

Student has been a student of the Santa Fe R-X School District in Alma, Missouri, since seventh grade. At the filing of the Complaint, Student was a senior in high school scheduled to graduate in May of 2013.

Student lived with his parents in Alma, Missouri, which is within the geographical boundaries of the District. The primary mode of communication of Student and his parents is written and spoken English.

Student turned eighteen years old on .² Student has not been declared incompetent by a court of competent jurisdiction.

The District is a public school district organized pursuant to Missouri law and is located in Lafayette County, Missouri.

Student and his parents were represented at the hearing by Deborah S. Johnson, Esq., 9923 State Line Road, Kansas City, Missouri 64114.

The District was represented at the hearing by Julia Walker, Esq., Guin, Martin, & Mundorf, LLC, 9237 Ward Parkway, Suite 240, Kansas City, Missouri 64114.

Petitioner's Complaint alleged that the IEP team refused to require District staff to provide ongoing written notice to Student's mother of "any and all extracurricular/class/district/opportunities Student should be able to participate in." It also alleged issues with respect to the District's willingness to schedule IEP meetings, which were ultimately dismissed by Petitioner.

Initially, Petitioner sought to obtain traditional written discovery from the District, i.e., requests for production of documents, interrogatories and requests for admission. On or about November 7, 2012, the Commission denied Petitioner's motion to shorten the time for

² "When a student with a disability reaches age eighteen (18) . . . the local school district or responsible public agency shall provide any required notice to both the student and the parents. All other rights accorded to parents under Part B of IDEA transfer to the student . . . The transfer does not apply if the student is declared incompetent by a court of competent jurisdiction." Missouri State Plan, Regulation V, Section 8, p. 75.

Respondent to respond to Petitioner's written discovery. Subsequently, Petitioner filed a motion to reconsider on November 8, 2012. It, too, was denied in an order dated November 20, 2012, and discovery was limited to depositions, subpoenas, and subpoenas *duces tecum*.

The Due Process Hearing ("Hearing") was set for December 6-7, 2012, but was continued on the parties' oral motion during the prehearing conference.

On November 29, 2012, the District moved to dismiss the due process complaint on the grounds that Student had turned eighteen prior to the filing of the complaint and, because Student had become the educational decision-maker, Student's Parents lacked standing to bring the complaint. The Commission denied the motion, and the hearing was set for February 19-20, 2013.

Petitioner moved for a continuance and the hearing was again continued to May 13-14, 2013.

On or about April 16, 2013, Petitioner filed a third³ due process complaint against the District, which alleged that the District violated the IDEA in its development of transition services for Student and that the District unfittingly planned to graduate Student in May of 2013. The Complaint was assigned Case Number 13-0570.

On or about May 6, 2013, six days before the District's graduation ceremony, Petitioner filed a Motion to Enforce Stay Put, which specifically asked the Commission to order the District not to graduate Student with his class, but still allow Student to participate in the graduation ceremony and senior class activities. The Motion to Enforce Stay Put was filed in this case and in Case No. 13-0570. Also on May 6, 2013, the District filed its Response to Petitioner's Motion to Enforce Stay Put.

³ Petitioner also filed a second due process complaint, Case No. 13-0201 ED, against the District in February of 2013, which was dismissed on or about March 12, 2013.

On May 9, 2013, the Commission entered an Order enforcing stay put. Consequently, Student participated in the District's graduation ceremony and senior class activities, and the District withheld his diploma.

On or about May 7, 2013, the Commission ordered that the District provide to the Commission all of the Student-Petitioner's educational records by May 14, 2013, Bates-stamped and in triplicate. Production of student educational records was an ongoing issue of this case since its filing. In December 2012, the District produced over 900 pages of educational records to Petitioner. Respondent certified to this Commission and the Petitioners that it had provided *all* of the educational records on three different occasions—to wit: on or about December 21, 2012, May 2, 2013 and May 21, 2013. (emphasis added)

By May 14, 2013, the District produced a total of 1,436 pages, which included mass communications about extracurricular activities for the 2012-2013 school year.

Following the May 14, 2013, production of records, the Petitioner filed a letter with the Commission stating that he had not received records relating to Student's lunch account or detailed gradebook summaries.

On or about June 3, 2013, the Commission issued a show cause order as to why the District should not be held in contempt for failure to comply with the Commission's Order regarding production of all of Student's educational records.

Per the District, Student's gradebook summaries for the 2012-2013 school year were accessible through the District's electronic student information system ("SIS K12"). The detailed gradebook information was available to parents during the current school year twenty-four (24) hours a day.

However, the District stated it was not aware, prior to the Petitioner's request, that detailed gradebook information from prior school years could be made accessible online. Upon learning that records from the 2010-2011 and 2011-2012 could be made accessible,⁴ the District made them accessible to the Petitioner. The District also produced lunch account records and paper copies of gradebook entries relating to Student.

On or about June 20, 2013, the Commission issued an Order consolidating Case Number 13-0570, also filed by Petitioner, with the captioned matter. The Order identified the issues for hearing, setting the hearing date for July 22-24, 2013. The issues identified were:

- A. Whether School District failed to provide and/or implement an Individual Education Program ("IEP") that provided Student access to extracurricular activities (such as, without limitation, field trips, Future Farmers of America participation, football games, concession stand work, and magazine sales), from October 16, 2010, forward, to the extent required by the Individual with Disabilities Education Act ("IDEA"), and, if so, whether Student was denied a free, appropriate public education ("FAPE") as a result.
- B. Whether School District failed to respond to request from Student's parent for an IEP meeting on or about December 5, 2011, and, if so, whether Student was denied a FAPE as a result.
- C. Whether School District failed to respond to request from Student's parent for an IEP meeting on or about May 7, 2012, and, if so, whether Student was denied a FAPE as a result.
- D. Whether School District failed to provide transition services for Student, and, if so, whether Student was denied a free, appropriate public education ("FAPE") as a result.
- E. Whether School District failed to implement Student's Individualized Education Plans ("IEPs") during the 2011-12 and 2012-13 school years by i) not providing instruction designed to allow him to master curriculum objectives for some of his classes; ii) giving him credit for satisfying curriculum objectives when he did not satisfy such objectives; and iii) not providing alternative objectives in his classes; and, if so, whether any of the foregoing resulted in a denial of FAPE to the student.

⁴ An affidavit executed by Dr. Rhoda "Gini" Barnett, Superintendent, indicated that the District does not maintain electronic records prior to the 2010-2011 school year.

- F. Whether School District denied Student FAPE by developing an IEP that provided that Student would graduate based on credits and refusing to allow him to graduate based on goals so that he can continue to receive services until he is 21.
- G. The reasonableness and necessity of Petitioner's attorney's fees that will be submitted by Petitioners for the Respondent's failure to provide all of the Student's educational records as required by 34 CFR 300.616.

Also on June 20, 2013, Petitioner requested that the District provide the availability of numerous District witnesses for deposition. Notably, most of the District staff were on summer break at this time.

On July 8, 2013, Petitioner moved for a continuance stating that, “[g]iven the District’s counsel’s availability and the availability of its employees for depositions, Petitioner cannot get transcripts of depositions completed in time for the mandatory discovery deadline.” The Commission denied the Motion for Continuance, noting that, “[i]t is not reasonable to have waited until three weeks before hearing to take the depositions of the Respondent’s various staff members and then complain of lack of time to prepare for the hearing.”

On July 10, 2013, seven business days before hearing was to commence, Petitioners dismissed without prejudice the claims consolidated from Case No. 13-0750. This eliminated issues D through F identified in the Commission’s Order of June 20, 2013. At or around the time Petitioners dismissed Case No. 13-0750, Petitioners filed Case No. 13-1233, which contained similar claims as Case No. 13-0570 and sought analogous relief.⁵

On July 19, 2013, the last business day prior to the Hearing, Petitioners filed a “Notice of Partial Withdrawal of Complaint/Issues Without Prejudice,” which sought to withdraw Issues identified as B and C in the Commission’s June 20, 2013.

⁵ Petitioners chose not to waive the resolution period; therefore, the Commission did not have jurisdiction to consolidate Case No. 13-1233 with this case.

After the prior voluntary dismissal of issues by Petitioners, the remaining issues to be heard pursuant to the Commission's Pre-Hearing Order dated June 20, 2013, included the following:

- A. Whether School District failed to provide and/or implement an Individual Education Program ("IEP") that provided Student access to extracurricular activities (such as, without limitation, field trips, Future Farmers of America participation, football games, concession stand work, and magazine sales), from October 16, 2010 forward, to the extent required by the Individual with Disabilities Education Act ("IDEA"), and, if so, whether Student was denied a free, appropriate public education ("FAPE") as a result.

- G. The reasonableness and necessity of Petitioner's attorney's fees that will be submitted by Petitioners for the Respondent's failure to provide all of the Student's educational records as required by 34 CFR 300.616.

The Hearing commenced July 22, 2013, at the Santa Fe School District. While the Commission took up preliminary matters, Petitioners claimed they could not go forward on Issues B and C, stating, "[t]he main reasons why we can't go forward is showing that denial of FAPE can result, can bring up the kid's entire education. That was not ever our intent." Hr'g Tr. 13:13-16. The Commission dismissed the claims without prejudice and the hearing proceeded.

At the conclusion of the Petitioner's case-in-chief, the District moved for a judgment as a matter of law on the basis of Petitioners' failure to meet their burden of proof. The Commission took the motion with the case.

Petitioners called two witnesses in their case-in-chief and also submitted designated portions of the testimony of Student's special education teacher, Mr. .

Respondent presented nine witnesses in its case-in-chief, including, but not limited to, Student and an expert witness, and submitted designated portions from the deposition testimony of Mr. .

II. Findings Of Fact

The Commission makes the following findings of fact⁶:

Student's Disability under IDEA and Special Education Services

1. Student has been eligible to receive special education services since his early childhood. On March 17, 2009, Student met the eligibility criteria for Other Health Impairment ("OHI"), with the underlying medical diagnosis of attention deficit hyperactivity disorder ("ADHD"). Student's mother, who is a nurse practitioner, also contends he historically suffered from Reactive Attachment Disorder. On October 17, 2011, Student qualified for a secondary diagnosis of Specific Learning Disability in the area of Math. Student also receives speech therapy for a Language Impairment.

2. While Student's IQ score is in the low average range. He does not have an educational diagnosis as having an Intellectual Disability or mental retardation. Student spends a little under eighty percent (80%) of his day inside regular classes.

3. Student struggles with organizational skills. Student, also, primarily handwrites his assignments and occasionally types his assignments. Per Student's mother, throughout high school, she did not permit Student to use the computers at school that are linked to the Internet because of a prior incident where he looked up pornographic information on the Internet. Parent has permitted Student to use a computer that has word processing capabilities only.⁷

4. Student experienced some behavior concerns at school. The IEP team implemented a Behavior Intervention Plan to address the concerns. Student's October 17, 2011 IEP, the one that applied during most of his junior year, included a Behavior Intervention Plan

⁶ Any findings of fact contained herein that could be deemed conclusions of law should be treated as such, and any conclusions of law that could be deemed findings of fact should likewise be treated as such. To the extent there are objections on which the Commission did not rule, they are ruled on consistent with this decision.

("BIP") that required 100% sight supervision by an adult. This required Student to be within the eyesight of an adult employed by the District at a distance of 15-20 feet or the length of the hallway while in the school.

5. Because of the progress in Student's conduct, during the meeting on October 25, 2012, the IEP Team agreed to implement a trial-period whereby Student was permitted to transition to classes after the tardy bell without an adult escort. During the period of October 29, 2012 through November 15, 2012, "Student has had no negative issues while transitioning by himself after the tardy bell."⁸

6. The IEP dated November 15, 2012, which applied during most of Student's senior year, did not include a BIP and did not require 100% sight supervision.

7. Per his IEP, Student's assignments were to be reduced in length, which included teachers eliminating some problems from the assignments he completed so he was not required to do the same number of problems as his general education classmates. Mr. , Student's special education teacher, and Ms. Wyssman, regular education teacher, testified that Student would sometimes complete all the problems, even those that he was not required to do, and performed relatively well on those assignments. Other modifications and accommodations included, but were not limited to, the following: adapted or simplified text/material, extended time to complete exams, taking exams in alternative setting, and extended time (one week) for projects requiring out of classroom work. All of the IEP modifications and accommodations were to be implemented as needed.

8. Student's parents participated in Student's evaluation process and in IEP meetings.

⁷ Parents are concerned with Student's developmental readiness to understand sex and sexual reproduction. Student was not permitted to participate in the sex education courses offered by the school.

9. Student's IEP stated that the Student did not require transportation as a related service and that Student would participate in regular physical education without accommodations.

10. With the implementation of the modifications and accommodations in Student's IEP, Student earned a B grade-point average.

11. District witnesses consistently testified that Student had made great gains over the years and that he had matured and was developing more friendships than in prior years. Student even testified about the friends he had made through his extracurricular activities, especially football. Student's mother cried when asked about her knowledge of Student's friends saying that, in essence, he had none.

12. Because of the small size of the District, many of the District's witnesses taught Student in several different classes over the course of his high school career and/or interacted with Student while participating in multiple extracurricular activities.

13. Mrs. , who had Student in class during Student's 9th, 10th and 11th grade years, for English/Language Arts, testified that there was a "huge" change in him in 10th and 11th grade. Student became more "self-sufficient, was willing more to speak out in class," answered questions, and was excited about sophomore and junior English.⁹

14. Ms., who taught Student all four years of high school as the Agricultural Sciences teacher and as Student's FFA Sponsor, testified about how Student was cooperative and followed directions in her classes. She testified about Student's ability to focus when working on a project he enjoyed—tearing down an engine and rebuilding it. She stated:

Well, not only did—was he focused in all the time, tuned in, you know, no distractions, nothing of that nature, but he would always

⁸ Ex. R, p. 5.

⁹ Hr'g Tr. 590:3-9.

ask to come in other times to work on it. You know, ‘Ms. Wyssman, can I come in and work on my engine during study period? Can I come in’ —you know, anytime he could[.] I mean you tell that he really loved tinkering with that and helping his classmates.¹⁰

15. While Student’s parents supported Student’s participation in school activities on-site and in the community, several teachers gave testimony that Student’s mother never attended a single parent-teacher conference during Student’s high school career.

Free Appropriate Public Education (“FAPE”)

16. Dr. Terry Allee testified during the Hearing as the District’s expert regarding the District’s procedural and substantive implementation of Student’s IEP.

17. Dr. Allee testified about indicators of success of individualized educational programming. He stated:

Their attendance; their participation in general education, if appropriate, to the maximum extent appropriate; their conduct; their behavior; their attitude. For students with disabilities, it would also include their -- if you look longitudinally over time, whether they've made progress on their goals and objectives and mastered their goals and objectives; and improved academically, socially, intellectually; their performance on grades; and their conduct in those classes...

Q. And what conclusions did you draw about his progress in the general education curriculum during his high school career?

A. The general education curriculum?

Q. (By Ms.) Yes. His progress.

A. His progress. Well, according to the transcripts, he did well in the general education curriculum. According to teacher comments, he had a good attitude, his behavior was good, he was responsible, he had a good work ethic, he was liked by peers. So the things that I read in the record were very positive about this young man.¹¹

18. Dr. Allee also considered some of the specific courses that Student took. Specifically, he considered DESE grade-level expectations for Agriculture Science, Agriculture

¹⁰ Hr’g Tr. 43:22-44:4.

Construction, Agriculture Power and Personal Finance. He stated that the information he reviewed

...tells me that he has the ability to master the objectives for the course work that he took, at least with some degree of mastery. I don't know that he mastered all the objectives, but he mastered enough of the objectives to make pretty good grades, and I'm assuming that he had some accommodations and modifications that were made to the content, the methodology, the method of delivering the instructions, which is part of what's supposed to happen for a student with a disability, in a general education classroom....

He made A's and B's in those classes, so he demonstrated that he was capable to perform in those general education classrooms. He had access, and he was progressing in those classrooms. He was making passing grades and marks.¹²

19. Mrs. described in detail how she differentiated Student's instruction in her classroom, modified his assignments and exams, and provided simplified novels and audio books to assist Student in learning about some of the same concepts that the students without disabilities were learning in her class.

20. Student also made progress on his IEP goals and met many of them. In fact, Student's mother testified that he "does well over all the areas for his disability."¹³

21. The evidence presented was that the IEP for 2011-2012 or 2012-2013 school years were sufficient to meet Student's needs. The parents' exception to the IEPs regarded the mother's requested accommodation that is at issue in this case. The evidence presented demonstrated that Student had been properly supervised during the school day and that his IEP had been implemented during the school day.

¹¹ Hr'g Tr. 421:17-422:2; 422:8-423:2 (objection, ruling and re-read by the court reporter omitted).

¹² Hr'g Tr. 419:7-17; 419:21-25.

¹³ Hr'g Tr. 310:5-6.

22. Dr. Allee also testified that, in determining what is necessary for students to have access and opportunity to participate in extracurricular activities, the IEP team should consider the individual needs of the student, including the nature and extent of the student's disability.

23. Student received a FAPE, deriving an educational benefit from the IEP developed by the District during the 2011-2012 and 2012-2013 school years based on student's junior and senior year grades,¹⁴ records regarding Student's academic progress with the implementation of Student's IEP modifications and accommodation, and documented progress made on Student's IEP goals.

24. Student testified that he believed that he completed what was required in high school and that he had graduated. He did not express any concerns with the instruction and support provided by the District.

25. Student did not protest his graduation, but, in fact, wants to receive his diploma. Student does not want to remain in high school until age twenty-one. Student is desirous of attending Lex-La-Ray Technical School.

26. It was evident from Student's testimony that he was not aware that his mother had filed a due process complaint contesting his graduation and had moved the Commission to prevent the District from graduating him. It is reasonable for student to believe that he thought he had graduated since, a) he participated in graduation ceremonies, b) he saw congratulatory remarks regarding graduation written by his parents in the local newspaper, c) he attended Senior prom and Senior trip, and d) he was recognized on Senior night at a football game.

27. Student's mother posted Student's prom, graduation, and football photos on her Facebook page.

¹⁴ Significantly, Petitioner dismissed her claims challenging the veracity of these grades prior to hearing, and they were not challenged at hearing.

28. Student was articulate, sensible, and provided clear testimony regarding his education and plans for the future. Student is definitely capable of deciding what it is he wants for his educational future. Those goals, however informed, do not match Student's mother's desires for him.

29. Student is entitled to receive his diploma for high school graduation from District. Student is not entitled to special education services once he receives his diploma.

Student's Access and Participation in Extracurricular Activities

30. Petitioners claim that the IEP team's refusal to add and implement an IEP accommodation requiring staff to provide ongoing written notice to Student's mother of any and all extracurricular activities that Student should be able to participate, denied Student access to extracurricular activities and was ultimately a denial of a FAPE. The issues in the Complaint began October 2010 and have continued through to the present.

31. Additionally, Petitioners alleged that the District's failure to provide 100% sight supervision to Student during extracurricular activities also denied Student access to extracurricular activities and was ultimately a denial of a FAPE.

32. In October 2011, Student's mother requested the IEP Team to add a modification or an accommodation to Student's IEP that would require staff to provide her with email notice of extracurricular activities.

33. Student's mother believed Student was missing out on school extracurricular activities as a result of Student's struggle with organization and resultantly, information about the activities was not making its way to Student's home.

34. The District considered Petitioner's request on whether providing the accommodation was necessary to provide Student with a FAPE, but the team specifically

considered the means available to the parent to receive information about extracurricular activities and Student's disability, and concluded that the accommodation was not necessary for Student to receive a FAPE. Instead, the IEP Team added a goal to Student's October 2011 IEP that required Student to use a planner to address his organizational deficits. Use of the planner was part of the team's consideration in denying the Petitioner's request. That goal states:

Given instruction, Student will maintain a planner system for organizing his work and other responsibilities so he completes required assignments by turning them in on time 80% of the time.¹⁵

35. The IEP team also considered and proposed other means by which Student's mother could learn of school activities, including text casts. The District utilizes a system of text casts, which send messages directly to the cell phone of those who sign up. The text casts provide information about a variety of school-related activities, including early dismissals, athletic events, spring concert, FFA, and parent teacher conferences. Not every school activity is reported through the text cast system. Additionally, the IEP team proposed usage of the District's website, and parent-teacher conferences.

36. Student's mother stated that the IEP team refused her request because:

[t]hat would not be a modification or accommodation that they would afford to Student because I can look on the website and use text cast like all the other parents, I didn't need to have any special attention.¹⁶

37. Student's mother renewed her request for written notification of any extracurricular opportunities regarding FFA, football, Senior class activities, anything involving eligibility and anything that could involve fees/fines at the October 2012 IEP meeting.

38. The team discussed the methods in which communication of the aforementioned extracurricular opportunities are communicated to parents. Those communication methods

¹⁵ Ex. K, p.9.

included text cast alerts, the District website, and notes. The team discussed adding a goal to include a communication folder/notebook to assist in communications between school and home, and to assist Student with his organization of school assignments and activities. In the end, the IEP Team concluded that specific email notification to Student's parent was not essential for Student to receive a FAPE. The District again denied the request. A Notice of Action dated October 25, 2012, was sent via mail to Mother.

39. On November 15, 2012, the IEP Team¹⁷ reconvened to continue the October 25, 2012 IEP Meeting. Rather than continuing with the 2011 planner goal, the IEP team added a goal in the November 15, 2012 IEP that required Student to “maintain a planner for organizing his work and other responsibilities, including FFA, track, football, senior class responsibilities, graduation information, field trip information and eligibility concerns which will be signed by school staff and home adult caregiver 100% of the time.”¹⁸

40. The parents did not indicate they were not able to use the District's text cast, website, communication logs or other means used by other District parents to access what extracurricular activities would be available to Student.

41. The parents did not indicate that either parent had a disability that would prevent either one from accessing the communication methods offered by the District.

42. During the Hearing, Student testified about his participation in football, Boy Scouts, graduation, Senior activities and Senior trip.

¹⁶ Hr'g Tr. 188:4-8.

¹⁷ Over the course of the two meetings, there were sixteen IEP Team participants, including but not limited to, Petitioners, an educational advocate, a community support specialist, the A+ Program counselor, and a representative from Lex La Ray Technical Center. The two meetings collectively developed the November 15, 2012 IEP.

¹⁸ Throughout the Hearing, witnesses at times referred to this as the “communication log” or the “communication notebook.” Ex. R, p.14.

43. Student's mother testified about particular activities that she believed Student was not allowed to participate in because she did not have notice due to the IEP team's denial of her requests in 2011 and 2012.

44. Student's mother claimed that she did not know all of the extracurricular activities Student could be involved in during his 11th grade year.

45. She testified that she did not find out about the various extracurricular activities that were available to Student until the end of the 2011-12 school year and as a result of the discovery that was conducted in this matter.

46. Many of the activities Student's mother alleged Student missed due to lack of notice to her were also posted on the District calendar, which is on the District's website. She compiled a list of extracurricular activities that included the following: FFA Convention-April 2013; FFA Skillathon on February 25, 2013; FFA Area Banquet on March 19, 2013; State FFA Convention on April 19, 2012; Prom-April 14, 2012; FFA Area Banquet in March of 2012; FFA Barn Warming in 2011; and FFA National Convention 2011.

47. Student's mother had access to information related to Student's extracurricular activities through the school website, text casts, Student, and her other children who attended school at the high school. Student's mother testified during the Hearing that she has a daughter who was also active in FFA and kept up with all the school's activities.¹⁹

48. Some events offered by the District, Student's mother chose not to permit Student's participation in, e.g., A+ Program²⁰ and track. Student also testified that he planned to

¹⁹ Hr'g Tr. 816:5-7.

²⁰ Student was unaware that Student's mother his father are responsible for him not having received his diploma; not participating in the A+ Program which would have paid for part or all of his expenses at the technical school; nor his failure to be admitted in Lex-La-Ray Tech.

run track in high school but “he got in a little trouble” at home so he was not allowed to participate.

49. Other events were not available to Student for reasons not related to his disability. Finally, there were activities Student simply chose not to participate in.

50. The District provided numerous methods for parents, student and the community to learn about its activities, to include but not limited to: text casts, District website, District calendar, daily announcements, in class sign-up sheets, parent/teacher conferences, word of mouth, and the Student’s planner and communications log.

51. Petitioners failed to establish that any action of the District’s prevented Student from having access to extracurricular activities.

i. FFA Activities

52. Although Student’s mother raised issues with respect to many extracurricular activities, the majority of her concerns related to Student’s participation in FFA, and that the lack of notice to her about activities prevented Student’s participation in several activities.

53. Student participated in FFA all four years of high school, during which time he earned FFA honors such as Green Hand Degree and Chapter Degree. He also presented projects at state, district and county fairs, as well as other events.

54. The Green Hand Degree requires students to fill out an application, to know and recite the FFA creed, mission statement and motto, to know FFA history and to know the FFA colors. Student accomplished these things. The Chapter Degree, the degree after the Green Hand degree, requires a five-minute speech and a working demonstration. For Student’s demonstration, he showed how to splint a leg.

55. Students at the school learn of FFA activities through daily announcements, signup sheets, the District calendar, website postings, and text casts. The District website, calendar, and text casts are also available to parents. Occasionally, the FFA Sponsor sent letters to parents and members to remind them of specific events, e.g., fruit sales fundraiser and summer activities, and the point value awarded for participation in the activities.

56. Student had utilized signup sheets to sign up for FFA activities he was interested in, including Apple Jubilee and the fish pond at the Alma Christmas celebration. Student also participated in each Trinity Ag Day and participated in FFA meetings during high school, missing only “a few.”

57. With respect to the assertion that Student was not able to participate in Barn Warming activities, Student had the option of signing up in class to participate in Barn Warming but chose not to do so.

58. Evidence was presented that Student’s mother received advanced personal notice of some activities and Student still did not attend the particular activity.

59. Specifically, Student’s mother identified working at the 2013 FFA Basketball concessions as an opportunity Student missed. However, a notation in Student’s communication log, which is sent home pursuant to his IEP, states “1-30-2013: FFA has concessions this First, 2/1.” A box is drawn around the entries made in the log on 1-30-2013, and Student’s mother’s initials appear in the box.²¹

60. Student’s mother also testified that Student missed opportunities relating to the 2012 FFA National Convention.

61. Student testified, however, that he did not have any interest in participating in FFA National Convention because he didn’t want to have to ride the bus to the convention.

62. In 2012, Student's father and sister attended the FFA National Convention. Student's parents made "sure that 15 items were sold so that [their daughter] could go."²²

63. Student was not eligible to attend FFA's Worlds of Fun trip because he had not accumulated the necessary points to go on the trip. Similarly, some general education students did not attend the trip, either, because they likewise had not acquired sufficient points to go.

64. In addition, Student testified that he was often too busy to do more FFA activities. Student testified that he "wasn't at very many activities because I was really busy and stuff...sometimes I get really busy at home. Sometimes I don't get to go to FFA. Sometimes I'm in Boy Scouts and I don't get to go to FFA very much."²³ In addition to Boy Scouts, Student is involved in his church youth group, 4-H, and various service projects, as well as football.

ii. Fundraising Opportunities and Prom

92. As partial relief, Petitioners seek the refund of fees paid on behalf of Student because the District's failure to inform Student's mother of the fundraising opportunities led to accrued fees. Also, in circumstances where District could not provide 100% sight supervision, Student should not be responsible for the fees accrued due to his inability to participate.

93. Student's mother testified that she did not have knowledge that Student was responsible for fundraising during high school, leading to the accumulation of fines, which, when unpaid, resulted in Student not receiving an invitation to junior prom.

94. By the beginning of senior year, Student had accrued One Hundred Seventy-nine Dollars (\$179.00) in fees. At Santa Fe High School, each class' fundraising activities begin in

²¹ Exhibit 9, p. 9.

²² Hr'g Tr. 816:16-17.

²³ Student has participated in Boy Scouts for over eight years. He has earned the rank of Eagle Scout and is working on becoming a scout leader. Student also attends Boy Scout weekly meetings, weekend camping trips and annually attends a 10-day Boy Scout camp during the summer.

7th grade. The goal of fundraising is that the class will have raised enough money to pay for prom junior year and senior trip the following year.

95. Yearly, the class is expected to participate in designated fundraising activities. These activities are the same from year to year.

96. Mrs. Wodrich, one of the 2013 class sponsors, testified that the school's fundraising structure has been the same since she attended Santa Fe High School many years ago.²⁴

97. Freshmen host homecoming and court-warming dinners for which they are supposed to sell tickets, provide a dessert and work at the dinner.

98. Parents are notified by letter of student obligations to participate in homecoming and court-warming dinners. If they do not, they are expected to pay fees.

99. Sophomore's main fund-raiser is hosting a barbeque.

100. Juniors are expected to sell magazines. Magazine sales for Student's junior year were listed on the District's calendar and started on August 19, 2011.

101. With respect to magazine sales, Student's mother's testimony was inconsistent. She testified that Student was not involved in doing the sales because, "We weren't aware they existed...we didn't know the opportunity was there for him to participate in that."²⁵ Yet, she also testified that Student was not involved in the sales because he would require supervision in participating in the sales.

102. If students do not participate in the magazine sales, they are expected to contribute One Hundred Dollars (\$100.00) to the class fund.

²⁴ Mrs. Wodrich was in school with Student's father.

²⁵ Hr'g Tr. 196:21-197:1.

103. With the exception of magazine sales, the fees students are expected to pay if they do not participate in fundraising are fairly nominal.

104. Some students choose to pay the fees rather than participating in the sales or other fund-raising activities.

105. There are also general education students who do not participate in the magazine sales or other fund-raising activities.

106. Prior to the beginning of each school year, the high school secretary sends registration information in a letter on behalf of the high school principal to all parents and students in the District. The content of the letter is generally the same from year to year. The letter that was sent for the 2011-2012 school year states:

[B]e aware that of [sic] outstanding fines that will need to be paid before students can enroll. If you are unsure of any fines, please call DeAnn at the high school office (647-2236) and she can tell you if your son/daughter has any unpaid bills.

107. Student's mother acknowledged that she "typically" receives registration letters inclusive of the forms necessary for her children for the upcoming school year.

108. The uncontroverted testimony was that Student's mother refused to pay the fees listed in Student's registration letter when she registered Student both for his junior and senior years.

109. It was the practice of class sponsors to notify students and parents of outstanding fees prior to class activities in which students would not be allowed to participate if they have an outstanding balance.

110. For example, prior to prom, juniors were notified of any outstanding fees that would prevent them from receiving an invitation to prom.²⁶

²⁶ There is no dispute that Student did not participate in the activities for which he was assessed fees.

111. In addition, the letter sent home regarding senior trip includes a paragraph stating that any “fines/fees that students have been assess during their high school career that have not been paid must be taken care of before departing.”²⁷

112. There is no deadline, however, by which students must pay their fees in order to attend junior prom; if students have outstanding fines and want to go to prom, the District will work with them to ensure they can go.

113. The District also offered Student an opportunity for him to “work off” his fees; evidence was that his mother refused that opportunity.

114. Even after the IEP team denied Student’s mother’s first request for email notification of extracurricular activities, she received an email notice of a concession stand obligation and Student still did not attend.

iii. Other Activities and District Extracurricular Activities

115. The registration form provided by the District identifies Art Club, SADD, FBLA, Speech and Drama, FCCLA, NHS, Science Club, Chief’s Club, Math Club, and Ag Shop as additional activities and programs that have fees.

116. Student’s mother did not elect to register Student for any of these activities when registering him for school his junior nor senior years.

117. Although Student’s mother testified that Student did not have an opportunity to try out for the fall play, contrary testimony was entered that student, while at school, had not shown interest in the play.

118. Student’s mother also stated that Student did not have an opportunity to participate in “Mr. Chief’s tryouts-Fall 2012.”²⁸ Mr. Chief is a fundraiser held every other year

²⁷ In fact, Student’s mother paid the fees before Student’s senior trip.

²⁸ No one expressed any concern that the school mascot is an “Indian Chief.”

where student organizations nominate the young men who participate. There were no “tryouts;” the participants are selected by their peers.

119. Additionally, Student’s mother testified that Student was denied an opportunity to go on field trips, such as the MAP incentive field trip. The MAP incentive trip is available for students who score proficient or advanced on the MAP test. It is not available to all students-- even the District’s Superintendent’s own child did not qualify and consequently, was not allowed to go on the MAP incentive trip.

120. The District offered alternative incentive for special education and general education students who showed progress but did not qualify for the MAP incentive trip.

121. Student also testified that he was not interested in Math Club and Science Club.

122. While Student may not have attended every extracurricular activity offered by the District, ample evidence was provided to demonstrate that Student participated in numerous extracurricular activities, including various FFA functions, senior prom (where Student was elected prom king), football and field trips junior and senior year. Student participated in the overnight Senior Trip to Lake Ozark, Missouri. He also attended the Arrow Rock field trip with Mr. .

123. In addition, Student participated in the football team fundraiser at the beginning of the season in which the team sold discount cards, attended Saturday morning football film sessions, and participated in the team’s community work day. Student stated that he would like to play football again because it was fun.²⁹

²⁹ The District’s assistant football coach testified that students have four years from the start of their freshman year to be eligible for football. Therefore, Student would not be eligible to play football if he returns to high school.

124. Student benefitted educationally from his extracurricular activities--to wit: he earned his Green Hand Degree in FFA, his Chapter Degree in FFA, and earned recognition and awards via FFA at various state, district, and area fairs.

125. Student benefited socially from his extracurricular activities. He was elected prom king by his peers and he made friends while playing football--a social gain noted by his community support specialist in the 2012 IEP meeting.

iv. Sight Supervision

126. A large portion of Student's mother's testimony and Scoutmaster Steven Graver's testimony had to do with Student's alleged need for supervision. Petitioners desired 100% sight supervision for Student at all extracurricular activities of Student and wanted the District to designate a staff member to assist Student.³⁰

127. The District has a school policy regarding the supervision of all students during school and during extracurricular activities.

128. Mrs. Stacey Smith, Director of Special Services, testified that there were no instances where supervision was not available for Student at extracurricular activities. She further testified that:

I made a point whether it was ball games. I went to every football game. I don't have a child that plays football, but to make sure he [Student] was there. I missed one in Orrick and Mr. Burton attended that one. I talked to dance sponsors, anybody, bus drivers, people that drove for field trips to make sure that [supervision] was in place.

³¹

129. With the exception of homecoming, there is no evidence that Student's mother herself attended any football games.³²

³⁰ Throughout the Hearing Student's mother shared that her family has multiple "nannies" to assist her children in the home, including Student.

³¹ Hr'g Tr. 763:13-19.

130. However, the IEP that was operative on the date of the scavenger hunt was the November 15, 2012 IEP, which did not require sight supervision.

131. An equal opportunity to participate in extracurricular activities does not mean that Student had to participate in each and every extracurricular activity offered by the District, or in any every event of the school club or organization of which Student was a part.

132. Student had access to all the extracurricular activities in which he wished to participate, and to those in which his parents would allow him to participate, even though Student and his parents did not have perfect knowledge of all events or received timely notice of some.

133. Student was not denied a FAPE due to an alleged denial of access to extracurricular activities.

III. Conclusions Of Law and Applicable Law

Due Process Complaint and Burden of proof Under the IDEA

Pursuant to the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. § 1412 *et seq.*, and state and federal regulations, parents have the opportunity to present complaints with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child, and then have a due process hearing on the complaint. 34 C.F.R. § 300.507(a). *Thompson v. Bd. of the Special Sch. Dist. No. 1*, 144 F.3d 574, 578 (8th Cir. 1998); *Fort Zumwalt Sch. Dist. v. Clynes*, 119 F.3d 607, 610 (8th Cir. 1997). Student, with his parents’ assistance, filed a Due Process Hearing Request Form on October 16, 2012. Ultimately the Commission has to determine whether the District failed to provide and/or implement an IEP that provided Student access to extracurricular

³² In fact, Student testified that on senior night for the football team, his mother did not come because she was scrapbooking.

activities (such as field trips, FFA, football games, concession stand work, and magazine sales), from October 16, 2010 forward, and, if so, whether Student was denied a FAPE as a result.

The burden of proof in an administrative hearing arising under the IDEA is properly placed upon the party seeking relief. *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49, 62 (2005). Therefore, Petitioners have the burden of proof in this case. The standard of proof in this administrative proceeding, as in most civil cases, is proof by a preponderance of evidence. *Tate v. Dept. of Social Servs.*, 18 S.W.3d 3, 8 (Mo. App. E.D. 2000).

Free Appropriate Public Education (“FAPE”)

The purpose of the IDEA and its regulations is: (1) to ensure that all children with disabilities have available to them a FAPE that includes special education and related services to meet their unique needs; (2) to ensure that the rights of children with disabilities and their parents are protected; and (3) to assess and ensure the effectiveness of efforts to educate those children. 34 C.F.R. § 300.1.

176. The IDEA requires that a disabled child be provided with access to a “free appropriate public education.” *Bd. of Educ. of Hendrick Hudson Central Sch. Dist. v. Rowley*, 458 U.S. 176, 201 (1982). The District’s obligation to provide a FAPE is to the student and not to the parent. The term “free appropriate public education” is defined by 34 C.F.R. § 300.17:

Free appropriate public education or FAPE means special education and related services that—

- (a) Are provided at public expense, under public supervision and direction, and without charge;³³
- (b) Meet the standards of the SEA [State Educational Agency], including the requirements of this part [34 C.F.R. Part 300];

³³Although not disputed at hearing, the “without cost” provision does not absolve parents of incidental payments and fees that all parents are expected to pay. “At no cost means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.” 34 C.F.R. §300.39.

(c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and

(d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of §§ 300.320 through 300.324.

A two-fold inquiry has been defined by the *Rowley* Court to determine whether a student has received a free, appropriate public education: (a) Has the State complied with the procedures set forth in the Act and (b) Is the individualized educational program developed through the Act's procedures reasonably calculated to enable the child to receive educational benefits.

Rowley, 458 U.S. at 206-07. The first prong of the Court's two-fold inquiry looks at whether the District has satisfied IDEA's procedural requirements:

In matters alleging a procedural violation, a hearing officer may find that a child did not receive a free appropriate public education only if the procedural inadequacies –

- (I) impeded the child's right to a free appropriate public education;
- (II) significantly impeded the parents' opportunity to participate in the decision-making process regarding the provision of a free appropriate public education to the parents' child; or
- (III) caused a deprivation of educational benefits.

20 U.S.C. § 1415(f)(3)(E)(ii) (2005); *Indep. Sch. Dist. No. 283 v. S.D. by J.D.*, 88 F.3d 556, 562 (8th Cir. 1996).

The second prong of the Court's two-fold inquiry, regarding the individualized educational program, looks at whether the District has satisfied the substantive requirements of IDEA. A student is substantively provided a free appropriate public education ("FAPE") when the student receives:

personalized instruction with sufficient support services to permit the child to benefit educationally from that instruction. Such instruction and services must be provided at public expense, must

meet the State's educational standards, must approximate the grade levels used in the State's regular education, and must comport with the child's IEP. In addition, the IEP, and therefore the personalized instruction, should be formulated in accordance with the requirements of the Act and, if the child is being educated in the regular classrooms of the public education system, should be reasonably calculated to enable the child to achieve passing marks and advance from grade to grade.

Rowley, supra, 458 U.S. 176, 203-4.

Two "student achievement" components in the *Rowley* standard that must be satisfied for a Student to be deemed to have substantively received FAPE are: the "benefit" component, and the "advance" or "progress" component. To satisfy the "benefit" component, a Student must receive "benefit" from his special education instruction.³⁴

Courts have defined benefit as being a requirement for "some benefit," "meaningful benefit," and "more than *de minimis* benefit." *Neosho R-V Sch. Dist. v. Clark*, 315 F.3d 1022, 1027-30 (8th Cir. 2003). "The IDEA's requirements thus are satisfied when a school district provides individualized education and services sufficient to provide disabled children with 'some educational benefit.'" *Blackmon v. Springfield R-XII Sch. Dist.*, 198 F.3d 648, 658 (8th Cir. 1999) (quoting *Rowley*, 458 U.S. at 200); *Clark*, 315 F.3d at 1027. The "progress" or "advance" component of the *Rowley* standard is that portion that requires the IEP to "be reasonably calculated to enable the child to achieve passing marks and advance from grade to grade." *Rowley*, 458 U.S. at 203-4. This "progress" component merely mirrors the requirements found in the statutory definition. See U.S.C. § 1414(d)(1)(A) (2005).³⁵

Since each child's needs and abilities are unique, the law does not mandate the acquisition of specific knowledge or "strict equality of opportunity or services." *Rowley*, 458 U.S. at 198.

³⁴ The term "special education" means "specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability...." 20 U.S.C. § 1401(29).

The district need not provide a “potential-maximizing” benefit. *Rowley*, 458 U.S. at 200; *Blackmon*, 198 F.3d at 658.

Additionally, specific results are not required, *CJN v. Minneapolis Pub. Sch.*, 323 F.3d 630 (8th Cir. 2003), but a student's academic progress can be an "important factor" in determining whether an IEP complies with the IDEA. *See Rowley*, 458 U.S. at 203; *CJN*, 323 F.3d at 642.

The Courts “must defer to the judgment of education experts who craft and review a child’s IEP so long as the child receives some educational benefit and is educated alongside his non-disabled classmates to the maximum extent possible”. *Gill v. Columbia 93 Sch. Dist.*, 217 F.3d 1027, 1038 (8th Cir. 2000).

Equal Opportunity for Participation in Extracurricular Activities

“The educational benefit analysis described in *Rowley* is not applicable to extracurricular activities, because the *Rowley* standard is focused on advancement toward goals and progress in the general education curriculum. *Rowley*, 458 U.S. at 188; 20 U.S.C. 1401(26).” State and Federal regulations require school districts to arrange for the provision of non-academic activities, including extracurricular activities, and services for disabled children “to the maximum extent appropriate to the needs of that child.” 34 C.F.R. § 300.117; State Plan, Reg. IV, p. 52.

With respect to student participation in extracurricular activities, a district “must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child’s IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal *opportunity for*

³⁵ Additionally, the IEP must define how progress will be measured and reported. 20 U.S.C. § 1414(d)(1)(A)(III) (2005); State Plan, Regulation IV, p. 43.

participation in those services and activities.” 34 C.F.R. § 300.107(a) (emphasis added); *see also*, 34 C.F.R. § 300.117 (“The public agency must ensure each child with a disability has the supplementary aids and services determined by the child’s IEP team to be appropriate and necessary for the child to participate in nonacademic settings.”). “The IDEA does not permit parents to dictate unilaterally the content of an IEP. *Indep. Sch. Dist. No. 12 v. Minnesota Dep’t of Educ.*, 788 N.W.2d 907, 915 (Minn. 2010) (internal citations omitted).

The statutory basis for 34 CFR § 300.107 is identified in the regulation to be 20 U.S.C. § 1414(d)(1)(A)(i)(IV), which is similarly described in 34 C.F.R. § 300.320(a)(4-5). This provision of IDEA requires that with regard to extracurricular activities, an IEP must include:

(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child . . . [t]o participate in extracurricular and other nonacademic activities . . . [and]

(5) [a]n explanation of the extent to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(4) of this section.

34 .F.R. § 300.320(a)(4-5)(emphasis added).

With respect to access to extracurricular activities, a District must ensure that disabled students have an equal opportunity to participate in extracurricular activities; no showing of educational benefit is required for such activities. *Indep. Sch. Dist. No. 12*, 788 N.W.2d at 915 (holding that disabled students need not establish educational benefit from participating in extracurricular activities).

Graduation/“Stay Put” Provisions

Students over the age of eighteen are the education decision-makers unless they have been declared incompetent by a competent court. 34 C.F.R. § 300.520; State Plan, Reg. V, § 8,

p. 75. ". . . [D]uring the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents otherwise agree, the child shall remain in the then-current educational placement." 20 U.S.C. § 1415(j). Under 20 U.S.C. § 1415(j), all handicapped children, regardless of whether their case is meritorious or not, are to remain in their current educational placement until the dispute with regard to their placement is ultimately resolved. *Bd. of Educ. of Pine Plains Central Sch. Dist. v. Engwiller*, 170 F.Supp.2d 410, 413 (S.D.N.Y. 2001). When applying IDEA the "stay put" provision is only applicable when the parties are disputing the same. If a student graduates, as in the present case, and he does not dispute his graduation, as in the present case, the due process claim is moot. *Bd. of Educ. v. Nathan R.*, 199 F.3d 377, 381 (7th Cir. 2000)

"Once a student has graduated, he is no longer entitled to a FAPE; thus, any claim that a FAPE was deficient becomes moot upon a valid graduation. This rule applies, of course, only where a student does not contest his graduation, and where he is seeking only prospective--rather than compensatory--relief." *T.S. v. Independent Sch. Dist. No. 54*, 265 F.3d 1090-96 (10th Cir. 2001) (internal cites omitted).

IV. Summary

There are three areas of inquiry in the captioned matter—(1) was Student denied access to extracurricular activities and (2) if so, was he denied a free, appropriate public education as a result; (3) did Student meet the requirements for graduation.

Petitioners are required to prove that the District denied Student equal access and opportunity to participate in extracurricular activities and whether that denial also constituted a denial of a FAPE. 34 C.F.R. § 300.107(a). Petitioners must prove that the District did the following: 1) failed to provide supplementary aids and services determined appropriate and

necessary by the Student's IEP team, and if so, 2) procedurally failed to provide a FAPE by impeding Student's right to a free appropriate public education; and significantly impeded the parents' opportunity to participate in the decision-making process regarding the provision of a free appropriate public education to the parents' child.

Petitioners neglected to prove that the District failed to provide supplementary aids and services determined appropriate by the Student's IEP team, because the IEP that was developed by the team did not include a need for supplementary aids and services to participate in extracurricular activities. Moreover, parents never requested supplementary aids and services to participate in extracurricular activities beyond individualized communications directly with the parent regarding all of the school's activities and events, which in the opinion of the Commission, was over-reaching and unreasonable.

When applying the IDEA, the "stay put" provision is only applicable when the parties are disputing the same. If a student graduates, as in the present case, and he does not dispute his graduation, as in the present case, the due process claim is moot. *Nathan R.*, 199 F.3d at 381. Petitioners failed to provide any contrary evidence regarding Student's desire to graduate. Student believed that he thought he had done what was required to graduate; and that Student believed that he had, in fact, graduated. All credible evidence presented supported the determination that Student had completed the necessary credits required by the District and the State in order to graduate, and that Student was not disputing the District's right to issue a high school diploma. Accordingly, graduation is not disputed in this matter.

What was abundantly clear from Student's testimony was Student did not want to suffer the same fate of his adopted special-needs sister, who had to stay in high school until she was twenty-one.

Based on the foregoing findings of fact and conclusions of law IT IS HEREBY ORDERED THAT judgment is entered for the District as follows:

- A. The School District did not fail to provide and/or implement an Individual Education Program (“IEP”) that provided Student access to extracurricular activities (such as, without limitation, field trips, Future Farmers of America participation, football games, concession stand work, and magazine sales), from October 16, 2010, forward, to the extent required by the Individual with Disabilities Education Act (“IDEA”), and, Student was not denied a free, appropriate public education (“FAPE”).

Consequently, there is no need to address the issue regarding the appropriate remedies if Student would have prevailed.

The District is ordered to issue Student his high school diploma within ten days of the date of this Order.

Judgment is entered in favor of Santa Fe R-X School District and against Student on the due process complaint filed by Student.

A separate Order will be issued regarding the reasonableness and necessity of Petitioner’s attorney’s fees for the Respondent’s failure to provide all of the Student’s educational records as required by 34 C.F.R. § 300.616.

Appeal Procedure

PLEASE TAKE NOTICE that these Findings of Fact, Conclusions of Law, Decision and Order constitute the final decision of the Department of Elementary and Secondary Education in this matter, and you have a right to request review of this decision. Specifically, you may request review as follows:

- a. Proceedings for review may be instituted by filing a petition in the circuit court of the county of proper venue within forty-five days after the mailing or delivery of the notice of the agency's final decision;

- b. The venue of such cases shall, at the option of the plaintiff, be in the circuit court of Lafayette County or in the county of the plaintiff or of one of the plaintiff's residence;
- c. PLEASE TAKE NOTICE that you also have a right to file a civil action in Federal or State Court pursuant to the IDEA. See 34 C.F.R. § 300.512.

SO ORDERED on August 29, 2013.

NIMROD T. CHAPEL, JR.
Commissioner