

A description of the action proposed or refused by the school district or approved cooperative:

The District intends to take the following actions implementing an updated IEP on [DATE]:

1. The following placement and course of study are proposed: Life Skills curriculum in a small group setting for the Student's primary course of study and placement; paraprofessional support to participate in special or elective courses in the general education environment, such as Physical Education.
2. The following services are proposed: Resource 80 min/day 16 days/month; Speech-Language Therapy 30 min/day 6 days/month; Occupational Therapy 30 min/day 3 days/month
3. The following accommodation and positive behavioral support is proposed: Implementing a sensory break accommodation as necessary on days that the Student demonstrates a need for rest in order to remain educationally available at the discretion of building administration.
4. The following alternative accommodation is rejected: Sending the Student home immediately upon educational unavailability due to fatigue rather than implementing a sensory break.
5. The following transportation placement is proposed: Continuing to reimburse the Student's parents for providing transportation.
6. The following transportation placement is rejected: Changing the Student's mode of transportation to the Bus with para support.
7. The following transportation placement is rejected: Changing the Student's mode of transportation to the Bus without para support.

The School District proposes/refuses this action for the following reasons:

1. The District proposes that the Student continue to receive intensive support and instruction primarily focused on life skills and independent living, as these services and goals best support the Student's post secondary goals and future and will assist the Student in developing the skills necessary for increased independence after high school. Further, the data demonstrates that the Student not only enjoys, but benefits from, inclusion in the general education setting when that setting is educationally appropriate for him, such as physical education class.

2. The District proposes that the Student receive resource services 80 min/day 16 days/month; Speech-Language Therapy services 30 min/day 6 days/month; and Occupational Therapy services 30 min/day 3 days/month. The data demonstrates that the Student requires these supports and services in order to access and benefit from his education, and that the efficacy of these supports is bolstered by the Student's placement in a self-contained classroom which allows him more opportunities to receive direct instruction in his regular placement and throughout his day. Similar supports and services in the past have been demonstrably beneficial to the Student and permit him to progress appropriately.
3. 4. The District proposes to implement a sensory break accommodation as necessary on days that the Student demonstrates a need for rest in order to remain educational available. The District made this proposal based on recent data indicating that the Student occasionally demonstrates extreme fatigue at school, but has on a prior occasion recovered and successfully engaged with his education after an opportunity to rest. This was consistent with input from the Student's parent, who indicated that the Student recovered from his state of fatigue after a nap when he was educationally unavailable to the District during the school day. Further, the input and information from the Student's daily providers shows that this issue with fatigue, although presenting on an inconsistent and intermittent basis, can be accurately predicted within the Student's first hour of school. Consequently, this accommodation represents the Student's least restrictive environment, as it utilizes the District's providers expertise and leverages their familiarity and interpersonal relationship with the Student to provide the break from the Student's educational placement as necessary. The District rejected the option of sending the student home immediately upon educational unavailability due to fatigue rather than implementing a sensory break because the data suggests the Student may benefit from a sensory break and return to learning thereafter. As a result, removing the Student from school immediately upon the demonstration of educational unavailability due to fatigue would not, based on the data currently available to the District, constitute the Student's least restrictive environment.
5. 6. 7. The District proposes to continue to reimburse the Student's parents for providing transportation services, and the Student's

parents have agreed to continue with that arrangement. This decision is based on the most recent behavioral data and trends that shows the Student would benefit from direct instruction in social skills, appropriate peer interactions, boundaries, and appropriate decision making before being placed in an unstructured bus environment. In light of this data, the District rejects the option of placing the student on the bus, with or without paraprofessional support, because this would not be an appropriate placement for the Student until he is prepared for those peer-to-peer interactions and has developed the skills necessary to benefit from a placement in such an unstructured environment.

Other options the IEP team considered and reasons why those options were rejected

1. The district considered a placement and course of study that would focus more intensely on academic goals and progress, as opposed to functional life skills and goals and services tailored towards the Student's individualized transition plan and needs. This option was rejected, because the team determined that the primary area of focus at this stage in the Student's life should be progress on the development of skills necessary for increased independence during the Student's adult, post-secondary life.
2. The team considered providing a greater quantity of paraprofessional support for the Student, or additional removals from his usual classroom setting. These options were rejected, however, because the Student's progress towards his goals, independence, and social development will be best facilitated in the Student's least restrictive environment, which the data shows is the placement being offered by the District.
3. 4. The District also considered shortening the Student's school day to address concerns with fatigue, stamina, and educational unavailability. This option was rejected, because the Nebraska Department of Education has provided in guidance that shortened school days are disfavored, and the data suggests that the Student's issues with fatigue may be addressed by a sensory break. Further, the District considered providing a scheduled sensory break for the Student on all school days, as opposed to the days that the Student demonstrates fatigue and a need for such a break. This option was rejected,

because it would not keep the Student in his least restrictive environment on those days that the Student does not demonstrate fatigue or educational unavailability.

5. 6. 7. The District considered reassessing the Student's need for transportation as a related service. This option was rejected because the data available to the District demonstrates that there is not a change in the Student's need for transportation as a related service or his qualification for such.

This action is based on the evaluation procedure, assessment, record, or reports described below:

The Student's educational assessments and evaluations previously conducted by the District and detailed in the Student's MDT reports. The Student's educational records and the educational data demonstrating the Student's progress and ability with the supports and services provided in each of those documents.

These determinations are further informed by classroom observations, and the observations and input of the educational experts who work with the Student on a daily basis.

Finally, the District's actions are directly informed by, and based upon, the information provided by the other IEP team members, including the Student's parent, educational surrogate, and Guardian Ad Litem.

Other Factors which are relevant to the school districts proposal/refusal are:

The District further found it relevant that the Student's IEP team, including his parent, indicated that the primary focus of the Student's programming should be on the development of independent and functional living skills, including social development and improvement in decision making. This was further related to the most recent classroom observation and progress data about the Student, including data indicating that the Student regressed in several areas, such as writing, without more intensive support such as Occupational Therapy. Additionally, the Student's recent progress in the areas of decision making, conversations, and interactions suggest that the Student is receptive to and able to progress in the areas related to behavior,

which directly tie to decision making, appropriate social skills, and independent living.