

**Maine Department of Education
Due Process Office (DPO)
#23 State House Station
Augusta, ME 04333-0023
624-6644 (phone)
624-6641 (fax)
624-6800 (TTY)**

2008-2009 School Year in Due Process

The top four issues brought to Due Process were:

1. IEP
2. FAPE
3. Evaluation
4. Placement

The top three disability categories brought to Due Process were:

1. Multiple disabilities
2. Autism
3. OHI

1. IEP

- 09.036C Adult student & interested parties v. South Portland
- Extension of the annual review date of the IEP
- 09.037C &
09.040C Parents v. SAD #61
- Modification of transfer IEP
- 09.065C Parents v. Winthrop
- Failure to develop a transition education plan in the IEP.
- 09.077H Parent v. Wells-Ogunquit
- Reasonably calculated to provide the student with FAPE
- 09.086C Parents v. York County CDS
- Failure to include a statement of measureable results in the IFSP.

2. FAPE

- 09.037C &
09.040C Parents v. SAD #61
- Comparable services from the previous IEP
- 09.056C Parent v. SAD #40
- Failure to provide instruction designed to meet the Student's unique needs
- 09.077H Parent v. Wells-Ogunquit
- The District offered FAPE. The Parent obstructed the District's attempts to provide it.

09.086C Parents v. York County CDS
- Failure to provide EIS to the student.

3. Evaluation

09.020C Parents v. Franklin County CDS
- Test scores satisfied eligibility

09.044H Bangor v. Parent
- Parent refused consent for evaluation of the student

09.046C Parents v. Portland
- Failure to conduct the three year reevaluation

09.056C Parents v. SAD #40
- Failure to conduct a Functional Behavior Assessment

09.081C Legal Guardian v. South Portland
- Failure to provide the legal guardian with the evaluation report 3 days prior to the IEP Team meeting.

4. Placement

09.045C Parent v. Lewiston
- No violation
- Important information about PPPSS

09.056C Parents v. SAD #40
- School insisted on more restrictive placement

09.077H Parent v. Wells-Ogunquit
- Public school option was appropriate but, because of

disastrous visit to the program, the District must locate another placement for the student.