

**BEFORE THE INDIANA
BOARD OF SPECIAL EDUCATION APPEALS**

<i>In the Matter of N. B. and</i>)	
<i>the MSD of Lawrence Township</i>)	Article 7 Hearing No. 1253.01-A
)	
Appeal from a Decision by)	
Curtis Leggett, Ph.D.,)	
Independent Hearing Officer)	

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDERS

Procedural History

On November 5, 2001, the Metropolitan School District of Lawrence Township (hereafter, the "School") requested a due process hearing under 511 IAC 7-30-3 to resolve programming and placement issues with respect to N. B. (hereafter, the "Student"). Curtis Leggett, Ph.D., was appointed as the Independent Hearing Officer (IHO) that same date. A telephone pre-hearing conference was conducted with the parties on November 15, 2001, with a Pre-Hearing Order issued on November 29, 2001, establishing the following two issues for the hearing:

1. Is the current Individualized Education Program (IEP) appropriate to the Student's needs?
2. If so, what would constitute the Least Restrictive Environment (LRE) within which the IEP could be implemented?

The parties jointly requested an extension of the time lines, which the IHO granted. Hearing was originally set for January 16-18, 2002. This was incorporated into an order dated December 21, 2001. The Student later requested an extension of time, which was also granted by an order dated January 11, 2002. The hearing was reset for February 4, 5, and 6, 2002, with a written decision to be issued by February 25, 2002.

The IHO's Findings of Fact

The written decision was issued on February 24, 2002. The IHO determined fifty-one (51) Findings of Fact. The Student is a 16-year-old male currently receiving services through a homebound arrangement. He is eligible for special education and related services due to an Emotional Disability and an Other Health Impairment. He was first identified in need of services in the fall of 1992. His early programming occurred primarily in a self-contained classroom.

In the fall of 1999, the Student was placed on homebound due to a decrease in behavioral control and a significant change in his medical condition. During this period, a neurological examination was conducted which resulted in additional medical diagnoses of traumatic brain injury (TBI), frontal lobe syndrome, attention deficit hyperactivity disorder (ADHD), with a seizure disorder with bi-polar overlays.

Both the School and the Student's Parents viewed the homebound placement as a temporary measure. It was never intended to be an alternative educational setting. Reintegration of the Student into the typical school environment had been intended from the inception of the homebound placement.

School and outside evaluations indicate the Student's cognitive functioning is within the borderline area, with a suggestion of a mild mental disability. The School's most recent evaluation (September, 2001) indicated the Student performed at the third-grade level in most academic areas, with an intellectual ability in the mild mental disability range. The Student's verbal performance is notably higher than his overall performance score.

The Student's IEP was not modified from the time he was placed on homebound in the fall of 1999 until May of 2001. Although 511 IAC 7-27-10(b) requires the Case Conference Committee (CCC) to convene and review every sixty (60) instructional days a Student's IEP who is on homebound instruction, this did not occur. During the homebound placement, a number of school-employed or school-retained employees worked with the Student, although there was turnover in such personnel. The School eventually contracted with a third-party provider to provide services approximately seven and one-half hours a day, five days a week. The Student shares the home with eleven (11) other siblings and his adoptive parents.

Beginning sometime in December of 1999, the Student's teacher of record (TOR) provided materials and academic suggestions to the third-party provider, who then implemented these within the homebound setting.¹ However, during this period of time, no "curriculum-based school personnel" visited the home to observe the Student or otherwise assist in the design of the Student's educational environment. The third-party provider did meet with School personnel during this extended homebound period, and provided updates on the Student's progress.

Although at one time, direct occupational therapy (OT) and physical therapy (PT) were provided the Student, these were reduced to consultation services by the time of the hearing. The Student also once received direct speech/language therapy, but that service was also reduced to consultation at the time of the hearing. The Student is still in need of OT, PT, and speech/language therapy services, but these services should be provided as part of an "overall educational program" in a more

¹As will be noted later, no licensed teacher was providing academic instruction to the Student during this period. The third-party provider did not employ a licensed teacher, and the School did not provide one.

“naturalistic environment.”

The Student requires a high degree of structure and direct supervision in order to receive educational benefit. He demonstrates social immaturity and “arrested adolescent development in relationship to a social environment,” which is manifested in a lack of inhibition regarding appropriate behaviors regarding the opposite sex. Under distress or frustration, the Student may engage in self-abusive behavior or act out through physical or verbal aggression. He is highly distractible and impulsive, although he will respond to redirection, including verbal redirection, and is motivated to complete tasks.

Prior to the homebound setting, the Student successfully participated in the typical school environment. He wishes to return to school. His teachers, prior to the homebound setting, did not view him as oppositional or defiant. He was generally liked by the other students in his class. The Student is still viewed by service providers as being personable and social with others when he is able to maintain control.

The Student sees a number of professionals to address his medical and psychological needs. He presently has a medication regimen that, coupled with structure and consistency in his environment, provide stability. However, there is the potential for future deterioration in his physical, behavioral, and cognitive development.

The curriculum for the Student should focus more on functional skills rather than academic areas, especially in the area of appropriate social skills. The School wants to implement the educational program in the school rather than the Student’s home. The School presently serves students with needs similar to the Student, and it employs appropriately licensed and trained personnel. The School proposes integrating the Student into the high school environment, beginning initially with a one or more ninety-minute block-scheduled activities. The School is willing to maintain the third-party contracted staff during this transition period.

The Student’s current IEP does not contain a specific behavioral intervention plan (BIP). Given his current needs, the Student will require close supervision, possibly one-to-one, with a male paraprofessional preferred. This would assist in addressing his social immaturity, especially in his interactions with females, as well as redirecting the student to his other school tasks.

A structured environment with immediate supervision will be necessary for the Student to develop “executive control,” which the IHO defined as “the ability to generalize [or] apply behaviors from one situation to another.” In his current homebound situation, the Student has participated successfully to some degree in certain school-type group activities (i.e., art class, with a group containing up to 12-15 members), as well as in other community activities, with supervision. Consistency of process and personnel is necessary for the Student.

The most recent neurological evaluation recommended, *inter alia*, that the student receive one-to-one assistance upon re-entry to the school environment, with a specific plan developed to reduce the

dependency upon one-to-one services. Social skills training is indicated, along with OT and speech/language therapy services.

The current IEP for the Student resulted from a series of CCC meetings that began in May of 2001, extended through September of 2001, and concluded in October of 2001. The instant hearing was requested after the parties remained in disagreement after the October 2001 CCC meeting.

The IHO's Conclusions of Law and Orders

From the foregoing, the IHO determined twelve (12) Conclusions of Law. The Student is eligible for special education and related services due to ED and OHI. Although the Student does have some neurological difficulties, there is a lack of evidence of an impact or external brain injury that would justify finding the Student also has a TBI.

During the homebound placement, the School failed to review the placement every sixty (60) instructional days, as required, and failed to review and revise the Student's IEP, as also required. Although the School did contract with a third-party provider to provide services to the Student, the School provided little, if any, direct services from its own personnel. Beginning in May of 2001, the School initiated efforts to address the Student's needs and the appropriate educational setting; however, many more months passed with the School not complying with the requirements of State law.

The current full-time homebound setting is not an appropriate educational setting. Of specific concern was the lack of contact with other students, with and without disabilities and lack of clear data to substantiate the homebound setting in favor of a school-based program. The evidence and testimony supported a conclusion that an appropriate program, with the necessary supports, could be implemented in the school setting.

OT, PT, and speech/language services can be provided in a school setting on a consultative basis in partnership with those providing direct services to the Student. The current intensity of services provided by the third-party provider is not justified. However, the Student will also require transportation and counseling as related services, the latter to address behavioral needs. There is a need for consistency in routine, with transition from the homebound setting to the school setting. A paraprofessional will be needed for the Student.

A major thrust of the Student's programming will need to address personal and social behaviors and settings. He will also need to learn to address changes in environment and stimulation. A BIP will need to be developed, as will a transition plan. There is no justification to continue the Student's homebound placement for any reason.

The IHO issued ten (10) orders. The Student is to be transitioned from his homebound setting to the

high school, which will be considered the LRE for the Student. The IEP developed on October 19, 2001, is appropriate to the Student's needs so far as the educational goals and

objectives contained therein. OT, PT, and speech/language therapy services are to be provided to the Student on a consultation basis, with consultation with appropriate personnel to occur on at least a monthly basis. Two-way transportation is to be a related service.

Initial transition for the Student will include 90-180 minutes of instruction, with any unused portion of the 180 minutes being implemented in the Student's home setting, at the discretion of the TOR. The IHO noted that flexibility will be necessary and that it may (again, at the discretion of the TOR) be necessary for some initial school days to be less than 90 minutes.

The current paraprofessional provided by the third-party provider shall remain employed and assigned to the Student at least through the remainder of this school year (2001-2002 school year). The contracted services shall include 180 instructional minutes as well as a maximum of one additional hour before scheduled instruction (to include transportation time) and a maximum of one hour past scheduled instructional time (to include transportation time). Should the current paraprofessional not be available, the School is to obtain and appropriately train another adult male to serve in this capacity.

A BIP must be developed for the Student to address the behavioral needs of the Student with the intent to maintain the Student in the school site environment. The third-party provider can continue to work under the direction of the TOR, but its continued responsibilities will be within the prerogative of the School district personnel.

If the Student's needs indicate a need for extraordinary services, the School is to convene the CCC for the purpose of applying to the Division of Exceptional Learners (formerly, the Division of Special Education) for extraordinary funding under 511 IAC 7-27-12.²

A CCC will need to convene prior to June 3, 2002, to discuss extended school year (ESY) services as well as continued programming for the Student starting with the 2002-2003 school year. The IHO advised the parties of their right to seek administrative review of his decision.

²The IHO characterized this application process as one for "services." 511 IAC 7-27-12 does not provide "services." It is a funding mechanism. This portion of his Order is amended to reflect the language and intent of the cited regulation.

APPEAL TO THE INDIANA BOARD OF SPECIAL EDUCATION APPEALS

The Petition for Review

The Student filed on March 18, 2002, his Petition for Review with the Indiana Board of Special Education Appeals (BSEA).³ In his Petition, the Student challenges the determination by the IHO that the IEP developed at the October 19, 2001, CCC meeting contained appropriate instructional goals and objectives. The Student asserts the School personnel were unfamiliar with the Student's needs and acknowledged this. The Student further asserts the IEP lacks goals and objectives regarding academic, transition, and behavioral areas, as well as a BIP and an adequate transition plan. The IEP does not address functional behavioral skills, nor does the IEP provide for a consistent, structured environment and routine, which the IHO determined the Student needed. Although the IHO determined these were needs of the Student, he did not order them included in the IEP.

The Student also objects to the IHO's disinclination to include academic recommendations proffered by one of his witnesses, a clinical neuropsychologist.

The Student questions how the IHO arrived at the standard of 90-180 instructional minutes a day without testimony that such a time frame would be appropriate to the Student's needs. Given the needs of the Student, more intensive services would seem to be warranted.

The Student likewise contends the School is not prepared to develop and implement an IEP that would contain all the necessary and ordered components, given the lack of knowledge regarding the Student's needs and the lack of observation in his current setting. The Student also contends that the IHO erred by determining the School employed appropriately licensed and trained staff, but the testimony centered mostly on the TOR, who would work relatively little with the Student. There was no testimony regarding the qualifications of other staff that would work with the Student.

The School, the Student represented, was attempting to integrate the Student in the School in advance of developing the components ordered by the IHO. This could cause harm to the Student, based upon the concerns raised by the clinical neuropsychologist. There is a need to have advance planning and to develop an appropriate IEP prior to the transition from a stabilized environment to the school environment.

³The Student later revised the Petition for Review due to a printing error that left out several lines. This did not materially alter the original Petition nor did it work to the disadvantage of either party. Accordingly, March 18, 2002, remains the date the Petition was filed.

The Student also contends that there is sufficient evidence that he has a TBI. There was a fall down the stairs at school and treatment for a concussion. Following the concussion, there was a rapid deterioration of the Student's health, the onset of seizure activity, and behavioral problems, thus necessitating the homebound placement.

Although the Student's witness testified the Student required direct speech and OT services, the IHO ordered consultative services for OT, PT, and speech/language, but is non-specific as to how these services would be provided, other than monthly consultation with providers. The IHO's order in this regard is unclear. In addition, the past denial of these services should be considered in determining how much service time would be appropriate.

The Student also objects to the IHO leaving the decision as to ESY services to the discretion of the CCC. Testimony from the Student's witnesses support the need for such services given his need for constant reinforcement and consistent input. There was no evidence presented to the contrary.

The Student also generally objects to the IHO's determination the School could provide a free appropriate public education (FAPE) to the Student when it demonstrated it could not in the past and would not for the past two years. The Student urged the BSEA to maintain his current homebound setting until these issues were resolved. The Student also requested oral argument.⁴

Complaint Issues

On March 14, 2002, the Parent, apart from the Student, filed a complaint pursuant to 511 IAC 7-30-2 with the Division of Exceptional Learners (DEL). The DEL, on March 20, 2002, and pursuant to 511 IAC 7-30-2(1) and 34 CFR §300.661(c), referred the letter of complaint to the BSEA for a determination as to whether the issues raised were related to the conduct of the review. The BSEA had jurisdiction once the Student initiated his Petition for Review, *supra*. The BSEA, after review, determined that the issues raised were related to the dispute over which it had jurisdiction. Accordingly, it accepted jurisdiction and notified the parties by memorandum of March 21, 2002, that the following complaint issues would be considered in the course of the review:

1. The public agency allegedly failed to provide a FAPE to the Student while the Student was on homebound, in contravention of 511 IAC 7-17-36 and 34 CFR §300.300, by not providing an appropriate educational curriculum.
2. The Parent was allegedly excluded from CCC meetings regarding the implementation of the Student's IEPs from August of 2000 through December of 2001, in contravention of 511

⁴Although the BSEA did not directly respond to the Student's request for oral argument, its eventual order setting this matter for review without oral argument should be considered as a denial of the motion for oral argument.

IAC 7-27-3.

3. The public agency allegedly failed to implement the Student's IEP while on homebound through the lack of weekly contacts by the TOR and the Teacher of Service, in contravention of 511 IAC 7-27-7.
4. The public agency allegedly failed to provide an appropriate educational placement for the Student when it placed him on homebound education, in contravention of 511 IAC 7-27-9.
5. To the extent such a right exist, the public agency allegedly failed to include the Parent in meetings pertaining to the implementation of the IHO's orders, in contravention of 511 IAC 7-30-3.

Although 511 IAC 7-30-2(m) indicates that a complaint issue that has been decided previously by a hearing decision in a due process hearing involving the same parties is binding, this would apply to investigations by the DEL and not to review by the BSEA. The BSEA will determine those complaint issues not addressed by the IHO, and will not disturb those decisions of an IHO unless such decisions are clearly erroneous.

On March 22, 2002, the School moved for an extension of time within which to Respond to the Petition for Review. The BSEA granted the Motion and issued an order to that effect that same date, permitting the School to file its Response by April 10, 2002.

Current Education Placement; Interim Order

At this same time, a dispute arose between the parties as to what the "current educational placement" is for the Student. General Counsel for the Indiana Department of Education advised the parties of their respective procedural recourse to addressing this issue to the BSEA. Pursuant to this advisement, the Student, by counsel, filed on March 25, 2002, an "Emergency Motion for Determination of Stay Put Placement" with the BSEA. In his Motion, the Student represented the School had unilaterally discontinued homebound services despite the Student's initiating a Petition for Review with the BSEA. The Student asserts that he needs to remain in the homebound setting because of medical and behavioral concerns as well as unresolved programmatic issues with the School. The Student asserts the homebound placement is the "current educational placement" of the Student, and is required to be maintained until the completion of the administrative review. 511 IAC 7-30-3(j).

The School responded on March 26, 2002, asserting that the homebound placement was never an "educational placement" but was, rather, a temporary placement initiated to address specific concerns with the intent of resuming the Student's school-based educational program. The IHO found this to be so (IHO's Finding of Fact No. 41). The record amply supports the temporary nature of the homebound placement, which is also supported by case law. The Student does not challenge

the IHO's determinations in this respect. To maintain a temporary placement, one that the School acknowledges is inappropriate, would undermine the intent that a current placement be educational.

The Student supplemented his original Motion with additional case citations. This was received on March 27, 2002.

On March 28, 2002, the BSEA issued an interim order, establishing that the Student's "current educational placement" would remain on homebound, provided that he is to receive academic instruction from properly licensed teachers.⁵

The School's Response to the Petition for Review

The School filed on April 10, 2002, its Response to the Petition for Review. As a preliminary matter, the School represented that the Student does, indeed, have special needs, but these needs are not so extraordinary to be beyond the School's experience and knowledge, especially as it serves other Students with similar or more involved needs. The School acknowledges the inappropriateness of the homebound placement, but asserts that is why it initiated the hearing.

There exists no medical or educational basis for continuing a homebound program, the School asserts, noting that only the Parent and one of her witnesses supported such a setting. Evidence provided by the Student's witnesses indicated that, with support, he has been able to participate in various community activities, with varying degrees of success.

The School takes exception to the Student's representations that the October 19, 2001, IEP is devoid of certain goals and objectives. The School states the IEP does include goals and objectives regarding transition and academics. In addition, the School has been ordered by the IHO to develop a BIP as a part of the Student's return to school. There will be a 1:1 instructional assistant for the Student, the same one currently working with the Student in his home. The School acknowledges the need to have a transition plan for the Student, but it would be futile to have one until the Student is actually committed to returning to school. Parental intransigence has been the major impediment to identifying transition needs for the Student. Acquiescence by the School to past demands has added to these difficulties.

The School also maintains that it considered the results of outside evaluators, but the consideration of such evaluations does not obligate the School to adhere to every suggestion. Methodology is within the purview of the School.

⁵This was an "interim order" not a final order. Only final orders are subject to judicial review. At the time the BSEA entered its interim order, it did not have the advantage of reviewing the entire record of the proceedings, which it has now done. The "interim order" will be supplanted by a final order.

The seven and one-half hours of services authorized in May of 2001 were for the summer and not intended to become the student's educational program. The documentation and testimony support this, the School maintains. The IHO arrived at the 90-180 instructional minute figure by comparing the October 19, 2001, IEP to the block schedule at the high school. This limited instructional period during the transition period is consistent with past concerns of the Parent that the Student could not tolerate a full day of academic instruction.

Although School personnel have not had personal interaction with the Student for two years, his situation does not present any circumstance so unusual or beyond personnel experience that it could not be addressed. The School, by analogy, states the Student would be no different from a student who transferred from another state or another school district. School personnel did participate in the various CCC meetings and did consider information from a variety of sources, including the outside evaluators.

The IHO properly found the absence of any "external physical force" to justify a determination the Student has a TBI. The School acknowledges the Student has a frontal lobe syndrome, and that the characteristics of this syndrome will need to be addressed in his IEP. There is no independent evidence that the Student ever fell down the stairs at school. The Parent did not report to the School that such an incident occurred, and no School personnel were aware that this occurred. Evaluators relied upon a report of the Parent for this information and did not independently determine its existence.

The integration of therapy services through a consultation model, rather than using a "pull-out" method, would be consistent with the agreed-upon need to ensure structure and reduce interruptions in the Student's educational setting.

The IHO's decision to leave the need for ESY services to the discretion of the CCC was appropriate, the School represents, due to the fact the IHO's decision was issued in February and there were more than three months of school remaining. The School has considered ESY services for the Student in the past, and would likely consider them again this year.

The School also responded to the five (5) complaint issues raised by the Parent and incorporated into the review of this matter. The School did provide instruction for the remainder of the 1999-2000 school year, during which time he also received designated related services. However, the School acknowledges it was not in compliance for the 2000-2001 school year, although it did attempt to rectify this beginning with the CCC meeting of May of 2001.

The record demonstrates the Parent was not excluded from any CCC meetings during the time frame complained of. The IHO did not order the parties to reconvene as a CCC in order to implement his orders. His orders are specific enough. The record supports that CCC meetings have not been successful. The IHO may have considered this when he wrote his decision. The School, once it received the IHO's decision, began the transition process. The School represents it has not been successful in this endeavor due to the Parent's objections.

The School also requests the BSEA to modify its interim order to permit the Student to be transitioned to the school setting.

The Appeal

On April 10, 2002, the BSEA notified the parties that it would review this matter on April 19, 2002, without oral argument and without the presence of the parties. Each member of the BSEA received a complete copy of the record from the hearing, as well as all supplemental pleadings and correspondence.

The BSEA convened on April 19, 2002. All members were present. In consideration of the written decision of the IHO, the record as a whole, the pleadings of the parties, and the requirements of 511 IAC 7-30-4, the BSEA now makes the following Findings of Fact, Conclusions of Law, and Orders.

COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The BSEA is created by 511 IAC 7-30-4(a) and charged with the responsibility to review timely appealed final written decisions of Independent Hearing Officers appointed pursuant to 511 IAC 7-30-3. A Petition for Review from the final written decision of an IHO has been timely filed with the BSEA. The BSEA has jurisdiction in this matter.
2. The BSEA accepts the Findings of Fact of the IHO, as recited above.
3. The BSEA accepts the IHO's Conclusion of Law No. 3. There does not exist credible evidence or testimony that the Student has a Traumatic Brain Injury. The Student does have a frontal lobe syndrome, but there is not evidence of an "external physical force," which is a threshold consideration for TBI.
4. The BSEA accepts the IHO's Conclusion of Law No. 7. The Student does require occupational therapy, physical therapy, transportation, and counseling as related services, as well as speech/language therapy. The OT, PT, and speech/language therapies should be provided on a consultation basis with the Student's direct providers in a school setting.
5. The BSEA accepts the IHO's Conclusion of Law No. 8. The Student requires and the School acknowledges the need for an appropriately trained instructional assistant (paraprofessional) to assist the Student, not only within the educational setting but between the home and school, so as to ensure consistency and supervision, as well as the necessary structure the Student requires.
6. The BSEA accepts the IHO's Conclusion of Law No. 9. The Student's current IEP (October 19, 2001) needs to have a BIP as a component, addressing the identified behavioral needs of the Student, both in addressing environmental needs and in his personal relationships

with others.

7. The BSEA accepts all remaining Conclusions of Law reached by the IHO and not otherwise addressed above.
8. With respect to the allegation the public agency allegedly failed to provide a FAPE to the Student while the Student was on homebound, in contravention of 511 IAC 7-17-36 and 34 CFR §300.300, by not providing an appropriate educational curriculum, the IHO determined the School did not comply with the requirements of 511 IAC 7-17 *et seq.* ("Article 7"). The BSEA accepts the IHO's determination in this regard, as this finding and conclusion are supported by the record. The School acknowledges its failure to comply. The IHO's Orders and the BSEA Orders in this matter will serve as corrective action.
9. With regard to the allegation the Parent was excluded from CCC meetings regarding the implementation of the Student's IEPs from August of 2000 through December of 2001, in contravention of 511 IAC 7-27-3, the record indicates the Parent participated fully in all CCC meetings. No violation occurred.
10. With regard to the allegation the public agency failed to implement the Student's IEP while on homebound through the lack of weekly contacts by the TOR and the Teacher of Service, in contravention of 511 IAC 7-27-7, the IHO found that such occurred and the School acknowledges same. The IHO's Orders and the BSEA's Orders in this matter will serve as corrective action in this regard.
11. With respect to the allegation the public agency failed to provide an appropriate educational placement for the Student when it placed him on homebound education, in contravention of 511 IAC 7-27-9, the BSEA finds that no violation occurred, based upon the initial reasons for the homebound placement (a temporary placement) with the intention to return the Student to his educational placement. The violation occurred when the School did not dissolve the temporary placement, but allowed it to continue, and did not review or revise his IEP. The School eventually sought a due process hearing as a means of addressing past non-compliance along with present program issues.
12. The Parent has no right to be involved in the School's implementation of the IHO's written decision. The IHO did not order the parties to reconvene as a CCC to implement his decision. Absent the IHO's order to this effect, Article 7 does not otherwise provide such a right. No violation occurred.

ORDERS

In consideration of the foregoing, the BSEA now issues the following Orders:

1. The BSEA upholds the Orders of the IHO as written, except Order No. 10.
2. In consideration of the Combined Findings of Fact and Conclusions of Law regarding the lack of academic instruction provided the Student during the extended homebound placement, the IHO's Order No. 10 is to be replaced with the following Order: The Student is entitled to extended school year services (ESY) during the summer of 2002. The CCC will not be required to convene to discuss this. The ESY services will address, at a minimum, the academic needs of the Student. These ESY services are to be considered compensatory educational services.
3. The BSEA dissolves its interim order regarding "current educational placement." The Student's current educational placement will be in a typical school setting, pursuant to the IHO's Orders and consistent with this opinion.
4. Any other issue not specifically addressed above is hereby overruled or dismissed, as appropriate.

Date: April 19, 2002

/s/ Raymond W. Quist, Ph.D., Chair
Indiana Board of Special Education Appeals

APPEAL RIGHT

Any party aggrieved by the decision of the Board of Special Education Appeals has the right to seek judicial review in a civil court with jurisdiction within thirty (30) calendar days from receipt of this written decision, as provided by I.C. 4-21.5-5-5 and 511 IAC 7-30-4(n).