

STATE OF SOUTH CAROLINA)
)
LANCASTER COUNTY)
)
In the Matter of:)
)
Lancaster County School District,)
Petitioner,)
v.)
R.W. and E.W., on behalf of S.R.,)
Respondents.)

**LOCAL DUE PROCESS HEARING
HEARING OFFICER BRUCE J. SMITH**

FINAL ORDER

PROCEDURAL HISTORY

This matter is before me pursuant to a request, initially received on May 31, 2018, that I serve as the local Individuals with Disabilities Education Act ("IDEA") Hearing Officer. The original due process hearing request was withdrawn through an email from legal counsel for the Petitioner's attorney, Vernie Williams, Esquire, on June 12, 2018, due to the parents' unavailability for the Resolution Session. The hearing request was refiled on July 17, 2018, and withdrawn again on September 12, 2018, due to inclement weather related to Hurricane Florence. The request was subsequently refiled on September 21, 2018.

The parents retained an attorney, Richard Turner, Esquire, on October 8, 2018; therefore, the hearing request was both withdrawn and refiled by the Petitioner on October 9, 2018. This action was in response to counsel for the Respondents' request for additional time to review the record. The parties participated in a telephone conference, which resulted in setting hearing dates for November 7 and 8, 2018; and an exchange of documents and witness lists for October 31, 2018. The exchange of documents and witness lists occurred without issue; however, the hearing was rescheduled for November 15 and 16, 2018, based on an issue regarding written notice of the exact time and location of the hearing. Based on the refiling, dated of October 9, 2018, my decision on this matter was to be rendered by November 21, 2018; however, the parties agreed to an extension of one week for the issuance of the decision to allow time for the transcript to be completed and reviewed in light of the Thanksgiving holiday. A copy of the parties' extension agreement is attached to this Order.

SUMMARY

The Lancaster County School District ("Petitioner") filed this action on the basis that as a result of the student's disability and severity of his behaviors, the Petitioner is unable to provide the student a free appropriate public education (FAPE) in the regular school setting. Therefore, the Petitioner is requesting that S.R be placed into a residential setting, Pine Grove Youth Academy ("Pine Grove"). The student's parents ("Respondents") object to the Petitioner's proposal to place the student in a restrictive, private residential program and want S.R. placed in a self-contained special education placement in a school other than his present school within the school district, McDonald Green Elementary School.

PROCESS

This hearing was conducted according to a preset format that was presented to both parties and reviewed at the outset of the hearing. The hearing began at approximately 9:00 a.m. and proceeded until approximately 5:00 p.m. on November 15, 2018, and continued at 9:00 a.m. and proceeded until approximately 1:50 p.m. Friday, November 16, 2018. Each party was offered the opportunity to begin the hearing with an opening statement. This was followed by the presentation of the Petitioner school district's case and the calling of witnesses. Both parties had an opportunity to cross-examine the witnesses and offer rebuttal witnesses. Afterwards, each party offered an oral closing statement.

ISSUE

Whether a change in placement to a more restrictive, private residential setting Pine Grove is necessary to appropriately address the student's functional and academic needs and provide the student a free appropriate public education (FAPE).

FINDINGS

Testimony, supporting evidence, and arguments presented at the hearing were all considered in my findings as they related to the issue as set forth above.

1. S.R. is a 10 year, 2 month old, male student and has been served by the Petitioner school district since he was a pre-school student. (Testimony Day 1, pp. 187 188). By way of evaluations, it has determined by the school district that S.R. has an

intellectual disability (ID) with a primary category of disability of Autism. S.R. meets the DSM-5 criteria for Autism Spectrum Disorder and according to his psychoeducational evaluations (Petitioner's Exhibits S 2 and 14), his cognitive ability is very low with a full scale IQ of around 51, per testimony from school psychologists employed by the school district who evaluated the student. (Petitioner's Exhibits S 2 and 14).

2. Over the past several school years, the school district has developed and revised Individualized Education Programs (IEPs), and behavioral intervention plans (BIPs) for the student. (Petitioner's Exhibits S 6, 7, 8, 10, 11, 13, 15, 16, and 17; testimony of school district employee witnesses.)
3. The Petitioner has consulted with experts not employed by the Petitioner, namely, Dr. Deb Leach, a board certified behavior analyst who specializes in working with students with Autism Spectrum Disorders. (S 2). Dr. Leach's recommendations for the Student's BIP were incorporated into the student's January 19, 2017, BIP by S.R.'s IEP team. (S 11). S.R. has exhibited physically aggressive behaviors on an almost daily basis. As corroborated through the testimony of the witnesses (S 3, 5, 10, 18, and 20) and documented in the Daily Emotional Behavior Logs, from September 4, 2017, through February 20, 2018, show multiple days of non-violent behavior and days like September 18, 2017, (Testimony day 1, p. 112, lines 21–25) "He spit 32 times, he hit eight times, he cried nine times, pulled hair seven times, he was hitting and kicking his chair 23 times, he ran nine times."
4. This behavior and concerns for his and others' safety resulted in a homebased placement (October through December 2017) in an effort to regulate his medications.
5. All staff members who worked with S.R. are trained in Crisis Prevention Intervention (CPI), which is designed to de-escalate behaviors exhibited by students who are physically aggressive, and to restrain them as a last resort to prevent injury to the student or others, including other students, faculty, and staff members. (Testimony of Petitioner's witnesses.)
6. Even though all of the staff members who worked with S.R. are trained in CPI, S.R. injured staff members on numerous occasions, including causing multiple concussions; stabbing a staff member with a pair of scissors; and causing a chest

contusion, which led to staff members experiencing sinus cavity damage, possible nerve damage, mental issues and tachycardia.

7. The staff member who suffered two concussions testified (Day 1, page 219, lines 6-10) that they resulted in “My blood pressure got very, very high that it was a concern. I started bleeding out of both parts of my nose. And the next thing I remember is being escorted... in the EMS ambulance.” and (Day 1, page 223, lines 6-12) “the doctor did check my sinus cavity because...he was nervous that something may have been damaged.” He was out of school for 8-10 days due to these concussions. (Petitioners Exhibit 18). Spring Memorial Hospital “diagnosis: Concussion, Elevated blood-pressure reading, without diagnosis of hypertension.” And as testified (Day 1, page 220, lines 7-10) “... any lingering effects from that incident? Yes, sir. Nausea, light sensitivity, noise sensitivity.”
8. The staff member who was stabbed in the face testified (Day 1, page 126, lines 2-7) that this resulted in “...we still don't know if there's nerve damage or not... There's a scar there now. (And) I had to deal with it with mental health (issues).”
9. The staff member who suffered the chest contusion testified that this resulted in a heartbeat that “went out of rhythm and my heart rate was three times the normal rate” (Testimony Day 1, p. 275, lines 14-16). She testified (Testimony Day 1, p. 279) that medical personnel compared the injury, which was caused by S.R. head-butting her in the chest, to that of someone being in a car accident without a seatbelt and hitting the steering wheel of a car. (S 20)
10. Due to his aggressive behavior in January and February of 2018, while being served by the school district in a self-contained placement at McDonald Green Elementary School, he was assigned to an Interim Alternative Educational Setting (“IAES”). He was assigned a minimum of two staff members. While being served in the IAES, S.R. repeatedly head butted his teacher for approximately 45 minutes (Testimony Day 1, p. 270, lines 14-16) as she attempted to restrain him from harming himself. This resulted in the chest contusion incident on 3/19/18 (Respondents Exhibit 1, pp. 270-272) referred to earlier.
11. In the IAES, S.R. was served in a classroom that was set up for only him, with two

adult staff members, including his teacher, who is an experienced special education teacher with extensive education and training in working with students with Autism, as well as with students who are physically aggressive. (Testimony Day 1, pp. 256-285)

12. Despite these arrangements, the school district was unable to successfully educate S.R. in an environment that was safe for him and the staff that would allow him to make academic progress. (Testimony of multiple Petitioner's witnesses)
13. The Respondents have not cooperated in having S.R. return to the IAES and he has not attended school since his March 2018 placement. Testimony (Day 2, Page 18, lines 9-16) by the lead psychologist, "He has a current IEP and is still in the interim alternative educational setting ... he has a teacher...and servicestoday. I mean, a bus goes by to pick him up." Question: "Do you know if he has taken advantage of those services?" Answer "No".

DISCUSSION

S.R.'s IEP and BIP were developed by his IEP team with the input of properly trained and certified school psychologists. S.R. has been evaluated by two school psychologists, who are employed by the Petitioner. In addition to her certification as a school psychologist, L.T. testified to having extensive experience and training in working with students with Autism. The Petitioner also consulted with an outside expert, Dr. Deb Leach, who is a board certified behavior analyst, for assistance in developing S.R.'s IEP and BIP. The school district incorporated the suggestions from Dr. Leach into S.R.'s behavior plan. Dr. Leach clearly considered S.R.'s classroom teacher to be an effective teacher, as evidenced by the fact that Dr. Leach chose to place an intern in the teacher's class.

Several staff members testified regarding their interactions with S.R. and the resulting injuries. One person testified regarding the everyday routine incidents involving S.R. in which he spit on her, tried to bite her, hit her, etc. In addition to these routine incidents of aggression, she also testified regarding a more serious incident in which S.R. stabbed her in the face with a pair of scissors. Other staff members also testified regarding serious injuries they sustained, including the assistant principal, who received two concussions (1/19/18 and 2/20/18 (Respondents Exhibit 1, pp. 244-255) as a result of S.R. hitting him. S.R.'s assistant

also testified to having received a concussion as a result of S.R. head-butting her. Finally, when S.R.'s placement was changed to an IAES as a result of the serious injuries that he inflicted on staff members, he again seriously injured a staff member. The teacher in the IAES testified regarding her extensive training in working with students with disabilities, including Autism, as well as students who display aggressive behaviors. Despite her experience and training, including CPI training, she was unable to restrain S.R. in a way that did not result in her own serious injuries. Included in the documentation presented at the hearing were the medical records confirming injuries.

The IAES placement is the most restrictive educational setting that the school district provides; however, it was still not successful. Specifically, at the time of the most recent incident in which S.R. seriously injured a staff member, he was being served in his own classroom, which was housed at the Barr Street Alternative School in the school district. Included in the IAES teacher's training and experience was time spent as a line therapist providing ABA therapy for students with Autism. The IAES teacher testified that she took the items that were used with S.R. from his previous teacher's classroom, such as a pea pod, weighted blanket, and other items to try to replicate as best she could any items used with S.R. in the traditional classroom setting. In addition to an assistant was present in the classroom to assist with providing services to S.R. Despite the fact that there were no other students in the class, and two adults were present, S.R. had to be restrained. The teacher testified that she had to restrain him to prevent him from banging his head against the wall. As she attempted to restrain him, S.R. continued to bang his head against her chest, resulting in a chest contusion, which also led to tachycardia.

The behavior incidents, noted above including those which led to "extreme physical pain" (stabbing in the face, facial bruising, and concussions) and the "impairment of the function of a bodily member, organ" (heart) "or mental faculty" of staff members, cannot be reasonably disputed. Under the IDEA these injuries qualify as "serious bodily injury" as defined in the applicable statute:

- (A) A substantial risk of death;
- (B) Extreme physical pain;
- (C) Protracted and obvious disfigurement; or
- (D) Protracted loss or impairment of the function of a bodily member, organ, or mental faculty. (18 USC §1365(h)(3))

It appears from the testimony of the witnesses, that there is not a placement within the school district that will appropriately address S.R.'s needs. Witnesses testified in addition to impacting his own ability to be educated, S.R.'s behavior also impacted the ability of others to learn. For example, there were numerous occasions when the entire classroom had to be evacuated because of S.R.'s conduct. The IDEA allows school districts to consider the impact of a student's education on others when determining the LRE in which a student can be educated.

The Petitioner's proposal to educate S.R. in a residential environment was not made solely on the basis of safety concerns, but also in consideration of what is in his best interest academically. The school district personnel testified regarding their research into an appropriate facility for S.R., which was determined to be the Pine Grove in Elgin, South Carolina. Specifically, the lead school psychologist testified regarding his research into the appropriateness of Pine Grove. He determined that Pine Grove specifically is geared toward serving students with S.R.'s background, including students with Autism and limited cognitive ability. He also testified that the school district previously placed one other student at Pine Grove and the placement was successful.

The Respondents clearly love S.R. and want what is best for him, however, certain actions have negatively impacted their relationship with the school district, and impacted their ability to work cooperatively. For example, the Respondents filed police reports that were later determined unfounded, against school district personnel (P 1, p. 83 and P 1, pp. 92 110). The police reports/records and the Respondents' testimony on these subjects are riddled with inconsistent statements. For example; it took the viewing of a video tape, reexamination of police reports, and at least 21 pages of the mother's testimony (Day 2, p. 108, line 8 through p. 129) to obtain clarity regarding the Respondents' testimony and what actually occurred.

There were numerous other conflicts in the Respondents' testimony (listed below) that contributed to the mistrust and damaged any chance of a viable working relationship between the parties. and factors into the consideration of an appropriate placement:

1. The special education teacher in the IAES stated she recommended that the Respondent parents consider a place in Rock Hill (Chrysalis Center). She personally called the Center to see if they had openings and filled out the paper work for the parents, but they (the parents) never followed through. (Testimony Day 1, p. 172, line 20 through p. 273 line 25).

2. The lead school psychologist (Testimony Day 2, p. 30, lines 8 10) testified, "We tried to get medical records and communication with the physician, but the parents wouldn't allow it."
3. The mother responded to a question (Testimony Day 2 p. 95, lines 7 10) "Now, before they tried to put him at Brooklyn Spring and you rejected that; is that right?" "Yes"
4. The step-father testified under oath that "I don't even use the belt." (Testimony Day 2, p. 143, line 25). This was a contradiction with testimony of the mother's witness, The licensed social worker who stated the parents saw an escalating bad behavior when he was 4 to 5 years old, and both parents and his mother spanked S. R., (Testimony Day 2, p. 196, lines 12 and 15, and p. 197 1 10)
5. The mother responded to a question (Testimony Day 2, p. 89, lines 4 6), "And did Mrs. Hunter ever try to bring you in to talk to you?" "No, not at all". This contradicts extensive testimony on communications between the parties throughout the hearings and its exhibits.
6. The mother responded to a question (Testimony Day 2, p. 93, lines 1 4) "...is there anything else that the school has asked you to do that you haven't done? "No, I did everything....everything the school asked me to do."
7. When questioned why his parents will not return him to the Barr Street location, the mother testified (Testimony Day 2 p. 104, lines 2 3), "It's like he's in prison. I've seen Barr Street."
8. Documentation, including medical records of injured staff members, submitted by the school district and through witness testimony were not rebutted by the parents. However, the parents did challenge the extent of injuries sustained by the teachers (Father's Testimony Day 2, p. 148, line 2), "They're stretching them that they are more serious than they are." and (Testimony Day 2, p. 148, lines 22 149 and line 5) question: "So tell me specifically what injuries you think are being exaggerated by the McDonald Green staff?" Father's response: "Why would an instructor walk around with a pair of scissors stuck in her face and then tell everybody, look?...Why would a man say that a child hit him or did something to his groin area and gave him a concussion?"

The school district tried numerous interventions and supports to allow S.R. to be successful in his regular classroom, which uses a self-contained model. Interventions tried with S.R. were providing him with a functional behavior assessment (“FBA”); development of a BIP; use of visual schedules; use of items recommended by the occupational therapist, such as pea pods and weighted vests, use of the daily behavior checklist to look for patterns in S.R.’s behavior so that strategies could be developed to better address those behaviors, and use of the STAR program, which is a program specifically designed for students with Autism, that is applied behavior analysis (ABA)-based. A token reward system and the sensory diet were implemented following the recommendation of Dr. Leach. S.R. was also given movement breaks throughout the school day. Additionally, when S.R. was in the self-contained environment, at least two adults were working with him at all times, and at times there were three adults. The school district also provided training to the Respondents in working with students with Autism. Staff members consistently testified that if S.R. is not placed in a residential facility, they are seriously concerned about additional staff being injured in the school environment, as well as students being injured. The staffs’ concerns for student’s safety was addressed by always having two staff members to minimize the chance of an incident described in testimony (Day 1, p. 145, lines 13-16), “He had slung his cafeteria tray into a line of children so they got hot food and the tray on them. So that’s what we were trying to keep from happening again.”

Documentation submitted by the Respondents from several outside sources generally stated that “In my opinion, he is not a danger to self or others. (P1, p. 8-18). As with the testimony presented by Respondents’ witness (Testimony Day 2 pp. 168–205), I find that their limited hours of exposure to S.R. does not appear to replicate the days, weeks, months of contact experienced by the school staff and IEP teams. It is also not clear if the Respondents were present during these “outside” examinations, which is not the case in the classroom setting. Although the social worker witness for the Parents testified that she did not believe the student required a residential placement, she testified that there was additional follow-up that she needed to do with the student and his family. Significantly, she has never observed S.R. in a classroom setting. All of the school district’s witnesses testified that they observed S.R. numerous times in a classroom setting, including those who worked with him on a daily basis during his time at McDonald Green Elementary School.

The school district initially had discussions with the Respondents about S.R. being placed

in a self-contained special education class for students with moderate ID. However, since that time, based on the S.R.'s physical aggression, the school district has placed him in a classroom that was more restrictive than the previously recommended classroom for students with moderate ID. If the student could not be served within a placement that consisted of only two adults and him, it would not be appropriate, or safe, for him to be placed in another placement within the school district.

The Respondents now state that they are receptive to a placement within the school district that was proposed earlier, (Testimony Day 2, p. 224, lines 17 21), they would accept "home schooling" but having S.R. return to his elementary school would be "untenable." While the parents want what is best for S.R., their judgment should not be substituted for the judgment of the trained educators in this matter, who are acknowledging that there is not an appropriate placement for the student within the district.

CONCLUSION

From the testimony and other evidence, it is clear that, as a result of his disability, S.R. has significant behavior problems, particularly as it relates to acting out in a physically aggressive manner toward staff members. He is also frequently a danger to himself and others, which resulted in him having to be physically restrained on numerous occasions. Ultimately, S.R.'s behaviors are so severe that they interfere with the ability to provide him educational services, as well as to provide educational services to other students in his classes. Most of the witnesses testified that S.R.'s aggression is a manifestation of his disability, with one exception. The exception was the special education teacher's assistant. After testimony where she explained how she was head butted and received a concussion and bruised face, she was asked "And you think he hurt you on purpose? (Testimony Day 1, p. 196, lines 20 22). She replied, "I do believe S.R. meant to do it because it's happened before with other people."

Numerous witnesses testified that S.R.'s physically aggressive actions occur without warning and for no apparent reason. In describing the nature of the challenge to educate S.R., IAES teacher testified about her ability to talk to and reason with some aggressive students. (Testimony Day 1, p. 306, lines 20 25) "S.R. ... cannot rationalize right from wrong... when you have a child that does not have those skills, he can't do it!" School psychologist, (Testimony Day 1, p. 332, line 13) stated, "I feel that his behaviors are so erratic and unpredictable." School psychologist, (Testimony Day 1, p. 81, lines 11 17) stated,

“...and there were times that he would smile while he was being aggressive. But I don't know what's going on with him at that moment....So I don't want to say that he was enjoying being aggressive, but I don't think that he understood really what was going on with himself at the time.” One school psychologist (Testimony Day 1, p. 362 l. 22-25) also stated she “... would say his (aggression) is not due (only) to his autism, but due to his cognitive level, due to the fact that if he is not getting his medications regularly, and due to his autism.” Testimony from the school principal, (Testimony Day 2, p. 60, lines 1-6) somewhat summarizes the school district's position relative to the need for residential placement: “It's based on the educational issues, academic, behavioral, social, (and) medical... I believe in order ... for S.R. to get what he needs academically and succeed to his potential academically, that is the most appropriate placement for him.”

The IDEA requires that, unless the individualized education program (IEP) of a child with a disability requires some other arrangement, the child is educated in the school he would attend if he did not have a disability. 34 CFR. § 300.116(c). A school district must offer an IEP that is reasonably calculated to enable a child with a disability to make progress appropriate in light of the child's circumstances. *Endrew F. v. Douglas County Sch. Dist. RE-1*, 580 U.S. __; 137 S. Ct. 988; 69 IDELR 174 (U.S. 2017). The least restrictive environment (LRE) mandate of the IDEA requires that students with disabilities receive their education in the regular education environment to the maximum extent appropriate, or to the extent such placement is not appropriate, in an environment with the least possible amount of separation from the student's non-disabled peers and community. 34 CFR § 300.114 through 34 CFR § 300.120. The IDEA requires each public agency to ensure that: (1) to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are non-disabled; and (2) special classes, separate schooling, or other removal of children with disabilities from the general education environment occurs only **if the nature or severity of the disability is such that education in the general education setting, with the use of supplementary aides and services, cannot be achieved satisfactorily.** (Emphasis added.)

The LRE mandate does not override the FAPE requirement. If a child's placement does not confer a "meaningful benefit" to the student and a more restrictive program is likely to provide such benefit, the child is entitled to be placed in that more restrictive program. *Hartmann*

v. Loudoun County Bd. of Educ., 26 IDELR 167 (4th Cir. 1997), *cert. denied*, 111 LRP 18076, 522 U.S. 1046 (1998). Providing a child with a disability a FAPE in the LRE may require a placement outside of the school district in a private residential school. The testimony and evidence in this matter have shown that S.R.'s situation is one in which the nature and severity of his disability is such that he cannot be appropriately educated in a school setting in the Lancaster County School District.

As stated throughout the testimony, S.R.'s last IEP was for placement in an IAES, but has not attended school since March, 2018. This being the case both parties need to understand that under the state's compulsory attendance requirement the student is required to be actively enrolled in a public school, private school, or home-school program that meets the state's requirements. If the parents do not make the student available for instruction, the school district may be required to take certain actions set forth in state law and the school district's policies and procedures that are aligned with the purposes of the state's compulsory attendance requirement. *In re: Student with a Disability*, 115 LRP 44815 (SEA NH 12/17/14) (finding that a student who struck his paraprofessional inflicted seriously bodily injury where the paraprofessional suffered a severe concussion, which included symptoms such as intense headaches, nausea, light sensitivity, lack of energy, difficulty focusing, and impaired thought processes).

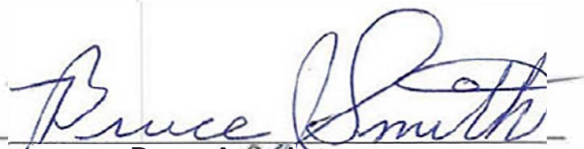
It is clear from the evidence and testimony that the District, S.R.'s public school teachers and aides, all made extraordinary efforts to educate S.R. and deal with his aggressive behavior. Nevertheless, S.R. posed (and continues to pose) a substantial likelihood of harm to herself and others. Despite the District's best efforts, the complexity of S.R.'s disabilities compels a higher level of services than the District can reasonably provide in a local setting. Although we should always be reluctant to find residential treatment appropriate and necessary the record amply establishes that S.R. requires 24 hour a day, 7 day-a-week, residential care integrating educational services with medical monitoring, treatment, and behavior management. S.R.'s educational, medical, and emotional disabilities are intertwined to such an extent that residential placement is critical for the District to offer S.R. a FAPE as required by the IDEA. 34 CFR § 300.101(a).

Pursuant to 34 CFR § 300.104, if placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including nonmedical care and room and board, must be at no cost to the parents of the

child. This hearing officer, however, has no authority under the IDEA to order that S.R. be placed in any specific residential facility. If R.W. and E.W. wish S.R. to receive educational services from the District, the appropriate educational placement at this time is a residential facility, the location of which can be determined by an IEP team along with personnel from the residential facility, and hopefully with the involvement of S.R.'s parents.

THEREFORE, IT IS ORDERED, In light of the serious injuries that have been suffered by staff members, to place the student back into the school environment would potentially be dangerous, and not in the educational interest of this student. Accordingly, it is my decision that the Lancaster County School District's request that the student be educated in a residential setting, as designated by the IEP team, is supported by the evidence and testimony and is required for the student to receive an education in an environment that is safe and educationally appropriate for him, other students, and staff.

Florence, South Carolina
December 4, 2018



Bruce J. Smith,
Local Due Process Hearing Officer

APPEAL PROCEDURE

Should either party wish to appeal this ruling they may do so by writing a letter to the South Carolina Department of Education, Office of General Counsel, 1429 Senate Street, Rutledge Building, Columbia, South Carolina 29201 within ten calendar days of receipt of the Hearing Officer's Order.

DUE PROCESS HEARING

**TIMELINE EXTENSION
CONFIRMATION**

PUBLIC EDUCATION AGENCY: Lancaster County School District

PARENT'S NAME: Reginald and Erica Watts

STUDENT'S NAME: Simeon Reid

DATE ORIGINAL 45-DAY TIME LINE EXPIRES: November 23, 2018

DATE EXTENSION EXPIRES: November 30, 2018

PARTY REQUESTING EXTENSION: Attorneys for both parties.

REASONS FOR REQUEST: The current deadline for the decision regarding the Due Process Hearing is November 23, 2018, which is the day after Thanksgiving. The Hearing was a two-day hearing (November 15 & 16) ending last Friday and the transcript will not be available at best until Wednesday, November 21, the day before the Thanksgiving holiday at the earliest. Accordingly, both parties are agreeable to a one-week extension to give them time to file their statement of findings with the Hearing Officers so he can consider them in his decision.

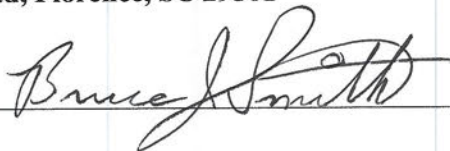
HEARING OFFICER DECISION : This request has been filed following a conversation by both parties relative to refiling the starting date to extend the time line for complying with the mandated 45 day time line. The timing and delays in conducting this hearing were impacted by hurricanes Florence and Michael plus the availability of parties to meet prior to last Thursday and Friday (11/15-16). This is further complicated by the fact that the student has not been in school since March, 2018.

HEARING OFFICER: Bruce J Smith

ADDRESS: 405 Burris Road, Florence, SC 29501

PHONE: (843) 662-3216

Hearing Officer's Signature



Date

11/21/18

Notice Sent to;

[Reginald and Erica Watts by way of their Attorney, Richard Turner] Parents

[Dr. Kathy Durbin, Dir. Of Special Ed., Lancaster County School District and their Attorney, Vernie Williams] Public Education Agency

[Barbara Dayton] South Carolina Department of Education