

**DELAWARE DEPARTMENT OF EDUCATION**  
**SPECIAL EDUCATION DUE PROCESS HEARING PANEL**

In the Matter of:	)	
	)	
<i>REDACTED</i>	)	
	)	
	)	DE DP # 26-09
v.	)	
	)	<b><i>EXPEDITED COMPLAINT</i></b>
<i>Caesar Rodney School District</i>	)	
	)	

**OPINION AND ORDER**

**Background**

In this matter, Parent of REDACTED filed an Expedited Due Process Complaint (“Complaint”) with the Department of Education on October 16, 2025. The Complaint alleges that the School District removed REDACTED from her appropriate placement and denied her a free and appropriate public education (“FAPE”) under the Individual with Disabilities Education Act (“IDEA”). This matter asks the Hearing Officer to decide that REDACTED is a student with disability because the School District possessed knowledge of her disability. The Hearing Officer must decide if the School District knew of Student’s disability and if knowledge exists, a ruling should require the School District to immediately return to her school environment. The School District must prove that no knowledge existed regarding the Student’s disability.

## **Procedural History**

In this matter, Parent of REDACTED filed an Expedited Due Process Complaint (“Complaint”) with the Department of Education on October 16, 2025. Due to the expedited nature of the Complaint, School District did not need to respond to the allegations. On October 20, 2025, the School District filed a motion to dismiss with prejudice. Parent filed a response in opposition of the School District’s motion on October 24, 2025. The Hearing Officer issued an order dated October 31, 2025 denying School District’s Motion to Dismiss.

On November 4, 2025, Parent filed a motion seeking an order to compel discovery of any and all internal or external District Communication, including emails, concerning Student. On November 6, 2025, School District filed a response in opposition. The Hearing Officer issued an order dated November 7, 2025 granting Parent’s Motion in part due to the School District’s consent to produce certain requested documents and denied the Parent’s Motion as other members of the School District. In accordance with the November 7, 2025 order, the School District provided any and all internal or external communication, including emails, concerning Student dated August 1, 2025 and September 26, 2025 for REDACTED Principal, the Assistant Principal, as well as the Director of Inclusion.

A Hearing occurred virtually on November 18, 2025.

## **Stipulated Facts**

Student and her family moved to Delaware over the summer of 2025 from REDACTED. Student began the 2025-26 school year as a REDACTED grade student at REDACTED in the District. The registration and enrollment paperwork dated July 21, 2025, does not have a checkmark indicating that Student had a 504 Plan or Individualized Education Program (“IEP”) at her prior school. On August 6, 2025, the District faxed a records request to REDACTED in REDACTED, REDACTED where Student was enrolled prior to moving with her family to Delaware. REDACTED provided some records via email to the District on August 18, 2025.

On September 17, 2025, school counselor, REDACTED, along with school nurse, REDACTED, contacted Student’s mother (“Parent”) by phone regarding concerning statements made by Student. REDACTED administration conducted an investigation concerning Student’s conduct on September 23, 2025 and concluded that Student’s conduct was in violation of the following Student Code of Conduct provisions: Fighting, Defiance of School Authority, Destruction of Property, Disruptive Behavior, Inappropriate Language, and Threat of Physical Attack Without Weapon (“September 23<sup>rd</sup> Incident”).

The District issued an out-of-school suspension and made the decision to alternatively place Student because of its investigation into her September 23, 2025 conduct. On October 6, 2025, Parent requested an evaluation for special education. On October 9, 2025, Parent signed a permission to evaluate (“PTE”) for 504 eligibility

determination. The following day on October 10, 2025, Parent signed a PTE for a special education evaluation under the IDEA.

### **Finding of Facts**

On July 21, 2025, Parent enrolled Student for REDACTED grade with the School District. Due to the School District's implementation of a new software platform, Parent visited the School to accomplish Student's registration<sup>1</sup>. When a Parent registers a student in person with the School District, the Registrar provides the Parent with paperwork to complete and assists with obtaining the student and family in-take information. The School District relies upon a new student checklist<sup>2</sup>, which addresses parental/guardian identification, proof of residency and other demographic information<sup>3</sup>. The checklist also designates whether the student has an IEP or 504 plan<sup>4</sup>.

As part of the registration process, Registrar provided the Parent with a paper enrollment package<sup>5</sup>. This paper enrollment package includes a checklist for successful registration, including providing appropriate IEP or 504 documentation if applicable. Included in the package is a Student History Form as well as numerous other Delaware Department of Education intake forms. The registration package also included the Delaware Student Health Form - Adolescent, Grades REDACTED.

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<sup>1</sup> REDACTED Testimony, Transcript, P.13.

<sup>2</sup> School District Ex. 1, Pg. 1, 3.

<sup>3</sup> REDACTED Testimony, Transcript, P.16.

<sup>4</sup> REDACTED Testimony, Transcript, P.17.

<sup>5</sup> School District Ex. 1, Pg. 2

With the assistance of the Registrar, Parent completed numerous enrollment forms, including a form labelled Student History. It is inconclusive how much of these forms were independently completed by Parent or whether as a team, either way there are numerous blank spots in the Student's registration paperwork. The Registrar's handwritten notes on the REDACTED check-off specified that the Parent provided a birth certificate, photo identification and a copy of a lease agreement<sup>6</sup>. There is no check mark on the form indicating that the Student has or had an IEP or a 504 Plan. It is inconclusive whether the conversation between Parent and Registrar even addressed the IEP or 504 plan. While it may be part of the School District's procedure, there was insufficient evidence established at the Hearing to properly distinguish that a specific conversation occurred between Parent and the Registrar concerning either an IEP or a 504 Plan. The conversation between Parent and the Registrar touch on a few issues, including Student's REDACTED condition and possibly some REDACTED issues; however, no specifics about the Student's REDACTED were communicated.<sup>7</sup>

The Student History Form is a summary of the Student's early childhood development as well as an opportunity for the Parent to disclose any issues affecting the Student<sup>8</sup>. On this Form, the Registrar or Parent indicated that the Student is an individual with REDACTED. Despite the existence of question sixteen (16), "Have you had

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<sup>6</sup> REDACTED Testimony, Transcript, P.17.

<sup>7</sup> REDACTED Testimony, Transcript, P.217.

<sup>8</sup> School District Ex. 1, Pg. 39-40.

concerns that your child might experience difficulty adjusting or achieving in school?”<sup>9</sup>, Parent failed to disclose any specific concerns and her testimony revealed that she most likely overlooked this question. What is more likely, and the Hearing Officer believes based on evidence and testimony is that Parent decided to keep Student’s life private and out of her educational records.<sup>10</sup> Consistent with Parent’s testimony, Parent limited disclosure of the Student’s background because she did not want to divulge any negative information and keep Student’s life private, providing her child with a fresh start at a new school and in a new living environment.

Additionally, and more importantly, the completed form contains a strike over a large section labeled “Do you believe your child has a special need”<sup>11</sup>. Likewise, a prompt permitting the Parent to state any specific concerns regarding the child’s physical, mental and/or emotional health is also blank<sup>12</sup>. The only health condition Parent described as a concern during the enrollment process was Student’s REDACTED condition<sup>13</sup>. Parent testified that she wanted Student to have a fresh start at a new school, while keeping some of her child’s life private as the main reason for not elaborating on any additional health issues or concerns she may have with Student and adjusting to a new educational environment.

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<sup>9</sup> School District Ex. 1, Pg. 40.

<sup>10</sup> See REDACTED Testimony, Transcript, P. 219, 220.

<sup>11</sup> Id.

<sup>12</sup> Id.

<sup>13</sup> School District Ex. 1, Pg. 39.

The Delaware Student Health Form is blank in the Student's cumulative file and no evidence was provided as to whether the Registrar or Parent discussed this document<sup>14</sup>. Consistent with standard registration practice, after the Registrar obtained most relevant information regarding enrollment, she worked with the Parent to select courses for the Student's first semester. During this discussion, the Registrar wrote in several possible elective courses: Arabic 1, physical education, as well as a women's empowerment group. Both individuals indicated that the note about the women's empowerment group, an extracurricular organization, was noted as Parent expressed that her daughter could benefit from some help with building her confidence. Finally, the Parent indicated that the Student's records should be requested from REDACTED as that is where the Student would have continued school without the move to Delaware.

After registering the Student, the Registrar submitted a standard School District request for release of school information to Student's last school, REDACTED <sup>15</sup>. The School District's standard form included the following requests: transcript, report card/interim, birth certificate, withdrawal form, attendance records, standardized test scores, immunization records, discipline records, custody/guardianship paperwork, IEP/504. The Registrar's testimony indicated that this request form is a

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<sup>14</sup> School District Ex. 1, Pg. 41-45.

<sup>15</sup> School District Ex. 1, Pg. 26.

standard form filled out with all those requests for each out-of-state student and that the requested information was not specialized for this Student<sup>16</sup>.

Despite some minor issues with REDACTED, initially erroneously sending the wrong student's information or cumulative file, the Registrar did receive cumulative records from REDACTED. During the Hearing, the Registrar confirmed receipt of records from REDACTED as well as the Student's cumulative file, which the School District admitted into evidence as Exhibit 1. In addition to the registration documents, the Student's cumulative file included: (i) a request from REDACT ROI for Student records dated August 25, 2025<sup>17</sup>; (ii) a copy of parental consent to disclose educational and REDACT information from the REDACT with Parent's signature dated August 22, 2025<sup>18</sup>; (iii) Student grade records from REDACTED for grades REDACTED through REDACTED<sup>19</sup>; (iv) standardized test scores from REDACTED for grades REDACTED through REDACTED<sup>20</sup>; (v) attendance summary from REDACTED for grades REDACTED through REDACTED; (vi) enrollment history from REDACTED for grades REDACTED through REDACTED<sup>21</sup>; and (vii) discipline entries/incidents from REDACTED for grades REDACTED through REDACTED.

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<sup>16</sup> REDACTED Testimony, Transcript, P.50.

<sup>17</sup> School District Ex. 1, Pg. 11-15

<sup>18</sup> School District Ex. 1, Pg. 10

<sup>19</sup> School District Ex. 1, Pg. 27

<sup>20</sup> School District Ex. 1, Pg. 29-31

<sup>21</sup> School District Ex. 1, Pg. 32-35



Despite the existence of these documents in the Student's cumulative file, testimony at the hearing creates an unclear picture regarding what if anything occurs when an out-of-state student enrolls as a new student at a school in the School District. No testimony offered provided a standard operating procedure suggesting that anyone would review a new student's records. There is no testimony that establishes that any member of the School District reviewed the Student's cumulative record on or before September 23, 2025.

The Registrar indicated that she responded to the REDACTED ROI for Student records at some point in time in November, citing that as a new student there were no records to provide per the received request<sup>22</sup>. Additionally, despite the existence of parental consent to disclose educational and REDACTED information from the REDACTED, it is unclear its relevance in the cumulative file<sup>23</sup>. Aside from comments from a witness about the Student living in Philadelphia, nothing in the evidence or at the hearing speaks to any possible relevance<sup>24</sup>. Regardless, despite this consent in the cumulative file, the School District did not request nor receive any relevant information as a result of this parental consent.

In looking at the Student's file admitted into evidence, the cumulative file provides the following relevant information. The Student's middle school record indicates a combination of in-school learning as well as the possibility of some virtual

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<sup>22</sup> REDACTED Testimony, Transcript, P.42-43

<sup>23</sup> REDACTED Testimony, Transcript, P.41

<sup>24</sup> REDACTED Testimony, Transcript, P.74

education. Most notably, Student's attendance records illustrate that for at least the last six (6) months of her REDACTED-grade academic year the student received homebound education. Her REDACTED-grade attendance prior to the homebound assignment illustrates numerous medical absences. Once again, based on the testimony offered through the hearing, it is unclear whether any professional of the School District knew of this homebound education prior to September 23, 2025 despite the records contained in the Student's cumulative file.

More importantly, REDACTED powerschool document titled discipline entries/incidents contained in the Student's cumulative file indicate numerous disciplinary related incidents, which occurred in 2022-2023, as well as 2023-2024. The discipline record illustrates at least eight (8) discipline actions for either inappropriate physical conduct, fighting or some sort of substantial disturbance or confrontation<sup>25</sup>. Despite this behavior, the last reported incident contained in the Student's file occurred on May 13, 2024.<sup>26</sup>

From the registration records, the School District received a comprehensive educational file for the Student prior to her beginning her REDACTED grade year. Despite the opportunity to provide additional and likely comprehensive information about the Student's well-being, Parent refrained from providing the School District with additional

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<sup>25</sup> School District Ex. 1, Pg. 36

<sup>26</sup> Id.

information regarding Student's health, mental health, or other relevant records.<sup>27</sup> Parent's only concern regarding her daughter that she communicated to the School District, prior to her beginning the REDACTED grade, was that her daughter was REDACTED and she needed to be conscious of her daily weight and regular medication injections to control this medical condition.<sup>28</sup> Parent, like most parents, wanted a fresh start for her daughter in a new academic setting, and chose to keep her daughter's other issues private.

Aside from the information contained in the cumulative record, when the Student began first day at REDACTED, the only communicated concern regarding the Student was that she was a REDACTED. On September 11, 2025, the attendance secretary sent an email to the Assistant Principal, indicating "Student is another student to be looking out for, she frequents the office<sup>29</sup>." Despite receiving this email, the Assistant Principal took no further action regarding the Student.

On September 16, 2025, at the request of Student, Student met with a mental health professional at the School.<sup>30</sup> Student indicated she was frustrated and upset about a boy that she liked.<sup>31</sup> The Mental Health professional described the Student as open and friendly, adjusting to her new environment.<sup>32</sup> During this initial interaction, the Mental Health professional indicated that Student was adjusting to her new environment, which

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<sup>27</sup> REDACTED Testimony, Transcript, P.222-224.

<sup>28</sup> REDACTED Testimony, Transcript, P. 224

<sup>29</sup> REDACTED Testimony, Transcript, P.63, School District Ex. 7.

<sup>30</sup> REDACTED Testimony, Transcript, P.73

<sup>31</sup> Id.

<sup>32</sup> REDACTED Testimony, Transcript, P.82

was vastly different from REDACTED.<sup>33</sup> The Student shared that she witnessed numerous violent acts on the streets of REDACTED.<sup>34</sup> The Mental Health professional kept no notes from this initial meeting with Student other than a notation that she met with student in her log.<sup>35</sup>

The following day, in the nurse's office<sup>36</sup>, the Student made a comment about whether she could harm another student if she stabbed them with her REDACTED<sup>37</sup>. Despite this comment, the School Nurse indicated that it was common for students to ask questions and that the type of comment was consistent with other curious students.<sup>38</sup> As a result of this comment, the Mental Health professional along with the School Nurse contacted Student's Parent via telephone, at the suggestion of Assistant Principal.<sup>39</sup> This incident marked the first disciplinary note for the student in the school discipline system.<sup>40</sup> The Mental Health professional and School Nurse phone call with Parent described the Student's comment to the Parent.<sup>41</sup> The Parent indicated that this is not new behavior for the Student, who likes to elicit a reaction or troll.<sup>42</sup> Despite the

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<sup>33</sup> Id.

<sup>34</sup> REDACTED Testimony, Transcript, P.81

<sup>35</sup> REDACTED Testimony, Transcript, P.82-83.

<sup>36</sup> REDACTED Testimony, Transcript P. 104.

<sup>37</sup> REDACTED Testimony, Transcript, P.75

<sup>38</sup> REDACTED Testimony, Transcript P. 104.

<sup>39</sup> REDACTED Testimony, Transcript, P.75.

<sup>40</sup> School District Ex. 5, Pg. 3.

<sup>41</sup> REDACTED Testimony, Transcript, P.227-228.

<sup>42</sup> REDACTED Testimony, Transcript, P.76, REDACTED Testimony, Transcript P. 129.

comment resulting in notification to the Assistant Principal and a phone call to the Parent, the exact nature of the comment is not clear.<sup>43</sup>

During this conversation, Parent indicated that her child suffers from a mood disorder<sup>44</sup>. Parent did not elaborate regarding her child's mental health and Parent did not voice concern to either the Mental Health professional or the School Nurse. Parent indicated that she would like Student to begin working with the Mental Health professional.<sup>45</sup> As a result of this request, Mental Health professional provided the Student with a consent form<sup>46</sup>; however, Student never returned the signed consent form to the School or to the Mental Health professional.<sup>47</sup> The Mental Health Professional indicated that there was no defined or referenced mood order and that Parent did not seem overly concerned about Student's behavior.<sup>48</sup> Parent also confirmed that while her daughter may have a mood disorder, she did not want to disclose too much information seeking to keep Student's life private.<sup>49</sup>

Prior to the September 23<sup>rd</sup> Incident, the School Nurse probably interacted with Student and Parent the most as a result of the Student's REDACTED condition<sup>50</sup>. The Student routinely visited the School Nurse's office to administer her

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<sup>43</sup> REDACTED Testimony, Transcript P. 129, REDACTED Testimony, Transcript P. 228.

<sup>44</sup> Id.

<sup>45</sup> REDACTED Testimony, Transcript, P.77.

<sup>46</sup> Id.

<sup>47</sup> REDACTED Testimony, Transcript, P.230.

<sup>48</sup> REDACTED Testimony, Transcript, P.87.

<sup>49</sup> REDACTED Testimony, Transcript, P.230.

<sup>50</sup> REDACTED Testimony, Transcript P. 97.

REDACTED. Additionally, the Parent visited the School Nurse's office to drop off Student's medical supplies and view whether the office provided enough privacy for Student.<sup>51</sup> During Parent's visit to the nurses office, Parent and Nurse discussed the recent REDACTED diagnosis and weight gain from some medication.<sup>52</sup>

Due to Parent's comments about sudden weight gain and her new REDACTED condition, the Nurse questioned Parent whether the child was previously prescribed, REDACTED Parent seemed to confirm previous REDACTED prescription usage, which is a medication to treat or REDACTED Parent was not absolutely positive that this was the medication that Student was previously prescribed.<sup>53</sup>

On September 17, 2025, as a follow up to the telephone call with the Mental Health professional and Parent, the School Nurse contacted Nemours and successfully obtained Student's REDACTED protocol<sup>54</sup>. The School Nurse also attempted to obtain the Student's mental health records; however, a Parent signed consent form was required to obtain this information.<sup>55</sup> Following the Nemours call, the School Nurse called the Parent and provided an overview of the information that she was able to receive as well as described a recent interaction with the Student, mainly involving the Student's

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<sup>51</sup> REDACTED Testimony, Transcript P. 98-99.

<sup>52</sup> Id.

<sup>53</sup> REDACTED Testimony, Transcript P. 99 at 18.

<sup>54</sup> School District Ex. 3.

<sup>55</sup> REDACTED Testimony, Transcript P. 109-110.

REDACTED<sup>56</sup> The School Nurse told Parent that Nemours would not provide Student's mental health records without a Parent signed consent. As a result of this request, Parent indicated that she only wants the School and the School Nurse to have Student's REDACTED related medical history and that she does not want the School to have too much information.<sup>57</sup> The School Nurse provided notes of these interactions in the Student Health Notes log; however, it remained unclear to the School Nurse whether the School would ever receive the mental health information from Nemours.

Following their interaction with Parent, the Mental Health professional and School Nurse followed up with Assistant Principal.<sup>58</sup> Despite the attendance secretary's communication and the information provided from two staff members, the Assistant Principal possessed limited awareness of the Student, prior to the September 23<sup>rd</sup> Incident.<sup>59</sup> No other personnel from the REDACTED were notified of the REDACTED comment or the conversation with Student's Parent.

The only other disciplinary note for the Student occurred on September 22, 2025, when the Student was having her cell phone out, which was confiscated.<sup>60</sup> On September 23, 2025, the Student engaged in behavior as identified in the Stipulated Facts. Prior to the September 23<sup>rd</sup> incident, the School's Principal possessed no knowledge of the Student.<sup>61</sup>

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<sup>56</sup> REDACTED Testimony, Transcript P. 110-111.

<sup>57</sup> REDACTED Testimony, Transcript P. 111.

<sup>58</sup> REDACTED Testimony, Transcript, P.78.

<sup>59</sup> REDACTED Testimony, Transcript, P.138, 140.

<sup>60</sup> School District Ex. 5.

<sup>61</sup> REDACTED Testimony, Transcript P. 157.

## Question Presented

Whether prior to Student’s conduct on September 23, 2025, the School District possessed knowledge that Student may be a Student with Disabilities pursuant to 14 DE Admin C. § 926.34.2.3.

## Opinion and Order

Knowledge exists if “[t]he teacher of the child, or other personnel of the LEA, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency.”<sup>62</sup> In analyzing this dispute, the focus of knowledge is based on whether School District personnel expressed specific concerns about a pattern of behavior. The term “pattern of behavior” is not explicitly defined in the federal statute or more importantly the Delaware administrative Code.<sup>63</sup> The inclusion of the word pattern, seemingly requires a series of actions consistent with the legal definition of pattern.<sup>64</sup>

The only case or hearing to address a similar issue specifically addressing a pattern of behavior is *Anaheim Union High Sch. Dist.*<sup>65</sup> In the *Anaheim Union High Sch. Dist.*

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<sup>62</sup> 14 DE Admin C. § 926.34.2.3

<sup>63</sup> See 20 U.S.C. 1415(k)(5)(B)(iii), 14 DE Admin C. § 926.34.2.3

<sup>64</sup> See also *Anaheim Union High Sch. Dist. v. J.E.*, 113 LRP 22112, citing *Caminetti v. U.S.* (242 U.S. 470, 485 (1917) (“A pattern is ordinarily construed as recurrent, similar or related events.”)).

<sup>65</sup> *Anaheim Union High Sch. Dist. v. J.E.* 113 LRP 22112.



Matter, an administrative hearing officer concluded the School District possessed knowledge of a Student's severe anxiety long before a disciplinary action.<sup>66</sup> The hearing officer reached this conclusion based on numerous details about the Student, specifically that the School possessed an awareness of the Student's prescribed medications for anxiety and teachers observed conduct of anxiety and inattentiveness affecting school performance. Additionally, teachers directly communicated their concerns about Student's anxiety and school performance during the Student's 504 plan meetings. In affirming the hearing officer's decision, U.S. District Court examined the term "pattern of behavior," determining that the plain meaning requires a broad view of the Student, including "outwardly observable characteristics and actions."

Unlike the decision in *Anaheim Union High Sch. Dist.*, the *Greater Lowell Technical High Sch.* dispute determined that the School District did not have knowledge. In Greater Lowell, despite some concerns from teachers about Student's performance in the student's file, specifically attention to detail or avoiding careless mistakes, the facts presented at the hearing failed to provide either specifics about the educational record, a pattern of behavior or that individuals communicated specific information to the appropriate supervisory personnel.<sup>67</sup>

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<sup>66</sup> Id.

<sup>67</sup> *Greater Lowell Technical High Sch.*, 45 IDELR 28 (SEA MA 2006).

Neither of the two referenced cases control a Delaware matter, but they do illustrate that a hearing officer possesses discretion to assess all factors present about the student to determine whether a pattern of behavior existed. In analyzing the term pattern of behavior to establish knowledge of a student with a disability, the hearing officer must look at the specific set of facts, information and the cumulative record. The focus should look at the student's behavior, maybe more specifically a repeated set of behaviors and how such behaviors may adversely impact the child's educational performance. Additionally, does this outward and repeated expression suggest an underlying disability, such as emotional disturbance or other health impairment, rather than an isolated event or typical adolescent misconduct. Finally, are there specifically expressed concerns about the student with either the director of special education or supervisory personnel. It is important to note, that the sole issue in controversy falls under a portion of the Delaware Administrative Code labelled: Protections for Children not Determined Eligible for Special Education and Related Services.<sup>68</sup> Therefore even if there are a pattern of behaviors, there must be some connection between child's disability and their educational performance.

In this dispute, the School District must prove that the School did not possess knowledge, meaning that school personnel did not express specific concerns about a pattern of behavior of the Student to the director of special education or supervisory personnel prior to the incident. From the facts developed at the hearing, when analyzed as a whole,

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<sup>68</sup> 14 DE Admin C. § 926.34.0, See also 14 DE Admin C. § 926.34.0

a pattern of behavior fails to exist. Prior to the beginning of the school year, the School possessed limited information about the Student, both based on the cumulative record, registration form and Parent's preference to refrain from disclosing too much information. The School knew that the Student was moving from the REDACTED school system, possessed previous disciplinary issues, and a recent period of homebound education. The Parent communicated to the School that her child lives with REDACTED, which she manages through a REDACTED as her only medical concern. Despite the School's request about whether the Student had or has an IEP or 504 plan, both the Parent and the previous school system failed to provide any information about the existence of such educational plans.

The most alarming thing School learns prior to the incident is the Student's comment about REDACTED. As a result of this curious comment, both the mental health professional and school nurse discussed the comment with the Parent and reported the incident to the Assistant Principal. The context of the comment and the purpose of the comment remain unclear, as it could be portrayed as harmful or just plain adolescent curiosity. Neither the School Nurse nor Parent seemed overly concerned, despite a team meeting to address the weird comment or odd behavior. This sole interaction is the only information or behavior from Student, aside from a minor disciplinary cell-phone issue, that occurred prior to the September 23<sup>rd</sup> Incident. It is important to note that this incident

was reported to the Assistant Principal prior to the September 23<sup>rd</sup> Incident, which would qualify as supervisory personnel.

Parent seeks the hearing officer to conclude that this sole incident provided to the School, including the previous homebound education and some disciplinary issues, along with vague information about previous mental health to create knowledge. It is a leap too far. There are some concerns about the previous disciplinary events that occurred in REDACTED; however, most occurred during the REDACTED-grade academic year. Additionally, the fact that the School knew about homebound education does not per se create a heightened alert, as students receive homebound education for a variety of reasons. Most importantly, the student previous mental health issues, as provided to the School fail to reach the threshold that someone with a mood disorder would be automatically protected under IDEA.

As it relates to the Student's mental health, the School Nurse's conversations with the Parent did provide School with some additional information, including possible mood disorders and the possibility of previous prescriptions medications. Despite the School Nurse's attempt to obtain additional information about Student's mental health records from Nemours, Parent communicated her intent to keep Student's past private. Therefore prior to the September 23<sup>rd</sup> Incident, the School possessed limited information about the mental health or mood disorders of the student. While this information could have been helpful, it is important to consider that even if part of the Student's cumulative file, just

because a student may have a health condition does not always mean that such disability affects their educational performance.

The School District did not see repeated or disability suggestive behaviors, which would qualify as a pattern of behavior prior to the September 23<sup>rd</sup> Incident. The facts fail to establish that the School possessed knowledge pursuant to 14 DE Admin C. § 926.34.2.3.

SO ORDERED this 8<sup>th</sup> of **December, 2025.**

/s/ Charles T. Armbruster, III  
PANEL CHAIRPERSON

cc:

REDACTED

REDACTED

REDACTED, Director, Exceptional Children Resources (email)

REDACTED, Education Associate (email)

REDACTED, Dispute Resolution Coordinator/Contractor (email)

REDACTED, Deputy Attorney General (email)

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REDACTED, Director of Inclusive Education, Caesar Rodney School District

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