

UNITED STATES DISTRICT COURT
EASTERN DISTRICT MICHIGAN

RITA C. SIMPSON-VLACH,
ALAN SIMPSON-VLACH,
on behalf of A.S. and M.S., and
individually, KATHY BISHOP,
CHRISTOPHER PLACE,
on behalf of C.P. and H.P, and
individually,

Plaintiffs,

Civil Action No. 21-cv-11532
Honorable Judith E. Levy

v.

MICHIGAN DEPARTMENT OF EDUCATION,
ANN ARBOR PUBLIC SCHOOLS,
WASHTENAW INTERMEDIATE SCHOOL DISTRICT,
DR. JEANICE SWIFT, in her official capacity,
DR. MARIANNE FIDISHIN, in her official capacity,
SCOTT MENZEL, in his official capacity,
NAOMI NORMAN, in her official capacity,
MICHAEL F. RICE, Ph.D., in his official capacity,

Defendants.

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PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiffs, Rita C. Simpson-Vlach, Alan Simpson-Vlach, Kathy Bishop, and Christopher Place, individually and on behalf of their special needs children (collectively referred to as "Plaintiffs"), for their putative class, request a Temporary Restraining Order Against the Ann Arbor Public Schools ("AAPS"), the Washtenaw Intermediate School District ("WISD"), the Michigan Department of Education ("MDE"), Dr. Jeanice Swift, Dr. Marianne Fidishin, Scott Menzel, Naomi Norman, and Michael F. Rice, Ph.D.

This motion is brought pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. § 1401, *et seq* ("IDEA"), the Michigan Administrative Rules for Special Education, § 341.1717 *et seq*. ("MARSE") and the concomitant implementing regulations, case law, and public policy. All class members seek injunctive relief requesting that the Court enjoin Defendants from moving Plaintiffs and putative class members from in-person instruction to remote, virtual, instruction without complying with the procedural safeguards provided by IDEA.

This motion is supported by the accompanying brief in support thereof and attached exhibits. Pursuant to Local Rule 7.1 plaintiffs conferred with defendants prior to filing this motion to seek concurrence. Plaintiffs and Defendants continue to meet and confer, but Defendants did not concur in the relief requested in the motion prior to when the facts and circumstances necessitated the filing of the motion.

WHEREFORE, plaintiffs respectfully request that this motion be granted.

Respectfully submitted,

/s/Charlotte G. Carne

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**PLAINTIFFS' BRIEF IN SUPPORT OF
MOTION FOR TEMPORARY RESTRAINING ORDER**

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I. STATEMENT OF FACTS

On December 31, 2021, Superintendent Janice Swift announced a delay in Ann Arbor Public School's return to in-person instruction until Monday, January 10, 2022. (Exhibit 1, Email Communication from Superintendent Swift). Pursuant to this email, AAPS students would continue their winter break on Monday, January 3, 2022, and Tuesday, January 4, 2022, and return to school virtually on Wednesday, January 5, 2022. (*Id.*) Students would return to in-person instruction on Monday, January 10, 2022. (*Id.*) Superintendent Swift also announced a "virtual Town Hall to update our AAPS community" on Wednesday, January 5, 2022, at 6:00 p.m. (*Id.*) Superintendent Swift also stated, "[t]o preserve as much learning time as possible, students, staff and families should prepare to have a back-up plan in place for the possible temporary transition to virtual learning." *Id.*

Since the pandemic's beginning, we have learned that students attending school remotely suffer socially, emotionally, and academically.¹ Special education students suffer more so than non-disabled students. *Id.* The named plaintiffs in the case at bar illustrate this trend. (Exhibit 2, Multidisciplinary Evaluation Team (MET) Report.)

¹ Educational Researcher, Vol. XX No. X, pp. 1 –4 DOI: 10.3102/0013189X211031551. Article reuse guidelines: [sagepub.com/journals-permissions](https://journals.sagepub.com/journals-permissions) © 2021 AERA.
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Plaintiffs seek a Temporary Restraining Order to enjoin AAPS from changing the Plaintiffs' and putative class members' current educational placement from in-person instruction to remote, virtual instruction in violation of the IDEA. If AAPS intends to move to remote, virtual instruction, AAPS must provide notice of the change of placement to all students with Individual Education Programs ("IEPs"), and dates for IEP meetings to discuss how the districts will ensure the students receive a free and appropriate public education ("FAPE") during such closure. On the other hand, the AAPS can proactively plan to staff special education classrooms and some general education classrooms for in-person instruction for students with qualifying special needs under IDEA, who simply cannot learn remotely. Plaintiffs also seek to enjoin the WISD and MDE from allowing their school districts and local educational agencies ("LEAs") from changing the educational placement of students with qualifying disabilities under IDEA to virtual, remote learning without complying with the procedural safeguards outlined in IDEA.

II. LEGAL STANDARDS

20 U.S.C. § 1415(j), known as the IDEA's stay-put provision, provides in pertinent part, "during the pendency of any proceedings conducted pursuant to this section unless the State or local educational agency and the parents otherwise agree, the child shall remain in the then-current educational placement of the child." 20 U.S.C. § 1415(j), 34 C.F.R. § 300.518. The stay-put provision "protects the status

quo of a child's educational placement" by preventing "school districts from effecting unilateral change in a child's educational program." *R.B. v. Mastery Charter Sch.*, 532 F. App'x 136, 139–40 (3d Cir. 2013); *C.H. v. Cape Henlopen Sch. Dist.*, 606 F.3d 59, 72 (3d Cir. 2010); *Susquenita Sch. Dist. v. Raelee S. By & Through Heidi S.*, 96 F.3d 78, 83 (3d Cir. 1996); *See Honig v. Doe*, 484 U.S. 305, 108 S. Ct. 592, 98 L. Ed. 2d 686 (1988). *See also Jackson by Thompson v. Franklin Cty. Sch. Bd.*, 765 F.2d 535, 538 (5th Cir. 1985), *abrogated by Honig v. Doe*, 484 U.S. 305, 108 S. Ct. 592, 98 L. Ed. 2d 686 (1988). A parent may invoke the stay-put provision when a school proposes a change in the child's "then-current educational placement." *Id.*; *See* 20 U.S.C. § 1415(j).

Many Courts have referred to § 1415 (j), IDEA's stay-put provision, as providing an automatic injunction.² *Ventura de Paulino v. New York City Dep't of Educ.*, 959 F.3d 519, 529 (2d Cir. 2020), *cert. denied*, 141 S. Ct. 1075, 208 L. Ed. 2d 534 (2021), *reh'g denied* 141 S. Ct. 1530, 209 L. Ed. 2d 262 (2021); *Olu-Cole v. E.L. Haynes Pub. Charter Sch.*, 930 F.3d 519 (D.C. Cir. 2019); *D.M. v. New Jersey Dep't of Educ.*, 801 F.3d 205 (3d Cir. 2015); *N.D. ex rel. parents acting as guardians ad litem v. Hawaii Dep't of Educ.*, 600 F.3d 1104 (9th Cir. 2010); *Casey K. ex rel. Norman K. v. St. Anne Cmty. High Sch. Dist. No. 302*, 400 F.3d 508 (7th Cir. 2005);

² *See Casey K. ex rel. Norman K. v. St. Anne Cmty. High Sch. Dist. No. 302*, 400 F.3d 508, 511 (7th Cir. 2005) (comparing a stay put injunction to an automatic stay in a bankruptcy case) (citing *Honig*, 484 U.S. at 326–37).

Johnson ex rel. Johnson v. Special Educ. Hearing Off., State of Cal., 287 F.3d 1176 (9th Cir. 2002); *Drinker by Drinker v. Colonial Sch. Dist.*, 78 F.3d 859 (3d Cir. 1996); *Bd. of Educ. of Cmty. High Sch. Dist. No. 218, Cook Cty., Ill. v. Illinois State Bd. of Educ.*, 103 F.3d 545 (7th Cir. 1996); *Kuszewski ex rel. Kuszewski v. Chippewa Valley Sch.*, 131 F. Supp. 2d 926, 928 (E.D. Mich. 2001), *aff'd sub nom. Kuszewski v. Chippewa Valley Sch. Dist.*, 56 F. App'x 655 (6th Cir. 2003); *Ridley School Dist. v. M.R.*, 2015 WL 1619420, at *4 (The U.S. Supreme Court "has emphasized that the provision's text is 'unequivocal' and 'states plainly' that the child 'shall' remain in his current educational placement 'during the pendency of any proceedings initiated under the act'"); *see Tennessee Dep't of Mental Health & Mental Retardation v. Paul B.*, 88 F.3d 1466, 1472 (6th Cir. 1996).

Where the IDEA's stay-put provision is implicated, the provision triggers the applicability of an automatic injunction *designed to maintain the child's educational status quo while the parties' dispute is being resolved*, and the traditional preliminary injunction standards do not apply. *Ventura de Paulino*, 959 F.3d at 529; *see also Cronin v. Bd. of Educ. of E. Ramapo Cent. Sch. Dist.*, 689 F. Supp. 197, 202 (S.D.N.Y. 1988), *see Cochran v. D.C.*, 660 F. Supp. 314, 319 (D.D.C. 1987)(although traditional preliminary injunction standards were not met, the district court found that injunction under the stay-put provision *would nonetheless issue*). In addition, an automatic injunction may issue under the IDEA's

stay-put provision in the absence of administrative proceedings. Requiring plaintiffs to go through the administrative process to obtain an injunction under the IDEA's stay-put provision would be putting form over substance. *D.M. v. New Jersey Dep't of Educ.*, No. CIV.A. 14-4620 ES, 2014 WL 4271646, at *6 (D.N.J. August 28, 2014). As the Court in *D.M.* recognized, the "language of 1415(j) is unequivocal and admits of no exceptions ... the stay-put provision is designed to ensure stability and consistency in a disabled child's education when that consistency may otherwise be elusive." *D.M.*, 2014 WL 4271646, at *6; *K.T. ex rel. S.W. v. W. Orange Bd. of Educ.*, No. 01CIV.3208 (WGB), 2001 WL 1715787, at *2 (D.N.J. Oct. 23, 2001) (internal quotations and citations omitted).

III. ANALYSIS

A. Plaintiffs are not Required to Exhaust Administrative Remedies

Where Plaintiffs like those in the case at bar allege violations of the IDEA's stay-put provision as outlined in § 1415(j), exhaustion of administrative remedies is not required before bringing an action in Federal Court. *N.D. ex rel. parents acting as guardians ad litem*, 600 F.3d at 1110. The reasoning behind this rule is that "[t]he administrative process is 'inadequate' to remedy violations of § 1415(j)." *Murphy v. Arlington Cent. Sch. Dist. Bd. of Educ.*, 297 F.3d 195, 199 (2d Cir. 2002), citing *Miss Am. Org. v. Mattel, Inc.*, 945 F.2d 536, 545 (2d Cir. 1991).

The stay-put provision is one of those procedural safeguards that "protect[s] handicapped children and their parents" by "block[ing] school districts from effecting unilateral change in a child's educational program." *Susquenita School Dist.*, 96 F.3d 78; *Tennessee Dep't of Mental Health & Mental Retardation v. Paul B.*, 88 F.3d 1466 (6th Cir. 1996); *V.D. v. State*, 403 F. Supp. 3d 76 (E.D.N.Y. 2019). As stated above, the protection of IDEA's stay-put provision is available to disabled students even where administrative proceedings have not been commenced, where such students' then-current educational placements are in danger of being changed. *D.M. v. New Jersey Dep't of Educ.*, No. CIV.A. 14-4620 ES, 2014 WL 4271646, at *6 (D.N.J. August 28, 2014).

Parents may also bypass the administrative process where exhaustion would be futile or inadequate. *Honig*, 484 U.S. at 326–27; *see Smith v. Robinson*, 468 U.S. 992, 1014, 104 S. Ct. 3457, 82 L. Ed. 2d 746 (1984), n. 17, (citing cases); *see also* 121 Cong. Rec. 37416 (1975)(remarks of Sen. Williams)("[E]xhaustion ... should not be required ... in cases where such exhaustion would be futile either as a legal or practical matter"); *Zdrowski v. Rieck*, 119 F. Supp. 3d 643, 664 (E.D. Mich. 2015) (Exhaustion not required if it would be futile or inadequate to protect the Plaintiff's rights). Moreover, where Plaintiffs were not given full notice of their procedural rights under the IDEA, such Plaintiffs need not exhaust administrative remedies.

Zdrowski, 119 F. Supp. 3d at 664, citing *Covington v. Knox Cty. Sch. Sys.*, 205 F.3d 912, 917 (6th Cir. 2000), *amended on denial of reh'g* (May 2, 2000).

Applying this case law to the case at bar, Plaintiffs are not required to exhaust their administrative remedies before filing this motion.

B. This Court Should Issue a Temporary Restraining Order enjoining AAPS from moving Plaintiffs to remote, virtual, instruction without complying with the procedural safeguards provided by IDEA

IDEA affords extensive procedural rights to parents who believe school districts are failing to fulfill the statutory mandate of a FAPE. For example, IDEA requires an LEA to give prior written notice of any action proposed by the LEA regarding the provision of a FAPE, particularly where the proposed action results in a change in the placement of a student's educational program – the educational status quo. 20 U.S.C. § 1415(c)(1). Congress envisioned a significant parental role in the preparation of the IEP, in that the Act establishes a variety of procedural protections that ensure parents have an opportunity for meaningful input into all decisions affecting their child's education and the right to seek review of decisions with which they disagree. *Cronin*, 689 F. Supp. at 200–01, citing *Honig*, 108 S. Ct. at 598.

The IDEA includes several procedural safeguards "that guarantee parents both an opportunity for meaningful input into all decisions affecting their child's education and the right to seek review of any decisions they think inappropriate." *Honig*, 484 U.S. at 311–12. For example, 20 U.S.C. § 1415 (b) (3) ***requires*** prior

written notice to the child's parents whenever the local educational agency proposes initiating or changing an IEP, and 20 U.S.C. § 1415 (c) (1) describes what is required in that notice. Each Plaintiff's educational status quo means "the last, uncontested status which preceded the pending controversy." *N.D. ex rel. parents acting as guardians ad litem*, 600 F.3d at 1112; *D.M.*, 801 F.3d at 218, *citing N.D. ex rel. parents acting as guardians ad litem*, 600 F.3d 1104.

If state agencies deviate from Student IEPs, those deviations rob students of a reasonable chance "to achieve passing marks and advance from grade to grade" – resulting in a failure to provide FAPE in violation of IDEA. *Andrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist. RE-1*, 137 S. Ct. 988, 994, 197 L. Ed. 2d 335 (2017); *Charles H. v. D.C.*, No. 1:21-CV-00997 (CJN), 2021 WL 2946127, at *2 (D.D.C. June 16, 2021); see, *Reid ex rel. Reid v. D.C.*, 401 F.3d 516, 519 (D.C. Cir. 2005); 20 U.S.C. § 1414(d)(1)(A)(i)(IV)(bb). "[A]ll political subdivisions of a State involved in the education of children with disabilities" **must** cooperate to ensure that disabled students receive a FAPE according to the terms of their IEPs." 34 C.F.R. § 300.2(b)(1); *Charles H. v. D.C.*, No. 1:21-CV-00997 (CJN), 2021 WL 2946127, at *1 (D.D.C. June 16, 2021). A material failure occurs when there is more than a minor discrepancy between the services a school provides to a disabled child and the services required by the child's IEP. *Charles H.*, 2021 WL 2946127, at *2.

The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 *et seq.*, requires States to provide disabled students with programming to meet their many needs. A State that receives federal funding under IDEA "must provide a free appropriate public education, or FAPE, to all eligible children." *Endrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist. RE-1*, 137 S. Ct. 988, 993, 197 L. Ed. 2d 335 (2017); *see also*, 20 U.S.C. § 1412(a)(1). A FAPE, as the Act defines it, includes both "special education" and "related services." *Id.* at 994. "Special education" is specially designed instruction to meet the unique needs of a child with a disability, and "related services" are the support services required to assist a child in benefiting from that instruction. *Id.*

The instruction and services provided by school districts must meet each disabled student's academic, social, health, emotional, communicative, physical, and vocational needs. *Ashland Sch. Dist. v. Parents of Student E.H.*, 587 F.3d 1175, 1185 (9th Cir. 2009). To meet these needs, a school district's services include developmental, corrective, and other supportive services such as psychological, physical, and occupational therapy and social work. *Id.* Providing the IDEA's mandatory "special education" and "related services" requires in-person education for nearly all disabled students. Children with disabilities, including Plaintiffs herein, suffer significantly from the lack of in-person instruction. Additionally, disabled students require more services than simply in-person instruction, including

services from specialists such as occupational therapists, behavior specialists, and counselors. *See* 20 U.S.C. § 1401(26). As such, school districts must be able to provide in-person services.

In the instant matter, each Plaintiff's status quo educational placement is an in-person learning environment, with in-person related service sessions in the form of "push-in" or "pull-out" services – or a combination thereof. By changing the way Plaintiffs receive their educational services without regard to IDEA's procedural safeguards, Defendants deny Plaintiffs the education guaranteed to them – the FAPE guaranteed by the IDEA. Each day a child is denied a FAPE by such procedural dereliction of a school system, they are harmed again. *See Cox v. Brown*, 498 F. Supp. 823, 828–29 (D.D.C. 1980) (irreparable harm results when students "[lack] each day of their young lives an appropriate education, one that is sensitive to their particular disabilities, commensurate to their levels of understanding, and fulfilling their immediate needs"). As the Court in *Blackman v. D.C.*, 277 F. Supp. 2d 71, 79–80 (D.D.C. 2003) held:

[T]he failure of the District to comply with its statutory obligations and provide appropriate educational placements can have a devastating impact on a child's well-being. Any agency whose appointed mission is to provide for the education and welfare of children fails that mission when it loses sight of the fact that, to a young, growing person, time is critical. While a month in the life of an adult may be insignificant, the rate at which a child develops and changes, especially one at the onset of biological adolescence with or without special needs like those of our Plaintiff, a few months can make a world of difference in the life of that child.

Blackman v. D.C., 185 F.R.D. 4, 7–8 (D.D.C. 1999) (quoting *Foster v. District of Columbia*, Civil Action No. 82–0095, Memorandum Opinion and Order of February 22, 1982, at 4 (D.D.C. February 22, 1982)); *see also Spiegel v. D.C.*, 866 F.2d 461, 466–67 (D.C. Cir. 1989) (IDEA's procedural requirement for periodic and individualized assessments of each special education child "evinces a recognition that children, particularly young children, develop quickly and that a placement decision that may have been appropriate a year ago may no longer be appropriate today").

A school district's unilateral removal of a disabled student from his/her educational program, or alteration of the student's educational program, for more than ten days in a school year, constitutes a "change in placement," **which must be undertaken only within the protective framework of the IDEA.** *Honig*, 484 U.S. at 323; *Parents of Student W. v. Puyallup Sch. Dist., No. 3*, 31 F.3d 1489, 1495 (9th Cir. 1994). There are no COVID exceptions to the IDEA.³

³ *See*, CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT, PL 116-136, ("CARES Act"), March 27, 2020, 134 Stat 281, required the Secretary of Education to prepare a report regarding whether waivers of the IDEA's requirements were necessary during the pandemic. In her report, then-Secretary of Education Betsy DeVos expressly declined to request "waiver authority for any of the core tenets of the IDEA"--including, "most notably," the right to a FAPE--leaving those obligations in place. U.S. Sec'y of Educ. Betsy DeVos, Report to Congress: Recommended Waiver Authority under Section 3511(d)(4) of Division A of the CARES Act 11 (2020). *LV v. New York City Dept. of Educ.*, 03-CV-9917 (LAP), 2021 WL 663718, at *6 (S.D.N.Y. Feb. 18, 2021).

In *M.R. v. Ridley Sch. Dist.*,⁴ the Court of Appeals for the Third Circuit provided a valuable discussion of the automatic injunction included in IDEA's "stay-put" rule:

"Once a court ascertains the student's current educational placement, the movants are entitled to an order [maintaining that placement] without satisfaction of the usual prerequisites to injunctive relief." *Drinker by Drinker*, 78 F.3d at 864 (quoting *Woods v. N.J. Dep't of Educ.*, No. 93–5123, 20 Indiv. Disabilities Educ. L. Rep. (LRP Publications) 439, 440 (3d Cir. September 17, 1993)); see *Pardini v. Allegheny Intermediate Unit*, 420 F.3d 181, 188 (3d Cir. 2005) ("Congress has already balanced the competing harms as well as the competing equities"); *Zvi D. by Shirley D. v. Ambach*, 694 F.2d 904, 906 (2d Cir. 1982) ("The statute substitutes an absolute rule in favor of the status quo for the court's discretionary consideration of the factors....").

Id. at 118–119 (footnotes omitted; emphasis added). Applying this case law to the case at bar, this Court should grant an automatic injunction enjoining Defendants from moving Plaintiffs and putative class members from in-person instruction to remote, virtual instruction. Under *Ridley*, the Court should look to Plaintiffs' IEPs "actually functioning when the 'stay put' provision was "triggered" or "invoked." *Ridley Sch. Dist. v. M.R.*, 575 U.S. 1008, 135 S. Ct. 2309, 191 L. Ed. 2d 977 (2015). The common factor in each Plaintiff's IEP is that none of the current IEPs contain language about virtual instruction or services.

Currently, AAPS students are continuing their winter break on Monday, January 3, 2022, and Tuesday, January 4, 2022, and returning to school virtually on

⁴ *M.R. v. Ridley Sch. Dist.*, 744 F.3d 112 (3d Cir. 2014).

Wednesday, January 5, 2022. Ideally, they will return to school in person on Monday, January 10, 2022. However, Superintendent Swift has hinted at a "temporary transition to virtual learning." (*Id.*). If AAPS unilaterally changes each Student-Plaintiff's current educational placement to a "temporary transition to virtual learning," AAPS would be violating the IDEA and depriving each Student of their right to a free appropriate public education under the Act. As such, the Court should enjoin AAPS from moving the Plaintiffs, and the putative class members from in-person instruction to remote, virtual, instruction in violation of the IDEA. If Defendants intend to move the Student-Plaintiffs to remote, virtual instruction, they must provide notice of the change of placement to all students with Individual Education Programs ("IEPs"), and dates for IEP meetings to discuss how AAPS will ensure the students receive a free and appropriate public education ("FAPE") during such closure. Alternatively, the school districts can proactively plan to staff special education classrooms and general education classrooms for in-person instruction for students with qualifying special needs under IDEA.

C. This Court Should Issue a Temporary Restraining Order Enjoining MDE and the WISD from Allowing its School Districts to Move Plaintiffs to Remote, Virtual, Instruction in Violation of IDEA

"The State of Michigan adopted the Michigan Mandatory Special Education Act ("MMSEA"), Mich. Comp. Laws § 380.1701 *et seq.* and the Michigan Administrative Rules for Special Education ("MARSE"), to govern the provision of

special education programs and services by Michigan Public School Districts." *See Atlanta Cmty. Sch. v. Alpena-Montmorency-Alcona Educ. Serv. Dist.*, No. 11-14361, 2012 WL 4133563, at *4 (E.D. Mich. September 18, 2012). Under these statutes:

[T]he Michigan State Board of Education has the duty to "[develop], establish, and continually evaluate and modify" a state plan for the delivery of special education programs and services in cooperation with intermediate school districts. Each intermediate school district, in turn, has the duty to "[develop], establish, and continually evaluate and modify" its plan for special education in cooperation with its constituent districts. Each intermediate school district is required to submit its plan to the State Board of Education for approval. Local school districts are required to provide special education programs and services, to the extent the same are required or can be provided "in accordance with the intermediate school district special education plan . . ."

The State of Michigan annually distributes federal and state special education monies to [intermediate school districts]. Under the statutory scheme, [the intermediate school districts] deliver [] certain services and provide educational programs to students with disabilities and distributes funding to the local districts to meet additional needs.

See id. (citations omitted).

These statutes mimic IDEA. The State of Michigan developed these statutory schemes because of IDEA's mandate that in order to receive IDEA Part B federal funds, each State must have procedures that protect the rights of students with disabilities. MDE and the WISD are responsible for ensuring compliance with IDEA. To that end, the Court should enjoin MDE and the WISD from allowing its school districts to move the student-Plaintiffs and all other students similarly situated to remote, virtual instruction.

IV. CONCLUSION

For the reasons stated above, Plaintiffs respectfully request a Temporary Restraining Order.

Respectfully submitted,
Brain Injury Rights Group
Attorneys for Plaintiffs

By: /S/ Charlotte G. Carne
Charlotte G. Carne (P61153)
300 East 95th Street, Suite 130
New York, NY 10128
(646) 850-5035
charlotte@pabilaw.org

PLAINTIFFS' CERTIFICATE OF SERVICE
FOR MOTION FOR TEMPORARY RESTRAINING ORDER

I hereby certify that on January 5, 2022, I electronically filed the Plaintiffs' Motion for Temporary Restraining Order with the Clerk of the Court using the ECF System, which will provide electronic copies to all attorneys of record in this matter.

By: /S/ Charlotte G. Carne
Charlotte G. Carne (P61153)
300 East 95th Street, Suite 130
New York, NY 10128
(646) 850-5035
charlotte@pabilaw.org



Fwd: AAPS Superintendent Update - December 31

1 message

To: [Redacted] <[Redacted]>

Mon, Jan 3, 2022 at 3:24 PM

Sent from my iPhone

Begin forwarded message:

From: Jeanice Swift <a2schools@aaps.k12.mi.us>
Date: December 31, 2021 at 4:48:03 PM EST
To: [Redacted]
Subject: AAPS Superintendent Update - December 31
Reply-To: swift@aaps.k12.mi.us

**Ann Arbor Public Schools Superintendent Update -
December 31**



December 31, 2021

Hello AAPS Staff and Community,

I hope that you have enjoyed a safe and healthy winter break. We are sharing an update as we all prepare to welcome the new

year and gear up for a strong return to school in January while also experiencing an [extraordinary increase in COVID cases](#) across our Ann Arbor community, higher than at any prior time during this pandemic.

The health and safety of our students and staff continue as our top priority. We also continue our focused work to prioritize in-school learning. We are using all the tools we have implemented and refined during this past year to maintain the priority of critical in-school learning for our students across our AAPS classrooms on as many days as possible, even as we face this current winter surge.

The purpose of this communication is to 1) update on plans for returning to learning and school from this winter break, and 2) advise of additional steps we are taking now in the AAPS and steps we are asking our students, staff and families to take in partnership and support of our shared goal of continued, successful in-school learning despite this winter COVID surge.

January Return from Winter Break

In the AAPS, we will open for **virtual remote learning on Wednesday, January 5th through Friday, January 7th.**

We anticipate a return to in-school learning for students and staff on Monday, January 10, 2021.

We will host a virtual Town Hall to update our AAPS community and respond to questions on Wednesday, January 5th at 6 pm. Zoom information will be shared early next week.

This modification in the schedule for a return from winter break will allow time for critical steps, including closely monitoring AAPS case data and addressing staffing impact, to mitigate concerns exacerbated by the current COVID-19 Omicron surge.

I appreciate your patience and understanding in making these essential adjustments to support the health and safety of our students and staff, families and community.

High COVID case rates in Ann Arbor, an associated increase in student and staff illness and resulting staff absences directly impact every part of our AAPS operations. We are working to understand the impact of staff COVID cases that have occurred during winter break, including those that will emerge over this upcoming weekend, as well as staff members on leave to care for a COVID impacted immediate family member. We will make adjustments to ensure that professional faculty and support staff

are in place across all classrooms to support a safe return to school.

Where increased COVID cases impact and prevent a timely return of staff, we are confirming qualified substitutes in classrooms across the district to continue serving students in schools as well as ensure effective and timely operations such as food and nutrition, health support, custodial and transportation services across the district.

In addition, on Monday and Tuesday, school teams and leaders will finalize preparations for a temporary transition to virtual learning beginning on Wednesday, January 5th. Building principals will share more specific level-appropriate information and expectations with parents by Tuesday.

Clarification: COVID Protocols in AAPS Schools

At this current time, COVID school protocols continue as they have prior to winter break.

The implementation of the [AAPS Super Six strategies](#) and other AAPS COVID school protocols will continue upon return to school consistent with our practice prior to winter break across all schools and district locations.

Over the past week, the CDC announced changes to isolation and quarantine timelines and other COVID protocol details. However, school districts have been advised to wait for school-specific updated guidance before making any protocol changes. We continue to communicate closely with the Washtenaw County Health Department (WCHD) this week, alongside the Michigan Department of Health and Human Services (MDHHS). We will update our AAPS COVID processes as may be appropriate once special guidance for PreK-12 schools is clarified and we have prepared, implemented and communicated any adjustments with our students, staff, parents and community.

Next Steps in the AAPS

This winter surge will require more from all of us. With the additional challenge presented by the Omicron variant, we will need to take additional steps to support the health and safety of our students and staff at school; we are asking for your help in this important effort. Working together has never been more critical to continue in-school learning for our students, staff, families and community.

1) Prioritize COVID-19 vaccination and boosters for everyone eligible.

Among all we can do, we know vaccination continues to provide the best protection against getting COVID-19, spreading it and experiencing severe symptoms or hospitalization.

AAPS has partnered with the MDHHS to offer vaccination clinics for students 5 to 18 years of age and staff for booster shots.

We have requested the State of Michigan to add vaccine clinics for students and staff boosters. We will communicate new clinic dates as soon as they are approved.

We have requested to host additional vaccine clinics for students and staff boosters. We will communicate new clinic dates as soon as they are approved.

[Learn more about local vaccination opportunities here](#) or talk with your primary care doctor, pediatrician, pharmacist or the WCHD.

2) Monitor closely for COVID symptoms, isolate if symptoms emerge, and, if possible, consider COVID testing prior to return to in-school learning.

For all students and staff, as has been the case in the past, if recent activities have involved gatherings outside the home family unit, travel or other risk factors, students and staff should monitor for emerging symptoms and, if possible, consider a pre-return to school COVID test. The WCHD shares information [here](#) on where to obtain a COVID-19 test.

We understand the need for additional testing resources in our community and through the school district. We have submitted several requests to MDHHS for additional testing support, including rapid antigen tests for families to use at home through the state's "backpack" program, additional rapid antigen test supplies for in-school use and staffing support for school-based testing. We will provide testing information as we receive more updates in this area.

Responsive and 'pop-up' COVID testing - coordinated for classrooms and schools where cases are emerging - will continue across our AAPS schools, dependent on test supplies and staffing capacity to support this ongoing effort.

3) The AAPS COVID Response Team will resume contact tracing on Monday, January 4.

Staff should report cases via the normal protocol, and families should report any student cases who were on a school campus from December 18 - January 2 so that we may continue to closely monitor, respond to and report AAPS COVID cases.

4) Continue universal masking Indoors in the AAPS and consider any needed adjustments to enhance mask effectiveness.

We have consistently practiced universal masking in our AAPS classrooms throughout this school year; mask use has been proven to [substantially reduce transmission in school settings](#).

The [CDC continues to recommend](#) that adults and children wear multi-layer masks that completely cover the mouth and nose, fit snugly without any gaps, and have a nose wire to prevent air from leaking out of the top of the mask.

With the concern of increased contagiousness of the Omicron variant, some health authorities are recommending high filtration respirators (see [NPR article on this topic here](#)). AAPS is in close communication with the WCHD about any potential changes to PreK-12 in-school masking guidance and is working to procure high filtration masks, in addition to surgical masks already on hand, for use in the AAPS.

5) Organize a back-up plan to support a transition to temporary, remote virtual learning.

To the greatest extent that is safely possible, our AAPS schools will remain open for in-person learning throughout this school year. These decisions will be based on our ability to operate schools safely based on AAPS staff case data.

However, during an emergent COVID situation such as we are currently experiencing, circumstances can change rapidly, sometimes in the space of a few minutes or hours. We will continue to take appropriate steps to support the health and safety of our students and staff, and this includes, when necessary, a temporary shift to remote, virtual learning.

When student and staff illness or related staffing challenges necessitate a transition to virtual learning, we will work to notify students, staff and parents in the affected classroom(s), grade(s) or school(s) as soon as we possibly can.

To preserve as much learning time as possible, students, staff and families should prepare to have a back-up plan in place for the possible temporary transition to virtual learning.

Additional information will be updated to assist families who need assistance with connectivity at home, and food distribution locations will also be shared.

6) Remain home when experiencing symptoms of illness.

The critical guideline to remain home when experiencing any COVID-19 symptoms will continue; anyone developing symptoms while at school will be sent home for recovery

7) Observe amended limits on gatherings in the AAPS.

As Omicron variant cases are anticipated to increase in Michigan, we will review planned activities, events and gatherings and make appropriate modifications to planned activities during and after school where the ability to maintain social distancing is limited. In the AAPS, we will use virtual meeting tools to support and host school and district gatherings, and we will share more detailed information in the near future so expectations are clear for all. Taking necessary steps with district gatherings is one way we prioritize the importance of in-school learning.

Moving Forward in 2022

During the coming days, obtaining vaccinations and boosters for as many individuals as possible and ensuring our diligent practice of COVID-19 health precautions will support the continuance of in-school learning on as many days as possible through this winter.

We understand for some parents and families, the increased risk of COVID transmission associated with the spread of the Omicron variant may prompt consideration of a potential move to an AAPS virtual learning setting. We will share more information over the coming days regarding opportunities for those students and parents who may prefer to learn virtually for this next quarter of the school year.

These are challenging times for all, and I want to share special gratitude for everyone on our AAPS team and across our community. Thank you for your support and partnership in our joint effort to support our students, teachers, staff and leaders as we navigate this time together.

Adjusting the return to the in-school learning timeline will provide an opportunity to take critical steps to ensure we interrupt the post-winter-break surge and return to in-school learning as safely as possible. We appreciate the unified purpose and hard work of everyone in support of our students and staff; we know we are stronger when we work together.

In the actions and steps we each take each day, we demonstrate our care and commitment to our children, to each other, to our Ann Arbor community and to our shared future. Thank you for your support of all our students and of the Ann Arbor Public Schools.

We will remain in close communication as we work through this time.

Sincerely,

Jeanice K. Swift
Superintendent of Schools
Ann Arbor Public Schools

www.A2Schools.org

Keep up with the AAPS News!

Online: news.a2schools.org | Twitter: [@A2schools](https://twitter.com/A2schools)

Facebook: search for "Ann Arbor Public Schools"

ANN ARBOR PUBLIC SCHOOLS STATEMENT OF NON-DISCRIMINATION: No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any educational program or activity available in any school on the basis of race, color, sex, religion, creed, political belief, age, national origin, linguistic and language differences, sexual orientation, gender, gender identity, gender expression, socioeconomic status, height, weight, marital or familial status, disability or veteran status.

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Ann Arbor Public Schools
STUDENT INTERVENTION AND SUPPORT SERVICES
2555 South State Street
Ann Arbor, Michigan 48104-6745
Telephone & TDD (734) 994-2318
Voice Mail Boxes 994-8292, Fax 994-1826

MULTIDISCIPLINARY EVALUATION TEAM (MET) REPORT

Name: Last [redacted] First [redacted] Middle Ryan
Birth Date: 01/18/10 Chronological Age: 11 Years 9 Months Student #: 1115410250
Grade: 6 Attending School: Tappan Middle School Resident District: Ann Arbor
Parent/Guardian/Surrogate Parent: Kathy Bishop & Christopher [redacted] Phone: _____
Address: 2900 E Eisenhower Pkwy City: Ann Arbor Zip: 48108
Case Coordinator: Shelby Hepner MET Date: 11/5/2021
Type of Evaluation: Initial 3-year Other (Specify) _____

BRIEF DESCRIPTION OF IDENTIFIED PROBLEM/AREA(S) OF CONCERN:

Parents requested additional data to be collected to determine if [redacted] qualifies for special education services at this time.

REQUIRED TEAM MEMBERS:

OTHER MET CONTRIBUTORS:

Katherine Williams
Shelby Hepner
Elizabeth Zibara, Speech Language Pathologist
Amy Assenmacher, Occupational Therapist
Michael Garrison, School Social Worker

EVALUATION PROCEDURES:

Katherine Williams, Ed. S BCBA
Elizabeth Zibara, M.A., CCC-SLP

Review Records, Parent Input, Teacher Input
CELF-5 Pragmatics Profile
Observation
The Beery-Buktenica Developmental Test of

Amy Assenmacher, OTRL
Visual-Motor Integration

Michael Garrison, SSW

BASC-3

PARENT INPUT:

[redacted] mom completed the parent input form. She stated that [redacted] strengths include always wanting to please his teachers and do well. He enjoys learning new things, but doesn't enjoy the method of learning (reading) quite often. If he could just sit and have a conversation and learn facts he'd be thrilled. He is very sweet and kind, and also very honest. He seems to have a good ability in math, although as he gets older and needs to do more complicated tasks that stretch his attention, he doesn't do as well. He is always happy to make new friends, and will literally talk to anyone. Related to virtual learning, [redacted] mom states that adjusting to virtual learning has been extremely challenging. They struggled to make any progress. She also states "Screens have always been terrible for [redacted] they are distracting. He didn't feel as though he was "in school" so he would move around, click around, do whatever fed his need for moving while he was supposed to be paying attention. He often turned his camera off with no fear of repercussions and he would never do it in person. His mood was off and he hated school the entire time it was virtual. His grades suffered and she saw no progress at all in his reading skills and a tremendous amount of backsliding on skills like handwriting. Parents are also concerned about [redacted] reading score percentile, which decreased during the pandemic.

BACKGROUND INFORMATION:

TAKEN FROM PREVIOUS MET REPORT

Allen Elementary -
Kindergarten - Binder

█████ earned satisfactory marks in 12/17 Learning/Social Behavior outcomes. In Writing he was secure in 12/17 outcomes. In Reading he was at target by the end of the year reading at a level C. In Mathematics he was secure in 25/27 outcomes. In Social Studies and Science he earned satisfactory marks in 4/4 outcomes.

Fall: █████ comes to school each morning with a big smile. He is very social, he makes friends easily, and he is very proud of his accomplishments. █████ loves to talk about books that he has read. Please continue to read to █████ each evening and have him answer questions about each story. █████ does need my help in school to do his best. To help him, I have him sitting right in front of me when we are sitting on the carpet. Sometimes, a quiet area helps him focus on himself and complete activities. I have seen some improvement in this area, but █████ still needs daily reminders to show respect and be safe during the school day.

Fall Goals:

1. To write the beginning and ending sound for words in his journal. (With teacher assistance, █████ is just beginning to stretch words and write the sound that he hears. When he is writing at home, he should attempt to write words and simple sentences.)
2. To write addition and subtraction number sentences. (This is a skill that we will begin working on in the next few weeks. Additional practice at home will keep him on top in this area.)
3. To respond to others when they are talking to him. (When █████ hears a teacher call his name, he should stop and look up at their face the first time. This should happen in class, at lunch and during specials. Please continue to talk with █████ about school expectations.)
4. To follow teacher directions in the classroom, at lunch, and at all special area classes. (His daily behavior chart seems to help █████ "see" how his day is going. He is so proud of himself when he receives stickers.)

Winter Goals:

1. To write two or more connected sentences in his journal. (█████ is able to write one sentence on his own and he is beginning to write more words from the word wall. █████ has also done a nice job "stretching" words when he is writing. This is one area where he doesn't need as many reminders to stay on task. It is nice to see this independence!)
2. To tell number combinations from 2-5. (For example, the number combinations for 4 are: $0+4=4$, $1+3=4$, $2+2=4$, $3+1=4$, and $4+0=4$. When completing combinations through 5, █████ needs teacher assistance. If he is able to do this independently, continue with combinations through 10, which is a spring goal. (Please use pennies or counting bears when working on this skill at home.)
3. To use the terms taller, shorter and/or longer when measuring objects.
4. To continue to follow directions/rules at school. (█████ has shown improvement in this area, but there are still times when he needs reminders to sit quietly during group lessons or work in the classroom. It is so nice to see this improvement.)

Spring Comments: It is amazing to see how quickly this year has gone. Thank you for taking the time to read with █████ for listening to him count or rhyme, and for all the many other little things that have made this year so productive. In order to prepare for first grade, set aside time each week to complete these summer goals:

1. Complete weekly math, reading and writing activities in workbooks or online.
2. Continue to work on math skills through IXL.com. Your child knows how to log into this computer program. If they have forgotten, please follow these simple directions: The username for this program is your child's first and last name in lowercase letters followed by the number 68. The password is cat.
3. Visit libraries, museums, and zoos. After each outing, ask █████ specific questions. This will help him retain information and develop vocabulary.
4. Keep a summer writing journal and write/draw in it two or three times a week.
5. Practice reading and writing numbers up to 120! (Yes, this is on the first grade report form.) Have fun and enjoy your time together! Mrs. Binder

10 Minute Write (# of words written independently):

Fall 10

Winter 17

Spring 23

1st Grade - Harper

█████ earned satisfactory marks in 14/17 Learning/Social behavior outcomes. In Writing he was secure in 8/16 outcomes. In Reading he was below target reading at a level H by the end of the year when the goal is an I/J. In Mathematics he was

STUDENT

Confidential

Page 2 of 20

secure in 34/34 outcomes. In Social Studies he earned Satisfactory marks in 4/4 outcomes. In Science he was secure in 5/8 outcomes.

Fall: ██████ is adjusting well to the routines of first grade and the PBIS Matrix Expectation. He has improved his behavior a lot since the beginning of the year. He is working on shouting out and controlling his body during class. ██████ is often able to complete work independently, and is very proud of his work. Although he is able to complete tasks without adult support, he often needs reminders to stay on task. In math he is able to stick with challenging concepts, and ask for help when he needs it. He is working on solving unknown number problems and being precise with his counting. He is reading at an instructional level E. During writer's workshop he is always so proud of his writing. He is excited about writing and easily generates topics to write about. He is working on applying his knowledge of word families and sight words to his writing.

Winter: ██████ is so excited and happy to be in school. He shares recent and/or upcoming events with me each day. Since I have started using the behavior chart with him. I have noticed improvements in his ability to sit quietly, and stay focused during independent work time. He seems to respond quite well to positive reinforcement. He is currently reading at a level E. Please continue to read with him at home. At school he struggles with applying strategies he has to decode familiar and unknown words. During writing he is working on spelling words that he is familiar with correctly, and using the word list and other tools to help him with this. I would like him to slow down so that he can write neatly so that others can read his work.

Spring: ██████ continues to be excited and happy about learning. ██████ has made a great deal of academic and behavioral growth this school year! He still needs some reminders to sit quietly during lessons, but the positive changes have been tremendous. He is currently reading at an instructional level H. He should continue to read a variety of books this summer. During the writer's workshop he has been working on using his best handwriting, and adding details to his writing. It has been a pleasure having ██████ in my classroom this year. Have a wonderful summer!

Reading Intervention – 9/2016 to 6/2017 - Sheremet

██████ entered RI at a level B and exited at a level H. He was secure in 6/9 Strategic Reading Behaviors.

Comments: ██████ has made good progress in reading since March. He is beginning to monitor his reading to make sure it makes sense, sounds right and looks right. ██████ has improved in noticing his errors, going back to reread the sentence and making several attempts at unknown words before asking for help. He uses expression when reading and has a good understanding of the story he's read. Please encourage ██████ to read as much as possible during the summer and to write about the stories he's read. Thank you for your support at home.

██████ has been receiving Title One math support since 1/31/18. I meet with his group 4 times a week. We have been working on fact fluency using Xtramath and reinforcing the math outcomes using a combination of direct instruction and IXL. ██████ has done very well with fact fluency and seems to enjoy using xtramath. It is fast paced and provides immediate feedback. ██████ also enjoys using IXL, I think for many of the same reasons. He can work at his own pace and gets immediate feedback. It is harder for him when I am giving directions to the group and he needs to move at the same pace as others. I feel that ██████ has been successful in learning the math concepts. Mistakes are usually because he has moved too quickly or not taken time to understand the directions.

NWEA

math 182/69th percentile - completed the test in 45 minutes

180/31st percentile - completed the test in 30 minutes

██████ is a great kid - friendly, eager to please, helpful, has a strong sense of right and wrong, is motivated by goals and is interested in learning. He notices everything and often finds himself involved in things that should not be his concern (ie. behavior of classmates). Ms. Shermet

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Ms. Murphy:

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HEALTH AND DEVELOPMENTAL HISTORY:

TAKEN FROM MET 6/9/2021

Birth [Normal (term) delivery]:

No Birth [Breathing difficulty]

No Birth [Isolette]: Yes If applicable, describe any complicating factors of pregnancy, delivery, or perinatal period: 5 week premature

Developmental Milestones:

Rolled over: Within Normal Limits

Crawled: Late

Sat alone: Within Normal Limits

Stood alone: Late

Walked alone: Late

Babbled: Within Normal Limits

Said words: Within Normal Limits

Spoke in sentences: Within Normal Limits

Showed hand preference: Within Normal Limits

Fed self: Within Normal Limits

Dressed self: Within Normal Limits

Toilet trained: Late

List any illnesses, conditions, serious health problems, hospitalizations/surgeries your child had in the past: born with hypospadias, two surgeries to correct it. Has ADHD

Current Medical Information:

Does child wear glasses/contacts?: No

Current concerns related to child's vision?: No

Does child wear hearing aids?: No

Current concerns related to child's hearing?: No

Current medical problems/conditions?:

Current health status: ADHD combined type

Current medication(s): Concerta 54 mg, guanfacine 2 mg

EDUCATIONAL HISTORY:

██████ attended Allen Elementary for Kindergarten through Fifth grade and is currently attending Tappan Middle school and is in the Sixth Grade

REVIEW OF PREVIOUS EVALUATION INFORMATION:

Ann Arbor Public Schools - Initial Evaluation - 4/19/2008

Scale Standard Score. Percentile Rank Description

Comprehension-Knowledge (Gc) 92 29 Average

Long-Term Retrieval (Glr) 91 28 Average

Visual Processing (Gv) 91 28 Average

Auditory Processing (Ga) 85 16 Low Average

Fluid Reasoning (Gf) 85 16 Low Average

Processing Speed (Gs) 93 32 Average

Short-Term Memory (Gsm) 99 48 Average

STUDENT

SISS Revised 8.21.16

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Copies: SISS, Parent/Guardian/Surrogate Parent, School, Service Providers, and Case Manager

The KTEA-III was administered and the following results were obtained:

Standard Score Percentile

Reading 87 19

Letter & Word Recognition 86 18

Reading Comprehension 91 27

Math 98 45

Math Concepts & Applications 99 47

Math Computation 97 42

Written Language 87 19

Written Expression 87 19

Spelling 89 23

Reading-Related Subtests

Phonological Processing 107 68

Nonsense Word Decoding 99 47

Word Recognition Fluency 88 21

Decoding Fluency - -

Associational Fluency 105 63

Letter Naming Facility 86 18

Object Naming Facility 91 27

Silent Reading Fluency 81 10

Listening Comprehension 94 34

Reading Vocabulary 84 14

Writing-Related Subtest

Writing Fluency 98. 45

Oral Expression 75 5

Clinical Evaluation of Language Fundamentals®-Fifth Edition (CELF®-5) Administered 4/19/2008

Core Language Score

██████ was administered four tests of the Clinical Evaluation of Language Fundamentals®-Fifth Edition (CELF®-5) from which his Core Language Score was derived. The Core Language Score is a measure of general language ability and provides an easy and reliable way to quantify ██████ overall language performance. The Core Language Score has a mean of 100 and a standard deviation of 15. A score of 100 on this scale represents the performance of the typical student of a given age. For ██████ Core Language Score, the following tests were administered:

Sentence Comprehension

Word Structure

Formulated Sentences

Recalling Sentences

██████ received a Core Language Score of 76 (confidence interval = 69 to 83, percentile rank = 5). This places ██████ in the low/moderate range of language functioning.

Receptive Language Index

The Receptive Language Index is a measure of ██████ performance on three tests designed to best probe receptive aspects of language including comprehension and listening. The Receptive Language Index has a mean of 100 and a standard deviation of 15. A score of 100 on this scale represents the performance of the typical student of a given age. For ██████

Receptive Language Index score, the following tests were administered:

Sentence Comprehension

Word Classes

Following Directions

██████ received a Receptive Language Index score of 87 (confidence interval = 80 to 94, percentile rank = 19). This places ██████ in the average range of language functioning.

Expressive Language Index

The Expressive Language Index is a measure of [REDACTED] performance on three tests that probe expressive aspects of language including oral language expression. The Expressive Language Index has a mean of 100 and a standard deviation of 15. A score of 100 on this scale represents the performance of the typical student of a given age. For [REDACTED] Expressive Language Index score, the following tests were administered:

Word Structure

Formulated Sentences

Recalling Sentences

[REDACTED] received an Expressive Language Index score of 76 (confidence interval = 69 to 83, percentile rank = 5). This places [REDACTED] in the low/moderate range of language functioning.

Language Content Index

The Language Content Index is a measure of [REDACTED] performance on three tests designed to probe vocabulary and word knowledge. The Language Content Index score has a mean of 100 and a standard deviation of 15. A score of 100 on this scale represents the performance of the typical student of a given age. For [REDACTED] Language Content Index score, the following tests were administered:

Linguistic Concepts

Word Classes

Following Directions

[REDACTED] received a Language Content Index score of 84 (confidence interval = 77 to 91, percentile rank = 14). This places [REDACTED] in the borderline/marginal/at-risk range of language functioning.

Language Structure Index

The Language Structure Index is a measure of [REDACTED] performance on four tests designed to probe understanding and production of syntactical structures and morphology. The Language Structure Index has a mean of 100 and a standard deviation of 15. A score of 100 on this scale represents the performance of the typical student of a given age. For [REDACTED] Language Structure Index score, the following tests were administered:

Sentence Comprehension

Word Structure

Formulated Sentences

Recalling Sentences

[REDACTED] received a Language Structure Index score of 76 (confidence interval = 69 to 83, percentile rank = 5). This places [REDACTED] in the low/moderate range of functioning.

Sentence Comprehension

The Sentence Comprehension test is used to evaluate the student's understanding of grammatical rules at the sentence level. The student responds to a sentence by pointing to the correct picture stimuli. The mean for this test is 10 and the standard deviation is 3. [REDACTED] received a scaled score of 6 (confidence interval = 4 to 8, percentile rank = 9) on the Sentence Comprehension test.

Linguistic Concepts

The Linguistic Concepts test is used to evaluate the student's ability to understand linguistic concepts such as middle, different, many. Some concepts require an understanding of logical operations or connectives such as and, or, all but one. The student points to pictured objects in response to oral directions. This test has a mean of 10 and a standard deviation of 3. [REDACTED] received a scaled score of 4 (confidence interval = 2 to 6, percentile rank = 2) on the Linguistic Concepts test.

Word Structure

The Word Structure test is used to evaluate the student's knowledge of grammatical rules in a sentence completion task. The student completes an orally presented sentence that pertains to an illustration. This test has a mean of 10 and a standard deviation of 3. [REDACTED] received a scaled score of 7 (confidence interval = 5 to 9, percentile rank = 16) on the Word Structure test.

Word Classes

The Word Classes test is used to evaluate the student's ability to understand relationships between words based on meaning features, function, or place or time of occurrence. The student chooses the two words (i.e., pictures or presented orally) that best represent the desired relationship. This test has a mean of 10 and the standard deviation is 3. [REDACTED] received a scaled

score of 8 (confidence interval = 6 to 10, percentile rank = 25) on the Word Classes test.

Following Directions

The Following Directions test is used to evaluate the student's ability to (a) interpret spoken directions of increasing length and complexity, (b) follow the order of presented objects with varying characteristics such as color, size, or location, and (c) identify several pictured objects that were mentioned. The student identifies the objects in response to oral directions. This test has a mean of 10 and a standard deviation of 3. [REDACTED] received a scaled score of 10 (confidence interval = 9 to 11, percentile rank = 50) on the Following Directions test.

Formulated Sentences

The Formulated Sentences test is used to evaluate the ability to formulate simple, compound, and complex sentences when given grammatical (semantic and syntactic) constraints. The student is asked to formulate a sentence, using target word(s) while using an illustration as a reference. This test has a mean of 10 and the standard deviation is 3. [REDACTED] received a scaled score of 4 (confidence interval = 2 to 6, percentile rank = 2) on the Formulated Sentences test.

Recalling Sentences

The Recalling Sentences test is used to evaluate the student's ability to recall and reproduce sentences of varying length and syntactic complexity. The student imitates sentences presented by the examiner. The mean for the test is 10 and the standard deviation is 3. [REDACTED] received a scaled score of 6 (confidence interval = 4 to 8, percentile rank = 9) on the Recalling Sentences test.

Understanding Spoken Paragraphs

The Understanding Spoken Paragraphs test is used to evaluate the student's ability to (a) sustain attention and focus while listening to spoken paragraphs, (b) create meaning from oral narratives and text, (c) answer questions about the content of the information given, and (d) use critical thinking strategies for interpreting beyond the given information. The student answers questions about a paragraph presented orally. The questions probe the student's understanding of the paragraph's main idea, memory for facts and details, recall of event sequences, and ability to make inferences and predictions. This test has a mean of 10 and a standard deviation of 3. [REDACTED] received a scaled score of 10 (confidence interval = 7 to 13, percentile rank = 50) on the Understanding Spoken Paragraphs test.

Supplementary Tests

Reading Comprehension

The Reading Comprehension Test is a supplementary test. It is used to evaluate the student's ability to read paragraphs and answer questions presented orally. The questions probe for the student's understanding of the main idea, memory for facts and details, recall of event sequences, and ability to make inferences and predictions. The mean for the Reading Comprehension test is 10 and the standard deviation is 3. [REDACTED] received a scaled score of 7 (confidence interval = 5 to 9, percentile rank = 16) on the Reading Comprehension test.

2021

Clinical Evaluation of Language Fundamentals®-Fifth Edition (CELF®-5) Administered 6/9/2021

Language Content Index

The Language Content Index is a measure of [REDACTED] performance on three tests designed to probe vocabulary and word knowledge. The Language Content Index score has a mean of 100 and a standard deviation of 15. A score of 100 on this scale represents the performance of the typical student of a given age. For [REDACTED] Language Content Index score, the following tests were administered:

Word Classes

Understanding Spoken Paragraphs

Word Definitions

* [REDACTED] received a Language Content Index score of 102 (confidence interval = 95 to 109, percentile rank = 55). This places [REDACTED] in the average range of language functioning.

Word Classes

The Word Classes test is used to evaluate the student's ability to understand relationships between words based on meaning features, function, or place or time of occurrence. The student chooses the two words (i.e., pictures or presented orally) that best represent the desired relationship. This test has a mean of 10 and the standard deviation is 3. [REDACTED] received a scaled score of 10 (confidence interval = 8 to 12, percentile rank = 50) on the Word Classes test.

Formulated Sentences

The Formulated Sentences test is used to evaluate the ability to formulate simple, compound, and complex sentences when given grammatical (semantic and syntactic) constraints. The student is asked to formulate a sentence, using target word(s) while using an illustration as a reference. This test has a mean of 10 and the standard deviation is 3. [REDACTED] received a scaled score of 9 (confidence interval = 7 to 11, percentile rank = 37) on the Formulated Sentences test.

Understanding Spoken Paragraphs

The Understanding Spoken Paragraphs test is used to evaluate the student's ability to (a) sustain attention and focus while listening to spoken paragraphs, (b) create meaning from oral narratives and text, (c) answer questions about the content of the information given, and (d) use critical thinking strategies for interpreting beyond the given information. The student answers questions about a paragraph presented orally. The questions probe the student's understanding of the paragraph's main idea, memory for facts and details, recall of event sequences, and ability to make inferences and predictions. This test has a mean of 10 and a standard deviation of 3. [REDACTED] received a scaled score of 12 (confidence interval = 10 to 14, percentile rank = 75) on the Understanding Spoken Paragraphs test.

Word Definitions

The Word Definitions test is used to evaluate the student's ability to define words by describing their meaning features, and referring to their class relationships and shared meanings. The student is orally presented a word, followed by an introductory sentence that includes the word. The student is then asked to define the word. The mean for the test is 10 and the standard deviation is 3. [REDACTED] received a scaled score of 9 (confidence interval = 7 to 11, percentile rank = 37) on the Word Definitions test.

Sentence Assembly

The Sentence Assembly test is used to evaluate the student's ability to assemble syntactic structures. The student produces two grammatically correct sentences from visually and auditorily presented words or phrases. This test has a mean of 10 and the standard deviation is 3. [REDACTED] received a scaled score of 12 (confidence interval = 10 to 14, percentile rank = 75) on the Sentence Assembly test.

Behavior Assessment System for Children, Third Edition (BASC-3)

BASC-Behavior Assessment System for Children-3 Summary:

6/9/2021

On the BRIEF-2 Parent [REDACTED] mother rated him in the Mildly Elevated Range on the Behavior Regulation Index and in the Potentially Clinically Elevated Range on the Cognitive Regulation Index. His overall Global Executive Composite rating was also in the Potentially Clinically Elevated Range. On the BRIEF-2 Teacher Ms. Wheat rated [REDACTED] in the Mildly Elevated Range on the Behavior Regulation Index.

On the KTEA-3, When compared to other peers at his age level, [REDACTED] standard score is in the average range for Reading, Math, and Oral Expression. His spelling fell in the below average range. With support in place for his spelling deficit, [REDACTED] will be successful in his academics. His perseverance and hard work will serve him well.

[REDACTED] has received within average scores on 5 subtests of the CELF5 (Word classes, formulated sentence, Understanding spoken paragraphs, Word Definitions and Sentence Assembly. His Language content index score of 102 (55%tile), puts him in the average range and shows progress from his last Language evaluation in 2017. [REDACTED] will be dismissed from speech and language services. [REDACTED] will need continued reminders to take his time to respond to questions or comment, as he is very impulsive (impacted by his ADHD).

On the Conners 3rd both parents and teacher identified Hyperactivity/Impulsivity as either Moderately to Markedly Atypical. Parents also identified Inattention, Learning Problems, and Executive Functioning as Moderately to Markedly Atypical. For all reporters Defiance/Aggression, and Peer Relationships fell within the Typical ranges. Teacher also reported Learning Problems/Executive Functioning within the Typical Ranges.

6/9/2021 MET SUMMARY AND RECOMMENDATIONS:

[REDACTED] is a 5th grade student at Allen Elementary. He is currently receiving special education support and services under the Other Health Impairment Rule. He was due for a 3 year re-evaluation to assess appropriate programs and services.

On the BRIEF-2 Parent [REDACTED] mother rated him in the Mildly Elevated Range on the Behavior Regulation Index and in the Potentially Clinically Elevated Range on the Cognitive Regulation Index. His overall Global Executive Composite rating was also in the Potentially Clinically Elevated Range. On the BRIEF-2 Teacher Ms. Wheat rated [REDACTED] in the Mildly Elevated Range on the Behavior Regulation Index.

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On the KTEA-3, When compared to other peers at his age level, [REDACTED] standard score is in the average range for Reading,

Math, and Oral Expression. His spelling fell in the below average range. With support in place for his spelling deficit, [REDACTED] will be successful in his academics. His perseverance and hard work will serve him well.

[REDACTED] has received within average scores on 5 subtests of the CELF5 (Word classes, formulated sentence, Understanding spoken paragraphs, Word Definitions and Sentence Assembly. His Language content index score of 102 (55%tile), puts him in the average range and shows progress from his last Language evaluation in 2017. [REDACTED] will be dismissed from speech and language services. [REDACTED] will need continued reminders to take his time to respond to questions or comment, as he is very impulsive (impacted by his ADHD).

On the Conners 3

rd both parents and teacher identified Hyperactivity/Impulsivity as either Moderately to Markedly Atypical. Parents also identified Inattention, Learning Problems, and Executive Functioning as Moderately to Markedly Atypical. For all reporters Defiance/Aggression, and Peer Relationships fell within the Typical ranges. Teacher also reported Learning Problems/Executive Functioning within the Typical Ranges.

Overall based on rating scales, test results, parent and teacher input and observations it appears [REDACTED] will continue to meet

the criteria as a student under the Other Health Impairment Rule due to a diagnosis of Attention Deficit Hyperactivity Disorder, Combined Type. However a final determination will be made at the MET meeting

PROGRESS IN THE CLASSROOM:

Teachers have reported:

Math: [REDACTED] is a social, kind, and funny student. He is willing to work hard and thrives on positive reinforcement. [REDACTED] is able to recall his basic math facts, copy notes from the board, follow spoken directions, and work with groups of his peers. [REDACTED] can struggle with focus and require verbal reminders to complete a task. [REDACTED] sits near my desk, and I check in with him frequently during work time to make sure he's on task.

ELA: [REDACTED] is eager to please his teacher in ELA. He is trying hard to complete assignments and ask content appropriate questions. [REDACTED] shows strengths in acquiring new vocabulary. [REDACTED] is very nice and wants to do his best. He can sometimes forget that he needs to be patient when wanting to be called on. [REDACTED] can be impulsive and call out and move through assignments quickly. [REDACTED] uses the accommodations of preferential seating, fidgets, redirection, and walking breaks. Two goals for [REDACTED] this year are reading comprehension and focusing on one task at a time

Social Studies: [REDACTED] openly advocates for his needs. He does not show any hesitancy with me in asking for help or inquiring about things he may need in the future. This makes it a lot easier as a teacher to better serve him. He's also always willing to volunteer to answer questions (especially if he knows the answer). [REDACTED] can recall vocabulary terms in conversation, is able to make connections across different lessons/days, and illustrates an awareness of the demands of a given lesson (whether it be the amount of reading, writing, or which skills are needed to accomplish the task). [REDACTED] can get pulled off task easily with the things he's concerned about and because of other students. An example is when [REDACTED] remembers that he forgot something, he'll stand up and start walking toward the door to go get something from his locker. If he forgets something, it is on his mind and distracts him from his work. I work one-on-one with [REDACTED] a lot, whether it is frequent check-ins or specific time during assignments to work with him alone. I often encourage him to focus on one aspect of an assignment at a time vs. the entire thing. He does however tend to still try and complete everything, even if I told him not to worry about other parts.

Science: [REDACTED] is always friendly, greeting myself and classmates; he asks clarifying questions and seems to care about learning. [REDACTED] is keeping up with the pace of class and able to submit both online and written work on topic; he keeps up with the discussions and tasks during class time and contributes to group and class discussions. If not given a cue or prompt, he can drift off and not be ready to contribute his ideas in a discussion setting; however, once he knows the topic, he can share his ideas to convey an understanding of the content. [REDACTED] has a seat in front of the room with 2 great group members who are not distracting; he is successful with checks for understanding to keep him focused and on task.

Academic Support: [REDACTED] is a friendly and kind student. He is always eager to help teachers and peers with tasks and contributes to class discussions. [REDACTED] is always willing to complete tasks and assignments. I have found that [REDACTED] is able to sustain focus on a task or assignment when offered a preferred activity upon completion. [REDACTED] uses a planner to keep track of class assignments and upcoming due dates. He is able to complete quality work on time.

EVALUATION RESULTS AND DISCUSSION:

Reported test scores compare this student's performance with others in the same age group on nationally standardized tests, unless otherwise stated. It is important to remember that the average range for most tests include scores achieved by the middle 50% of the general population [or ± 1 Standard Deviation (SD)]. Grade equivalents are provided when available but are viewed with caution and are not used as the basis for placement decisions within special education.

Average Standard Scores (including quotients, composite, and cluster scores) range from **85-115**.

Average Percentile Rankings range from the **16th to the 84th percentile**.

Average Subtest Scores, or **Scaled Scores**, range from **7 to 13**.

COGNITIVE/PERCEPTUAL ABILITIES:

None completed at this time

COMMUNICATION SKILLS:

Elizabeth Zibara, M.A., CCC-SLP

CELF-5 Clinical Evaluation Language Fundamentals-5th Edition- Pragmatics Profile

Observation

The Pragmatics Profile is a checklist used to gain information about the student's verbal and nonverbal pragmatic skills that may influence social and academic communication. The Pragmatics Profile sorts communication skills into different areas of communication. Items are scored as Always, Often, Sometimes, or Almost Never based on how often age-appropriate skills are observed in that area.

Subtest	Scaled Score	Percentile Rank	Rating
Pragmatics Profile- Mrs. Lee-Eng/Lang 6	1	0.1	Very Low Range Severe
Pragmatics Profile- Mrs. Hepner-Academic Support 6	6	9	Borderline/Marginal /At Risk
Pragmatics Profile- Mrs. Hughes Math 6	4	2	Very Low Range Severe
Pragmatics Profile- Mrs. Frantom Science 6	6	9	Borderline/Marginal /At Risk
Pragmatics Profile- Mother, Kathy Bishop	4	2	Very Low Range Severe
Pragmatics Profile- Father, Christopher [REDACTED]	6	9	Borderline/Marginal /At Risk

Regarding Pragmatics, Mrs. Lee, [REDACTED] Eng/Lang Arts teacher, Mrs. Hepner, [REDACTED] Academic Support teacher, Mrs. Hughes, [REDACTED] Math teacher, and Mrs. Frantom, [REDACTED] Science teacher completed profiles to obtain scaled scores indicating strengths as making/responding to greetings, beginning and ending conversations, offering /responding to expressions of affection/appreciation, and asking for permission. [REDACTED] teachers reported “never or almost never” indicating weaknesses as asking for/responding to requests for clarification during conversations, adjusting/modifying language based on the communication situation, using strategies for responding to interruptions and interrupting others, giving/asking for directions, giving/asking for reasons and causes for actions/conditions/choices, giving/responding to

advice or suggestions, asking for clarification if he/she is confused or if the situation is unclear, accepting/rejecting invitations, starting/responding to verbal and nonverbal negotiations, asking others to change their actions/states (e.g., please move, stop tapping), responding to teasing, anger, failure, disappointment, knowing how someone is feeling based on nonverbal cues, reading the social situation correctly and behaving/responding to it, understands posted and implied group/school rules, body language/gestures, and expresses messages by using gestures or facial expressions.

██████ parents reported a rating of “always or almost always” indicating strengths as making/responding to greetings, giving/responding to advice or suggestions, agreeing and disagreeing, asking as clarification if he/she is confused or if the situation is unclear, asking others to change their actions/states (e.g., please move, stop tapping), responding when asked to change his/her actions (by accepting/rejecting), responding to teasing, anger, failure, disappointment, offering/responding to expressions of affection, appreciation, and understands posted and implied group/school rules. Parents reported “never or almost never” indicating weaknesses as asking for/responding to requests for clarification during conversations, getting attention appropriately, maintaining topics using typical responses (e.g., nods, responds with "hmmm..."), adjusting/modifying language based on the communication situation (communication partner(s), topic, place), telling/understanding jokes/stories that are related to the situation, starting/responding to verbal and nonverbal negotiations, reading the social situation correctly and behaving/responding to it, facial cues/expressions, and voice intonation (pitch, inflection, tone, or cadence).

Teachers provided anecdotal data. Mrs. Lee reported that ██████ communicates on a very regular basis in ELA class. His comments are not always on topic, and if he is not called on he cannot move on. ██████ advocates on behalf of his mom, rather than himself. He will oftentimes state something along the lines of, "my mom wants me to...". Ms. Hepner reported ██████ frequently communicates in class. ██████ volunteers in whole group discussions as well as responds when prompted. Mrs. Hughes reported that ██████ very frequently volunteers to communicate. Mrs. Hughes reported that ██████ asks questions and self advocates. Mrs. Frantom reported that ██████ verbally participates daily, both when prompted and voluntarily, in small group and whole class discussions. ██████ also advocates in Science class, for example he will ask for a pass to get a drink of water

Overall, these areas of strength and weakness correlate generally with observations of ██████ pragmatic language skills. ██████ has been observed to initiate interactions with peers in class and engage in back and forth conversation. ██████ consistently participates verbally in class both whole group and small group, however, he struggles with monitoring his talking time, reading social situations, and asking for/responding to requests for clarification during conversations or when he is confused or if the situation is unclear.

Observation:

██████ was observed on 11/4/21 in his English Language Arts class during the second period of the day. Students were delivering book presentations in front of the class projecting Google Slide presentation. ██████ seat was located in the front row of the class room near the teacher's station. It was estimated that ██████ appeared to be attending to the presentation about 70% of the time. ██████ looked down at his desk, looked at other students and pulled his mask down four times. Three students presented a book review and following each presentation Ms. Lee asked, “What did we love about this book presentation?” allowing students an opportunity to participate. ██████ did not volunteer to comment on his peers' presentations demonstrating a lack of interest in others, however, he did raise his hand twice to present his book presentation, stating, “I was going to ask if I could share.” Ms. Lee selected ██████ to present. ██████ stood facing his back to the class and began presenting his book review. ██████ teacher, Mrs. Lee, prompted ██████ to wait for the class's attention as they are transitioning to the next presentation and to increase his volume. ██████ complied by waiting and started over using a louder volume. ██████ read information about his book off his slides, as many students had. He introduced his book, described the setting, plot, and solution. Throughout the presentation ██████ faced the whiteboard except for when ██████ looked at the teacher sharing additional information not on the slides but did not direct those comments to the class. The teacher and students clapped when ██████ sat down. ██████ leaned over to the student next to him and made a comment. Both students laughed. The student sitting next to ██████ volunteered to praise ██████ presentation, reporting that he like how when ██████ made a little mistake he keep going. Ms. Lee agreed and stated to the class that when giving a presentation its okay is you make a mistake and the important thing is to keep going and finish. There were a few minutes left of class. ██████ and other students packed up their materials. As students were leaving the classroom, ██████ jokingly made a comment to a female student near him. She didn't hear him or pay any attention. He repeated it to another female student and she laughed. Students left the room.

ACADEMIC ACHIEVEMENT:

6th Grade Q1 Grades:

Geography: A

ELA: A-

Math: A

Science: A

█████ academic achievement was assessed using curriculum based assessments. He was assessed in reading comprehension, reading fluency, and math operations.

Math: 50%, 42%, 63% 25th percentile

█████ struggled with computing fractions and ordering their values. He exhibited strength in multiplying and adding decimals.

Reading Fluency: 98%, 97%, 97% 99th percentile

Reading Comprehension: 35%, 35%, 45% 15th percentile

█████ exhibited strength in answering literal comprehension questions. While reading, █████ highlighted passages and went back to the text to answer questions. █████ struggled with finding the main idea of the reading passage.

FINE MOTOR/SELF CARE SKILLS:

█████ visual motor integration, visual perception, and motor coordination were formally assessed using the Beery-Buktenica Developmental Test of Visual-Motor Integration (Beery VMI). This tool is a developmental sequence of geometric forms to be copied with paper and pencil. The Beery VMI is designed to assess the extent to which individuals can integrate their visual and motor abilities (the degree to which the visual perception and finger/hand movements are coordinated). Visual Motor Integration is the process of combining motor control and visual perceptual skills with motor planning ability, to execute coordinated eye-hand skills for functional activities including drawing and writing. The subtest of Visual Perception requires the student to choose the geometric form that is exactly the same as the stimulus form. Visual Perceptual skills affect letter/word spacing, size consistency of letters, and organization of work on a page. The Motor Coordination subtest assesses the student's ability to control finger and hand movements to trace the stimulus form by drawing within double-lined paths. Motor Coordination skills can translate into the ability to write/cut "on the line" or color "between the lines." This test has implications for how a student uses school tools (rulers, protractors, various writing utensils, keyboarding, etc.). █████ was able to complete the Visual-Motor Integration Test during one session. The timed subtests for Visual Perception and Motor Coordination were completed in succession.

Subtest	Raw Score	Standard Score	Percentile	Age Equivalent	Descriptor
Beery VMI	17	64	1%	6y 3m	Very Low
Visual Perception	22	82	12%	8y 8m	Below Avg
Motor Coordination	18	64	1%	6y 4m	Very Low

Standard Scores Interpretation:

90-109 are considered average, 80-89 are considered below average, 70-79 are considered low, <70 are considered very low

Comments/Interpretation:

Beery VMI: █████ was asked to draw increasingly complex shapes, which involves both visual and motor skills. He was engaged throughout this evaluation tool.

VMI Visual Perception: In this test, █████ was asked to look at a form and find the one below that matches it. It tests visual acuity, perception and figure-ground. █████ was again engaged and █████

VMI Motor Coordination: This test is offered in order to compare the VMI results with a relatively pure motor

performance. [REDACTED] was asked to trace the stimulus forms with a pencil without going outside double-lined paths. Although visual perception cannot be entirely eliminated in such motor tasks, visual-perceptual demands are reduced by providing examples, starting dots, and paths as strong visual guides for the required motor performance. [REDACTED] was engaged and [REDACTED] during this task. This test is a timed assessment and [REDACTED] was noted to be concerned about time, but OT reassured him he had plenty of time and he appeared to pay attention to details.

REVIEW OF HANDWRITING SAMPLES:

[REDACTED] demonstrates the ability to form all letters of the alphabet. [REDACTED] demonstrates some challenges with spacing words. When OT and TC began to address this with student, he was noted to easily begin spacing words with prompting. In review of his individual notes from class, has not consistently carried this over and does demonstrate lack of spacing. [REDACTED] also has difficulty sizing letters. He is able to place letters in between single spaced lines well when his attention is brought to doing so. On his most recent handwriting sample where he was provided a prompt to use his handwriting checklist he performed as follows: anchored letters to the baseline with 55% accuracy, sized uppercase letters 100% of the time, sized short lowercase letters with 76% accuracy, sized go-under letters with 40% accuracy, sized tall lowercase letters with 67% accuracy, spaced words with 89% accuracy, and was 100% legible by an adult.

BEHAVIORAL ASSESSMENT:

Rating Scales:

The Behavior Assessment System for Children 3rd Edition (BASC-3)

The Behavior Assessment System for Children 3rd Edition (BASC-3) is a comprehensive measure of both adaptive and problem behaviors of children 2 to 21 years of age, in the school, community, and home settings. All of the BASC-3 components are tailored to setting and informant and have relevance to diagnosis, evaluation, and/or treatment. (Reynolds & Kamphaus; *BASC-3 Behavior Assessment System for Children, Third Edition; 2015*)

Classification Range		T-Score Range
Adaptive Scales	Clinical Scales	
Very High	Clinically Significant	70 and above
High	At-risk	60-69
Average	Average	41-59
At-risk	Low	31-40
Clinically Significant	Very Low	30 and below

Scaled Scores:

The narrative and scale classifications in this report are based on T scores obtained using norms. Scale scores in the Clinically Significant range suggest a high level of maladjustment. Scores in the At-Risk range may identify a significant problem that may not be severe enough to require formal treatment or may identify the potential of developing a problem that needs careful monitoring.

Parent Scaled Score Summary	PARENT (Kathy Bishop)			PARENT (Christopher [REDACTED])		
	T Score	Percentile Rank	Classification Range	T Score	Percentile Rank	Classification Range
Hyperactivity	80	99	Clinically Significant	72	97	Clinically Significant
Aggression	58	83	Average	61	88	At Risk
Conduct Problems	56	79	Average	67	94	At Risk
Externalizing Problems Composite	67	94	At Risk	69	95	At Risk
Anxiety	59	83	Average	47	46	Average
Depression	57	80	Average	48	54	Average
Somatization	37	6	Low	40	14	Average
Internalizing Problems Composite	51	62	Average	44	30	Average
Attention Problems	70	96	Clinically Significant	67	94	At Risk
Atypicality	62	89	Average	62	89	Average
Withdrawal	39	3	Low	39	3	Low
Behavioral Symptoms Index	65	92	At Risk	61	87	At Risk
Adaptability	40	18	Low	40	18	Average
Social Skills	45	28	Average	41	19	Average
Leadership	47	37	Average	49	45	Average
Functional Communication	43	25	Average	39	14	Average

Activities of Daily Living	44	24	Average	44	24	Average
Adaptive Skills	43	24	Average	41	20	Average

Additional parent input:

PARENT

What are the behavioral and/or emotional strengths of this child?

(P1) [REDACTED] is kind and wants to be a friend and also to succeed. He is often very emotionally aware of other people's feelings and is extremely empathetic when he knows someone is feeling down. He is always friendly and talkative. He wants to please his teachers and perform well.

(P2) [REDACTED] is very helpful. He is a very kind person.

Please list any specific behavioral and/or emotional concerns you have about this child.

(P1) [REDACTED] has the symptoms of rejection sensitivity dysphoria, he overreacts emotionally quite often, usually when his medicine is wearing off for the day. The slightest correction destroys him at these times. He is sometimes oblivious to what is going on around him, and how he affects others (like when he sings or whistles loudly and continually). He doesn't read social cues from others well and will continue talking to someone long after they have lost interest.

(P2) [REDACTED] has concentration issues when he does not take his medication. He is always on the go. He gets angry sometimes when he does not get his way. He is sometimes mean to his sister.

Teacher Scaled Score Summary	TEACHER 6th Grade Teacher (Rebecca Lee)		
	T Score	Percentile Rank	Classification Range
Hyperactivity	67	92	At Risk
Aggression	51	71	Average
Conduct Problems	48	58	Average
Externalizing Problems Composite	56	78	Average
Anxiety	49	58	Average
Depression	47	55	Average
Somatization	46	47	Average
Internalizing Problems Composite	47	48	Average
Attention Problems	63	89	At Risk
Learning Problems	55	75	Average
School Problems	60	83	At Risk
Atypicality	61	90	At Risk
Withdrawal	53	74	Average

Behavioral Symptoms Index	59	84	Average
Adaptability	33	6	At Risk
Social Skills	37	11	At Risk
Leadership	36	9	At Risk
Study Skills	43	25	Average
Functional Communication	40	16	Average
Adaptive Skills	36	9	At Risk

Additional teacher input:

TEACHER

What are the behavioral and/or emotional strengths of this child?

N/A

Please list any specific behavioral and/or emotional concerns you have about this child.

N/A

Content Scale Score Table: General Combined Norm Group

Parent Content Scale Scores	PARENT #1			PARENT #2			TEACHER		
	T Score	%ile Rank	Classification Range	T Score	%ile Rank	Classification Range	T Score	%ile Rank	Classification Range
Anger Control	59	81	Average	66	92	At Risk	55	80	Average
Bullying	52	71	Average	59	86	Average	47	58	Average
Developmental Social Disorders	55	74	Average	53	70	Average	64	90	At Risk
Emotional Self-Control	65	92	At Risk	52	65	Average	57	81	Average
Executive Functioning	72	98	Clinically Significant	63	90	At Risk	65	91	At Risk
Negative Emotionality	61	87	At Risk	58	81	Average	59	85	Average

Resiliency	40	18	Low	49	46	Average	36	9	Low
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Executive Functioning Index Summary:

Rater	Overall Executive Functioning Index	Problem Solving Index	Attentional Control Index	Behavioral Control Index	Emotional Control Index
TEACHER	Elevated	Not Elevated	Not Elevated	Elevated	Not Elevated
	49	19	15	11	4
PARENT #1	Extremely Elevated	Elevated	Elevated	Extremely Elevated	Not Elevated
	52	18	15	13	6
PARENT #2	Elevated	Not Elevated	Elevated	Elevated	Not Elevated
	41	12	14	11	4

Summary:

When looking at the results from what [REDACTED] mother and father had completed for the Basc-3 it indicated areas of at risk and clinically significant. Ratings from each of the following scales were in the At-Risk or Clinically Significant classification range across all available raters included in this report: Hyperactivity, Attention Problems, Atypicality and Adaptability. Ratings from the following scales were in the At-Risk or Clinically Significant classification range for at least one or more, but not all available rater(s) included in this report: Aggression, Conduct Problems, Activities of Daily Living. [REDACTED] mother and father report that the child engages in many disruptive, impulsive, and uncontrolled behaviors. [REDACTED] father reports that the child sometimes displays aggressive behaviors, such as being argumentative, defiant, and/or threatening to others. It was also reported by his father that he sometimes engages in rule-breaking behavior such as cheating, deception, and/or stealing. When looking at his behavioral symptoms index it was reported by both parents that [REDACTED] sometimes engages in behaviors that are considered strange or odd and he at times can seem disconnected from his surroundings. His father did indicate that [REDACTED] has difficulty maintaining necessary levels of attention at school. Additionally, [REDACTED] mother reports that [REDACTED] can become easily upset, frustrated, and/or angered in response to environmental changes. That he has difficulty controlling and maintaining his behavior and mood and has a tendency to react negatively when faced with changes in everyday activities or routines.

When looking at the results from what [REDACTED] 6th grade teacher had completed for the Basc-3 it indicated areas of at risk. Mrs. Lee reports that the [REDACTED] often engages in a number of behaviors that may be adversely affecting other children in the classroom. At times, he is considered to be restless and impulsive, and has difficulty maintaining self-control. The student exhibits behaviors that are probably not considered severe but that may warrant further follow-up, particularly if

other scales are elevated. Mrs. Lee reports that he has difficulty maintaining necessary levels of attention at school. The problems experienced by █████ might disrupt academic performance and functioning in other areas. She also reports that sometimes engages in behaviors that are considered strange or odd, and he at times can seem disconnected from his surroundings. That he has difficulty adapting to changing situations and that the student takes longer to recover from difficult situations than most others of the same age. Mrs. Lee reports that █████ has difficulty complimenting others and making suggestions for improvement in a tactful and socially acceptable manner. █████ sometimes has difficulty making decisions, lacks creativity, and/or has trouble getting others to work together effectively. Additionally, █████ demonstrates poor expressive and receptive communication skills and that the student has difficulty seeking out and finding information on his own. It was reported that █████ has problems concerning social skills and communication along with difficulties controlling and maintaining his behavior and mood.

█████ had completed the Basc-3 self-report and the results are below.

Self-Report of Personality Comparison	BASC-3 Student Results		
	T Score	Percentile Rank	Classification Range
Attitude to School	51	60	Average
Attitude to Teachers	48	53	Average
School Problems	49	56	Average
Atypicality	49	57	Average
Locus of Control	67	93	<i>At Risk</i>
Social Stress	55	72	Average
Anxiety	64	91	<i>At Risk</i>
Depression	59	84	Average
Sense of Inadequacy	65	92	<i>At Risk</i>
Internalizing Problems Composite	62	88	<i>At Risk</i>
Attention Problems	58	77	Average
Hyperactivity	56	75	Average
Inattention/Hyperactivity	58	78	Average
Emotional Symptoms Index	60	85	<i>At Risk</i>
Relations with Parents	52	47	Average
Interpersonal Relations	46	24	Average
Self-Esteem	52	44	Average
Self-Reliance	45	31	Average
Personal Adjustment	48	36	Average

Emotional Disturbance Qualification Composites (EDQCs)	Raw Score	T Score	Percentile Rank	90% Confidence Interval	Clinical Indicator
EDQC 1: Unsatisfactory Interpersonal Relationships	157	53	67	48-58	Acceptable
EDQC 2: Inappropriate Behavior/Feelings	391	57	80	54-60	Acceptable
EDQC 3: Unhappiness or Depression	172	59	84	54-64	Acceptable
EDQC 4: Physical Symptoms or Fears	119	60	86	55-65	At-Risk
EDQC 5 ² : Schizophrenia and Related Disorders of Thought	228	59	83	54-64	Acceptable

Summary:

██████ report indicates average results when looking at issues with attitude to school and teacher and problems with school. When looking at his internalizing problems there were areas that were At-Risk. ██████ reports sometimes having little control over events occurring in his life and reports sometimes being blamed for things that he did not do. ██████ reports substantial worrying, nervousness, and/or an inability to relax. ██████ reports depressed feelings no more often than others of the same age. ██████ reports sometimes being dissatisfied with his ability to perform a variety of tasks even when putting forth substantial effort. When looking at his inattention/hyperactivity his results indicated an attention and hyperactivity level similar to the levels displayed by others of the same age. When looking at his personal adjustment composite scale his results were similar to others of the same age. ██████ results showing difficulties with his managing his emotions needs to be addressed in a group or individual manner to ensure that he is given adequate skills to manage his emotions, distress and negative cognitions.

SUMMARY AND RECOMMENDATIONS:

Based on observational data, teacher reports, and assessment results, it is recommended that XXX be found eligible/ ineligible under the criteria of _____ .. The recommendation is being referred to the IEP for consideration and determination

██████ demonstrated below average borderline to very poor range application of pragmatic language skills on the CELF-5 Pragmatics Profile based on teacher and parent rating scales indicating a mild to moderate pragmatic language deficit. ██████ language sample revealed average speech and language ability supporting previous test findings. This emulates what is seen in the classroom setting as reported by ██████ classroom teachers. Direct speech and language services are warranted to target pragmatic language skills for monitoring talking time, interpreting social situations, and asking for/responding to requests for clarification during conversations or when he is confused or if the situation is unclear.

██████ visual motor, perceptual, and motor coordination skills were formally assessed by the Beery-Buktenica Developmental Test of Visual-Motor Integration (Beery VMI) and two subtests. ██████ presents with below average visual perception and well below average visual motor and motor coordination skills. These splinter skills are required for

producing handwriting, and [REDACTED] handwriting is currently impacted by these skills as evidenced by challenges with sizing letters, spacing words, and anchoring letters to the baseline.

When looking at [REDACTED] ability to self regulate and manage his emotions he exhibits difficulties. From rating scales and observations it is apparent that he has struggles in the areas of attention, concentration and self management. He has difficulty staying on task and following instructions, this can cause significant consequences to his academic performance. Social Work services are recommended to assist in facilitating a healthy foundation of coping skills, self regulation and management skills as this will benefit his peer interactions.

The following recommendations and interventions are made for [REDACTED] Many of these recommendations may already be implemented.

1. [REDACTED] could benefit from participating in peer groups at school to help facilitate social interactions.