

**Individuals with Disabilities in Education Improvement Act
Before the Local Hearing Officer**

G.J. (Parent) on behalf of Z.B.	)	
	)	
Petitioner,	)	
	)	
vs.	)	Final Order – GJ VII¹
	)	
Florence County School District One,	)	
	)	
District/Respondent.	)	

I. Background

Student is now an eighth grader. He continues to receive special education and related services as a student with a disability in the category of Other Health Impairment (OHI). His underlying medical conditions are still sleep apnea and attention deficit hyperactivity disorder (ADHD).

Parent submitted this due process complaint (DPR) on September 1, 2023. District moved to dismiss some allegations within the DPR on September 11, 2023. On September 12, 2023, Parent responded to the Motion. On September 13, 2023, the local due process hearing officer (LHO) granted the motion only as to grade changes for the first and second quarters of 2022-23, which I addressed in the prior DPR (“GJ VI”). The LHO also clarified that he would not review disciplinary decisions or allegations of race discrimination.

Parent submitted a motion to recuse, which was denied on September 21, 2023.

¹ Parent submitted six previous DPRs on behalf of Student: March 1, 2023 (“GJ VI”); June 17, 2022 (“GJ V”); March 20, 2022 (“GJ IV”), Feb. 10, 2022 (“GJ III”), June 17, 2021 (“GJ II”), and October 6, 2020 (“GJ I”).

The parties incorporated the entire record of *GJ VI*. [See Scheduling Order dated September 17, 2023, at 2:00pm ¶ 2(c)].² Parent elected a public hearing. The hearing began and concluded on October 19. The LHO provided the parties until November 7 to provide post-hearing submissions. Both parties timely submitted written arguments.

II. Discussion

A. Records

Parent contends that District has denied her access to information to which she is entitled as a parent and member of the IEP team.

The parents of a child with a disability must be afforded, in accordance with the procedures of §§ 300.613 through 300.621, an opportunity to inspect and review all education records with respect to -

(1) The identification, evaluation, and educational placement of the child; and

(2) The provision of FAPE to the child.

34 C.F.R. § 300.501(a) (emphasis added); 20 U.S.C. § 1415(b)(1). To establish a substantive violation, a petitioner must show that a failure to provide information “significantly impeded” their right to participate in decision-making. *R.F. v. Cecil County Pub. Schools*, 919 F.3d 237, 249 (4th Cir. 2019).

² Citations to Exhibits in this Order refer to the exhibits introduced in the hearing on October 19 about the pending DPR.

1. Grade changes

Parent alleges she never received the teachers' records showing how they changed Student's grades for Q3 of 2022-23. She also alleges that District created fraudulent data in Student's educational records to conceal District's failure to follow the individualized education program (IEP). Parent claims that grade change information is needed to "support adding and updating current IEP services and accommodations" and District's failure to provide the information "prevents my son from getting the additional services and accommodations based on data results."

a. The cover-up theory

There is no evidence of any "cover up," of "fraudulent data," or of impropriety in grade changes. District uses grade change forms to adjust a grade after the quarter's submission deadline. Teachers enter grades in PowerTeacher Pro. During the grading period, those entries update the grades in PowerSchool. After the grade submission deadline, the systems disconnect. District must manually enter any grade changes after this date into PowerSchool. Teachers document their reason for making a late change on a grade change form.

There are two sets of grade change documents involved. Parent included the first set as part of Parent Exhibit 5. On June 29, the principal provided Parent

with handwritten grade change documents. [Parent Exh. 5 at 112-16].³ The grade specific to Q3 was for English. The teacher documented that she changed Student's grade from a 54 to a 60 because a "[g]rade [was] turned in by tutor and adjustment not made before deadline." [*Id.* at 116]. The "tutor" in this situation also serves as Student's special education teacher with whom Parent regularly speaks. [GJ VI LHO Final Order at 3].

In her June 29 email, the principal did not include an earlier change for Student's Q3 math grade.⁴ On March 23, the math teacher increased Student's grade from 60 to 62. [Parent Exh. 10]. This form is different because it appears to be in electronic format. The principal testified she was unaware of the form. Parent testified that she did not receive this document until the five-day exchange preceding the hearing. District did not dispute her claim.

In a perfect world, the principal would have included the math grade change with her June 29 email. But there is no mystery why the math teacher changed the grade. Parent knew why. On March 23, the math teacher documented: "Mom sent an email last night with work that was completed by [Student]. I told her that I will upgrade the gradebook. Some of those assignments that she sent were already in the gradebook. Only two changes

³ Page references in Parent Exhibits are to the sequential numbers stamped at the top of Parent's documents.

⁴ The Record only contains grades from Q4, which include the updated Q3 math grade of 62. [Parent Exh. 8].

were made.” [Parent Exh. 10].⁵ Not only did Parent know why the teacher changed the grade, she and the teacher specifically discussed it at the time.

There is no reason to assume that the principal knowingly withheld the math grade change document, or that she did so for an improper purpose. That the teacher made the grade change and discussed it with Parent shows that District was cooperating with and addressing Parent’s concerns at the time. That is not information District would have any reason to withhold. When I asked Parent what information was missing, she simply answered that she thinks District personnel are lying. Parent could not explain why District would lie about its reasons for *increasing* Student’s grades. Nor is there any evidence to suggest that it has.

b. Parent’s right to information

Regardless of motive, Parent alleges District denied her the right to information about the changes. Parent claims the information is necessary to help understand Student’s educational needs. In theory, that argument could make sense. But as noted above, Parent knew the information she claims not to have. Perhaps communication between the parties was not perfect, but there is no violation here.

⁵ Neither party introduced Parent’s email to the teacher, and the teacher did not testify.

Parent's claim that the information might inform the IEP team of the need for additional services is quite a stretch. As this and the prior record show, District already provides medical homebound instruction, adjusted scheduling, specialized transportation, accommodations for completing assignments, tutoring, counseling, therapy, behavioral interventions, and accommodations within the classroom. For a fairly routine ADHD scenario, it is unclear what additional accommodations Parent could seek. Nor has Parent explained how information about small grade changes would alter anything.

Even if the failure to convey the math grade change in June somehow violated the IDEA it would be, at most, a procedural violation. *R.F. v. Cecil County Pub. Schools*, 919 F.3d 237, 248 (4th Cir. 2019); *see also Miller v. Charlotte-Mecklenburg Sch. Bd. of Educ.*, 64 F.4th 569, 576 (4th Cir. 2023). That could not lead to a substantive deprivation here because: (1) any failure to timely provide information did not significantly impede Parent's right to participate in the decision-making process; and (2) it did not lead to any denial of free appropriate public education (FAPE). *R.F.*, 919 F.3d at 248. In other words, even if there were a violation, I could only order that District provide the information it already provided. 20 U.S.C. § 1415(f)(3)(E)(iii); 34 C.F.R. § 300.513(a)(3).

The real question is how does an issue like this ever reach a DPR hearing? There are only two possibilities regarding the math grade change. Either parent did not realize it had happened until the five-day exchange, or she knew about it earlier. If Parent just learned about it, the DPR must depend solely on the English grade, for which District provided the information in June.

[Parent Exh. 5 at 116]. The stronger inference is that Parent knew about the math change even earlier. Regardless, the timing of the District providing the information affected nothing.

2. Bathroom writeup

Parent also contends that the principal offered to allow Parent to review a video of a bathroom incident for which District disciplined Student last year.

Parent claims that the principal has failed to make it available, and that Parent needs to review it for IDEA purposes because it would help clarify what services Student needs.

Parent requested to see the video, and District responded that it did not retain the video. [Parent Exh. 5 at 89, 101, 108, 132].⁶ If there were sufficient evidence to show that District refused to provide information to Parent, that would constitute a procedural violation under *R.F.* But that would still fall short here because Parent provided insufficient evidence to show that: (1) any failure to timely provide information significantly impeded Parent's right to participate in the decision-making process; and (2) it led to any denial of FAPE. *R.F.*, 919 F.3d at 248.

⁶ The video appears to have been in the hallway. The alleged vandalism occurred inside a bathroom where, obviously, there are no cameras.

B. Development, review, and revision of IEP

Parent raises the same issues in slightly different contexts, claiming that the information discussed above, or lack of it, establishes violations as to the development, review, and failure-to-revise the IEP. In addition, Parent raises issues about outside counseling, school-based therapy (“SBT”), the functional behavior assessment (“FBA”), and behavioral support services.

An IEP team “must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” *Endrew F. v. Douglas Cty. Sch. Dist. RE-1*, 137 S. Ct. 988, 999-1001 (2017). The burden of proving any shortcoming rests with Parent. *Schaffer v. Weast*, 546 U.S. 49, 62 (2005). A failure-to-implement claim requires that Parent prove that District failed to “implement a material or significant portion of the IEP.” *Sumter Cty. Sch. Dist. 17 v. Heffernan*, 642 F.3d 478, 484 (4th Cir. 2011).

1. Grade changes

For the reasons explained above, the allegations about the grade changes do not relate to the development, review or revision of the IEP. Nor has there been a failure to discuss the issues. District provided the information on June 29 and during the five-day exchange. There had not been an IEP meeting between those dates and the hearing. Parent is therefore free to discuss how this information would affect services for Student in any forthcoming IEP meeting. But there is no evidence that District disregarded the information.

Even if District ignored the information, that would again be a procedural violation at most. And again, there is no evidence that this significantly impeded Parent's right to participate or that it has led to a denial of FAPE under *R.F.*

2. Bathroom writeup

There is neither evidence that District withheld the bathroom incident video nor any evidence about how it could affect anything in the IEP. District points out that it disciplined Student for cutting class, not for vandalism. As discussed above, there is no video of what happened in the bathroom where purported vandalism occurred. [*Supra* n. 13].

A hallway video would only show Student cutting class. That he cut class does not appear to be disputed. Because that is all such a video would show, any failure by District to provide it could not have significantly impeded Parent's ability to participate as a member of the IEP team. See *R.F.*, 919 F.3d at 249 (allegations of "destroying data" constitute an issue of a procedural violation). Nor has Parent argued that unavailability of the video has resulted in a denial of FAPE.

3. Outside behavior counseling services

Parent alleges that she requested outside behavior counseling services throughout the 2022-2023 school year, but District rejected her requests. Parent requested a specific service (A New You Counseling Center) to provide counseling in the school. [Parent Exh. 5 at 84].

Parent provided no competent evidence that the therapy provided by District is insufficient. The incorporated record also lacks evidence that the SBT provided by District is inappropriate.

Parent also provided no evidence about A New You. Without such evidence, there can be no finding that A New You's services are necessary to enable Student to access educational services.⁷

4. School-based therapy (SBT)

Parent contends that District has failed to provide thirty minutes per week of School Behavior Therapy, which should have increased to sixty minutes a week beginning November 23, 2022. Again, the evidence is scant at best. Parent has not shown days on which Student was present at school and willing to participate but District failed to provide SBT. Parent submitted logs, or excerpts from logs. See Parent Exh. 2; Parent Exh. 3 (Medicaid logs). These documents, for example, show that District scheduled Student for SBT on May 5,

⁷ The LHO voiced concerned about one aspect of the counseling services testimony. The ASEC testified that approval of an outside counselor is made by a staff member. Whether services are necessary, and who should provide them, is the IEP team's call. Parent wants more services provided by males. For example, she argued at the hearing to have the behavioral interventionist embedded in Student's classes. Parent's desire for more positive male influences has merit. The behavior interventionist has been impressive, and it is easy to see how he has connected with Student. Apparently, so has the male counselor at A New You. But Parent did not allege a failure to provide a dedicated behavior interventionist in the DPR. Accordingly, it is not properly before me. 34 C.F.R. § 300.511(d). The desire for more male role model contact is a valid topic for discussion at an IEP meeting. LHO stated Parent must understand, however, that he could not simply order this because he think it sounds like a good idea.

May 11, and May 12, but Student was absent. [Parent Exh. 2 at 2 of 19]. On May 1 and 3, Student refused services. [*Id.* at 3 of 19]. Otherwise, there are multiple entries on any given week, which refutes the notion that District failed to schedule SBT in the 2022-23 school year.

As for the present (2023-24) school year Parent has not shown that District failed to offer SBT. Parent submitted documentation of encounters for “Plan Development.” [Parent Exh. 1]. That document is different in purpose and scope from the log of the treatment encounters. [See, e.g., Parent Exh. 2 (“Log Entries for Individual Psychotherapy”)].

5. FBA not completed per order and Prior Written Notice (PWN)

Parent alleges that District did not timely complete the FBA discussed in *GJ VI*, even though a PWN stated that District would have the FBA completed by July 31, 2023. [District Exh. 1]. District failed to do so, and it now argues that completing the FBA over the summer would not make sense. There is no dispute that the evaluator was still conducting observations three weeks after District’s self-imposed deadline. [District Exh. 2 at Resp. 1480 (noting that the evaluator conducted the second observation on August 24)].

Parent rightfully points out that this is the same FBA that District promised to procure a year ago and that both myself and the SRO faulted District for failing to conduct promptly. [GJ VI LHO Final Order at 19-20; GJ VII SRO Order at 9, 17-18]. In the end, however, the added delay does not establish a violation of the IDEA under the circumstances. FBA’s require in-class observations, which

cannot occur in the summer. Further, observations from last school year would not be as valid as observations of Student in the current environment.

Any delay in conducting the FBA since the SRO's decision is immaterial. The evaluator completed the FBA in early September and District provided a copy to Parent on September 11. [District Exh. 2]. As of the hearing, the parties had not met to discuss it for reasons they dispute but are not before me.⁸ Inexplicably, after legitimately complaining about District delaying the FBA, Parent still had not read it as of the hearing date. Accordingly, any delay since the last case has not resulted in any loss of services.

Parent contends that the lack of any observational data from the Spring renders suspicious the assistant superintendent for exceptions students ("ASEC") incorporated testimony that the FBA started a week before the last hearing. That is a legitimate observation, and it demonstrates how District bears some responsibility for the failed relationship between the parties. [See *GJ IV* LHO Final Order at 32; *GJ V* LHO Final Order at 25-26]. District's delay, failure to provide information at times, and questionable assertions fuel the distrust, reasonably or not.

⁸ This Order does not address the merits of the FBA. Nor should it be read as seeking to resolve the parties' conflict about why they have not been meeting. Parent asserts that she is not including any alleged wrongdoing after September 1 (the date of her DPR). I admitted the evidence of District providing the FBA to Parent because it goes to Parent's testimony about what District provided.

In the end, however, a violation does not arise just because there may be reasonable concerns about why observations either did not occur earlier. Parent has insisted that the FBA provided in September is not a part of this DPR.⁹ District offered no evidence about the merits of the FBA, likely because of Parent's limitation of her DPR. Parent's limitation on the scope of the DPR precludes any ability on my part to determine whether the delay resulted in any substantive harm.

6. Behavior support services

Parent alleges that District has not provided behavior support services under the IEP. This includes services with the guidance counselor, the school behavior therapist, and a behavior interventionist.

Parent seemingly bases much of this allegation on a misunderstanding of some kind. Parent called two witnesses who are not involved at all with Student. In the end, Parent has only shown that Student has not been to the guidance counselor this year. The behavior interventionist assigned to Student is still working with him. And there was no evidence that the SBT stopped seeing him.

C. Section 300.532 Appeal

Parent repeats her allegations in the context of a "300.532 Appeal." Section 300.532 of 34 C.F.R. has no application. It applies to placement

⁹ That being so, there is no evidence that the evaluator disregarded the appropriate information. There may be a reasonable explanation for the concern.

decisions and manifestation determinations. Parent has not alleged an improper placement, and there is no evidence of a removal that would trigger a manifestation determination.

D. Another attempt to appeal to reason.

Parent continues to focus on insignificant issues unrelated to any palpable allegation of a FAPE denial. The math grade change, for example, was a mere two points. [Parent Exhibit 10]. A two-point change in one grade could not possibly highlight changes needed in Student's IEP. Pursuing the issue wastes both time and resources, especially when Student's conduct is emerging as the key impediment to his success.

Further, Parent's claim that she does not understand something is not a basis for assuming that District must be lying. Pushing every question to a hearing is not a good-faith use of the IDEA system. This is not the first time that Parent has complained about District not providing Parent with information Parent already had. In *GJ IV*, both myself and the SRO faulted District for not providing Parent with records of Student's tutor. Parent made the same argument: That she had a right to see these records to understand better what services District was providing Student. That argument made sense until District eventually produced the records, which showed that Parent knew the contents and initialed each document. [GJ V LHO Final Order at 5-6].

Over the past few years, Parent's demands for information have been excessive. [See *GJ V* LHO Final Order at 26; *GJ II* LHO Final Order at 24-26].

Parental participation and the right to information are important components of the IDEA. Parent, however, is elevating the concept into a game of “gotcha,” by taking to a hearing every instance where District might have slipped up in not providing documents about things Parent already knows.

Conspicuously absent from Parent’s DPR is any allegation that begins to suggest an actual denial of FAPE. This DPR is Parent’s third related to middle school and the seventh in three years. [*Supra* n. 1]. In those three years, Parent has complained about three schools.¹⁰ Two LHOs and three SROs have found that Parent has made valid points in four of her cases.¹¹ But the time and money spent sorting through every perceived grievance has been wasteful.

Student is one of about 1850 students in District that have an IEP.¹² In 2022, Student was only one of only three students whose issues were unresolved prior to a hearing.¹³ Two of the four hearings for 1850 students in

¹⁰ Moreover, the principal at the Student’s middle school was at Student’s second elementary school. There, Parent had no issue with her. Now, however, Parent has begun making accusations about her as well.

¹¹ See *GJ I* LHO Final Order (finding that, after COVID shutdown, IEP was not revised sufficiently to meet Student’s needs); *GJ II* LHO Final Order (finding procedural violations but no denial of FAPE; *GJ IV* LHO (finding procedural violations only but no denial of FAPE; *GJ VI* LHO (granting relief on some issues).

¹² <https://ed.sc.gov/districts-schools/special-education-services/data-and-technology-d-t/data-collection-and-reporting/sc-data-collection-history/idea-child-count-data/2022-2023-child-count-data/ages-5-to-21-district-demographic-summary-22-23-pdf/> at 2.

¹³ <https://ed.sc.gov/policy/due-process-public-lookup/>

2022 involved Student. This is already the second DPR in 2023. Over the last several years, Parent and District have not resolved a single issue in any DPR.

So what is driving this? In *GJ VI*, I noted that two issues precipitate every DPR: (1) District's communication with Parent; and (2) Student being disciplined. [GJ VI 32-33]. As I noted, there has been some merit to the communication complaints. [*Id.* at 33]. At the same time, Parent's use of due process to coerce District into not disciplining Student is both improper and detrimental to Student. [*Id.* at 28-30]. The SRO agreed. [GJ VI SRO Order at 14-15]. But here we are again.

Relatedly, Parent's focus on her many complaints to paint herself as a victim does not serve Student's interests. In Parent's closing submission, she laments:

Throughout this process I have been looked upon as a parent feuding with the district instead of the district feuding with me. I continue to share emails and data to support my many attempts to work with the district and the only thing that seems to get the district attention is me filing a due process hearing complaint. I am tired of this process but it is my right to advocate for my son to receive a free and appropriate public education if not given per IDEA regulations and F1S policy and procedures.

[Parent email of Nov. 7]. Parent's claim of being victimized reprises her arguments from her Motion to Recuse. There, she also characterizes herself as unfairly assailed for her prior DPRs and efforts to assist others. [Parent email of 9/15/23 at 4:36 pm; Parent email of 9/19/23 at 4:36 pm].

Parent's seize mentality is neither productive nor persuasive. There is no evidence of anyone at District "feuding" with Parent. I fully recognize, and have found, that District has not met all its obligations over the past couple of years. But there is no evidence that the staff at three schools have somehow singled out Student (or Parent) from the almost thousands of Students in the District with IEPs. Nor does such a theory make any sense. The teachers and school-level administrators have changed several times, but the disputes remain the same. In addition, teachers and administrators have neither a motive nor likely the energy for this.

And *nobody* has questioned Parent's "right to advocate for [her] son." As discussed above, where she has made a point, LHOs and SROs have made the appropriate findings. But fighting just because one has the right to fight will not improve things for Student. To the contrary, Parent's failure to focus on the big picture is just creating conflict when a common front is critical.

Parent continues to press that Student has behavioral issues. I agree, and the evidence shows that Student is still defiant and disrespectful.¹⁴ At the same

¹⁴ See, e.g., Parent Exh. 7 at 241 (Q1 2023-24 Interim entry); *id.* at 251 (same); Parent Exh. 11 at 628 (Monday), 629 (Tue), 632 (Monday), 639 (Monday), 640 (Tuesday and Wednesday), 641 (Thursday). The documented evidence of the frequency with which the interventionist has had to respond this year is somewhat unclear. The progress report indicates that he has been called to the classroom. [Parent Exh. 7 at 252 Q1 2023-24 Interim entry]. Parent also introduced excerpts of the classroom weekly behavioral logs. It is unclear how these are organized, and some parts of the logs appear to be incomplete. What they do appear to show, however, is that teachers answered "no" to the question of whether Student's conduct necessitated calling the interventionist. [*Id.* at 311, 313, 316 (week of 7/31); *id.* at 298, 300, 302

time, however, Parent reflexively complains and defends him each time District seeks to impose any consequences. For example, Parent alleges that she needs information about a bathroom incident last year to dispute the discipline District imposed.¹⁵ In other words, Parent wants to dispute what happened in the bathroom before seeing any possible evidence. Parent continually challenges District when it imposes even mild consequences. And she does so based solely on Student's assertion that he is always innocent and District is always wrong.

There is no point, for example, in requesting that Student receive more services from male role models if Parent will thwart their every effort to impose consequences for bad behavior. Preparing Student for high school and life beyond will require a mix of positive reinforcement and discipline. [See *GJ VI* LHO Order at 5-6; *GJ VI* SRO Order at 14-15]. Parent's refusal to cooperate in this regard will have dire consequences for Student. And that is far more important than whether a teacher promptly provided a document that makes no difference.

(week of 8/7-8/11); *id.* at 285, 288 (week of 8/14; *id.* at 274 (week of 8/21-25; *id.* at 261 (week of 8/28-9/1). The interventionist testified that teachers do not call him to the classroom as often this year as they did last year.

¹⁵ I explained in Order on District's Motion to Dismiss that I have no jurisdiction to hear appeals on discipline imposed under these circumstances. [Order of Sept. 13 at 5-6].

Over the past few years, no amount of concessions by District has yielded a single concession from Parent.¹⁶ District agreed to Parent's request for Williams Middle School, but Parent still complained. District agreed to more extended school year (ESY) services than requested, but that did not matter, and Student did not attend regularly. District agreed to Parent's transportation requests. That still was not enough, and she continues to make more demands and demand information about other students who ride a bus. [Parent Exh. 5 at 93]. Parent wanted an in- class paraprofessional until District provided one, and then Parent demanded that District remove the paraprofessional. As noted in *GJ VI*, District even inappropriately stopped disciplining Student and did not track his absenteeism.¹⁷ But nothing ever results in an agreement on anything, or even an acknowledgment from Parent that District has worked with her.

Parent should proceed to hearing if there is an unresolvable issue about whether District is providing FAPE. But if Parent's practice of pressing points without a legitimate purpose continues, she runs the risk of a hearing officer finding that she is not pursuing claims in good faith. (See *GJ VI* LHO Final Order

¹⁶ At the end of the hearing, we could not even get a simple agreement on a date for the submission of post-hearing arguments. Parent pushed back when District counsel needed three extra days because they were scheduled to be in another hearing.

¹⁷ I noted the concern that Parent's demands would cajole District into a path of least resistance strategy with Student. [*GJ VI* LHO Final Order at 30-31]. If that is what is occurring, then both parties are failing Student.

at 33). That could lead to an award of attorney fees. 20 U.S.C. § 1415(i)(3)(B)(i)(II). That is a serious risk, especially when there is no conceivable upside. I do not make a finding of bad faith, but it is a close call. Parent needs to understand that the evolving pattern here carries risk and should consider that carefully before picking her battles.

Parent also needs to understand that she can continue for the next four years flyspecking District's actions, bombarding it with demands for information, and asserting that "I am entitled to _____" and "District failed to _____." If Student stays in school, District will probably give him a diploma. But Student is not getting what he needs to prepare for high school and adulthood. There will be no administrative hearings when he encounters problems on the job. Bosses do not respond to emails from the mothers of employees demanding information. Student needs to learn to deal with others and to accept authority.

Parent's zeal to prove the occasional error [*supra* n. 7], as with her persistence in escalating conflict, is not doing Student any good. For its part, District needs to make good on its commitments. The only hope that the parties can function together comes from the fact that they both care about what happens to Student. If the energy put into arguing about which adult did what can be channeled into a productive discussion about Student's real needs, there is nothing that Parent and District cannot accomplish together.

III. Conclusion

For the above reasons, Parent has not established an IDEA violation.



Brian P. Murphy
Local Due Process Hearing Officer

Dated November 10, 2023

Notice of Appeal Process¹⁸

Any party may appeal this ruling. A party seeking to appeal this ruling must do so **in writing** and **within ten (10) days** of receipt of this Order. The written appeal must be addressed to:

The South Carolina Department of Education
Office of General Counsel
1429 Senate Street
Rutledge Building
Columbia, SC 29201

¹⁸ I will not accept, read, or consider any further argument about the merits on this matter unless it is remanded to me by the SRO or the District Court. I will not construe any email, letter, or other written communication as either a Motion to Reconsider or as a Motion to alter or amend this Order. Further, no such communication may toll or extend the time limit set forth above for filing an appeal.