Colorado Department of Education
Decision of the Federal Complaints Officer
Under the Individuals with Disabilities Education Act (IDEA)

Federal Complaint 2001:515

DENVER PUBLIC SCHOOLS

Decision

INTRODUCTION

This Complaint letter was dated March 20, 2001, and received by the Federal Complaints Officer on March 21, 2001. The school's response was dated April 19, 2001, and received by the Federal Complaints Officer on April 20, 2001. The complainant's response to the school's response to the Complaint was dated and received by the Federal Complaints Officer on May 11, 2001. The Federal Complaints Officer then closed the record.

EXCEPTIONAL CIRCUMSTANCES

The Federal Complaints Officer finds exceptional circumstances for extending the time to decide this Complaint. In correspondence to the school, with copy to the complainant, dated March 29, 2001, and received by the school on April 2, 2001, the Federal Complaints Officer extended for fifteen (15) days the school's time to respond to this Complaint. The Federal Complaints Officer did so because he had decided, on March 29, 2001, Federal Complaint 2001:504, involving the same complainant and school - although the parents and students involved were different, and the advocate representatives for the complainant organization acting on their behalf were different – which addressed similar issues to this Complaint. It was the hope of the Federal Complaints Officer that providing the school additional time to respond, in light of the Federal Complaints Officer's Decision in 2001:504, would promote a quicker, and better, result for this Complaint. Unfortunately, that hope has not been realized.

In addition to providing extra time for the school to respond to this Complaint, the Federal Complaints Officer granted the complainant an additional week to submit a response to the school's response to this Complaint – due to the scheduling needs of the complainant's advocate representative. These extensions of time for submissions from the school and the complainant, plus the complexity of the legal and factual issues in this Complaint, have created exceptional circumstances necessitating an extension of the time for deciding this Complaint.

COMPLAINANT'S ALLEGATIONS

The complainant alleged, as paraphrased by the Federal Complaints Officer, the following violations:

1) The school suspended the student and, after the initial 10-day suspension period, did not provide him with individualized educational services for seven additional days, in violation of the Individuals with Disabilities Education Act (IDEA). Specifically – citing the free appropriate public education (FAPE) obligation referenced in 34 CFR 300.121(a). (Case citations omitted.)
2) The school failed to use appropriate procedures to determine the type and amount of individualized educational services that the student should receive while on suspension, in violation of the IDEA. Specifically – 34 CFR 300.121(d)(3)(ii), 300.343, and 300.522.
3) At the manifestation determination, the Individualized Education Program (IEP) team concluded that the student's behavior was related to his disability. Nonetheless, the school subjected the student to an expulsion hearing, in violation of the IDEA. (Case citations omitted.)
4) The school used inappropriate procedures to determine whether the student would be allowed to return to (attendance center) following his suspension, in violation of the IDEA. Specifically – 34 CFR 300.121(d)(3)(ii), 300.343, and 300.522.

In addition, the complainant alleged violations of 34 CFR 300.344 – IEP Team, and 34 CFR 300.503 – Prior notices by the public agency; content of notice – specifically, 300.503(b), which describes the content of the notice required. In response to the school's response to the Complaint, the complainant also alleged violations of 34 CFR 300.501(b) – Parent participation in meetings – and 34 CFR 300.347(a)(6) – Content of IEP. The school was not given an opportunity to provide further information about these latter allegations, beyond that which it had already provided in its response to the Complaint.

SCHOOL'S RESPONSES

1) The school did not deny that there was a period of time after the initial ten (10) days of suspension, during which the student did not receive services. According to the calculation of the Federal Complaints Officer, the school would contend that the student missed five (5) days of services - opposed to a contention by the complainant that the student missed ten (10) days of services. (The complainant claimed in the initial Complaint letter that seven (7) days were missed. The number increased to ten (10) because of information the school provided in its response that there were three (3) more days of disciplinary removals, in this case suspensions, than had been calculated by the complainant.) The five (5) day discrepancy between the complainant and the school is because the school claims services began on December 4, 2000, and the complaint claims that services began on December 11, 2000.
2) The school denies this allegation and claims that an IEP services determination was made at the Manifestation Determination Review held on November 28, 2000.
3) The school denies this allegation by stating: "District policy (Attachment J) aligns with requirements of state and federal law and does not require that a student automatically

be referred for an expulsion hearing. At the conclusion of the Manifestation Determination Meeting, the building administrator should have withdrawn the request for an expulsion hearing. (Proper name), Principal at (attendance center), has stated that he was informed by (school staff), that because it was determined that (student's) behavior was a result of his disability, (student) should be reinstated as a student at (attendance center). (Principal) stated that he believed he also had to consider the wishes of other staff and he ultimately made the decision to move forward with an expulsion hearing. (Principal) stated that he neither intended nor expected (student) to be expelled, but rather anticipated that he would be reassigned to a different school." School's response at page four (4). Parentheticals supplied.

4) The school denies this allegation arguing that the placement decision subsequently made for the student was not a "significant change in placement", according to Colorado law, and therefore, presumably, an IEP determination was not required. The school relies on the following Colorado regulatory provision for this argument: " A change in class location, a change in program location, a change of location of a related service and a transfer from one school to another with (sic) the same district are administrative decisions and may or may not constitute a change in placement. Such decisions should be made on a case by case basis with consideration for the impact programs and services and with consideration for the impact on the child's total education. Such changes do not require written notice in accordance with section 6.02 of these Rules nor an IEP meeting." 1 CCR 301-8-2220-R-5.04 (1)(a). Cited by the school at page five (5) of its response.
5) The Federal Complaints Officer treats the school's responses as denials of allegations of violations of 34 CFR 300.344, 34 CFR 300.503, 34 CFR 300.501(b), and 34 CFR 347(a)(6).

FINDINGS AND DISCUSSION

1) The school, by the calculation and finding of the Federal Complaints Officer, admits that it did not provide the student with any IEP services for five (5) days after his initial ten (10) days of suspension. The complainant claims this time period was ten (10) days. The Federal Complaints Officer finds the complainant more credible on this issue than the school. However, whether it was five (5) days or ten (10) days is irrelevant, on the facts of this Complaint, for determining whether the school violated 34 CFR 300.121(a), as alleged by the complainant. This is because the school has admitted that when services did start, whether it was five (5) days after the ten (10) day limit, or ten (10) days after the ten (10) day limit, the services that were begun were homebound services of one (1) hour per day. On the facts of this Complaint, the Federal Complaints Officer finds that one (1) hour per day of homebound services – an automatic amount of homebound services provided, according to the school's policy- was not sufficient to meet the threshold requirements for provision of a free appropriate public education (FAPE), as required by 34 CFR 300.121(a). Thus, even if, as the school claims, it began services on December 4, 2000, five (5) days beyond the ten (10) day limit, the services provided were not sufficient to constitute FAPE. Thus, the school violated 34 CFR 121(a) with regard to this student, and therefore also violated this student's right to FAPE as defined in 34 CFR 300.13, which references the IEP provisions found at 34 CFR 300.340 through 34 CFR 300.350.

2) The school argues that homebound instruction was decided by the IEP team at the Manifestation Determination Review on November 28, 2000. In support of this argument the school submitted its Manifestation Determination Review form (School's Attachment E), which lists the parent as an attendee, and has the box for Homebound Instruction "X'd" as Discussed and Recommended. The school also submitted its Application For Homebound Teaching As An Alternative Education Program form (School's Exhibit G), but the school did not expressly rely on this form as a part of its argument that the parent approved homebound instruction. The form is dated December 1, 2000. It does not contain the signature of the parent. Instead, it includes a notation in the parent's signature space which states "Per mothers phone call 11-30", with the mother's name written under this notation. It is apparently undisputed that the teacher who provided homebound instruction for this student called the student's mother on November 30, 2000 – the same date that the school claims an additional meeting took place at which "… a page 5 addendum to the IEP was developed to reflect Homebound Teaching services as discussed during the Manifestation Determination." School's response at page three (3). It is apparently undisputed that the parent was not at this November 30, 2000 meeting.

   The complainant argues that the decision for homebound instruction was made after the Manifestation Determination Review of November 28, 2000, and offers another copy of the form used for that decision – a copy included as Exhibit D in the initial Complaint letter – a copy which has no "X's" in the Homebound Instruction spaces for Discussed and Recommended. While the complainant concedes that there was a phone call to the parent on November 30, 2000, from the student's teacher, the complainant argues that this was a phone call to inform the parent of a decision made for homebound instruction, which was not made with the appropriate participation of the parent or other necessary IEP team members, other than the homebound teacher.

   If appropriate discussion of homebound instruction did take place at the November 28, 2000 Manifestation Determination review, which would have had to have included the parent, the school has failed to satisfactorily document that this was the case. Mere attendance by the parent is not sufficient documentation in circumstances such as exist here, which are that the parent's copy of the Manifestation Determination Review form does not include the appropriate "X's" for homebound Instruction, Discussed and Recommended; and that the application for Homebound Instruction form does not bear the parent's signature. The school's credibility is further strained on this issue given the inappropriate involvement of the Expulsion Hearing Officer (EHO) in this decision making, memorialized on school forms which include indications this student might yet have been expelled, if he had not complied with homebound instruction, and subsequent placement at another attendance center. See School's Attachments K, M, and P.

   The Federal Complaints Officer finds that the school violated 34 CFR 300.343, with regard to this student. The Federal Complaints Officer finds 34 CFR 300.522 – Determination of Setting – inapplicable to this Complaint, since this regulatory provision refers to interim alternative educational placement(s) (IAEP(S)) made pursuant to 34 CFR 300.520, or 34 CFR 300.521, which cover disciplinary removals for violations by students involving weapons, drugs, or substantial likelihood of injury to the student or others. The latter determination must be made by an independent hearing officer (IHO) – not the EHO – as defined by the IDEA. Weapons or drugs were not a part of this student's misbehavior, and the school did not seek an appropriate hearing to obtain the

removal of the student for reason of potential injury to the student or others, as authorized by 34 CFR 300.521. The Federal Complaints Officer also finds 34 CFR 300.121(d)(3)(ii) inapplicable, since this provision deals with IEP team planning for students whose behavior has been determined not to be a manifestation of their disability – and such is not the case with this student. However, the complainant's failure to cite the correct regulatory provision(s) does not relieve the school of its obligation under IDEA to follow correct IEP procedures, as set out in 34 CFR 300.340 through 34 CFR 300.350 – most specifically the parent participation requirements of 34 CFR 300.345 – and, also, the Placements requirements of 34 CFR 300.552. Therefore, the Federal Complaints Officer finds that the school violated the IEP process for this student in its determination that led to homebound instruction of one (1) hour per day.

3) Once the Manifestation Determination Review IEP team determined that the reason for the student's disciplinary removal was a manifestation of his disability, the referral of the student to the expulsion hearing, and the subsequent holding of the expulsion hearing, should never have taken place. The holding of such a hearing, under these circumstances, violated the school's own written policy. See School's Attachment J. The school states in its response that – "At the conclusion of the Manifestation Determination Meeting, the building administrator should have withdrawn the request for an expulsion hearing. " School's response at page four (4). While the complainant did not specifically cite, for this alleged violation, 34 CFR 300.552 – Placements – in the allegations made in the Complaint - the Federal Complaints Officer finds that the school violated 34 CFR 300.552(a)(1)(2) and (b)(2) with regard to this student, by referring him to an expulsion hearing and thus by giving inappropriate decision making authority to the EHO. See also the Federal Complaints Officer's discussion of this issue in Federal Complaint Decision 2001:504.

4) As the Federal Complaints Officer understands it, the school, by implication, is arguing that the involvement of the EHO in the decision to send this student to another attendance center was not inappropriate, because it was not a "significant change in placement" under Colorado law, and therefore it was not a decision which needed to be made by the IEP team. The complainant, in the response to the school's response to the Complaint, argues that Federal regulatory provision(s) should be controlling, and specifically cites 34 CFR 300.347(a)(6), regarding IEP content, and 34 CFR 300.552(c), regarding placements, as authority for the argument that the decision to place the student at another attendance center should have been made by the IEP team. In the alternative, the complainant also argues that, even if Colorado law is determined to be applicable, the decision to place this student at another attendance center should have been made by the IEP team, since the student was on one (1) hour per day of homebound instruction at the time the change took place, and therefore the change from this amount of time of service, being provided in an out of school location, to another attendance center, was a change contemplated by 1CCR 301-8- 2220 – R- 5.04(1)(b), with regard to this student. This Colorado rule – Change in program/services - states – " When a child's educational program is materially altered, such as a change in the amount of a given service, and not an instance which involves only a change in the physical location of the program, the change in program/services is considered a change in placement and must be determined by the IEP team." Id.

   The Federal Complaints Officer agrees that, to the extent Colorado law and Federal law are in conflict, Federal law controls. See generally 34 CFR 300.552, in addition to 34 CFR 300.552(c), specifically. However, in the alternative, on the facts of this Complaint, the Federal Complaints Officer finds no conflict, whether the issue is framed as a

change from one attendance center to another, or from homebound instruction to an attendance center. At the previous attendance center for this student, the student was suspended. The suspension lasted for longer than the ten (10) school days allowed. A staff person involved in the incident for which this student was suspended obtained a restraining order against the student. A Manifestation Determination Review was held for the student and the behavior for which the student was disciplined was determined to be a manifestation of his disability. The student was placed on homebound instruction. The student was referred to an expulsion hearing, and an expulsion hearing was held for this student. Subsequent to these events, the school placed the student at another attendance center, without convening an IEP meeting to determine whether this was appropriate. At least from the point in time when a disciplinary removal began for this student, which exceeded ten (10) school days, there was a lot to be considered in determining a further permanent – to the extent the term permanent has meaning in special education law – placement for this student. The Federal Complaints Officer does not interpret Colorado Rule 5.04(1)(a) to have been intended to abrogate the role of the IEP team for such consideration and determination. This rule states that decisions about a change in location or facility are administrative decisions, which "may or may not constitute a change in placement." Id. If, indeed, the school consciously relied upon this Colorado Rule when it decided to move this student from one attendance center to another, then it is the finding of the Federal Complaints Officer that this reliance was inappropriate and the school erred when it determined a change of attendance centers for this student, on these facts, did not constitute a significant change in placement.

The Federal Complaints Officer finds the school violated 34 CFR 300.343, with regard to this student. The Federal Complaints Officer also finds that the school violated 34 CFR 300.347(a)(6) and 34 CFR 300.552, including 552(c), with regard to this student. More broadly, the IEP decision making process for this student - as described in 34 CFR 300.34O through 34 CFR 300.350, including, more specifically 34 CFR 300.345 – Parent participation – and the specific placement requirements of 34 CFR 300.552(a)(1) - were abrogated with regard to this student. For reasons previously stated under item (2), the Federal Complaints Officer finds no violation by the school of 34 CFR 300.121(d)(3)(ii) or 34 CFR 300.522.

5) The Federal Complaints Officer finds that the school violated the notice requirements of 34 CFR 300.503. The notice required by 34 CFR 300.503 should have been given to this student's parent at the time the student was placed on homebound instruction, and should have been given again when the student went from homebound instruction to another attendance center.

The Federal Complaints Officer also finds that the school violated 34 CFR 300.344 – IEP Team - and the parent participation requirements of 34 CFR 300.501 – based upon his factual findings that an IEP meeting, as specified by 34 CFR 300.343, was never appropriately held for this student at the time of his Manifestation Determination Review, or at any time subsequent to his placement in homebound instruction or at another attendance center. This finding includes a finding that a regular education teacher was never a participant in any meetings, during this time period, which the school claims to have been appropriate IEP meetings. The failure of a regular education teacher to participate was a violation of 34 CFR 300.344(a)(2). Moreover, nothing in 1CCR 301-8-2220 –R-5.04 (1)(a), or the IDEA, gives an EHO the authority to make placement decisions for special education students – especially an EHO who, because of the result

of a Manifestation Determination Review, had no authority at all over this student – and who, according to the School's Response, made the decision to send this student to another attendance center. See school's response at page four (4). The involvement of the EHO was inappropriate. See also Federal Complaint Decision 2001:504.

REMEDIES

Neither the complainant nor the school submitted to the Federal Complaints Officer a copy of the Behavior Plan that was in effect for this student at the time the incident occurred leading to the disciplinary removal and the sequence of events that have resulted in this Complaint. However, on the Manifestation Determination Review form this plan is referenced as having been in existence since 1998/1999, and is characterized as addressing the behavior that led to the disciplinary removal in November of 2000, although it also indicated this student had experienced no such problems in the last two years. See School's Attachment E. Also, in the school's response to this Complaint, the school states that subsequent to an October 2000 suspension it was recognized that for this student "…when someone invades his space or places their hands on him, his feelings of aggression begin to escalate." Therefore, when this happened, arrangements were to be made for this student to be allowed to go to the office to "cool down". School's response at page two (2).

The incident that occurred on November 9, 2000, which led to further disciplinary actions for this student, occurred between the student and the school's counselor, in the school library. The school's counselor, in her original police statement describing the incident, signed on the same day of the incident, wrote as follows: "Student began to cross through the library while I was speaking to my class. I asked him several times to stop and exit the library. He refused. As he approached me I asked him to stop and exit the library. He said 'No'. I then placed my palms upon his chest and again asked him to leave the library. He continued toward me pushing against me so I pushed back. He then yelled 'Get you (profanity) hands off me or I will hurt you.' I backed off as he balled up his fists and again threatened me by saying 'I'll hurt you; I'll hit you.' Then (another student) stopped (student) as he began to approach me. (The other student) later stated he felt (student) was going to hurt me and he felt he needed to protect me. He then left the library and I dismissed my class." School's Attachment B. Parentheticals added. As a result of this incident, the school's counselor subsequently obtained a restraining order against the student.

It is not within the jurisdiction of the Federal Complaints Officer to pass judgment on the concern of school staff for their own safety from their students. Nor does the Federal Complaints Officer have any authority over the granting of a restraining order by a Colorado Court. That said, the Federal Complaints Officer has no problem in agreeing with the school that this student's behavior was inappropriate and needs to be changed. However, it also seems clear from the information provided by the school that the counselor's placing of her hands upon the chest of this student was not likely to produce the desired result. Moreover, notwithstanding the temporary restraining order, the school's IEP team had a duty under the requirements of IDEA to determine what was best for this student. If that determination conflicted with the restraining order entered by the court, the IEP team would then have needed to try to appropriately resolve that conflict. To find otherwise would mean that the school could always be relieved of legal obligations under IDEA, anytime one of its employees obtained a restraining order, which could, of course, happen at any other attendance center to which this student is assigned. If the

school believes this student is likely to injure himself or others, it can invoke the procedures of 34 CFR 300.521, or seek its own injunction. It can also report the student to law enforcement for any crime the school believes the student has committed. In any case, it should be seeking to provide the student with FAPE, according to the provisions of the IDEA, unless and until that responsibility is assumed by another public agency. Nothing in the provisions of IDEA prevents the school from taking into account legitimate safety concerns of school staff members or other students. Moreover, nothing would have prevented a properly constituted and functioning IEP team from deciding, with appropriate participation and notice given to the parent, that this student should have been placed at another attendance center. If the parent had then requested a hearing to contest such a decision, and invoked stay put, the hearing officer could have addressed reconciling the restraining order with the parent's invocation of stay put.

1) The Director of Special Education shall submit a Statement of Assurance to the Federal Complaints Officer sufficiently acknowledging that an appropriate IEP process for placement determination was not followed for this student at his Manifestation Determination Review. This Statement of Assurance shall include an assurance that appropriate procedures will be followed in the future for this student, and all other students similarly situated.
2) The Director of Special Education shall submit to the Federal Complaints Officer a Statement of Assurance that sufficiently recognizes that an appropriate IEP process for placement determination was not followed for this student for determining what his placement should be after homebound instruction. This Statement of Assurance shall include an assurance that appropriate procedures will be followed in the future for this student, and all other similarly situated students.
3) In his Federal Complaint Decision 2001:504, one of the Remedies ordered by the Federal Complaints Officer was: "The Director of Special Education shall submit to the Federal Complaints Officer, within thirty (30) days of the date of this Decision, unless extension is granted by the Federal Complaints Officer, a Statement of Assurance sufficient to demonstrate that the school will no longer have a procedural policy option of referring students with disabilities, whose behavior has been determined to be a manifestation of their disability, to suspension or expulsion hearings, and that such referrals will no longer take place. The Federal Complaints Officer reserves the right to determine the sufficiency of this Statement of Assurance, and to recommend further corrective action, if necessary. If the Director of Special Education needs any clarification as to what the Federal Complaints Officer is expecting in ordering this Remedy, she should contact the Federal Complaints Officer for clarification." Id. The Federal Complaints Officer determined that the Statement of Assurance submitted for this Remedy for Federal Complaint Decision 2001:504 was not sufficient. However, the school stated in that submission that the school was undergoing a revision of its disciplinary procedures, to be completed by August, 2001, which, according to the school, it believed would include the policy and procedural changes ordered by the Federal Complaints Officer. The Federal Complaints Officer therefore granted the school until August 2001 to submit to the Federal Complaints Officer a satisfactory Statement of Assurance. The Federal Complaints Officer orders, as a part of this Remedy, for this Complaint Decision, that the same Statement of Assurance be submitted to him by August 1, 2001. As the Federal Complaints Officer has previously stated in the Remedy for Federal Complaint Decision 2001:504, the Federal Complaints Officer reserves the right to determine the sufficiency of this Statement of Assurance, and to recommend further corrective action if necessary.

4) This student has not received FAPE for the time period at least beginning and including since he began his eleventh (11 th) day of suspension until he started his first day of classes at the new attendance center. He has not received FAPE because the school did not follow appropriate IEP procedures in making the decision to place this student on homebound instruction. Procedural errors alone do not necessarily lead to a denial of FAPE. However, here the school not only did not otherwise follow correct IEP procedures, the school also has an automatic policy of only granting one hour per day of homebound instruction. See School's Attachments H and I. This violates the authority of the IEP team to make an individual determination for students. Moreover, even if the school did not have an automatic policy of one (1) hour per day of homebound instruction, such minimal amount of instruction would not amount to FAPE on the facts of this Complaint and, indeed, it would seem that there would only be a limited number of factual situations where such minimal instruction could be found to constitute FAPE. (The Federal Complaints Officer does not find that the school can validly count homework hours as a part of meeting its requirement to provide FAPE. See School's Attachments H and I.) Therefore, the Director of Special Education shall submit to the Federal Complaints Officer a Statement of Assurance that the school will no longer have an automatic policy of limiting special education students to one (1) hour per day of homebound instruction, or any other automatically limited amount or type of service provision.
5) Proper 34 CFR 300.503 notice was not given to the parent at the time the student was placed on homebound instruction, nor was such proper notice given at the time the student was placed at the new attendance center. The school shall submit to the Federal Complaints officer a Statement of Assurance that such notice shall be given to this student, and all other similarly situated students, in the future. This Statement of Assurance shall include a copy of the form the school intends to use in providing this notice. If the school needs guidance in satisfying this Remedy, it should contact the Federal Complaints Officer.
6) The school shall submit a Statement of Assurance to the Federal Complaints Officer that appropriate regular education teachers shall be members of all future IEP meetings for this student, and all other similarly situated students.
7) This student is entitled to compensatory education for the period of time from the eleventh (11 th) day of his suspension until he began school at the new attendance center. Therefore, the Federal Complaints Officer orders the complainant to submit to the school, by certified mailing, with a copy to the Federal Complaints Officer, within ten (10) days of the date of the complainant's certified receipt of this Decision, its proposal for compensatory education. The school shall then have ten (10) days after its certified receipt of the complainant's proposal, to respond in writing to the complainant's proposal, with a copy to the Federal Complaints Officer. Once the complainant has received the school's response, the parties shall have ten (10) days to reach an agreement regarding compensatory education. If the parties both request it, the Federal Complaints Officer will assign a mediator to facilitate this effort. If a mediator is assigned, the time period for reaching an agreement about compensatory education may be extended, if the Federal Complaints Officer determines it is necessary to do so. If the parties do not reach an agreement within the allotted ten (10) days, and if no extension is granted by the Federal Complaints Officer, the Federal Complaints Officer will decide the issue of compensatory education.
8) The school, at the parent's request, shall also provide the parent with an IEP meeting for the purpose of determining whether the student's placement at the current attendance center should continue. This request must be made of the school, in writing, before the

appeal time for this Decision has expired. If such request is not made by the parent within this time period, the school shall not be required to hold such an IEP meeting, pursuant to this Decision. If such request is made, the IEP meeting shall be held within thirty (30) days of the date of the request, unless otherwise agreed to by the parent. Should it be determined by the IEP team, or by a hearing officer on appeal of an IEP team decision, that this student's procedurally inappropriate placement at the new attendance center has resulted in a denial of FAPE, the parent would be able to request further compensatory education as remedy.

CONCLUSION

This Decision shall not become final until an Order determining compensatory education has been entered by the Federal Complaints Officer. At that time the appeal time will begin to run. All Remedies ordered by the Federal Complaints Officer, other than the Remedy for compensatory education, are to be satisfied within thirty (30) days of the date this Decision becomes final, unless the specific Remedy indicates otherwise. The Federal Complaints Officer reserves the right to recommend further Remedy, dependent upon his determination of the sufficiency of the school's compliance with the Remedies he has already ordered. A copy of the appeal procedure is attached.

Dated today, June _____, 2001.

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Charles M. Masner, Esq.
Federal Complaints Officer