

COMPLAINT INVESTIGATION REPORT
and v. Public Schools
Complaint 22.051C
Complaint Investigator: Rebekah J. Smith, Esq.
June 6, 2022

INVESTIGATION PROCEDURE

Complainant: _____ and _____

Respondent: _____ Public Schools

Student: _____, age _____, _____ Student at _____ in _____ Maine

The Department of Education received this complaint on April 1, 2022. A Draft Allegations Report was issued on April 7, 2022. An information session was held by videoconference on April 11, 2022, which was attended by the Student's Mother and _____, the Special Education Director for the District. The Parents have provided Parent Exhibits pages 1 to 24 (referenced by page as P-1 to P-24).¹ On April 27, 2022, _____ Public Schools filed a response to the complaint as well as a set of exhibits, marked by the Investigator as School District Exhibits #1 to #11 (referenced by page as S-1 to S-59.) The School District filed two additional exhibits, identified as School District Exhibits #12 and #13 with its April 27, 2022, response to the ancillary issue that was identified. During the course of the investigation, the School District provided several additional documents, identified as School District Exhibits #14 to #18. In addition, MaineHealth forwarded the Student's medical records with Dr. _____, the Student's Developmental Behavioral Pediatrician.

The Parents are representing themselves. _____ Public Schools is represented by Rachel Sears, Esq.

The Complaint Investigator reviewed all documents, information, and responses from the parties. Both parties identified witnesses that they requested be interviewed. The following individuals were interviewed:

1. _____, Parent
2. _____, Grandparent
3. _____, M.D., Consulting Specialist
4. _____, the Student's Case Manager
5. _____, Ed.D., BCBA, Director of Instructional Support/Special Services

¹ There is some duplication between the School District Exhibits and the Parent's Exhibits.

6. , the Student's Teacher
7. . M.D., the Student's Pediatrician
8. , Reading Recovery Teacher/Literacy Interventionist
9. , Principal at School
10. , Assistant Superintendent for Public Schools
11. , MS, CCC-SLP, Speech Language Therapist at School
12. , Superintendent of , and Public Schools
13. , R.N., Nurse at School
14. , School Counselor

PRELIMINARY STATEMENT

The Student is years old. resides in with parents. The Student began attending School in the Fall of 2021 as a student. The Student qualifies for special education as a student with autism. receives only speech language services in IEP. The Student experiences a host of medical issues including failure to thrive, chronic constipation, and urinary incontinence. The Student utilizes a gastronomy tube that delivers food, medicines, and fluids throughout the day and more recently has required catheterization during the school day. The School has denied the Parent's requests to either allow the Student's Section 28 approved nursing care to be placed on IEP and attend school with or to have a one-to-one school nurse. The IEP Team made a decision that the Student does not require one-to-one nursing services to receive a free appropriate public education. DHHS has required that in order for the Student to receive Section 28 nursing services when the Student is not in school, the service must be provided during school days as well and furthermore, it must be part of the Student's IEP.

ALLEGATIONS

1. Public Schools has not developed an IEP for the Student for the 2012-2022 school year that provides special education and related services that will allow the Student to advance appropriately toward attaining annual goals, to be involved in and make progress in the general education curriculum, to participate in extracurricular and other nonacademic activities, and to be educated and participate with other children with disabilities and non-disabled children in violation of MUSER IX.3.A(1)(d) (stating that an IEP must include a statement of the special education and related services that will be provided to allow the child to reach the criteria in the regulation), resulting in the denial of a free appropriate public education in violation of MUSER I (stating that each school district must provide special education students with a free appropriate public education).
2. Prior to a March 8, 2022, meeting, which was requested by the Parents to be an IEP Team meeting to discuss the inclusion of Section 28 nursing services in the Student's IEP, Public Schools convened a meeting without including the Parents and made determinations about the Student's IEP without attempting to reach a consensus in violation of MUSER VI.2.B (IEP Team shall include the Parents) and MUSER VI.2.I (IEP Team shall determine the services needed to support the student's involvement and participation in the general curriculum and to achieve agreed-upon goals; IEP Team should work toward consensus). Public Schools also did not provide written notice

of the school district staff meeting at which IEP determinations were made or the subsequent March 8, 2022, meeting with the Parents at which those determinations were disclosed in violation of MUSER VI.2.A (Each SAU must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting including notifying parents of the meeting via a notice that indicates the purpose, time, and location of the meeting and who will be in attendance) and MUSER IV.2.I (An SAU must provide the parents with prior written notice of the school's refusals regarding their children's education program and the parents have the right to seek resolution of any disagreements by initiating an impartial due process hearing or a State complaint investigation).

FACTUAL FINDINGS

Documentary Record

1. The Student is currently years old. (S-14.)
2. The Student attended at for the 2020-2021 school year. (S-14.)
3. In April 2021, in advance of the Student's enrollment in at School in the School District, an IEP Team meeting was held. (S-14.) The Student's IEP from was amended to include speech and language services for 360 minutes per month. (S-15.) In addition, accommodations of access to a picture schedule within the classroom, choice board for center times, and zones of regulation pictures were added. (S-15.) These accommodations were in place in the Student's classroom and used regularly. (S-15.)
4. At the April 2021 IEP Team meeting, the Student's teacher reported that was meeting all academic targets. (S-15.) The Student's speech therapist reported that was working on speaking at a louder tone to be heard. (S-15.) The speech therapist noted that the Student did well with prompting but was not always comfortable expressing wants and needs to unfamiliar people. (S-15.)
5. At the April 2021 IEP Team meeting, the nurse reported that the Student was accessing the nurse to receive feeding and medications through gastroonomy tube ("G-tube") and would need time for that during the school day. (S-15.) The Student had a Health Care Plan in place at . (S-15.)
6. At the April 2021 IEP Team meeting, , the Student's Case Manager at the , questioned whether the Student required one-to-one support due to diagnosis of autism and G-tube reliance. (S-16.) The IEP Team determined that there was no data to support the need for one-to-one support since the Student did not have one in the setting. (S-16.) The IEP Team agreed that if a future need arose, the Team would reassess the need. (S-16.) The Student's Mother indicated that she did not have any concerns at the time. (S-16.) The Student was hospitalized at the time of the IEP Team meeting due

- to a bowel blockage and the school nursing team was aware of the changes in medications that were occurring to address this issue. (S-16.)
7. The Student's IEP was amended on April 12, 2021, consistent with the Team's April 2021 determinations. (S-17.)
 8. The Student is in _____ at _____ School for the 2021-2022 school year. (S-42.) _____ classroom teacher is _____. (S-45.)
 9. The Student has a Health Care Plan for the 2021-2022 school year. (S-9.) conditions and medications were noted as well as other health problems. (S-9.) Under the health plan, the nurse administered water to the Student's G-tube on a daily basis. (S-9.) The Health Care Plan explained the purpose of the G-tube and how it worked. (S-10.) The Plan alerted school staff to contact the nurse if a problem arose with the G-tube or the pump and tubing. (S-10.)
 10. The Student's Health Care Plan as it existed at the start of the school year, was for the Student's pump to be checked by the nurse or _____ classroom teacher upon arrival each morning to make sure the pump was not turned off while _____ was on the bus. (S-11.) The bus driver or aide was to notify the Parent at drop off if the pump was alarming on the bus and needed to be turned off. (S-11.) The Health Care Plan noted that if the Student's G-tube fell out or was pulled out, the surgical opening could close quickly and the G-tube had to be reinserted before the opening closed and needed to be reinserted within hours. (S-11.) The Plan instructed school staff to notify the nurse immediately if the Student's G-tube fell out. (S-11.) The Plan also noted that the Student did not want attention directed towards the backpack, feeding, or G-tube and all actions addressing the G-tube should be done discretely away from other students or in the nurse's office. (S-11.) The Plan explained that if the machine was alarming and flashing "LOW BATT," then the machine could be plugged into an outlet or the pump should be turned off. (S-12.)
 11. The Health Care Plan noted that the Student's Mother agreed to provide multiple seasonal clothing changes. (S-12.) The update noted that the Student would need assistance when _____ was soiled due to incontinence. (S-12.) In order for the Student to use the toilet, a chair was placed in the bathroom stall next to the toilet for _____ to place _____ G-tube backpack on. (S-12.) The Plan noted that the Student needed to be monitored getting on and off the bus, at recess, and generally getting around to ensure that the tubing did not get kinked or stuck on anything. (S-12.) The Student's desk was to be placed near the door to allow easier access to the bathroom for the Student. (S-13.)
 12. On September 21, 2021, the Student's Mother emailed _____, Principal of _____ School, expressing concern for the Student's well-being due to medical issues while _____ was at school. (P-24.)

13. On September 29, 2021, the Student's Mother emailed _____, the Director of Instructional Support/Special Services for the School District, expressing concerns about the Student's well-being due to medical issues while _____ was at school. (P-12.)
14. On October 7, 2021, Ms. _____ emailed the Student's Mother to offer a time for them to meet and review the concerns that the Student's Mother had been sharing with the School Nurse. (School District Exh. #13.)
15. On October 13, 2021, the Student's Mother emailed Mr. _____ and Ms. _____ to thank them for meeting with her, noting that it made her feel better about the Student being at school knowing that staff had a better understanding of what the Student was dealing with. (School District Exh. #13.) She offered to provide support to school staff in any way possible and stated that she wanted the Student to get an education, make friends, and be all that _____ could be, understanding that _____ disability does not define _____. (School District Exh. #13.)
16. On October 15, 2021, the Student's annual IEP meeting was held. (S-2.) The Student's IEP Team determined that the Student's speech language services should be decreased from 360 minute per month to 240 minutes per month and agreed upon speech therapy goals and objectives. (S-43.) Accommodations were removed from _____ IEP as necessary including: visual supports and strategies, access to a picture schedule within the classroom, choice board for center times, and Zones of Regulation pictures. (S-43.) The Team also agreed on an Individualized Remote Learning Plan for times of remote learning. (S-43.)
17. At the October 15, 2021, IEP Team meeting, the Student's triennial evaluation was discussed and the following questions were identified: Does the Student's diagnosis of autism require specialized instruction due to its impact on _____ education? Does the Student have a moderate speech language impairment that would necessitate special education services? (S-43.) The Student's triennial testing was planned to include: speech/language testing (articulation, oral language screening, pragmatics testing); classroom observation; and psychological testing. (S-43.)
18. At the October 15, 2021, IEP Team meeting, it was noted that the Student was following the classroom routine without difficulty and without the need for visual supports. (S-43.) The Team noted that the Student entered _____ School with an IEP that placed _____ under the category of Autism but the Team wanted further information to see if _____ Autism was impacting _____ education. (S-43.) The Team noted that the only service on the IEP was speech services so the Team would explore whether a Speech Language Impairment existed as a qualifying disability. (S-43.) The Parent noted that the Student's medical needs required manipulation of medical equipment throughout the day which made daily living tasks more difficult. (S-43.) The Team agreed that the occupational therapy at school would screen the Student to determine if further evaluation was needed and to potentially provide strategies to the classroom teacher. (S-44.)

19. At the October 15, 2021, IEP Team meeting, Ms. _____, the Student's regular education teacher, reported that the Student followed the classroom routines, participated in a variety of interactive games with friends from other classrooms, and interacted and worked with peers in _____ own classroom. (S-44.) Ms. _____ reported that the Student was quieter than some of _____ peers but _____ was able to ask for help with _____ snack or _____ jacket. (S-44.) The Student was meeting literacy and math benchmarks. (S-44.) She noted that the Student sometimes took longer than _____ peers to do _____ work and needed encouragement for writing projects. (S-44.) The Student's speech therapist reported that the Student's speech intelligibility had increased to the point where _____ was almost always understood at school and _____ was making progress with various aspects of speech. (S-44.) She noted that the Student works well with the other students in _____ group and also worked well individually and that the Student was able to demonstrate _____ literacy and counting skills. (S-44.) The speech therapist noted that the Student had preferred activities but _____ was flexible and participated when those activities were not in the therapy plan for the session. (S-44.)
20. At the October 15, 2021, IEP Team meeting, the Team decided to provide indirect activities in the Student's IRLP since the Student's Mother reported that teletherapy had not been successful for the Student in the past and she was not able to access the technology for remote services without parental support. (S-44.) The Student's Mother noted that _____ seemed more participatory in _____ than _____ had in _____. (S-45.) The Team noted that the Student had to leave the classroom at regular intervals during the day for toileting and hydration needs. (S-44.)
21. The Student's IEP was amended in accordance with the IEP Team's October 15, 2021, determinations. (S-46 to S-50.)
22. The Student's Health Care Plan was updated on November 23, 2021. (S-12.) The Student's Mother reported that the Student required 300 milliliters of water daily for _____ G-tube pump, which should be administered in the nurse's office. (S-12.) The Student's Mother explained that the Student was having urinary incontinence issues. (S-12.) A frequent bathroom schedule was created allowing the Student to go to the bathroom approximately every two hours, at 8:30 a.m., 11:00 a.m., and 1:00 p.m. each day. (S-12.) A sticker chart was utilized when the Student successfully used the bathroom in the nurse's office. (S-12.) In addition, a google doc log of the Student's bathroom visits was updated daily and shared with the Student's Mother. (S-12.)
23. The Student was out for an extended period in November and December for medical treatment out of state. (Interview with Student's Mother.)
24. On approximately February 3, 2022, with regard to an upcoming field trip, the Student's Teacher texted the Student's Mother to indicate that she "was not in agreement with their plan." (P-7.) The Student's Teacher went on to say that "Of course, I will help in any way I can so that _____ can come." (P-7.) The Student's Mother responded, "I wasn't told a plan. . . . are you talking about the field trip?" (P-

- 7.) The Student's Teacher went on to state, "[The School Nurse] called me today and just informed me that everyone was going on a field trip and she wasn't sure what to do with [the Student]. I was in the middle of something at work and said I needed to get back to her, if a plan has been developed since then I am not aware." (P-7.) The Student's Teacher responded, "I'm hoping to get a nurse to go with us." (P-7.)
25. On February 15, 2022, the Student's Mother emailed Ms. [REDACTED]. (School District Exh. #12.) The Student's Mother had inquired of [REDACTED], R.N., the School Nurse, whether the Student should have an outside nurse accompany [REDACTED] to school. (School District Exh. #12.) Ms. [REDACTED] responded that the School District felt that the Student did not need one-on-one support. (School District Exh. #12.) The Student's Mother questioned who was making the decision and asked for an IEP Team meeting to be scheduled. (School District Exh. #12.) The Student's Mother explained that the Student had recently had a Kepro assessment through DHHS and the family was informed that [REDACTED] qualified for nursing support given [REDACTED] medical challenges. (School District Exh. #12.) The Student's Mother explained that she and her husband both worked and the Student's Grandfather, who cared for [REDACTED] while Mother and Father were at work, was not able to fully meet [REDACTED] medical needs, particularly with the need for straight catheterization on the horizon. (School District Exh. #12.) DHHS had informed the Student's Mother that in order for nursing services to be provided, the nurse had to be present every day, including days when the Student was at school. (School District Exh. #12.)² The Student's Mother also requested that the Student be provided additional academic support, noting her belief that the Student had fallen behind due to an extended absence from school in November and December, and a possible hospital admission in the near future. (School District Exh. #12.)
26. Also on February 15, 2022, Ms. [REDACTED] responded that Ms. [REDACTED] had shared with her the situation about the nursing services "and we discussed it as a team." (School District Exh. #12.) She reported that she anticipated an IEP Team meeting to discuss her request for updated academic services, which would be supported by the Student's Case Manager and the [REDACTED] School Principal. (School District Exh. #12.) With regard to the Parent's request that an outside nurse attend school with the Student, Ms. [REDACTED] stated that she would gather the School District nursing team to discuss her request. (School District Exh. #12.) Ms. [REDACTED] stated that unless she misunderstood the decision of the IEP Team previously, the services being requested were not related to the Student's IEP. (School District Exh. #12.)
27. Also on February 15, 2022, the Student's Mother emailed the Student's Teacher to ask if she had any updated assessments for the Student. (P-11.) The Student's Mother stated that she was trying to figure out if the Student was behind and if so, how far behind. (P-11.) The Student's Mother indicated that she was really concerned about the amount of time that the Student had been absent and

² It is the Department of Education's understanding that Section 28 nursing services determinations for in home services are not contingent on services provided, or not provided, at school.

gastroenterology team was discussing a possible hospital admission and the Student's Mother was trying to plan ahead. (P-11.)

28. On February 16, 2022, the Student's Teacher provided the Student's Mother with an overview of the Student's literacy assessments, noting that [redacted] had not yet completed a math assessment but the Student seemed to be understanding the math concepts the class was working on. (P-10.) With regard to literacy, the Student was meeting the benchmarks in identification of letters and rhyme recognition but not in letter sounds, sight words, and rhyme production. (P-10.) The Student's reading assessment met the January/February benchmark of independent level B. (P-10.) The Student's Teacher noted that the Student wrote sounds when the teacher was able to help and when [redacted] wrote independently, it appeared to be simply a string of letters. (P-10.) The Student was able to plan, draw, and tell a story over three pages. (P-10.) During a spelling inventory test, the Student was able to write beginning and ending sounds of words. (P-10.) The teacher concluded that although the Student had a few holes, [redacted] was not likely to qualify for additional support or Response to Intervention services ("RTI"). (P-10.)
29. On February 17, 2022, Dr. [redacted], the Student's Pediatrician, issued a letter stating that she had been helping to care for the Student since [redacted] birth. (P-5.) She stated that although School District staff had done an amazing job meeting the Student's needs, [redacted] medical needs were increasing and more specialized care would be required. (P-5.) Dr. [redacted] noted the complex and intertwined nature of the Student's conditions. (P-5.) The Student's chronic constipation led to decreased appetite and oral aversions. (P-5.) Dr. [redacted] observed that although the Student's Family attempted to utilize the G-tube at night, the Student woke up with so many accidents that [redacted] was too tired to go to school during the day. (P-5.) Dr. [redacted] observed that the Student's G-tube pump beeped, meaning it had stopped working and needed to be reset, on the bus when the Student was alone, on the playground when [redacted] was being jostled or kids were trying to take [redacted] backpack, and generally throughout the day. (P-5.) Dr. [redacted] concluded that a private nurse would be able to provide the greatest consistency in doing pump resets without delays and interruption in the Student's day to visit the nurse's office. (P-5.) Dr. [redacted] noted that the Student also required a strict toileting routine and that even though the School Nurse had done an amazing job of keeping the schedule, the Student had accidents that [redacted] was too embarrassed to report. (P-5.) She noted that a private nurse could attend to those needs and ensure that the Student was in clean underclothing all the time. (P-5.) Dr. [redacted] observed that the Student's chronic constipation caused bladder dysfunction, putting stress on [redacted] bladder and a concern of bladder enlargement and potential enlargement of [redacted] kidneys. (P-5.) As of the time of Dr. [redacted]'s letter, it was anticipated that the Student would require straight catheterization, the insertion of a tube into [redacted] urethra, several times a day to prevent urinary retention. (P-5.) She opined that a private nurse would be best situated to meet that need. (P-5.) Dr. [redacted] concluded her letter by stating that a private nurse could greatly benefit the Student in going about [redacted] school day and decrease [redacted] time away from the classroom. (P-5.)

30. On February 28, 2022, Ms. [REDACTED] sent the Student's Parent an email to schedule a meeting to address her concerns about the decision-making process involved in regards to outside services in school. (P-9.)
31. The Student's IEP Team met on March 8, 2022. (S-51.) The Student's regular education teacher requested RTI services for English Language Arts for the Student on the basis that [REDACTED] was not meeting benchmarks at reading. (S-52.) Although the Student had been meeting all benchmarks for [REDACTED] earlier in the year, some gaps were appearing after an extended absence from school. (S-52.) The Student could identify 25 out of 26 uppercase letters and 22 out of 26 lower case letters. (S-52.) [REDACTED] could recognize 5 sight words, while the benchmark was 15. (S-52.) The Student had made little growth in letter sounds; [REDACTED] could make 13 sounds while the benchmark was 22. (S-52.) Ms. [REDACTED] also noted that the Student was below some of the benchmarks in math. (S-52.) Ms. [REDACTED] reported that the Student was reading at a Level B, which did not meet the threshold for [REDACTED] RTI services but given [REDACTED] history of an additional year of [REDACTED], summer programming before [REDACTED], absences due to medical needs, and the possibility of an extended medical absence in the future, the Team felt that RTI services should be in place to see if the Student could catch up and prior to an academic evaluation. (S-52.) The Team also agreed that the regular education summer program could be beneficial in helping the Student catch up. (S-52.)
32. At the March 8, 2022, meeting, the Student's speech therapist reported that [REDACTED] had made progress with [REDACTED] speech sounds and seemed to enjoy going to therapy and participating in activities. (S-52.) The Team reviewed the upcoming triennial evaluation testing being planned. (S-53.) The Team rejected the possibility of doing academic testing at that time prior to RTI services and summer programming. (S-53.) The Team also noted that gaps in academic achievement would likely show up in testing after the Student turned 7 in the fall of 2022. (S-53.) The Student's Mother agreed to adding an academic evaluation to check for a specific learning disability to the Student's triennial reevaluation in the fall. (S-53.)
33. At the March 8, 2022, meeting, the Student's Mother expressed concern about academic progress, noting that the Student historically required a lot of repetition to learn new skills. (S-53.) The Student's Mother also expressed concern about the Student's memory. (S-53.) She noted that the Student's medical issues made it difficult for [REDACTED] to concentrate on academics and [REDACTED] falls behind quickly when [REDACTED] is absent, with additional medical absences likely in the future. (S-53.) The Student's Mother explained that she was trying to schedule surgery and out-of-state medical trips for the summer but she wanted to make sure the Student had opportunities to catch up on missed work. (S-53.) The Student's Mother opined that the Student should be eligible for academic services in [REDACTED] IEP. (S-52.) The Student's Mother expressed frustration with needing to take time off from work to attend meetings to get the School District to provide the Student with services that meet [REDACTED] needs. (S-53.)

34. At the March 8, 2022, meeting, the Student's Mother requested an academic evaluation. (S-52.) The Team agreed to explore the possibility that the Student had a Specific Learning Disability, given history of needing repetition to learn and making slow growth in some benchmark areas. (S-52.) Because the Student had been successful in accessing a speech teletherapy session during a quarantine absence, the Team agreed that it would be beneficial for the Student to continue with teletherapy instead of indirect therapy during remote learning. (S-52.)
35. Also on March 8, 2022, a nursing services meeting was held regarding the Student, attended by the Student's Mother, Mr. Ms. , (School Nurse at the School in the School District), Mr. , (Assistant Superintendent), and Ms. . (P-1.) The Student's Mother reported that the Student required 40 to 50 hours of nursing support per week and requested that private nursing services be accessed while the Student was in the school building and during the school day. (P-1; School District Exh. #15.) The Student's Mother explained that a new medical order required straight catheterization during the day. (P-1; School District Exh. #15.) The Student's Mother noted that the private nursing services had to be accessed on a regular schedule in order for them to be provided during school vacations and on snow days. (P-1; School District Exh. #15.) Mr. and the Student's Mother explained that DHHS would not provide the private nursing service until it carried over into the school system for consistency. (P-1; School District Exh. #15.)
36. During the March 8, 2022, nursing care meeting, the School District staff members reported that the Student's current health plan was allowing to make progress in school and the School District would not permit the private nurse in the building during school hours. (P-1.) The Student's Mother explained that the School District's refusal to allow the private nurse into the school building was impactful for the Student, their family, and their outside lives. (P-1.) When the Student's Mother asked for a substantiated reason why a private nurse would not be allowed in the school building, the School District staff members stated that the private nursing services were not within the scope of the school day and were not needed for the Student to progress. (P-1.)
37. Following the March 8, 2022, nursing care services meeting, Ms. emailed the meeting attendants to summarize the discussion. (P-1.) She provided a notice of procedural safeguards if the Student's Mother felt that the rejection of private nursing services was a violation of the Student's right to FAPE. (P-1.)
38. As of the end of the second trimester, the most recent grading period in the record, the Student received Work Habit and 21st Century Skills scores of Good in all areas. (S-5.) second trimester scores in mathematics were all 3s (meeting grade level expectations). (S-6.) second trimester scores in writing were 3s other than a 2 (approaching grade level expectations) in applying letter sound knowledge to spell words. (S-7.) scores in reading were a mixture of 2s and 3s, with many

- foundation skills receiving a score of 2. (S-7.) The Student's Teacher noted that was always the first to join in dancing and movement songs and loved to sled on snowy recess days. (S-8.) Ms. was able to read a leveled book at grade level but there were gaps in foundational reading and writing skills, due to medical absences, that worked hard on. (S-8.) Ms. noted that the Student was beginning to receive additional literacy support. (S-8.) She noted that the Student enjoyed playing with peers and followed rules and routines. (S-8.)
39. On March 21, 2022, Dr. issued a medical order that the Student receive straight catheterization at 8:00 a.m. and 12:00 p.m. daily. (P-8.) The order also required venting of the Student's G-tube as needed for bloating. (P-8.)
40. On March 24, 2022, Maine Medical Partners Urology issued a letter stating that the Student was being seen for severe urinary retention and urinary incontinence. (P-3.) The letter stated that the Student was experiencing significant functional problems with retention in the past with unawareness of bladder fullness leading to incontinence that happened several times during the day. (P-3.) The letter reported that the Student would need to be catheterized every four hours during the day. (P-3.) The letter concluded that the Student was autistic and unable to catharize on own; as such, would require one-on-one assistance at school. (P-3.)
41. Also on March 24, 2022, Dr. , the Student's Developmental Behavioral Pediatrician, issued a letter stating that the Student's active problem list included constipation, sensory integration dysfunction, speech delay, feeding difficulty, slow weight gain, failure to thrive, autism spectrum disorder, and gastronomy tube. (P-4.) Dr. noted that the Student had a very complex medical history with multiple medical issues. (P-4.) He explained that the recent placement of a gastronomy tube and explained that had severe difficulty with constipation, both of which required constant supervision, preferably by someone trained to deal with such issues. (P-4.) Dr. recounted that he had been informed that the Student came home soiled once when G-tube was leaking. (P-4.) He opined that it was medically necessary for the Student to have a home health nurse with because medical issues were complex and required more licensed nursing care during the day. (P-4.)
42. The Student began RTI services at the beginning of March 2022. (School District Exh. #18.) receives one-on-one literacy services three times a week with , Reading Recovery Teacher/Literacy Interventionist. (School District Exh. #18.) As of mid-May 2022, the Student was just below the benchmark for letter sounds and sight words for June 2022 and was meeting the text level benchmark for June. (School District Exh. #18.)
43. The Student has missed a significant amount of school during the 2021-2022 school year due to medical issues. (S-1.)

44. The Student's Health Care Plan was updated on May 2, 2022, by _____, the nurse at _____ School. (S-55.) The time frame for reinsertion of the G-tube was increased from "within hours" to "within 15 minutes," in order to avoid the closing of the surgical opening. (S-57.) The Student required 300 milliliters of water daily and would come to the nurse's office. (S-58.) The Student was having urine incontinence issues. (S-58.) The potty schedule would continue to be utilized if the Student refused clean intermittent straight catheterization as was being medically directed. (S-58.) The google document of the bathroom schedule was shared with the Student's mother. (S-58.) The Student was newly required to have clean intermittent straight catheterization at 8:00 a.m. and 12:00 p.m. daily. (S-58.) The Student would use the bathroom at 1:00 p.m. (S-58.) The catheterization would be documented daily and shared with the Student's Mother via google docs. (S-58 to S-59.) The Student would be allowed to put two stickers on the sticker chart if _____ was able to participate in the catheterization. (S-59.) Straight catheterization would not be performed by the nurse if the Student refused, emotionally shut down, or screamed. (S-59.) _____, the _____ School Counselor, would be made aware and would intervene with any refusal, anxious, or negative behaviors. (S-59.) It was noted that the Student went to the nurse's office when _____ G-tube pump beeped for the nurse to fix the issue. (S-59.)

Interview with Student's Mother and Parents' Submitted Statements

45. The Student's Mother is a nurse. (Interview with Student's Mother.) The Student has had bowel accidents at school and come home from school multiple times wet with urine this school year. (Interview with Student's Mother.) The Student has also come home from school wet from _____ G-tube liquid spilling. (Interview with Student's Mother.) The Student has been at school with _____ G-tube pump off and beeping. (Interview with Student's Mother.) One of the Student's peers grabbed by _____ feeding backpack and pulled _____ over backwards. (Interview with Student's Mother.) The Student was denied access to a field trip due to insufficient staff and only after the Parent advocated for _____, did they eventually let the Student go with the School Counselor present. (Interview with Student's Mother.)

46. Around the end of September 2021, the Student got off the bus at the end of the school day soaked in _____ G-tube formula; _____ nine-year-old brother had used his spare clothes to clean _____ up so _____ could sit on the bus. (Student's Mother's Statement.) It was unclear how many calories the Student lost in this event and _____ required a full clothing change once arriving home. (Student's Mother's Statement.)

47. From September through November of 2021, the Student was on an intense bowel clean out regimen where _____ was missing one or more days a week of school due to multiple bowel accidents daily. (Student's Mother's Statement.) Although the Parents requested a remote learning option, the request was declined by Mr. _____ who stated that they should send the Student to school in diapers and that remote learning was allowed for COVID cases only. (Student's Mother's Statement.) The Student missed several days of school and the Parents had to alter doctor's

- recommendations to maximize the days that the Student could be in school because [redacted] was unwilling to go to school wearing diapers and have multiple accidents a day in front of [redacted] peers. (Student's Mother's Statement.)
48. During the school year, the Student has had multiple fecal or urinary accidents at school and sat in it throughout the day because no one knew [redacted] had an accident and no one was checking. (Student's Mother's Statement.) One of the Student's fecal accidents resulted in painful blisters to [redacted] bottom and upper thighs from sitting in stool due to the medication [redacted] was taking. (Student's Mother's Statement.)
49. One afternoon in late fall 2021, the Student's Mother picked the Student up from school and the Student immediately started crying in pain. (Student's Mother's Statement.) The Student's belly was distended and she reported that [redacted] had to urinate badly but that [redacted] was unable to go. (Student's Mother's Statement.) School staff members were unaware that the Student had not urinated the entire day even though [redacted] receives 1200 milliliters of fluid through [redacted] G-tube while [redacted] is at school. (Student's Mother's Statement.)
50. In January 2022, DHHS did a review and the Student's Mother learned that the Student qualifies for Section 28 services. (Interview with Student's Mother.) In February 2022, when the Student's Mother requested an IEP Team meeting to discuss the Section 28 nurse, she was invited to a nursing services meeting which was not an IEP meeting, even though she had requested an IEP meeting. (Interview with Student's Mother.)
51. Throughout the school year, the Student has had multiple instances of refusing to go to school or having meltdowns in the morning prior to going to school where [redacted] has refused to get on the school bus and the Parents have had to drop [redacted] off at school kicking and screaming. (Student's Mother's Statement.) The Student is dysregulated on an almost daily basis when [redacted] has to attend school, with worse severity since February 2022. (Student's Mother's Statement.)
52. Throughout the school year, there have been several encounters of the Student getting off the bus at home with [redacted] feeding pump beeping or malfunctioning, which extends [redacted] feeding into the evening. (Student's Mother's Statement.) This has also happened several times on the bus to school. (Student's Mother's Statement.) The Student's pump also beeps throughout the school day; when that occurs, the Student is sent to the School Nurse, causing [redacted] to miss instructional time. (Student's Mother's Statement.)
53. Early in February 2022, the Student's class was going on a field trip and there was discussion about what to do with [redacted] due to lack of nursing staff to accompany [redacted] on the field trip. (Student's Mother's Statement.) The Student's Mother received a message from the school stating that they didn't know if the Student would be able to attend. (Student's Mother's Statement.) After much discussion, it was decided that

- the School Counselor would go with the class and if there were any issues, they would call the Parents and the School Nurse. (Student's Mother's Statement.)
54. Early in March 2022, the Student came home from school upset that a peer on the playground had grabbed [redacted] by the G-tube backpack and pulled [redacted] over backwards. (Student's Mother's Statement.) The Student reported this made [redacted] feel uncomfortable and that the other student continued to follow [redacted] around the playground messing with [redacted] G-tube backpack. (Student's Mother's Statement.) This incident could have ended with the Student's G-tube being dislodged from abdomen. (Student's Mother's Statement.)
55. Regarding the March 8, 2022, nursing services meeting, the Student's Mother believes that the School District staff members had already made up their minds that they were not going to allow the Student to have private nursing services at school. (Student's Mother's Statement.) The Student's Mother feels this should have been an IEP Team decision. (Student's Mother's Statement.) Several suggestions were made during this meeting including changing the Student's feedings to nighttime, so [redacted] did not need to come to school with the G-tube, which was unacceptable and furthermore had already been tried without any success. (Student's Mother's Statement.) The Parents feel that the Student's medical providers should be allowed to make the determination of whether [redacted] needs full-time nursing services. (Student's Mother's Statement.)
56. On April 1, 2022, a substitute nurse at school did not know how to use the Student's G-tube pump. (Student's Mother's Statement.) The substitute nurse called the Student's Mother while she was at work asking her to walk her through troubleshooting and resetting the Student's pump. (Student's Mother's Statement.) The Student reported that this happened several more times throughout the day, which resulted in [redacted] missing class time. (Student's Mother's Statement.) When the Student's Mother asked Ms. [redacted] about it the following week, she was informed that when this substitute nurse was trained, the Student was in the hospital and therefore no training around the care of this Student occurred. (Student's Mother's Statement.)
57. On April 7, 2022, the Student's Mother picked the Student up from school; the Student would not make eye contact with her or talk to her until they got in the car, at which time the Student notified [redacted] mother that [redacted] was wet with urine and had been for several hours. (Student's Mother's Statement.) At the parent teacher conference that evening, the Student's Mother was informed that it had been a busy day and staff had forgotten to take the Student to the bathroom. (Student's Mother's Statement.)
58. The Student's Mother feels that there is a lack of support for the Student both at school and on the bus. (Interview with Student's Mother.) She is also concerned that the Student is missing instructional time and falling behind in math and literacy. (Interview with Student's Mother.) Although the School District Superintendent

- offered to move the Student to _____, the Family declined this option. (Interview with Student's Mother.)
59. Although the Student did not have a one-on-one aide in _____, the director had assigned an extra aide to the Student's classroom. (Interview with Student's Mother.) Even though this was not part of the Student's IEP, _____ needed the additional support. (Interview with Student's Mother.) The aide assisted the Student with toileting and putting on snow clothes. (Interview with Student's Mother.) In addition, the Student's _____ teacher spent a lot of one-on-one time with _____, which allowed the Student to gain significant academic skills. (Interview with Student's Mother.)
60. The Student's Mother feels that the Student's IEP should reflect that _____ needs help medically and academically. (Interview with Student's Mother.) The current IEP does not say anything about the Student's medical needs and how it impacts _____ in the classroom. (Interview with Student's Mother.) The Student's Mother also feels that the IEP should include the services of a Section 28 nurse. (Interview with Student's Mother.) A lot of issues that occurred this year could have been avoided if the Student had been allowed assistance from a Section 28 nurse. (Interview with Student's Mother.)
61. In February 2022, the Student's Mother requested an IEP meeting because she felt that the Student was falling behind. (Interview with Student's Mother.) The Student had missed a couple months of school due to COVID running through the family. (Interview with Student's Mother.) The Student also missed school while _____ was in Cincinnati and was hospitalized. (Interview with Student's Mother.) While the Student was out, the Student's Mother reached out to Ms. _____, who gave them a packet to do during that time. (Interview with Student's Mother.)
62. During the March 2022 IEP meeting, school staff indicated that the Student was not falling far enough behind for them to intervene. (Interview with Student's Mother.) The Student's Mother feels that the Student is falling behind all the time. (Interview with Student's Mother.)
63. During the March nursing services meeting, the Student's Mother felt that school staff members came to the meeting with their minds already made up. (Interview with Student's Mother.) The group said they had already met and made a decision and that the meeting was not an IEP meeting. (Interview with Student's Mother.) School staff members had determined without Parent input that the Student did not need one-to-one support and that they were meeting all of the Student's medical needs. (Interview with Student's Mother.)
64. The Student's Mother counts approximately twenty occasions this school year when the Student has come home from school covered in urine, feces, or G-tube liquid. (Interview with Student's Mother.) While the fecal accidents have subsided since their fall trip to Cincinnati for medical treatment, the Student continues to come home

- from school wet with urine. (Interview with Student's Mother.) The Student's Mother feels that this is unacceptable and has had multiple conversations with the School Nurse and School Counselor. (Interview with Student's Mother.)
65. The Student's Mother feels that the Student needs someone with autism and sensory processing knowledge to sit with and break down tasks. (Interview with Student's Mother.) The Student cannot break down or figure out something like "write a story" and needs help with things like that. (Interview with Student's Mother.) The Student's Teacher has stated that the Student does very well when is sitting one-on-one with the teacher. (Interview with Student's Mother.) The Student's Mother feels that a Section 28 nurse with the Student at school could help with academic support as well. (Interview with Student's Mother.)
66. DHHS not only requires the nurse to attend school with the Student but also requires that the Student's IEP reflects full-time nursing services. (Interview with Student's Mother.) Although the Superintendent was open to allowing the private nurse to be present at school, the Superintendent told the Student's Mother that he did not have authority to alter the Student's IEP. (Interview with Student's Mother.)
67. The Student's Mother feels as though the Student is not getting in a full school day due to the Student having to leave the classroom to go to the nurse's office. (Interview with Student's Mother.) If there was a Section 28 nurse with the Student all day, the Section 28 nurse could reset the G-tube pump when needed so that the Student would not have to keep leaving the classroom. (Interview with Student's Mother.) The Student's Mother inquired about other people learning how to reset the pump and was told that only the nurse can touch the pump. (Interview with Student's Mother.)
68. At the beginning of the year, the Student had a forty-minute bus ride and there were issues with the Student wetting pants because the ride was too long. (Interview with Student's Mother.) There were also issues with pump beeping and G-tube leaking. (Interview with Student's Mother.) There have been changes made to the route and the Student now has a ten-minute bus ride. (Interview with Student's Mother.) While there are fewer issues, there have still been issues on the bus. (Interview with Student's Mother.) A Section 28 nurse would ride the bus with the Student to and from school and alleviate any issues. (Interview with Student's Mother.)
69. The Student now has to be catheterized every four hours while is awake. (Interview with Student's Mother.) The Student's Mother learned that this was on the horizon in February and reached out to the School District to get a private nurse in place beforehand. (Interview with Student's Mother.)
70. Ms. , Ms. , and Ms. have all told the Student's Mother that the Student needs additional support and assistance. (Interview with Student's Mother.)

Interview with Student's Grandfather

71. The Student's Grandfather cares for the Student and siblings when parents are at work. (Interview with Student's Grandfather.) The Student's Grandfather has been caring for since birth. (Interview with Student's Grandfather.) During the school year, the Student's Grandfather is at home until one of Parents gets home at approximately 4:00 p.m. (Interview with Student's Grandfather.) The Student gets off the bus between 2:20 p.m. and 2:30 p.m. on school days, accompanied by brother, who carries backup to the house. (Interview with Student's Grandfather.) The Student is frequently squeezing legs together because needs to urinate; sometimes does not make it to the bathroom before having an accident. (Interview with Student's Grandfather.) The Student's clothing is sometimes wet with urine or stool when gets off the bus. (Interview with Student's Grandfather.) Although he could not provide an exact number of times this occurred, the Student's Grandfather stated it was absolutely more than ten times. (Interview with Student's Grandfather.) The Student frequently says had to "go potty" at school. (Interview with Student's Grandfather.) When the Student's Grandfather asks the Student why did not tell anyone needed to use the bathroom, says that did. (Interview with Student's Grandfather.) The Student's G-tube pump is sometimes beeping when gets off the bus. (Interview with Student's Grandfather.) The Student's Grandfather has observed being upset about the recent catheterization requirement and refusing to get on the bus for school as a result. (Interview with Student's Grandfather.)

Interview with Dr. , the Student's Pediatrician

72. , M.D., has been the Student's Pediatrician since birth and sees several times per year. (Interview with .) Dr. helps address the Student's severe constipation, incontinence, enuresis, autism, encopresis, and failure to thrive. (Interview with .) Dr. feels that the Student needs to be in the least disruptive environment to daily routine and maximize ability to be in class. (Interview with) Dr. is aware that the Student needs frequent changes and has frequent accidents at school. (Interview with .) Dr. knows that the Student needs extended time on the toilet but she is not sure if the nurse is always available or if the Student always makes it in time. (Interview with .)
73. The Student's catheter is in place to prevent bladder from enlarging and help to return it to a normal size and tone. (Interview with .) The Student also has feeds that need to be running continuously throughout the day. (Interview with .)
74. Dr. believes that the Student is a creature of routine. (Interview with .) The Student shuts down if gets scared or nervous or when routine changes. (Interview with .) The Student is able to work through

issues quickly with mother; mother has often been helpful in facilitating treatments or interventions. (Interview with .)

75. Dr. feels that it would be very helpful if the Student could have a full-time nurse and be reassured that would have somebody there; the Student would not need to worry if the nurse was not there or was busy with another student. (Interview with .) Dr.'s understanding is that if the nurse is not at school or is not available, the Student will not say anything and then has an accident and sits in it all day which leads to rashes and increased possibility of infection. (Interview with .) It is Dr.'s understanding that the nurse does not want to administer the catheter to the Student. (Interview with .) The catheterization is being overseen by a urologist. (Interview with .)

Interview with Dr. , the Student's Developmental Behavioral Pediatrician

76. M.D., is a Developmental Behavioral Pediatrician and is consulting on the Student's case as a specialist. (Interview with .) Dr. is mostly consulting on the Student's developmental issues and managing behavioral and developmental issues which includes motor skills and language and trying to make sure the Student is getting the right services. (Interview with .) He sees the Student every few months. (Interview with .) Dr. has a recent copy of the Student's IEP and notes that the only service in IEP is speech language. (Interview with .) Dr. believes that the School District is not acknowledging how significantly the Student's autism diagnosis affects . (Interview with .)
77. The Student has mood swings, voiding dysfunction due to constipation, and is repetitive. (Interview with .) The Student has a food aversion which is common for children with autism. (Interview with .) Dr. believes that the Student also does not eat, possibly due to constipation. (Interview with .) The Student overpowers need for hunger and was losing weight and nutritionally not in great shape so was prescribed a G-tube. (Interview with .) The Student has been to a Cincinnati treatment facility to evaluate constipation. (Interview with .) The Student's urologist decided that the Student needed a catheter because of difficulty voiding. (Interview with .)
78. Students with autism have all kinds of behaviors which include mood swings, tantrums, and medical issues; this Student is complex. (Interview with .) Dr. is aware that the Student's Mother is concerned about the frequency with which the Student comes home soiled and also that has experienced rashes from being soiled for an extended period. (Interview with .) He also believes that the G-tube pump beeping has been an issue in school for the Student. (Interview with .)

79. Dr. _____ believes that the Student's School Health Care Plan is appropriate but that it is not being followed. (Interview with _____.) The Student's autism means that _____ may not communicate that _____ is wet or soiled or hungry. (Interview with _____.) Dr. _____ believes that school staff are leaving the Student on _____ own and telling _____ to come see them if _____ needs something. (Interview with _____.) The Student's Mother's request to have a nurse under Section 28 come in and help manage the situation would be beneficial. (Interview with _____.) Dr. _____ thinks this would solve a lot of issues because the Student would have somebody there to notice if _____ was wet. (Interview with _____.)

Interview with _____, the Student's Outside Case Manager

80. _____ is the Student's Case Manager from the Center of Autism and Developmental Disabilities through Maine Behavioral Healthcare. (Interview with _____.) He has been the Student's case manager for over a year. (Interview with _____.) Mr. _____'s role has primarily been around educational advocacy. (Interview with _____.) During _____, the Student's needs were better managed because it was a smaller setting with fewer kids and the Student got one-on-one attention because there was an aide in the classroom. (Interview with _____.) The Student's _____ teacher reported that that Student really benefited from having the extra adult in the room. (Interview with _____.) In March and April 2021, they started advocating for a one-on-one aide for the Student in _____. (Interview with _____.)

81. During the Student's transition IEP Meeting in April 2021, Ms. _____ stated that she did not believe the Student needed a one-on-one support but that the Team could revisit the issue during the October IEP meeting. (Interview with _____.) The meeting was very tense. (Interview with _____.) Mr. _____ brought the Student's case to his colleagues to understand their experiences with students with similar needs and learned of a student with autism and a G-tube who received one-on-one nursing services. (Interview with _____.) Mr. _____ had difficulty sharing his rationale for the Family's request for a one-on-one aide before Ms. _____ stopped him from speaking, after which Ms. _____ got defensive and upset and abruptly ended the meeting. (Interview with _____.) During a subsequent meeting, Ms. _____ apologized to Mr. _____ for "biting his head off." (Interview with _____.)

82. During the October 2021 IEP meeting, school staff determined that they were meeting the Student's needs even though _____ medical needs were getting more intensive and _____ was having accidents. (Interview with _____.) The Student was scheduled to leave in November to get medical services and the school pushed off assessing _____ needs until after _____ absence. (Interview with _____.) When the Student returned, _____ assessment was pushed off again. (Interview with _____.)

83. During the February 15, 2022, IEP Meeting, Mr. _____ was not aware that the Student was eligible to have Section 28 nursing services carry over into school.

- (Interview with .) Mr. believes that the Parents learned about eligibility when they spoke to . (Interview with .)
84. Regarding the two meetings held on March 8, 2022, Mr. attended only the nursing services meeting due to a scheduling conflict. (Interview with .) During the nursing services meeting, the Student's Mother described how the Student would benefit with a one-to-one nurse and how there was an increased need for nursing to perform the Student's catheterization. (Interview with .) The Student's Mother stated that the Family had located an agency that was willing to provide the Section 28 nursing services but they needed approval from the school for the nurse to be present in school. (Interview with .) The school replied that they were meeting the Student's needs and that could undergo catheterization when got home. (Interview with .) The Student's Mother mentioned that part of the need for in-home nursing was that during school breaks and summer vacation, the nurse could work at the Family's home so there would be a dual benefit of home and school. (Interview with .) The school seemed to believe that it was not their responsibility because sometimes it applied to out of school hours. (Interview with .) The school staff did not address how the catheterization was going to be performed every four hours while the Student was at school. (Interview with .)
85. The Student's Mother explained to Mr. in advance that school staff members had already met and it seemed like a "done deal" and that it was not up for discussion. (Interview with .) The Student's Mother became really frustrated and started speaking more assertively and aggressively and then eventually just got up and left the meeting. (Interview with .) Everybody from the school seemed to all be on the same page. (Interview with .) The School Nurse has told the Student's Mother separately that she feels the Student needs a one-on-one support. (Interview with .)
86. Academic support is needed for the Student partially because is absent so much due to medical issues. (Interview with .) Mr. feels that it seems the school has forgotten that the Student has autism. (Interview with .) Mr. feels that the Student's academic needs have not been gauged because they are so overshadowed by the Student's medical needs. (Interview with .) The Student's ability to communicate needs is impacted by autism. (Interview with .) The Student struggles to let adults know if needs to go to the bathroom or if has had an accident. (Interview with .) The Student has also struggled with trusting adults to change or toilet . (Interview with .) The Student's Mother has expressed the need to have a consistent adult to build trust with given the private nature of those things. (Interview with .)
87. Mr. feels that both one-on-one academic support and nursing support should be in the Student's IEP. (Interview with .) The Student may not need permanent one-on-one academic aide but does need extra help currently.

- (Interview with .) The Student has shown to perform better academically with the direct one-on-one support of both and teachers. (Interview with .) Mr. feels that the Student would also perform better academically if had a one-on-one support person for medical and academic needs. (Interview with .)
88. The Student's Mother has raised her concerns that it would be traumatic for the Student to allow School Staff members to catheterize . (Interview with) The school's response is that they should teach the Student to allow strangers to do these things. (Interview with .) The problem is not that the Student needs to be okay with random adults doing catheters or changing , the problem is that should be able to have a trusted adult to meet needs and thus avoid trauma. (Interview with .)

Interview with , R.N., School Nurse

89. R.N., has been the primary nurse at School for approximately one year. (Interview with .) She has been a registered nurse for twelve years. (Interview with .) Ms. has been at both the Student's IEP Meetings this year. (Interview with .)
90. When Ms. first started at School, the Student's Mother told her that the Student had approximately ten to twelve stool accidents per day and had a continuous G-tube feed. (Interview with .) They were trying to formulate the best plan for the Student and planned a bathroom schedule every 45-60 minutes to try to avoid the accidents and/or catch the accidents. (Interview with .) When the Student returned from Cincinnati in the fall, they updated Health Care Plan; the doctor had indicated that every 45-60 minutes was over the top and that every two hours or so would be sufficient. (Interview with .) When the Student comes to her office, she checks for accidents and has go to the bathroom. (Interview with .) Ms. logs all this information into a google document that the Student's Mother can see at any time. (Interview with .)
91. They moved the bathroom breaks to 8:30 a.m., 11:00 a.m., and 1:00 p.m. (Interview with .) The teachers set alarms and send the Student to the nurse at the appointed time. (Interview with .) They also have a sticker chart for when the Student sits on the toilet and is truthful about accidents and after a few times, the Student gets a prize. (Interview with .) The Student's Mother wanted to use Ms office's bathroom; because the Student thrives off of routine, it works well for . (Interview with .) If the Student does not appear in her office at one of the scheduled times during a school day, Ms. will go get the Student. (Interview with .)
92. When Ms. is out, a substitute nurse fills in. (Interview with .) Ms. explains the Student's needs to the substitute nurses. (Interview with .) Ms. feels that the Student does well with people trusts.

- (Interview with .) Ms. has a substitute binder so the nurse filling in can read all the details. (Interview with .)
93. When the Student was on a lot of different medications, was having a lot of accidents. (Interview with .) The Student was taking high doses of laxatives, similar to what an adult would take for a colonoscopy. (Interview with .) Ms. is there when the Student uses the bathroom and tells to let her know if needs her help. (Interview with .) Ms. is trying to allow the Student to maintain as much independence and privacy as possible while still meeting needs. (Interview with .)
94. Ms. has observed a few instances of the Student holding in urine which is why she believes is now getting the catheter. (Interview with .) If the Student has not urinated before 11:00 a.m., Ms. alerts the Student's Mother. (Interview with .) Ms. uses tactics such as running the Student's hands under warm water to stimulate the need to urinate. (Interview with .) One time, the Student's Mother came and picked up the Student because at 1:00 p.m., the Student had still not urinated and the Student's Mother had the catheter supplies at home. (Interview with .) At that time, Ms. did not have any orders to do the catheter. (Interview with .) The catheterization is now on the Student's Health Plan. (Interview with .) When the Student returned from April break, the Student's Mother reported that she had been able to catheterize the Student at home four times per day as ordered and she wanted to figure out how to make it work at school. (Interview with .)
95. On April 29, 2022, Ms. met with the Student's Mother to revise the Student's Health Care Plan. (Interview with .) A Health Care Plan meeting does not require the attendance of an administrator because doctor's orders change frequently. (Interview with .) They met with the intent of beginning the new Health Care Plan on May 2, 2022. (Interview with .)
96. The revised plan includes a requirement that the Student's G-Tube be reinserted within fifteen minutes if it were to come out. (Interview with .) The Health Care Plan had previously required that the G-tube be reinserted within hours if it fell out. (Interview with .) The Student's Mother had mentioned incidents where the G-tube has been disconnected on the bus. (Interview with .) The Student's Mother is concerned that this could happen on the playground. (Interview with .) There was an incident not witnessed by anybody but where the Student told mother that kids were pulling on tubing and backpack, although nothing was loose or disconnected. (Interview with .) That is a potential safety hazard if that was happening. (Interview with .) The fifteen-minute time requirement is applicable to the actual tube coming of the Student's belly. Ms. is very confident she can resolve the problem if that occurred because she used to surgically put them in. (Interview with .) It is a small school so it would not take more than a minute or two for the Student to walk to the nurse's office if this were to happen. (Interview with .)

97. The plan is to revert to the potty schedule when the Student refuses the catheter. (Interview with .) May 2, 2022, was supposed to be the first day of the Student being catheterized at school but the Student refused to go to school that day. (Interview with .) May 3, 2022, was a very hard day for the Student. (Interview with .) The Student's Mother brought the Student to school and carried in with pajamas on. (Interview with .) Ms. and Mr. helped carry the Student's belongings in. (Interview with .) When they brought the Student into Ms.'s office, screamed and hid under the bed. (Interview with .) The Student's Mother eventually held the Student while Ms. helped get dressed. (Interview with .) They were eventually able to deescalate the Student but it took some time. (Interview with .) The Student's Mother eventually left school and the Student refused to go to class. (Interview with .) Once the Student felt comfortable that they were not going to catheterize at school, the Student went to class, at approximately 8:50 a.m. (Interview with .)
98. On May 4, 2022, the Student's Mother and the Student came in and even though the Student was in a good mood, would not even let mother do the catheter. (Interview with .) The Student's Mother said she would have to go to work late so she could perform the catheterization at school. (Interview with .) The Student then refused to have it done at school even by mother, so now the Student's Mother is performing the catheterization at home in the morning, then picking the Student up at school at 11:45 a.m., taking the Student home for catheterization, and bringing the Student back to school. (Interview with .)
99. The Student's Mother has indicated that the order for catheterization is not permanent. (Interview with .) It is due to the Student's retention of urine, which doctors were still trying to figure out. (Interview with .) They are discussing potential surgery. (Interview with .) From the sounds of it, Ms. believes that even the doctors are unsure of which direction to go. (Interview with .) Ms. feels that it is obviously not sustainable for or the Student's Mother to perform the catheterization four times a day in school. (Interview with .) Ethically and morally, Ms. would never pull the Student's pants down if is saying "no," but part of the plan is to motivate and talk into eventually allowing it to happen. (Interview with .)
100. The Student's Mother is really trying to work with the Student. (Interview with .) One of the benefits of hiring a nurse for the Student is that it would pull the Student's Mother out of the role of providing medical care while the Student is at school. (Interview with .) There would be a benefit to the Student of having consistency of having one person doing it all day long. (Interview with .) Ms. is capable of performing the catheterization but with the schedule it is just not sustainable considering how the Student is reacting to it. (Interview with .) If the Student's Mother had a nurse at home, it would help because then the Student's Mother is not the only one doing it. (Interview with .) It would help the

Student's trust issues if [redacted] could trust another adult to consistently perform the catheterization. (Interview with [redacted].) The Student has told her that [redacted] doesn't want anybody except [redacted] mother to perform catheterization and [redacted] only wants it done at home. (Interview with [redacted].)

101. Because of the change in medical orders to catheterization four times a day, Ms. [redacted] does believe that the Student needs full time nursing services while in school. (Interview with [redacted].) Before this change, Ms. [redacted] had no issues handling all of the Student's needs. (Interview with [redacted].)

102. There are only a few hours between the last time the Student comes to the nurse's office and the end of the day. (Interview with [redacted].) Ms. [redacted] believes that somebody working with the Student would notice if [redacted] had an accident. (Interview with [redacted].) Ms. [redacted] rubs the Student's back and bottom to see if [redacted] is wet. (Interview with [redacted].) If the Student's Mother wants her to check the Student's underwear daily, she will but that is not what the Student wants as far she knows. (Interview with [redacted].)

103. The February 2022 field trip was five minutes away from the school and Ms. [redacted] had no concerns about it. (Interview with [redacted].) The Student's Teacher was concerned. (Interview with [redacted].) Ms. [redacted] spoke to other nurses in the School District and they said since the Student does not have one-to-one nursing services, Ms. [redacted] could not leave the school to attend the field trip. (Interview with [redacted].) Ms. [redacted] would have gone if necessary. (Interview with [redacted].) The field trip was only an hour long. (Interview with [redacted].) The School Counselor went with them just as a second adult not specifically for the Student. (Interview with [redacted].) Ms. [redacted] showed the School Counselor how to work the G-tube. (Interview with [redacted].) Ms. [redacted] can also fix the G-tube when it's beeping. (Interview with [redacted].) Ms. [redacted] has shown her how to shut the pump off and on and check for kinks. (Interview with [redacted].) Adding the water in the pump still has to be performed by a nurse, however. (Interview with [redacted].) Ms. [redacted] told the Student's Mother that at the next IEP meeting the Team should discuss field trips and come up with a plan. (Interview with [redacted].)

Interview with [redacted], [redacted] School Counselor

104. [redacted] is the School Counselor at [redacted] school. (Interview with [redacted].) She has held the position for 16 years. (Interview with [redacted].) Ms. [redacted] also serves as a clinician for Spurwink and was an outpatient clinician for the Family before the Student enrolled at [redacted] School. (Interview with [redacted].) Ms. [redacted] discharged the Student from her Spurwink caseload when the Student enrolled at [redacted] School. (Interview with [redacted].)

105. As the School Counselor, Ms. [redacted] sees the Student daily. (Interview with [redacted].) If any issues arise that suggest that the Student is feeling anxious, Ms. [redacted] is called. (Interview with [redacted].) If the Student is having

- difficulty entering the school, Ms. _____ assists with the transition. (Interview with _____.) Ms. _____ is involved in providing rewards to the Student if _____ reaches a certain number of stickers on _____ bathroom chart. (Interview with _____.) Ms. _____ might also get called to help if the Student's G-tube pump is not working or the Student needs to go to the bathroom and Ms. _____ is tied up. (Interview with _____.)
106. Ms. _____ facilitates a group meeting on self-regulation of emotions that the Student attends weekly. (Interview with _____.) Although the Student is very shy and quiet, _____ does participate. (Interview with _____.) Ms. _____ perceives the Student to be very bright and very intuitive, with good recognition of _____ feelings. (Interview with _____.) Ms. _____ also has opportunities to observe the Student when _____ is in _____ classroom. (Interview with _____.) She finds that the Student is a rule follower, engages in class, and appears to get along well with peers. (Interview with _____.) Ms. _____ is not part of the Student's IEP Team since the counseling service she provides is mainstreamed. (Interview with _____.) Ms. _____ does participate in meetings regarding the Student's Health Care Plan, noting that the Student has physical medical issues as well as anxiety. (Interview with _____.)
107. Ms. _____ noted that the Student's need for medical care has increased over the last two years, including the frequency of the need to ensure that _____ is not wet and the addition of catheterization. (Interview with _____.) She believes that at this time, a one-on-one aide would be best for the Student. (Interview with _____.) Ms. _____ believes it would be beneficial to the Student to have an adult carry over with _____ between home and school, which would alleviate need for privacy and would allow the catheterization, which is currently a 20 or 30 minute process, to occur at school, which is not reasonable to expect of the School Nurse who has other duties, including attending to emergencies. (Interview with _____.) Ms. _____ does not feel that the current situation is sustainable with the Student's Mother coming to pick the Student up mid-day to take _____ home to perform catheterization and then returning _____ to school. (Interview with _____.) She noted that when there is a substitute nurse, she is called to assist the Student with bathroom breaks or when the Student is having trouble communicating with the substitute nurse, which is consistent with the Student's difficulty communicating with new adults. (Interview with _____.) Ms. _____ noted the importance of consistency to the Student. (Interview with _____.) Ms. _____ noted that the Student was out of _____ classroom a lot to address _____ medical needs and for bathroom breaks. (Interview with _____.)
108. Ms. _____ helped the Student change out of soiled clothes once towards the beginning of the school year. (Interview with _____.) Although Ms. _____ has not personally observed the Student having soiled clothes other than that one incident, the Student's Mother has told her of such incidents a few times. (Interview with _____.) When Ms. _____ tried to address those situations with the Student after the fact, the Student was embarrassed and although _____ said

would tell Ms. _____ if it happened again, _____ has not done so. (Interview with _____.)

109. Ms. _____ observed that the Student's Mother understood that the catheterization order was on the horizon and tried to be proactive in setting up a plan for school, knowing that the Student would be resistant to school staff members seeing _____ private parts. (Interview with _____.) She helped try to explain to the Student how the catheterization would occur in the nurse's office bathroom; the Student was very quiet but kept saying "no." (Interview with _____.) After Ms. _____ left the room, the Student started crying and saying _____ did not want to. (Interview with _____.) Later that day, the Student's Mother sent Ms. _____ a picture of the Student, who had chewed _____ lip badly due to anxiety about the idea of Ms. _____ catheterizing _____ at school. (Interview with _____.)

110. Ms. _____ recalled that on the Monday after that, the Student refused to come to school. (Interview with _____.) The following day, Tuesday, the Student's Mother brought _____ to school but Ms. _____ was out; she later heard it had been a really horrible transition into school for the Student. (Interview with _____.) On Wednesday, Ms. _____ spoke with the Student's Mother and they agreed that the Student was too stressed for them to push the issue of having Ms. _____ do the catheterization at that time. (Interview with _____.)

111. With regard to the February 2022 field trip, Ms. _____ explained that she went on the trip. (Interview with _____.) She noted that the Student's Teacher was very concerned about what would happen if the G-tube came out or began to beep. (Interview with _____.)

Interview with _____, Ed.D., BCBA, Director of Instructional Support/Special Services

112. _____ is the Director of Instructional Support/Special Services in the School District. (Interview with _____.) Ms. _____ has held this position for four years. (Interview with _____.) The April 2021 transition meeting was the first time that Ms. _____ was aware that a one-on-one support was being requested for the Student. (Interview with _____.) Typically, before a one-on-one nursing request, Ms. _____ would want data to substantiate the need. (Interview with _____.) The Student's Case Manager just came out with the demand for one-to-one nursing at the April 2021 IEP Team meeting. (Interview with _____.) The nurse who worked with the Student in _____ felt that the Student's needs could be managed by the current care plan and that there was no need for a medical or behavior one-to-one aide. (Interview with _____.) Ms. _____ felt that the Student's Case Manager was inappropriate during the meeting; he upset the _____ team with his comments. (Interview with _____.) Ms. _____ believed that the Student's Mother was already angry with school staff even though she had not met them prior to the meeting. (Interview with _____.) Ms. _____ did reach out to the Case Manager's

- supervisor and never heard back. (Interview with .) Ms wanted to give his supervisor feedback that Mr. needed data to support his demands and explain that he had set them up for failure with the Student's Mother. (Interview with .) Ms. decided that they could review the request again in the fall after the Student had started . (Interview with .)
113. Ms. was not involved with the Family in the fall because things were going well as far she understood. (Interview with .) Ms. had a meeting to check in on things and had been doing monthly meetings. (Interview with .) The Student's Mother was nervous about what was on the horizon for medical care for the Student. (Interview with .)
114. On October 13, 2021, Ms. had a check in with the Parent and the Principal to make sure the Student's transition to had been going okay. (Interview with .) The Student's Mother indicated that it was anticipated that the Student would have increased medical needs. (Interview with .) The Student's Mother was worried about the Student needing to leave class to use the bathroom and was hoping an order for catheterization would alleviate that concern. (Interview with .) The Student's Mother expressed concern about the need for the Student to miss school for upcoming surgery and about potential gaps in learning. (Interview with .) Although the Student barely qualified to get into the summer program, Ms provided a full academic assessment to get a baseline. (Interview with .) As of the October 15, 2021, IEP Team meeting, Ms. did not believe that the Student needed academic or nursing support. (Interview with .)
115. Ms. expresses concern that it would be taxing on the School District to allow a private nurse into the school when the School District feels it is providing a FAPE without that service. (Interview with .) The School District shortened the Student's bus route to address concerns that the ride was too long for . (Interview with .) The School District has also offered alternative transportation, in the form of an individual ride, or a bus aide for the Student but the Family declined those offers.
116. Ms. convened a meeting of school staff in advance of the nursing services meeting for the Student to which the Student's Mother had been invited. (Interview with .) Attending the premeeting were: a nurse from the program, a nurse from another school, Mr. Ms. , and (the Assistant Superintendent). (Interview with .) They talked through past practices regarding student nursing needs and how to determine when the need arises to the level of needing a one-on-one aide. (Interview with .) Ms. states that the group did not make a decision but they talked about capacity for nurses and offered Ms. more training if she felt she needed it. (Interview with .) Ms. wrote an email to the Student's Mother approximately an hour later after the meeting ended inviting her to a nursing services meeting. (Interview with .) Ms. has never indicated that she feels incapable of meeting the

- Student's needs. (Interview with .) They had the nurses meet with and support to make sure was comfortable providing the Student's nursing services. (Interview with .) Ms. understood the Family's request to be that they needed the nurse for daycare and wanted the School District to adjust so that the Student could have nursing services during vacations. (Interview with .)
117. On March 8, 2022, Ms. convened a non-IEP Team meeting that included the Student's Mother to discuss the Family's request for private nursing services in school. (Interview with .) Ms. feels that it was clearly articulated between the Student's IEP and the services received through the health plan that needs were being well managed. (Interview with .) Ms. asked if she could be allowed to speak to the nursing agency. (Interview with .) Ms. was not allowed to talk to anybody because the Family would not give consent. (Interview with .) After the meeting, the Student's Mother went to the Superintendent. (Interview with .)
118. Ms. feels that it is a very clear that the Student does not need a one-on-one support for academics. (Interview with .) Ms. reports that the Student is on grade level, even if barely so, and there are kids that are doing worse. (Interview with .) Nevertheless, they got the Student into RTI and summer programming because has some lagging skills but there is not sufficient data to substantiate the need for a one-on-one aide for academics. (Interview with .) The School District has not completed the one-to-one assessment that is required for an educational technician to be substantiated on an IEP. (Interview with .)
119. Ms. was unaware of the recent Health Care Plan revision meeting until after it had occurred. (Interview with .) Ms. is comfortable with the new provision requiring that the G-tube be inserted within fifteen minutes if it were to come out because School is a small school but she feels it is a lot to expect of the School Nurse. (Interview with .) Nevertheless, Ms. is worried about Ms. . (Interview with .)
120. Ms. stated that if she received data indicating that Ms. could not meet the Student's needs, they will adjust the Student's IEP. (Interview with .)
121. A different special education administrator will schedule the Student's next IEP meeting, during which the IEP Team will review the Student's evaluations and talk about the proposal of adding the nursing services health plan to the IEP. (Interview with .) A different administrator will take over in order to have a fresh start with the Student's Mother. (Interview with .)

Interview with , Regular Education Teacher

122. is the Student's Teacher. (Interview with .) It is her 15th year at School. (Interview with .)

123. The Student's Mother contacted Ms. _____ before the school year started; she was concerned about the Student not having an aide on the bus and not being watched on the playground. (Interview with _____.) The Student attended summer school, during which the Student's Mother expressed her concerns. (Interview with _____.) Ms. _____ worked with the Student while _____ was in summer school. (Interview with _____.) There was a nurse present during the summer program; Ms. _____ believed she checked the Student's G-tube and pump throughout the day and she helped the Student access the bathroom. (Interview with _____.)
124. The Student exhibited a lot of anxiety at the start of the school year. (Interview with _____.) The Student's independence has grown and _____ is now more comfortable with Ms. _____. (Interview with _____.) The Student has a lot of peers that seek _____ out and _____ has peers that _____ seeks out. (Interview with _____.) _____ plays cooperatively. (Interview with _____.) Socially, _____ is very quiet but _____ will raise _____ hand in discussions. (Interview with _____.)
125. The Student is meeting benchmarks with a couple of gaps here and there. (Interview with _____.) This year, after two years of COVID, the Student is maybe just below the average. (Interview with _____.) The Student did not qualify for RTI but after _____ last IEP Team meeting, RTI picked _____ up and they are helping with sight words and letter sounds. (Interview with _____.) The Student spends about 15 minutes, two or three days a week, doing RTI for literacy skills. (Interview with _____.) As of _____ last math assessment, the Student was meeting benchmarks. (Interview with _____.) RTI is assessed about every six weeks or so. (Interview with _____.) The Student is making great progress and Ms. _____ believes it will continue. (Interview with _____.) Ms. _____ does see an improvement as a result of RTI. (Interview with _____.)
126. Ms. _____ believes that the reason why the Student's Mother thinks the Student needs a one-to-one aide is that she is concerned about the amount of time the Student has to leave class for the pump beeping and other medical issues. (Interview with _____.) Ms. _____ believes that the Student's Mother wants the Student to have a familiar adult around all the time, which would result in the Student's class time being interrupted less frequently. (Interview with _____.) Ms. _____ does not know all of the Student's medical needs. (Interview with _____.) Sometimes the Student doesn't miss much at all when _____ goes to the nurse and other times the pump is beeping all the time and _____ is missing class. (Interview with _____.) The Student also sees the School Counselor. (Interview with _____.)
127. Ms. _____ has worked hard to make the Student's regular trips to the bathroom coincide with the normal breaks. (Interview with _____.) There is a bathroom chart being used daily in Ms. _____'s office. (Interview with _____.) The Student also has access to the same system all of the other student's use to go to the bathroom but has never used it; the Student could take a magnet with _____ name on it and put it up

- on the board when needs to go to the bathroom. (Interview with .) Around 8:30 a.m. the whole class goes to use the bathroom and the Student continues on to Ms. 's office. (Interview with .) At 11:00 a.m., the Student has a break when the class comes back from unified arts and goes to Ms. 's office at that time. (Interview with .) At 1:00 p.m., at the end of an intervention period, the Student goes to Ms. 's office to have water put into pump and to use the bathroom. (Interview with .) The Student also sees the nurse when gets off the bus. (Interview with .) Other than that, the Student can go to the bathroom if requests to do so or if Ms. notices needs to go. (Interview with .) The Student has only requested to go to the bathroom once. (Interview with .) Ms. has never noticed the Student being wet from urine, stool, or G-tube. (Interview with .) Ms. thinks that she would notice if the Student had an accident. (Interview with .) The school days ends at 2:00, an hour after the Student's last trip to Ms. 's office. (Interview with .) Ms. thinks that the Student would have to leave the room with nearly the same frequency even with a one-to-one nurse. (Interview with .)
128. The Student needs more support than other students with activities such as getting coat on and off and getting winter gear on. (Interview with .) Ms. doesn't feel like the Student needs more step-by-step academic instruction than other students. (Interview with .) The Student needs some help sounding out words but all students need help with that. (Interview with .) The Student does not write a lot. (Interview with .) The Student is on the quieter side. (Interview with .)
129. With regard to the February field trip, Ms. had concerns and she wanted someone to go with on the trip due to the Student's medical needs. (Interview with .) Ms. was told there was no one to do that. (Interview with .) Ms. did check with the Student's Mother, who indicated that she felt comfortable with the Student participating in the trip due to the close proximity of the location of the field trip to the school and that Ms. would be present. (Interview with .) There are no plans for future trips put in place at this time. (Interview with .) The next field trip is to the beach; Ms. is attending that field trip. (Interview with .)
130. The Student's speech intelligibility is about 50% or higher. (Interview with .) Sometimes the Student needs to repeat things but usually context helps. (Interview with .) Speech therapy remains a necessary service. (Interview with .)
131. At this point, Ms. does not think the Student would tell her if had an accident. (Interview with .) There was only one time when the Student asked to use the bathroom all year and it was more of a question of whether it was time for to go see the nurse. (Interview with .) Ms. said "no, but you can go anytime." (Interview with .) The Student is not the only child in

that is insecure about telling the teachers that they have had an accident. (Interview with .)

Interview with , CCC-SLP, School Speech Language Therapist

132. , MS, CCC-SLP, is the Speech Language Therapist at School and has worked in the district for about 20 years. (Interview with .) Ms. started working with the Student in the spring of 2021. (Interview with .)

133. Ms. provides articulation services to the Student twice a week for 30 minutes. (Interview with .) The Student makes it to at least half of the sessions and meets either in a group, with one or two other students or one on one. (Interview with .) The Student is interactive with the other students. (Interview with .) The IEP Team reduced the Student's services from 90 minutes per week to 60 minutes per week at annual review in October. (Interview with .) The Student is pulled out of the classroom and meets in Ms. 's office. (Interview with .)

134. At the beginning of the year, Ms. would take the Student to the bathroom before their sessions due to the strict bathroom schedule based on the Student's Mother's report that the Student was having accidents every 15 to 20 minutes. (Interview with .) Now the plan is different and there are different bathroom breaks. (Interview with .) Sometimes Ms. will ask the Student if needs to go to the bathroom but it is not as stringent as at the start of the year. (Interview with .) The Student usually says no. (Interview with .) Sometimes Ms. will pick the Student up from Ms. office and there is an understanding when comes from there that has used the bathroom. (Interview with .)

135. On one occasion in April of this year, Ms. heard the G-tube machine beeping near the end of one of their sessions and took the Student right to the nurse. (Interview with .) The regular nurse was there that day and the Student did not appear to be stressed by the G-tube machine beeping. (Interview with .)

136. Ms. finds the Student to be an active participant. (Interview with .) The Student likes to play games and is very curious. (Interview with .) The Student will ask or tell Ms. what wants to do. (Interview with .) is able to go with the flow and be redirected. (Interview with .) participates fully with no refusals. (Interview with .) will chit chat. (Interview with .) has a competitive streak in with games. (Interview with .)

137. The Student's IEP Team had increased the amount of speech therapy in the Student's transition IEP because reported that the Student was intelligible only 35% of the time. (Interview with .) The Student's intelligibility is much higher now, which led to the more recent decrease in speech therapy by the IEP

- Team. (Interview with .) Ms. is not getting reports that the Student is not being understood in the classroom. (Interview with) has a few sound distortions and a few substitutions on later developing sounds. (Interview with .)
138. There have been a lot of separate conversations regarding the Student. (Interview with .) Ms. understood that the Student's health needs were being addressed apart from the IEP process. (Interview with .) The Student's Mother has always invested in getting the Student on solid footing in case there was a significant absence due to any medical intervention. (Interview with .)
139. At the March 8, 2022, IEP Team meeting, the Student's Mother was asking for a nurse to be able to help but Ms. is not sure if the request for a one-on-one support person was addressed in an academic context. (Interview with .) When the issue of a one-on-one was first raised in April 2021, Ms. perceived it was more about academic needs but by March 2022, it seemed like there were a lot of medical concerns so the one-on-one conversation was focused on the nursing service. (Interview with .) The Family was going to get nursing care at home and they needed the nurse to be at school for certain hours. (Interview with .)
140. As the Student's Special Education Case Manager, Ms. was aware of the Student's Mother's concern that the Student would have difficulty attending . (Interview with .) Ms. checked in with the nurse and teacher before the school year started to ask if the Student was independent in the bathroom and if had had any accidents. (Interview with .) She was told that there were no accidents while the Student was in . (Interview with .) Ms. knows that the bathroom charting is still happening. (Interview with .)
141. Although the Student's Mother initially declined speech teletherapy in the Student's IRLP, in December 2021, Ms. renewed the offer of teletherapy when the Student was out for an extended period and she also offered to see the Student for extra time in January to make up for missed services. (Interview with .) The Student did participate in teletherapy because the Student's Mother was at home and able to set up on the technology. (Interview with .) The teletherapy went well and as a result it was added to the IRLP plan. (Interview with .)

**Interview with , School Reading Recovery
Teacher/Literacy Interventional**

142. is the Reading Recovery Teacher/Literacy Interventionist and works with students at School. (Interview with) Ms. has been in the district for 14 years. (Interview with .)
143. After the IEP Team meeting in March 2022, Ms. asked Ms. if she could start providing services to the Student. (Interview with .) The Team thought that the Student's Mother was going to ask for literacy

- services. (Interview with .) Ms. would not have picked up the Student based on data, but the Student was close. (Interview with .)
144. Ms. pulls the Student out of class to do literacy work three days a week for 20 minutes each time. (Interview with .) This started around March 10, 2022. (Interview with .) Ms. has kept data since she started working with the Student in March. (Interview with .)
145. On Fridays, Ms. makes sure she ends at 1:00 so the Student can go across the hall to Ms. 's office. (Interview with .) The other two days have no impact on the bathroom chart times. (Interview with .) Ms. has never noticed that the Student is wet. (Interview with .)
146. The three benchmarks that they are looking at for the end of June are: letter sounds, sight words, and text level. (Interview with .) The Student is just below benchmark with letter sounds. (Interview with .) For sight words, they want 40 to 60 and the Student is at 31. (Interview with .) The Student was at text level B in March and the June benchmark is instructional D. (Interview with .) The Student just made instructional D at 90% with a month of school left. (Interview with .) The Student is just below average on a couple things that been working on. (Interview with .) has made progress and is working towards the benchmarks. (Interview with .) Ms. can hear the lack of speech intelligibility a little bit but she can understand what the Student is saying. (Interview with .)
147. The Student has been present for most of the services and has just missed a couple of Fridays. (Interview with)
148. All the teachers put data in and in the fall the team looks at scores and any recommendations from the teachers. (Interview with .) The teachers do benchmark tests during the first two days of school to flag anybody below level. (Interview with .) Reading recovery is also role for first grade students. (Interview with .) Those students get one-on-one that is different from RTI and it is every day for 30 minutes. (Interview with .) The Student is not likely to be identified for reading recovery based on current status. (Interview with .) As far as RTI, Ms. is not sure if the Student would continue in the fall but because is a student that received services is on a top priority list to be checked in first grade. (Interview with .)
149. Ms. sees the Student going into Ms. 's office and sometimes sees when she helps with bus duty in the morning. (Interview with .) The Student smiles when sees her. (Interview with .) Ms. feels that it was not challenging to form a relationship with the Student. (Interview with .) The Student loves to learn and Ms. can see progress. (Interview with .) Recently, Ms.

did a session with the Student along with another Student and they worked well together. (Interview with .)

Interview with , School Principal

150. a first year Principal at School. (Interview with .) Mr. is the direct supervisor of Ms. and Ms. (Interview with .) Mr. has been at the Student's IEP meetings this year and was at the March 8, 2022, IEP meeting regarding nursing services. (Interview with .)

151. In the early fall of 2021, the Student's Mother began asking for a one-on-one support because she was anticipating some things happening. (Interview with .) The Student's Mother reiterated the request again when the Student went to Cincinnati for medical treatment later in the fall. (Interview with .) The Student's Mother felt as though needed support during the school day when it was too hard for Ms. to do what was needed as the nurse. (Interview with .) They decided it was Ms.'s responsibility and she was able to do it. (Interview with .) There was a little anticipation that the Student would fall behind because was going to miss a lot of school. (Interview with .)

152. They expedited the process of setting the Student up with RTI services in order to assure that the Student kept up. (Interview with .)

153. The March 8, 2022, nursing services meeting was all about the one-on-one nurse and did not include discussion about academics. (Interview with .) The School District has concerns about an outside nurse being present. (Interview with .) The School Nurse is able to meet the Student's needs as identified in Health Care Plan. (Interview with .)

154. For the most part, Mr. feels that the school year has gone really well for the Student. (Interview with .) The catheterization is a new medical requirement; Mr. does not know the needs and what should happen. (Interview with .) Outside of three or four days where the Student refused to come to school or had a meltdown, it has been a really good year for the Student. (Interview with .)

Interview with , School District Superintendent

155. the School District Superintendent, is also the Superintendent of the and School Districts. (Interview with .) As the Superintendent, Mr. rarely gets involved with individual family requests but he was contacted by the Student's Mother after she was denied private nursing services at an IEP Team meeting. (Interview with .) Mr. met with the Student's Mother twice in March 2022. (Interview with .) Mr. wanted to understand why the School District was involved because the primary need seemed to be nursing

care at home during school vacations and summers. (Interview with .) Mr. does not want the School District to obstruct the Family's opportunity to receive nursing services at home; he does not understand why MaineCare is requiring the School District to include private nursing services in the Student's IEP in order for DHHS to serve the Student outside of school. (Interview with .) Mr. has concerns about a non-School District employee being in School all day and not being subject to direction from administrators; he was also concerned about balancing the interests and privacy of staff members and students with those of the Student. (Interview with .) Mr. discussed with the Student's Mother the possibility of a superintendent transfer, although no conclusion was reached. (Interview with .) Mr. discussed the Student's Mother's concern that the Student was coming home wet with the Special Education Director, and he was planning to get back to the Student's Mother to schedule an IEP Team meeting to discuss the concern when the Complaint Investigation was filed, at which time the School District ceased trying to resolve the matter informally. (Interview with .) Mr. indicated that the School District had been interested in figuring out an alternative to accommodate the Family but that a memorandum of understanding would likely be required between the School District and the contract nursing services provider, while MaineCare was not easy to deal with regarding its requirements. (Interview with .)

156. Mr. is aware of another student in the School District who has a nurse as part of the student's IEP but it is not a private nurse. (Interview with)
157. Mr. is aware that other school districts are dealing with this issue being caused by MaineCare requirements. (Interview with .) The Superintendent expressed concern that the School District would somehow have responsibility for the private nurse during vacation weeks or holidays. (Interview with .) The Superintendent noted that the School District shortened the Student's ride to address concerns that was having accidents on the way home from school. (Interview with .)

Interview with , School District Assistant Superintendent

158. , the Assistant Superintendent for the School District, attended the March 8, 2022, nursing services meeting, but has not otherwise been involved in the matter. (Interview with .) Prior to the March 8, 2022, meeting with the Student's Mother, the Assistant Superintendent met with Ms. and exchanged emails with legal counsel regarding the request for a one-on-one nurse to be provided through MaineCare. (Interview with) Ms. indicated that no specific determination about the request was made prior to the March 9 meeting with the Student's Mother. (Interview with .) During the meeting, the Student's Mother expressed her concern about upcoming medical needs for the Student, including anticipated catheterization, and discussed the Family's need for private nursing services during vacation weeks and summer vacation. (Interview with

) School District staff conveyed their belief that the School District was able to meet the Student's needs at school. (Interview with .)

159. Ms. 's summary of the meeting, which she emailed to those in attendance, was consistent with Ms. 's recollection of the meeting. (Interview with) Although the meeting did not end with an agreement between the Family and the School District, Ms. explained to the Student's Mother that the School District would participate in mediation or a facilitated IEP. (Interview with .) Ms. believes that the School District's concerns about allowing a private nurse to attend school with the Student are, first, that the individual would not be an employee of the School District, which would present some challenges to identify and mitigate concerns of access to students, training requirements, etc., and, second, that there was not an identified need for an outside nurse since the School District's nursing staff were meeting the Student's needs as of the meeting. (Interview with .)

DETERMINATIONS

1. Public Schools developed an IEP for the Student for the 2012-2022 school year that provided special education and related services that would allow the Student to advance appropriately toward attaining annual goals, to be involved in and make progress in the general education curriculum, to participate in extracurricular and other nonacademic activities, and to be educated and participate with other children with disabilities and non-disabled children but did not address necessary amendments to the Student's IEP in March 2022 in violation of MUSER IX.3.A(1)(d) (stating that an IEP must include a statement of the special education and related services that will be provided to allow the child to reach the criteria in the regulation), resulting in the denial of a free appropriate public education in violation of MUSER I (stating that each school district must provide special education students with a free appropriate public education). **PARTIAL VIOLATION FOUND.**
2. Prior to a March 8, 2022, meeting, which was requested by the Parents to be an IEP Team meeting to discuss the inclusion of Section 28 nursing services in the Student's IEP, Public Schools convened a meeting without including the Parents and made determinations about the Student's IEP without attempting to reach a consensus in violation of MUSER VI.2.B (IEP Team shall include the Parents) and MUSER VI.2.I (IEP Team shall determine the services needed to support the student's involvement and participation in the general curriculum and to achieve agreed-upon goals; IEP Team should work toward consensus). Public Schools also did not provide written notice of the school district staff meeting at which IEP determinations were made or the subsequent March 8, 2022, meeting with the Parents at which those determinations were disclosed in violation of MUSER VI.2.A (Each SAU must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting including notifying parents of the meeting via a notice that indicates the purpose, time, and location of the meeting and who will be in attendance) and MUSER IV.2.I (An SAU must provide the parents with prior written notice of the school's refusals regarding their children's education program and the parents have the right to seek resolution of any

disagreements by initiating an impartial due process hearing or a State complaint investigation). **VIOLATION FOUND.**

ANALYSIS

Students with disabilities are entitled to a free appropriate public education pursuant to MUSER I and 20 U.S.C. § 1412(a)(1). A FAPE includes special education as well as related services. 20 U.S.C. § 1401(9); MUSER II.13. A school district must develop and implement a service plan for each IDEA-eligible student that, among other things, describes the specific special education and related services that the school district will provide to allow the student to advance appropriately toward attaining annual goals; to be involved in and make progress in the general education curriculum in accordance with the regulation and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and non-disabled children in the activities described in the regulation. MUSER IX.3.A(1)(d). The IEP must also include a statement of individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on any State and District-wide classroom assessments. MUSER IX.3.A(1)(f).

With regard to the IEP Team process, a student's IEP Team must determine the services needed to support the student's involvement and participation in the general curriculum and to achieve agreed-upon goals; an IEP Team should work toward consensus. MUSER VI.2.I. A school district must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting including notifying parents of the meeting via a notice that indicates the purpose, time, and location of the meeting and who will be in attendance. MUSER VI.2.A. A school district must provide the parents with prior written notice of the school's refusals regarding their children's education program and the parents have the right to seek resolution of any disagreements by initiating an impartial due process hearing or a State complaint investigation. MUSER IV.2.I.

The IEP is the "legal touchstone for hearing officers and judges to assess [school districts'] efforts" to educate students with disabilities. York Sch. Dep't v. S.Z., No. 2:13-CV-00042-NT, 2015 WL 860953, at 32 (D. Me. Feb. 27, 2015). An IEP is reviewed first for consideration of whether it was developed in accordance with procedural requirements and, second, whether the IEP and placement were reasonably calculated to provide the student with some educational benefits. Board of Educ. v. Rowley, 458 U.S. 176, 206-07 (1982) (analyzing predecessor statute to IDEA). An IEP must be designed to provide a student with "personalized instruction with sufficient support services to permit the child to benefit educationally from that instruction." Id. at 203. In addition, an IEP must include the student's present levels of performance, measurable annual goals, methods by which progress towards those goals will be measured, an explanation of to what extent the student will participate with non-disabled students, and the special education and supportive services necessary to help the student advance toward his goals, make progress in the general education curriculum, participate in nonacademic activities, and be educated with other children with disabilities as well as non-disabled peers. 20 U.S.C. § 1414(d)(1)(A); MUSER IX.3.A.

As the First Circuit Court of Appeals has explained, the IDEA “does not promise perfect solutions to the vexing problems posed by the existence of learning disabilities in children and adolescents. The Act sets more modest goals: it emphasizes an appropriate, rather than an ideal, education; it requires an adequate, rather than an optimal, IEP. Appropriateness and adequacy are terms of moderation.” Lenn v. Portland Sch. Comm., 998 F.2d 1083, 1086 (1st Cir. 1993). Whether an IEP is reasonably calculated to enable a child to receive educational benefits depends on the student’s individual potential. Rowley, 458 U.S. at 203. A student’s program must be geared toward “the achievement of effective results – demonstrable improvement in the educational and personal skills identified as special needs.” Town of Burlington v. Dep’t of Educ., 736 F.2d 773, 788 (1st Cir. 1984), aff’d, 471 U.S. 359 (1985); see also Sanford Sch. Dep’t, 47 IDELR 176 (Me. SEA 2006) (stating that progress must be made in a student’s specific area of need). Because there is no “bright-line rule on the amount of benefit required of an appropriate IEP,” each situation requires a “student-by-student analysis that carefully considers the student’s individual abilities.” Ridgewood Bd. of Educ. v. N.E., 172 F.3d 238, 248 (3^d Cir. 1999) (holding that the “meaningful benefit” standard requires ““significant learning”” (quoting Polk v. Cent. Susquehanna Intermediate Unit 16, 853 F.2d 171, 182 (3^d Cir. 1988)). An IEP can be appropriate even if it is not “the only appropriate choice, or the choice of certain select experts, or the child’s parents’ first choice, or even the best choice.” G.D. v. Westmoreland Sch. Dist., 930 F.2d 942, 948 (1st Cir. 1991).

In 2017, the Supreme Court expanded on its explanation of these standards in Endrew F. v. Douglas County School District, 137 S.Ct. 988 (2017). The Court explained that the IDEA “requires an educational program reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances” and that the “progress contemplated by the IEP must be appropriate in light of the child’s circumstances.” Id. at 999 & 1001. The Court stated that “the adequacy of a given IEP turns on the unique circumstances of the child for whom it was created.” Id. at 1001. The Court noted that “for most children, a FAPE will involve integration in the regular classroom and individualized special education calculated to achieve advancement from grade to grade.” Id. at 1000.

In the present case, the School District held a transition IEP meeting in April 2021 in preparation for the Student’s arrival in . The Student’s IEP Team utilized the Student’s IEP from but modified it to increase speech language therapy services and to add accommodations that were in use but not included on the Student’s IEP. At that meeting, for the first time, the Student’s Case Manager questioned whether the Student required a one-on-one support due to autism and use of a G-tube. The IEP Team concluded that the Student had not required a one-on-one support in IEP and did not find data to support that need at that time, but agreed to revisit the issue in the future if the need arose. According to several meeting participants, this was a contentious issue from the first time it was raised.

In conjunction with the IEP, the School District created a Health Care Plan for the Student, which addressed the need for to make regular trips to the bathroom and to ensure that G-tube was functioning. The Health Care Plan also included accommodations in the nurse’s office bathroom to ensure that the Student had a place for G-tube equipment. In

addition, the Student's classroom desk was placed near the door to ensure that had easier access to the bathroom and the nurse's office.

The Student began the school year integrating well into the classroom and performing well academically. By the end of September, however, the Student's Mother was concerned about coming home soiled and Grandfather reported that would often come home soiled or badly needing to go to the bathroom.

In mid-October 2021, the Student's IEP Team held an annual meeting. At that time, the Student was following the classroom routine without difficulty and the classroom accommodations that had been added in April 2021 were determined to be unnecessary. The Team agreed that the Student should have an occupational therapy screen to determine if further evaluation was needed to address the Student's need to manipulate medical equipment during the school day. The Student's Teacher reported that followed the classroom routines, interacted with peers well, and participated in a variety of interactive games. The Student was meeting academic benchmarks in literacy and math at that time. Although the Student's teachers reported that they were not able to understand a significant portion of the Student's speech, the Student's Speech Therapist reported that the Student's speech intelligibility had progressed such that was almost always understood at school and was making progress in therapy, participating well individually and in groups. The Team reduced the Student's speech language therapy services from 360 minutes per month to 240 minutes per month.

In November 2021, the Student's Health Care Plan was amended to create a bathroom schedule approximately every two hours with a companion sticker chart to mark when the Student successfully used the bathroom in the nurse's office. The Health Care Plan also required the School Nurse to add water to the Student's G-tube daily. A shared google document, accessible to the Student's Mother, was implemented whereby the nurse updated information about the Student's daily bathroom visits.

In February 2022, the Student's ability to participate in a field trip initially appeared to be in question but the School District resolved the issue by having the School Counselor, with whom the Student was familiar, attend. It appears that this issue may remain as something the IEP Team needs to address going forward.

Also in February 2022, the Student's Family started to inquire of the School Nurse about the possibility of having an outside nurse attend school with the Student, after learning that the Student was eligible through DHHS to have full-time nursing care. DHHS required, however, that for the care to be put in place, the outside nurse had to attend school with the Student; DHHS informed the Student's Mother that the outside nursing service had to appear in the Student's IEP. The School Nurse reported back to the Student's Mother that the School District felt that the Student did not need one-on-one support. The Student's Mother then asked for an IEP Team meeting, questioning who was making this decision.

The School Nurse informed the Director of Instructional Services of the request, which the Director of Instructional Services classified as an exclusively medical needs request. The Director of Instructional Services scheduled both an IEP Team meeting in response to the

Student's Family's request for a meeting and a separate nursing services meeting. Prior to the nursing services meeting, the Director of Special Services convened a meeting of school staff members to determine if there was any history of private nursing services being brought into the school setting, which informed her subsequent communication to the Student's Mother that they had "discussed it as a team" and were denying her request.

While it is understandable that the Director of Special Services sought to learn the history of private nursing services in the District, it was a violation of the IEP Team process for School District staff to make a predetermination that the Student did not qualify for one-on-one nursing services, as communicated to the Student's Mother by the School Nurse and reiterated by the Director of Instructional Services prior to an IEP Team meeting being held, outside the IEP Team meeting process. A school district must develop and implement a service plan for each IDEA-eligible student that, among other things, describes the specific special education and related services that the school district will provide to allow the student to advance appropriately toward attaining annual goals; to be involved in and make progress in the general education curriculum in accordance with the regulation and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and non-disabled children in the activities described in the regulation. MUSER IX.3.A(1)(d).

The meetings on March 8, 2022, bifurcated the Family's request into two meetings, an IEP Team meeting, where the request for one-on-one support was not determined, and a nursing services meeting, where the request was addressed as a straightforward medical issue. Because the need for the Student to have additional academic support, up to and including one-on-one support, had been referenced by the Student's Family as far back as April 2021, to bifurcate the process and exclude the Student's IEP Team from the discussion of whether the Student needed a one-on-one support, for academics or nursing care or both, was a violation of the IEP process. For example, the question of how much time the Student was missing to leave the classroom to see the nurse had been raised by the Student's Mother as one reason was starting to fall behind in meeting benchmarks. By separating the two issues, the School District prevented the Student's IEP Team from meeting its obligations to fully evaluate the services required by the Student. The IEP Team should have made a determination of whether the Student required full time nursing services as a related service to allow to advance appropriately toward attaining annual goals, make progress in the general education curriculum and participate in extracurricular and other nonacademic activities, and be educated and participate with other children with disabilities consistent with MUSER IX.3.A(1)(d).

At the March 8, 2022, IEP Team meeting, the Student's Teacher noted that although the Student had performed well academically throughout the year, a few gaps in learning had recently been identified, which was not surprising given that the Student missed a significant amount of school due to medical treatments and quarantine periods during the fall and winter. The Student's Teacher requested RTI services and summer programming to ensure that the Student caught up, even though the Student was not technically eligible for RTI services. The Student's Mother expressed concerns about the Student's academic progress, noting that medical issues made it hard for the Student to concentrate on academics and felt behind quickly when absent, with more medical absences likely in the future. The Student's Mother requested academic services for the Student. She also requested an academic evaluation. None

of the Student's Mother's requests were approved by the Student's IEP Team although the RTI referral was put into place.

At the March 8, 2022, nursing services meeting, the School District staff who were present remarked on the Student's academic progress, while also stating the School District policy would not allow an outside provider to spend the day at school with the Student. The fact that School District staff referenced the Student's academic progress in this meeting is another indication that the nursing services question, which was part of the broader question of whether the Student required a one-on-one support person, should have been determined by the Student's IEP Team.

By March 24, 2022, the Student's medical needs had changed abruptly when urologist reported that [redacted] would require catheterization several times a day, including while [redacted] was at school. On May 2, 2022, the Student's Health Care Plan was updated to indicate that the Student would be catheterized at school although the bathroom chart would continue to be utilized if catheterization was not occurring. The Plan also noted that the nurse would not perform catheterization if the Student refused, screamed, or shut down emotionally. The Plan also noted that the School Counselor would be made aware and would intervene if the Student displayed any refusal, anxiety, or negative behaviors.

The Student's Pediatrician feels that the Student needs a dependable routine, including an adult to address [redacted] medical needs during the day, particularly given the recent addition of the need for catheterization during the day. The Student's Developmental Behavioral Pediatrician agrees that having a full-time medical support person would be beneficial for the Student. The Student's outside Case Manager believes that the Student requires one-on-one support for both academic and nursing purposes.

The current situation of the Student's Mother leaving work to pick up the Student, take [redacted] home for a lengthy catheterization process, and then return [redacted] to school, is unsustainable. The School Nurse agrees that it is not sustainable for the Student to be catheterized at school multiple times a day by [redacted] or by the Student's Mother. She noted the significant role that the Student's Mother is forced to continue to play. The School Nurse noted that the Student would also benefit from the consistency of having a single adult to address the catheterization and G-tube needs, which would alleviate the Student's trust issues, noting the Student's refusal to allow her to perform catheterization. The Student's Teacher noted that she does not believe that the Student would tell her if [redacted] were wet, highlighting the Student's trust issues, which may result from [redacted] disabilities.

In addition, the School Counselor observes that the Student's medical needs have increased during the course of the last couple of years and that at this point, a one-on-one support would be best for [redacted]. She noted that the Student does not want school staff members to see private parts and that [redacted] is afraid that someone will come in the nurse's office when [redacted] is in there for catheterization. The School Counselor noted that the Student has difficulty communicating with adults and that consistency was really important for [redacted]. She has observed the Student's refusal to allow the School Nurse to perform the catheterization, which caused the Student to cry and say [redacted] did not want the nurse to do it. She noted the Student's anxiety, as

evidenced by chewing lip badly, due to anxiety about the idea of the School Nurse performing catheterization. The Student's difficulty coming to school when thought the nurse might catheterize has been significant and has been mitigated only by the removal of that option and the Student's Mother stepping in to fill the gap. Furthermore, the time it takes to catheterize the Student is significant and is going to cause to lose even more time from the classroom than before.

Given this significant change in the Student's medical circumstances, the School District has failed to provide the Student with FAPE since the institution of the medical order for daily catheterization, which occurred after April break when the Family was ready to implement the order, by its failure to convene an IEP Team meeting to address the impact of the change on the Student's need for services, in violation of MUSER IX.3.A(1)(d) and MUSER I.

Furthermore, in anticipation of the need for daily catheterization and the Student's Mother's request to allow private nursing services in the school, the School District violated the IEP Team process when it convened a school staff meeting to discuss the Student's Mother's request for nursing services since the request overlapped with the Student's special education and related services and should have been determined by the Student's IEP Team, in violation of MUSER VI.2.B, MUSER VI.2.I, MUSER VI.2.A, and MUSER IV.2.I.

CORRECTIVE ACTION TO BE COMPLETED BY THE RESPONDENT

As a result of the School District's violations, the Student has been denied FAPE since May 2, 2022. The following corrective actions are ordered:

1. The School District shall convene an IEP meeting as soon as possible to review the Student's current medical and academic needs and consider the following:
 - a. Does the Student require nursing services to access FAPE even though nurses do not carry the necessary certification to provide academic instruction or support?
 - b. Does the Student require one-on-one support to access instruction and make reasonable progress on academic standards?
 - c. Are there services that are currently being provided to the Student that are not adequately provided in the IEP, such as counseling?
 - d. Are further evaluations required to understand how the Student's disability is impacting ability to participate in school program?

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2. The IEP Team should make a determination of compensatory services to be offered to the Student for the denial of FAPE that has occurred since May 2, 2022.