

STATE OF ARIZONA

OFFICE OF ADMINISTRATIVE HEARINGS

1
2
3 [REDACTED], Student, by and through
4 Guardians [REDACTED] and [REDACTED]

No. 11C-DP-002-ADE

5 Petitioners,

ADMINISTRATIVE
LAW JUDGE
DECISION

6 -v-

7 **Coolidge Unified School District,**

8
9 Respondent.

10
11 **HEARING:** September 23-24, 2010 (record closed December 2, 2010)

12 **APPEARANCES:** Petitioners [REDACTED] and [REDACTED] appeared and were represented
13 by attorney Amy Langerman of AMY G. LANGERMAN, PC; attorney Karl Widell of GUST
14 ROSENFELD, PLC, appeared on behalf of the Coolidge Unified School District ("CUSD"),
15 accompanied by Patricia Jiminez, Director of Special Services, CUSD. Certified Court
16 Reporter Diane Donoho of GRIFFIN & ASSOCIATES COURT REPORTERS was present and
17 recorded the proceedings as the official record of the hearing.

18 **WITNESSES:** **Roberta Brown**, Director of State and Federal Initiatives,
19 Exceptional Student Services, Arizona Department of Education; Patricia Jiminez,
20 Director of Special Services, CUSD ("**CUSD Director of Special Services**")¹; [REDACTED]
21 [REDACTED] Special Education Teacher, [REDACTED]
22 ("**Private Day School B Teacher**"; **Lori Bird**, Attorney/Advocate; [REDACTED]
23 Principal, [REDACTED] ("**Private Day**
24 **School A Principal**"; [REDACTED] Grandparent and Legal Guardian to Student
25 ("**Grandparent**"; Kelly Freudenthal, Director of School Operations, Academic
26 Behavioral Alternatives ("**Private Day School B Director**"; Steve Casamento, School
27 Psychologist, CUSD ("**School Psychologist**").

28 **ADMINISTRATIVE LAW JUDGE:** Eric A. Bryant

29 Guardians bring this due process action, on behalf of Student, challenging an
30 individualized educational program ("IEP") sought to be implemented by Respondent
School District. The law governing these proceedings is the Individuals with Disabilities
Education Act ("IDEA"), 20 United States Code ("U.S.C.") §§ 1400-1482 (as re-

¹ Throughout this Decision, some proper names are not used in order to protect confidentiality of Student and to promote ease of redaction. Instead, the names in bold type will be used.

1 authorized and amended in 2004),² and its implementing regulations, 34 Code of
2 Federal Regulations ("C.F.R.") Part 300, as well as the Arizona Special Education
3 statutes, Arizona Revised Statutes (A.R.S.) §§ 15-761 through 15-774, and
4 implementing rules, Arizona Administrative Code ("A.A.C.") R7-2-401 through R7-2-
5 406.³

6 Petitioners filed the due process complaint on August 5, 2010. The complaint
7 alleges that an IEP created in May 2010 and proposed for implementation by
8 Respondent School District in June 2010 does not provide Student a free appropriate
9 public education ("FAPE"), raising numerous procedural and substantive challenges to
10 it. Respondent School District responds in defense of the proposed IEP.

11 The parties presented testimony and Exhibits at a formal evidentiary hearing
12 held on September 23 and 24, 2010 in Coolidge, Arizona. The parties presented
13 testimony from the witnesses listed above and offered into evidence Petitioners'
14 Exhibits 1 through 15 and Respondent School District's Exhibits A through H, all of
15 which were admitted into the record.

16 The parties then filed post-hearing memoranda, arguing their respective
17 positions. Petitioners have presented these arguments for consideration:

- 18 (1) The proposed IEP does not offer a FAPE because:
19 (a) it does not provide Student a full-time behavioral coach
20 in the classroom;
21 (b) it does not provide Student an integrated curriculum;
22 (c) it does not identify the placement and location where
23 Student will be educated; and
24 (d) it does not provide a plan for transitioning Student from
25 one school to another.

26 (2) The placement proposed by Respondent School District (i.e.,
27 Private Day School B) would not provide Student a FAPE.

28 (3) The decision of where to educate Student was pre-determined
29 by Respondent School District.

30 (4) Stay put placement for Student is at Private Day School A and
continues through any appeal process.

² By Public Law 108-446, known as the "Individuals with Disabilities Education Improvement Act of 2004,"
IDEA 2004 became effective on July 1, 2005.

³ It is noted that these rules have not yet been published by the Arizona Secretary of State.

1 Respondent School District disputes all of these contentions. Chiefly, Respondent
2 School District asserts that the IEP team determined the placement of Student to be at
3 the private day school level, and that Respondent School District alone may choose to
4 send Student to any private day school as a matter of administrative choice.
5 Respondent School District school district also asserts that the May 2010 IEP offers
6 Student a FAPE and that Private Day School B can meet Student's needs as identified
7 in the IEP.

8 The Administrative Law Judge has considered the entire record, including the
9 testimony and exhibits,⁴ and now makes the following Findings of Fact, Conclusions of
10 Law, and Order finding that the proposed IEP does not offer a FAPE to Student.

11 FINDINGS OF FACT

12 1. Student has autism. Student lives with Grandparents, who have custody of
13 Student and are Student's legal guardians. Student is currently in the eighth grade at
14 Private Day School A,⁵ and was in the seventh grade at Private Day School A at the
15 time in question—May 2010. Private Day School A is located about one hour from
16 Student's home and is not within Student's local community or school district.

17 2. Student is eligible for special education under a primary disability category of
18 autism and a secondary category of speech/language impairment. Student has
19 significant behavioral issues. Student can be physically and verbally aggressive to
20 other students and to staff. Because of this, Student requires a highly structured
21 educational environment and individual attention.⁶ Student has attended Private Day
22 School A since fourth grade and has made progress.

23 3. On April 29, 2010, an IEP team was convened to perform an annual review
24 and create a new IEP, since the existing IEP for Student was set to expire in May 2010.

25
26 ⁴ The Administrative Law Judge has read and considered each admitted Exhibit (and listened to audio
27 exhibits), even if not mentioned in this Decision. The Administrative Law Judge has also considered the
28 testimony of every witness, even if not mentioned in this Decision.

29 ⁵ This placement is due to a Stay Put Order issued by this tribunal on August 11, 2010.

30 ⁶ In describing how Student's disability affects learning, the April 2010 draft IEP states: "Social/Emotional
needs – Due to extreme outbursts exhibited by [Student] which are usually triggered by introduction to new
information and task, [Student] does not perform up to [Student's] levels. Without clear and concise
instructions, [Student] refuses to comply with expectations. [Student's] emotional outbursts and refusal to
comply with staff directions impedes on [Student's] acquisition of academics that [Student] is capable of
learning and progressing adequately in the educational setting." Exhibit 1 at 000008.

1 Private Day School A had prepared a draft IEP and the IEP team reviewed it.⁷ The
2 team was in unanimous agreement with the contents of the draft IEP. The team did
3 not, however, make a decision as to the school at which Student would be educated.
4 The team agreed that the private day school level of placement was necessary for
5 Student, but CUSD Director of Special Services wanted to extend the meeting to
6 another day to consider schools other than Private Day School A. Another meeting was
7 set for May 11, 2010.

8 4. The draft IEP from April 29, 2010, set forth Student's present levels of
9 academic achievement and functional performance, and set goals for Student in the
10 areas of occupational therapy, social/emotional/behavioral, oral communication, writing,
11 and math. The services called for included an integrative curriculum for
12 social/emotional/behavioral instruction and a behavior coach to "assist in providing
13 support in reinforcing social, emotional, and behavior goals."⁸ The draft IEP did not
14 state the frequency of the behavior coach's services, but the documentation and
15 testimony submitted at hearing shows that Student's classroom had a full time coach in
16 the classroom at all times and the IEP team understood and agreed that that level of
17 service was what Student needed. The draft IEP also included a Functional Behavioral
18 Analysis ("FBA") for Student and a Behavior Intervention Plan ("BIP") that the team
19 agreed upon, to be used to assist Student with problem behaviors.

20 5. At the May 11, 2010, IEP meeting, representatives from Private Day School B
21 were in attendance along with those persons who had been present at the April 2010
22 meeting, including representatives from Private Day School A.⁹ CUSD Director of
23 Special Services stated that she wanted both private day schools to inform the team of
24 their respective programs and describe how their programs work so that the team could
25 determine whether the programs could meet Student's needs.¹⁰ The representatives
26 for both schools did so. Grandparents expressed their opinions that they did not think
27 that Private Day School B could meet Student's needs.

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29 ⁷ Exhibit 1.

⁸ Exhibit 1 at 000020.

⁹ Between the meetings, Grandparents had visited the campus of Private Day School B.

¹⁰ Exhibit D at D000011.

1 6. At the beginning of the meeting, CUSD Director of Special Services informed
2 the team that she had "transcribed" the April draft IEP onto district forms because the
3 draft was on forms used by Private Day School A. She believed that district forms were
4 required by the State Department of Education.¹¹ She informed the team that the new
5 draft on district forms was the same or similar to the draft that the team had approved in
6 April. She stated that she had not changed any wording.¹² In fact, however, CUSD
7 Director of Special Services had unilaterally made several significant changes that were
8 discovered later. Copies of the new draft were not given to the team on May 11. A
9 copy was sent to Grandparents later in early June 2010.

10 7. Toward the end of the May 11 meeting, when it came time to make a decision
11 as to the school at which to place Student, the district announced that the placement
12 determination was to be merely "private day school" and that CUSD Director of Special
13 Services alone would decide which private day school Student would attend because
14 determining location of implementing the IEP was an administrative function and not an
15 IEP team decision.¹³ The meeting was then adjourned, with the district taking the
16 question of which location Student would attend school in August 2010 under
17 advisement. Grandparents were to be informed by Prior Written Notice in June 2010.

18 8. In early June 2010, Grandparents received a copy of the IEP on district
19 forms. That IEP contained several significant differences from the draft agreed to in
20 April. First, whereas the April draft IEP provided Student an integrated curriculum for
21 social/emotional/behavior needs, the May 2010 draft provides for "behavior support"
22 only and not the integrated curriculum that is so important for Student.¹⁴ Private Day
23 School A Principal credibly testified at hearing that "behavioral support" was not the
24 same as an integrated curriculum and that Student needs an integrated curriculum to
25 meet Student's needs. In addition, rather than providing for full time daily support from
26 a behavioral coach as required in the April draft IEP that was agreed to, the May 2010
27 version of the IEP provides for weekly behavior coach support.¹⁵ That is a significant

28 ¹¹ This belief turned out to be erroneous, per the testimony of Roberta Brown.

29 ¹² Exhibit D at D000002.

30 ¹³ *Id.* at D000028-D000032.

¹⁴ Exhibit A at A000030.

¹⁵ *Id.*

1 difference from what the IEP team agreed Student needs for behavioral coach services.
2 Finally, instead of identifying a specific location at which the special education services
3 would be provided, the May 2010 IEP merely states "special schools" in the boxes
4 marked "location." On the cover sheet of the May 2010 IEP, the box marked "Attending
5 School: " is blank. Thus, on the face of the May 2010 IEP, one cannot determine what
6 school the Student will be attending. That decision was not made by the IEP team.

7 9. The May 2010 IEP states that the least restrictive environment for Student is
8 "private day school."¹⁶

9 10. On June 9, 2010, Respondent School District sent a Meeting Notice to
10 Grandparents requesting that they attend a meeting on June 21, 2010, to discuss "site
11 locations" for the private day school placement of Student.¹⁷ The notice stated that
12 "this is not an IEP meeting but rather a parent conference to discuss issue of service
13 location."¹⁸ At that meeting, CUSD Director of Special Services told Grandparents that
14 she wanted their input so that she could "be the best decision maker" for Student in
15 terms of "location of services."¹⁹ The parties then discussed the reasons that CUSD
16 Director of Special Services was "leaning toward" Private Day School B.²⁰

17 11. On June 30, 2010, Respondent School District issued a Prior Written Notice
18 stating that Student's May 2010 IEP would be implemented at Private Day School B in
19 August 2010.²¹ The notice states that the law distinguishes between educational
20 placement and the location where the IEP is implemented. It states that Student's
21 placement is "private day school" and that the location of the specific private day school
22 is an administrative decision left to the school district. It then provides reasons why
23 Respondent School District believes that Private Day School B would be better for
24 Student than Private Day School A. Most of those reasons are based on the fact that
25 Private Day School B, which is located in Coolidge, Arizona, is closer to Student's home
26 and within Student's home district.

27
28 ¹⁶ *Id.*

¹⁷ Exhibit A at A000032.

29 ¹⁸ *Id.*

¹⁹ Exhibit E at E000001.

30 ²⁰ *Id.* at E000014.

²¹ Exhibit 3.

1 12. The evidence shows that Student, as is typical of persons with autism, does
2 not handle change well without significant assistance.²² No plan was created by the
3 IEP team to assist Student in transitioning between schools.²³

4 CONCLUSIONS OF LAW

5 1. Through the IDEA, Congress has sought to ensure that all children with
6 disabilities are offered a free appropriate public education that meets their individual
7 needs.²⁴ These needs include academic, social, health, emotional, communicative,
8 physical, and vocational needs.²⁵ To do this, school districts must identify and evaluate
9 all children within their geographical boundaries who may be in need of special
10 education and services. The IDEA sets forth requirements for the identification,
11 assessment and placement of students who need special education, and seeks to
12 ensure that they receive a free appropriate public education. A free appropriate public
13 education (FAPE) consists of "personalized instruction with sufficient support services
14 to permit the child to benefit educationally from that instruction."²⁶ The IDEA mandates
15 that school districts provide a "basic floor of opportunity," nothing more.²⁷ It does not
16 require that each child's potential be maximized.²⁸

17 2. Once a child is determined eligible for special education services, a team
18 composed of the child's parents, teachers, and others formulate an Individualized
19 Education Program (IEP) that, generally, sets forth the child's current levels of
20 educational performance and sets annual goals that the IEP team believes will enable
21 the child to make progress in the general education curriculum.²⁹ The IEP tells how the
22 child will be educated, especially with regard to the child's needs that result from the
23 child's disability, and what services will be provided to aid the child. The child's parents
24 have a right to participate in the formulation of an IEP.³⁰ The IEP team must consider

25 ²² See testimony of Private Day School A Principal and Grandparent.

26 ²³ This follows from the fact that the IEP team was not allowed to decide that Student should change
27 schools.

28 ²⁴ 20 U.S.C. §1400(d); 34 C.F.R. § 300.1.

29 ²⁵ *Seattle Sch. Dist. No. 1 v. B.S.*, 82 F.3d 1493, 1500 (9th Cir. 1996) (quoting H.R. Rep. No. 410, 1983
30 U.S.C.C.A.N. 2088, 2106).

²⁶ *Hendrick Hudson Central Sch. Dist. Bd. of Educ. v. Rowley*, 458 U.S. 176, 204 (1982).

²⁷ *Id.*, 458 U.S. at 200.

²⁸ *Id.* at 198.

²⁹ 20 U.S.C. § 1414(d); 34 C.F.R. §§ 300.320 to 300.324.

³⁰ 20 U.S.C. § 1414(d)(1)(B); 34 C.F.R. §§ 300.321(a)(1).

1 the strengths of the child, concerns of the parents, evaluation results, and the
2 academic, developmental, and functional needs of the child.³¹ In addition, if a child's
3 behaviors impede the child's learning or that of others, the team must consider the use
4 of positive behavioral interventions and supports to address those behaviors.³²

5 3. A parent who requests a due process hearing alleging non-compliance with
6 the IDEA must bear the burden of proving that claim.³³ The standard of proof is
7 "preponderance of the evidence," meaning evidence showing that a particular fact is
8 "more probable than not."³⁴ Therefore, Petitioners bear the burden of proving by a
9 preponderance of evidence that Respondent School District has failed to provide a FAPE
10 through the May 2010 IEP proposed for Student.

11 4. This tribunal finds that Petitioners have met this burden by showing that the
12 May 2010 IEP does not meet Student's needs with respect to lack of a full time behavior
13 coach in Student's classroom, a lack of requirement of an integrated curriculum, a lack of
14 identification of a specific location at which Student will be educated, and a lack of a
15 transition plan for Student's move to another school as decided in the subsequent Prior
16 Written Notice. These are substantive failures of the IEP proposed by Respondent
17 School District and deny Student a FAPE. This tribunal also finds that stay put placement
18 for Student is Private Day School A.

19 DECISION

20 5. This tribunal's review of the May 2010 IEP is limited to the contents of the
21 document.³⁵ Therefore, the questions of whether the IEP is reasonably calculated to
22 provide educational benefit to Student must be decided on the basis of the content of the
23 IEP itself.

24
25 ³¹ 20 U.S.C. § 1414(d)(3)(A); 34 C.F.R. §§ 300.324(a).

26 ³² 20 U.S.C. § 1414(d)(3)(B)(i); 34 C.F.R. §§ 300.324(a)(2)(i).

27 ³³ *Schaffer v. Weast*, 546 U.S. 49, 126 S. Ct. 528 (2005). Petitioners' argument that the burden of proof is
shifted in this case is without merit and is hereby summarily rejected.

28 ³⁴ *Concrete Pipe & Prods. v. Constr. Laborers Pension Trust*, 508 U.S. 602, 622, 113 S. Ct. 2264, 2279
(1993) quoting *In re Winship*, 397 U.S. 358, 371-372 (1970); see also *Culpepper v. State*, 187 Ariz. 431,
437, 930 P.2d 508, 514 (Ct. App. 1996); *In the Matter of the Appeal in Maricopa County Juvenile Action No.*
29 *J-84984*, 138 Ariz. 282, 283, 674 P.2d 836, 837 (1983).

30 ³⁵ *Knable v. Bexley City Sch. Dist.*, 238 F.3d 755, 768 (6th Cir. 2001), see also *Union Sch. Dist. v. Smith*,
15 F.3d 1519, 1526 (9th Cir. 1994) (IDEA requirement of a formal, written offer should be enforced
rigorously).

1 The Proposed IEP Does Not Offer a FAPE Because It Does Not Provide Student a
2 Behavior Coach in the Classroom Full-Time

3 6. The IEP team agreed that Student needs a behavior coach and the record
4 shows that Student needs one in the classroom full-time. The May 2010 IEP offered by
5 Respondent School District does not provide that level of behavior coach services.
6 Therefore, the May 2010 IEP does not offer a FAPE to Student.

7 The Proposed IEP Does Not Offer a FAPE Because It Does Not Provide Student an
8 Integrated Curriculum

9 7. The IEP team agreed that Student needs an integrated curriculum for
10 social/emotional/behavioral skills. The May 2010 IEP offered by Respondent School
11 District does not provide such an integrated curriculum. Therefore, the May 2010 IEP
12 does not offer a FAPE to Student.

13 The Proposed IEP Does Not Offer a FAPE Because It Does Not Identify a Location
14 Where Student Will Be Educated

15 8. Courts have made a distinction between educational placement, which
16 generally refers to an educational program and not the location at which it is
17 implemented, and location at which a Student is educated.³⁶ The determination of the
18 physical location at which an educational program will be implemented has been called
19 an "administrative decision" left to the discretion of a school district.³⁷ However, this is
20 not always the case. In certain instances, an IEP must state a particular school in order
21 to provide a FAPE.³⁸ In *A. K. v. Alexandria City School Board*, the Fourth Circuit
22 appellate court held that the IDEA requires an IEP to name a school when the IEP team
23 agree that a private day school placement is appropriate but the team members do not
24 agree as to whether any particular private day school could meet the needs of the
25 student. That ruling is instructive here.

26 9. Petitioners argue persuasively that in this case, where private day school
27 placement is applicable, the specific school that Student will attend is a decision to be
28 made by the IEP team because private day schools are not all the same. The evidence

29 ³⁶ See *N. D. V. Hawaii Dep't of Educ.*, 600 F.3d 1104, 1114-1116, (9th Cir. 2010).

30 ³⁷ *N. D. V. Hawaii Dep't of Educ.*, Civ. No. 09-00343 SOM/KSC, 2010 U.S. Dist. LEXIS 57045, *22 (D. Hawaii June 9, 2010).

1 presented shows that there is variety as to the student populations that private day
2 schools serve and variety as to the educational approaches that they take. Coupled
3 with that information is the evidence that autism is a spectrum disorder in which there is
4 a wide array of functional levels for those whom it afflicts. This means that not every or
5 any one particular private day school can meet the particular needs of every or any
6 child with autism. An individualized decision needs to be made as to whether a
7 particular school can meet a particular students needs as identified in an IEP. That is a
8 function for an IEP team, not an administrator. CUSD Director of Special Services
9 impliedly recognized that point when she had each school describe itself to the IEP
10 team at the May 11, 2010 IEP meeting and when she called the June 21, 2010
11 conference with Grandparents to get their input about which school to send Student to.
12 And the IDEA also recognizes the point when it requires that an IEP state the
13 anticipated location of special education and related services.³⁹

14 10. This tribunal finds the stance taken by Respondent School District at the end
15 of the May 2010 IEP meeting to be inconsistent with the earlier part of the meeting.
16 Why was it necessary for the team to hear from both schools if only Respondent School
17 District was making the decision? It is not as if the team agreed that both schools could
18 meet Student's needs, leaving Respondent School District to pick between the two.
19 The Grandparents did not believe that Private Day School B could meet Student's
20 needs, but they were shut out of the decision as to which school to send Student to.
21 The IDEA does not condone this.

22 11. The failure of the IEP team to make the decision as to what school to send
23 Student to as well as the failure of the May 2010 IEP to state the location at which
24 Student would be educated denied Student a FAPE.

25 *The Proposed IEP Does Not Offer a FAPE Because It Does Not Provide a Plan for*
26 *Transitioning Student From One School to Another*

27 12. The record shows that Student has significant trouble with transitions,
28 including transitioning between one school and another. Student requires a transition
29 plan to meet Student's needs if Student is to be educated at a different location. The

30 ³⁸ *A.K. v. Alexandria City School Bd.*, 484 F.3d 672 (4th Cir. 2007).

³⁹ 20 U.S.C. § 1414(d)(1)(A)(i)(VII); *A.K.*, 484 F.3d at 680.

1 May 2010 IEP does not contain a transition plan for assisting Student in moving from
2 Private Day School A to Private Day School B as proposed by Respondent School
3 District. Therefore, the May 2010 IEP does not offer a FAPE to Student.

4 Stay Put for Student is at Private Day School A

5 13. The IDEA provides that "during the pendency of any proceedings . . . , unless
6 the State or local educational agency and the parents otherwise agree, the child shall
7 remain in the then-current educational placement of the child" ⁴⁰ It is not in dispute
8 that Student has been at Private Day School A for the 2009-2010 school year and for
9 Extended School Year ("ESY") 2010.

10 14. This tribunal finds that the "then-current educational placement" for Student
11 for purposes of maintaining the current educational placement under the IDEA is
12 Private Day School A. Stay put requires that Student remain at Private Day School A
13 during the course of this due process litigation, including any appeals. ⁴¹

14 Conclusion: Remedy

15 15. Because the May 2010 IEP does not comply with the IDEA, it is invalid.
16 Respondent School District must reconvene an IEP team to draft a new IEP for Student
17 that provides Student a free appropriate public education consistent with this
18 Decision. ⁴²

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20
21
22 ...
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24
25
26 ...
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28
29 ⁴⁰ 20 U.S.C. § 1415(j).

⁴¹ *Joshua A. v. Rocklin Unified Sch. Dist.*, 559 F.3d 1036 (9th Cir. 2009).

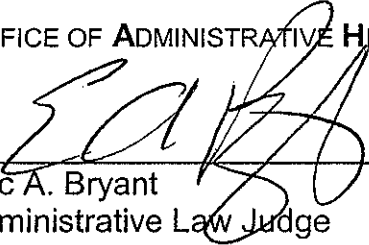
⁴² The other arguments raised by Petitioners are not addressed herein because it is not necessary to decide them given this tribunal's substantive ruling that the May 2010 IEP does not offer a FAPE.

1
2 **ORDER**

3 Based on the findings and conclusions above, IT IS HEREBY ORDERED that
4 the relief requested in the due process complaint is **granted**. Respondent School
5 District must reconvene an IEP team to draft an IEP that provides Student a free
6 appropriate public education consistent with this Decision.

7 Done this 22nd day of December 2010.

8 **OFFICE OF ADMINISTRATIVE HEARINGS**

9
10 
11 _____
12 Eric A. Bryant
13 Administrative Law Judge

14 **RIGHT TO SEEK JUDICIAL REVIEW**

15 Pursuant to 20 U.S.C. § 1415(i) and A.R.S. § 15-766(E)(3), this
16 Decision and Order is the final decision at the administrative level.
17 Furthermore, any party aggrieved by the findings and decisions made
18 herein has the right to bring a civil action, with respect to the complaint
19 presented, in any State court of competent jurisdiction or in a district court
20 of the United States. Any action for judicial review must be filed within 90
21 days of the date of the Decision or, if the State has an explicit time
22 limitation for bringing this type of action, in such time as the State law
23 allows.

24
25 Copy sent by **electronic mail** and regular mail
26 this 22 day of December 2010, to:

27 Amy G. Langerman, Esq.
28 951 Coronado Avenue
29 Coronado, CA. 92118
30 **alangermanlaw@aol.com**

1 Copy sent by **electronic mail** and regular mail
2 this 22 day of December 2010, to:

3 Karl H. Widell
4 Gust Rosenfeld P.L.C.
5 One E. Washington, Suite 1600
6 Phoenix, Arizona 85004-2553
7 **kwidell@gustlaw.com**

8 Copy mailed by interdepartmental mail this 23 day of December 2010, to:

9 Colette Chapman, Exceptional Student Services
10 Arizona Department of Education
11 ATTN: Kacey Gregson
12 1535 West Jefferson
13 Phoenix, AZ 85007

14 By 