

IDEA DUE PROCESS HEARING REPORT
Columbia School District

CHILD'S NAME:
PARENT(S):
LOCAL SCHOOL DISTRICT: Columbia County School District
ADDRESS OF SCHOOL DISTRICT: 613 Bryan Avenue
Columbia, MS 39429
DATE(S) OF HEARING: February 7 & 8, 2017
DATE OF REPORT: February 24, 2017
HEARING OFFICER: David W. Walker, Ed.D

INTRODUCTION

This is the due process hearing report for the case of y Columbia-
School District. The following substantive issues were before this hearing officer.

1. Parent alleges that the district is not implementing the curriculum for the
2. Parent alleges that needs more time with a teacher of the impaired or a trained aide who knows special skills pertaining to literacy, , living skills (i.e., home making skills) for the
3. Parent alleges that needs assistive technology (i.e., Note on computer, training in how to access printers and , use of iPhone, document creation skills).
4. Parent alleges that the school district is not teaching reading at the s reading level.
5. Parent alleges that the school district is providing insufficient opportunities for reading instruction on grade level.
6. Parent alleges that the school district is not providing instruction pertaining to money

management skills.

7. Parent alleges that the school district is not providing sufficient _____ in the community.
8. Parent alleges that _____ did not receive benefit related to her IEP goals that were to be addressed while she was at _____ because of an assault that happened while at _____

All of the above issues were brought before this hearing officer by the mother of

_____ hereafter referred to as the plaintiff. Therefore, because all the issues pertain to the provision of a free appropriate public education, the plaintiff bears the burden of proof on all issues (Schaffer v. Weast, 546 U.S. 49, 51, 2005).

FINDINGS and RULINGS

Issue 1

The first issue before this hearing officer is the plaintiff's allegation that the district is not implementing the _____ curriculum for the _____

Facts

1. _____, teacher of the _____, testified that _____ either mastered or made significant progress on several goals listed on her 2015-2016 (i.e., Goals #2, #3, #4, #5, #7, and #9) and 2016-2017 (i.e., Goals #1, #2, #4, and #8) Individualized Education Plans (IEPs). In addition, both _____ and _____ testified that sensory efficiency skills are embedded throughout the instruction that is provided to _____ in the classes she is enrolled in at Columbia High School.
2. _____, math teacher 2015-2016 school year, testified that most of the _____

recommendations on the [redacted], Report (PE#1) pertaining of the Curriculum had been implemented by Columbia Public School District prior to his leaving the district in August of 2016.

3. [redacted], University of Mississippi Professional Development Services Provider, testified that she had provided professional development services to staff within the Columbia Public School District on how to implement the [redacted] Curriculum.

4. [redacted], teacher Health, Nutrition and Family Dynamics, testified that she has taught to the following areas within the [redacted] Curriculum; independent living skills, career education, money management, time management, organizational skills, and recreation and leisure; and that [redacted] has received benefit from this instruction as determined by observation of [redacted] performance in the course.

5. [redacted] education teacher, testified that received three professional development training sessions from [redacted] on how to implement the [redacted] Curriculum. She also testified that she had taught to goals # 4 and #7 on the 2015-2016 IEP and that [redacted] had passed or made progress on both of these goals. She also had taught to goal #4, a social skills goal, that is listed on the 2016-2017 IEP, and that [redacted] has made progress on this goal.

Issue 2

Parent alleges that [redacted] needs more time with a teacher of the [redacted] impaired or a trained aide who knows special skills pertaining to [redacted] literacy, [redacted] code, living skills (i.e., home making skills) for the [redacted]

Facts

1. [redacted] testified that she provides 6 hours per week of direct services to [redacted]. [redacted] also testified that [redacted] a is making progress on those IEP goals that pertain to literacy and the [redacted] Code.

2. [redacted], teacher Health, Nutrition and Family Dynamics, testified that [redacted] attends a cooking course that she teaches and that [redacted] has received benefit from this instruction as determined by observation of [redacted] performance in the course.

Issue 3

Parent alleges that [redacted] needs assistive technology (i.e., [redacted] Note on computer, training in how to access printers and [redacted], use of iPhone, document creation skills).

Facts

1. [redacted] testified that [redacted] Note has been broken and out for repairs since December of 2016. Since that time [redacted] has not had a replacement [redacted] Note, however, [redacted] during this period of time has used a [redacted] Ms. [redacted] testified further that she has worked with [redacted] on how to use a personal computer with a word processing, [redacted] and talking [redacted] programs, and how to access a printer and [redacted].

2. [redacted], teacher Health, Nutrition and Family Dynamics, testified that [redacted], as do all students in her cooking class have to use technology to create a cookbook and research recipes online.

3. [redacted] a teaching assistant who works with [redacted], testified that [redacted] is able to use an iPhone.

4. [redacted] testified that she works with [redacted] on the following iPhone skills; how

to use the GPS function, maps and directions for mobility and orientation; the calendar program for organization skills, a weather application, and Tap-Tap-C which is a program that identifies objects.

Issues 4 and 5

Issues numbers 4 and 5 will be combined because they both pertain to reading instruction. Issue #4 is the parent alleges that the school district is not teaching reading at the _____'s reading level. Issue #5 is the Parent alleges that the school district is providing insufficient opportunities for reading instruction on _____ grade level.

Facts

1. _____ and _____ testified that they provide reading instruction to _____ on her grade level and that she is making progress in the area of reading. _____ testified that she provides daily reading instruction to _____
2. _____ testified that a comparison of test scores from the Woodcock Johnson assessments done by _____ in 2015 _____ and that done by _____ Columbia School District in 2016 (SD#9) showed consistent improvement across all academic areas, including reading.

Issue 6

Parent alleges that the school district is not providing instruction pertaining to money management skills.

Facts

1. _____, teacher Health, Nutrition and Family Dynamics, testified that she has taught money management skills and that _____ has received benefit from this instruction as

determined by observation of [redacted]'s performance in the course.

2. [redacted] and [redacted] also testified that they have provided instruction to [redacted] in the content area of money management.

Issue 7

Parent alleges that the school district is not providing sufficient [redacted] and [redacted] in the community.

Facts

1. [redacted] testified that she determined how much [redacted] and [redacted] services [redacted] needed to begin with by assessing [redacted]'s present levels of performance in this area when [redacted] first starting working with [redacted]. Regarding [redacted] in the community, [redacted] testified that she has worked with [redacted] in the following community environments; around the school, school stadium/gym, Walmart, Library, and movie theater. [redacted] testified that she thought [redacted] was receiving a sufficient amount of [redacted].

Issue 8

Parent alleges that [redacted] did not receive benefit related to her IEP goals that were to be addressed while she was at [redacted] because of an assault that happened while at [redacted].

Facts

1. [redacted] Department of Rehabilitation Services counselor, and Ms. [redacted] Special Education Director for Columbia Public Schools, both testified that [redacted]'s time at the [redacted] program was not a result of the school district's placement. [redacted]'s placement at the [redacted] program was a [redacted].

unilateral placement made by [redacted]'s mother and the Department of Rehabilitation Services. In addition, [redacted] testified that none of [redacted]'s IEP goals were to have been addressed while [redacted] was at the [redacted] program, nor were they addressed because they did not have a copy of [redacted]'s IEP.

2. The following individuals testified that [redacted] made progress on educational, technology, life skills, [redacted] and [redacted], and social skills goals listed on her 2015-2016 and 2016-2017 IEPs.

Requirement(s)

All of the issues listed above come under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) mandate that a school district must provide a student who meets one or more of the disability eligibility criteria with a free and appropriate public education (FAPE) that is “sufficient to confer some educational benefit” (Board of Education Hendrick Hudson Central School District v. Rowley, 458 U.S. 176, 201(1982)). The Fifth Circuit has held that a four prong test should be used by courts and hearing officer when determining the whether an individual has received FAPE. These four prongs are whether: “(1) the IEP is/was individualized based on an assessment of the student’s performance; (2) will/was the IEP [be] implemented in the student’s least restrictive environment; (3) will/was the services listed on the IEP [be] provided in a coordinated and collaborative manner by the key stakeholders; and (4) were positive academic (including functional skills) and non-academic (i.e., social and language) benefits demonstrated” (Cypress-Fairbanks Independent School District v. Michael F., 118 F.3d 245, 253 (5th Cir. 1997)). The plaintiff in this case does not raise any issues related to the first three prongs, therefore, only the fourth prong is at issue in this case. That is, Did Columbia Public School District provide [redacted] with an education that provided positive academic

(including functional skills) and non-academic (i.e., social and language) benefits?

SUMMARY OF DECISION and ORDERS

Based upon the facts listed above pertaining to each issue, I hereby decide the following with regard to the issues:

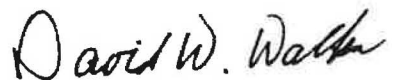
1. The district is implementing the _____ curriculum for the _____
2. _____ is receiving a sufficient amount of time with a teacher of the _____ impaired or a trained aide who knows special skills pertaining to _____ literacy, _____ code, living skills (i.e., home making skills) for the _____
3. _____ is receiving assistive technology services (i.e., _____ Note on computer, training in how to access printers and _____, use of iPhone, document creation skills).
4. The school district is teaching reading at _____ s reading level.
5. The school district is providing sufficient opportunities for reading instruction on _____ grade level.
6. The school district is providing instruction pertaining to money management skills.
7. The school district is providing sufficient _____ and _____ training in the community.
8. _____ did and is receiving benefit related to her 2015-2016 and 2016-2017 IEP goals.

In summary, Columbia Public School District has and is providing (i.e., 2015-2016 IEP and 2016-2017 IEP) _____ with an education that confers positive academic (including functional skills) and non-academic (i.e., social and language) benefit.

RIGHT TO APPEAL

Either party may make an appeal of this Hearing Officer's decision to the appropriate court within 90 days of receipt of the Written Decision of the Hearing Officer. If no appeal is made, the decision is binding on both parties.

Respectfully submitted,

A handwritten signature in cursive script that reads "David W. Walker".

David W. Walker, Ed.D.
IDEA Due Process Hearing Officer
State of Mississippi