

## **DPH 1516-02**

### **ABSTRACT**

Student is a ten-year old 4<sup>th</sup> grader with ASD, SLD, and ED eligibilities. He is large for his age. His behavioral outbursts are severe – throwing furniture, striking teachers, intentionally urinating on people – all in an effort to divert activities he does not like. Outbursts have lasted up to 6 hours and have affected the protection and safety of other students and adults..

District tried several autism-specific programs at several LEA elementary schools without success throughout the fall semester of the 2014-2015 school year. Student cannot tolerate other students in the classroom. By agreement between the parties in a previous request for due process, Student was placed at a private, therapeutic facility for autistic children for a defined period of six months at District expense. Most of the children were much younger than Student, including pre-schoolers. This facility does not teach academics.

At the end of the agreed-upon period at the private autism facility, District held an IEP meeting on August 10, 2015 which added the ED eligibility and placed Student in the LEA's Autism Center. Parent has consistently opposed this placement. At the IEP meeting she expressed her continued interest in having Student placed in the private placement.

The issues in this request for due process involved the sufficiency of the IEP meeting including continuum of services, predetermination, appropriateness of placement, lack of a transition plan, parental participation, and the use of restraints. The LEA Autism Center uses CPI physical management, as did the private facility. The LEA Autism Center uses a quiet room within the classroom itself to de-escalate student, while the private facility cleared a room for this purpose.

The DPHO found the LEA Autism Center to be the temporary LRE under the circumstances. The DPHO ruled in favor of District on all issues and ordered the IEP to be implemented immediately.

