

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

T.R. et al.,

Plaintiffs,

v.

The School District of Philadelphia,

Defendant.

Civil Action No. 15-04782-MSG

**PLAINTIFFS' REPLY MEMORANDUM
IN SUPPORT OF CLASS CERTIFICATION**

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	ARGUMENT	2
A.	The Definitions of “Parent Class” and “Student Class” Are Objective and Clear	2
B.	Plaintiffs Have Demonstrated the Element of Numerosity.....	3
C.	The Challenged Conduct Is the Result of Common Policies and Practices	5
D.	Named Plaintiffs’ Claims Are Typical and They Are Adequate Class Representatives	8
1.	Plaintiffs need not exhaust administrative remedies.....	8
2.	Ms. Lin is qualified to represent the Class.....	9
3.	Ms. Perez is also an adequate class representative	13
E.	Plaintiffs Seek Relief Applicable to the Classes as a Whole	14
III.	CONCLUSION.....	15

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>Allen v. Holiday Universal</i> , 249 F.R.D. 166 (E.D. Pa. 2008).....	14
<i>Almendares v. Palmer</i> , 222 F.R.D. 324 (N.D. Ohio 2004)	3
<i>Amchem Prods., Inc. v. Windsor</i> , 521 U.S. 591 (1997).....	14
<i>Andre H. ex rel. Lula H. v. Ambach</i> , 104 F.R.D. 606 (S.D.N.Y. 1985)	15
<i>Baby Neal ex rel. Kanter v. Casey</i> , 43 F.3d 48 (3d Cir. 1994).....	5, 7, 14, 15
<i>Bethlehem Area Sch. Dist. v. Zhou</i> , No. CIV. A. 09-03493, 2012 WL 930998 (E.D. Pa. Mar. 20, 2012).....	9
<i>Blunt v. Lower Merion Sch. Dist.</i> , 559 F. Supp. 2d 548 (E.D. Pa. 2008)	6
<i>Byes v. Telecheck Recovery Servs.</i> , 173 F.R.D. 421 (E.D. La. 1997).....	14
<i>Chester Upland Sch. Dist. v. Pennsylvania</i> , No. 12-132, 2012 WL 1450415 (E.D. Pa. Apr. 25, 2012).....	3
<i>Coyle v. Hornell Brewing Co.</i> , No. CIV. 08-2797 JBS JS, 2011 WL 2147218 (D.N.J. May 26, 2011).....	12
<i>Dotson v. Portfolio Recovery Assocs., LLC</i> , No. CIV. A. 08-3744, 2009 WL 1559813 (E.D. Pa. June 3, 2009).....	12
<i>Fickinger v. C.I. Planning Corp.</i> , 103 F.R.D. 529 (E.D. Pa. 1984).....	13
<i>Gates v. Rohm & Haas Co.</i> , 655 F.3d 255 (3d Cir. 2011).....	14
<i>Hayes v. Wal-Mart Stores, Inc.</i> , 725 F.3d 349 (3d Cir. 2013).....	4

<i>J.D. ex rel. Davis v. Kanawha Cty. Bd. of Educ.</i> , 571 F.3d 381 (4th Cir. 2009)	9
<i>J.T. ex rel. A.T. v. Dumont Pub. Schs.</i> , 533 F. App'x 44 (3d Cir. 2013)	6
<i>Karnuth v. Rodale, Inc.</i> , No. CIV. A. 03-742, 2005 WL 747251 (E.D. Pa. Mar. 30, 2005).....	12
<i>Lau v. Nichols</i> , 414 U.S. 563 (1974).....	2
<i>LV v. New York City Dep't of Educ.</i> , No. 03 CIV. 9917(RJH), 2005 WL 2298173 (S.D.N.Y. Sept. 20, 2005)	15
<i>M.A. ex rel. E.S. v. Newark Pub. Sch.</i> , No. CIV. A. 01-3389SRCQ, 2009 WL 4799291 (D.N.J. Dec. 7, 2009)	8
<i>Mielo v. Steak 'n Shake Operations, Inc.</i> , 897 F.3d 467 (3d Cir. 2018).....	4, 8
<i>Oetting v. Heffler, Radetich & Saitta, Llp</i> , No. CV 11-4757, 2016 WL 1161403 (E.D. Pa. Mar. 24, 2016)	13, 14
<i>P.V. ex rel Valentin v. Sch. Dist. of Phila.</i> , 289 F.R.D. 227 (E.D. Pa. 2013).....	5, 6, 14, 15
<i>In re Processed Egg Prod. Antitrust Litig.</i> , 312 F.R.D. 171 (E.D. Pa. 2015).....	14
<i>Ripley v. Sunoco, Inc.</i> , 287 F.R.D. 300 (E.D. Pa. 2012).....	8
<i>Rodriguez v. Nat'l City Bank</i> , 726 F.3d 372 (3d Cir. 2013).....	7
<i>S.R. ex rel. Rosenvbauer v. Pennsylvania Dep't of Human Servs.</i> , 325 F.R.D. 103 (M.D. Pa. 2018).....	8
<i>Sherman v. Am. Eagle Exp., Inc.</i> , No. CIV. A. 09-575, 2012 WL 748400 (E.D. Pa. Mar. 8, 2012).....	13
<i>Stanford v. Foamex L.P.</i> , 263 F.R.D. 156 (E.D. Pa. 2009).....	3
<i>T.R. v. Sch. Dist. of Phila.</i> , 223 F. Supp. 3d 321 (E.D. Pa. 2016)	8

<i>United States v. Berks County, Pa.</i> , 250 F. Supp. 2d 525 (E.D. Pa. 2003)	3
<i>Wal-Mart Stores, Inc. v. Dukes</i> , 564 U.S. 338 (2011).....	7, 8, 14
<i>Williams v. Sweet Home Healthcare, LLC</i> , 325 F.R.D. 113 (E.D. Pa. 2018).....	12
STATUTES, RULES & REGULATIONS	
65 Fed. Reg. 50121	2
67 Fed. Reg. 41455	3
20 U.S.C. § 1400 <i>et seq.</i>	2, 5, 6, 15
20 U.S.C. § 1415(e)(2)(G)	9
20 U.S.C. § 1701 <i>et seq.</i>	2
28 U.S.C. § 1827(d)(1)(A)	3
42 U.S.C. § 2000d <i>et seq.</i>	2, 3
Fed. R. Civ. P. 23(a)	1, 5
Fed. R. Civ. P. 23(b)(2).....	1, 14, 15

Plaintiffs L.R., D.R. and J.R. and their mother, Madeline Perez, and R.H. and his mother, Manqing Lin (collectively, “Plaintiffs”), on behalf of themselves and others similarly situated, submit this reply memorandum in support of their Motion for Class Certification.

I. INTRODUCTION

In its Response in Opposition to Plaintiffs’ Motion for Class Certification (the “Response”), Defendant School District of Philadelphia (the “District”) contests each and every element of Rules 23(a) and 23(b)(2). The breadth of their arguments does not overcome the deficiencies in their opposition to class certification.

First, the District disputes that the element of numerosity has been satisfied by erroneously contending that the term “limited English proficient” (“LEP”) is too vague and undefined. To the contrary, the term (and, by extension, the membership in the putative classes) is well-defined and well-understood by the District. Indeed, the District’s insistence that it must maintain discretion in the allocation of language services is premised on its acknowledgement that there are large numbers of LEP parents and students who need such services.

Also, even though the claims in this case stem from systemic deficiencies in the policies, practices and procedures for translating Individualized Education Plan (“IEP”) documents and interpreting at IEP meetings, and notwithstanding that Plaintiffs seek common injunctive relief, including improvements in the hiring and training of interpreters, which would benefit all of the putative class members, the District disputes that the elements of commonality and typicality have been met. In particular, the District maintains that, by retaining the subjective discretion to award or deny language services, it negates the elements of commonality and typicality, as well as the standard for awarding injunctive relief pursuant to Rule 23(b)(2). The case law does not support this argument. In fact, as discussed below, the District’s lack of appropriate objective

standards in allocating language services is one of the common problems in the system and grounds for, rather than an obstacle to, class-wide relief.

Finally, the District contests the adequacy of the Named Plaintiffs as class representatives, based on factual circumstances such as their degree of English proficiency and their resolution of earlier disputes with the District, and the adequacy of counsel. Each of these arguments is meritless and should be rejected. For the reasons discussed below and in their initial Memorandum of Law, Plaintiffs' Motion for Class Certification should be granted.

II. ARGUMENT

A. The Definitions of "Parent Class" and "Student Class" Are Objective and Clear.

The District asserts that the proposed classes are "ambiguous, unworkable, and do[] not allow the court to determine readily who is a member of the class[es]." Def.'s Resp. in Opp. to Pls.' Mot. for Class Certification at 7 [ECF No. 87] ("Def.'s Resp."). The premise is that the phrase "limited English proficient" is not sufficiently well-defined or well-understood. *Id.* at 8.

Notably, the District has not had any difficulty with the phrase "limited English proficient" or "LEP" before – not in its Answer, in its Motion to Dismiss, or in responding to written discovery or deposition questions. Indeed, the District's professed confusion about the meaning of "limited English proficient" or "LEP" is particularly perplexing in light of the District's obligations under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, the EEOA, 20 U.S.C. § 1701 *et seq.* and the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq.* The District is required to determine whether parents and students *are* LEP and, if so, to ensure meaningful communication in a language they understand. *See Lau v. Nichols*, 414 U.S. 563 (1974); 42 U.S.C. § 2000d *et seq.*; Exec. Order No. 13166, 65 Fed. Reg.

50121 (Aug. 11, 2000). The District maintained throughout discovery that it consistently met these obligations, yet now contends that the term “LEP” is ambiguous and unclear.

Courts have relied upon the term “limited English proficient” or “LEP” to define and certify classes in other cases. *See, e.g., United States v. Berks County, Pa.*, 250 F. Supp. 2d 525, 530 (E.D. Pa. 2003) (certifying class of LEP voters to challenge lack of bilingual poll workers and voting materials where named plaintiff was born in Puerto Rico, spoke little English, and was unable to read the English-language ballot or navigate the voting machine); *Almendares v. Palmer*, 222 F.R.D. 324 (N.D. Ohio 2004) (certifying class of Ohio LEP persons or households whose primary language was Spanish and received Food Stamps).¹

Similarly, the use of the term “LEP” in the class definitions in this case is appropriate because it “enables the court to determine whether a particular individual is a class member.” *Stanford v. Foamex L.P.*, 263 F.R.D. 156, 175 (E.D. Pa. 2009); *see also Chester Upland Sch. Dist. v. Pennsylvania*, No. 12-132, 2012 WL 1450415 (E.D. Pa. Apr. 25, 2012).

B. Plaintiffs Have Demonstrated the Element of Numerosity.

To satisfy the element of numerosity, plaintiffs are not required to offer an exact number of class members; rather, plaintiffs may show “sufficient circumstantial evidence” specific to the problems, parties and geographic area covered by the class definition to allow a court to make a

¹ While case law, statutes and federal guidance utilize different wording in varying contexts to define “limited English proficient,” the definitions share common characteristics: (1) English is not the person’s primary language, and (2) the person has limited ability to read, write, speak or understand English. *See* Dept. of Justice & Dept. of Educ., *Dear Colleague Letter: English Learner Students and Limited English Proficient Parents*, at 37 (Jan. 7, 2015), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf> (defining LEP parents as “parents or guardians whose primary language is other than English and who have limited English proficiency in one of the four domains of language proficiency (speaking, listening, reading, or writing)”); *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 67 Fed. Reg. 41455, 41457 (June 18, 2002) (explaining obligation of federal agencies to LEP individuals to assist them in overcoming language barriers and defining LEP individuals as those for whom English is not their primary language *and* who have a limited ability to read, write speak, or understand English). *See also Court Interpreters Act*, 28 U.S.C. § 1827(d)(1)(A) (mandating that interpretation be provided in judicial proceedings where a party’s primary language is other than English so as to inhibit such party’s comprehension); *see also* Statement of Interest filed by the United States of America, at 3–4 [ECF No. 19].

factual finding that joinder is impracticable. *Mielo v. Steak 'n Shake Operations, Inc.*, 897 F.3d 467, 484 (3d Cir. 2018) (citation omitted).

Unlike the plaintiffs in *Mielo*, the Named Plaintiffs have provided ample support for a finding that membership in each of the two proposed classes exceeds the common numerosity thresholds. For example, the District admitted in its Answer that as of November 2013, there were approximately 25,990 families whose primary home language was not English and some 19,670 families of students in the District who had expressly requested documents in a language other than English. *See* Def.'s Answer to First Am. Compl. ¶ 61 [ECF No. 54]. The District further admitted that as of November 2013, there were 1,887 *students* with IEPs whose records indicated that their home language was not English. *Id.* ¶ 62. More recently, District records disclosed that in the 2015–2016 school year, there were 3,507 special education students who lived in a household with a home language other than English as determined by the home language survey. Pls.' Mem. of Law in Supp. of Mot. for Class Certification [ECF No. 83-1] ("Pls.' Mem.") at Ex. 6.

The District's reliance on *Hayes v. Wal-Mart Stores, Inc.*, 725 F.3d 349, 357 (3d Cir. 2013) is misplaced. Unlike the plaintiffs in *Hayes*, the Named Plaintiffs have presented ample evidence that many other members of the putative classes suffered harm from the District's deficiencies in language services. For example, Ms. Lin,² advocate Anna Perng³ and advocate Bonita McCabe⁴ have identified LEP parents of students with disabilities who were denied access to translated documents and quality interpretation services. Additionally, the District's own records demonstrate that while 3,507 households of students with disabilities were

² Deposition of Manqing Lin at 91:15–93:13, attached hereto as Exhibit A.

³ *See generally* Pls.' Mem. at Ex. 19.

⁴ *See generally* Pls.' Mem. at Ex. 20.

identified as needing documents in a language other than English in the 2015–2016 school year, the District only translated a combined total of 63 documents in 2015 and 2016. Pls.’ Mem. at Ex. 6.

C. The Challenged Conduct Is the Result of Common Policies and Practices.

The District misconstrues and misapplies the law regarding the commonality element of Rule 23, arguing that because its policies, practices and procedures for providing translation and interpretation services to LEP parents of special education students are “discretionary,” there are not “questions of law or fact common to the class.” Fed. R. Civ. P. 23(a)(2). But this construction of Rule 23(a) is contrary to the case law of this District and the Third Circuit. For example, in *P.V. ex rel Valentin v. Sch. Dist. of Phila.*, 289 F.R.D. 227, 233 (E.D. Pa. 2013),⁵ the court reaffirmed that “[t]he commonality requirement will be satisfied if the named plaintiffs share at least *one question* of fact or law with the grievances of the prospective class.” (emphasis added) (internal quotation marks omitted) (quoting *Baby Neal ex rel. Kanter v. Casey*, 43 F.3d 48, 56 (3d Cir. 1994)). In granting plaintiffs’ motion for class certification, the court rejected defendants’ argument that “[p]laintiffs will have to obtain individualized proof of how each class member was affected by the School District’s ‘policy’ of upper-leveling” and found that “[d]efendants fail[ed] to recognize . . . that the central tenet of [p]laintiffs’ [c]omplaint allege[d] a systemic failure, not a failure of the policy as applied to each member individually.” *Id.* at 233–34. That “systemic challenge,” the court held, “require[d] a number of factual and legal determinations, common to all class members,” including “whether the School District upper-levels autistic students without meaningful parental involvement, whether the School District

⁵ That case involved a challenge to defendants’ “treatment of, and policies governing, school children with autism”—in particular, the defendant school district’s “upper-leveling” policy of transferring students requiring autism support services—pursuant to numerous statutes including the IDEA, Section 504, and the ADA. *Id.* at 227, 231.

upper-levels autistic students without providing prior written notice to the parents, whether the School District considers the individual needs of autistic students prior to deciding where to upper-level that student, and whether the School District's 'policy' of upper-leveling deprives putative class members of a free and appropriate public education." *Id.* at 234.

Similarly, here, Plaintiffs' systemic challenge "requires a number of factual and legal determinations, common to all class members," *P.V.*, 289 F.R.D. at 234,⁶ including whether the District's practices, policies and procedures are sufficient to ensure meaningful participation in the special education process, whether the District effectively notifies parents of their right to request translation and/or interpretation of IEP process documents, whether the District has sufficient resources—including qualified and trained interpreters—to provide effective language services to the Parent Class at IEP meetings, and whether the District's policies, practices, and procedures deprive the Student Class of a free and appropriate public education and subject the

⁶ The District also repeats its incorrect contention that Plaintiffs have not alleged a "systemic" violation. Def.'s Resp. at 5–6. But the cases the District relies upon for this proposition are easily distinguishable, and most are not binding on this Court. *Id.* (citing cases from the Eighth, Tenth, and D.C. Circuits and the District of Minnesota). For example, *J.T. ex rel. A.T. v. Dumont Pub. Schs.*, 533 F. App'x 44 (3d Cir. 2013), is an unpublished decision in which the court ruled on defendant's motion for summary judgment that plaintiffs, who "conceded [that] they suffered no substantive harm," did not have standing and had not exhausted their administrative remedies. *Id.* at 49. The portions of the decision that the District relies upon were made in response to plaintiffs' argument that they should not have to exhaust their administrative remedies because the administrative process could not "provide class-wide discovery and grant the class-wide declaratory and injunctive relief they [sought]." *Id.* at 54. As noted previously, the Hearing Officer in the administrative cases involving T.R. and A.G. found that the parents/guardians were denied meaningful participation under the IDEA due to the District's failure to provide timely and complete translations of IEP-related documents. He also held that he did not have the authority to order system-wide changes in the District's policies or practices. *See* Pls.' Mem. at 5–6. These findings render the administrative process futile for all other Plaintiffs and proposed class members who challenge the policies, procedures and practices that resulted in these failures. As a result, the District's argument that "[a] claim 'is not systemic' if it involves only a substantive claim having to do with limited components of a program, **and if the administrative process is capable of correcting the problem**," is inapposite here. *J.T.*, 533 F. App'x at 54 (emphasis added) (citation omitted); *see also Blunt v. Lower Merion Sch. Dist.*, 559 F. Supp. 2d 548, 559 (E.D. Pa. 2008), *aff'd*, 767 F.3d 247 (3d Cir. 2014) ("Requiring administrative exhaustion does not prejudice the plaintiffs' right to bring a civil action for the additionally requested relief if they remain dissatisfied at the close of the administrative hearings."). Furthermore, the *J.T.* plaintiffs challenged the defendant's alleged failure "to individually consider educational placements for kindergartners in need of special education." *J.T.*, 533 F. App'x at 49. Thus, it makes sense that the court would need to conduct individual inquiries in order to resolve their claims. By contrast, the resolution of Plaintiffs' claims here involve a number of common questions that require no individual inquiries. *See, e.g.*, Pls.' Mem. at 17 (identifying as one common question whether there are a sufficient number of qualified and trained interpreters available to provide effective language services).

Parent and Student Classes to discrimination on the basis of race and/or national origin. *See also* Pls.’ Mem. at 15–17; Pls.’ First Am. Compl. ¶¶ 107–141 [ECF No. 53].

Furthermore, contrary to the District’s contention, the Third Circuit’s decision in *Baby Neal* is directly applicable. In reversing the district court’s decision, the Third Circuit emphasized that the commonality element can be satisfied “even if [class members] have not all suffered actual injury; demonstrating that all class members are *subject* to the same harm will suffice.” *Baby Neal*, 43 F.3d at 56.⁷ By contrast, the cases cited by the District are distinguishable. For example, *Rodriguez v. Nat’l City Bank*, 726 F.3d 372 (3d Cir. 2013), involved a motion for class certification in which the issue of commonality was not fully briefed by the plaintiffs. *Id.* at 380. The court held that because plaintiffs alleged that a discretionary loan pricing policy “had the effect of” discriminating against African-American and Hispanic borrowers, plaintiffs needed to show that the bank’s “grant of discretion to individual loan officers constitute[d] a ‘specific practice’ that affected all the class members in the same general fashion.” *Id.* at 384. Furthermore, the court focused on the fact that plaintiffs were seeking to certify a national class, but, in relying on “regression analyses” did not account for the fact that the alleged harm could have had regional variances. *Id.* at 385.

Mielo is also readily distinguishable. There, the court, relying primarily on *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338 (2011), held that the class plaintiffs sought to certify was too broad because it encompassed persons who could suffer a wide variety of accessibility barriers at defendant’s restaurants nationwide, whereas the named plaintiffs only experienced mobility

⁷ *See also id.* (“Challenges to a program’s compliance with the mandates of its enabling legislation, even where plaintiff-beneficiaries are differently impacted by the violations, have satisfied the commonality requirement.”); *id.* at 60 (“[T]he commonality standard requires only that a putative class share either the injury or the immediate threat of being subject to the injury.”); *id.* at 61 (“The differing degree and nature of the plaintiffs’ injuries also do not preclude a finding of commonality.”).

barriers within parking facilities. *Mielo*, 897 F.3d at 487–90. It was not enough for plaintiffs to invoke the same legal provision of the ADA to remedy each of the various discriminatory facilities. Here, as a factual matter, the members of the putative classes are all subject to the same policies and practices, including the absence of objective standards with respect to translation and interpretation services, as well as the District’s systemic deficiencies in such language services, including the lack of a sufficient number of trained interpreters and the lack of adequate resources to provide translations of IEP documents.⁸

D. Named Plaintiffs’ Claims Are Typical and They Are Adequate Class Representatives.

Each of the District’s arguments that Ms. Lin and Ms. Perez are atypical of class members and cannot serve as class representatives should be rejected.

1. Plaintiffs need not exhaust administrative remedies.

The District wrongly asserts that this Court’s prior decision on exhaustion of administrative remedies should be reconsidered based on the Court’s statement that “a developed record may not establish Plaintiffs’ systemic legal deficiency theory.” Def.’s Resp. at 5 (*quoting T.R. v. Sch. Dist. of Phila.*, 223 F. Supp. 3d 321, 330 (E.D. Pa. 2016)). The District fails to establish any basis for reconsideration. *See M.A. ex rel. E.S. v. Newark Pub. Sch.*, No. CIV. A. 01-3389SRCQ, 2009 WL 4799291, at *3, n.2 (D.N.J. Dec. 7, 2009) (denying reconsideration of exhaustion argument at class certification stage). Moreover, in making the argument, the District

⁸ *See also S.R. ex rel. Rosenvbauer v. Pennsylvania Dep’t of Human Servs.*, 325 F.R.D. 103, 110 (M.D. Pa. 2018) (distinguishing *Dukes* and holding that plaintiffs’ allegation “that systemic deficiencies in the availability of placements and services cause each violation of Title XIX, and that the policies and practices for allocating placements and services in general cause discrimination under the ADA and Section 504” was “exactly the type of ‘common mode’ or practice predicated each alleged violation that was noticeably absent from *Dukes*”); *Ripley v. Sunoco, Inc.*, 287 F.R.D. 300, 308 (E.D. Pa. 2012) (distinguishing *Dukes* and holding that regardless of whether “alleged common timekeeping and payroll policies that precluded proper compensation for [different types of] overtime work,” commonality was satisfied because the existence of the policies was the “common answer” that gave plaintiffs “the potential to recover”).

fails to cite to the discovery record at all. *See* Def.’s Resp. at 5–6. In contrast, Plaintiffs have cited extensive support in the record of their claims of systemic deficiencies. *See* Pls.’ Mem. at 16–17, n.10–14.

2. Ms. Lin is qualified to represent the Class.

First, the District attempts to disqualify Ms. Lin as a class representative based on a Mediation Agreement, dated August 18, 2016, which related specifically to her request for an independent educational evaluation (“IEE”). Pls.’ Mem. at Ex. 5. The District contends the agreement raises a unique defense that threatens to become a major focus of the litigation. Given the limited scope of the mediated dispute, however, the Mediation Agreement with the District cannot reasonably be construed to preclude Ms. Lin from seeking the same type of language services that Plaintiffs are seeking for the classes as a whole, and it cannot reasonably be expected to become a focus of the litigation.⁹

In the 2016 Mediation Agreement, the District agreed to “fund an IEE” and “implement the early intervention IEP . . . until such time that the IEE is completed.” Pls.’ Mem. at Ex. 5. The District further agreed to furnish Ms. Lin with “a hard copy and email copy of *the* IEP and any reports. . . ; competent language interpretation service to review *these* documents; . . . [and] *the* final copy of *the* IEP.” *Id.* (emphasis added). By its clear terms, the Mediation Agreement only contemplated and addressed the IEE and explicitly references the development of the subsequent IEP emanating therefrom: The Agreement does not address, as the District contends, all of R.H.’s special education documents in perpetuity.

⁹ Courts have also held that IDEA’s prohibition against disclosure of mediation discussions precludes the use of mediation agreements in subsequent proceedings. *See* 20 U.S.C. § 1415(e)(2)(G); *see also J.D. ex rel. Davis v. Kanawha Cty. Bd. of Educ.*, 571 F.3d 381, 386 (4th Cir. 2009) (mediations must “stand free and clear of later proceedings”); *Bethlehem Area Sch. Dist. v. Zhou*, No. CIV. A. 09-03493, 2012 WL 930998, at *2–3 (E.D. Pa. Mar. 20, 2012).

The limited scope of the Mediation Agreement is further supported by the fact that, since she executed it, Ms. Lin has continued to request that the District provide her with *draft* translated documents not contemplated by the Agreement. In sum, the Mediation Agreement did not permanently determine the language access services provided to Ms. Lin and thus does not bar her claims in this case or preclude her from serving as an adequate class representative.

Second, in a further attempt to characterize Ms. Lin as an inadequate class representative, the District has disputed Ms. Lin's status as a parent with limited English proficiency. Specifically, the District falsely claims that Ms. Lin "speaks terrific English" based on a single email from a nonparty. Def.'s Resp. at 20. Here, the evidence in the discovery record substantiates Ms. Lin's status as an LEP parent.

Ms. Lin's native language is Mandarin and she reads in traditional Chinese. Pls.' Mem. at 10. These assertions are consistent with Ms. Lin's deposition testimony and are well documented in the record. *See* Ex. A at 8:21–23, 34:10–19, 169:15–16. Also, Ms. Lin's status as limited English proficient has been communicated to and acknowledged by the District on numerous occasions. *See, e.g.*, June 22, 2016 Email from B. McCabe to M. Capitolo at TR000016523, attached hereto as Exhibit B ("Please understand that we want Mandy to be able to fully participate in Ryan's IEP meetings and because she does not read English I don't see how we can move forward."); June 13, 2016 Email from M. Capitolo to M. Lin at PSD017484, attached hereto as Exhibit C¹⁰ (highlighting in original) ("I feel uncomfortable writing to you in English, but I am willing to speak with you via telephone or with interpreters for your full understanding."); Dec. 16, 2016 Evaluation of R.H. by Melissa Brand, Psy. D. at TR000014870,

¹⁰ Notably, this email chain contains global statements by Ms. Capitolo indicating that LEP parents receive translations of *all* documents, engage in IEP meetings over days, etc. There is no evidence to support such claims.

attached hereto as Exhibit D (“[R.H.’s] family speaks Mandarin in the home and required an interpreter for the purposes of this evaluation.”).

The District has pointed to no statements or documents that demonstrate Ms. Lin’s ability to speak English without limitations, much less read it with comprehension, which is the pertinent issue. Instead, the District relies on an email from Anna Perng, a community advocate who assists Ms. Lin in her interactions with the District. In the email, Ms. Perng writes to an attorney on behalf of herself and Ms. Lin in hopes of setting up a call to discuss their issues with the District. Ms. Perng writes:

Do you have any availability to talk by phone? Would you like to meet with Mandy and me? I think Mandy speaks terrific English, but she would be comfortable if I was present for the discussion to assist. I speak conversational-level Mandarin.

Def.’s Resp. at Ex. P. The District’s quotation from this email is a red herring. First, when Ms. Perng’s statement is read in context, it is clear that Ms. Lin is not comfortable speaking English and would like Ms. Perng to assist her because she speaks “conversational-level Mandarin.” Second, in numerous other emails produced to—but not mentioned by—the District, Ms. Perng expresses her belief that Ms. Lin does not speak fluent English and needs an interpreter. *See* Aug. 16, 2016 Email from A. Perng to B. McCabe, attached hereto as Exhibit E (discussing mediation, Ms. Perng states “Mandy Lin does not speak English as her first language. It is critical that an accommodation be made so she can take notes in Mandarin.”).¹¹

¹¹ The District cites to two other emails from Ms. Perng. In the first, Ms. Perng circulated a workshop agenda for parents with autistic children. *See* Def.’s Resp. at Ex. Q. For part of the agenda, Ms. Perng wrote “Dr. Nure presents information about evaluation process, parts of an IEP, answers questions with an interpreter (Bilingual parent leader Mandy Lin will serve as a facilitator).” Although Ms. Perng labeled Ms. Lin as a “bilingual parent leader” here, there is nothing in the email stating what constitutes “bilingual” for the purpose of this informal agenda or stating that Ms. Lin is fluent in English. In this informal setting, the term “bilingual” was likely used to describe Ms. Lin’s ability to comprehend conversational English. The second email the District cites is an application from Ms. Lin to serve on the McCall School Advisory Council. Def.’s Resp. at Ex. S. Notably, Ms. Lin signed the email

The District also relies on forms Ms. Lin signed for which she declined interpretation services during two of her many meetings with the District. It is notable that the District omits Ms. Lin's deposition testimony discussing these forms. In regard to the form signed on June 9, 2017, Ms. Lin explained that a BCA was not made available to her for interpretation and she was told that an interpreter was not necessary because the meeting involved "simple information." Ex. A at 35:11–37:6; *see also id.* at 38:7–12 (the District did not inform her at this meeting that language line interpretation was available). Furthermore, Ms. Lin testified that she did not know what she was signing. *Id.* at 35:11–37:6. Similarly, for the form signed on September 8, 2016, Ms. Lin testified that no interpretation services were made available to her at the meeting and that she believed she had no other option than to sign the form because she did not have an interpreter with her. *Id.* at 58:24–59:19.

Last, the District cites to the testimony of Marie Capitolo, the Special Education Director for the District. Def.'s Resp. at 20–21. However, as Ms. Capitolo explained, Ms. Lin's English was not sufficient enough to allow her to communicate with the District regarding the special education process for R.H. Deposition of Marie Capitolo at 63:11–64:10, attached hereto as Exhibit F ("I was trying to get a feel for if the special education process was now a new entity for Mandy, therefore, now requiring her to need deeper levers of interpretation . . . [w]hich I had ultimately made the decision that it did.").¹²

"Mandy Lin (transcribed to English by Anna Perng)." In addition, speaking fluent English is not a prerequisite for serving on the School Advisory Council.

¹² The three cases cited by the District offer no support for its argument. All of these cases involve named plaintiffs found to be inadequate class representatives after they made multiple material misrepresentations under oath. *See Dotson v. Portfolio Recovery Assocs., LLC*, No. CIV. A. 08-3744, 2009 WL 1559813, at *4 (E.D. Pa. June 3, 2009); *Karnuth v. Rodale, Inc.*, No. CIV. A. 03-742, 2005 WL 747251, at *3 (E.D. Pa. Mar. 30, 2005); *Coyle v. Hornell Brewing Co.*, No. CIV. 08-2797 JBS JS, 2011 WL 2147218, at *5 (D.N.J. May 26, 2011). Although courts may consider the credibility of a named plaintiff in some instances, "only significant credibility concerns that 'go to the heart of the claims or defenses' at issue in the case will create a risk of inadequate representation." *Williams v. Sweet Home Healthcare, LLC*, 325 F.R.D. 113, 123 (E.D. Pa. 2018), *leave to appeal denied*, No. 18-8014, 2018 WL

3. Ms. Perez is also an adequate class representative.

The District argues that lack of familiarity with the litigation particulars disqualifies Ms. Perez as a class rep. However, “[a] class representative need only possess a minimal degree of knowledge . . . to meet the adequacy standard.” *See, e.g., Oetting v. Heffler, Radetich & Saitta, LLP*, No. CV 11-4757, 2016 WL 1161403, at *8 (E.D. Pa. Mar. 24, 2016) (citation omitted).

During her deposition, Ms. Perez explained her understanding that the District failed to meet its obligations to LEP parents and students. Deposition of Madeline Perez at 46:9–47:24, attached hereto as Exhibit G (“When we asked documents to be translated into Spanish, mostly what they translate is only the headings, the titles to Spanish, and the summary comes in English nonetheless. I don’t think that’s translation into Spanish. To me, to translate it to Spanish is that everything is in Spanish.”), *id.* at 52:2–13 (“Q: What do you want out of this case? A: To have the documents in Spanish in order to get more help for my children.”). Ms. Perez also actively participated in discovery by collecting over one thousand pages of documents from her records and providing information to counsel for written discovery responses. *Id.* at 75:3–12. The District’s charge that the response to the First Set of Interrogatories was never “translated” and she was “unfamiliar” with the responses (Def.’s Resp. at 22) was flatly contradicted by her statement that an interpreter read them to her and her deposition review of each item where she stated she had provided that information. Ex. G at 91:8–23, 103:13–106:11. Also, while Ms. Perez did not know the legal definition of a class action, she demonstrated her knowledge that she would be representing other similarly situated parents from the District. *Id.* at 46:9–21 (stating that her case would “be a help for those parents who speak only Spanish”).

4008363 (3d Cir. Mar. 6, 2018) (citations omitted). A named plaintiff should not be dismissed as a class representative simply because there is evidence that may be used to impeach some part of their deposition testimony. *Sherman v. Am. Eagle Exp., Inc.*, No. CIV. A. 09-575, 2012 WL 748400, at *7 (E.D. Pa. Mar. 8, 2012); *Fickinger v. C.I. Planning Corp.*, 103 F.R.D. 529, 533 (E.D. Pa. 1984).

Under the applicable case law, Ms. Perez clearly has the “minimal degree of knowledge” to serve as a class representative. *See Oetting*, 2016 WL 1161403, at *8 (class representative reviewed the complaint and understood the basic facts); *In re Processed Egg Prod. Antitrust Litig.*, 312 F.R.D. 171, 181 (E.D. Pa. 2015) (class representatives reviewed pleadings and discovery, searched through their own files, assisted counsel and sat for depositions); *Allen v. Holiday Universal*, 249 F.R.D. 166, 185 (E.D. Pa. 2008).¹³

E. Plaintiffs Seek Relief Applicable to the Classes as a Whole.

The District argues erroneously that Plaintiffs do not seek relief applicable to the classes as a whole, citing inapposite case law where plaintiffs sought individual monetary relief or individual medical monitoring. *See* Def.’s Resp. at 23–24 (*citing Dukes*, 564 U.S. at 360, and *Gates v. Rohm & Haas Co.*, 655 F.3d 255, 264 (3d Cir. 2011)). There, the classes lacked the cohesion required for Rule 23(b)(2) because of the individual quality of the requested relief. Here, Plaintiffs here seek common injunctive relief well-suited for Rule 23(b)(2) treatment – specifically, to adopt policies and procedures to ensure the timely translation of IEP documents and quality interpretation services for LEP parents and students, and to notify them about their rights. *See Amchem Prods., Inc. v. Windsor*, 521 U.S. 591, 614 (1997); *see also Baby Neal*, 43 F.3d at 59; *P.V.*, 289 F.R.D. at 236. Here, the requested relief will benefit the classes as a whole, and no individual relief is sought for class members at all.

Moreover, contrary to the District’s contentions, disparate factual circumstances related to the harm suffered by the class members does not preclude certification under Rule 23(b)(2).

¹³ The District cites to only a single case from the Eastern District of Louisiana to support its arguments that Ms. Perez is an inadequate class representative. Def.’s Resp. at 21. That case, *Byes v. Telecheck Recovery Servs.*, 173 F.R.D. 421 (E.D. La. 1997), involved the communication of legitimate settlement offers and is distinguishable. In particular, there is no basis for the District’s suggestion that there was a court order for the Named Plaintiffs to attend a settlement conference or that there was any final settlement offer for them to consider.

See Baby Neal, 43 F.3d at 59. Similar classes of parents and students with IDEA rights have been certified under Rule 23(b)(2), notwithstanding factual distinctions with regard to injuries, as long as such injuries stemmed from a common discriminatory policy or practice and plaintiffs sought common systemic injunctive relief. *See P.V.*, 289 F.R.D. at 236 (seeking greater parental involvement); *see also LV v. New York City Dep't of Educ.*, No. 03 CIV. 9917(RJH), 2005 WL 2298173, at *6 (S.D.N.Y. Sept. 20, 2005) (seeking timely enforcement of IDEA decisions); *Andre H. ex rel. Lula H. v. Ambach*, 104 F.R.D. 606, 612–13 (S.D.N.Y. 1985) (seeking individualized education programs). As in this case, those classes were composed of members who had individualized injuries stemming from the same systemic policies or procedures.¹⁴

III. CONCLUSION

Plaintiffs respectfully request that this Court grant their Motion for Class Certification.

Dated: September 21, 2018

Respectfully submitted,

Michael Churchill (I.D. No. 04661)
 Dan Urevick-Ackelsberg (I.D. No. 307758)
 PUBLIC INTEREST LAW CENTER
 1709 Benjamin Franklin Parkway
 Philadelphia, PA 19103
 Telephone: (215) 627-7100
 mchurchill@pubintl.org
 dackelsberg@pubintl.org

Maura McInerney (I.D. No. 71468)
 EDUCATION LAW CENTER
 1315 Walnut Street, 4th Floor
 Philadelphia, PA 19107
 Telephone: (215) 238-6970
 mmcinerney@elc-pa.org

s/ Paul H. Saint-Antoine
 Paul H. Saint-Antoine (I.D. No. 56224)
 Chanda A. Miller (I.D. No. 206491)
 Lucas B. Michelen (I.D. No. 318585)
 Victoria L. Andrews (I.D. No. 321143)
 DRINKER BIDDLE & REATH LLP
 One Logan Square, Suite 2000
 Philadelphia, PA 19103-6996
 Telephone: (215) 988-2700
 paul.saint-antoine@db.com
 chanda.miller@db.com
 lucas.michelen@db.com
 victoria.andrews@db.com

Attorneys for Plaintiffs

¹⁴ The District's suggestion that it must assess literacy levels, capacity for understanding and parental interest before determining whether to translate documents or provide interpretation services is offensive and ignores Plaintiffs' legal claims. *See* Def.'s Resp. at 25. The District's legally-mandated obligation to provide translation and interpretation is created by parents' limited English proficiency, not their level of education or cognition. To the extent English proficiency must be assessed, the lack of objective procedures to do so is part of the class problem.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiffs' Reply in Support of Class Certification has been served via ECF upon counsel for Defendant School District of Philadelphia on the date indicated below at the following addresses:

Marjorie M. Obod, Esquire
Dilworth Paxson LLP
1500 Market Street, Suite 3500E
Philadelphia, PA 19102-2101
mobod@dilworthlaw.com

Dated: September 21, 2018

s/ Paul H. Saint-Antoine
Paul H. Saint-Antoine

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

T.R. et al.,

Plaintiffs,

v.

The School District of Philadelphia,

Defendant.

Civil Action No. 15-04782-MSG

**PLAINTIFFS' REPLY
IN SUPPORT OF CLASS CERTIFICATION**

INDEX OF EXHIBITS

EXHIBIT	DESCRIPTION
A	Excerpts from Deposition of Manqing Lin
B	June 22, 2016 Email from B. McCabe to M. Capitolo (TR000016523-24)
C	June 13, 2016 Email from M. Capitolo to M. Lin (PSD017478-88)
D	Dec. 16, 2016 Evaluation of R.H. by Melissa Brand, Psy. D. (TR000014869-926)
E	Aug. 16, 2016 Email from A. Perng to B. McCabe
F	Excerpts from Deposition of Marie Capitolo
G	Excerpts from Deposition of Madeline Perez

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

T.R., et al., :
Plaintiffs, :
 : Case No. 15-cv-4782
VS. :
 :
SCHOOL DISTRICT OF :
PHILADELPHIA :
Defendant. :

Philadelphia, PA

January 30, 2018

Deposition of MANQING LIN, taken in
the offices of Dilworth Paxson LLP, 1500 Market
Street, Suite 3500E, commencing at 9:49 o'clock
a.m., on the above date, before Stacy Joseph, RPR,
CCR, Notary Public.

EAST COAST LEGAL SUPPORT, LLC
28 LEVERING CIRCLE
BALA CYNWYD, PA 19004
610-664-3036

Manquing Lin

Page 2

1 APPEARANCES:

2 EDUCATION LAW CENTER
3 BY: MAURA I. MCINERNEY, ESQUIRE
4 YVELISSE B. PELOTTE, ESQUIRE
5 1315 Walnut Street
6 Suite 400
7 Philadelphia, PA 19107
8 215-238-6970
9 mmcinerney@elc-pa.org
10 ypelotte@elc-pa.org
11 Co-Counsel for the Plaintiffs
12
13
14

9 DILWORTH PAXON LLP
10 BY: MAJORIE M. OBOD, ESQUIRE
11 DANIELLE GOEBEL, ESQUIRE
12 1500 Market Street
13 Suite 3500E
14 Philadelphia, PA 19102
15 215-575-7015
16 mobod@dilworthlaw.com
17 dgoebel@dilworthlaw.com
18 Co-Counsel for the Defendant
19
20
21
22
23
24

15 ALSO PRESENT:

16 ELIZABETH DICH, THE INTERPRETER
17
18
19
20
21
22
23
24

Manquing Lin

Page 8

1 understand it, so that the record is clear that
2 you're answering the questions that I'm asking with
3 understanding.

4 A. Okay.

5 Q. I don't want to be asking you about
6 conversations you had with your lawyer. So if I
7 ask you a question about when you met with your
8 lawyer, you can answer those questions, but I don't
9 want you to give me any substance of any
10 discussions with your lawyers in response to any of
11 these questions.

12 A. Okay.

13 Q. If you need to take a break, just ask. I
14 will ask that you answer a question that I've
15 already asked before you take a break.

16 A. Okay.

17 Q. Are you taking any medication that would
18 prevent you from being able to accurately testify
19 today?

20 A. No.

21 Q. We are using an interpreter, but do you
22 understand English?

23 A. No, I do not understand.

24 Q. Did you bring any notes with you today?

Manquing Lin

Page 34

1 me complete the sentence and I just print it on
2 this form.

3 **Q. But this is your printing, not your**
4 **daughter's, correct?**

5 A. Correct. I wrote it on here.

6 **Q. You said you have been in the United**
7 **States for ten years; is that correct?**

8 A. No, I have been to United States
9 twenty-one years.

10 **Q. Is your English better today than it was**
11 **when you came here twenty-one years ago?**

12 A. When I first came to America, I
13 completely cannot understand any saying in English.
14 However, over the years been in this country, now I
15 can have some basic and limited daily conversation
16 like greetings and say happy birthday, those I
17 could understand. But to be able to comprehend the
18 document was provided to me through the IEP, that
19 is beyond my scope of understanding.

20 **Q. You do have meetings regarding R.H. at**
21 **the school; don't you?**

22 A. Yes, correct. We do have meetings at the
23 school.

24 **Q. Aren't there occasions where you've**

Manqing Lin

Page 35

1 indicated to the school that you don't want an
2 interpreter for your meetings with the special
3 services providers for R.H.?

4 A. No. At IEP, we always have interpreter.

5 _____

6 (Whereupon, Lin-3 was marked for
7 identification as of this date and is
8 attached hereto.)

9

10 BY MS. OBOD:

11 Q. I'm going to hand you a document marked
12 Lin-3.

13 Is this your signature on this
14 document marked Lin-3, Ms. Lin?

15 A. During this meeting for the special
16 education teachers meetings with parents, I do
17 remember this occasion. That day I was supposed to
18 bring my own interpreter, but I didn't bring the
19 interpreter. And the information that was provided
20 to me was very basic and simple and so I understood
21 some of those information. And they asked me to
22 sign some forms. And this is one of the forms that
23 I was requested to sign. And I didn't know what
24 was this form that I was signing.

Manquing Lin

Page 36

1 **Q. This document, you didn't understand that**
2 **you were declining interpretation services at the**
3 **school district for consultation with the SEL?**

4 A. At that day's meeting, there was no BCA
5 assistant. And usually, the BCA provide
6 interpretations. And that meeting was only
7 required ten minutes of my time. And the teacher
8 said it was only simple information, a report about
9 the English and the math result of **R.H.**'s result.
10 And they said it's very simple information, you
11 don't need interpreter; do you? And I say if
12 that's the case, no, I don't need it. And they
13 say, well, then please sign this form. And I
14 didn't know what I was signing.

15 **Q. Did you understand what was communicated**
16 **to you by the special education teacher in the ten**
17 **minutes that you met with her on that day?**

18 A. That day the special need teacher,
19 special education teacher said it's just simple
20 information I am giving to you, it's the report of
21 **R.H.**'s math and his English, writing. And there
22 was no chance for me to ask any questions. And she
23 said that he's doing better, he's improving. And
24 she also mentioned because unfortunately today

Manquing Lin

Page 37

1 there's no interpretation, is it all right? And I
2 say, well, if there's no interpretation, I guess I
3 must do what's being provided to me. And she said
4 that's why she hand me this form and she asked me
5 to sign it. And I didn't know what this form was
6 related to.

7 **Q. You were represented by counsel in June**
8 **of 2017; weren't you?**

9 MS. OBOD: I want her to answer the
10 question, which is in June of 2017 was
11 she represented by counsel?

12 THE WITNESS: Are you asking me at
13 this meeting I already asked to meet with
14 my attorney?

15 MS. OBOD: The date on that document
16 is June 7th, 2017; does she see that?

17 THE WITNESS: I do see it. What
18 does it related to my attorney?

19 BY MS. OBOD:

20 **Q. I'm asking you if you were represented by**
21 **counsel, if Ms. McInerney was representing you**
22 **already by June of 2017?**

23 A. Correct.

24 **Q. Do you recall raising to your attorney or**

Manquing Lin

Page 38

1 **anybody else the fact that you signed a document**
2 **that you didn't understand what it said at that**
3 **time?**

4 A. I did not tell my attorney.

5 **Q. Pardon me?**

6 A. I didn't tell my attorney.

7 **Q. Are you aware that the school district**
8 **has a language line available for interpretation**
9 **services?**

10 A. At that meeting, I did not know that
11 information. And they didn't inform me that I can
12 have the language lines translation.

13 **Q. Do you also have meetings with physical**
14 **therapists ten minutes a week for [R.H.]'s education**
15 **at the district?**

16 A. No, I never get to meet the physical
17 therapist once a week at the school.

18 **Q. Have you met the physical therapist in**
19 **this school year 2017-2018?**

20 A. Prior to June of 2017, the physical
21 therapist has conversation with me on the phone
22 once a month, and each time she does provide this
23 translator.

24 **Q. And the translator that she provided, was**

Manquing Lin

Page 58

1 **services offered by the school district since R.H.**
2 **started school at McCall?**

3 A. Occasionally.

4 Q. Do you recall that after you submitted
5 the application that there would be a kindergarten
6 interview with you with McCall?

7 A. I do remember.

8 Q. At the time you went to McCall for the
9 kindergarten interview, were you aware that Mr.
10 Tang served as an interpreter at McCall?

11 A. I remember at that time at the meeting
12 Mr. Tang was not present at the meeting, because
13 there were many Chinese parents, that he was
14 attending other parents' meeting, but not at my
15 meeting.

16 Q. Did you advise the school that you did
17 not need an interpreter for the kindergarten
18 interview?

19 -----

20 (Whereupon, Lin-5 was marked for
21 identification as of this date and is
22 attached hereto.)

23 -----

24 THE WITNESS: At that kindergarten

Manquing Lin

Page 59

1 interview meeting, I remember Miss
2 Christine told me that this is not an IEP
3 meeting, this is just have some forms
4 parent need to sign, we do not have
5 sufficient interpreters at the present
6 time. Is it all right you don't -- we
7 don't have interpreter provided to you?
8 And I thought to myself parent doesn't
9 have opportunity to ask questions and
10 it's only signing forms, only a couple
11 minutes allow for this meeting, so I
12 accepted her saying, and I attend the
13 meeting without interpreter.

14 BY MS. OBOD:

15 **Q. Let me hand you what's been marked as**
16 **Lin-5. Is that your signature, Ms. Lin?**

17 A. Correct, it is. So yes, at the meeting,
18 they said if you don't have an interpreter, then we
19 need you to sign this form, and I just signed it.

20 **Q. What was R.H.'s diagnosis for the special**
21 **needs?**

22 A. He is fully autism, confirmed autism.

23 **Q. When was R.H. first evaluated for special**
24 **education?**

Manquing Lin

Page 91

1 A. Yes. Because Anna has told me that this
2 is the opportunity that we can receive additional
3 help for other parents who has the same difficulty
4 and the same struggle that you have.

5 **Q. Did you end up talking to other parents**
6 **to try to encourage them to also participate in the**
7 **lawsuit?**

8 A. I did mention to two parents. I told
9 them that I will participate in this lawsuit, but I
10 didn't ask them to join the lawsuit.

11 **Q. You didn't follow-up with three immigrant**
12 **families and try to encourage them to also join the**
13 **lawsuit?**

14 A. I don't remember.

15 **Q. Do you remember talking to any other**
16 **families about whether or not they also had**
17 **difficulty with understanding documents relating to**
18 **their student's IEP process?**

19 A. There were many parents told me they did
20 have this similar difficulty.

21 **Q. Were there parents who told you they were**
22 **happy with the school district's interpretation**
23 **services?**

24 A. No. No. They usually told me that the

Manquing Lin

Page 92

1 language service at the school was terrible.

2 **Q. What were the names of those people?**

3 A. One is Tina.

4 **Q. What is her last name?**

5 A. Tina Chen.

6 **Q. C-H --**

7 A. E-N.

8 **Q. Does she have a student at the school**
9 **district?**

10 A. Yes.

11 **Q. Does that student go to McCall?**

12 MS. OBOD: McCall is a school.

13 THE INTERPRETER: Did you say
14 student or children?

15 MS. OBOD: Does the student go to
16 McCall?

17 THE WITNESS: No, her child didn't
18 go to McCall.

19 BY MS. OBOD:

20 **Q. Where does her child go?**

21 A. Nebinger.

22 **Q. Do you know what her child's name is?**

23 A. [REDACTED].

24 **Q. Did you ask her to join the lawsuit?**

Manquing Lin

Page 93

1 A. We have mention about this lawsuit.

2 **Q. Did you ask her to join the lawsuit?**

3 A. I don't remember.

4 **Q. Anyone other than Tina Chen who told you**
5 **that they experienced problems with the**
6 **communication services and translation and**
7 **interpretation for an IEP at the school district?**

8 A. Yes, there was another parent that had
9 talked to me about the difficulty with IEP.

10 **Q. Who was that?**

11 A. Maggie.

12 **Q. What language does Maggie speak?**

13 A. Chinese.

14 **Q. Do you know if Tina Chen reads Chinese?**

15 A. Yes.

16 **Q. How do you know that?**

17 A. Because we Chinese, we only read Chinese.

18 **Q. Do you know that there are Chinese**
19 **individuals who do not read simple Chinese?**

20 A. I'm not aware.

21 **Q. Anna Perng, does she speak Chinese?**

22 A. Anna speak Chinese, but she doesn't read
23 Chinese.

24 **Q. So that is a person who does not read**

Manquing Lin

Page 169

1 Q. Did the parents say that they were able
2 to meaningfully participate in their child's
3 education, even though they were not able to read a
4 document?

5 A. I don't know.

6 Q. You don't know if they meaningfully
7 participated in their child's education; do you?

8 A. I do not understand what other parents,
9 what their thoughts are on the IEP meeting.

10 MS. OBOD: I don't have anything
11 further.

12 BY MS. MCINERNEY:

13 Q. Mandy, I have a few questions for you.

14 A. Okay.

15 Q. Do you speak Mandarin at home?

16 A. Yes.

17 Q. Is your daughter [REDACTED] identified as an
18 English learner by the School District of
19 Philadelphia?

20 A. Yes, when she was little.

21 Q. Have you ever received a NOREP, a notice
22 of recommended educational placement, that was only
23 in English?

24 A. Are you referring to [REDACTED]'s NOREP?

Manquing Lin

Page 200

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

CERTIFICATION

I hereby certify that the
proceedings and evidence are contained
fully and accurately in the stenographic
notes taken by me upon the foregoing
matter on January 30, 2018, and that this
is a correct transcript of same.

Stacy Joseph
RPR, CCR,
Notary Public

(The foregoing certification of this
transcript does not apply to any
reproduction of the same by any means
unless under the direct control and/or
supervision of the certifying reporter.)

EXHIBIT B

Message

From: Lin Mandy [mandylin323@gmail.com]
Sent: 11/7/2017 8:31:20 PM
To: Maura McInerney [mmcinerney@elc-pa.org]
Subject: Fwd: **R.H.**

发自我的 iPad

以下是转发的邮件：

发件人: Bonita McCabe <bmccabe@arcphiladelphia.org>
日期: 2016年6月22日 GMT-4 上午11:43:26
收件人: "Capitolo, Marie" <mperaza@philasd.org>, Mandy Lin <mandylin323@gmail.com>, anna.perng@gmail.com
主题: 回复： **R.H.**

Ms. Capitols and team:

Thank you for the update but I wanted to let you know that Mandy had requested that all documents be translated in her June 15th email. On June 20th I sent an email to the team outlining her parental concerns and wanted to follow up with the team regarding her June 15th email as we had not yet received a response from the District.

Because the Draft IEP is not yet translated in Chinese I would suggest that we review just the Evaluation Report tomorrow. Once the Draft IEP is available in Chinese then we should plan to meet. Please understand that we want Mandy to be able to fully participate in **R.H.**'s IEP meetings and because she does not read English I don't see how we can move forward.

Also, please be sure to include Anna and myself in any emails that you send to Mandy on a moving forward basis.

Finally, I did want to mention that the District offered to have a bilingual interpreter present at Mandy's meetings. Please confirm that one will be present at tomorrow's Evaluation Report meeting.

Best,

Bonita McCabe

On Jun 22, 2016, at 10:28 AM, Capitolo, Marie <mperaza@philasd.org> wrote:

Good Morning Ladies,

I have been just notified by the Translation Department, that due to the last minute notice and the length of the proposed IEP they cannot have the translated version available for tomorrow's meeting. They have completed the RR which has been distributed to Mom, and a draft IEP exists in English which can still be interpreted at the meeting. We can move forward tomorrow with a re-evaluation meeting, and we will bring an updated version of the IEP in English, but we will have to reconvene the IEP meeting at a later date when the draft is translated.

Regards,

Marie Capitolo

Director of Special Education

Office of Specialized Instructional Services

440 North Broad Street

Philadelphia, PA 19130

cell 215-570-0999

fax 215-400-4171

EXHIBIT C

From: Bonita McCabe <bmccabe@arcphiladelphia.org>
Sent: Mon, 20 Jun 2016 13:52:08 -0400
Subject: Re: Recording of IEP/ER meeting
To: Mandy <mandylin323@gmail.com>
Cc: Marie Capitolo <mperaza@philasd.org>, "Kenney, Christine" <chkenney@philasd.org>, anna perng <anna.perng@gmail.com>, "Perry, Jack" <jlperry@philasd.org>, "Rock, Rose" <rrock@philasd.org>, Sonya Harrison <soharrison@philasd.org>, Natalie Hess <n Hess@philasd.org>, "kcaputo@philasd.org" <kcaputo@philasd.org>

Good morning Ms. Capitolo:

I wanted to take a moment to thank the team for re-scheduling the RR meeting and making sure that the RR is transcribed in Chinese so that Mandy is able to meaningfully participate. While we discussed that the IEP would not be transcribed until after it has been finalized, I still have concerns regarding Mandy being able to fully participate without it. As a result, I am requesting that Mandy be provided a transcribed Draft of the IEP at Thursday's RR/IEP meeting.

Mandy's concerns/input are as follows:

1. PCA: **R.H.** can be easily distracted and requires prompts for toileting, hand washing, transitioning between daily activities and reminders to eat. There are times when **R.H.** is so engaged in an activity (he is fascinated with numbers) that he will become overly focused and as a result will not be willing to transition or be aware that his peers are transitioning. **R.H.** requires encouragement to eat daily. We are requesting that the PCA receive initial and ongoing training including supervision. Our expectation is that while **R.H.** may need an aide initially we need the PCA to teach and guide our child towards independence and ultimately fade the aide.
2. Safety: We discussed that **R.H.** has eloped and feel that he requires a PCA on the play ground and the PCA can also assist **R.H.** with the social deficits of engaging with his peers and also with joining in with a group. We would prefer to have him sit close to the teacher and away from any doors.
3. **R.H.** has low muscle tone that negatively affects him when participating in gross motor activities in Physical Education as well as on the playground when playing with his peers.
4. Social Skills: **R.H.** does not always play with his peers and this is a deficit that needs to be addressed by way of a goal. The PCA would be able to assist with this while in the classroom and also while on the playground as well as during other unstructured activities.
5. Expressive Language: While **R.H.** knows a lot of vocabulary, his pragmatic language is delays and his listening comprehension is also noted to be below average.
6. Gifted: While **R.H.** will have a G/IEP, how will the gifted program support him to make progress? I would appreciate your forwarding any/all information that you can send out regarding McCall's Gifted Program or what they have to offer students who hold G/IEP's.

Best,

Bonita J. McCabe
Child Advocacy Director

The Arc of Philadelphia
2350 W. Westmoreland St.
Philadelphia, PA 19140
Main: 215-229-4550 Ext: 189
Cell: 267-871-9594
Fax: 215-225-1330
www.arcphiladelphia.org

"if we do not teach our children, society will, and they - and we - will live with the results".

~Stephen R. Covey~

On Wed, Jun 15, 2016 at 12:25 PM, <mandylin323@gmail.com> wrote:

Hi Ms. Capitolo,

I would like all my IEP papers translated in Chinese. Including Evaluation Report, the Draft IEP and the procedural safeguards. In addition, please email an extra copy before the meeting that I can share with my advocate.

Thanks,
Mandy

Ms. Capitolo,

Thank you for your response. Please understand that she appreciates all that the District is offering however she is still planning to digitally record the upcoming IEP meeting. If the District is not able to record I am sure the family would be more than willing to provide a copy of the recording to the District for their records.

With that being said, I look forward to collaboratively working with the team.

Best,

Bonita McCabe

On Jun 14, 2016, at 10:04 PM, Capitolo, Marie <mperaza@philasd.org> wrote:

Good Evening Ms. McCabe,

SDP completely agrees that IDEA requires LEAs to afford parents the opportunity to meaningfully participate which we are doing by:

1. Structuring the meeting over a series of days to prevent information overload
2. Having a bilingual interpreter present
3. Having all documents translated into the parent's native language

We are looking forward to welcoming **R.H.** into the district.

Regards,

Marie Capitolo

Director of Special Education

Office of Specialized Services

440 North Broad Street

Philadelphia, PA 19130

Good afternoon Ms. Capitolo and team:

I appreciate every one's response but I wanted to take a moment to share with you the above referenced Appeals Panel Officer's Decision (Special Education Opinion No. 706) regarding Robert R., a student in the West Shore School District. Also, it is my understanding that Mandy did previously request a copy of the District's written policy regarding digitally recording of IEP meetings but has not yet received it to date.

If you review the Appeals Panel's decision it states **“The District is required to “take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.” Finally, the United States Supreme Court has emphasized in their rulings interpreting IDEA the importance “and indeed the necessity of parental participation in both the development of the IEP and any subsequent assessments of its effectiveness.”**

The case further states *“*Parents have the statutory right to fully participate in their child’s IEP meeting pursuant to IDEA; no Appeals*

Review Panel, Pennsylvania Court nor federal court which governs Pennsylvania has directly addressed the issue of tape recording IEP meetings, and that in 1898, the United States Department of Education’s Office of Special Education Programs (“OSEP”), the federal agency empowered

with interpreting and enforcing IDEA, answered the very question posed in

this case as follows:*

* May IEP meetings be tape recorded? The use of tape recorders at IEP meetings is not addressed by either the Act*

* or the regulations. Although taping is clearly not required. It is permissible at the option of either the parents or the agency*.

It then references two Connecticut cases addressing this issue and each permitted the parents to record their child's IEP meetings.

Also supporting is the OSEP Opinion dated July 18, 1991 which followed in time, the Connecticut cases and which stated that:

“It would not be inconsistent with Federal privacy law for school districts to have a rule prohibiting the tape

Recording of IEP meetings if the policy provided for exceptions when they are necessary to ensure that the

Parent understands the IEP or the IEP process or to implement other parental rights guaranteed under Part H.”

It further states Federal and state legislators, regulators and courts have remained silent on this issue until the present case. We begin our

analysis with the two Connecticut court cases which have specifically addressed the tape recording issue, and then finish with an analysis of existing applicable law.

In the case of E.H., the parent had a language barrier to an all English –spoken IEP meeting, however the court’s decision relied more upon the Parent’s statutory right to participate in IEP meetings than the Parent’s right to record. The court stated that the parent’s right to participate far outweighed the District teacher’s asserted right not to be recorded.

In V.W., that Connecticut court also upheld the parent’s right to record. That court minimized the parent’s argument that her inability to effectively take notes at the meeting gave her a right to tape. The court instead reasoned that the parents have a statutory right to attend and participate in IEP meetings and, the District could not legally engage in an act to limit the parent’s right absent some specific legal authority to do so.

According to the Appeals Panel, it stated that **“The District does allow for an exception for parents with “access reasons”. These include “various disabilities” which are determined valid or invalid reasons for recording through the sole discretion of an unnamed administrator. The arbitrary decision of an unnamed administrator as to whether a parent has a good enough reason to tape record his/her IEP meeting is without legal merit. Even though there is no statutory right for parents to record their child’s IEP meeting, the Parent’s statutory right to fully participate in the*

so.”*

The Appeals Panel concluded by stating *”OSEP allows the tape recording of IEP meetings at the option of the parents or the agency. In the absence of any other Federal or Pennsylvania law or court ruling, OSEP carries a great deal of weight. The IDEA, its regulations and court rulings all run in favor of including parents in IEP meetings and making them as comfortable as possible. This supports the conclusion that Robert’s mother should be allowed to record her son’s IEP meetings..... Placing restrictions upon Robert’s mother’s right to participate in her son’s IEP meeting, without legal authority, was a violation of FAPE which the District may not do so.”*

For your convenience, I have attached a copy of those decisions for your review. With that being said it is our opinion, based upon the above and including the attached decisions, that the family is authorized and will be recording the upcoming IEP meeting.

Finally, I appreciate the District providing a copy of the the Evaluation Report and the Draft IEP in Mandy's native language. Please provide that at your earliest convenience and at least 1 day prior to the scheduled IEP meeting so that Mandy can meaningfully participate.

Very truly yours,

Bonita J. McCabe

Child Advocacy Director

The Arc of Philadelphia

2350 W. Westmoreland St.

Philadelphia, PA 19140

Main: 215-229-4550 Ext: 189

Cell: 267-871-9594

Fax: 215-225-1330

www.arcphiladelphia.org

"if we do not teach our children, society will, and they - and we - will
live with the results". *

~Stephen R. Covey~

On Mon, Jun 13, 2016 at 10:23 PM, Capitolo, Marie <mperaza@philasd.org>
wrote:

Hello Mandy,

I appreciate your email below. Up front my cell is 215-570-0999 if you
have any questions regarding this email. I feel uncomfortable writing to
you in English, but I am willing to speak with you via telephone or with
interpreters for your full understanding. With that said, I am going to
continue with this email in case you do have a means to have it
translated

for you, and to document this conversation for your future review. I

understand your request to digitally record the IEP meeting.
Regrettably,

some members have declined to consent to the recording which is their
right

to do so under state law. But I am proposing a means to ensure your
meaningful participation in [REDACTED] R.H. [REDACTED] upcoming meeting.

1. We are reissuing you an invite to limit the scope of the meeting on
Thursday to the review of the re-evaluation report.

2. Audrey Lam, testing psychologist, will review her report with you
and

that review will be translated into Chinese during the meeting by an
interpreter. We will take the time to stop for your clarity and answer
any

questions you have regarding the report.

3. At conclusion of the meeting, you will have 10 days to review the
findings. We will submit the report for full written translation into
Chinese as well.

4. We will schedule an IEP meeting, following the same procedures, for
a

later date at your convenience. The IEP will be submitted for
translation,

and an interpreter will be provided for the meeting.

I believe that shorter meetings, with translation and interpretation,
should allow for your meaningful participation. And at any time you
have a

question please do not hesitate to contact me on my cell phone.

Regards,

Marie Capitolo

Director of Special Education

440 North Broad Street

Philadelphia, PA 19130

cell 215-570-0999

fax 215-400-4171

*From: *mandylin323@gmail.com

*To: *"Kenney, Christine" <chkenney@philasd.org>

*Cc: *"anna perng" <anna.perng@gmail.com>, "Bonita McCabe" <

bmccabe@arcphiladelphia.org>, "Marie Capitolo"
<mperaza@philasd.org>,

"Perry, Jack" <jlperry@philasd.org>, "Rock, Rose"
<rrock@philasd.org>

*Sent: *Monday, June 13, 2016 5:11:41 PM

*Subject: *Re: Recording of IEP/ER meeting

Hi Christine,

我对IEP会议录音的原因是：我的母语是中文，我的英语读写听能力都有困难。即使写一封英文电邮我都要在别人的帮助下完成。IEP会议所有的成员都是讲英文，而且整个会议是要一两个小时。虽然学校提供中文翻译服务，但是在会议上作笔记对我是很有挑战的。所以我要求数字录音是为了让我在家里可以再听一遍遍，能更明白会议的内容。谢谢你们的体谅！

Sincerely,

Mandy

在 2016年6月13日，下午4:27，Kenney, Christine
<chkenney@philasd.org> 写道：

Hi Ms. Lin,

We are in need of additional information regarding your intent to digitally record the meeting. We need to obtain the reason(s) that digital recording is desired.

We appreciate your response.

Thank you,

Christine Kenney, M.Ed.
Special Education Liaison
Middle School Learning Support
General George A. McCall School
325 S. 7th Street
Philadelphia, PA 19106
215.351.7350

----- Original Message -----

From: Rock, Rose <rrock@philasd.org>

To: mandylin323 <mandylin323@gmail.com>

Cc: Christine Kenney <chkenney@philasd.org>, Anna
<anna.perng@gmail.com>,

Bonita McCabe <bmccabe@arcphiladelphia.org>, Capitolo, Marie <
mperaza@philasd.org>, jlperry@philasd.org

Sent: Thu, 09 Jun 2016 08:36:23 -0400 (EDT)

Subject: Recording of IEP/ER meeting

Dear Ms Lin,

In response to your request to digitally record the ER/GIEP meeting,
we

are in need of additional information, more specifically if you could

the reason or reasons that digital recording is desired it would be

appreciated. We will consider the reason you provide; however we must also

be respectful of every participant's right to decline recording of their

participation. There are many ways to 'document' an IEP/GIEP meeting.

Examples include: 1. Designating a participant who's single role is to transcribe meeting minutes and 2. SDP can arrange for a facilitated iep meeting through PA dept of Ed. If you would like us to go ahead with arranging a facilitated iep meeting please get back to us immediately so that we can arrange.

Best Regards,

Rose

Rose Rock,Principal

General George A. McCall

325 S.7th Street

Philadelphia, PA 19106

Phone-215-351-7350

Fax - 215-351-7349

rrock@philasd.org

<RR HO Decision.pdf>

<RR AP Decision 706.pdf>

EXHIBIT D

Melissa Brand, Psy.D.

Pennsylvania Licensed Psychologist

1601 Walnut Street, Suite 1408
Philadelphia, Pennsylvania 19102
215-514-4610

Confidential Psychological Evaluation

Child's Name: [REDACTED] R.H.

DOB: [REDACTED]

Chronological Age: 5 years, 4 months

Dates of Evaluation: 11/14/2016, 11/22/2016, 11/28/2016, 11/30/2016, 12/5/2016

Date of Report: December 21, 2016

Address: [REDACTED], Philadelphia, PA 19107

Telephone Number: [REDACTED]

Parent/Caregiver Name(s): Manqing Lin, mother; Yong Hong Huang, father

Contributors: [REDACTED] R.H. Manqing Lin, mother; Henry Battestelli, Kindergarten teacher; Naziha Belazzougui, Special Education teacher; Matthew Dotzman, Personal Care Assistant; Emmaline Williamson, Behavior Specialist Consultant

Sources of Information:

Parent Interview

Two School-Based Observations (11/22/2016 and 11/30/2016)

Instructor Interview (11/30/2016)

BSC Interview (11/30/2016)

Autism Diagnostic Observation Schedule, Second Edition (ADOS-2)

Woodcock-Johnson, II (selected tests, testing of limits)

Review of Records:

- Comprehensive Biopsychosocial Evaluation (8/14/2014), The Center for Autism
- Vineland, Second Edition (7/30/2014), The Center for Autism
- Speech and Language Evaluation (3/16/2016), Brooke Crenshaw, Speech and Language Pathologist, Nemours
- VB-MAPP Assessment Summary (12/8/2015), Lindsay Phillips, BCBA, ABA2Day Behavior Services, LLC
- Re-evaluation Report (11/1/2015-1/7/2016), Elwyn Inc.
- Individualized Family Service/Education Plan (6/1/2016), Elwyn Inc.
- Re-evaluation Report (5/16/2016), Dr. Audrey Lam, The School District of Philadelphia
- Behavior Support Professional Service Log (10/21/16), Caitlin Gallihue, BCBA, The School District of Philadelphia
- Daily Communication Logs (10/21/2016 – 11/21/2016), Matthew Dotzman, PCA, The

School District of Philadelphia

- Functional Behavior Assessment (10/17/2016), Emma Williamson, LBS, SPIN
- Treatment Plan (11/11/2016), Emma Williamson, LBS, SPIN

IDENTIFYING INFORMATION: [R.H.] is an intelligent, cheerful five-year-old Chinese-American boy, who was referred to this evaluator by Karen Krivet, Resource and Training Specialist at Elwyn Seeds. [R.H.] was first diagnosed with Autism Spectrum Disorder by Yevgenya Fleishman, LPC at the Center for Autism, on 8/14/2014, when he was three years old. [R.H.] just began kindergarten at McCall Elementary School in Philadelphia in September 2016, where his IEP from Early Intervention is currently being followed. He previously attended preschool at Children's Village where he had a full-time PCA through Elwyn, a Special Instructor, Speech Therapy and Occupational Therapy. He was evaluated just before the beginning of the school year and classified with dual exceptionality including Autism and Mentally Gifted. [R.H.] is currently being mainstreamed in Kindergarten with the support of a full time 1:1 PCA, a consulting BCBA for 10 hours/month, a special educator who pulls him out for supplementary education in reading and math 45 minutes per day, five days per week, an occupational therapist for 90 minutes per month, a physical therapist 45 minutes per month, and a speech therapist for two hours/week. [R.H.] also has a BSC through SPIN who previously conducted an FBA this year, and regularly consults with the teacher and PCA. [R.H.] lives with his mother, Manqing Lin, who advocates for her son, his father, Yong Hong Huang, who works as a cook, and his sister, [REDACTED] who is in the 9th grade at Central High School. The family speaks Mandarin in the home and required an interpreter for the purposes of this evaluation. The family lives in Center City, Philadelphia.

REASON FOR REFERRAL:

The purpose of this evaluation is to provide independent insight into [R.H.] strengths and needs to help inform his Individualized Education Plan. Thus, this report will include interviews with the parents, adults, and therapists in [R.H.] life, a review of his past records, a functional assessment of behavior, an objective observation of his behavior, an assessment of his reciprocal social interaction skills and deficits, an assessment of his restricted and repetitive behaviors, and a testing of the limits in math and reading in order to develop specific recommendations for addressing behavior, academic skills, reciprocal social skills,

Thus, the referral questions are explored in this report:

1. What are [R.H.] academic programming needs, particularly with regard to specially-designed instruction to both sufficient challenge him and address any gaps in learning?
2. To what extent does [R.H.] restrictive and repetitive behaviors interfere with his access to and benefit from instructional programs and services?
3. What are [R.H.] strengths and weakness that impact his ability to learn and participate in academic programming?
4. What are the factors that impede [R.H.] ability to attend to stimuli?
5. How much and what kind of structure/support is necessary for [R.H.] to make progress across home, school and community environments?
6. What services, supports, and strategies will enable [R.H.] to express himself effectively and clearly?
7. What services, supports and strategies will enable [R.H.] to respond to adults and peers in a developmentally appropriate manner?

8. How can these efforts best be coordinated across home and school environments to ensure generalization of skills?

HISTORY OF THE PRESENTING CONCERNS:

R.H. parents first became concerned about him when he was about 2½ years old. His mother reported that he stopped talking at 18 months and from then his language development was very slow, different from that of his older sister. When she called **R.H.** name, he did not respond. He demonstrated a facility with learning letters and numbers, so his mother researched giftedness online and discovered that some of **R.H.** abilities were consistent with children on the autism spectrum. She initially contacted Childlink in April of 2014. He qualified for speech and special instruction services, which he received for 2-3 months before transitioning to Elwyn. His pediatrician also referred **R.H.** for a speech/language evaluation at the department of speech/language pathology at the Children's Hospital of Philadelphia (CHOP) in 7/2014. At CHOP, he was diagnosed with a "moderate receptive and expressive language delay in the presence of an autism spectrum disorder (ASD)" by Ms. Ash. He has a subsequent evaluation at the Center for Autism by Yevegenya Fleishman, LPC, which confirmed the diagnosis of ASD and recommended specialized pre-school programming to "develop his communication and social interaction skills, focusing on treatment of the core deficits of his autistic spectrum disorder."

Currently, **R.H.** displays deficits in social interaction (poor eye contact, lack of joint attention, delayed speech, lack of understanding of the pragmatics of social communication, lack of imaginative/pretend play skill, does not play with toys, difficulties initiating social interaction with peers and adults, difficulties responding to social initiations made by peers and adults), restricted and repetitive behaviors (preoccupation with numbers and letters, makes repetitive statements, has difficult transitioning off of preferred activities) and sensory sensitivities to loud sounds.

SPEECH AND LANGUAGE SKILLS DEVELOPMENT

Ms. Lin reported that her son babbled as an infant and spoke his first word (the Mandarin word for "milk") when he was 12-13 months. He continued to develop some single words, e.g. "daddy" at 14-15 months and "mama" at 17 months, but language development proceeded slowly from there. He primarily communicated by pulling his mother's hand to what he wanted and saying single words, e.g. "mommy," "apples." He would also sing songs, e.g. Twinkle Twinkle Little Star or "talk about numbers." He did not respond to his name at 12 months, but was able to follow simple instructions, e.g. "put your diaper in the trash," a little over a year of age. **R.H.** did not use simple gestures to communicate as an infant (e.g. waving bye-bye) and did not point to objects of interest. He seldom brought objects over to show to his parents. Ms. Lin said he was putting two words together at two years old. She added that he now sometimes speaks in full sentences in Mandarin at home, but not consistently. It was unclear if these are rote sentences or more flexible in nature. In English, with the speech therapy he has received thus far, he mostly speaks in flexible phrases or rote sentences. **R.H.** cannot engage in a back-and-forth conversation. He will initiate conversation with his mother if he "wants to tell her something or ask a question," e.g. "Where are we going? What's the address?" He will share his wants and needs as well as his thoughts and ideas with her in Mandarin. However, he typically only talks about his interests, i.e., math and numbers. He speaks less to his father and will hide his face as if shy when his father attempts to communicate with him.

R.H. was assessed using the Verbal Behavior Milestones Assessment and Placement Program (VB-MAPP) in November of 2015 by Lindsay Phillips, BCBA of ABA2Day Behavior Services, LLC. The results are as follows:

R.H. had mastered the following areas on level 2 (18-30 months): Tact (labeling items, labeling actions, and using nouns and verbs together), Visual Perceptual Skills (matching identical and non-identical items), Independent Play (searching for a missing part, using toys functionally, assembling a toy with different parts, using toys creatively), Imitation (imitating new movements), Echoic (can echo novel words and short phrases with appropriate quality of speech), and Listener Responding by Function, Feature and Class (identifying items by function, responding to wh-questions, using a variety of questions to describe one object).

Skills that were still developing included: Manding (for others to emit five different actions or missing actions needed to enjoy a desired activity, increase spontaneous mands, generate new mands without specific training); Listener Responding (follow 50 different two-component noun-verb or verb-noun instructions); Social Behavior and Social Play (initiate social interactions with peers; spontaneously mand to peers, engage in sustained play with peers with no additional prompts or adult reinforcement, spontaneously respond to the mands of peers, spontaneously mands to peers to participate in games, social play, etc.); Intraverbal (Completes 25 different fill-in phrases, answers 25 different what questions, answers 25 different who or where questions); Classroom Routines and Group Skills (puts away person items, lines up, comes to table with only one verbal prompt, transitions between classroom activities with no more than one gestural or verbal prompt; sits in a small group for 10 minutes, attends to teacher material for 50% of the period and responds to five of the teacher's sDs); Linguistic Structure (emitting functional prosody).

On level 3 (30-48 months) **R.H.** had mastered Tacting (labeling adjectives and adverbs and using complete sentences to label items and activities); Reading (reading and comprehending a few words and matching words to pictures); Writing (copy letters and numbers and independently write name); Math (comprehend concepts of size, length, height, weight, width, volume, and auditory intensity; match a visual number to the correct quantity).

Skills that were still developing included: Mand (spontaneously mand for different verbal information using a WH-question or question word, politely mand to stop an undesirable activity, mand with at least 10 adjectives, prepositions or adverbs, gives directions, instructions or explanations for how to do something, mands for others to attend to his own intraverbal behavior); Listener Responding (Follow instructions using different prepositions and pronouns; follow three-step directions); Visual Perceptual Skills and Matching to Sample (spontaneously matches part of an arts and crafts activity to another person's sample); Independent Play (spontaneously engages in pretend or imaginary play, repeats a gross motor behavior to obtain a better effect); Social Behavior and Social Play (spontaneously cooperates with a peer to accomplish a specific outcome, mands to peers with a wh-question, intraverbally responds to different questions or statements from peers, engages in pretend social play activities with peers without adult prompts, engages in four verbal exchanges on one topic with peers); Listener Responding by Function, Feature, and Class (selects items from a page in book or natural environment based on three verbal components, selects the correct times from a book or the

natural environment given different rotating question about a single topic); Intraverbals (spontaneously emits intraverbal comments, demonstrates 300 different intraverbal responses, tested or obtained from an accumulated list, describes different events, videos, stories, etc., with 8+ words, answers 4 different wh-questions about a single topic); Classroom Routines and Group Skills (uses toilet and washes hands with only verbal prompts, responds to five different group instructions or questions without direct prompts in a group of three or more children, works independently for five minutes in a group, and stays on task for 50% of the period, acquires two new behavior during a 15-minute group-teaching format involving 5 or more children, sits in a 20-minute group session involving 5 children without disruptive behaviors and answers 5 intraverbal questions); Linguistic Structure (Emits verb inflections by combining 10 root verbs with affixes for regular past tense and 10 root verb with affixes for future tense, emits 10 different verb phrases containing at least 3 words and two modifiers).

A Speech and Language evaluation at Nemours on 3/1/2016 by Brooke Crenshaw, Speech Therapist, concluded that **R.H.** presents with a pragmatic language disorder. He demonstrated strengths in his ability to understand vocabulary and sentence structure. Expressive vocabulary and his ability to follow directions was also a strength. He demonstrated weaknesses in his ability to use accurate word structure and the functional use of existing language skills for social engagement.

R.H. district speech and language assessment (10/28/2016) yielded the following results:

R.H. was evaluated on two different days, via two different, comprehensive receptive/expressive language batteries. Results on these two measures reveal varied language profiles. This reveals that **R.H.** language abilities are inconsistent and variable. It can be ascertained that his expressive language, specifically use of morphology/syntax and his ability to use language to describe/explain are disordered when compared to age-matched peers. His phrase structure and complexity lacks integrity, which impacts his ability to utilize language to participate in classroom discussions, respond to questions verbally, and engage socially with peers. Additionally, as evidenced by results on the Pragmatic Judgment portion of the CASL and classroom observation, **R.H.** presents with a severe pragmatic language disorder. He does not utilize language to engage in back and forth conversation - he will default to commenting, rather than use statements to gain new information. He will produce phrases/sentences that he prefers or are relevant to what he is thinking about or doing. He will regard his listener and engage with reminders/cues/prompting. It is recommended that **R.H.** receive speech/language therapy in order to fully access and participate in his academic curriculum.

R.H. mother said that sometimes he "sounds like a teacher," particularly when talking about math and uses "overly formal language." **R.H.** says a lot of phrases/sentences repetitively and engages in scripting. At three, he used to engage in immediate echolalia, particularly when he did not understand what was being asked of him, e.g. "How do you feel right now?" She did not note anything else unusual about the quality of speech with regard to volume, pace, pitch, rhythm, rate of speech.

SOCIAL SKILLS DEVELOPMENT

Ms. Lin recalled that [R.H.] seldom gazed into his mother's eyes as an infant. He did not notice or appear to care when she left or entered the room. He did not imitate facial expressions, but did begin imitating speech at about two years of age, and his parents were able to teach him words in this manner. As a toddler, responded to peek-a-boo and tickle games. Currently, at five years of age, [R.H.] likes to play board games with his mother including Chutes and Ladders, Marble Run, Zingo, and Uno. His mother said that he is able to take turns. [R.H.] is reportedly affectionate. He will approach his mother for a hug. Eye contact is not sustained, nor is it used to initiate, maintain or terminate social contact. He will only follow joint attention if his mother exaggeratedly points at the target object, and is not yet establish joint attention by following her eyes alone. He will sometimes smile in response to the smile of his mother and smiles in response to the smiles of other children. He typically has a flat expression or will smile and laugh. [R.H.] is able to expressed shared enjoyment by looking and smiling at others. He is able to read extreme expressions in others, but does not yet know how to react or comfort. If another child approaches him, he may shy away or not know how to respond. He very seldom uses gestures in combination with verbal communication. He does not yet do things for other people, just because he thinks they would appreciate it. He is beginning to show things of interest to his mother. For example, "Yesterday he was playing with a game on his iPad, got a good score. He brought the iPad to show me, and he said, 'I'm great.'"

[R.H.] does not have a preferred age group for interaction. He reportedly "likes his older cousins" and "observes how they play." He is interested in same-age peers and will imitate their behaviors. He is generally receptive if approached by another child, but may not know how to respond. In large groups he is easily distracted and over-stimulated. He often does not want someone physically close to him. On the playground, [R.H.] will chase other children and following them on playground equipment. He is not yet able to engage in pretend or imaginary play, but does engage in some functional play. For example, he will drink "tea" from a cup, feed a baby, or pick up a phone and say "hello." He does not use objects symbolically or as agents of action.

[R.H.] liked Legos when he was younger, but will not play with them now. He also enjoyed toys that made sounds or lit up. His mother said he "doesn't like toys," but never played with them in an unusual manner. Currently, he enjoys playing on the iPad, reading books, and playing a digital keyboard. He likes to draw numbers and clocks. His mother shared that "yesterday he drew the keyboard and wrote the corresponding notes on each key."

EMOTIONAL REGULATION

[R.H.] is easily frustrated when something is too difficult for him to do, if he cannot complete a sequence (e.g. if he is interrupted from counting something), and if he does not get something "exactly right," (e.g. when playing the piano, if he does not play a song right, he will get upset and try to do it again and again). He can quickly escalate to a tantrum, falling on the floor and screaming or he may refuse to be redirected. His mother encourages him to take breaks, utilizes written schedules (without timeframes, as he tends to persevere on these), and, when he is receptive, providing him with explanations. She said that at home tantrums occur once every two weeks and can last 20-25 minutes. When he was younger, he would scratch his face when frustrated, but he no longer engages in any self-injurious behavior.

RESTRICTED AND REPETITIVE BEHAVIORS

R.H. has a deep interest in anything related to math and numbers. He scans the environment, looking for numbers, and will read off the numbers he sees on buildings, classroom doors, spines of books, etc. He also likes knowing numeric facts about people and will guess their ages. **R.H.** also counts the number of stories in buildings and estimates their heights. When he was three, he could not yet write numbers, so he would dictate the numbers 1-500 to his parents. If they tried to stop or wrote the wrong number, he would get upset. He also watches numbers on the radio, which his mother will sometimes cover, as he cannot focus on anything else when he is distracted by watching numbers.

R.H. engages in stereotyped speech, making non-socially-directed statements about numbers/math and appears absorbed in his own world when doing so. This behavior can be difficult to interrupt. It should be noted, however, that his interest in math and numbers is also an intellectual gift and not solely self-stimulatory. **R.H.** is able to perform complex calculations. In addition to being fluent in addition, subtraction and multiplication facts (which can be learned by rote), he has a strong conceptual understanding and can add and subtract using borrowing and regrouping, divide numbers, add and subtract fractions, and even do volume conversions. For example, in the grocery store, he spontaneously told his mother that a half a gallon of milk and 14 oz. container of ice cream is $\frac{5}{8}$ th of a gallon. **R.H.** is also highly motivated by learning about math, and his mother has been able to teach him a variety of mathematical skills at home.

R.H. mother described some compulsive tendencies. He used to line up his shoes and books when he was 1 - 2 years of age. He used to memorize routes and get very upset if his parents took a different route to get to a familiar place. Now that he's older, he has become more flexible and his mother can talk him through it. He likes watching advertisement boards the cycle through a number of slides. He used to watch them and read the advertisements for a long time. Now, his mother can tell him "four or more slides and then we go," but he has to complete a cycle or he cries. With regard to repetitive behaviors, **R.H.** used to flick light switches. He will also peer at intricate woodwork and designs. His mother said he used to like to look at stairs from various angles.

R.H. also cares about the "form" of things. If a cake gets crushed in his book bag and does not look the same as it typically does, he will not eat it. He will also not eat certain foods if his mother does not get it from a particular store.

SENSORY SENSITIVITIES/SENSORY SEEKING BEHAVIOR

R.H. demonstrates some sensory seeking behavior. He likes to touch his own fingernails and that of his therapists. He also likes tickles and deep pressure, and will ask for more. **R.H.** also enjoys playing with water. He is sensitive to loud sounds. When younger, he was very scared of loud noises, particularly the blender and hair dryer. He would hide in another room or cry. Now, he is somewhat desensitized to these sounds, but will still be "nervous" at a particularly loud hand dryer. He does not like tags in his clothing, which his mother will cut out for him. He also does not like things on the sofa next to them and "might throw everything on the floor."

MEDICAL HISTORY:

R.H. is the second of two children born Ms. Lin and Mr. Huang. Maternal age was 33 years at time of birth. She did not have any exposure to known teratogens. There was no threat of miscarriage, and she delivered vaginally at 41 weeks gestation. Birth weight was 7 pounds, 10 ounces; length was 20 inches. There were no problems for mother or child at birth. **R.H.** was jaundiced, which resolved on its own. Both were discharged from the hospital within a typical time frame. Ms. Lin breastfed **R.H.** until he was 18 months. He was reportedly a “quiet baby,” “easy to take care of” and could “entertain himself for a half an hour at a time.”

R.H. sees Dr. Siu for routine pediatric care at Chinatown Medical Service. His last physical was in November 2016, and he is up-to-date with immunizations. He tested negative for lead. Genetic testing revealed a Q13 slight deletion. **R.H.** hit his head at 17 months but did not suffer loss of consciousness or a concussion. He has had no medical procedures, tests or hospitalizations, nor has he had any seizures, hearing issues, vision issues, head trauma/loss of consciousness or allergies. **R.H.** is generally in good health.

DEVELOPMENTAL HISTORY

R.H. met most gross motor milestones within normal limits. He sat alone at around 7 months, was slower to crawl, only lifting his stomach off of the floor when he was about a year of age, but then walked between 14-15 months. When assessed by Elwyn for gross motor skills, using the DAY-C, he was found to be in the average range for gross motor development (SS = 93, PR = 32), though he had difficulty with bilateral coordination of the arms and legs, was unable to gallop or skip, and could not catch, trap or kick a ball or bounce and catch a tennis ball. His physical therapist noted, “**R.H.** shows weakness in his core, hips and ankles.” In addition to Physical Therapy through Elwyn, **R.H.** received Physical Therapy through Jefferson University Hospital once per week. He was also prescribed orthotics, which **R.H.** did not like to wear. His PT through Elwyn reported (2/4/16) that **R.H.** demonstrates “fearfulness to jump down from low surfaces without handhold support,” and “with cuing **R.H.** participate in a ball catch and throw game with peers in which he chose a classmate to throw to and accurately passed the ball 60% of the time.” He also “avoids kicking a ball.” It seems that **R.H.** is motivated to perform physical activities when they include his same-age peers.

R.H. has uneven skills when it comes to fine motor ability. According to his mother, he still struggles to eat using utensils, and can only eat with a spoon. When assessed by Elwyn using the DAY-C (1/11/2016), his skills were in the superior range. He had strong visual perceptual skills and was able to copy various lines and shapes and cut out geometric shapes. The only deficit noted was that he used a palmar grasp, rather than a tripod grasp. He received Occupational Therapy two times per month for 45 minutes. The focus of these sessions were increasing independence in fine motor and self help skills and working on hand strengthening activities to increase his hand grasp.

FAMILY HISTORY

Ms. Lin reported that she immigrated to the United States from China in 1996. She takes care of the children at home and helps other Chinese families advocate for their children with special needs. Her husband is a cook at Wegmans. **R.H.** sister is in the 9th grade at Central High School and reportedly “doing well.” There is no reported

family history of developmental delays, autism spectrum disorders, intellectual disabilities, learning disabilities, or inherited syndromes. The family has strong community support. In addition to [R.H.] therapeutic and educational supports, his mother takes him for both individual music therapy and group music workshops at Settlement Music. [R.H.] reportedly has perfect pitch and is working on ear training, playing the piano and singing.

EDUCATIONAL HISTORY

Early Intervention History

[R.H.] first received a Multidisciplinary Evaluation through Childlink on 5/23/2014. According to this evaluation, delays of 25% or greater were noted in the areas of self-help, physical, and social-emotional development. He received special instruction and speech and language services for one hour each week for two months, prior to aging out. He was evaluated by Elwyn on 7/17/2014, and while waiting for the IEP to be developed, he was evaluated at The Center for Autism on 7/30/2014 and 8/14/2014. The Center for Autism's recommendation was that [R.H.] was "in need of an intensive, interdisciplinary treatment program that emphasizes social, communicative and adaptive aspects of development." It was suggested that he receive services at The Center for Autism's Specialized Autism Services for Pre-K children. His parents decided to mainstream [R.H.] in a typical preschool environment, Children's Village, with center-based supports through Elwyn including an ABA-PCA (33.5 hours/week), specialized instruction, occupational therapy, and speech therapy. These services followed [R.H.] into his current placement, a regular education Kindergarten classroom at General George McCall Elementary School in Philadelphia. A new IEP has not yet been developed, and the results of this evaluation will help inform the IEP. Ms. Lin explained that Children's Village was largely a play-based environment, and demands for attention have increased in Kindergarten. In his current setting he has difficulty attending to group-based instruction, following directions, and transitioning between activities. His mother noted that he is very easily distracted by posters and pictures on the wall, which he "reads and tries to figure out."

Academic Performance

[R.H.] was re-evaluated for Kindergarten on 5/16/2016 by Dr. Audrey Lam, School Psychologist, The School District of Philadelphia. This evaluation established a primary classification of Autism and secondary classifications of Mentally Gifted and Speech/Language Impairment. The following are the results of the academic performance segment of the assessment. See *Cognitive Ability* for that portion of Dr. Lam's assessment.

School Readiness (basic skills) were assessed using the Bracken School Readiness Assessment, Third Edition (BSRA-III). [R.H.] attained a overall standard score in the advanced range (SS = 124, PR = 95), and obtained perfect scores in colors, letters, number identification and counting skills. He was also able to identify all upper and lower case letters at random as well as single-digit and two-digit numbers. He had more difficulty with size/comparisons (73%) and shapes (85%) mastery, though it is unclear to what degree language was a factor.

Academic performance was assessed using the Wechsler Individual Achievement Test, Third Edition (WIAT-II), which provides measures of listening comprehension, early reading skills, math problem solving, and alphabet writing fluency. The evaluator noted that given English is

R.H. second language, his performance on this measure was particularly exceptional. **R.H.** Early Reading Skill fell within the Above Average range (SS = 120, PR = 91, AE = 5:8), his math problem skills were in the Very Superior range (SS = 160, PR >99.9, AE = 8:0), his Alphabet Writing Fluency Skills were in the Superior range (SS = 140, PR = 99.6, AE = 8:4), and his Listen Comprehension Skills were in the Average range (SS = 93, PR = 32, AE = 4:0). As his evaluator points out, “Although **R.H.** listening comprehension skills are somewhat below his superb learning ability, his performance should not be perceived as an indicator of his skills deficit, as ELL students tend to score low in this area, especially when they are first exposed to the language in school.”

Important to note is that these are individually administered tests. Performance is representative of what **R.H.** is capable of working one-on-one, which may differ from classroom performance where there are far more distractions and less individualized attention. Ms. Lin’s concern was that the report did not include a Functional Behavior Assessment to inform intervention to support **R.H.** learning in the classroom.

Behavior Assessment and Intervention

R.H. has a BCBA in the district, Caitlin Gallihue, supervising his program and ABA-PCA. Ms. Gallihue identified goals for **R.H.** on 9/7/2016 on the basis of reviewing his IFSP from Elwyn which included the following:

1. **R.H.** will transition across activities and locations independently in 3 out of 4 trials across four consecutive sessions (60-100% of trials as of 12/4/15, no update since).
2. **R.H.** will increase his independence for self-help skills, including eating, dressing and toileting. (As of 12/11/2015, **R.H.** can self-feed with a fork and complete all toileting steps, but may become off-task.)
3. **R.H.** will engage in cooperative, constructive or physical play activities with peers lasting at least five minutes for the 80-100% of play interactions per day across three consecutive days. (As of 2/10/2016, there was a baseline of play for 2 minute. No further updates provided.)
4. **R.H.** will spontaneously mand to peers for items, actions, and/or participation in activities as well as respond to those same types of mands from peers for 80-100% of opportunities per school day for 3 consecutive days. (Baseline data from 2/10/2016 shows that independent mands to peers range from 0-60% each session. **R.H.** requires prompting to respond to mands from peers.)
5. In one year, **R.H.** will demonstrate at least 3 appropriate verbal interactions during daily activities with at least one other peer within [a] 30 minute session, given no more than 1 prompt as needed over 3 consecutive sessions. (Between 4/15/2016 – 6/1/2016, no progress was reported.)
6. Given no more than one additional verbal and gestural prompt, **R.H.** will follow a variety of one-step, two-step, and three-step directions given by the teacher or other staff in the classroom for 80% of opportunities for two consecutive weeks. (New goal as of 6/1/2016.
7. **R.H.** will answer a variety of questions including personal information and “Wh-“ questions using 3-5+ word sentences for 80% of opportunities over 4 consecutive weeks.

“Based on review of the IFSP and the data provided, programming will target transitions, social interactions (play and manding), compliance with directives and responses to questions.

Ms. Gallihue conducted a 1-hour observation of [R.H.] on 9/19/2016. She noted, “special education teacher reported that [R.H.] requires multiple prompts to comply with directives and stay with the group. He will frequently wander from the group. General education teacher reports that [R.H.] may not answer the questions that he is asked and may respond with something off-topic.” She observed [R.H.] to require verbal prompts to follow group directions (stand with class, sit back down with class). When the PCA walked away from the table to retrieve materials for one minute, [R.H.] remained seated independently. She determined the plan for the next visit would be to establish a parent communication log transition program, and take data on social interactions.

Ms. Gallihue conducted another observation of [R.H.] as well as consulted with his teacher and PCA for 7 hours on 9/23/2016. She reportedly provided training to [R.H.] PCA on a data collection system for transition data, manding to peers, responding to peer mands, statements to peers and cooperative/constructive/physical play goals. In her observation of [R.H.] she noted the following:

[R.H.] independently sat on the carpet and watched as his teacher modeled writing letters on the dry erase board. [R.H.] required assistance to transition to his cubby, remove his folder, and return to his desk. He tried to watch the computers at this time. BCBA modeled partial physical prompting to direct [R.H.] to the table. [R.H.] was observed writing words and letters that were not part of the group lesson. On the playground, [R.H.] required prompting for all statements, interactions and play with peers. BCBA modeled a play interaction for his PCA in which we pretended that there was a shop on the playground and [R.H.] was able to purchase “donuts” (Rocks) from the shop. [R.H.] independently commented about what the items cost and having money (rocks) to buy items. Comments were directed to adults. During the transition into the building, [R.H.] required physical prompting to line up with his peers. [R.H.] declined to use the bathroom when offered.

The plan following this visit will be “to review the data and determine intervention needs.”

Daily data was taken from 9/26/2016 – 11/3/2016 (total of 25 days), which was sent home in the form of a Daily Communication Log after which, weekly data was then sent home beginning on 11/7/2016, which this evaluator had a copy of through 11/21/2016. The daily data was summarized in the form of percentages. The skills being measured included: Transitions independently, Longest duration of play (in minutes), requests to peers (independently), responds to peers (independently), comments to peers (independently), complies with directives (independently). It seems that the purpose of this data collection may have been to establish a baseline to see how [R.H.] is performing independently (without any prompting), so that prompt levels can be determined. It is unclear how many opportunities each percentage represents, e.g. is 50% one out of two opportunities or five out of ten? It is also unclear from the form whether “complies with directives” refers to individual directives, group level directives or both. Furthermore, it is unclear if play was parallel or cooperative and whether it was imaginative or

functional.

The following summary is this evaluator's calculations:

- Transitions were made independently a range of 0% - 43% of opportunities, with a median of 0% and a mean of 4.6%.
- Play was conducted a range of 0 minutes to 1 minute, with a median of 0 minutes, and a mean of 17.8 seconds.
- Requests to peers were made independently a range of 0% - 50% of opportunities, with a median of 0% and a mean of 3% of opportunities.
- Comments to peers were made independently a range of 0% - 67% of opportunities, with a median of 0% and a mean of 8.12% of opportunities.
- Compliance with directives occurred a range of 25% - 83% of opportunities, with a median of 57% and a mean of 50.72% of opportunities (Though again it is unclear whether these were individual or group directives and several of the sheets noted that verbal and physical prompts were given, so it is unclear how much of this was actually independent.)

If this is indeed a baseline, intervention, i.e., skill development through modeling, visual supports, and systematic prompting/graduated guidance, is necessary to further develop all of these skills. None of the above skills are being performed independently at this point. It is unclear from this data what prompt levels are necessary. It would be useful to have a data sheet that identified each time an opportunity was created and what type of prompt was given in order for R.H. to be successful.

The data also contained qualitative information about what R.H. did (e.g. "literacy/writing, the letter R, centers (computers), science and activity works") what he ate that day, e.g. "R.H. ate some pizza for lunch today," occasionally what he did on the playground, "He played alongside his peers for one minute and then started counting," and any additional necessary behavior intervention, e.g. "We had to take two 'cool down' walks today to make some transitions easier." This information varies, however, and it is not possible to know how much prompting R.H. requires to participate in group activities, individual lessons, and making transitions

From 11/7/2016 – 11/21/2016 it appears that mainly qualitative data was taken with what appears to be probe data for the skills taken once per week. There is quantitative data for 11/10/2016 and 11/18/2016. On 11/10, the data sheet reports that R.H. engaged in cooperative play for 30 seconds and made requests of peers, responded to peers and made comments to peers 0% of the time. It says there were "12 interactions with prompting," but it is unclear 1) if these interactions were all on the same day; 2) if they were multiple separate distinct interactions or all part of the same interaction; 3) if they were requests, responses or comments; 4) what kind of prompt was used. Without this information, it is unclear how it could inform the BCBA and R.H. educational team of the progress R.H. is making and where he needs greater support to master these goals. On 11/18, the data taken reports that R.H. engaged in cooperative play for 0-3 minutes, made requests of peers 1-50% of the time, responded to peers 0-75% of the time and made comments to peers 0-25% of the time. This looks less like probe data and more like weekly data, but again, it is not precise enough to drive intervention. It is unclear 1) how many opportunities R.H. had to engage in these behaviors each day—e.g., is it

0% because there were no opportunities or because he had 10 opportunities and did not engage, even with prompting; 2) it is unknown what kinds of prompts/supports are being used; and furthermore, 3) we don't know if the behavior, when it is performed is rote or spontaneous. Thus, more precise methods of data collection and ensuring the PCA is trained in these methods is essential for a data-driven program. The qualitative data is likely useful for communication between home-school, but does not provide specific enough information to be able to measure progress towards goals.

BEHAVIOR HEALTH REHABILITATION SERVICES: Important to note is that in addition to behavior support in the school, [R.H.] also receives school and home-based behavioral support through SPIN. A Behavior Specialist Consultant, Emma Williamson, LBS, conducted a functional behavior assessment in the school and made recommendations to the team as well. She comes into the school and consults on a weekly basis. I spoke with Ms. Williamson during my second visit and she provided me with her FBA and the behavior plan she developed on the basis of these results. Any recommendations that I make will take all of these interventions into account, as I want to be sure that developing a comprehensive plan is coordinated effort across the school, [R.H.] BHRS services, and this evaluation.

The FBA identified the following behaviors of concern: tantrums which include self injurious behavior, wandering, non responsiveness to instructional demands, and inappropriate sensory stimulation in the form of mouthing inedibles, his own fingers, and inserting fingers into nostrils. [R.H.] was observed on his second day of Kindergarten, 9/15/2016. The PCA was not yet in place. He was observed again on 9/28/2016 after being in school for two weeks and the PCA was working with [R.H.] at that point. He reported that he has difficulty remaining on task, remaining seated, keeping his hands to himself, and transitioning. Important to note is that data was amassed across three settings (home, school and Settlement music program).

- Putting fingers in his mouth was observed 57 times in 7.5 hours, was of moderate intensity, and lasted 1-5 minutes per event. It was hypothesized to be for gain: sensory input.
- Non-compliance and refusal behavior was observed 120 times in 7.5 hours, occurring at a rate of 16 times per hour, was of severe intensity, and lasted 1-5 minutes per event. It was hypothesized to be for escape from a demand.
- Wandering behavior occurred 56 times in 7.5 hours, with an average rate of 8 times per hour, was of moderate intensity and lasted 1-5 minutes per event. It was hypothesized to be for escape from a demand and gain sensory input.
- Tantrum behavior was observed 4 times in 7.5 hours and occurred at a rate of 0.5 times per hour, was moderate in intensity and lasted 1-13 minutes per event. It was hypothesized to be for gaining attention.

A qualitative report noted the following:

During the first observation [R.H.] remained seated at his desk or on the carpet. There were 4 instances within the 2-hour observation when [R.H.] required redirection to sit down. Out of seat behavior mostly occurred in the form of [R.H.] not returning to his seat after being allowed up or getting up when other

peers were up. [R.H.] was observed perseverating on numbers or letters on walls and in books as well as counting steps. During these times [R.H.] would look at numbers, letters of interest, or stairwell and verbally repeat what he was looking at. [R.H.] engaged in this behavior at a low volume. The behavior interfered with his ability to attend to class instruction and follow staff directions. [R.H.] was observed engaging in this behavior 8 times within the 2-hour observation. [R.H.] disengaged and was non compliant to staff requests. [R.H.] would be oriented away from speaker or instruction and/ or would be non responsive to directions from staff. [R.H.] had a staff member sitting immediately next to him but was still frequently non-responsive to directions made by this staff person specifically to him. This behavior was observed 63 times within the 2-hour observation. [R.H.] was observed placing his fingers inside both nostrils throughout the observation...This behavior was observed 22 times during the 2 hour observation. [R.H.] was also observed placing inedible items in his mouth manipulatives (counting blocks), paper towels, and his own fingers. This behavior was observed 21 times during the 2-hour observation. [R.H.] was observed wandering from class while in hallway 14 times during 2-hour observation. [R.H.] would walk away from class group or in opposite direction of class. [R.H.] attempted to go inside other classrooms. Staff remained with him during transitions in order to ensure [R.H.] remain with class.

[R.H.] was again observed in school on September 28, 2016. [R.H.] had a permanent school district 1:1 aide in place. BSC observed the school district aide using visual cues and physical prompts. During 1.25 hour BSC observation with 1:1 aide present [R.H.] was observed engaging in wandering behavior 14x, non responsiveness 8x, Mouthing fingers 3x, and perseverative speech accompanied by hand gestures 5x. During the observation [R.H.] was observed receiving instruction from his teacher. The teacher was instructing [R.H.] and 1 peer. 1:1 aide was present. During the instruction [R.H.] was unresponsive to questions asked by teacher. [R.H.] attempted to grab instruction book from teacher 7x. Class then transitioned back to desks and transitioned to lunch. [R.H.] required many additional prompts verbally, visual, and physical to remain in correct locations and follow instructions.

A Behavior Treatment Plan was developed as a result of the FBA on 11/11/2016.

The Antecedent Plan was as follows:

Limit environmental distractions before giving direction. Call [R.H.] name and/or use physical prompt to gain [R.H.] attention. Provide structure and consistency. Use schedule to illustrate upcoming activities and expectations. Discuss expected behaviors before activity. Use concrete short directives. Break tasks into steps and model steps/ procedures. Praise other children for appropriate behavior. Use of promise procedure- i.e., first reading then break.

The Consequence Plan was as follows:

If **R.H.** demonstrates noncompliance or off-task behavior: 1. Vocally deliver an "informational no" and repeat the original instruction. 2. Wait up to 5 seconds. 3. If **R.H.** completes the demand, give a brief, specific praise statement/brief period of social attention (but less than would be delivered if **R.H.** had completed the demand the first time it was given). For example, say "Thank you for ____" / "I like how you ____" / "excellent listening to your teacher," etc. If **R.H.** does not complete the demand, move to step 4. 4. Following a least-to-most prompting hierarchy, provide the least intrusive level of prompting possible to elicit the specified behavior. (least-to-most prompting hierarchy: 1x verbal prompt --> gestural prompt such as pointing or motioning toward materials --> model prompt by demonstrating the expected behavior --> partial physical prompt such as gently lifting **R.H.** hand toward writing materials --> full physical prompt/hand-over-hand). 5. Deliver a very brief praise statement such as "you did it," or "that's nice coloring." Provide less attention/praise than would be delivered if **R.H.** completed the demand independently.

The Replacement Behavior Plan was as follows:

Provide ample opportunities for **R.H.** to follow directions. Provide prompts as needed to evoke compliant responding. Intersperse easier and more difficult demands. Break tasks into simpler steps as needed. Limit environmental distractors.

Behavior Goals were as follows:

1. **R.H.** will reduce inappropriate self-stimulatory behavior from a baseline of 8x per hour to 0. The specific antecedent plan for reducing this behavior: Provide **R.H.** with hand fidget. Provide an environment with a variety of high interest activities to avoid **R.H.** seeking inappropriate sensory stimulation. Encourage **R.H.** to participate in class/ group/ educational activities. Praise peers for appropriate behavior. The specific consequence plan for engaging in this behavior: 1. Interrupt **R.H.** from continuing to engage in behavior. 2. Redirect **R.H.** to appropriately engage with hand fidget, educational activity, or leisure activity. 3. Provide praise initially after 5 seconds of appropriate engagement then every 1-2 minutes. 4. Repeat as needed.
2. **R.H.** will decrease wandering behavior from a baseline of 7x per hour to 0. The specific antecedent plan for reducing this behavior: Close monitoring of **R.H.** when target behavior is likely to occur. Provide appropriate times for **R.H.** to safely explore environment. Pair designated area with reinforcers. Frequent opportunities for appropriate sensory stimulation. The specific consequence plan for engaging in this behavior: Interrupt or stop **R.H.** from leaving designated area. Redirect him to appropriate area and appropriate engagement with available activities. Model and prompt appropriate requesting, i.e., Can I go see ____? If appropriate allow **R.H.** time to explore area/ item of interest contingent on

appropriate requesting and after completing immediate work requirement. i.e., nice asking! You can go look at poster after you complete worksheet. The teaching plan for this behavior: Use of visual cues and verbal prompts (i.e., stop at the door, walk to the blue line, stop sign etc.) Use of social stories (i.e., pictures that teach about a specific skill) to teach safety awareness. Teach R.H. to respond to safety words such as "stop" or "danger" through the use of reinforcement each time he follows the safety cue. Physically re-direct R.H. to activity/game/demand, using hand-over-hand, if necessary. Follow all safety care techniques to ensure R.H. safety, if not successful guide with physical prompt until R.H. is in a safe environment.

3. R.H. will decrease engaging in tantrum behavior from a baseline of 1x per hour in the home environment to 0. The specific antecedent plan for reducing this behavior: Close monitoring of R.H. during times when the target behavior is likely to occur. This includes transitions from preferred items/activities, restricted access, demand situations, and after making a mistake. Have R.H. verbally repeat expected behaviors to adults. Provide R.H. with warnings before transitions such as "R.H. iPad will be all done in 2 more minutes, and then we will eat dinner." Have R.H. verbally repeat upcoming activities, transitions, or changes in his routine to adults with prompts such as "R.H. what will we do at 7:00PM?" (take a bath). Use a timer to visually represent time remaining in a task, activity, or break. Provide R.H. with a visual schedule, especially in new routines. Review upcoming activities with R.H. and allow him to check off tasks as he completes them. Review rules and expectations at the start of each activity. Break difficult tasks into smaller portions, and state for R.H. when an activity is being shortened (e.g. "You have 5 more questions") If R.H. makes a mistake break down correction process into small steps and assist R.H. in correctly answering problem (e.g. "Let's try this one again. First we will erase. Then we will start with . . ."). Provide positive praise/attention following all instances of R.H. following his schedule, rules, or correcting a mistake without behaviors. Praise peers/siblings who demonstrate appropriate behavior in R.H. presence. Encourage and reinforce instances of R.H. identifying/talking about how he is feeling. The specific consequence plan for engaging in this behavior: 1. If R.H. appears to be becoming upset, frustrated or overwhelmed, remind him of coping strategies and appropriate means of communicating his wants/needs. 2. If R.H. calms himself, provide attention and praise. If he requests a break or other calming activity, independently or with prompts, provide immediate access. 3. Once calm, prompt R.H. to return to the appropriate activity. If R.H. is unable to self-calm and return to activity, or if he becomes dangerous or disruptive: Block inappropriate behaviors such as scratching self. Withdrawal all other social attention or eye contact until R.H. is able to remain calm for 30-60 seconds. (The more intense R.H. tantrum was, the longer he will likely need to calm down). Once calm ask, "are you ready?" -If R.H. responds "yes," praise and provide social attention, and prompt R.H. to complete activity, resume following schedule, or correct mistake. (You may provide choices, such as do you want to stay here and take a break or are you ready?) If R.H. says "no" or

continues tantrum behavior(s), remove social attention and repeat steps above until **R.H.** is calm and states that he is "ready." The teaching plan for this behavior: Review and teach **R.H.** appropriate functional communication skills, coping/self-calming strategies, and contrive opportunities for practice. Provide practice opportunities by periodically interrupting a preferred activity with a less preferred activity. Proactively make **R.H.** aware of the sequence of tasks he is being asked to complete, ending with re-engagement in a preferred activity (e.g. "It's time to turn off the TV and come to the table. We are going to write for 5 minutes, and then you can watch TV again). Provide verbal praise throughout interruption contingent on appropriate behavior/compliance. Intermittently practice using "no" at times when **R.H.** is calm and demonstrating appropriate behavior, rather than after a problem behavior occurs.

4. **R.H.** will independently engage in reciprocal conversation with peers by exchanging at least 3 back and forth on topic conversational turns, across 5 consecutive sessions. The antecedent plan for this behavior: Model appropriate social communication skills. Praise others for appropriate social communication skills. Use social story to model appropriate social communication skills. Practice skills with adults and familiar family members. Provide opportunities for **R.H.** to interact with peers. The consequence plan for this behavior: Natural consequences may be rewarding. Provide supplemental praise or reinforcement as needed.

Please refer to the *Recommendations* section of this report to see how these BHRS recommendations have been incorporated, modified or expanded upon as appropriate based on updated behavior assessment information, and the related needs for PCA training and data collection methods.

COGNITIVE ABILITY:

R.H. was re-evaluated for Kindergarten on 5/16/2016 by Dr. Audrey Lam, School Psychologist, The School District of Philadelphia. This evaluation established a primary classification of Autism and secondary classifications of Mentally Gifted and Speech/Language Impairment.

The Kaufman Assessment Battery for Children, Second Edition (KABC-II) was used to assess cognitive ability, with a lower verbal demand than similar individual, normed test of cognitive ability. Results of the KABC-II indicated that his overall cognitive ability fell within the "upper extreme range" as compared with his same-age peers (SS = 139, PR = 99.5, 90% CI = 132-144). Important to note is that he displayed considerable variability in his standard scores on the three scales that comprise the overall Mental Processing Index, ranging from a standard score of 115 on the Sequential/Gsm to a standard score of 138 on the Simultaneous/Gv. Additionally, the evaluator noted that although his problem solving ability which involves spatial visualization and simultaneous processing of information was exceptionally well developed (SS = 138, PR = 99), there was great variability among the subtest scores (average, e.g. Face Recognition subtest to superior range, e.g. Triangles subtest). Moreover, his learning ability as measured by the Learning/GLr Scale placed him in the Upper Extreme level (SS = 136, PR = 99), indicative that he has a keen ability to learn novel information and then apply it to a demand (e.g. Rebus

subtest: scaled score = 19, PR = 99.6). [R.H.] demonstrated a relative weakness (although still in the average range), in the sequential processing of information. The evaluator hypothesized that his performance may have been adversely been impacted by his English skills as a second language.

This evaluator believes this to be a valid assessment of [R.H.] cognitive ability and saw no reason to subject [R.H.] to additional cognitive testing, as it captured his profile of abilities well.

ADAPTIVE SKILLS ASSESSMENT

[R.H.] mother reported that he is only able to use a spoon to feed himself. At home, he is not yet able to use a fork, knife or chop sticks. She typically cuts his food into small pieces. She said that she still feeds him at times. [R.H.] also has difficulty remaining in his seat during meals. [R.H.] is reportedly a “good eater” and will eat a variety of foods. He will sometimes refuse a food if it does not come in familiar packaging or from a store where he is accustomed to getting the product.

[R.H.] was toilet trained for both bowels and bladder at four years and four months of age during the day, but is still not toilet trained for the night. His mother will wake him to ensure that he does not wet the bed. During the day, [R.H.] has an occasional toileting accident when he is particularly absorbed in what he is doing. He has not had any toileting accidents in school, but does not initiate the need to toilet on his own.

With regard to dressing skills, [R.H.] is able to dress himself, but his mother must first set up his clothes and he does not yet orient them correctly without her support. He sometimes does not want to get dressed or will not give dressing his full attention and has to be prompted through it. [R.H.] also does not yet zip his clothes independently.

With regard to tooth brushing, [R.H.] does not yet push the toothbrush around in his mouth, so his mother must assist with this task. His mother must also assist with washing his face, washing his body, rinsing his body and drying it. [R.H.] is not yet able to blow his nose independently.

With regard to safety skills, [R.H.] has a tendency to wander and is often drawn to numbers and lighted advertisements, and may walk away towards what interests him. In public, his mother has to hold his hand to ensure that he stays with her. [R.H.] knows not to touch hot objects, but he will touch the outlets, and may do so to gain attention.

SKILLS/NEEDS ASSESSMENT

Autism Diagnostic Observation Schedule-Second Edition (ADOS-2)

The ADOS-2 is a semi-structured, standardized assessment of communication, social interaction, and imaginative use of play materials that is used as part of a multi-measure assessment in the diagnosis of autistic spectrum disorders and can also be used to inform strengths and autism-related skill deficits and assess progress in these areas over time.

[R.H.] was given Module 2, which is designed for children and young adolescents who

have flexible phrase speech, and consists of a series of structured and unstructured situations that allow for the observation of spontaneous social-communicative behaviors and the ability to respond to social cues.

Language and Communication

R.H. frequently spoke in short sentences, some of which learned by rote and had a sing-song quality, e.g., “Let’s count the people,” others which he used more flexibly. He primarily used language to narrate what he was doing, comment, and request. For example, “Daddy and sister are holding the baby.” “Oh no, the dog is walking too far!” “I want to put this one right here.” **R.H.** made frequent grammatical errors, which may also be attributed to the fact that English is his second language, e.g. “This is baby’s eyes closed.” “I want to do this toy first.” “There has no toys.” He did not repeat my speech (echolalia), but he frequently left the activity to persevere on numbers he saw in the room, e.g. read the roman numerals off of volumes of books or look at the numbers on a clock. **R.H.** is not yet able to engage in reciprocal conversation. He did not follow up on conversational leads that I dropped, did not respond to initiations of conversation I made, and did not elaborate on his own comments for my benefit. **R.H.** pointed to indicate what he wanted and paired the pointing with a verbal request, “I want this one,” and on one occasion he pointed to indicate where he wanted to shoot a rocket, “I want to do it up here.” **R.H.** used some descriptive gestures by they were limited in both range and to specific contexts (e.g. show me how to brush your teeth) and not used to enhance verbal communication. No conventional or informational gestures were observed.

Reciprocal Social Interaction

R.H. did occasionally make eye contact and even occasionally paired eye contact with a verbal request, but he did not sustain eye contact for very long, did not use it to initiate, regulate or terminate social interaction, and did not employ eye contact to direct my gaze to objects of interest. He most frequently would look at me when he was having fun and wanted me to share in his enjoyment. Frequently, his face bore an expression of delight, which he would direct towards me. **R.H.** has a sense of humor and will try to evoke a laugh from another person by doing something silly, e.g. making a dog trot too far away so that it falls off the table and saying, “Oh, the dog is walking to far” or he had the baby take the dog for a walk and then acknowledged, “The baby is too small.” Thus, there are some early signs of the ability to take the perspective of another, i.e. he knows that engaging in a silly action will evoke a response from me. He could also be quite literal at other times, for example I tried to induce him to pretend that a block was a TV. He replied, “This is only a block.”

When I called **R.H.** name, he turned and oriented on the first press, but at other times, if he was too absorbed in what he was doing, e.g. reading the Roman numerals off of books on a shelf, it was extremely difficult to get his attention and redirect him until he had finished reciting each number he saw (and pointed out the ones that were missing or repeated). **R.H.** did not engage in any instances of sharing or showing, and, in fact, when I asked if I could join him in play, he initially said “nope.” However, he was receptive to my ideas in play and incorporated them into what he was doing, e.g., I

suggested the dog wanted to go for a walk. [R.H.] was able to imitate joint attention, but his use of it was erratic. At times he would ask for something, looking at the object, but without looking back at me. At others, he made direct eye contact. [R.H.] was able to follow my eyes and face alone as a cue to look towards a target object (a mechanical bunny). When I told him the bunny was coming over to give him a kiss, he inclined his face towards the rabbit to allow it to do so.

Overall, [R.H.] made a number of social overtures directed towards me, but they were restricted to his personal demands and interests. He demonstrated very little interest in me as an individual. While engaged with the ADOS-2 activities, he showed relatively little concern as to whether his mother was paying attention to him. [R.H.] generally responded to the activities I presented with interest and glee, though he frequently demonstrated “sticky attention,” to a stimulus, e.g., he repeatedly got “stuck” looking at books with numbers on the spine, or would be so engaged in an activity that he would ignore bids for conversation or social interaction. He often wanted to count using stimulus items, e.g. when I asked him to tell me about what he saw in a picture, he replied, “So many children. Let’s count the people,” and then counted to 19, but was not interested in what the people were doing or talking about how these activities reflected his own interests. During free play, he picked up a book of animals and labeled each of the animals he saw, but when finished he counted all the pages in the book. When playing with a cause and effect toy, he would push one or two of the bears down and then note how many were still “on” (up).

Though [R.H.] is capable of some reciprocal engagement during play, he is not yet able to have a back-and-forth conversation. Most communication is either object oriented or concerned with his preoccupation with numbers. The interaction between us was comfortable, and I was able to establish a good rapport with [R.H.] but because he would get stuck on a stimulus, not respond to my overtures, and is still developing reciprocal social communication skills, interaction was not sustained.

Play

[R.H.] demonstrates a number of emerging play skills. He spontaneously played with a variety of miniature toys, though his repertoire of activities was limited, e.g. when given a set of family figurines, [R.H.] placed family members on a couch and said, “sit down,” but the baby in the arms of the father and sister and said, “Daddy and sister are holding the baby.” He was able to incorporate other’s ideas in play. For example, at my suggestion, he took the dog for a walk. He was also able to pretend to brush his teeth without any objects present. When I proposed that we have a birthday party for a baby doll, he independently put candles in the cake (insisting on only three, “He is not four years old yet.”), he fed the baby, making eating sounds and put the baby to sleep (at my suggestion). He engaged in some creative acts, for example, when I told him that baby was thirsty, he gave the baby a drink and kept noting that they volume of the drink was going down.

Stereotyped Behaviors and Restricted Interests

R.H. did not demonstrate any unusual sensory interest in play materials or people during the ADOS-2 assessment. He briefly made a repetitive movement with his hands when he was excited during a birthday party activity, but this was not a frequent behavior. **R.H.** did demonstrate a preoccupation with numbers (counting, noting volume, identifying Roman numerals) at different points during the assessment. These behaviors could be difficult to interrupt until he finished what he was doing.

Other Behavior

R.H. sat or stood when expected to do so, but often moved about and got up out of his seat. I needed to frequently redirect him back to his chair. He demonstrated one very brief incident of refusal behavior. I introduced a baby doll during free play and told him the baby was hungry. **R.H.** threw the doll exclaiming, "I don't want to," and then returned to what he was doing.

R.H. scores on the ADOS-2 indicate he meets the cutoff for autism, with a high level of autism related symptoms.

Woodcock Johnson-Third Edition, Tests of Achievement

Achievement is the word to describe how a child performs, relative to his or her same-age peers, on academic tasks. The Woodcock Johnson III, Tests of Achievement is a norm-referenced, standardized test used to measure a variety of academic areas including reading, oral language, mathematics, written language, academic knowledge, and writing. The test can be used for diagnostic reasons, i.e. to analyze an individual's strengths and weaknesses and determine how they are impacting the development of a particular area such as reading. They can also be helpful in determining discrepancies between cognitive ability and achievement as well as intra-achievement discrepancies, indicative of learning disorders. Finally, the results can be used to inform educational planning, identifying a student's appropriate instructional level and supports that may be needed. **R.H.** was administered select subtest to "test the limits" and gain a sense of his academic ability.

R.H. was administered subtests the following subtests:

Test of Achievement	Age Equivalent	Grade Equivalent
Letter-Word Identification	8-4	3.0
Reading Fluency	invalid	invalid
Calculation	15-2	9.7

When provided with the samples for the Reading Fluency subtest, **R.H.** got all of the sample items correct, indicative that 1) he understood the task and 2) he understood the sentences. However, once he noticed that the test was timed, he became more concerned about completing all items than obtaining the correct answer and circled responses quickly, at random, without reading the sentences first. I attempted to have him go back and take the test untimed, but he was resistant to this task, and refused to read the items. Thus, I was unable to get a valid score

for this subtest. On the test of Letter-Word Identification, [R.H.] was able read unfamiliar words up to a third grade level. After that, he struggled with which syllable to stress (though he sounded them out appropriately), until the words lengthened and the spelling became more irregular at which point he began to mumble the words. He still insisted on reading all the words, even after I said we could stop, and reached to turn over my test materials, displaying a compulsion to complete the list. Similarly, when given the Calculation Subtest, [R.H.] became frustrated when he no longer recognized the operations, i.e. multiplying decimals, adding mixed fractions, multiply factions, square roots, and quadratic equations. At first, he wanted me to teach him these novel equations. I showed him how to multiply decimals, and he imitated my calculation. Then, he wanted me to demonstrate how to add mixed fractions and how to multiply fractions. He made the comment, "Divided by opposite of multiply," and wrote it at the top of the sheet. When I told him we were finished, he became frustrated that he could not complete all the problems on the page. His mother soothed him by telling him that they were problems for fifth and sixth grade and he has only learned 3rd and 4th grade math. He then wanted to know which grade each problem was for. We indulged this, and once he was satisfied, I was able to put the test materials away. Important to note is that [R.H.] was not simply performing calculations by rote; he attacked problems in novel ways. For example, when given a long division problem in which a four-digit number was divided by 25, he counted by 25's until he figured out how many times 25 went into the number. He arrived at the correct response, though he did not perform long division in a typical manner. Thus, [R.H.] shows signs of having a deeper understanding of math, beyond rote calculation.

Informal Word Problem Assessment

Unfortunately, due to fatigue (he is only five and had been working for almost two hours), [R.H.] was unable to complete further testing. Thus, I provided his mother with some word problems to do at home, as I wanted to assess whether he could differentiate between relevant and irrelevant information and comprehend what he was being asked to calculate. The problems were on the www.ixl.com website. [R.H.] was unable to complete the problems on the website, as he was distracted by the elapsing time on the right side of the page, so his mother copied down the problems and had him perform them with paper and pencil. [R.H.] completed seven problems that contained "extra or missing information," on the fourth grade level. His mother was instructed not to prompt him, but to let him solve the problems on his own. Working independently, [R.H.] solved four out of the seven problems correctly. They were as follows:

1. Allison did two sit ups on Thursday, four sit ups on Friday, 7 sit ups on Saturday, 11 sit ups on Sunday, and 16 sit ups on Monday. If the pattern continues how many sit ups will Allison do on Tuesday. [R.H.] *correctly responded 22.*
2. Kathy went to the playground. She played on the swings for 35 minutes and went on the slide for 20 minutes. It was 4:40 pm when Kathy left the playground. What time was it when Kathy arrived at the playground. [R.H.] *correctly responded 3:45.*
3. The sum of two numbers is 11. Their difference is 3. What are the two numbers? [R.H.] *incorrectly responded 8 and 3.*
4. Mandy went to a vegetable market and bought a bag of red, yellow and green peppers.

The bag contained 16 red peppers, 18 yellow peppers, and 16 green peppers. How many peppers did Mandy buy in all? **R.H.** *correctly responded 50.*

5. Ryan has fewer friends than Sophia but more friends than Helen. Who has the most friends? **R.H.** *incorrectly responded Helen.*
6. Jennifer is 33 years old. Evan is three years younger than Jennifer and four years younger than Taylor. How old is Taylor. **R.H.** *incorrectly responded 26.*
7. Britney took a train from Walnut City to Almondburg by the way of Peanut Village and Pecan Harbor. The train went from 11Km from Walnut City to Peanut Village. It was 18 Km from Peanut Village to Pecan Harbor and 12 Km from Pecan Harbor to Almondburg. How many kilometers was Britney's train ride? **R.H.** *correctly responded 41 kilometers.*

R.H. was able to complete patterns, compute time, and add multiple numbers. He struggled with problems that were more logic-oriented or had misleading information. His performance underscores that he is comprehending word problems, though he needs to learn the language associated with more complex calculations, how to identify necessary information and how eliminate unnecessary information.

FUNCTIONAL ASSESSMENT METHODS

- Records reviewed (see *Sources of Information*)
- Behavioral Observations
 - Classroom visit on 11/22/2016 for 1.5 hours
 - Classroom visit on 11/30/2016 for 1 hour
- Individual interviews
 - Individual interview – parent
 - Individual interview – teacher, PCA, BSC

BEHAVIORAL OBSERVATION:

McCall Elementary School: Observation One

A one and a half hour observation of **R.H.** was conducted, across contexts, in **R.H.** kindergarten classroom at McCall Elementary School on 11/22/2016. It was an unusual day in that it was a half-day and the schedule was different to accommodate the shorter day. **R.H.** kindergarten teacher and his special education teacher provided instruction while his PCA provided behavior support. When I arrived, the teacher asked me what I wanted to see. I requested that they do what they normally do and do not do anything to change or manipulate the environment.

9:00 am Large Group Instruction

The teacher was conducting a large group lesson on the rug at the front of the room (direct instruction). **R.H.** was sitting about two thirds of the way back. His special education teacher was applying deep pressure. **R.H.** reached back for her hands when she took them off of him. She continued to apply deep pressure. She said something to

R.H. that was not audible. R.H. looked away and was not attending to the teacher at the front of the room. The Special Educator called his name three times and told him it was time to do work. R.H. replied, "I want to do math." The Special Educator said to him, "Let's go do work." The rest of the children remained on the rug for the lesson. R.H. did not get up. The special educator lifted him and guided him to the back table. The PCA told R.H. "R.H. you just got a star." Once he was seated, the special educator continued to give R.H. deep pressure.

9:05 am Individualized Literacy Instruction

Three people were now working with R.H. at once, while the student teacher led the group lesson with the rest of the class. Mr. Battestelli sat across from R.H. and presented a Curious George book. The PCA sat to R.H. left, with his token economy system, and the special educator sat behind R.H. and continued to apply deep pressure to his shoulders. The teacher read, then asked, "What color is this?" Relying on picture cues, R.H. replied, "yellow." He then looked away. The teacher said, "Look at me. What is George doing?" R.H. said something inaudible. The teacher explained that George was coloring an Easter egg. The teacher asked, "How does George feel?" R.H. read from the book. "George was excited." The teacher posed the question again two more times. R.H. replied, "happy." The teacher said, "He was excited," and modeled exaggerated gestures indicating excitement.

9:10

Mr. Battestelli then said, "Let's read. Why was George excited? Can you read?" R.H. did not read. The teacher read. After reading he said, "say apron." R.H. said, "apron." The teacher continued reading. R.H. said, "turn the page." The teacher asked, "Who is George talking to?" R.H. did not respond. The special educator verbally prompted, "George is talking to..." R.H. filled in "the man in the hat." The PCA gave R.H. a star. The teacher asked, "What color is this egg?" R.H. said "white." The teacher asked, "What color is this egg?" R.H. replied, "purple." The Special Instructor stepped away. The teacher read. R.H. looked at the book along with him. The teacher asked, "What is George going to do?" Without responding R.H. urged, "Turn the page. Turn the page. Turn the page." The teacher read. He said, "What color do you think George is going to pick?" R.H. said "yellow." The teacher asked again, "What color?" R.H. said "that's yellow," pointing to the book, and then named the other colors. "What is George doing?" R.H. replied (again relying on picture cues), "he is dipping a yellow, blue, green." The teacher asked, "Then what did he do?" R.H. replied, "he dipped it in the red." The teacher prompted, "George made it turn..." and R.H. filled in "purple." The teacher then said, "if we have red and blue what does that make?" R.H. said, "purple," and the PCA gave him a third star. He asked R.H. another question about the picture and R.H. responded correctly. "Good job," the teacher said.

9:15

Mr. Battestelli needed to step away for a moment, so the PCA stepped in. He asked R.H. a question, R.H. did not respond. The PCA prompted, "cake," and R.H. said, "Cake." The PCA said, "The cake is getting ready to..." and R.H. filled in "cool." The PCA asked, "Did the cake fall?" R.H. did not respond. The teacher came back and took

over reading. He asked R.H. "What's going to happen," R.H. said, "He's going to skip in the yellow dye." The teacher gave R.H. a high five and praised him enthusiastically. The PCA gave R.H. a star. The teacher continued to read. He asked, "Why did George make brown?" R.H. did not respond. He asked R.H. "What color is George?" R.H. said, "brown." The teacher explained that he made brown dye so that George could go back to his natural color. He then asked, "What happened?" R.H. laughed. The teacher asked again, "What happened in this picture?" Rather than answer, R.H. read the page. The Special Instructor returned. The teacher asked, "Where did George jump?" (evident from the picture). R.H. replied correctly, "in the sink."

9:20

The teacher read more and asked, "What happened?" R.H. said, "George is clean." The teacher said, "Yes, he's clean. Good job" and the PCA gave R.H. a star. The teacher asked, "Why was it the perfect hiding place?" R.H. said, "The end." The special educator tried to prompt him two times to answer the question. R.H. ignored, thumbing through the book. "Why was it a safe hiding place?" The special instructor asked the question again. R.H. did not respond. He turned to a page and said, smiling, "He's going to slip!" The teacher jumped in, "What happened?" R.H. replied, "George fell into the pot." He asked R.H. a why question twice, which R.H. did not answer. He asked R.H. "What was your favorite part?" R.H. did not respond.

9:25

The teacher modeled, "My favorite part was..." and told him his favorite part, "What's yours?" R.H. said, "When he fell into the yellow dye." The aide gave him another star. The PCA said, "Look! You have ten stars!" The teacher gave him a high five. The PCA set a timer for two minutes. He told R.H. "You earn the phone for stars." They gave him the phone with a video game. The special educator sat behind him giving him warnings..."one more minute...fifty seconds." The special educator counted down to 1 and then said, "Phone is all done," and removed the phone. R.H. gave it back and the PCA said, "Very good R.H. Go back to your seat, R.H. you'll earn a star." R.H. talked about numbers to himself as he took his seat. The PCA gave him a star. The PCA told R.H. "R.H. we've got to go get our coats and go to Spanish." R.H. replied, "Today is 10:30 – 12:15."

9:30 *Transition to Spanish*

The children were all getting their coats on. R.H. briefly wandered and did not put his coat on. The special instructor noticed and helped him put his coat on. The children lined up and R.H. was led to the line. He talked about numbers to himself. While walking with the children, he wandered out of line, "This is second grade," he noted. "This is the third floor." And walking by another room, he said, "This is the fifth grade." The PCA held up one finger and said "Shhhh." The PCA held his hand as they walked the rest of the way. They arrived at their destination. R.H. wandered away. The PCA took his hand again.

9:35 *Spanish*

R.H. continued to speak to himself. He said, "Ma, ma." The PCA prompted, "My mom

is..." [R.H.] filled in, "home." Another child told the PCA where his parent was, which might have been an opportunity for a social engagement. The PCA answered him directly. Then the PCA turned to [R.H.] and asked, "What does your dad do for work?" [R.H.] said, "I don't know." He rocked back and forth a little. He began talking about numbers again. The PCA tried to redirect [R.H.] "Touch your nose." [R.H.] does. "Clap two times." [R.H.] does. "Clap three times." [R.H.] starts but then keeps clapping. At 9:37 the Spanish teacher arrived and the children went into the computer room. The PCA told [R.H.] "sit." He sat in his chair in front of a computer (as did every other child). The teacher gave the large group instructions. The PCA said to [R.H.] "We're on the computer. Right here." He pointed to an icon on the screen. [R.H.] had difficulty navigating the mouse to the proper icon. He pointed again, and then helped [R.H.] hand over hand to navigate.

9:40

[R.H.] chose a game on PBS kids. He had to position a trampoline so that vegetables bounced into a basket. The PCA stepped back and allowed [R.H.] to play independently. [R.H.] did not appear to understand what to do. He sat watching as the vegetables "splat," and did not do anything for a couple minutes. The PCA came over to assist. [R.H.] made one attempt to move the trampoline. The PCA praised him, "Oh you got one in!" He verbally prompted [R.H.] to use the arrows on the keyboard. [R.H.] did not. The PCA suggested, "Try another game," and gestured to the screen. [R.H.] navigated to another game, but seemed frustrated, and kept choosing something different. The PCA said, "What's the matter? Do you want to go back to the game you were on?"

9:45

The PCA assisted [R.H.] hand over hand to navigate to the previous game. [R.H.] attempted to take his marker (for making stars on the token economy system). The PCA told [R.H.] "R.H. that's mine." He took the marker back. He told [R.H.] "Play a new game." [R.H.] took the mouse and began clicking on series of different games. The PCA pointed out his options and moved his hand. [R.H.] tried to move away. The PCA said, "What are you working for? Pick a game to play." [R.H.] picked a game. The PCA gave [R.H.] a star (which was the first in about 20 minutes since he had earned the phone). "Good job. We're on a game," he told [R.H.]

9:50

[R.H.] once again exited the game. The PCA again redirected him. After clicking on icons and then closing them, [R.H.] selected Dora the Explorer. He said, "This is Dora." He scrolled through options, but did not select anything. The PCA gestured to what he should click on to play and then said, "Good job," and gave [R.H.] another star. [R.H.] got off the game again. The PCA helped [R.H.] navigate to a game. [R.H.] repeatedly made the characters jump in the air. The PCA modeled different actions that the figures in the game could do. [R.H.] continued to just make the figure jump repeatedly. The PCA gave a gestural prompt for what to click on next. [R.H.] quit the game and tried to enter another game.

9:55 Transition

The teacher made the announcement for students to logout. The PCA said, "Logout [R.H.] did not respond. The PCA said, "Eyes on eyes. Lunch time." [R.H.] stayed at the computer. The PCA said again, "Lunchtime. Time to get ready to go to lunch. What do we need?" [R.H.] did not respond, but allowed the aide to help him with his coat. [R.H.] then tried to touch the computer. The PCA said, "Line up for a star," three times, before taking [R.H.] hand and walking him to the line. He walked with [R.H.] continuing to hold his hand and verbally prompted [R.H.] to follow another child.

10:00 Lunch

Once in the cafeteria, another child initiated, "Hi [R.H.] He did not respond. The PCA was talking to someone else at the time. Antiseptic was dispensed to the children. [R.H.] held out his hands for it and rubbed them together, familiar with the routine. The children walked over to their table. [R.H.] sat and put his head down on the table. The PCA helped take his coat off. The PCA encouraged [R.H.] to "shift down." He did not. The PCA picked [R.H.] up and moved him. [R.H.] moved back to where he was. [R.H.] made a comment about time (inaudible, as it was loud in the cafeteria). The PCA reassured him, "We have plenty of time."

10:05

The PCA opened [R.H.] sandwich and his milk. He told [R.H.] "One bite and one sip of milk." [R.H.] did not follow the direction. The PCA asked, "Want me to cut it up?" [R.H.] was looking around and appeared to be very distracted by the noise and activity in the room. [R.H.] stared at the numbers on the clock. He drank milk independently. He stood up. The PCA said, "Have to sit down now." He did. Another child at the table said, "[R.H.] gets a star." The PCA said yes.

10:10

[R.H.] continued to drink his milk and sat quietly. He did not eat his sandwich. There was no interaction with his peers.

10:15

[R.H.] watched the clock count down. He held his hands over his ears in anticipation of the buzzer. He got up to throw away his trash, again, clearly following the routine. He wandered away a bit. The PCA brought him back and lead him to line up. The PCA asked if [R.H.] needed the bathroom and then led him inside.

10:20 Recess

The PCA put [R.H.] jacket on. [R.H.] zipped the coat independently. The PCA gave him a high five and took his hand to walk him outside. Once outside, a girl approached [R.H.] followed her. He appeared to be a little nervous navigating the equipment. He called the girls name. The girl tried to get [R.H.] to chase her. He did, briefly. She came back to him and got directly in front of his face. He said her name and followed her onto the equipment. [R.H.] slid down the slide after the girl. She repeatedly looked back to make sure [R.H.] was following her. He chased her around. The girl tires to get another girl involved. [R.H.] is clearly enjoying their attention and engagement, smiling

and chasing the girls.

10:25

One of the girls hugged [R.H.]. He squeezed her back. He followed her up and down the slide again. He continually looked for her. Another girl came and hugged [R.H.]. The girls model jumping for [R.H.]. He imitated their behavior. The girls model marching and singing. [R.H.] imitated their behavior. A girl made a “monkey” face. [R.H.] imitated her. A third girl joined in, saying “[R.H.] follow me!” [R.H.] smiled and was happy, but remained focused on the first girl who engaged him.

Conclusions

- During his reading comprehension lesson, three people on [R.H.] at once was excessive. Providing too much attention can be distracting and may exacerbate attention getting behavior. I was not sure if this is a regular occurrence, but it’s not the best use of all these resources. Certainly the regular education and special education teacher should not be working with [R.H.] at once. If the teacher is working with [R.H.] he should be the one both making the demands and providing reinforcement. This is a time when the PCA could be taking data on [R.H.] behavior.
- The phone is not an ideal reinforcer as it is a distraction in the classroom, phones are typically not allowed in schools (what if he was to damage it), and it is hard to transition off of. Other reinforcers should be identified (see *Recommendations* for ideas)
- When working on reading comprehension, avoid asking questions that [R.H.] can answer just by looking at the pictures. Ask text-based questions. For more abstract questions, give him a choice of responses. Prompt correct responses. Have [R.H.] do the reading, unless he is being particularly resistant. Visual abilities are stronger than auditory.
- Ensure that the reading material is highly motivating to [R.H.] by having him select what he wants to read, even if it is from a limited choice.
- Introduce another child during reading instruction so that [R.H.] has to take turns, wait his turn, raise his hand, listen to a peer, discriminate between when he is being asked a question and when his peer is being asked a question, and to promote more opportunities for socialization.
- The deep pressure the Special Educator applied during these activities did not seem necessary and if anything, was distracting, particularly during the group lesson. Is it part of a sensory diet or a larger plan? If not, does not make sense to do when he should be attending to the teacher.
- Walking in the hall, avoid holding [R.H.] hand or using verbal prompts for [R.H.] to stand in line. Use a visual prompt (gesture or picture) that can be faded more easily.
- Recommendations for differential reinforcement of other behavior (DRO) will be made at end of this report to promote quiet behavior during “demand periods” and allow “talking about numbers” during “non-demand periods.”
- Spanish may be an ideal time for [R.H.] to focus on learning other skills. As he is

an English as a Second Language learner, introducing a third language at this point is not advised. Moreover, [R.H.] did not appear to be getting any educational or social benefit from sitting on the computer and clicking in and out of programs. This might be a time for him to do advanced math programming on the computer, be part of a social skills group, or work on his literacy skills.

- Lunchtime was a missed opportunity for [R.H.] to socially engage with his peers. The PCA sat between him and his peers, and [R.H.] was at the end of the table. Thus he was isolated from the other children. During this time, he was hyper-focused on a clock that counted down in the cafeteria. The other children were talking and laughing. [R.H.] could be prompted with gambits to have brief conversations with peers. Peers could be given items [R.H.] needs (e.g., a straw) so that he would have an opportunity to make a request. It would also be helpful to have a lunch bunch where [R.H.] has lunch with a couple of his peers in a quieter environment (free of clocks), and social engagement can be structured.
- Rather than ask [R.H.] if he needs the bathroom, he should have a visual icon to remind him so that he can begin to initiate. The PCA may silently prompt [R.H.] to give him the icon to indicate that he wants to go to the bathroom at regular intervals to help develop this skill.
- Others are quick to put [R.H.] jacket on and do things for [R.H.] which he should be encouraged to do independently or given the least amount of prompting (no verbal prompting—only gestural or partial physical) to complete the task.
- [R.H.] social behavior on the playground was exciting. There are multiple peers who are very interested in engaging [R.H.] which presents wonderful opportunities for [R.H.] to socially interact. He imitated his peers, followed them around, and displayed a lot of shared enjoyment. These peers should be 1) socially reinforced/recognized for playing nicely with their friends; 2) fed some ideas for games they can play with [R.H.] e.g. Follow the Leader, Simon Says, etc. [R.H.] should be fed some language that he can use with these peers, e.g. “Wait for me!” “My turn!” “Let’s go on the _____,” etc.
- The PCA has a lot of good instincts and is clearly incorporating what he has learned in working with [R.H.] but it is clear he needs more intensive training:
 - Needs to be creating opportunities for [R.H.] to engage with others (give another child something [R.H.] needs, have another child ask [R.H.] a question, prompt [R.H.] to ask a child another question using gambits)
 - Needs to reinforce [R.H.] on a more continuous schedule (see Recommendations). [R.H.] only earned his reinforcement once during this observation period. In order for [R.H.] to be sufficiently motivated, he should be reinforced much more frequently for desired behaviors, particularly at the outset. Intervals can be increased over time, as [R.H.] becomes more compliant with adult directives, maintains focus, and gains mastery of his IEP goals.

McCall Elementary School: Observation Two

An hour-long observation of [R.H.] was conducted, across contexts, in [R.H.] kindergarten classroom at McCall Elementary School on 11/30/2016. [R.H.] BSC from

SPIN was present and consulting to his Special Education teacher and PCA. During this observation, [R.H.] special education teacher provided instruction while his PCA provided behavior support and the BSC consulted to both of them. I had scheduled at 10:15 am, when I was told [R.H.] would be participating in a group-level activity, so that I could observe him in this context.

When I arrived, [R.H.] was out in the hall with the special educator, his PCA, and the BSC from SPIN. He was sitting at a desk, with a reading comprehension worksheet in front of him. The BSC was behind him modeling working with [R.H.] His PCA sat to the side, ready to provide reinforcement. His special education teacher was observing, also close.

10:05 Reading Comprehension/Literacy (with three to one support)

The BSC asked, "Have you been to the waterpark?" a comment that was based on the content of the paragraph on the worksheet. [R.H.] scripted and sang. The BSC held [R.H.] hand and said, pointing hand-over-hand to the words, "We're going to read. We're reading out loud. The sprinklers are...." [R.H.] refused to finish the sentence. He was looking at the paper and rubbing it. The BSC finished, "Cool on hot days." She began the next line, still hand-over-hand pointing to the words, "It is really...." [R.H.] did not complete the sentences, so she continued, "fun. But they do not allow...." [R.H.] filled in "pets." She began, "We really like," and [R.H.] filled in the blank, "ice cream." She said "they also sell..." and [R.H.] filled in "pop." The BSC said, "And" and [R.H.] incorrectly responded "pop" again. She corrected, "donuts."

10:10

The BSC announced, "Now we have five questions." [R.H.] said, "#2. The BSC countered, "#1." She asked, "What is new in town?" reading off the first question. [R.H.] did not respond. She asked the question again, and [R.H.] responded, "The Water Park." The PCA reinforced [R.H.] "You get a star." The BCA said, "Write it down." [R.H.] proceeded to write in the wrong place. She wrote the response with a blank for [R.H.] to fill in. "Let's do it like this. There is a new...." [R.H.] said, "I want to do it here," and repeated himself three times. Then he said, "It's not this one," twice, continuing to be defiant. The BSC responded, "First this one, then you can do that one." He replied, "NO! I want to do this one," and grabbed for the pencil. Then she asked, "What are we going to write?" [R.H.] did not respond, so she said, "Waterpark."

10:15

[R.H.] asked, "Can I do it? Can I do it?" The BSC said, "I'm going to get it started, then you can finish it." "I don't want to," replied [R.H.] The PCA prompted [R.H.] to take a deep breath in twice. [R.H.] did not take deep breaths. The BSC said, "I'm going to wait until you are ready, then write "waterpark. We need to do #1 first." [R.H.] replied, "I want to do #5." The PCA said, "There is no five." The BSC coached, "I don't think you should argue with him. Answer once, then stop." [R.H.] then fell out of his chair slumping into the BSC's lap. She lifted him back into his seat and began writing. [R.H.] said, "NO NO NO." He watched her intensely "I DON'T WANT TO." He put his head down and whined." The PCA tried to physically prompt him to sit up. [R.H.] got

out of the chair. Then he leaned on the BSC, whining. She looked frustrated. [R.H.] said, "Go home time." The BSC wrote down a schedule. Again, [R.H.] watched her write, curious.

10:20

The BSC stated, "You can't do centers, lunch or recess until we do our work." [R.H.] continued to refuse to do anything. The BSC backed up. [R.H.] said, "Lunchtime is ready," and then began humming. Then he said, "Five why?" Two times. The BSC asked, "Can you do it yourself or do you need help? Write 'waterpark,' right here." He went to the wrong place on the page and said, "I want to do it here." The BSC said, "I'm going to give you a two minute break and try again. I'm setting the timer." She set her phone timer to two minutes. [R.H.] reached for it. She hid it. He appeared not to want the timer to be on. "Can you write waterpark before the timer goes and then we can stop?" [R.H.] got out of his seat. "I don't want to. I don't want to. I don't want to," and again reached for the timer." The BSC said, "I'll put it in my bag," and returned him to his seat. Then [R.H.] said, "I can't do it," five times. He began to cry, whine and got out of his seat again. Then, he tried to leave the area. The BSC said, "You need to wait here." [R.H.] tantrum escalated. He was whining loudly. The PCA then jumped in with a contingency, "first the worksheet, then the computer." [R.H.] responded, "I don't want to. I don't want to." Then he fell on the floor and said, "I don't want to," three more times. The BSC then said, "I'll turn the timer off. Back in chair."

10:25

The BSC put him in the chair. [R.H.] said, "I want to do centers." She wrote "waterpark," employing forced compliance (hand-over-hand) in the blank on the sheet. [R.H.] smiled, appearing to enjoy the engagement. The BSC said, "Waterpark. What's next?" [R.H.] said, "I don't want to. I don't want to," and covered his eyes. [R.H.] said, "I want to write 'five why'." She then said, "We're going to write 'slides'." She wrote the word hand over hand with him while he resisted. Then she read, "What's cool on a hot day?" [R.H.] said, "This is not a real word. No!" He reached for her. The PCA again reminded [R.H.] "First write, then computer." [R.H.] replied, "No! Lunch! Lunch!" Then he said, "No first the computer!" The BSC had him write the answer hand over hand. She then said, "We have one more." [R.H.] corrected her, "two more! Five why!" The BSC asked, "What do they love? Ice cream. We have to write ice cream." She again forced compliance, writing ice cream with [R.H.] hand over hand. Then she said flatly, "Thank you. All done." [R.H.] replied, "No!" She then added, "Work sheet is all finished." [R.H.] said, "I want to change to centers." The BSC said to the staff, "I don't think that deserves centers." The Special Education teacher said, "Time to go this way." [R.H.] resisted her and tried to go the other way. She put her hands on him to contain and help direct him. [R.H.] said, "Go to 107." The special education teacher argued with him saying, "We are not going to 107."

10:30 Transition

The PCA said, "Eyes on eyes. Time to go to the classroom." [R.H.] refused and dropped to the floor, yelling and refusing." The Special Education teacher said, "Let me do some pressure," and applied deep pressure. [R.H.] said, "I don't want 107," multiple times.

The BSC suggested, "Give him some space." The special education teacher backed off and [R.H.] attempted to elope, shouting, "I don't want 107." They blocked, but ignored his verbal resistance.

10:35

He said, "I can't do it" three times and then "I don't want to," screaming and crying on the floor. They continued to ignore. [R.H.] began to calm down and stood. He said, "I don't want to," and then, "I can't do it," two times.

I stepped in and tried to see if I could get him to walk to the room by counting the steps. He wanted me to walk and count, but did not follow. The special educator was prepared to walk [R.H.] by the hand, but he was pulling down to the floor and I was concerned about [R.H.] safety. They walked [R.H.] back to the classroom, supporting him under the arms. [R.H.] continued to resist and tantrum.

10:45 Classroom

Once in the classroom, the special educator and PCA took [R.H.] to the back rug to try to have him calm down, but the minute they let him go, he ran for the door. The BSC blocked the door. [R.H.] sank to the floor and began saying repeatedly "I want my mommy," which he said over thirty times.

10:50

There was some conversation about what to do, as the children would be transitioning to lunch. It was determined that he could either join the others, if he was ready, or have his lunch in the classroom. [R.H.] continued to repeat that he wanted to see his mother, sitting on the floor in front of the door.

10:55

The PCA bent down and said, "Eyes on eyes. Do you want to have lunch in the lunch room or in the classroom?" [R.H.] said, "I don't like anything." The BSC asked how much time there was before lunch. The PCA said there was five minutes. He showed [R.H.] "Look what time it is, "10:55. How many minutes until lunch?" [R.H.] said, "I want to see." And "Mommy now."

I suggested that they might be able to redirect him with an activity he enjoys, but is still work. I suggested a math worksheet. The PCA showed [R.H.] a math work sheet. He said, "I want to see." Then, "Mommy now." The PCA walked [R.H.] over to a table." He brought him a can. He showed [R.H.] paper in the can. He asked, "Can I take it out?" [R.H.] said, "I can't take it out." The PCA said, "Can you take it out?" [R.H.] took possession of the can. "This is [R.H.] This is for [R.H.]

11:00

I suggested that the PCA work on the math worksheet and see if that stimulated interest, and perhaps if the PCA pretended to get the wrong answer, he could engage [R.H.] in "helping" him do it right. The PCA started to do the math. He said, "7 + 5 is 10." [R.H.] said, "12." The PCA asked, "Where does the 1 go?" [R.H.] said, "One goes here." In

this manner, the PCA was able to get [R.H.] back on task rewarded him with a token for on-task behavior. He wrote a schedule for [R.H.] and asked him, lunch in the classroom or lunch in the lunchroom. [R.H.] picked the classroom.

11:05 Lunch in Classroom

The OT brought lunch and worked on feeding with [R.H.] He had regained focus and began to comply with adult directives.

Conclusions

Unfortunately, due to [R.H.] lengthy tantrum, I was not able to observe him engaged in a group activity. His teachers, PCA and BSC reported that this was the first time they had seen behavior of this severity. Thus, it provided some opportunity capture behavioral data, identify the function, and provide ideas for antecedent and consequence intervention and replacement behaviors.

- Again, three adults on one child is likely not the best distribution of services (unless training is occurring). Attention seeking behavior may increase when [R.H.] is surrounded by too many adults. The schedule should be examined to determine how to best distribute these resources.
- Because of [R.H.] refusal behavior, his worksheet turned into exercise in compliance, rather than a literacy activity. Because it became a battle, the activity in itself became aversive. Thus, it is important to address how to make the literacy activity more relevant and inherently reinforcing, so that [R.H.] is motivated to complete the activity.
- Positive reinforcement should be the first line of intervention, before negative reinforcement or a punishing consequence is applied. In the period that I observed, [R.H.] only earned two stars and no tangible reinforcement. There was no schedule present or utilized until he already began to act out. This is an antecedent intervention and should be used before the child begins to engage in maladaptive behavior. Similarly, a contingency “first, then” was only offered to him once he was engaged in refusal behavior and having a tantrum; this is also a proactive/antecedent strategy, which should be used before the child engages in maladaptive behavior. It appears staff need more training to use these antecedent interventions properly.
- It was unclear if the reinforcement was sufficiently motivating, and it appears that [R.H.] earns reinforcement very infrequently. [R.H.] requires a much more frequent and consistent schedule of reinforcement so that he knows he will be provided with reinforcement for on-task/responding behavior.
- When the schedule was presented, it was done so in the negative, i.e., “You can’t do centers, lunch or recess until we do our work.” Such a presentation is likely to frustrate a child. Rather, it should be presented in a positive, motivating fashion, “First you do your work, and then you get to do centers, lunch and recess!” Reminders of the contingency should be frequent, particularly if motivation is flagging.
- The staff is not prepared to manage [R.H.] in a crisis. They require Handle with Care (or similar) training so that if it is necessary to put hands on him that they

do so in a safe and de-escalating manner.

STRENGTHS:

Information gathering activities revealed that **R.H.** currently demonstrates relative strengths in the following areas:

- **R.H.** is academically gifted and has math and reading skills far above his grade level.
- **R.H.** is verbal and can speak in flexible phrases/short sentences in both English and Mandarin.
- **R.H.** can focus on an activity for 20 minutes when engaged one-on-one with an educator or therapist.
- **R.H.** responds to instructional strategies of modeling, prompting (verbal, physical, gestural, positional), and reinforcement
- **R.H.** is highly motivated to engage in activities that incorporate his interests (math, music, computers, books, but also toys such as a baby doll, family figures and furniture)
- **R.H.** responds well to routine, predictable structure, and visual supports
- **R.H.** can imitate the behavior of adults and peers.
- **R.H.** is motivated to engage with peers and enjoys following other children on the playground and imitating their play behavior.
- **R.H.** has basic pretend play skills and can use objects as agents of action.
- **R.H.** can both establish and follow joint attention.
- **R.H.** can read facial expressions.
- **R.H.** frequently displays positive affect, smiles and laughs freely.
- **R.H.** demonstrates a sense of humor and likes engaging in silly activities.
- **R.H.** has a deep interest in math and numbers and is motivated to do activities associated with his interests.
- **R.H.** spontaneously makes his wants and needs known. He requests items and assistance across a variety of people.
- **R.H.** is capable of following one-step directions.
- **R.H.** can answer a number of social questions (provide basic information about himself)
- **R.H.** can return a greeting, and has learned a number of pragmatic responses, e.g. "Thank you," "Your welcome," "It's okay."
- **R.H.** can stay seated when expected to for at least 20 minutes with an adult seated near him.

CHALLENGES:

Information gathering activities revealed that **R.H.** engages in behaviors and demonstrates weakness that interfere with his learning:

- **R.H.** displays frequent scripting behavior/talking about numbers that interferes with his ability to attend to academic activities.
- **R.H.** engages in refusal behavior, tantrum behavior and may elope to escape or avoid an undesired task.
- In low-structured environments, **R.H.** tends to wander, script, engage in

restricted, repetitive behaviors and gain access to preferred items, and does not yet structure his time in a productive manner.

- **R.H.** fails to engage or delays engaging with adult-led activities due to competing personal preferences
- **R.H.** has limited ability to express his emotions, intentions, or ideas
- **R.H.** rarely says more than a sentence unless prompted to do so.
- **R.H.** has difficulty responding to questions.
- **R.H.** does not yet engage in back and forth conversation.
- **R.H.** has difficulty learning novel skills in a group
- **R.H.** has difficulty differentiating between individual and group-level instructions
- **R.H.** has difficulty attending to distally presented information
- **R.H.** has poor eye contact
- **R.H.** is still working on consistently attending and making eye contact in response to his name
- **R.H.** does not know how to initiate social interactions with peers
- **R.H.** cannot sustain social interactions with peers
- **R.H.** does not have a broad repertoire of pretend play skills
- **R.H.** does not yet engage in pretend play with same-age peers.

Direct Observation Data

Target Behaviors:

- **Wandering/Eloping:** Wandering is defined as walking away more than two feet from the designated area. Elopement is defined as running away more than two feet from the designated area. **R.H.** mother responded that **R.H.** wanders or darts away when out in the community (3-4 x per week) and she has to hold his hand. He typically darts when he is distracted by numbers in the environment, sees something he wants to gain access to, or is avoiding a task demand. He eloped once while at Children's Village and was found on a separate floor of the building. McCall staff reported that **R.H.** typically wanders during low-structured periods (e.g. transitions, walking in the hallway, in the cafeteria, on the playground). **R.H.** also does not remain in his seat during class time.
- **Refusal/Non-Responsiveness:** Refusal/Non-responsive behavior is defined as any time **R.H.** does not respond to a directive, verbally refuses a directive, e.g. "No!" "I can't do it!" "I don't want to!" or verbally insists on doing something else. Both **R.H.** mother and school staff reported that this behavior is severe and occurs with high frequency and is a safety concern. **R.H.** reportedly engages in this behavior to avoid task demands.
- **Off-task behavior:** Off-task behavior is defined as any period of time that **R.H.** is engaged in an activity other than what he is supposed to be doing. School staff reports that this behavior occurs frequently, particularly when **R.H.** is in a group. **R.H.** engages in this behavior when he is distracted, particularly by material on the walls featuring numbers and when he is avoiding a task demand.
- **Out of Seat:** Out of seat behavior is defined as any time **R.H.** stands up and gets

out of his seat. **R.H.** mother reports that this behavior occurs during meal times. At school, **R.H.** reportedly gets out of his seat to avoid a task demand or when there is low supervision and **R.H.** is not actively engaged.

- **Inappropriate Vocalizations (IV):** Inappropriate vocalizations are described as any occurrence of all or one of the following behaviors: talking about numbers to himself without social intent repetitively, scripting (reciting language from a media source e.g., movie, television show, computer program, exactly as he has heard it), humming, singing repetitively, perseverating (repeating) a particular sentence. **R.H.** reportedly engages in this behavior with high frequency at home and at school. School staff attribute this behavior to avoidance of tasks and distractibility.
- **Poor Social Skills:** Poor social skills is defined as any occurrence when **R.H.** has an opportunity to socially engage with a peer (e.g. a peer makes a social overture) and he does not respond. School staff report (and data indicates) this behavior occurs frequently.
- **Tantrum:** Tantrum behavior is defined as screaming, crying, dropping to the ground, refusing to follow directives and may occur with self-injurious behavior. Self-injurious behavior is defined as **R.H.** scratching himself, typically his face. Self-injurious reportedly occurred when **R.H.** was younger and now, according to his mother “seldom” occurs. Tantrum behavior has not been reported at the school, and was of mild-intensity at Children’s Village. At home, tantrum behavior reportedly occurs once every two weeks and lasts a duration of 20-25 minutes. Tantrum behavior tends to occur when a task demand is placed on **R.H.** when he has made a mistake, or access to a desired activity (typically related to a compulsion or ritual) is restricted.

Behavior Data:

Target Behavior	Observation One			
	Frequency	Duration	Rate	Intensity
Wandering/Eloping	4 incidents	2-30 seconds	One incident per 22.5 minutes	Moderate
Refusal	25 incidents	N/A	56% of directives given	Severe
Off-task	7 incidents	30 seconds – 5 minutes	44% of instructional time	Severe
Out of Seat	1 incident	30 seconds	One incident per 90 minutes	Mild
Inappropriate Vocalizations (IVs)	3 incidents	2-5 minutes	11% of the time	Moderate
Poor Social Skills	2 incidents	N/A	50% of opportunities	Severe
Tantrum	0 incidents	--	--	--

Target Behavior	Observation One			
	Frequency	Duration	Rate	Intensity
Wandering/Eloping	3 incidents	2-30 seconds	One incident per 20 minutes	Severe (due to attempts to escape)
Refusal	18 incidents	N/A	72% of directives given	Severe
Off-task	2 incidents	3-14 minutes	68% of instructional time	Severe
Out of Seat	4 incidents	30 seconds	One incident per 15 minutes	Mild
Inappropriate Vocalizations (IVs)	3 incidents	1-10 minutes	25% of the time	Moderate
Poor Social Skills	N/A	--	--	--
Tantrum	1 incident	25 minutes	42% of instructional time	Severe

Setting Events (slow triggers)

- **R.H.** had a half-day during the first observation and thus a different schedule.
- **R.H.** had a field trip the day prior to the second observation (which his mother attended), which may have made it difficult to return to school the next day.
- **R.H.** had a cold during the day of the second observation (when he had his severe tantrum), which may have contributed to his behavior.

Hypothesized Function: Wandering/Elopement

Target Behavior <i>Describe in terms of intensity, frequency and duration</i>	Setting Event <i>Known stressors or events that may impact individual's ability to handle the situation</i>	Antecedent <i>What precedes the behavior? Environmental factors/or external variables</i>	Consequence <i>What is the response/result of the behavior?</i>	Function of the Behavior <i>What appears to be the function of the behavior?</i>
<input type="checkbox"/> Tantrum <input type="checkbox"/> Physical Aggression <input type="checkbox"/> Vocal Aggression <input type="checkbox"/> Property Destruction <input type="checkbox"/> Spitting <input type="checkbox"/> Fecal smearing <input type="checkbox"/> Non-Compliant/Refusal <input type="checkbox"/> Out-of-Seat Behavior <input type="checkbox"/> Inappropriate social behavior <input checked="" type="checkbox"/> Wandering/Elopement <input type="checkbox"/> Climbing <input type="checkbox"/> Mouthing Non-Edibles <input type="checkbox"/> Self-injurious behavior <input type="checkbox"/> Self-stimulation <input type="checkbox"/> Other: _____	<input type="checkbox"/> Medication <input checked="" type="checkbox"/> Illness <input type="checkbox"/> Sleep Disruption <input type="checkbox"/> Diet Difficulty/Disruption <input type="checkbox"/> Environmental Factor/Stressor <input type="checkbox"/> Time of day <input type="checkbox"/> Family Stressor <input type="checkbox"/> Personnel Present <input type="checkbox"/> Personnel Absent <input checked="" type="checkbox"/> Other: Schedule disruption	<input type="checkbox"/> Appeared to be in discomfort <input checked="" type="checkbox"/> Asked to do something <input type="checkbox"/> Asked to stop something (told No) <input type="checkbox"/> Attention given to others <input checked="" type="checkbox"/> Unengaged/no materials/activities <input type="checkbox"/> Could not get desired item/activity <input type="checkbox"/> Loud/disruptive environment <input type="checkbox"/> Nothing "out of the blue" <input type="checkbox"/> Adult social initiation/interaction <input type="checkbox"/> Peer social initiation/interaction <input checked="" type="checkbox"/> Transitional time <input checked="" type="checkbox"/> Extended wait time Other: _	<input checked="" type="checkbox"/> Physical redirection <input checked="" type="checkbox"/> Verbal redirection <input type="checkbox"/> Requested to continue activity <input type="checkbox"/> Planned Ignoring <input type="checkbox"/> Unintentional ignoring <input type="checkbox"/> Time-out <input type="checkbox"/> Deny access to reinforcer <input type="checkbox"/> Count and mand procedure <input checked="" type="checkbox"/> Environment modified <input checked="" type="checkbox"/> Adult Attention given <input type="checkbox"/> Peer Attention provided <input type="checkbox"/> Removed from area <input type="checkbox"/> Obtained object <input checked="" type="checkbox"/> Escaped area/activity <input type="checkbox"/> Other: _____	Elopement: <input checked="" type="checkbox"/> ESCAPE – demand <input checked="" type="checkbox"/> ESCAPE – activity <input type="checkbox"/> ESCAPE – attention <input type="checkbox"/> OBTAIN – tangible item <input type="checkbox"/> OBTAIN – activity <input type="checkbox"/> OBTAIN – attention Wandering: <input checked="" type="checkbox"/> GAIN – sensory input <input type="checkbox"/> AVOID/REDUCE – pain or discomfort <input type="checkbox"/> Other: _____
Operational Definition of Behavior: Wandering is defined as walking away more than two feet from the designated area. Elopement is defined as running away more than two feet from the designated area.				
Observation #1: Frequency: 4 incidents Duration: 2-30 seconds Rate: 1/22.5 minutes Severity: Moderate Observation #2: Frequency: 43 incidents Duration: 2-30 seconds Rate: 1/20 minutes Severity: Severe				
Strengths of Child: R.H. is intellectually gifted. He is able to read, write, loves math, has verbal communication skills, and basic pretend play skills.				
Barriers/Skill Deficits that may contribute to these behaviors: R.H. is easily distracted by environmental variables, feels compelled to look at, read, and recite math-related information and is impulsive/has poor ability to self-regulate.				
Hypothesis Statement: R.H. may wander to seek sensory stimulation in periods of low-supervision/low-engagement and satisfy a compulsion to look at/recite math-related information. R.H. may elope to escape a demand in the absence of inherently motivating academic materials, visual supports and a consistent, frequent schedule of reinforcement.				

Hypothesized Function: Refusal/Non-Response Behavior

Target Behavior <i>Describe in terms of intensity, frequency and duration</i>	Setting Event <i>Known stressors or events that may impact individual's ability to handle the situation</i>	Antecedent <i>What precedes the behavior? Environmental factors/or external variables</i>	Consequence <i>What is the response/ result of the behavior?</i>	Function of the Behavior <i>What appears to be the function of the behavior?</i>
<input type="checkbox"/> Tantrum <input type="checkbox"/> Physical Aggression <input type="checkbox"/> Vocal Aggression <input type="checkbox"/> Property Destruction <input type="checkbox"/> Spitting <input type="checkbox"/> Fecal smearing <input checked="" type="checkbox"/> Refusal/Non-response Behavior <input type="checkbox"/> Out-of-Seat Behavior <input type="checkbox"/> Inappropriate social behavior <input type="checkbox"/> Wandering/Elopement <input type="checkbox"/> Climbing <input type="checkbox"/> Mouthing Non-Edibles <input type="checkbox"/> Self-injurious behavior <input type="checkbox"/> Self-stimulation <input type="checkbox"/> Other: _____	<input type="checkbox"/> Medication <input checked="" type="checkbox"/> Illness <input type="checkbox"/> Sleep Disruption <input type="checkbox"/> Diet Difficulty/ Disruption <input type="checkbox"/> Environmental Factor/Stressor <input type="checkbox"/> Time of day <input type="checkbox"/> Family Stressor <input type="checkbox"/> Personnel Present <input type="checkbox"/> Personnel Absent <input checked="" type="checkbox"/> Other: Schedule disruption	<input type="checkbox"/> Appeared to be in discomfort <input checked="" type="checkbox"/> Asked to do something <input type="checkbox"/> Asked to stop something (told No) <input type="checkbox"/> Attention given to others <input type="checkbox"/> Unengaged/no materials/activities <input type="checkbox"/> Could not get desired item/activity <input type="checkbox"/> Loud/disruptive environment <input type="checkbox"/> Nothing "out of the blue" <input type="checkbox"/> Adult social initiation/ interaction <input type="checkbox"/> Peer social initiation/ interaction <input type="checkbox"/> Transitional time <input type="checkbox"/> Extended wait time <input checked="" type="checkbox"/> Other: Materials not engaging/low-interest	<input checked="" type="checkbox"/> Physical redirection (Hand-over-hand) <input checked="" type="checkbox"/> Verbal redirection <input type="checkbox"/> Requested to continue activity <input type="checkbox"/> Planned Ignoring <input type="checkbox"/> Unintentional ignoring <input type="checkbox"/> Time-out <input checked="" type="checkbox"/> Denied access to reinforcer <input checked="" type="checkbox"/> Negative reinforcement (set timer, which R.H. finds aversive) <input type="checkbox"/> Count and mand procedure <input type="checkbox"/> Environment modified <input checked="" type="checkbox"/> Adult Attention given <input type="checkbox"/> Peer Attention provided <input type="checkbox"/> Removed from area <input type="checkbox"/> Obtained object <input type="checkbox"/> Escaped demand <input checked="" type="checkbox"/> Other: Tried to get R.H. to take deep breaths, tried to introduce contingency (First/Then), tried to introduce written schedule	<input checked="" type="checkbox"/> ESCAPE – demand <input checked="" type="checkbox"/> ESCAPE – activity <input type="checkbox"/> ESCAPE - attention <input type="checkbox"/> OBTAIN – tangible item <input type="checkbox"/> OBTAIN - activity <input checked="" type="checkbox"/> OBTAIN – attention <input type="checkbox"/> GAIN – sensory input <input type="checkbox"/> AVOID/REDUCE – pain or discomfort <input checked="" type="checkbox"/> Other: May also not respond if does not know how to respond
Operational Definition of Behavior: Refusal/Non-responsive behavior is defined as any time R.H. does not respond to a directive, verbally refuses a directive, e.g., "No!" "I can't do it!" "I don't want to!" or verbally insists on doing something else.				
Observation #1: Frequency: 25 incidents Duration: N/A Rate: 50% of directives given Severity: severe Observation #2: Frequency: 18 incidents Duration: N/A Rate: 72% of directives given Severity: Severe				
Strengths of Child: R.H. is intellectually gifted. He is able to read, write, loves math, has verbal communication skills, and basic pretend play skills.				
Barriers/Skill Deficits that may contribute to these behaviors: R.H. has a hard time persisting with activities he finds challenging, has little interest in and/or does not understand the purpose of, particularly in the absence of extrinsic reinforcement.				
Hypothesis Statement: R.H. will refuse to respond to a directive, verbally refuse, or insist on doing something else when he is not intrinsically or extrinsically motivated to perform the activity to escape the demand. He also appeared to enjoy some of the attention given when the BSC worked with him hand over hand as evidenced by smiling.				

Hypothesized Function: Off-Task Behavior

Target Behavior <i>Describe in terms of intensity, frequency and duration</i>	Setting Event <i>Known stressors or events that may impact individual's ability to handle the situation</i>	Antecedent <i>What precedes the behavior? Environmental factors/or external variables</i>	Consequence <i>What is the response/ result of the behavior?</i>	Function of the Behavior <i>What appears to be the function of the behavior?</i>
<input type="checkbox"/> Tantrum <input type="checkbox"/> Physical Aggression <input type="checkbox"/> Vocal Aggression <input type="checkbox"/> Property Destruction <input type="checkbox"/> Spitting <input type="checkbox"/> Fecal smearing <input type="checkbox"/> Refusal/Non-response Behavior <input type="checkbox"/> Out-of-Seat Behavior <input checked="" type="checkbox"/> Off-task Behavior <input type="checkbox"/> Inappropriate social behavior <input type="checkbox"/> Wandering/Elopement <input type="checkbox"/> Climbing <input type="checkbox"/> Mouthing Non-Edibles <input type="checkbox"/> Self-injurious behavior <input type="checkbox"/> Self-stimulation <input type="checkbox"/> Other: _____	<input type="checkbox"/> Medication <input checked="" type="checkbox"/> Illness <input type="checkbox"/> Sleep Disruption <input type="checkbox"/> Diet Difficulty/ Disruption <input type="checkbox"/> Environmental Factor/Stressor <input type="checkbox"/> Time of day <input type="checkbox"/> Family Stressor <input type="checkbox"/> Personnel Present <input type="checkbox"/> Personnel Absent <input checked="" type="checkbox"/> Other: Schedule disruption	<input type="checkbox"/> Appeared to be in discomfort <input type="checkbox"/> Asked to do something <input type="checkbox"/> Asked to stop something (told No) <input type="checkbox"/> Attention given to others <input type="checkbox"/> Unengaged/no materials/activities <input type="checkbox"/> Could not get desired item/activity <input checked="" type="checkbox"/> Loud/disruptive environment <input type="checkbox"/> Nothing "out of the blue" <input type="checkbox"/> Adult social initiation/ interaction <input type="checkbox"/> Peer social initiation/ interaction <input type="checkbox"/> Transitional time <input type="checkbox"/> Extended wait time <input checked="" type="checkbox"/> Other: Materials not engaging/low-interest; group activity; distracted by numbers/posters on walls	<input type="checkbox"/> Physical redirection <input checked="" type="checkbox"/> Verbal redirection <input checked="" type="checkbox"/> Gestural redirection <input checked="" type="checkbox"/> Requested to continue activity <input type="checkbox"/> Planned Ignoring <input type="checkbox"/> Unintentional ignoring <input type="checkbox"/> Time-out <input checked="" type="checkbox"/> Denied access to Reinforcer (token) <input type="checkbox"/> Count and mand procedure <input type="checkbox"/> Environment modified <input checked="" type="checkbox"/> Adult Attention given <input type="checkbox"/> Peer Attention provided <input type="checkbox"/> Removed from area <input type="checkbox"/> Obtained object <input type="checkbox"/> Escaped demand <input checked="" type="checkbox"/> Other: Special Educator provided deep pressure	<input type="checkbox"/> ESCAPE – demand <input checked="" type="checkbox"/> ESCAPE – activity <input type="checkbox"/> ESCAPE - attention <input type="checkbox"/> OBTAIN – tangible item <input type="checkbox"/> OBTAIN – activity <input type="checkbox"/> OBTAIN – attention <input checked="" type="checkbox"/> GAIN – sensory input <input type="checkbox"/> AVOID/REDUCE – pain or discomfort <input type="checkbox"/> Other: _____
Operational Definition of Behavior: Off-task behavior is defined as any period of time that R.H. is engaged in an activity other than what he is supposed to be doing.				
Observation #1: Frequency: 7 incidents Duration: 30 seconds – 5 minutes Rate: 45% of instructional time Severity: Severe Observation #2: Frequency: 2 incidents Duration: 3-14 minutes Rate: 68% of instructional time Severity: Severe				
Strengths of Child: R.H. is intellectually gifted. He is able to read, write, loves math, has verbal communication skills, and basic pretend play skills.				
Barriers/Skill Deficits that may contribute to these behaviors: R.H. has a hard time persisting with activities he finds challenging of little interest to him and he does not understand the purpose of, particularly in the absence of extrinsic reinforcement.				
Hypothesis Statement: Off-task behavior is defined as any period of time that R.H. is engaged in an activity other than what he is supposed to be doing.				

Hypothesized Function: Out-of-Seat Behavior

Target Behavior <i>Describe in terms of intensity, frequency and duration</i>	Setting Event <i>Known stressors or events that may impact individual's ability to handle the situation</i>	Antecedent <i>What precedes the behavior? Environmental factors/or external variables</i>	Consequence <i>What is the response/result of the behavior?</i>	Function of the Behavior <i>What appears to be the function of the behavior?</i>
<input type="checkbox"/> Tantrum <input type="checkbox"/> Physical Aggression <input type="checkbox"/> Vocal Aggression <input type="checkbox"/> Property Destruction <input type="checkbox"/> Spitting <input type="checkbox"/> Fecal smearing <input type="checkbox"/> Refusal/Non-response Behavior <input checked="" type="checkbox"/> Out-of-Seat Behavior <input type="checkbox"/> Off-task Behavior <input type="checkbox"/> Inappropriate social behavior <input type="checkbox"/> Wandering/Elopement <input type="checkbox"/> Climbing <input type="checkbox"/> Mouthing Non-Edibles <input type="checkbox"/> Self-injurious behavior <input type="checkbox"/> Self-stimulation <input type="checkbox"/> Other: _____	<input type="checkbox"/> Medication <input checked="" type="checkbox"/> Illness <input type="checkbox"/> Sleep Disruption <input type="checkbox"/> Diet Difficulty/Disruption <input type="checkbox"/> Environmental Factor/Stressor <input type="checkbox"/> Time of day <input type="checkbox"/> Family Stressor <input type="checkbox"/> Personnel Present <input type="checkbox"/> Personnel Absent <input checked="" type="checkbox"/> Other: Schedule disruption	<input type="checkbox"/> Appeared to be in discomfort <input checked="" type="checkbox"/> Asked to do something <input type="checkbox"/> Asked to stop something (told No) <input type="checkbox"/> Attention given to others <input checked="" type="checkbox"/> Unengaged/no materials/activities <input type="checkbox"/> Could not get desired item/activity <input type="checkbox"/> Loud/disruptive environment <input type="checkbox"/> Nothing "out of the blue" <input type="checkbox"/> Adult social initiation/interaction <input type="checkbox"/> Peer social initiation/interaction <input type="checkbox"/> Transitional time <input type="checkbox"/> Extended wait time <input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Physical redirection <input checked="" type="checkbox"/> Verbal redirection <input checked="" type="checkbox"/> Gestural redirection <input checked="" type="checkbox"/> Requested to continue activity <input type="checkbox"/> Planned Ignoring <input type="checkbox"/> Unintentional ignoring <input type="checkbox"/> Time-out <input checked="" type="checkbox"/> Denied access to Reinforcer (token) <input type="checkbox"/> Count and mand procedure <input type="checkbox"/> Environment modified <input checked="" type="checkbox"/> Adult Attention given <input type="checkbox"/> Peer Attention provided <input type="checkbox"/> Removed from area <input type="checkbox"/> Obtained object <input type="checkbox"/> Escaped demand <input type="checkbox"/> Other: _____	<input type="checkbox"/> ESCAPE – demand <input checked="" type="checkbox"/> ESCAPE – activity <input type="checkbox"/> ESCAPE - attention <input type="checkbox"/> OBTAIN – tangible item <input type="checkbox"/> OBTAIN – activity <input type="checkbox"/> OBTAIN – attention <input type="checkbox"/> GAIN – sensory input <input type="checkbox"/> AVOID/REDUCE – pain or discomfort <input type="checkbox"/> Other: _____
Operational Definition of Behavior: Out of seat behavior is defined as any time R.H. stands up and gets out of his seat.				
Observation #1: Frequency: 1 incident Duration: 30 seconds Rate: once per 90 minutes Severity: Mild Observation #2: Frequency: 4 incidents Duration: 30 seconds Rate: once per 15 minutes Severity: Mild				
Strengths of Child: R.H. is intellectually gifted. He is able to read, write, loves math, has verbal communication skills, and basic pretend play skills.				
Barriers/Skill Deficits that may contribute to these behaviors: R.H. has a hard time persisting with activities he finds challenging or of little interest to him/he does not understand the purpose of, particularly in the absence of extrinsic reinforcement. He is also distracted by material on the walls and in loud environments where there is a lot going on.				
Hypothesis Statement: R.H. will get out of his seat when he is not intrinsically or extrinsically motivated to perform the activity, in order to escape the demand. He will also get out of his seat when he is disengaged (has no activities/materials).				

Hypothesized Behavior: Inappropriate Vocalizations (IVs)

Target Behavior <i>Describe in terms of intensity, frequency and duration</i>	Setting Event <i>Known stressors or events that may impact individual's ability to handle the situation</i>	Antecedent <i>What precedes the behavior? Environmental factors/or external variables</i>	Consequence <i>What is the response/result of the behavior?</i>	Function of the Behavior <i>What appears to be the function of the behavior?</i>
<input type="checkbox"/> Tantrum <input type="checkbox"/> Physical Aggression <input type="checkbox"/> Vocal Aggression <input type="checkbox"/> Property Destruction <input type="checkbox"/> Spitting <input type="checkbox"/> Fecal smearing <input type="checkbox"/> Refusal/Non-response Behavior <input type="checkbox"/> Out-of-Seat Behavior <input type="checkbox"/> Off-task Behavior <input type="checkbox"/> Inappropriate social behavior <input type="checkbox"/> Wandering/Elopement <input type="checkbox"/> Climbing <input type="checkbox"/> Mouthing Non-Edibles <input type="checkbox"/> Self-injurious behavior <input checked="" type="checkbox"/> Self-stimulation (inappropriate vocalizations and repetitive behaviors) <input type="checkbox"/> Other: _____	<input type="checkbox"/> Medication <input checked="" type="checkbox"/> Illness <input type="checkbox"/> Sleep Disruption <input type="checkbox"/> Diet Difficulty/Disruption <input type="checkbox"/> Environmental Factor/Stressor <input type="checkbox"/> Time of day <input type="checkbox"/> Family Stressor <input type="checkbox"/> Personnel Present <input type="checkbox"/> Personnel Absent <input checked="" type="checkbox"/> Other: Schedule disruption	<input type="checkbox"/> Appeared to be in discomfort <input type="checkbox"/> Asked to do something <input type="checkbox"/> Asked to stop something (told No) <input type="checkbox"/> Attention given to others <input checked="" type="checkbox"/> Unengaged/no materials/activities <input type="checkbox"/> Could not get desired item/activity <input type="checkbox"/> Loud/disruptive environment <input type="checkbox"/> Nothing "out of the blue" <input type="checkbox"/> Adult social initiation/interaction <input type="checkbox"/> Peer social initiation/interaction <input type="checkbox"/> Transitional time <input type="checkbox"/> Extended wait time <input checked="" type="checkbox"/> Other: Sees any numbers or math related materials in the environment; low-interest in materials/activity provided; in a large group lesson	<input type="checkbox"/> Physical redirection <input checked="" type="checkbox"/> Verbal redirection <input type="checkbox"/> Gestural redirection <input type="checkbox"/> Requested to continue activity <input type="checkbox"/> Planned Ignoring <input type="checkbox"/> Unintentional ignoring <input type="checkbox"/> Time-out <input type="checkbox"/> Denied access to Reinforcer (token) <input type="checkbox"/> Count and mand procedure <input type="checkbox"/> Environment modified <input checked="" type="checkbox"/> Adult Attention given <input type="checkbox"/> Peer Attention provided <input type="checkbox"/> Removed from area <input type="checkbox"/> Obtained object <input type="checkbox"/> Escaped demand <input type="checkbox"/> Other: _____	<input type="checkbox"/> ESCAPE – demand <input type="checkbox"/> ESCAPE – activity <input type="checkbox"/> ESCAPE - attention <input type="checkbox"/> OBTAIN – tangible item <input type="checkbox"/> OBTAIN – activity <input type="checkbox"/> OBTAIN – attention <input checked="" type="checkbox"/> GAIN – sensory input <input checked="" type="checkbox"/> AVOID/REDUCE – pain or Discomfort (Self-soothe when upset) <input type="checkbox"/> Other: _____
Operational Definition of Behavior: Inappropriate vocalizations are described as any occurrence of all or one of the following behaviors: talking about numbers to himself without social intent repetitively, scripting (reciting language from a media source e.g., movie, television show, computer program, exactly as he has heard it), humming, singing repetitively, perseverating (repeating) a particular sentence.				
Observation #1: Frequency: 3 incidents Duration: 2-5 minutes Rate: 11% of the time Severity: Moderate Observation #2: Frequency: 3 incidents Duration: 1-10 minutes Rate: 25% of the time Severity: Moderate				
Strengths of Child: R.H. is intellectually gifted. He is able to read, write, loves math, has verbal communication skills, and basic pretend play skills.				
Barriers/Skill Deficits that may contribute to these behaviors: R.H. is highly distracted by math related material on the walls/in the environment.				
Hypothesis Statement: R.H. will engage in inappropriate vocalizations when he is disengaged (in a group lesson an unable to attend, e.g. too far from teacher, does not understand information is directed to him), while walking through the halls, during times of transition, and when he has no materials/activities to focus on. He is also highly distracted by math-related materials on the walls or in the environment. It also appeared that he would say sentences repetitively when he was upset, which may be to self-soothe.				

Hypothesized Behavior: Poor Social Skills

Target Behavior <i>Describe in terms of intensity, frequency and duration</i>	Setting Event <i>Known stressors or events that may impact individual's ability to handle the situation</i>	Antecedent <i>What precedes the behavior? Environmental factors/or external variables</i>	Consequence <i>What is the response/ result of the behavior?</i>	Function of the Behavior <i>What appears to be the function of the behavior?</i>
<input type="checkbox"/> Tantrum <input type="checkbox"/> Physical Aggression <input type="checkbox"/> Vocal Aggression <input type="checkbox"/> Property Destruction <input type="checkbox"/> Spitting <input type="checkbox"/> Fecal smearing <input type="checkbox"/> Refusal/Non-response Behavior <input type="checkbox"/> Out-of-Seat Behavior <input type="checkbox"/> Off-task Behavior <input type="checkbox"/> Inappropriate social behavior <input type="checkbox"/> Wandering/Elopement <input type="checkbox"/> Climbing <input type="checkbox"/> Mouthing Non-Edibles <input type="checkbox"/> Self-injurious behavior <input type="checkbox"/> Self-stimulation <input checked="" type="checkbox"/> Other: Poor Social Skills	<input type="checkbox"/> Medication <input checked="" type="checkbox"/> Illness <input type="checkbox"/> Sleep Disruption <input type="checkbox"/> Diet Difficulty/ Disruption <input type="checkbox"/> Environmental Factor/Stressor <input type="checkbox"/> Time of day <input type="checkbox"/> Family Stressor <input type="checkbox"/> Personnel Present <input type="checkbox"/> Personnel Absent <input checked="" type="checkbox"/> Other: Schedule disruption	<input type="checkbox"/> Appeared to be in discomfort <input type="checkbox"/> Asked to do something <input type="checkbox"/> Asked to stop something (told No) <input type="checkbox"/> Attention given to others <input type="checkbox"/> Unengaged/no materials/activities <input type="checkbox"/> Could not get desired item/activity <input type="checkbox"/> Loud/disruptive environment <input type="checkbox"/> Nothing "out of the blue" <input type="checkbox"/> Adult social initiation/ interaction <input type="checkbox"/> Peer social initiation/ interaction <input type="checkbox"/> Transitional time <input type="checkbox"/> Extended wait time <input checked="" type="checkbox"/> Other: Peer makes a social overture	<input type="checkbox"/> Physical redirection <input type="checkbox"/> Verbal redirection <input type="checkbox"/> Gestural redirection <input type="checkbox"/> Requested to continue activity <input type="checkbox"/> Planned Ignoring <input type="checkbox"/> Unintentional ignoring <input type="checkbox"/> Time-out <input type="checkbox"/> Denied access to Reinforcer (token) <input type="checkbox"/> Count and mand procedure <input type="checkbox"/> Environment modified <input type="checkbox"/> Adult Attention given <input type="checkbox"/> Peer Attention provided <input type="checkbox"/> Removed from area <input type="checkbox"/> Obtained object <input type="checkbox"/> Escaped demand <input type="checkbox"/> Other: Adult responds to peer rather than R.H. Peer loses interest in R.H.	<input type="checkbox"/> ESCAPE – demand <input type="checkbox"/> ESCAPE – activity <input type="checkbox"/> ESCAPE – attention <input type="checkbox"/> OBTAIN – tangible item <input type="checkbox"/> OBTAIN – activity <input type="checkbox"/> OBTAIN – attention <input type="checkbox"/> GAIN – sensory input <input type="checkbox"/> AVOID/REDUCE – pain or Discomfort <input type="checkbox"/> Other: Skill Deficit
Operational Definition of Behavior: Poor social skills is defined as any occurrence when R.H. has an opportunity to socially engage with a peer (e.g. a peer makes a social overture) and he does not respond.				
Observation #1: Frequency: 3 incidents Duration: 2-5 minutes Rate: 11% of the time Severity: Moderate Observation #2: Frequency: 3 incidents Duration: 1-10 minutes Rate: 25% of the time Severity: Moderate				
Strengths of Child: R.H. is intellectually gifted. He is able to read, write, loves math, has verbal communication skills, and basic pretend play skills.				
Barriers/Skill Deficits that may contribute to these behaviors: R.H. does not know how to respond to the verbal overtures of his peers.				
Hypothesis Statement: R.H. does not respond to the verbal overtures of his peers because he does not have the pragmatic language skills to do so. It appears that adults tend to intercede for R.H. (responding to a child for R.H. rather than prompting R.H. to respond), which then shifts the child's interest to the adult. However, if a child makes a physical overture, e.g. models a behavior, indicates that R.H. should follow on the playground, R.H. can and will imitate these behaviors.				

Hypothesized Behavior: Tantrum Behavior

Target Behavior <i>Describe in terms of intensity, frequency and duration</i>	Setting Event <i>Known stressors or events that may impact individual's ability to handle the situation</i>	Antecedent <i>What precedes the behavior? Environmental factors/or external variables</i>	Consequence <i>What is the response/ result of the behavior?</i>	Function of the Behavior <i>What appears to be the function of the behavior?</i>
X Tantrum <input type="checkbox"/> Physical Aggression <input type="checkbox"/> Vocal Aggression <input type="checkbox"/> Property Destruction <input type="checkbox"/> Spitting <input type="checkbox"/> Fecal smearing <input type="checkbox"/> Refusal/Non-response Behavior <input type="checkbox"/> Out-of-Seat Behavior <input type="checkbox"/> Off-task Behavior <input type="checkbox"/> Inappropriate social behavior <input type="checkbox"/> Wandering/Elopement <input type="checkbox"/> Climbing <input type="checkbox"/> Mouthing Non-Edibles <input type="checkbox"/> Self-injurious behavior <input type="checkbox"/> Self-stimulation <input type="checkbox"/> Other: _____	<input type="checkbox"/> Medication X Illness <input type="checkbox"/> Sleep Disruption <input type="checkbox"/> Diet Difficulty/Disruption <input type="checkbox"/> Environmental Factor/Stressor <input type="checkbox"/> Time of day <input type="checkbox"/> Family Stressor <input type="checkbox"/> Personnel Present <input type="checkbox"/> Personnel Absent X Other: Schedule disruption	<input type="checkbox"/> Appeared to be in discomfort X Asked to do something <input type="checkbox"/> Asked to stop something (told No) <input type="checkbox"/> Attention given to others <input type="checkbox"/> Unengaged/no materials/activities <input type="checkbox"/> Could not get desired item/activity <input type="checkbox"/> Loud/disruptive environment <input type="checkbox"/> Nothing "out of the blue" <input type="checkbox"/> Adult social initiation/interaction <input type="checkbox"/> Peer social initiation/interaction <input type="checkbox"/> Transitional time <input type="checkbox"/> Extended wait time X Other: Behavior escalated from refusal to tantrum when demands persisted in the absence of motivating materials, immediate reinforcement, and visual supports	X Physical redirection (forced compliance, picked up, guided to classroom) X Verbal redirection (brief countering of what R.H. said) <input type="checkbox"/> Requested to continue activity X Planned Ignoring <input type="checkbox"/> Unintentional ignoring <input type="checkbox"/> Time-out <input type="checkbox"/> Denied access to reinforcer <input type="checkbox"/> Count and mand procedure X Environment modified (to ensure safety) X Adult Attention given <input type="checkbox"/> Peer Attention provided X Removed from area <input type="checkbox"/> Obtained object <input type="checkbox"/> Escaped demand X Other: Once regained control, tried to reengage him in a preferred, low-stress academic activity	X ESCAPE – demand X ESCAPE – activity <input type="checkbox"/> ESCAPE - attention <input type="checkbox"/> OBTAIN – tangible item <input type="checkbox"/> OBTAIN – activity <input type="checkbox"/> OBTAIN – attention <input type="checkbox"/> GAIN – sensory input <input type="checkbox"/> AVOID/REDUCE – pain or Discomfort <input type="checkbox"/> Other: _____
Operational Definition of Behavior: Tantrum behavior is defined as screaming, crying, dropping to the ground, refusing to follow directives and may occur with self-injurious behavior.				
Observation #1: Frequency: 0 Duration: -- Rate: -- Severity: -- Observation #2: Frequency: 1 incident Duration: 25 minutes Rate: 45% of the time Severity: Severe				
Strengths of Child: R.H. is intellectually gifted. He is able to read, write, loves math, has verbal communication skills, and basic pretend play skills.				
Barriers/Skill Deficits that may contribute to these behaviors: R.H. has poor emotional-regulation skills.				
Hypothesis Statement: R.H. will escalate from refusal behavior to tantrum behavior if 1) forced compliance is utilized for a non-preferred task and 2) he is "argued" with or demands/directives are repeated.				

Summary of Assessment

R.H. is an extremely bright, cheerful five-year-old Chinese-American boy diagnosed with autism spectrum disorder (requiring substantial support with language impairment), who has a history of requiring specially designed instruction to address significant weakness in expressive and pragmatic language skills, social skills deficits, restrictive, receptive behaviors and sensory-seeking/avoidant behaviors that interfere with his ability to function across home, school and community environments. **R.H.** is also intellectually gifted, with superior cognitive abilities as measured by standardized, norm-referenced test and performing math skills 4 to 9 grade levels above kindergarten and decoding skills 3 grade levels above kindergarten. He is able to comprehend simple sentences, determine if a simple sentence is true or false, respond to factual wh-questions (who, what, where) based on simple text, and perform basic calculations based on word problems. Because **R.H.** has both extreme deficits and prodigious gifts, it can be challenging to develop an individualized academic program that simultaneously addresses his needs, capitalizes on his strengths, and offers **R.H.** sufficient challenges to continue to learn and grow. Thus, this evaluation is intended to inform the development of **R.H.** IEP

In the absence of academic challenges, **R.H.** is likely to become disengaged and seek stimulation by engaging in restricted and repetitive behaviors (seeing math related materials/visuals in the environment and making repetitive math-related statements, scripting, singing and humming). When programming for **R.H.** is also important to remember that **R.H.** is five and despite his remarkable abilities, he has the attention span of a young child complicated by his symptoms of autism spectrum disorder and has difficulty persisting with non-preferred tasks. **R.H.** also has perfectionistic tendencies (gets very upset if he makes a mistake), has a drive to complete all items in a list or sequence, and will refuse activities that he is not intrinsically or extrinsically motivated to perform. If he is pushed in these moments to “comply” with a directive or task, his behavior will quickly escalate from refusal/non-compliance to tantrum behavior and can become a battle of the wills.

It is clear that **R.H.** benefits from being educated in the mainstream for a portion of his day. He has social desire and interest in his peers, and there is a group of girls in his class who appear to adore him and enjoy engaging with him. **R.H.** followed these girls on the playground, imitated their behaviors (playing on the equipment, acting out various actions), and, at times, led them and looked back to make sure they were following him. **R.H.** also has excellent classroom supports. His teacher has generated a number of creative ideas for teaching **R.H.** reading comprehension skills while engaging him with peers, and is differentiating academic activities for **R.H.** His PCA had good instincts and when **R.H.** is resistant, will try to get him to shift by being playful with him, provides **R.H.** with social reinforcement, encourages him to use strategies and is calm and positive with **R.H.** That being said, it is also clear that all staff members working with **R.H.** require more autism and ABA-specific training (which will be further discussed in recommendations).

R.H. history, combined with his current level of functioning as assessed by interviews,

testing, direct observation, and extensive collateral information indicate that he has a **continued need for individualization of his instructional programming including the use of empirically-supported one-on-one ABA-based instructional methods/strategies and the development and the revision of an appropriate behavior plan at the current level of support** (R.H. is currently being mainstreamed in Kindergarten with the support of a full time 1:1 PCA, a consulting BCBA for 10 hours/month, a special educator who pulls him out for supplementary education in reading and math 45 minutes per day, five days per week, an occupational therapist for 90 minutes per month, a physical therapist 45 minutes per month, and a speech therapist for two hours/week.). Both his academic programming and behavior plan must be adapted and revised frequently in response to data-based progress. Therefore, this evaluation supports the recommendation that R.H. be identified as a student with dual exceptionality including Autism Spectrum Disorder and Intellectually Gifted and found eligible for specially designed instruction in his current placement.

CONCLUSIONS AND RECOMMENDATIONS FOR INTERVENTION:

Behavior Improvement Plan

Note: These recommendations incorporate recommendations made by the BCBA and the BSC from SPIN to ensure coordination across professionals, to build upon what is currently being implemented, and to maximize potential to reduce maladaptive behaviors and increase adaptive/replacement behavior.

Wandering/Eloping: Wandering is defined as walking away more than two feet from the designated area. Elopement is defined as running away more than two feet from the designated area.

Goal Statement: R.H. will decrease wandering behavior from a baseline of once every 20 minutes to 0.

Antecedent Plan:

- PCA should monitor R.H. closely and give behavior-specific verbal praise R.H. for staying with the group and provide token reinforcement, e.g. “Good walking in a line!” “Good staying with your friends!” “Good waiting!”
- Reduce visual distractions in R.H. immediate environment, particularly when engaged 1:1 in academic activities.
- Develop a social story about the importance of staying with the group and read prior to low-structured periods.
- Clearly articulate expectation before transitions, e.g. “R.H. first you will get on line, then you will follow the person in front of you.”
- While in school, avoid holding R.H. hand as this does not allow opportunity for R.H. to learn how to stay with the group independently. Use body proximity and gestural prompts to keep R.H. on the line or with the group (then praise him for the behavior). Continue to hold R.H. hand when in the community or out

of doors and there is a danger of elopement.

- Environmentally engineer the classroom to minimize the chance/ability of R.H. eloping, e.g. seat him towards the back of the classroom, away from the door.

Consequence Plan:

1. Interrupt or block R.H. from leaving the designated area.
2. Redirect R.H. to the appropriate area and engagement with available activities.
3. Model and prompt appropriate requesting, e.g. "Can I go see ____?" When appropriate allow him to explore the area/item of interest contingent upon an appropriate request and completion of the immediate task, e.g. "Good asking! First finish X, then you can go look at Y."

Replacement Behaviors:

Teach R.H. to be aware of his environment, boundaries/limits, safety concerns and dangerous situations and to follow verbal directives, e.g. "Stop," "Wait," "Come here."

R.H. will verbally communicate his desire to explore the items/area of interest. R.H. will delay his gratification until he has completed the task at hand.

- Use visual cues and verbal prompts (stop sign at door, put your finger on the wall, etc.)
- Use social stories to teach safety awareness and the importance of staying with the group/an adult
- Practice responding to "stop," "wait," "Come here," prompt the appropriate behavior with the least intrusive prompt, reinforce with social praise and token economy.
- Employ a first-then board, to teach R.H. first to complete the activity, then he can go see what he wants to see.

Refusal/Non-Responsiveness: Refusal/Non-responsive behavior is defined as any time R.H. does not respond to a directive, verbally refuses a directive, e.g. "No!" "I can't do it!" "I don't want to!" or verbally insists on doing something else.

Goal Statement: R.H. will decrease refusal/non-responsive behavior from a baseline mean of 64% of directives given, to less than 10% of directives given.

Antecedent Plan:

- Limit environmental distracts before giving a direction (including deep pressure/massage when he should be attending)
- Say R.H. name or establish eye contact before giving a direction.
- Only give directions when in close proximity to R.H.
- Seat R.H. close to the teacher during group instruction.
- Utilize functional routines (perform the same routine every day) to maximize familiarity.
- Use a written schedule (without times on it, as this is distracting) and review it before each new activity and once an activity is completed. Have R.H. cross off completed activities.

- Follow challenging activities with preferred activities (Premak principle)
- Allow **R.H.** to choose which activity he wants to do out of a limited number (two) choices.
- Use the First/Then board to illustrate that **R.H.** will first do the requested activity and then will gain access to a preferred item or activity of his choosing. (Promise Procedure).
- Allow for breaks, particularly during challenging tasks.
- Provide short periods of instruction and gradually lengthen as **R.H.** is able to engage for longer periods of time.
- Have **R.H.** select a reinforcer (based on preference assessment) that he can earn through his token economy system. Provide continuous reinforcement for each correct response, attending behavior (Good! You're looking.), waiting behavior, following directives to allow frequent access to reinforcement. (Note: **R.H.** only received reinforcement once in 90 minutes during the first observation and not at all in 60 minutes during the second observation. This can be discouraging and will serve to increase refusal behavior if **R.H.** does not believe he will get access to desired items as a result of following directives.)
- Discuss expected behaviors before each activity.
- Use concrete, short directives.
- Break tasks into steps and model steps/procedures.
- Praise other children for appropriate behavior.
- Use naturally reinforcing materials (books that **R.H.** chooses)
- Accept alternate means of assessment, e.g. a verbal response instead of a written response
- Allow successive approximations toward goal behavior. e.g. if **R.H.** wants to write the response on a different part of the paper, let him and praise him for writing the correct response. Choose your battles.

Consequence Plan:

If **R.H.** demonstrates refusal behavior:

1. Show him the first/then board and reiterate that first he needs to do the activity, then he can gain access to his preferred item or activity. Hold up token as a visual reminder of reinforcement.
2. Give the directive again, in a relaxed and engaging manner.
3. If he responds appropriately, praise him and give him a token for the correct response.
4. If **R.H.** escalates and does not respond appropriately, do not attempt to physically or verbally force compliance. Regain compliance by engaging him in an easy imitation activity, e.g. "Do this," and have him touch his head, touch his toes, stand up, turn around etc. or "Touch your notes, touch your toes, etc." Make it silly and fun. Then shift back to the original task, once he is complying.
5. If **R.H.** escalates to a tantrum, see tantrum procedure.

Replacement Behavior

R.H. will complete/follow directives made by an adult the first time it is given. He will

remain on task for increasing durations during structured small and large group activities as well as 1:1 interactions with teachers, instructors and therapists.

- Provide praise, social reinforcement and token economy reinforcement for appropriate behavior.
- Provide ample opportunities for [R.H.] to follow directions.
- Provide prompts as needed to evoke compliant responding.
- Intersperse easier and more difficult demands.
- Break tasks into smaller steps as needed and reinforce each step
- Limit environmental distractions.

Off-task behavior: Off-task behavior is defined as any period of time that [R.H.] is engaged in an activity other than what he is supposed to be doing.

Goal Statement: [R.H.] will reduce off-task behavior during instructional time from a mean of 56% of instructional time to less than 10% of instructional time.

Antecedent Plan:

- Ensure educational materials are engaging, appealing to a five-year-old, and incorporates [R.H.] interests.
- Allow [R.H.] to pick educational materials.
- Seat [R.H.] close to the instructor.
- Use emphatic facial expressions and gestures to grasp his interest.
- Use visual aids to increase understanding.
- Use gestural prompts to indicate where [R.H.] should look/attend.
- Avoid verbal prompting.
- Avoid providing additional stimulation such as deep pressure.
- Minimize the number of people working with [R.H.] at once.
- Minimize environmental distractions (particularly those with numbers/math)
- Use a written schedule (without times on it, as this is distracting) and review it before each new activity and once an activity is completed. Have [R.H.] cross off completed activities.
- Follow challenging activities with preferred activities (Premak principle)
- Allow [R.H.] to choose which activity he wants to do out of a limited number (two) choices.
- Use the First/Then board to illustrate that [R.H.] will first do the requested activity and then will gain access to a preferred item or activity of his choosing. (Promise Procedure).
- Allow for breaks, particularly during challenging tasks.
- Provide short periods of instruction and gradually lengthen these periods as [R.H.] is able to engage for longer periods of time.
- Have [R.H.] select a reinforcer (based on preference assessment) that he can earn through his token economy system. Provide continuous reinforcement for each correct response, attending behavior (Good! You're looking.), waiting behavior, following directives to allow frequent access to reinforcement. (Note: [R.H.]

only received reinforcement once in 90 minutes during the first observation and not at all in 60 minutes during the second observation. This can be discouraging and will serve to increase refusal behavior if [R.H.] does not believe he will get access to desired items as a result of following directives.)

- Discuss expected behaviors before each activity.
- Use concrete, short directives.
- Break tasks into steps and model steps/procedures.
- Praise other children for appropriate behavior.
- Accept alternate means of assessment, e.g. a verbal response instead of a written response
- Allow successive approximations toward goal behavior. e.g. if [R.H.] wants to write the response on a different part of the paper, let him and praise him for writing the correct response. Choose your battles.

Consequence Plan

If [R.H.] is off task:

- Redirect [R.H.] to task using the least-to-most prompt hierarchy, providing the least intrusive prompt to elicit the behavior.
- Praise [R.H.] enthusiastically once he is engaged in the appropriate behavior and given token economy reinforcement for on-task behavior.

Out of Seat: Out of seat behavior is defined as any time [R.H.] stands up and gets out of his seat.

[R.H.] is not out of his seat often enough to warrant intervention at this time. This behavior can largely be prevented with close supervision and active engagement. When out of seat, [R.H.] can quickly be redirected back to his seat. It is recommended that social stories be used to talk about “classroom rule.” E.g., My name is [R.H.] and I can follow the classroom rules. When all my friends are sitting, I need to stay in my seat too. Sitting means it’s time to do our work. When everyone stands up, I stand up too. (and so on).

Inappropriate Vocalizations (IV): Inappropriate verbalizations are described as any occurrence of all or one of the following behaviors: talking about numbers to himself without social intent repetitively, scripting (reciting language from a media source e.g., movie, television show, computer program, exactly as he has heard it), humming, singing repetitively, perseverating (repeating) a particular sentence.

Goal: [R.H.] will reduce his Inappropriate Vocalizations from 12% of the time to 0% of academic time (and only engage in IVs during permitted breaks).

Antecedent Intervention

- Preference assessment: The BCBA should conduct preference assessments on a regular basis using reinforcement sampling and the establishment of a reinforcer

hierarchy. Sampling should be conducted frequently based on the rate of satiation and [R.H.] level of motivation.

- Discrimination between Demand/Demand-Free Setting: Using color-coding to teach [R.H.] to discriminate between a demand setting (academic-red) and a demand-free setting (break-green). Use a color-code wrist band (or similar visual support) to delineate academic and break periods (and/or areas, e.g. his desk could be outlined in red), fading back over time.
- Differential Reinforcement of Other Behavior: In the demand setting (red), [R.H.] should not be permitted engage in inappropriate vocalizations (IVs), i.e., talking about numbers, scripting, humming or singing. Baseline data must be taken to determine the intervals for which he can attend without engaging in IVs. After each interval, [R.H.] can enter the demand-free area (green) in which he would be permitted to engage in IVs. When in the demand setting, he should be on a continuous schedule of reinforcement (token economy system) for appropriate responses, attending, and sitting quietly (other behavior).
- Intervals should gradually be increased as [R.H.] successfully does not engage in inappropriate vocalizations in the demand setting. Criterion = No inappropriate vocalizations for 90% of intervals or better for three consecutive days.

Consequence Plan:

- Remind [R.H.] “red quiet” and put a finger up to your lips. Once he is quiet, praise, “Good, you are quiet.”
- If [R.H.] continues to engage in IV, he may be trying to finish a cycle. Once the cycle is complete, immediately redirect him back to task. Praise him once he is re-engaged in a task and is quiet.

Poor Social Skills: Poor social skills is defined as any occurrence when [R.H.] has an opportunity to socially engage with a peer (e.g. a peer makes a social overture) and he does not respond (or initiate).

Goal: When a peer makes a verbal social overture directed towards [R.H.] he will respond to the peer 90% of opportunities to do so.

Teaching Procedure:

- Create opportunities for peers to make overtures to [R.H.] Give him materials that they need/want, prompt them to ask [R.H.] to do something or prompt them to ask [R.H.] a question.
- Give [R.H.] a card with an appropriate written response that he can read to the peer.
- Allow the peer to reinforce [R.H.] with a high five or other social praise. (Avoid giving tokens—allow [R.H.] to experience the natural reinforcement of being engaged with peers.)
- AVOID responding to the peer on [R.H.] behalf or mediating the discussion. The conversation should just be between the children.

Goal: [R.H.] will make a minimum of ten verbal overtures to his peers each day.

Teaching Procedure:

- Create opportunities for [R.H.] to make social overtures to his peers. Give the peer materials that [R.H.] needs or wants (to do an activity, to complete an activity, or a desired item).
- Give [R.H.] Gambits, that is written comments or questions that he can read and direct towards a peer, e.g. “What are you doing?” “Can I have the scissors?” “What’s your favorite game?” “Do you have a pet?” etc.
- Make sure the peer responds to [R.H.] and gives him social reinforcement, e.g. a high five. (Avoid giving tokens—allow [R.H.] to experience the natural reinforcement of being engaged with peers.)

Goal: [R.H.] will engage with children in play on the playground and during structured play periods for increasing intervals of time from a baseline of 10 minutes.

Teaching procedure:

- Encourage [R.H.] peers to be a “buddy” to [R.H.] and engage him in play (particularly the group of girls who have already formed a relationship with him)
- Give them ideas for play, e.g. “Why don’t you play Follow the Leader with [R.H.] or “Why don’t you play Simon Says with [R.H.] or “Why don’t you pretend to be different animals with [R.H.]
- Have the children play a structured board game [R.H.] is familiar with such as Chutes and Ladders, Marble Run, Zingo, or Uno.
- Provide the least amount of prompting to keep [R.H.] engaged. Fade yourself back as quickly as possible.
- Provide [R.H.] with language (things he can say to the girls, e.g. “You can’t get me!” “Follow me!” “Your turn,” etc.).
- Include [R.H.] in a lunch bunch with a small group of peers to play games, take turns, and engage [R.H.] socially during lunch time in a less distracting environment.

Tantrum Behavior: Tantrum behavior is defined as screaming, crying, dropping to the ground, refusing to follow directives and may occur with self-injurious behavior. Self-injurious behavior is defined as [R.H.] scratching himself, typically his face.

Goal: Reduce Tantrum behavior from a baseline of one incident per hour lasting 25 minutes to 0 incidents per day.

Antecedent Plan:

- Provide close monitoring of [R.H.] during times when tantrum behavior is most likely to occur, e.g. transitioning off of preferred items and activities, when access to desired items is restricted, demand situations, and after he makes a

mistake.

- Set clear expectations in advance of the activity
- Use a written schedule to facilitate transitions before and after EVERY activity. Have [R.H.] check off completed activities and articulate what is next.
- Intersperse challenging activities with easier activities.
- Follow non-preferred or challenging activities with preferred activities (premak principle)
- Utilize the First-Then board (promise procedure) with challenging activities
- Watch [R.H.] for fatigue, be sure to give him breaks
- Only work on challenging activities for brief periods of time, end on a note of success
- Break difficult tasks into smaller components and reinforce [R.H.] after successfully completing each component.
- Let [R.H.] know when you are shortening an activity.
- Provide [R.H.] with an explanation (I observed his mother to utilize this strategy to a good effect).
- Consult with [R.H.] parents for effective strategies for dealing with his behavior.
- Model calmly revising when [R.H.] makes a mistake, e.g. "Let's try this one again. First we will erase, then we will...."
- Give [R.H.] warnings when he is about to transition off of a desired item or activity (priming)
- Provide positive praise/social reinforcement, token reinforcement for all instances of [R.H.] following his schedule, transitioning, rules or correcting a mistake in the absence of maladaptive behavior.
- Model and reinforce appropriate expression of emotions. "I am so frustrated!"
- Teach [R.H.] strategies for emotional regulation: taking some "calm down time," in a calm down corner, diaphragmatic breathing, counting, etc.

Consequence Plan:

1. If [R.H.] appears to be becoming upset, frustrated or overwhelmed, remind him of coping strategies and appropriate means of communicating his wants and needs.
2. If [R.H.] calms himself, provide attention and praise. If he requests a break or other calming activity, independently or with prompts, provide immediate access.
3. Once calm, prompt [R.H.] to return to the appropriate activity.
4. If [R.H.] is unable to self-regulate and return to the activity or if he becomes dangerous or disruptive:
 - a. Block further maladaptive behaviors such as elopement or self-injury
 - b. Withdraw all other social attention for eye contact until [R.H.] is able to remain calm for at least one minute (The longer he has been upset, the longer he will need to calm himself.)
 - c. Once calm ask, "Are you ready?" If he responds yes, praise and provide social attention, and prompt [R.H.] to complete the activity, resume following his schedule or correct the mistake.
 - d. If he says no and re-engages in tantrum behavior remove social attention and repeat steps above until he states that he is ready.

5. AVOID engaging [R.H.] verbally, arguing with him or countering what he says, or physically forcing compliance as this will only escalate the behavior.

Academic Intervention

Recommended Intervention Setting

It is recommended that [R.H.] participate in small group instruction of 2-3 children and 1:1 instruction for most of the school day. In small groups, he should practice differentiating between individual and group level directives, raising his hand, looking at stimuli, completing tasks, cooperating with other children, taking turns, and waiting his turn. As he demonstrates success in these group structures, he can gradually be included in larger group structures, and then, for short periods of time, gradually increased to longer intervals as he demonstrates the ability to learn novel information in a large group structure. If [R.H.] is not able to learn novel information in large group structures, he should continue to be educated in smaller groups where there are fewer distractions, less wait time, direct engagement with the instructor, and immediate reinforcement.

Academic Skills

Math skills should be taught by a qualified instructor 1:1 at an appropriate level of difficulty, based on routine assessment, using hands-on manipulatives, visual aids, engaging materials, and computer programming. Avoid reliance on worksheets and materials that are not naturally reinforcing. During any period of instruction 1:1 the PCA should be taking data on appropriate responding/on-task behavior/IEP goals. The instructor should be providing praise and reinforcement so [R.H.] attention is directed forward.

- Areas in which [R.H.] was not yet proficient include: long division, word problems with extraneous or missing information, decimals and percentages, adding and subtracting mixed fractions, multiply and dividing fractions, and square roots.
- Utilize online math curriculum and math software that provides math instruction from basic skills through algebra and calculus so that [R.H.] can work at his own pace, such as the *Math Advantage* software program.

Language Arts and Literacy Skills should be taught by a qualified instructor 1:1 or in a small group with children with compatible skills at an appropriate level of difficulty, based on routine assessment, using hands-on manipulatives, visual aids, engaging materials, and computer programming. Avoid reliance on worksheets and materials that are not naturally reinforcing. Use authentic texts of [R.H.] choosing. During any period of instruction 1:1 the PCA should be taking data on appropriate responding/on-task behavior/IEP goals. The instructor should be providing praise and reinforcement so [R.H.] attention is directed forward.

Because [R.H.] is hyperlexic and his decoding skills are advanced beyond his comprehension skills, focus on reading comprehension.

- Continue to work on responding to wh-questions about the text while reading and when finished. Avoid asking questions that [R.H.] can answer simply by looking at the pictures or the text itself. Encourage him to rely on his memory of

the story.

- Once [R.H.] has mastered answering who, what and where questions, advance to why and how questions. Allow him to choose from multiple choice if he has difficulty generating responses on his own.
- Avoid insisting that [R.H.] write his responses. (As he is five, he is likely to fatigue quickly and does not have the writing stamina that older children have.)
- Work on making predictions about the story.
- Work on making inferences about the story
- Work on summarizing a story
- Have [R.H.] draw a picture and write a story about the picture
- Have [R.H.] read a story and draw a picture to illustrate the story
- Have [R.H.] take turns reading a story with a peer, acting out the characters to read with feeling (This was the initiative of [R.H.] teacher.)
- Have [R.H.] read and follow directions to teach and assess comprehension in a fun an active way. E.g. "Get a green crayon and give it to (a peer)."

Adaptive Skills:

It is recommended that [R.H.] work on the following goals:

- Initiating the need for bathroom (as opposed to being taken on a schedule or waiting to be asked). This can be accomplished by velcroing a toileting icon on his desk and prompting him to hand it to his PCA at regular intervals, then fading back prompting as soon as [R.H.] begins to initiate on his own, and eventually fading the icon. [R.H.] should accomplish all steps of toileting, including washing his hands, independently. No verbal prompts should be given in the bathroom to avoid prompt dependence. Only use gestural or minimal physical prompting.
- Dressing: Orienting clothes properly, putting on his coat independently, zipping independently
- Feeding: Eating using a variety of utensils

Communication Skills:

- [R.H.] needs to work on the following skills: 1) lengthening utterances; 2) using correct pronouns; 3) using correct subject-verb agreement; 3) manding; 4) responding to social overtures; 5) making social overtures; 3) engaging in back and forth exchanges for a minimum of four exchanges with adults and peers.
- The VB-MAPP is an effective tool for monitoring verbal behavior in children on the autism spectrum over time, and might be more effective than other standardized tools for measuring [R.H.] progress.

For Play and Leisure Skills Development, See the Behavior Intervention Plan

Methods of Instruction:

- Use research-based, empirically supported ABA-based methods of instruction to teach [R.H.] novel academic, communication, adaptive and social interaction/leisure skills including (but not limited to): Pivotal

- Response Treatment, Natural Environment Training, and Verbal Behavior.
- Skills taught to [R.H.] should be broken down into discrete components, presented one at a time, until he achieves mastery, be generalized across people, settings and materials, and be interspersed with future skills to ensure maintenance.
 - Transition from one instructional skill to the next should be based on his demonstrated independence in the subsequent skill. Measurement of competency and independence should be objective and data-based. Probe data should be taken at regular intervals. For most skills a level of 85% competency (without prompting of any kind) should be considered an instructional level and 95% or above should be considered independence. Skills required for safety, e.g. asking to go see an object of interest, will require 100% competence.
 - Instructional strategies should largely visual but also incorporate auditory and kinesthetic methods, these include, but are not limited to use of manipulatives, visual schedules, task analyses, written prompts, video models, adult models, peer models
 - Once a skill has been mastered within the school environment, [R.H.] requires structured opportunities to apply these skills across the home and community settings with multiple applications to ensure generalization.
 - Opportunities to demonstrate a skill need to be repeated in randomized order until mastery is achieved and revisited as new information is introduced. [R.H.] should be able to demonstrate the skill in three different settings with three different adults present before it is considered to be generalized. Instructional control should be transferred to caregivers in a systematic fashion.
 - Instructional materials should incorporate [R.H.] interests (e.g. music, math, computers, etc.) to provide adequate motivation and interest to engage him.
 - [R.H.] academic program including the specific instructional methods, prompt levels, stimuli and reinforcement should be revisited and adapted whenever progress is stalled on a given skill.
 - Behavior modification plans must be simultaneously applied throughout the school day to insure that maladaptive behaviors, i.e., IV behavior, do not interfere with the learning process
 - Accomplishing the increased levels of discrete planning, instruction and data keeping will require continued individualized, one-on-one support as well as increased levels of on-going training and evaluation for all staff providing services to [R.H.] It is essential that the people implementing [R.H.] programming be fully trained in the ABA-based instructional methods (e.g. , VB, PRT, NET) and have sufficient experience to provide a complex program of instruction, know [R.H.] specific programming and conference with each other on a weekly basis.

Staff Training:

- All staff working with [R.H.] including his classroom teacher, special educator, and PCA require ongoing training in ABA, best-practice teaching methods for


students with ASD, and psychoeducation regarding how [R.H.] is impacted by ASD and the challenges of having an intellect that is advanced beyond his social and emotional capacities.

- The PCA and Special Educator should specifically receive training in:
 - Implementing all aspects of the behavior plan
 - Utilizing a written schedule with [R.H.] throughout the day, before and after every activity (not just when he has difficulty)
 - Utilizing a first/then board when engaging in challenging tasks (prior to the activity, not just when he begins refusing)
 - Giving [R.H.] clear expectations prior to each activity
 - Differentiating between “expected” and “unexpected behavior” for [R.H.]
 - Conducting a preference assessment, how to tell when a child has saturated on a reinforcer, ensuring a variety of reinforcement
 - Providing task-specific praise and social reinforcement
 - Giving [R.H.] limited choices (in activities, materials, reinforcers, etc.)
 - Teaching using graduated guidance, giving the least intrusive prompt
 - Avoid verbal prompting when teaching independent skills
 - Fading back prompts as quickly as possible to avoid prompt dependence
 - Avoid being [R.H.] hands or voice—encourage him to be as independent as possible
 - Employing a token economy system and how to reinforce [R.H.] on a continuous schedule continuous schedule for desired behaviors
 - Collecting frequency data, Partial Interval Recording data, figuring out percentages of the number of opportunities to display a skill by the times [R.H.] performed the skill, graphing data
 - Implementing the DRO intervention
 - Creating opportunities for: Social engagement, following directives, and active participation
 - Using gambits to encourage social overtures and social responding
 - Writing and utilizing social stories for convey rules, expectations, preparing for novel experiences and teaching new skills.
 - Using emotional regulation strategies such as: taking a break (using coupons), going to a calm-down area, diaphragmatic breathing, counting down, etc.
 - Using peer engagement/peer modeling to increase social behavior
 - Modeling adaptive behavior throughout the day
 - Handle with Care or similar training
- The BCBA should conduct fidelity checks monthly to ensure that [R.H.] BIP and IEP are being implemented as designed, and provide continuous feedback, modeling, and training in areas that need to be improved.

Home-School Collaboration/Generalization

- Team meetings that include [R.H.] educators, therapists and caregivers should be scheduled quarterly (more frequently as needed) with regular weekly communication between these monthly meetings (also more frequently as needed).

- Interventions and instruction should be implemented throughout the day across settings with all adults, including [REDACTED] R.H. caregivers. All individuals should be trained in implementation of these interventions, plans, procedures as necessary.
- Communication between home and school should occur whenever there are successes or challenges to report, to facilitate collaboration, consistency across environments and to share when there have been emotional/physical stressors at home or at school that might impact behavior planning in the other environment.
- Data collection should be completed by school staff on a regular basis:
 - Partial interval data on IV and Refusal behavior should be recorded and graphed daily.
 - Frequency, duration and intensity data should be recorded on tantrum behavior and communicated to caregivers.
 - The percentage of successfully responding to social overtures and initiating social overtures (two separate skills, two separate percentages) out of the opportunities presented should be recorded daily. Prompt levels should be noted and faded systematically.
 - Data should be compiled in report form, using easily understood language to share with caregivers at quarterly intervals (or more frequently as necessary).

A handwritten signature in black ink that reads "Melissa R. Brand, Psy.D." The signature is written in a cursive, flowing style.

Melissa R. Brand, Psy.D.
PA Licensed Psychologist #PS016834

EXHIBIT E

Subject: Re: MEDIATION, 18017-1617LS
From: Bonita McCabe <bmccabe@arcphiladelphia.org>
To: Anna Perng <anna.perng@gmail.com>
Date: Tuesday, August 16, 2016 10:01:07 AM -04:00

Hi Anna,

Thanks for your guidance with this! As you can tell I have no prior experience in working with families who do not speak English as their primary language.

Thanks again,
Bonita McCabe

On Aug 16, 2016, at 9:49 AM, Anna Perng <anna.perng@gmail.com> wrote:

Also -- Mandy Lin does not speak English as her first language. It is critical that an accommodation be made so she can take notes in Mandarin.

Sincerely,
Anna

On Tue, Aug 16, 2016 at 9:46 AM, Anna Perng <anna.perng@gmail.com> wrote:
Dear Ms. Doyle,

Can you please provide a language interpreter who can explain some of the English attachments in your email?

Thank you,
Anna

On Mon, Jul 18, 2016 at 4:07 PM, <mandylin323@gmail.com> wrote:
Hi Bonita and Anna,

The office for Dispute Resolution has returned my phone call back this morning. The lady's name is Judy Carl, I told her that my concern and objection. she filled the form for me online. For the mediation, I can invite 2 additional participants. Can I give them both of your name?

以下是转发的邮件：

发件人: Heather Doyle <hdoyle@odr-pa.org>
日期: 2016年7月18日 GMT-4 下午3:13:04
收件人: "'mandylin323@gmail.com'" <mandylin323@gmail.com>
主题: **MEDIATION, 18017-1617LS**
回复: Lori Shafer <lshafer@odr-pa.org>

Dear Ms. Lin,

The Office for Dispute Resolution (ODR) has received a mediation request for [REDACTED] R.H. [REDACTED], ODR file number 18017-1617LS. So that we can move forward and respond to this request, please provide the following

1. Dates/times you are available. The district will then be contacted to let them know of your availability and to determine their willingness to participate.
2. First and last names of your 2 additional participants, as well as their relationship to **R.H.**.
3. The signed and returned "Agreement to Mediate" form that is attached.

As a participant in this mediation, please be advised that state and federal special education laws state that discussions held during mediation will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. 34 CFR 300.506(b)(6)(i) and 22Pa. Code Chapter 16.64 (e) and (f)

The Special Education ConsultLine provides information about special education regulations, and parents' rights for school-aged students. Understanding special education regulations may be helpful in discussing issues with the school. If you would like to speak with a ConsultLine specialist prior to mediation, please let Lori Shafer know and she will ask the ConsultLine to contact you. Please review the attached "Special Education ConsultLine Brochure" to learn more about the ConsultLine.

Please review the attached letter that provides an explanation of ODR timelines with regard to pendency of the student's placement during the mediation process. A mediation brochure and Guide to Mediation are also attached for your information. For further information on other dispute resolution activities, please visit the ODR website at www.odr-pa.org.

Please feel free to contact Lori Shafer with any questions regarding this request.

Thank you,

Heather

Attachments: Pendency Letter / Agreement to Mediate / ConsultLine Brochure / Mediation Brochure / Guide to Mediation

Customer Service Representative

Office for Dispute Resolution (ODR)

6340 Flank Drive

Harrisburg, PA 17112

[\(800\) 222-3353](tel:(800)222-3353) (Toll-Free PA Only)

[\(717\) 901-2168](tel:(717)901-2168) (direct line)

[\(717\) 657-5983](tel:(717)657-5983) (fax)

hdoyle@odr-pa.org

odr@odr-pa.org (for general ODR email inquiries)

One of the secrets of life is to make stepping-stones out of stumbling blocks. ~Jack Penn

This email contains Confidential Information protected by the Individuals with Disabilities Education Act and the Family Education Rights and Privacy Act, which is intended only for the use of the Individual(s) named above. If you are not the intended recipient of this E-mail, or the employee or agent responsible for delivering this to the intended recipient, you are hereby notified that any dissemination or copying of the E-mail is strictly prohibited. If you have received this E-mail in error, please immediately notify us by telephone at [1-800-222-3353](tel:1-800-222-3353) (PA only), [717-901-2145](tel:717-901-2145) or by reply E-mail. Also, please mail a hardcopy of the E-mail to Office for Dispute Resolution, 6340 Flank Drive, Harrisburg, PA 17112.

This message may contain privileged, confidential information that is exempt from disclosure under applicable law. If you are not the addressee indicated in this message or if it does not apply to you or your organization, you may not copy or deliver this message to anyone. In such a case, please delete this message and reply to the sender immediately. Thank you.

EXHIBIT F

1 APPEARANCES :

2
3 DRINKER, BIDDLE & REATH, LLP

BY: PAUL H. SAINT-ANTOINE, ESQUIRE

4 One Logan Square, Suite 2000

Philadelphia, Pennsylvania 19103

5 215-988-2990

paulhsaint-antoine@dbr.com

6 Representing the Plaintiffs

7
8 DILWORTH PAXSON, LLP

BY: MARJORIE McMAHON OBOD, ESQUIRE

9 1500 Market Street, Suite 3500

Philadelphia, Pennsylvania 19102

10 215-575-2000

mobod@dilworthlaw.com

11 Representing the Defendant

12

13

14

15

16

17

18

19

20

21

22

23

24

1 back or if it was verbal?

2 A. Correct.

3 Q. And what was the response?

4 A. The response was from Principal Rock
5 that during the time of her principalship, she
6 didn't believe there was a language barrier
7 because Mandy conducted all of the meetings
8 with the school team for her older daughter in
9 English and had never previously requested to
10 tape a meeting.

11 Q. Was there any other basis upon which
12 Ms. Rock thought there was no language barrier
13 for Ms. Lin?

14 A. This was the first time that Mandy
15 had a special education child. So I remember
16 there being a lot of dialogue between myself
17 and Principal Rock with this is a different
18 kind of meeting, do you remember if documents
19 of this size or this dense in terminology has
20 ever had to go out to Mandy because her
21 daughter was not in special ed.

22 So I asked her to describe the kinds
23 of meetings that she had previously had with
24 Mandy where Mandy did not need -- spoke in

1 English, did not need interpretation or
2 translation and they were not special education
3 related.

4 I was trying to get a feel for if the
5 special education process was now a new entity
6 for Mandy, therefore, now requiring her to need
7 deeper levels of interpretation.

8 Q. Okay.

9 A. Which I had ultimately made the
10 decision that it did.

11 Q. And do you recall, Ms. Capitolo, when
12 you made that decision?

13 A. I made the decision back then, not
14 knowing Mandy or ever having any experience
15 with her or ever sitting in a meeting with her.
16 Back then, Mandy had described that she forgets
17 a lot of what goes on in the meeting verbally
18 and that she wanted to go home with the tape
19 recorder and replay it for her memory.

20 Q. And it was on that basis that you
21 made the determination that translation
22 services should be provided?

23 A. Yes.

24 Q. It was your viewpoint that the

C E R T I F I C A T E

I do hereby certify that I am a Notary Public in good standing, that the aforesaid testimony was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true and correct record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, not interested in the outcome thereof.

WITNESS my hand and official seal this 6th day of March 2018.



Susan Endt
Notary Public

EXHIBIT G

Madeline Perez

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 * * *

4
5 T.R., et al., : CIVIL ACTION
 Plaintiffs, :

6 v. :

7 SCHOOL DISTRICT OF :
 PHILADELPHIA, : NO.

8 Defendant. : 15-cv-4782
9

10 * * *

11 Monday, February 12, 2018

12 * * *

13
14 Oral Sworn Deposition of
15 MADELINE PEREZ, taken pursuant to Notice,
 held at the Law Offices of Dilworth
16 Paxson, 1500 Market Street, Suite 3500
 East, Philadelphia, Pennsylvania,
17 beginning at 10:11 a.m., on the above
 date, before Brandy M. Christos,
18 Registered Professional Reporter,
 Certified Court Reporter, and Notary
 Public, there being present.
19
20
21

22 * * *

23 GOLKOW LITIGATION SERVICES
 877.370.3377 ph | 917.591.5672
 deps@golkow.com
24

1 APPEARANCES:

2
3 THE PUBLIC INTEREST LAW CENTER
4 BY: MICHAEL CHURCHILL, ESQUIRE
5 1315 Walnut Street, Suite 400
6 Philadelphia, Pennsylvania 19107
7 (215) 346-6906
mchurchill@pubintl.org
Representing the Plaintiff

8 DILWORTH PAXSON, LLP
9 BY: MARJORIE McMAHON OBOD, ESQUIRE
10 BY: DANIELLE M. GOEBEL, ESQUIRE
11 1500 Market Street, Suite 3500 East
12 Philadelphia, Pennsylvania 19102
13 (215) 575-7000
14 MObod@dilworthlaw.com
DGoebel@dilworthlaw.com
Representing the Defendant

15 ALSO PRESENT:

16 JAVIER AGUILAR,
17 Spanish Interpreter
18
19
20
21
22
23
24

Madeline Perez

1 A. No.

2 MS. GOEBEL: Let's take a
3 break.

4 * * *

5 (Whereupon, a short break
6 was taken.)

7 * * *

8 BY MS. GOEBEL:

9 Q. Ms. Perez, how did you get
10 involved in this lawsuit?

11 A. I had learned through this
12 through -- I got involved through
13 Philadelphia HUNE. I found this to be a
14 help for those parents who speak only
15 Spanish. I think it would be great to
16 have all the documents in Spanish, to be
17 able to read them and go over them.

18 In my case, I have three
19 children, and I can get specifics about
20 what kind of help they need. If I forget
21 any diagnosis, I can refer to it.

22 Q. Before you joined the case,
23 were you given an opportunity to read the
24 original Complaint?

1 A. Yes, I read several
2 Complaints before I joined the case and
3 this was to obtain the documents in
4 Spanish.

5 Q. What do you mean you read
6 several Complaints?

7 A. What the paper said.

8 Q. Are you talking about
9 something that was filed in court?

10 A. That there were several
11 parents like me who don't get the
12 documents in Spanish.

13 Q. Where did you get that from?

14 A. At Philadelphia HUNE there
15 were several parents with the same
16 problem, we talked about it there. When
17 we asked documents to be translated into
18 Spanish, mostly what they translate is
19 only the headings, the titles to Spanish,
20 and the summary comes in English
21 nonetheless. I don't think that's a
22 translation into Spanish. To me, to
23 translate it to Spanish is that
24 everything is in Spanish.

1 A. No.

2 Q. What do you want out of this
3 case?

4 A. To have the documents in
5 Spanish in order to get more help for my
6 children. I can be more helpful if I
7 have everything in Spanish.

8 So I say it again, it's
9 three different children with three
10 different needs. Having it in Spanish, I
11 can go refer to it and know what's going
12 on. Because the diagnosis changes, their
13 progress, how much they're progressing.

14 Q. But you did receive some
15 documents fully translated, right?

16 A. Yes. Yes, I learned this
17 morning about two evaluations of [J.R.]'s
18 which I didn't know they had been
19 translated. And they came with the IEP
20 and the titles came in Spanish, the rest
21 is in English. I'm assuming it's about
22 the same thing, it's all in English.

23 Q. But it wasn't all in
24 English.

1 they make them available to me later
2 through [REDACTED] J.R. in Spanish.

3 Q. Did you collect documents
4 for your attorney for this lawsuit?

5 A. Yes, what I have.

6 Q. What did you do to gather
7 the documents?

8 A. I keep every document the
9 school gives me.

10 Q. And did you give all of
11 those to your attorney?

12 A. Yes.

13 Q. Including the progress
14 reports?

15 A. I don't remember if I did
16 that.

17 Q. Are there any other school
18 documents that you didn't give to your
19 attorney?

20 A. Just what the school gives
21 me, that's what I give them. The IEPs,
22 evaluations, everything.

23 Q. Where do you keep those?

24 A. My home, at home.

1 initials.

2 * * *

3 (Whereupon, the court
4 reporter marked Exhibit Perez-3
5 for purposes of identification.)

6 * * *

7 BY MS. GOEBEL:

8 Q. I'm handing you a document
9 that's marked as Perez-3.

10 Do you recognize this
11 document?

12 A. Yes, I signed this document.

13 Q. And the date is October
14 26th, 2017; correct?

15 A. Yes.

16 Q. What is your understanding
17 of what this is?

18 A. I don't know. I don't have
19 it in Spanish.

20 Q. Did you ask your attorney
21 for it in Spanish?

22 A. When I signed it, there was
23 a translator.

24 Q. Do you mean that it was

1 discussed with -- I'm sorry, we already
2 asked that one.

3 Do you believe you could be
4 a more effective advocate for [REDACTED] D.R. if
5 you had a translated IEP for her before
6 the meeting took place?

7 A. Yes.

8 Q. And would that be true also
9 for [REDACTED] J.R.?

10 A. Yes. And [REDACTED] L.R. What is in
11 my interest is to have the documents in
12 Spanish.

13 Q. Now, let us -- would you
14 look at Perez No. 4?

15 And on page 7, in the middle
16 of the page it says, L.R. [REDACTED]
17 [REDACTED], Philadelphia, P.A. 122
18 (sic), Madeline Perez and Jose Rivera are
19 guardians that live with L.R.

20 Is that true?

21 A. Yes.

22 Q. And did you provide that
23 information to me to provide to the
24 school district?

Madeline Perez

1 A. I give that to the school
2 district and anybody who asks me where I
3 live.

4 Q. And the next bullet says,
5 D.R., and it provides exactly the same
6 information.

7 Is that true?

8 A. Correct.

9 Q. And did you provide that
10 information to me?

11 A. Correct.

12 Q. And the next paragraph has
13 J.R. and the same information.

14 Is that correct?

15 A. Correct.

16 Q. And the next paragraph has
17 your name, Madeline Perez, and as your
18 address, [REDACTED],
19 Philadelphia, P.A. 19122.

20 And is that information
21 correct?

22 A. Correct.

23 Q. And on page 8, the very last
24 paragraph says, L.R. has attended H.A.

1 Brown Elementary School, William Hunter
2 Elementary School, and Penn Treaty Middle
3 School.

4 THE INTERPRETER: Where are
5 you?

6 MR. CHURCHILL: Page 8, the
7 bottom line.

8 THE WITNESS: Yes.

9 BY MR. CHURCHILL:

10 Q. And is that information
11 correct?

12 A. Yes.

13 Q. And did you provide that to
14 me?

15 A. Yes.

16 Q. And on the next page it has
17 information for D.R. has attended H.A.
18 Brown Elementary School, William Hunter
19 Elementary School, and Kensington High
20 School.

21 And is that correct?

22 A. Yes, correct.

23 Q. And the next bullet says,
24 J.R. has attended H.A. Brown Elementary

1 School, William Hunter Elementary School,
2 Kensington Creative and Performing Arts
3 High School and Building 21 Philadelphia
4 High School.

5 Is that information correct?

6 A. Correct.

7 Q. And two bullets down it
8 says, Madeline Perez has graduated from
9 high school.

10 Is that correct?

11 A. Correct.

12 Q. I believe that's the -- I
13 believe that is the only information in
14 here --

15 MS. GOEBEL: Objection.

16 BY MR. CHURCHILL:

17 Q. Do you recall me calling you
18 and reading that information back to you
19 to make sure that it was correct before I
20 had you sign the verification?

21 A. Correct.

22 Q. You were asked whether the
23 interpretations you've been provided with
24 at the IEP meetings was adequate and

Madelaine Perez

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

CERTIFICATE

I HEREBY CERTIFY that the
witness was duly sworn by me and that the
deposition is a true record of the
testimony given by the witness.

BRANDY M. CHRISTOS, CCR
CCR NO. 30XI 00228200
Notary Public
My Commission Expires:
November 14, 2021

(The foregoing certification
of this transcript does not apply to any
reproduction of the same by any means,
unless under the direct control and/or
supervision of the certifying reporter.)