

MEMORANDUM

To: Members of Utah Special Education Advisory Panel (USEAP)

From: Tiffanie Owens
Compliance Specialist

Subject: Doe v. Utah Schools for the Deaf and Blind

Date: July 11, 2013

Enclosed you will find a redacted copy of the hearing officer's May 10, 2013 decision in the case of a fifteen year old student with multiple disabilities being served by the Utah Schools for the Deaf and Blind. The due process alleged five procedural and seven substantive violations of IDEA including, predetermination of extended school year (ESY) services, denial of meaningful parent participation in IEPs, written prior notice, reimbursement of an Independent Education Evaluation, questioning of IEP appropriateness and implementation, and change of placement .

The hearing officer upheld the parent's position regarding:

1. USDB pre-determination ESY services for the student for 2011 and 2012 and such procedural violation of the IDEA denied the student a FAPE.
2. USDB revised the student's 2010-2011 IEP to add service minutes for the student, outside of an IEP team meeting.
3. USDB's proposed change of placement for the student back to the Provo School District is not an appropriate placement in the least restrictive environment.

The hearing officer upheld the Utah Schools for the Deaf and Blind's position regarding:

1. Parent was not denied meaningful participation during the IEP team meetings held in September of 2011 and in October and December of 2012.
2. The incorrect revision of the 2010-2011 procedural violation of the IDEA (#2 above) did not deny the student FAPE.
3. The FM system was discontinued as an accommodation for the student during the 2011-2012 school year without impacting FAPE.
4. USDB did not fail to provide prior written notice to the student's parent regarding changes made to the student's 2011-2012 IEP.
5. USDB is not obligated to reimburse Petitioner for travel related expenses incurred in connection with the student's independent educational evaluation (IEE) conducted by Perkins in Massachusetts in March, 2012.
6. The student's IEPs for the 2010-2011 and 2011-2012 school years were appropriate.
7. USDB did not fail to properly implement the student's IEP's for the two year period.
8. USDB did not fail to properly identify the student as "deaf/blind" in the student's IEP and to provide appropriate dual sensory services to the student.
9. USDB did not fail to propose an IEP for the 2012-2013 school year reasonably calculated to enable the student to receive educational benefit.
10. The proposed residential placement at Perkins is not an appropriate placement in the least restrictive environment.

As a result of the finding of noncompliance against USDB, USDB was ordered to provide 20 weeks of compensatory education services and to retain placement of the student.