

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

**State-Level Complaint 2019:522
Douglas County School District**

DECISION

INTRODUCTION

This state-level complaint (Complaint) was filed on April 4, 2019 by the Mother, through her attorney, on behalf of her daughter against Douglas County School District (District). Student is not identified as a child with a disability under the Individuals with Disabilities Education Act (IDEA).¹

Based on the written Complaint, the SCO determined that the Complaint identified one allegation subject to the jurisdiction of the state-level complaint process under the IDEA and its implementing regulations at 34 CFR §§ 300.151 through 300.153.² The SCO has jurisdiction to resolve the Complaint pursuant to these regulations.

RELEVANT TIME PERIOD

Pursuant to 34 C.F.R. §300.153(c), CDE has the authority to investigate allegations of violations that occurred not more than one year from the date the original Complaint was filed. Accordingly, this investigation will be limited to the period of time from August 22, 2018 through December 20, 2018 for the purpose of determining if a violation of IDEA occurred. Additional information beyond this period of time may be considered to fully investigate all allegations. Findings of noncompliance, if any, shall be limited to one year prior to the date of the Complaint.

SUMMARY OF COMPLAINT ALLEGATION

Whether the District denied Student a FAPE by failing to evaluate Student when the District was on notice that Student may have a disability and be in need of special education and related

¹ The IDEA is codified at 20 U.S.C. § 1400, *et seq.* The corresponding IDEA regulations are found at 34 CFR § 300.1, *et seq.*

² Hereafter, only the IDEA regulation and any corresponding Exceptional Children's Educational Act (ECEA) rule will be cited (e.g., § 300.000, Section 300.000 or Rule 1.00).

services from August 22, 2018, to the present, pursuant to 34 C.F.R. § 300.111 and ECEA Rule 4.02(1)(a).

FINDINGS OF FACT

A. Background

After thorough and careful analysis of the entire record,³ the SCO makes the following FINDINGS:

1. During the summer of 2018, Student moved from Other State and enrolled in District. Student attended High School, a school within the boundaries of District during the first semester of the 2018-2019 school year. Student withdrew from District for the second semester and enrolled in an online program authorized by another school district. *State Complaint, Interview with Mother and Response.*
2. Student is not currently identified as a child with a disability eligible for special education and related services under the IDEA.
3. Before the beginning of the school year, District received information regarding Student both from educational records provided by Other State and District's enrollment forms provided by Mother. *Exhibit E, Interview with Mother, Interview with School Counselor.*
4. The educational records provided by Other State included attendance records, grade reports, and discipline records. Documentation from the 2017-2018 school year showed that Student missed 36.5 days out of 178 school days or approximately 20% of school. *Exhibit 8, pp 8-9.* During that same time period, Other School's Discipline Records showed that Student received twelve detentions and one in-school suspension. The reasons for the detention included vaping, unexcused tardies, and cutting class. One of the entries in the Discipline Records documented, "[Student] had an extensive conversation with [staff member] regarding better options. It was determined that detention was not the best option at this point. [Student] is needing much support." *Exhibit E, p. 11.* Student's grade reports showed that she failed the majority of her classes. Specifically, Student's grades during her 9th grade year consisted of an F in Biology for both the first and second semester, an F in Freshman Lit and Comp for both the first and second semester, a C in Algebra for first semester and a F in Algebra for second semester, a D in US Government for first semester and an F for World Geography for second semester, a D in Food and Nutrition for first semester and an F in Health Education for second semester. *Exhibit E, pp. 5-13.*
5. The District enrollment forms included the Registration Form, Health Information, and a Request to Other Educational Agencies for Release of Student Information to Douglas County School District RE-1. ("Request"). The Registration Form includes a section that addresses

³ The appendix, attached and incorporated by reference, details the entire record.

special services, inquiring whether any testing has been done in several areas including "counseling," "psychological," "behavioral difficulties," and "504 services." Mother's written response was "no." *Exhibit E*, p. 14. On the Health Information sheet, in response to a question inquiring about any information regarding any emotional, social, or other condition that might affect Student's school performance, Mother checked the "no" box. *Exhibit E*, p. 20. Lastly, the Request inquired about whether Student received any previous testing, evaluations or services in any of the following areas: IEP, Individual Literacy Plan (ILP), Counseling, Gifted and Talented, 504 Services, Psychological, and Other. Mother checked the box indicating "Counseling." *Exhibit E*, p. 21.

B. First Semester of 2018-2019 School Year

6. The time period at issue in this State Complaint is the fall semester, the time period Student was enrolled in a District school. During her short time at High School, Student had significant issues with attendance and academics. These issues were similar to what she experienced in her previous school in Other State.

7. On August 8, before the start of school, School Counselor sent an e-mail to Student's teachers stating:

"I wanted to give you a heads up regarding a new student to [High School]. [Student] comes to us from [Other State]. I believe the purpose for the relocation was a new marriage for mom. [Student] is not happy to be uprooted and was already experiencing some academic hardship at her last school. She is about 3.25 credits behind her peers, coming in as a 10th grader. I'm worried this will be a difficult transition for her so please do what you can to help her feel welcome. She has elected to repeat Algebra 1, failed both semesters last year, summer school and online are not an option for her right now. Please keep an eye on [Student] and give me a heads up at first sign of struggle so that I can try to put some supports in place. She will be immediately added to my SAT but updates from all of you are always helpful in knowing how to best support."
Exhibit A, p. 7.

8. On August 9, 2018, School Counselor held a pre-school meeting with Mother and Student to discuss classes, credits, etc. According to School Counselor, the parties only briefly discussed the challenges Student faced while in Other State. Mother acknowledges that she was selective about the information she shared given that Student was present and was hopeful that it would be a new start for Student. She acknowledges that she believed Student's previous behaviors were attributed more to a bad friend group and typical teen behavior than mental health issues. Nevertheless, Mother reported that she informed School Counselor that Student had issues with discipline, absences, and concerning behaviors. She also informed School Counselor that Student had difficulty with self-advocacy. *Interview with Mother and School Counselor*.

9. According to Mother, Student seemed to have a good first week but it quickly changed. Mother noticed that Student was disorganized, stressed, and started to fall behind. Mother reports calling School Counselor approximately a week after school started to inform her that Student was feeling lost, overwhelmed, wasn't acclimating, and needed guidance. *Interview with Mother.*

10. A few days later, on August 22, 2019, Student attempted suicide. Mother informed School Counselor via e-mail regarding Student overdosing and being at the hospital. The following day, Mother informed School Counselor that the hospital did a psychological evaluation. She informed them that "[t]hey feel like most is due to all the transitions." *Exhibit 2.* According to Mother, the Psychological Evaluation was about 15 minutes and not very helpful. This latter information was not shared with District. *Interview with Mother.*

11. On August 27, 2018, High School convened a re-entry meeting to assist with Student's transition back into school. School Counselor, Assistant Principal, School Psychologist, Student, and Mother were in attendance. A Safe Plan was created. The section of the Safe Plan that described the "warning signs" listed "...crying, very angry when overwhelmed, shut down, no motivation, and starts to get behind in work (school)." *Exhibit 8*, p. 1. Social Support only listed "[Other State] friends." *Id.* The plan also included how Student would be supported in school, which included seeing counselor 1 time a week, or more if needed, offered mental health support, provided student crisis numbers, and provided information regarding the club fair. *Id.* p.2. As for the supports at home, they consisted of, "disabling of plan, including securing means, increased supervision/support, ongoing communication with school, outpatient care established -therapist, and other- telehealth 1x a week." *Id.*, p. 2. According to School Counselor and Assistant Principal, Student's mental health was not specifically discussed rather the discussion focused on the impact of Student's recent move and the impact of the transition. *Interview with School Counselor and Assistant Principal.* Regardless, the Safe Plan form indicates High School team was aware that Student was not only receiving therapeutic services but also thought to offer mental health support.

12. Approximately one week after the suicide attempt, Mother reports she called School Counselor and informed her of Student's background. Specifically, Mother provided more detail regarding Student's issues with attendance, cutting/self-harm behaviors, additional information regarding the "concerning behaviors, and Student's mental health issues, etc." *Interview with Mother.* According to School Counselor, she was aware of these issues but believed many of Student's difficulties were as a result of her recent move and her relationship with Mother. *Interview with School Counselor.*

13. On August 29, 2019, Mother e-mailed School Counselor stating "[d]o we have a specific time each week that [Student] is meeting with you and a schedule for individual teachers set? We are doing better but getting further behind academically. She needs that check and balance each week." *Exhibit A.*, p. 41. School Counselor was responsive and agreed to help Student set something up with teachers next time she met with Student. *Exhibit A*, p. 41. It is unclear what,

if anything, was arranged between Student and her other teachers. She also encouraged Mother to reach out to Student's teachers giving them an update on Student. *Id.*, p. 40.

14. Throughout this time period, Student was having attendance issues. On September 4, 2019, Assistant Principal sent Mother a "warning letter" informing her that Student had unexcused absences and if it continued, she would get lunch detention. By that time, Student had six unexcused absences. On September 13, 2018, Mother was sent another e-mail regarding Student's attendance. At that point, Student had 12 unexcused absences and as a result, was being assigned lunch detention. The unexcused absences referred to class periods and not school days. *Exhibit A*, p. 19. According to all parties, Student would attend High School but would fail to show up for individual classes. *Exhibit 10*, p. 10; *Interview Mother, Assistant Principal, School Counselor and French Teacher*.

15. On September 18, 2018, Student had a private psychological evaluation. On September 19, 2018, Mother e-mailed all of Student's teachers and informed them of Student's diagnosis for anxiety and depression. Additionally, she informed them that Student may have a bipolar disorder and was prescribed medication. In that same e-mail she informed the teachers that "[o]nce [Student] is behind, she feels overwhelmed and defeated and the effort seems greater than the reward. She throws in the towel very quickly once she gets overwhelmed with assignments and low grades....I ask for your help and communication in working with [Student] and trying to get her caught up on classes before she completely shuts down and fails." *Exhibit 9*, p. 1.

16. On September 20, 2018, there was an e-mail exchange between Mother and School Counselor. The substance of this exchange was support for Student and moving forward with next steps as it pertained to Student's unexcused absences. Among the steps proposed were developing a Google document that all teachers could access and update as necessary, moving forward with a formal attendance contract, and "getting a Truancy Officer" involved. *Exhibit A*, p. 39. In this same e-mail, School Counselor acknowledged that Student had a Truancy Officer while attending Other School. *Id.* Lastly, School Counselor added Student to a designated study hall that monitors attendance called "Access Interventions." *Id.* According to Mother and School Counselor, these efforts were unsuccessful. *Interviews with Mother and School Counselor*.

17. On September 21, 2018, the following day, Mother was notified that Student was assigned Saturday detention due to continued attendance issues. *Exhibit A*, p. 45.

18. On September 27, 2018, High School Administrative Assistant sent Mother an e-mail inquiring if she could attend a meeting with the Assistant Principal and School Counselor on October 3, 2018 "to discuss how [Student] is doing in school." *Exhibit 10*. According to Assistant Principal, this meeting was to address both the e-mail sent to the teachers alerting them to Student's mental health issues but also to address attendance issues. *Interview with Assistant Principal*.

19. As a follow-up to the e-mail, on September 28, 2018, Assistant Principal sent Mother an attendance letter, which outlined Student's summary of attendance issues. Specifically, out of 35 school days, Student was absent ten days, missed 46 class periods and was tardy nine times. The letter also confirmed the October 3, 2018 meeting. *Exhibit E*.

20. The October 3, 2018 meeting was held, and an Attendance Contract and Plan was developed. In attendance were Assistant Principal, School Counselor, School Psychologist, Student, and Mother. During the meeting, the team discussed ways to address Student's attendance including asking Student her thoughts. At that time, Student did not offer any insight into why she was not attending classes. She simply responded, "I don't know." *Interview School Counselor*. According to Assistant Principal, one of the suggestions he proposed was to have Mother bring Student to counselor's office and from there they would ensure that Student gets to class. At that time, he reports, Mother declined. *Interview Assistant Principal*. Mother states that the issue was not Student getting to school but getting to class. According to Mother there was little support provided to assist with that issue. *Interview with Mother*.

21. As for the Attendance Contract, the factors noted as contributing to poor attendance included moving to Colorado, new stepfather, new stepbrother, arguments with friends, medical/mental health, substance use, i.e. juul (e-cigarettes), alcohol, marijuana. The School-based interventions that were checked included 1) schedule change/revision, 2) standing appointment with school counselor 3) mandatory access/advisement attendance, 4) weekly progress monitoring-academic, 5) weekly progress monitoring-social/emotional. *Exhibit 12*. A number of other school-based interventions were not checked. Included among the interventions not checked were the assignment of peer tutor/counselor; celebration: positive referrals; counseling support groups; partial credit for coursework; re-engagement rewards; referral for special education evaluation; or referral for problem-solving team. *Exhibit 12*.

22. Student continued to miss classes and her academics suffered as a result. On October 22, 2018, Mother and Assistant Principal had a conversation regarding Student's classes and next steps. According to Assistant Principal, this conversation was not about Student's mental health status but rather how to address the failing grades. He reported that he always considers mental health issues but, in this situation, he did not see Student behave any different than any other Student. Specifically, Student's affect and attitude seemed like any other student so he was not concerned regarding the mental health piece being a factor in student's lack of attendance. According to both Assistant Principal and Mother, it was during this meeting that Mother first inquired about a 504 plan.

23. On October 30, 2018, Mother e-mailed School Counselor regarding connecting with the 504 coordinator representative. In response, School Counselor responded, "I am the individual that you can meet with to discuss a 504. Please contact the counseling secretary to set up a meeting...I'll be honest, I'm fearful that this won't help but I'm happy to hear your thoughts around it. A 504 plan may not help if there is an attendance issue. The student needs to be present in order to receive accommodations. [Student] is already receiving accommodations

and/or support that would be part of a 504 plan: e.g. extended time to turn in work with most of her teachers, preferential scheduling, and routine check-ins..." *Exhibit 5, p. 1*. In response, Mother wrote, "As per the 504, I'm very familiar with the process and it's a lot more than accommodations for mental health and it certainly does cover individuals that have absences due to medical or mental health. I would like to move forward with this as well. I have a letter from her psychiatrist as well as the counselor addressing absences." *Exhibit 5, p. 2*. School Counselor provided Mother with the 504 Parent Guardian Input form. *Exhibit A, p. 53*.

24. That same day, Assistant Principal e-mailed Mother to inform her regarding Student's options given her absences and academic issues. These options included withdrawing Student from classes and enrolling in online classes and taking the next steps with the Student Attendance Review Board due to her truancy. Mother responded, "I'm very familiar and although we both want the same thing for [Student], you're not on this end seeing your daughter struggle each day, new meds, and 3 different doctors. Rather than attendance reminders and state policies, it would be helpful if you could share with me exactly what you need the psychiatrist to write in order to excuse absences based on mental health disorders." *Exhibit A, p. 57*.

25. On November 7, 2018, Mother informed French Teacher that Student was not going to attend a multi-day out-of-town trip due to recently starting a new medication for bipolar and needing to stabilize. According to French Teacher, throughout the semester, there was nothing about Student that indicated she needed additional support except for her absences. She reported that Student never looked upset, she hung out with her friends and seemed to get along with those around her. Additionally, while she was in her class Student would do what she needed to do. As it pertained to her failing grades, French Teacher explained that she worked with Student one on one which helped her get caught up. Despite this additional help, Student failed that class as well. *Interview with French Teacher*.

26. On November 8, 2018, School Counselor e-mailed Student's teachers to inform them that, due to Student's attendance issues, High School would withdraw Student from her core classes and enroll her in their online classes but only enroll her in one core class at a time. She would complete these classes in the Support Lab. *Exhibit 1, p. 15*. That same day, Student received enrollment and login information regarding the online classes.

27. The issues with attendance continued. On November 13, 2018, two of the teachers who supported the Support Lab informed School Counselor that they had yet to meet with Student as she had not been seen in the lab. *Exhibit A, p. 23*. According to School Counselor and Mother, she would physically be at High School but not attend the lab. *Interview with Mother and School Counselor*.

28. On December 10, 2018, Social Studies Teacher sent an e-mail informing parents that their Student was at risk of not completing the online course. *Exhibit A, p. 32*.

29. On December 11, 2018, School Counselor e-mailed Mother about her 504 request and inquired about the documentation from Student's providers. Mother responded that she had not provided the information because she didn't get the impression School Counselor had experience with or was willing to implement the 504 plan in a way that would help Student. *Exhibit A*, p. 81.

30. Ultimately, Mother provided School Counselor the letter from the psychiatrist on December 12, 2018. The letter was dated November 12, 2018, and noted Student's diagnosis as Depressive Disorder, not otherwise specified (NOS) and Anxiety Disorder, NOS. The letter also recommended the development and implementation of a 504 plan so that she could obtain additional support at school for her anxiety and depression. That same day, District filed a Petition to Compel Attendance with the Douglas County District Court.

31. Soon thereafter, Mother informed School that she was withdrawing Student from School District and enrolling somewhere else.

CONCLUSIONS OF LAW

Based on the Findings of Fact above, the SCO enters the following CONCLUSIONS OF LAW:

Conclusion to Allegation No.1: District did not violate its Child Find duty.

As an initial matter, the SCO addresses District's argument that Mother's State complaint is moot since she withdrew from High School and currently attends an online school overseen by another Colorado District. The basis of Mother's allegation is that District failed to meet its Child Find obligations by failing to evaluate Student when it had a basis to suspect she had a disability needing special education services. The fact that a student no longer attends school district where the alleged violation occurred does not relieve the District of their obligation to provide a student FAPE when the events underlying the complaint occurred. *See E.D. v. Newburyport Public Schools* 654 F.3d 140 (August 19, 2011). The current Complaint cites a violation for inaction during a period of time Student attended a District school. Had there been a violation, the SCO would have determined the appropriate remedies depending on whether the violation was found to be procedural or substantive in nature.

Concluding that the allegation regarding Child Find is not moot, the SCO considers whether the District acted in accordance with IDEA when it did not initiate a referral to evaluate Student for IDEA eligibility. In this Complaint, Mother asserts that District knew or should have known Student was a child with a disability in need of special education and related services. In support of that assertion, Mother asserts that District was aware that Student struggled in Other School District, including having failing grades and excessive absences, was hospitalized due to an attempted suicide soon after starting High School, failed to attend classes to the point she received detention, was ultimately referred for truancy proceedings, and failed all of

her classes. Furthermore, Mother alleges that she inquired about a 504 plan, which was further evidence to trigger District's obligation to initiate the special education referral process.

In response, the District argues that it had no reason to suspect Student might have a disability, specifically Serious Emotional Disability (SED) based on the defining criteria for this disability. In support of this assertion, District states that Student did not exhibit any of the required characteristics as a result of such condition. Student did not exhibit an inability to learn. When in class, Student was able to do the work required of her. She had friends and interacted appropriately with staff. She did not exhibit inappropriate behaviors or feelings under normal circumstances. She did not exhibit a general pervasive mood of unhappiness or depression. Lastly, her difficulties seemed to be the result of the recent move to Colorado, Student's attitude towards Mother's remarriage, and perceived power struggles between Student and Mother.

The IDEA and Colorado law mandate that school districts develop and implement procedures for locating, identifying and evaluating all children who may have a disability and are eligible for special education and related services, even though such children are advancing from grade to grade. 34 C.F.R. § 300.111(a); ECEA Rule 4.02(1)(a). This affirmative, ongoing obligation, known as "Child Find," is triggered when a district has reason to suspect a child residing within its jurisdiction has a disability and requires special education and related services. *Id.* The actions of a district in terms of whether it had knowledge of, or a reason to suspect, a disability must be evaluated in light of the information that it knew, or had reason to know, at the relevant time. *Oxnard Sch. Dist.*, 118 LRP 48450 (SEA CA 11/13/18). The threshold for suspicion of a disability is relatively low, and the initial inquiry is not whether the child actually has a disability or qualifies for special education services, but instead, whether the child should be referred for an evaluation. *Boulder Valley School District*, 118 LRP 28098 (SEA CO 5/18/17) (citing *State of Hawaii v. Cari Rae S.*, 158 F. Supp. 2d 1190, 1195 (D. Haw. 2001)).

For guidance in evaluating whether District had a basis of knowledge sufficient to trigger its obligation to request an initial evaluation, the SCO references the ECEA criteria for eligibility under serious emotional disability. *See e.g., Adams 12 Five Star Sch.*, 114 LRP 46709 (SEA CO 8/22/14).

2.08(3) A child with a Serious Emotional Disability shall have emotional or social functioning which prevents the child from receiving reasonable educational benefit from general education.

2.08(a) Serious emotional disability means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree:

2.08(3)(a)(i) An inability to learn which is not primarily the result of intellectual, sensory or other health factors;

2.08(3)(a)(ii) An inability to build or maintain interpersonal relationships which significantly interferes with the child's social development;

2.08(3)(a)(iii) Inappropriate types of behavior or feelings under normal circumstances.

2.08(3)(a)(iv) A general pervasive mood of unhappiness or depression; and/or

2.08(3)(a)(v) A tendency to develop physical symptoms or fears associated with personal or school problems. ECEA Rule 2.08(3).

The SCO concludes that the totality of the circumstances of this case were not sufficient to trigger District's Child Find obligation. There is no doubt that Student displayed concerning behaviors in the short time she was enrolled in District. These behaviors included an attempted suicide, significant number of unexcused absences resulting in disciplinary action and failing grades. Nevertheless, in this situation, it was reasonable for District to consider Student's difficulties as a situational response to Student's recent move to the State of Colorado and her expressed difficulty with her Mother's remarriage rather than as evidence that Student may have a disability.

Furthermore, during the short time period Student was enrolled in High School, she did not display the characteristics that would lead District to suspect Student had a disability in the most likely category of Serious Emotional Disability. First, in order to be considered eligible in this category the Student's condition must exhibit one or more of the characteristics over a long period of time and to a marked degree. According to OSEP, a generally acceptable definition of a long period of time is a range of time from two to nine months, preliminary interventions have been implemented and proven ineffective during that period. *Letter to Anonymous*, 213 IDELR 247 (OSEP 1989). Particularly relevant here, the SED eligibility criteria excludes indicators of social/emotional dysfunction that are "isolated incidents or transient, situational responses to stressors in the child's environment." ECEA Rule 2.08(3)(c)(iv). In the present situation, Student moved to Colorado the summer preceding the 2018-2019 school year and was enrolled for only one semester. Student was not only unhappy with the move, she was unhappy with her mother's remarriage, her loss of friends from Other State, and separation from her brother. In the present situation, it was not unreasonable for High School to attribute Student's challenges to a difficult transition and allow her some time to get accustomed to her new surroundings.

Furthermore, while District was aware that Student had a history of academic, attendance, and disciplinary issues, those issues were not initially attributed to mental health concerns. During the meeting held prior to the start of school, Mother acknowledged that she was selective

regarding the information she shared with School Counselor and initially attributed much of those difficulties to typical teenage behavior and a bad friend group. *FF # 8*. Additionally, the documentation provided from Other School and the enrollment forms completed by parent provided minimal information regarding concerns of Student's mental health. *FF#s 4 & 5*. School Counselor's understanding is reflected in the e-mail sent to Student's teacher prior to the first day of school which informed them that Student may have a difficult transition and that she was not happy to be uprooted as further described in *FF# 7*. According the School Counselor, this perception was further reinforced by the conversations she had with Student throughout the semester.

Given the short time period at High School, Student's recent transition and what High School staff observed, Student's potential eligibility under the SED eligibility category was not apparent. In reaching this conclusion, the SCO determined that the following facts were persuasive. First, Student did not exhibit an inability to learn. According to French Teacher, when she was in her class she did what she was expected to do. Additionally, French Teacher credibly reported that she did not observe any behaviors or difficulties with learning in the classroom or when she worked with Student one-on-one. Student did not exhibit an inability to maintain interpersonal relationships. According to French Teacher, School Counselor and Assistant Principal, Student had a friend group that she seemed to enjoy hanging out with. In fact, that was where school staff often observed her spending her time when not in class. Second, both School Counselor and French Teacher noted that they had a good relationship with Student and nothing stood out as atypical regarding their interactions. Third, Student did not exhibit inappropriate types of behavior or feelings under the circumstances, i.e., the recent move. High School staff did not observe Student exhibiting a pervasive mood of unhappiness or depression. In fact, according to all those interviewed, with the exception of attendance, Student appeared to be a typical teen. Finally, there was no evidence available suggesting that Student had a tendency to develop physical symptoms or fears associated with personal or school problems.

Thus, it was not until High School received the psychiatrist note December 12, 2018, that District's basis of knowledge may have been sufficient to trigger its Child Find obligation. *FF # 30*. However, at the same time Mother provided this documentation, she disclosed that they were looking at another school option. According to OSEP, a school must seek parental consent within a reasonable period of time after it has reason to suspect that child may have a disability and be in need of special education. 71 Fed. Reg. 46637; *Memorandum to State Directors of Special Education*, 56 IDELR 50 (OSEP 2011). On December 20, 2018, less than two weeks later, Mother formally withdrew Student from District thus not providing High School the opportunity to consider further support that Student may need, including possibly making a referral for a special education evaluation. For these reasons, the SCO concludes that the District did not violate its obligation pursuant to Child Find.

REMEDIES

The SCO finds and concludes that the District did not violate any requirements of the IDEA. Accordingly, there are no remedies ordered pursuant to the IDEA and my authority as an SCO.

CONCLUSION

The Decision of the SCO is final and is not subject to appeal. If either party disagrees with this Decision, their remedy is to file a Due Process Complaint, provided that the aggrieved party has the right to file a Due Process Complaint on the issue with which the party disagrees. *See*, 34 CFR § 300.507(a) and Analysis of Comments and Changes to the 2006 Part B Regulations, 71 Fed. Reg. 156, 46607 (August 14, 2006).

This Decision shall become final as dated by the signature of the undersigned State Complaints Officer.

Dated this 31st of May.

Jacqueline Esquibel
State Complaints Officer

Appendix

Complaint

Exhibit 1	Letter from Psychiatrist
Exhibit 2	E-mails dated August 22, 2018 – August 23, 2018
Exhibit 3	E-mails dated September 13, 2018
Exhibit 4	E-mails dated September 24, 2018
Exhibit 5	E-mails dated October 30, 2018 - October 31, 2018
Exhibit 6	E-mails dated December 12, 2018
Exhibit 7	E-mails dated December 21, 2018
Supplemental Exhibit 8	Safety Plan
Supplemental Exhibit 9	E-mail dated May 22, 2018
Supplemental Exhibit 10	Notice regarding Petition to Compel Attendance
Supplemental Exhibit 11	E-mails dated May 22, 2018 & September 27, 2018
Supplemental Exhibit 12	Douglas County School District Attendance Contract and Plan

Response

Response Case Report	
Exhibit A	Correspondence
Exhibit B	Grades
Exhibit C	Attendance
Exhibit D	School Calendars
Exhibit E	Cumulative
Supplemental Exhibit F	Document regarding additional support
Supplemental Exhibit G	Discipline Spreadsheet

Reply

Interviews with:

Mother
School Counselor
Assistant Principal
French Teacher
Special Education Director