COMMONWEALTH OF MASSACHUSETTS

BUREAU OF SPECIAL EDUCATION APPEALS

**Student v. Franklin County Technical Public School BSEA #06-2301**

**DECISION**

This decision is issued pursuant to M.G.L. c. 71B and 30A, 20 U.S.C. § 1401 et seq., 29 U.S.C. § 794, and the regulations promulgated under said statutes.

A hearing was held on December 20, 2005 at the office of Catuogno Court Reporting, 446 Main Street, Worcester, Massachusetts, before Catherine M. Putney-Yaceshyn, Hearing Officer.

**PROCEDURAL HISTORY**

Parents requested a hearing on November 15, 2005 and a hearing was scheduled for November 30, 2005. There was a telephone conference call on November 21, 2005, during which the school district requested a postponement of the November 30, 2005 hearing date and the Parents assented. There was a second telephone conference call on November 28, 2005, during which the parties requested permission to provide the hearing officer with available hearing dates by November 30, 2005. On December 1, 2005, Parents’ attorney informed the hearing officer that he and his clients were available for a hearing on December 20, 2005 and the hearing was scheduled for said date. At the School’s request, there was a telephone conference call on December 14, 2005. The hearing proceeded on December 20, 2005. The hearing officer granted the parties’ request to keep the record open pending receipt of their written closing arguments and ordered the parties to submit their arguments by December 29, 2005. On December 28, 2005, Parents submitted their closing brief and the School submitted its brief on December 29, 2005. The record closed on December 29, 2005.

Those present for all or part of the Hearing were:

Mother

George L. Goodridge Attorney for Parents

Paul Cohen Principal, Franklin County Technical Public School

Charlie Powers Independent psychologist

Leslie Brown Special Education Coordinator

Fernand J. Dupere Attorney for Franklin County Technical Public School

Catherine M. Putney-Yaceshyn Hearing Officer

The official record of this hearing consists of Parents’ exhibits marked P-1 – P-3 and Franklin County Technical Public School’s exhibits marked S-1 through S-18 and approximately 4.5 hours of recorded oral testimony.

# ISSUES

1. Whether the 504 Team’s determination that Student’s behavior was not a manifestation of his attention deficit disorder was correct.

# SUMMARY OF THE EVIDENCE

1. The student (hereinafter, “Student”) is a 17-year-old student residing in Erving, Massachusetts, within the region served by the Franklin County Technical Public School (hereinafter, “Franklin County”). Student has been diagnosed with an attention disorder and was noted to have difficulty with long-term memory, especially in the auditory mode. He was also noted to have “difficulty learning from a book.” (S-14, P-1)
2. Student has been on a section 504 accommodation plan since March 31, 2003, when he was in the ninth grade. His mother requested that Student be evaluated in March 2003 because he was reportedly struggling in math and science and had reported an inability to concentrate during class and difficulty in retaining information over time. Student’s pediatrician requested that teachers complete an “ASEBA reporting device descriptive of student behaviors.” The student response form and forms completed by teachers indicated, “Short periods of concentration/attention, confusion, difficulty following directions and daydreaming as well as underachievement.” Leslie Brown completed an educational assessment that included subtests of the Woodcock-Johnson, III Test of Achievement and the memory screening of the Wide Range Assessment of Memory and Learning. Ms. Brown concluded that focus and attention appeared to be a factor in Student’s learning. The test results were sent to Student’s pediatrician, Dr. Roberts, who ordered a trial of Concerta. (S-11)
3. Deborah Abrams, the school psychologist, wrote a psychological report based upon her March 18, 2003 testing of Student. Student reported that he found retaining information over the short and long term to be problematic for him. He reported a preference for hands-on learning as he remembers what he sees better than what he hears. He reported he is unable to concentrate for more than short periods and often finds himself daydreaming. Student presented as a “low energy and tired 9th grader.” Student was noted to approach all tasks in a thoughtful and considered manner. “No impulsivity was observed.” Student attained a verbal IQ of 102, a performance IQ of 95, and a full scale IQ of 99. Student’s long-term accumulation of information score fell solidly within average limits. However, a Low Average score on Digit Span suggested slightly weaker short-term auditory memory functioning. Student was highly motivated and showed no difficulty sustaining attention and blocking out external distractions in the 1:1 testing situation. Student’s index score on the Freedom from Distractibility Index fell in the low end of the average range, the lowest of his index scores. Teacher reports strongly supported Student’s reports of significant difficulty concentrating and paying attention for long periods, which lead to difficulty following directions and completing work. In the social/emotional realm, teachers reported Student to be “overtired without good reason,” “too fearful or anxious,” “unhappy, sad, or depressed, and “withdrawn, doesn’t get involved with others.”

Ms. Abrams concluded that Student demonstrates a lack of investment, difficulty staying on task and completing work. She found Student was experiencing serious academic difficulty. Based upon Student’s self-report and teachers’ reports, she determined that further examination of the possible presence of attentional difficulties appeared warranted. She also recommended examination of Student’s level of lethargy and fatigue to determine whether emotional issues were impacting Student’s ability to attend. (S-12)

1. The 504 Team met on March 31, 2003. They determined Student had been diagnosed with an attention disorder that caused him to have difficulty with long-term memory, especially in the auditory mode. Student’s 504 plan, written pursuant to a March 31, 2003 meeting stated, “[Student] reads and processes slowly. He loses focus in lengthy oral presentations.” The following modifications were determined to be necessary: additional time to read and process, use of a calculator in math, for lengthy testing: provide breaks (MCAS.) “Directed study” was listed as an instructional accommodation. (S-15) Student’s grades for the 2003-2004 school year were as follows: Academic Peer Support: 100; English 10: 90; Heating and Vent: 85; Math: 71; World History: 82. (P-9)
2. Student’s 504 plan for the 2004-2005 school remained essentially the same. After meeting on April 7, 2004, the Team added, “use of word processing” to the necessary accommodations. Both Mother and Student signed the plan on April 8, 2004. (S-14)
3. Student’s grades for the 2004-2005 school year were as follows: Academic Peer Support: 100; Computer Assisted Design: 98; Directed Study: 94; English 11: 84, Heating and Vent: 84; Math: 62[[1]](#footnote-1), Tech. Science: 69. (S-8, P-11)
4. The 504 Team met on April 7, 2005 to review the 504 plan for the following school year. The team added, “He has difficulty learning from a book.” To the nature of the concern section. Additionally, the team added, “use of computer for long written assignments or tests” and “visual demonstrations help [Student] to remember important material” to the necessary reasonable accommodations section. Mother signed the plan on April 7, 2005. The plan contained a review date of spring 2006. (S-14)
5. Mother testified that Student was only on medication for one or two days during the current school year. She explained that Dr. Roberts took him off all medication in order to complete a sleep study and he remained off all medication until the beginning of November 2005. She explained that Student was very involved in peer tutoring from the tenth grade until the current year and received an award for his efforts in starting a peer tutoring program. She explained that he loves school and wants to continue learning his trade. She stressed that Student is a caring person. (Mother)
6. Paul Cohen is the Principal/Assistant Superintendent at Franklin County Technical School. He oversees section 504 plans and disciplinary issues. He was in the school building on October 25, 2005 and received a call from a teacher who had detected fire in a bathroom. Mr. Cohen ran down the hall and opened the door to the bathroom and found it “fully engaged in fire.” He yelled for another staff person to pull the fire alarm. Five hundred students and one hundred staff members were evacuated from the building and firefighters came to extinguish the fire. The firefighters determined that plastic was burning and giving off toxic smoke. Students were allowed to re-enter the building, but required to remain in the front of the building in the gym. Soon after the fire was extinguished, Mr. Cohen spoke to the firefighters who reported that it appeared that a plastic soap dispenser on the wall had been burnt. There was damage to the wall and ceiling. A contractor was called to provide an estimate to repair the costs. (S-2, Cohen)
7. The police came to the school to investigate the matter. They wanted to know which students were out in the hallways at the time to determine who had set the fire. Teachers reported the names of students who had been out the classrooms and the police interrogated five or six students. The police spoke to Student and one other student separately and found their stories to be inconsistent. They initially suspected Student and another student and the other student reported that Student had set the fire. Mr. Cohen called Student’s house and spoke to Student’s sister who was responsible for Student while Mother was out of town. (Cohen)
8. On October 28, 2005, Mr. Cohen sent a letter to Parents stating that beginning on October 31, 2005, Student would be suspended from school due to an infraction of the discipline code, destruction of property due to arson. The letter stated that a hearing would be held on November 7, 2005 to determine whether Student would be scheduled for an expulsion hearing or allowed to return to school. (S-6, Cohen)
9. On November 7, 2005, Leslie Brown, Coordinator of Pupil Personnel Services/Special Education, sent parents a letter stating that a Manifestation Determination meeting would be held on November 10, 2005. (S-4)
10. On November 8, 2005, Mr. Cohen sent Parents a letter to follow-up on their November 7, 2005 meeting. The letter informed Parents of a meeting to be held on November 17, 2005 during which there would be a hearing concerning the possible long-term suspension and possible exclusion of Student. It also stated that the meeting was due to the fire set in the school bathroom and the subsequent court charges filed against Student, per Chapter 71, Section 31H1/2 and the student handbook. (S-4, Cohen)
11. The 504 Team convened for a section 504 Manifestation Determination Review on November 10, 2005. The Team members included, Student, Mother, Attorney George Goodridge, Steve Richter, Student’s guidance counselor, Rich Lane, Director of Curriculum, and Leslie Brown, the special education coordinator. The Team determined that Student’s 504 plan was appropriate and that Student was able to understand the impact and consequences of the behavior subjective to disciplinary action. Ms. Brown testified that she asked Student if he understood that lighting a fire was a potentially dangerous act and he answered affirmatively. She explained that the Team reviewed the appropriateness of the current 504 plan. She stated that they noted that the 504 plan contained only “educational components” and not “behavioral components.” Student had never had a behavioral plan. The Team reviewed his grades and noted that he had passed the tenth grade MCAS and had received some of his best grades to date during the 2005-2006 school year as shown on his progress report. They reviewed his disciplinary record which they concluded did not contain any relevant history. The Team then determined that the alleged fire setting behavior was not a manifestation of his disability. (S-3, S-8, P-15, Cohen, Brown)
12. Student’s most recent progress report, dated October 24, 2005, showed the following grades: Academic peer support: A; Business math: C; Computer Assisted Design: C; Environmental science: B; Hearting and Vent: D; English: B. Additionally, three of Student’s teachers commented, “positive attitude, attentive, cooperative; one teacher noted, “is a positive asset/leader in class/shop.” His Heating and Vent teacher wrote, “Not working to potential. Improvement needed in staying on task[[2]](#footnote-2).”
13. Student’s disciplinary record while at Franklin County Technical School revealed one detention in 2003 for being unprepared for class, one detention in 2004 for disruptive behavior, a one-day in school suspension for cutting class in May 2005, a two-day out-of-school suspension in April 2005 for marijuana use, and a reference to cutting class in April 2005, for which there does not appear to have been an assigned punishment. There are no other entries in his disciplinary record other than the incident that is the subject of this case. (S-10)
14. Charles B. Powers, Ph.D., is a licensed clinical psychologist, a certified mentor and juvenile court clinician, a designated forensic psychologist, and a qualified examiner for the Commonwealth of Massachusetts. He is employed as the Director of the Hampden/Hampshire/Franklin County Juvenile Court Clinics, Forensic Mental Health Services of the Behavioral Health Network. He conducts psychological and forensic evaluations in cases involving juveniles and families and works with children ages seven to seventeen. He also does private work with adults. He testifies in trials somewhat regularly. He is experienced in diagnosing ADHD.
15. Dr. Powers evaluated Student at the request of Franklin County on December 2, 2005. The purpose of his evaluation was “1) to review and assess [Student]’s diagnosis; and 2) to offer opinions as to whether the alleged fire setting was a manifestation of a disability.” He used a number of sources of information for his evaluation[[3]](#footnote-3). He based his opinions pertaining to diagnosis on criteria outlined by the American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders Fourth Edition (DSM-IV). Dr. Powers was not permitted to discuss the alleged incident that is the subject of this hearing with Student per Attorney Goodridge’s advice. Mr. Cohen described the incident to Dr. Powers from Franklin County’s perspective. (Powers, S-16)
16. Student’s mother (hereinafter, “Mother”) informed Dr. Powers that Student was easily distracted as early as elementary school. She described him as impulsive and as an example of impulsivity stated that he, “could not sit and concentrate.” Both Student and Mother denied any significant history of violence or aggression or any prior history of fire play or fire setting. Mother reported that during the ninth grade Student had difficulty focusing both at school and at home. Mother reported Student had three incidents of “impulsive behavior” where he punched the wall and in one instance broke a window. (S-16)
17. Steve Richter, Student’s Guidance Counselor throughout high school, described Student as “almost invisible… not vocal” during his freshman year. He reported that Student spoke in “monosyllables” and had a “flat affect.” Mr. Richter, Ms. Brown, and Mr. Cohen all denied that Student had any significant history of disruptive or impulsive behavior in school. (S-16)
18. During Student’s freshman year (2002-2003) Mother met with Dr. Hugh Roberts to discuss her concerns about Student and Dr. Roberts requested that she and school personnel complete ADHD rating scales. Dr. Roberts then prescribed Concerta (a psychostimulant) to Student. Mother and Student reported that Concerta immediately helped with Student’s attentional issues, but Student began having sleeping problems and appetite loss while taking the medication. (Mother, S-16)
19. In describing Student’s behavior when he was off the medication during weekends and the summer months, Mother reported, “It was not good,” but she did not provide any specific examples even when Dr. Powers asked for them. Student stopped taking all medication on June 15, 2005 and remained off all medication until early November 2005. (S-16)
20. Student’s clinical profile, as Dr. Powers assessed using the Personality Assessment Inventory, revealed no marked elevations that should be considered to indicate the presence of clinical psychopathology. Student described “some difficulties consistent with relatively mild or transient depressive symptomatlogy” and described no significant problems with extreme moodiness and impulsivity. His responses “suggest that he is satisfied with himself as he is, that he is not experiencing marked distress, and that, as a result, he sees little need for changes in his behavior.” (S-16)
21. Student’s Mother and three of his teachers completed the ADHD Rating Scale IV and the Disruptive Behavior Disorders Scale. Based upon said scores (reported in S-16) Dr. Powers concluded that Student met the criteria for ADHD Predominantly Inattentive Type, but not Hyperactive/Impulsivity Type when Mother’s scores were averaged along with teachers’ scores. However, when Mother’s scores were not included in the average, Student does not meet the criteria for either type of ADHD, Oppositional Defiant Disorder, or Conduct Disorder. (S-16, Powers)
22. Dr. Powers reported that Student sat calmly for the duration of the interview and evaluation process. He made good eye contact, was polite and respectful, and did not appear depressed or excessively anxious. He did appear cautious, which Dr. Powers attributed to the nature of the evaluation. Student denied any symptoms of depression or feelings of sadness prior to his suspension from school. When asked about the school psychologist’s report that he had appeared depressed during freshman year, he acknowledged becoming “down” due to frustration over academic difficulties at the time. Several times during their interview Mother stated that Student had shown signs of impulsivity throughout high school. However, when asked for examples she described a few incidents of his getting upset with his brother easily and nothing more. Dr. Powers concluded that the behaviors described by Mother were not outside the realm of normalcy. (S-16, Powers)
23. Dr. Powers summarized that even during the current academic year, while off all medications, Student’s grades were generally consistent with previous years, causing him to wonder whether the medication has contributed to his learning and grades. He concluded that although three teachers’ ratings indicate some issues with attention, there is no evidence of any behavioral problems in the realm of impulsivity. He opined that Student “does appear to exhibit some attention and/or concentration problems” though he questioned whether his “problems truly rise to the level of a disorder.”
24. He reported that the DSM-IV does not use the category Attention Deficit Disorder (ADD) as used by Dr. Roberts, but uses the classifications: ADHD Predominantly Inattentive Type, ADHD Predominantly Hyperactive/Impulsive Type, ADHD Combined Inattentive and Hyperactive/Impulsive Type, and ADHD Not Otherwise Specified. He stated that to obtain a diagnosis, a person must fit the criteria for at least six of the delineated symptoms. (See S-16, P-18) He concluded that although Mother cited numerous criteria related to both inattention and hyperactivity/impulsivity, the teacher ratings only cited inattentive symptoms. He did not see any evidence of a significant history of impulsivity in the school records or in the reports given by Student and Mother. The only incidents of impulsivity described by Mother dated back to 2003. Additionally, Dr. Powers did not view the aforementioned incidents as truly impulsive behavior, but as “behavioral reaction born out of frustration and anger at either his brother or his mother.” He further concluded that he did not see evidence that Student has any major mental illness such as depression, anxiety, conduct disorder, or any developmental disorder. (S-16, Dr. Powers, P-18)
25. Dr. Powers concluded that although he believes Student has some symptoms of ADHD Predominately Inattentive Type, he was “not prepared to argue that he actually meets full criteria for the diagnosis.” He explained that to make a diagnosis of ADHD, symptoms must be rated as occurring “often” or “very often” and in at least two settings. He was not convinced that Student’s symptoms occurred in more than one setting and noted that the three school persons who rated Student reported vastly differently than Mother did. The school staff did not see impulsivity and did not see the degree of inattention reported by Mother. He was confident of his opinion that Student does not meet criteria for ADHD Predominately Hyperactive/Impulsive Type or combined type. He also questioned Student’s argument that the alleged fire setting behavior was a result of his being off of his medication. He pointed to past lengthy periods of time when Student had been off of his medication and had not engaged in impulsive behavior. He also noted that Student’s grades ranged from As to Ds both while on and off medication. (S-16, P-18, Powers)

**FINDINGS AND CONCLUSIONS:**

It is undisputed that Student is entitled to procedural protections because of his qualification for a section 504 plan. The issue before me is whether Franklin County followed appropriate procedures and consequently made a legally correct determination that Student’s alleged[[4]](#footnote-4) fire setting conduct was not a manifestation of his disability.

Under section 504, long-term suspensions of more than 10 days and, in some cases, cumulative short-term suspensions exceeding 10 days, constitute a significant change of placement. “Prior to a significant change in placement 34 CFR § 104.35(a) requires reevaluation, following the procedural safeguards in 34 CFR § 104.36. The first step in this reevaluation is to determine whether the misconduct leading to the disciplinary action was caused by the child’s disability.” See *Letter to Williams*, 21 IDELR 73 (OSEP 1994) The aforementioned letter explains that the first step in the reevaluation is to determine whether the misconduct leading to the disciplinary action was caused by the child’s disability. It explains that the district is required to convene a group of persons who are personally familiar with the student and are knowledgeable about special education. Franklin County complied with this requirement when it convened Student’s 504 team on November 10, 2005. The Team was appropriately comprised of persons familiar with both Student and his needs, and about special education. Ms. Brown testified about her extensive experience in special education and she had evaluated Student in the past. Mr. Richter had been Student’s guidance counselor since his freshman year. Mr. Richter had previously been in contact with Mother when Student was diagnosed with “ADD.” He and Ms. Brown had been members of Student’s 504 Team during the preceding years. (Brown, Mother) Additionally, Mother, Student and Student’s attorney participated in the manifestation determination meeting, although they disagreed with the Team’s conclusion. (Mother, S-3)

The section 504 regulations do not specify what inquiry the team must make in making its manifestation determination. Many school districts follow the requirements of the IDEA when making their determination. It appears as though Franklin County used the requirements of IDEA 1997 in making its determination. As IDEA 1997’s manifestation determination language provides more protection for students than the IDEIA 2004, I make no determination as to whether the current law should have been applied. The 504 Team, utilizing the school’s “Section 504 Manifestation Determination Review Form: reviewed Student’s academic and disciplinary records, Ms. Abram’s 2003 testing of Student, Ms. Brown’s March 5, 2003 testing of Student and his current and prior 504 plans. The team determined that Student’s past disciplinary history was unremarkable and noted Student’s previous 504 plans had contained only educational components and not behavioral components. Student had never had nor required a behavioral plan. The Team determined that the current 504 plan was appropriate. The Team then concluded, based partly upon Student’s assertion to Ms. Brown, that he was able to understand the impact and consequences of the behavior. Finally, the Team determined that the behavior was not a manifestation of the student’s disability.

Parent and Student disagreed with the finding of the 504 Team and requested a hearing before the BSEA. Franklin County did not hold the scheduled expulsion hearing because of Parents’ hearing request. Student remained out of school pursuant to the December 2, 2005 letter from the District Attorney’s office requiring Student to stay away from the school. (S-2)

To review and confirm Student’s diagnosis and to confirm the opinion of the team that Student’s behavior was not a manifestation of his disability, Franklin County requested that Student be evaluated by Dr. Charles Powers. Dr. Powers, like the 504 Team, concluded that Student’s behavior was not a manifestation of his disability. I found Dr. Powers to be both credible and appropriately credentialed and experienced in evaluating students with attention deficit disorder. He gathered information from a variety of sources regarding Student and conducted a thorough review of all information available to him[[5]](#footnote-5). Parent did not call any expert witness to rebut the findings of Dr. Powers’ report. Instead, she relied upon an affidavit written by Dr. Roberts. I gave no weight to the affidavit for several reasons. First, it did not explain how long Dr. Roberts had been treating Student or provide any basis for the opinions expressed in it. It did not contain any information regarding Dr. Roberts’ experience diagnosing or treating ADHD. Additionally, the statements it made were too general to shed any light upon the issues. For example, paragraph 5 states, “It is my opinion to a reasonable degree of medical certainty that the impulsivity that results from the Attention Deficit Disorder could manifest itself in destructive behavior.” It does not make any statements relevant to the specific behavior that is the subject of this hearing. Additionally, it states that Student exhibits impulsive behavior, but provides no examples of or basis for the conclusion.

Although Mother’s testimony demonstrated that she is a strong and caring advocate for her son, she was not persuasive that Student’s behavior was a manifestation of ADHD. She was not able to provide convincing evidence that Student’s disability caused him to behave impulsively or that his alleged behavior with respect to the fire setting incident was caused by his disability. Her argument that Student’s behavior was due to his being off medication at the time of the incident was equally unpersuasive. As noted by Dr. Powers, neither Student’s grades nor his behavior were notably different during the periods that he was on and off his medication. (Powers) The credible evidence before me simply does not support Parents’ position that Student’s alleged behavior was a manifestation of his attention disorder.

ORDER

Franklin County’s determination that Student’s alleged behavior was not a manifestation of his disability is correct. Therefore, Student may be subject to discipline in the same manner as a non-disabled student.

By the Hearing Officer,

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Catherine M. Putney-Yaceshyn

Dated: January 27, 2006

1. Student received a grade of 42 during the second trimester. Additionally, his math and science teachers reported that he needed to improve work completion on his second trimester progress report. (P-11) [↑](#footnote-ref-1)
2. Mr. Richter, the guidance counselor, reported that the six students in this class have been generally disruptive. Student reported these students were his best friends. (S-16) Ms. Brown also testified that she was aware that Student had engaged in “disruptive behavior “ and “rough housing” with other students in this class. (Brown) [↑](#footnote-ref-2)
3. The sources he cited include: “ 1) Interview with Student, his mother, and Student’s attorney, George Goodridge, on 12/2/05 lasting approximately 3.5 hours; 2) Interview with FCTS Principal/Assistant Superintendent Paul Cohen, Guidance Counselor Steve Richter, Special Education Liaison Leslie Brown, and Director of Curriculum Richard Lane, on 12/2/05 lasting approximately 45 minutes; 3) Telephone conversation with FCTS Attorney Dupere lasting approximately one half hour; 4) Telephone conversations with Principal/Assistant Superintendent Paul Cohen lasting approximately one hour; 5) I requested that [Student] and his mother provide permission for Dr. Roberts and Dr. Webster, a psychiatrist who Dr. Roberts referred [Student] to for a consultation, to speak to me about diagnostic issues, but Attorney Goodridge refused to allow communication; 6) telephone message from Attorney Goodridge on 12/6/05.; 7) A review of the following records: a. FCTS discipline summary for the academic years 2002-2003, 2003-2004, 2004-2005, and 2005-2006; b) FCTS Student Transcripts for the academic years 2002-2003, 2003-2004, and 2004-2005; c) FCTS Academic Progress reports dated 10/27/05 for the academic year 2005-2006; d) FCTS Daily Attendance History for the academic years 2002-2003, 2003-2004, and 2005-2006; e) FCTS Section 504 Student Accommodation Plan dated 4/7/05; f) FCTS Educational Assessment dated 3/5/03, by Leslie Brown; g) Psychological Report dated 3/18/03 by Deborah Abrams; h) Affidavit of Hugh Roberts, M.D., dated November 28, 2005 and including a list of medications prescribed by Dr. Roberts from 3/27/03-to 10/1/05; I) Letter dated 12/6/05 from Attorney Goodridge and Dr. Roberts indicating correction on medication list; j) [Student] completed the following self-report measures during the course of the evaluation on 12/2/05: i) The Personality Assessment Inventory (PAI); ii) The Massachusetts Youth Screening Inventory II (MAYSI-2); k) Mother and three of Student’s teachers (John Casey, John Hicks, and Jim Barry completed the following measures: I) The ADHD Rating Scale IV; ii) The Parent/Teacher Disruptive Behavior Disorder Rating Scale.” (S-16, Powers) [↑](#footnote-ref-3)
4. Although Franklin County has determined that Student did engage in the fire setting conduct, the hearing officer is not required to make such a finding. The Parents’ only witness did not testify regarding the alleged misconduct. Since there are currently criminal charges pending against Student, I decline to make conclusions with respect to the actual conduct in which Student is alleged to have engaged. [↑](#footnote-ref-4)
5. He sought to speak with Student’s medical providers, but was not allowed due to pending criminal charges against Student. [↑](#footnote-ref-5)