sup>st</sup> Cir. 1990). If there has been educational harm, the appropriate remedy is compensatory educational services to the extent that such services were not delivered. See *Pihl v. Massachusetts Dep’t of Educ.* 9 F.3d 184, 187-

188 (1<sup>st</sup> Cir. 1994). The party making such a challenge must demonstrate that the school department failed to implement substantial or significant elements of the I.E.P., in essence showing a material failure to implement. *Houston Indep. Sch. Dist. v. Bobby R.*, 200 F.3d 341, 349 (5<sup>th</sup> Cir.), *cert. denied*, 531 U.S. 817 (2000).

It is true, as the school department argues, that parents do not have the right to demand a particular methodology for specific program for their child. As the court stated in *Brougham v. Town of Yarmouth*,

Rowley and its progeny leave no doubt that parents, no matter how well-motivated, do not have a right under the ] [sic][IDEA] to compel a school district to provide a specific program or employ a specific methodology in providing for the education of their handicapped child.

823 F. Supp. 9, 16 (D. Me. 1993), quoting *Lachman v. Illinois State Board of Education*, 852 F.2d 290, 297 (7<sup>th</sup> Cir.), *cert. denied*, 109 S. Ct. 308 (1988). School personnel do have the right to determine the particular methodology that they will use in helping a student meet his goals and objectives.

The school department further argues that the program that it must provide to a student includes those services laid out in the written I.E.P., no more, no less. Essentially, the program is contained within the four corners of the document. See *Falmouth School Dep't*, 40 IDELR 83 (SEA Me. 11/07/03).

Student began xx grade in September 2003 under an I.E.P. developed in February 2003, during his xx grade year. This I.E.P. indicates that, in part, Student was to receive 120 minutes per week of a “multisensory direct approach to encoding,” as well as 1.75 hours per week of inclusive organization. It is the alleged failure to fully provide these services that is the crux of this due process hearing.

During the period from Student’s entry into special education in the middle of his xx grade year, throughout his xx grade year, Student made good progress through the “multisensory direct approach to encoding,” completing level five by the end of the 2002-2003 school year. The program provided during this time was the Wilson reading program, but it is likely that Student would have made similar progress under any of the other multisensory programs, such as SPIRE. Student’s Wilson teacher, Ms. Theresa Seavey, kept a notebook of Student’s progress and samples of his work. The notebook was subsequently passed along to Pamela Farnum, student’s special education teacher for the 2003-2004 school year.

The school department, however, was unable to demonstrate that Ms. Farnum did, in fact, provide an ongoing “multisensory direct approach to encoding.” Not that she was providing, or was required to provide, the Wilson program – but, rather, that she provided any of the many similar multisensory programs. Student’s goals and objectives are very clear that in order to progress towards his goals and objectives, Student was to be



provided a certain *type* of program. Likewise, the goals are written as levels of a program that, while not specifying a specific program, do in fact specify a type of instruction – “multisensory direct approach to encoding.”<sup>4</sup>

Ms. Farnum commented that she provided “individualized instruction.” However, not all individualized instruction is multisensory. She commented that she provided the Wilson program at least 10 times. Even if she did, however, she did not utilize correct protocol, which includes keeping charts, records and work samples. Moreover, it is difficult to understand how Ms. Farnum intends to grade Student’s I.E.P. if she does not keep records that specifically relate to Student’s goals as written. Ms. Farnum stated at the September 24, 2003 P.E.T. meeting that she had been providing multisensory services to Student. Yet, subsequent disclosures indicate that this was not the case.<sup>5</sup>

The most telling evidence of the failure to deliver an appropriate multisensory encoding program is a comparison between Student’s progress towards his goals and objectives between February 2002 and June 2003, when he had completed 5 levels of his “multisensory direct approach to encoding” program, and the period between September 2003 and February 2004, when he had not even mastered one level of the program.

In that Student was not provided a “multisensory direct approach to encoding” during the period from September 2003 through February 2004, and since he suffered educational harm by this failure to implement his I.E.P., Student is entitled to an appropriate level of compensatory education.

A second question is whether Student received the level of organizational skills training that was specified in his I.E.P., 1.75 hours per week. Although there was some suggestion that organizational work is done in all of Student’s classes, there was clearly a lack of structured organizational skills training. Although Student did receive 5 minutes of check-in per day so his assignment book could be reviewed, he certainly did not receive anywhere near the 1.75 hours per week of organizational skills training.<sup>6</sup>

All of Student’s grades fell between first quarter and second quarter. All of the negative comments on student’s report card relate to lack of class preparation and missed assignments. The comments made on the teacher checklist for Dr. Slotnick suggest that they have [sic] seriously negative opinions of Student. While Student had a good sixteen months between February 2002 and June 2003, his position rapidly deteriorated between

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<sup>4</sup> The school district argues that the encoding goals and objectives were probably just drawn up from a template for Wilson goals that the xx grade teacher had used in the past. The school district cannot have it both ways. Either the program is contained within the four corners of the I.E.P., as these goals are, or it is not. If there is no room to argue that there was a misunderstanding on the part of the parents about what services Student was to receive, then there is no room to argue that the goals are not really as they seem.

<sup>5</sup> Ms. Farnum testified that the minutes of the September 24, 2004 P.E.T. meeting were wrong. Again, the school department cannot have it both ways, arguing that some documents are correct and some are incorrect.

<sup>6</sup> If Student did receive more of this service, but the school is unable to document what was delivered, it is a strong suggestion that the record keeping at Lake Region Middle School is woefully inadequate.

September 2003 and February 2004, and many of his difficulties can be laid at the school department's failure to assist him to address his organizational difficulties. The school as much as admitted to this failure in their February 9, 2004 letter.

In that the school department failed to deliver the required amount of organizational skills training during the period from September 2003 through February 2004, and since he suffered educational harm by this failure, Student is entitled to an appropriate level of compensatory education.

The family requests private tutorial services at the Learning Skills Center. Although the school department failed to implement appropriate services for the period from September 2003 through February 2004, no evidence was offered at hearing pertaining to the appropriateness of the services that Student is currently receiving. Without a showing that the school department is *unable* to provide the appropriate type and frequency of compensatory educational services, the school department must be permitted to attempt to deliver these services. Therefore, the request for an award of private tutorial services is denied.

## **VI. Order**

1. M.S.A. D. #61 shall provide Student with 2315 minutes of a "multisensory direct approach to encoding," in addition to whatever similar services he might currently be receiving. Such services will include documentation and appropriate progress reports and shall be aligned with Student's encoding goals. These services will likely need to continue after the end of the 2003-2004 school year, so will continue during the summer and into the fall if necessary. The frequency of services will be determined by the P.E.T. and the family's opinions about how much service might overload Student shall be given significant weight.
2. M.S.A. D. #61 shall provide Student with 1670 minutes of structured organizational skills instruction in addition to whatever similar services he might currently be receiving. Such services will include documentation and appropriate progress reports. These services will likely need to continue after the end of the 2003-2004 school year, so will continue during the summer and into the fall if necessary. The frequency of services will be determined by the P.E.T. and the family's opinions about how much service might overload Student shall be controlling.
3. A P.E.T. meeting shall be convened within ten school days of receipt of this decision in order to amend Student's I.E.P. to include the provision of the services ordered.

Proof of compliance with this order shall be submitted to the Hearing Officer as well as to the Due Process Coordinator. Proof of compliance shall include a copy of the amended I.E.P. and P.E.T. meeting minutes, and the expected timeframe for completion of the delivery of services. When the ordered services have been delivered, appropriate documentation shall be submitted.

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Lynne A. Williams, J.D., Ph.D.  
Hearing Officer

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Date

### **FAMILY'S INDEX OF DOCUMENTS**

- P1-2 Statement by the student, dated January 2004
- P3-7 Letter from the mother to Mark Ryder and Mr. Schrader, regarding scheduling P.E.T. meeting in February, dated January 28, 2004
- P8-12 Handwritten notes by the mother summarizing the status of services received by the student since implementation of February 5, 2003 I.E.P., dated January 24, 2004
- P13-14 Letter from the mother to Pam Farnum requesting copies of the student's Wilson folder and other work samples, dated January 6, 2004
- P15 Letter from Mrs. Farnum to the mother responding to request for copies of the student's Wilson folder, dated January 6, 2004
- P16 Letter from the mother requesting copies of WIAT test results, along with February 5, 2003 P.E.T. Minutes and I.E.P., dated January 6, 2004
- P17-21 Teacher's Report Form, dated December 9, 2003
- P22-24 Graded I.E.P. for 1<sup>st</sup> Quart – xx Grade, dated November 28, 2003
- P25 Page from planner with handwritten note from the mother to Mrs. Farnum regarding delay in implementing Wilson program, dated November 12, 2003
- P26 Handwritten note from Pam Farnum to the mother regarding Wilson reading program, dated November 12, 2003
- P27-29 Progress Report for 1<sup>st</sup> Quarter – xx Grade, dated November 2003
- P30-34 Handwritten notes related to P.E.T. meeting, dated September 25, 2003
- P35-38 Graded I.E.P., dated June 2003
- P39 Out of Room Scheduled Services – xx Grade, dated September 2002

- P40-53 Graded I.E.P.
- P54-56 Recommendations for the student prepared by Adrienne Ackerman, dated January 2, 2002
- P57-62 Slingerland Screening Test by Adrienne Ackerman, dated September 30 and October 1, 2001
- P63 Prior Written Notice, dated September 25, 2003
- P64 Report Card, dated February 5, 2004
- P65-67 Graded Goals and Objectives, dated January 2004
- P68 Letter from Pam Farnum to Parent/Guardian, dated February 9, 2004

**FAMILY'S WITNESS LIST**

Mother

**SCHOOL DEPARTMENT'S INDEX OF DOCUMENTS**

- S1-4 Letter from the parents to Mr Ryder, dated January 24, 2004
- S5-6 Letter from the mother to Mrs. Farnum, Dated January 8, 2004
- S7 Letter from the mother to Whom It May Concern, dated January 6, 2004
- S8 Telephone note regarding the mother, dated December 2, 2003
- S9-12 Letter from Assistant Principal to the parents with attached truancy information, dated November 25, 2003
- S13-16 Letter from the parents to Mr. Ryder, dated November 17, 2003
- S17-19 P.E.T. minutes, dated September 24, 2003
- S20 Receipt of modifications document, dated September 2003
- S21-23 Letter from Assistant Principal Setter to the parents with attached truancy information, dated September 24, 2003
- S24 Prior written notice, dated September 24, 2003
- S25-26 P.E.T. minutes, dated February 5, 2003

- S27 Prior written notice, dated February 4, 2003
- S28-37 I.E.P., dated February 5, 2003
- S38-40 Graded goals and objectives, dated February 2003
- S41 Notice of P.E.T. meeting, dated January 27, 2003
- S42 I.E.P. progress report, dated February 24, 2003
- S43-44 P.E.T. minutes, dated May 29, 2003
- S45 Prior written notice, dated May 29, 2003
- S46-47 P.E.T. minutes, dated April 23, 2002
- S48 Prior written notice, dated April 23, 2002
- S49-53 Letter from Interim Director Spencer to the mother, dated April 16, 2002, with attached letter from Ms. Ackerman and Ms. Ellingwood
- S54-55 Memo from Dr. Shumsky regarding grade equivalent scores, dated April 15, 2003
- S56 Letter from Mr. Chase to the mother, dated April 11, 2002
- S57 Letter from Mr. Chase to the mother, dated April 5, 2002
- S58 Letter from Mr. Spencer to Dr. Shumsky, dated March 20, 2002
- S59 Letter from Mr. Spencer to the parents, dated March 20, 2002
- S60-61 P.E.T. minutes, dated March 6, 2002
- S62 Prior written notice, dated March 6, 2002
- S63 Consent for placement, dated March 6, 2002
- S64-74 I.E.P. with attached modifications checklist, dated March 13, 2002
- S75 Letter from Mr. Spencer to the parents, dated February 19, 2002
- S76 Letter from Mr. Spencer to the parents, dated February 12, 2003
- S77 Prior written notice, dated February 12, 2002

S78-79 P.E.T. minutes, dated February 5, 2003

S80-94 I.E.P. with edited goals and objectives, dated February 5, 2002

S95-99 Statement of academic concerns

S100 Letter from Mr. Spencer to the father, dated February 5, 2002

S101-102 Letter from the mother to Ms. Towne-Jones, dated January 31, 2002

S103-104 Letter from Mr. Spencer to the parents, dated January 25, 2002

S105-113 Occupational therapy evaluation, dated January 24, 2002

S114-122 Letter from Ms. Towne-Jones to the mother with attached I.E.P. objectives, dated January 23, 2002

S123-124 Letter from the mother to Ms. Towne-Jones, dated January 22, 2002

125-132 Educational report by Ms. Ackerman, dated January 8, 2002

S133-134 P.E.T. minutes, dated January 8, 2002

S135 Waiver of prior notice, dated January 8, 2002

S136 Letter from Mr. Spencer to Kim Wing, dated January 7, 2002

S137-138 P.E.T. minutes, dated January 2, 2002

S139-142 Learning disability report, dated January 2, 2002

S143 Authorization for release of information, dated January 2, 2002

S144-145 Consent for testing, dated January 2, 2002

S146-147 Letter from the mother to Mr. Spencer, dated December 22, 2001

S148 Letter from Principal Schalmers to the parents, dated December 14, 2001

S149-167 Psychoeducational evaluation by Dr. Shumsky, dated October 2001

S168-170 ADHS evaluation, dated August 21, 2001

S171-173 Letter from the parents to the Director of Special Education, dated August 14, 2001

S174-175 Letter from Dr. Saunders to Ms. Robinson, dated July 23, 2001

S176 Recommendation by Dr. Saunders, dated June 15, 2001

S177-178 Recommendation by Dr. Saunders, dated June 15, 2001

S179-181 Letter from Mr. and Mrs. Perry to Whom It May Concern, dated June 8, 2001

S182-186 Evaluation report, dated May 2001

S187-189 Classroom observation report, dated June 4, 2001

S190-192 P.E.T. minutes, dated May 2, 2001

S193-196 LD eligibility report, dated May 2, 2001

S197-198 OT evaluation, dated April 2001

S199-205 Psychological evaluation by Psychological Examiner Gruba, dated April 2001

S206 Letter from Ms. Ellingwood to the parents (referral), dated February 16, 2001

S207-208 Consent for testing, dated February 16, 2001

S209-210 Referral form, dated February 13, 2001

S211-225 Student grades and rank cards

S226 Behavior checklist

S227 Referral to student assistant team, dated November 2000

S228-229 Achievement test reports

S230-266 Correspondence between the parents and the school, winter/spring 2002

S267 2<sup>nd</sup> Quarter report card – xx grade, dated February 5, 2004

**SCHOOL DEPARTMENT'S WITNESS LIST**

Pamela Farnum, Special Education Teacher

Cindy Jones-McGowan, Special Education Coordinator