

APPENDICES INDEX

Appendix A — District Claim vs. Parent Rebuttal Table (Regarding the Dec. 4 PWN).....**2**

Appendix B — District PWN Misstatements & Governing Laws Violated.....**4**

Appendix C — Chronological Timeline of Events (Oct–Dec 2025)**6**

APPENDIX A — DISTRICT CLAIMS VS. PARENT REBUTTAL & EVIDENCE

DISTRICT CLAIM vs. PARENT REBUTTAL TABLE

DISTRICT’S CLAIM (Dec 4 PWN)	PARENT’S REBUTTAL WITH EVIDENCE
1. “Kaleb arrived with chapped lips; he lightly bumped a door; no visible mark; injury not caused at school.”	False. Exhibit X shows three distinct injuries (gum + 2 lip injuries). Physician review confirms trauma, not dryness (Exhibit AD). District’s version contradicts: photos, physician opinion, parent observations, and timing. Injury occurred during a period of no assigned 1:1 paraeducator , violating his IEP.
2. “Staff were positioned right beside Kaleb during the fence incident; he only briefly touched it with his tongue.”	Contradicted by video evidence. Video shows aide standing several feet away , delayed intervention, and Kaleb making oral contact with metal bars. Video and parent observation directly disprove District’s description. The incident reflects failure of continuous 1:1 supervision as required by the IEP.
3. “The IEP allows flexibility with respect to intensity of adult support.”	Factually incorrect. The IEP explicitly states Kaleb requires “ one-on-one classroom support... continuous adult supervision ” due to blindness and mouthing risks (Exhibit AI). No section authorizes reducing aide proximity or shared support. Citing a gross-motor goal and a single line in the Adaptation Plan (“proximity as needed”) does not override mandated services. Accommodations cannot diminish IEP services under IDEA.
4. “The District has implemented Kaleb’s IEP as written.”	Disproven by multiple exhibits. Kaleb had 3 days with no para (Exhibits G, H). No aide accompanied him to the Oct 21 field trip. Multiple observations showed delayed intervention (Exhibits D, F). Injury and fence-licking occurred under inadequate supervision. District leadership acknowledged staffing changes (Exhibit G). Therefore, IEP implementation did not occur .
5. “No PWN was required for changes because the District did not propose or refuse any action.”	Legally incorrect. Changes requiring PWN occurred: aide removal, aide reassignment, delayed proximity, reduced supervision, aide reassigned to general class duties, and 3 days without 1:1 support. All constitute a “change in service delivery” requiring PWN under 34 C.F.R. §300.503(a).

DISTRICT’S CLAIM (Dec 4 PWN)	PARENT’S REBUTTAL WITH EVIDENCE
6. “Parents should return Kaleb to school; District is ready to implement IEP.”	Parents’ withdrawal was temporary and safety-based , due to injury and fence-licking caused by inadequate supervision and district’s refusal to properly implement IEP. Parents did not change placement. District’s refusal to provide services during safety withdrawal constitutes a FAPE violation .
7. “Staff are fully trained and knowledgeable on working with blind students.”	Unsupported claim. No training documentation produced; no evidence the aide received required O&M or VI training. Safety incidents (injury + fence licking) show improper application of vision-specific safety practices . Adaptation Plan requirements (close proximity monitoring) were not followed.
8. “Staff consistently supervise Kaleb even when stepping back.”	Inconsistent with evidence. Exhibit D shows Kaleb crying when para was withheld. Video evidence shows insufficient supervision at gate. Injury (Exhibit X) occurred during reduced oversight. Real events contradict District’s narrative of consistent supervision.
9. “PWN was sent on November 14 via mail and email.”	Incorrect. Exhibit T confirms parents received no PWN on Nov 14 ; electronic copy was first delivered Nov 17 at ~3 PM , less than 24 hours before IEP meeting. No hard copy ever arrived. This misrepresentation impeded meaningful participation.
10. “Fence-licking redirection was immediate.”	False per video documentation. Intervention was delayed, and Kaleb was allowed to put his tongue on the metal gate before being redirected. This contradicts “immediate” redirection and indicates inadequate supervision.
11. “District staff were not instructed to stop communicating with parents.”	Contradicted by Exhibit H & J. Teacher and TVI explicitly stated they were not permitted to discuss staffing or service changes, impairing parents' meaningful participation under 34 C.F.R. §300.501.

APPENDIX B — DISTRICT PWN MISSTATEMENTS & GOVERNING LAWS VIOLATED

DISTRICT MISSTATEMENT (Dec 4 PWN)	LAW(S) VIOLATED	WHY THIS MISSTATEMENT IS A VIOLATION
1. “Kaleb arrived with chapped lips; injury caused no visible mark; likely self-inflicted.”	34 C.F.R. §300.503(b)(2) (PWN must be accurate); 34 C.F.R. §300.101 (FAPE – safety); 34 C.F.R. §300.323(c) (implement IEP)	Misstates facts contradicted by Exhibit X and physician review (Exhibit AD); fails to acknowledge injury that occurred under insufficient supervision; misrepresentation interferes with parental understanding of safety failures.
2. “Staff were right beside Kaleb during fence incident; he only briefly touched the fence with his tongue.”	34 C.F.R. §300.503(b)(2); 34 C.F.R. §300.323(c) (failure to provide continuous supervision)	Directly contradicted by video evidence showing staff several feet away and delayed intervention; misrepresentation conceals a supervision failure and undermines accurate PWN.
3. “The IEP allows flexibility in intensity of adult support.”	34 C.F.R. §300.324(a)(6) (changes require IEP meeting); 34 C.F.R. §300.323(c) (must follow IEP as written); 34 C.F.R. §300.503(a)	The IEP contains no such flexibility. Suggesting otherwise is a misrepresentation used to justify illegal reductions in service. Flexibility is not written in IEP services and cannot be invented through PWN narrative.
4. “District has implemented the IEP as written.”	34 C.F.R. §300.323(c)(2) (implementation failure); 34 C.F.R. §300.101 (FAPE); 34 C.F.R. §300.503(b)(2)	Contradicted by Exhibits G, H, I (3+ days without para), Exhibit D (delayed support), Exhibit X (injury), and video (unsafe supervision). A knowingly false statement violates PWN accuracy requirements.
5. “No PWN was required because the District did not propose or refuse any action.”	34 C.F.R. §300.503(a)(1)–(2) (PWN required when changing services); Ed. Code §56343(c)	District changed aide proximity, intensity, supervision method, and personnel with no PWN. Claiming no PWN was necessary is legally incorrect and violates federal notice requirements.

DISTRICT MISSTATEMENT (Dec 4 PWN)	LAW(S) VIOLATED	WHY THIS MISSTATEMENT IS A VIOLATION
6. “Parents should return Kaleb; District is prepared to implement the IEP.”	34 C.F.R. §300.101 (FAPE); 34 C.F.R. §300.323(c); 34 C.F.R. §300.503(b)(2)	Misrepresents parents’ protective, temporary withholding due to safety failures. District was not implementing the IEP consistently, as proven by injury and unsafe incidents. Refusal to provide services during temporary withdrawal violates FAPE.
7. “The paraeducator is trained and knowledgeable.”	34 C.F.R. §300.34 & §300.156(b) (special ed personnel must be adequately trained); 34 C.F.R. §300.503(b)(2)	District provided no documentation of training; safety incidents demonstrate lack of implementation of blindness- and O&M-specific training. Claiming training without evidence is a misrepresentation in PWN.
8. “Staff consistently supervise Kaleb, even when stepping back.”	34 C.F.R. §300.323(c) (services not delivered); 34 C.F.R. §300.101 (safe access to education); 34 C.F.R. §300.503(b)(2)	Exhibit D, Exhibit W, Exhibit X, and video evidence show unsafe gaps in supervision. Misrepresentation undermines parent participation and conceals noncompliance.
9. “PWN was sent on November 14 via mail and email.”	34 C.F.R. §300.503(a) (reasonable notice); 34 C.F.R. §300.501(b)(1) (meaningful participation); 34 C.F.R. §300.503(b)(2) (accuracy)	Exhibit T shows the PWN was not sent on Nov 14; delivered on Nov 17 at ~3 PM. No hard copy ever arrived. Misrepresentation impeded adequate preparation for an IEP meeting.
10. “Fence licking redirection was immediate; no safety concern.”	34 C.F.R. §300.101 (FAPE); 34 C.F.R. §300.323(c); 34 C.F.R. §300.503(b)(2)	Video evidence proves intervention was not immediate and that safety protocols failed. Minimizing safety hazards misrepresents facts material to IEP implementation.
11. “District did not restrict communication with parents.”	34 C.F.R. §300.501(b)(1) (parent participation); 34 C.F.R. §300.503(b)(2)	Exhibit J documents that Mrs. King and Mr. Peterson stated they were directed not to communicate about changes. Misrepresentation obstructs parental rights under IDEA.

APPENDIX C – DETAILED TIMELINE OF FACTS (OCTOBER–DECEMBER 2025)

This appendix provides our comprehensive, chronological account of the events underlying the alleged violations, supported by Exhibits A–AB and relevant video and photographic evidence. It shows the sequence, duration, and cumulative impact of EGUSD’s failure to implement Kaleb’s IEP, ensure his safety, provide legally required notices, and uphold procedural safeguards under IDEA.

OCTOBER 13–17, 2025: INITIAL UNILATERAL SERVICE CHANGES

October 13, 2025 — Teacher Announces “Independence” Program (No IEP Meeting Held)

Mrs. King informed us that she intended to begin adjusting Kaleb’s 1:1 paraeducator support by:

- reducing the paraeducator’s proximity,
- delaying intervention (“waiting a few moments” before responding),
- having the aide step back at times, and
- increasing periods where only the teacher would work with Kaleb without the paraeducator present.

None of these changes were brought to the IEP team for review or agreement.

No Prior Written Notice (PWN) was issued.

These changes directly contradicted the IEP requirement for continuous 1:1 supervision.

October 14, 2025 — We Seek Clarification Before Any Changes (Exhibit A)

We emailed Mrs. King to clarify whether Kaleb’s paraeducator, Motoko, was being pulled from his 1:1 assignment.

We emphasized that any change affecting his 1:1 support must be discussed collaboratively through the IEP team.

Mrs. King’s Response (Exhibit B)

Mrs. King replied stating:

- “Ms. Motoko is not being pulled from working with Kaleb.”
- “There are no current plans for staffing changes.”
- “Paraeducators will sometimes support the class while I work with Kaleb.”

These statements were later shown to be untrue, as staffing changes occurred within days.

October 15, 2025 — We Reiterate Need for IEP Team Review (Exhibit C)

We wrote back to reaffirm that:

- we support teacher-led instruction and fostering independence, but
- the paraeducator’s presence must remain continuous for safety, and
- any proposed changes to 1:1 support must be reviewed by the IEP team.

We again requested transparent communication if any adjustments were being considered.

October 16, 2025 — Safety Incident: Kaleb Crying From Lack of Para Support (Exhibit D)

During morning line-up:

- Kaleb began crying because his paraeducator was not allowed to approach him immediately.
- We observed that Mrs. King had directed the paraeducator to “wait” and stand at a distance.
- Kaleb reached out with his hands, searching for his paraeducator for comfort and support.

We made clear to the District that:

- Kaleb’s IEP requires continuous adult supervision, and
 - any reduction in proximity, delay in intervention, or restriction on the para’s ability to approach him is a change in service delivery that requires an IEP meeting.
-

October 17, 2025 — Teacher Denies Changes; Paraeducator Removed (Exhibit E)

On this date, Mrs. King wrote that:

- “No changes have been made to Kaleb’s IEP services.”

Yet on this same day:

- Kaleb’s paraeducator, Motoko, stopped reporting to school, and
- we received no notice, explanation, transition plan, PWN, or IEP meeting.

This marked the beginning of multiple consecutive days during which Kaleb did not receive his IEP-mandated 1:1 supervision.

OCTOBER 20–24, 2025: LOSS OF SUPPORT, FIELD TRIP FAILURE, AND DISTRICT NONRESPONSE

October 20, 2025 — We Issue a Formal Objection (Exhibit F)

We formally objected and cited IDEA requirements, explaining that:

- redirecting the aide to other students violates the IEP,
 - delaying intervention violates the IEP,
 - removing the aide violates the IEP, and
 - any adjustments require an IEP team review and agreement.
-

October 20, 2025 — District Announces Paraeducator Reassignment (Exhibit G)

On the same day, Michelle Wallner emailed us stating:

- “A new para is assigned to Kaleb.”

However, there was:

- no PWN,
- no IEP meeting,
- no explanation of training,
- no transition support, and
- no confirmation that the new paraeducator had blindness-specific training.

In practice, Kaleb still had no effective 1:1 support at this time.

October 21, 2025 — Field Trip With Zero Assigned 1:1 Support (Exhibit H)

On the Pumpkin Patch field trip:

- no paraeducator specifically assigned to Kaleb,
- no TVI attended,
- we were forced to provide Kaleb’s 1:1 supervision ourselves, and
- Mrs. King attempted to supervise both the class and Kaleb simultaneously, which we experienced as unsafe.

This was the third consecutive school day without the IEP-mandated 1:1 services.

October 21, 2025 — We Formally Request an IEP Meeting (Exhibit I)

We submitted a written request for an IEP meeting to:

- review the aide reassignment,
- address disruption to IEP implementation, and
- obtain assurance that continuous 1:1 support would be restored.

This request triggered the District’s 30-day legal timeline under Ed. Code § 56343.5.

October 21, 2025 — We Speak at the EGUSD Board Meeting (Exhibit AA)

That same evening, we addressed the Elk Grove Unified School District Board and shared that:

- Kaleb’s IEP services had been removed without notice,
 - he had been crying from lack of support,
 - decisions had been made without our participation, and
 - his safety was being compromised.
-

October 22–23, 2025 — District Restricts Communication (Exhibit J)

During this period:

- we informed Mrs. Wallner that Mrs. King and Chris Peterson (TVI) had abruptly stopped responding to our questions about support,
- it appeared that staff had been directed not to discuss Kaleb’s aide services with us, and
- we were forced to raise issues at higher administrative levels and in public forums.

This restriction interfered with our right to meaningful parent participation.

October 23, 2025 — We Email the Board and Superintendent (Exhibit AB)

We sent a detailed letter documenting:

- the abrupt removal of Kaleb’s paraeducator,
- the emotional distress Kaleb experienced during morning line-up,
- unexplained District decisions,
- staff appearing to be instructed not to communicate,
- multiple safety lapses, and
- at least three consecutive days without a 1:1 aide.

We requested:

- a written response within 10 business days,
- an IEP meeting, and
- transparency and corrective action.

We received no substantive written response.

October 24, 2025 — We Request a Written Response by a Firm Deadline (Exhibit N)

We formally requested a written response from EGUSD by November 7, 2025, a reasonable deadline.

The District did not respond by this date.

OCTOBER 27, 2025 — LIP/GUM INJURY INCIDENT

(Exhibits X & AD)

On October 27:

- Kaleb returned home from school with three distinct injuries:
 - o one inside the upper gum,
 - o one on the inner lip, and
 - o one on the outer lip.
- We took close-up photographs (Exhibit X) showing clear traumatic injury.
- Kaleb displayed pain while eating and avoided touching his lips.
- A physician later reviewed the photographs and stated that the injury pattern was consistent with trauma, not chapped lips (Exhibit AD).

District’s False Statements in the December 4 PWN

In the December 4 PWN, the District claimed that:

- Kaleb arrived at school with chapped lips,
- he “lightly bumped” his mouth,
- there was “no visible mark,” and
- the injury was likely self-inflicted from licking.

These statements directly contradict:

- our photographs (Exhibit X),
- the physician’s interpretation (Exhibit AD), and
- our observation of Kaleb’s condition immediately after school.

The injury occurred during a time when Kaleb’s 1:1 supervision was destabilized and inadequately implemented.

NOVEMBER 2025 — DOCUMENT DELAYS, MEETING FAILURE, AND ADDITIONAL SAFETY INCIDENTS

November 14–17, 2025 — PWN Misrepresented Mailing/Email Date (Exhibit T)

The District’s November 14 PWN:

- was dated November 14,
- claimed to have been emailed and mailed on November 14, but
- was not actually emailed to us until November 17 at approximately 3:00 PM, and
- no hard copy was ever received.

The IEP meeting was scheduled for November 18 at 12:00 PM, leaving us less than 21 hours to review the PWN, attachments, and agenda.

This violated:

- our right to meaningful participation under 34 C.F.R. § 300.501(b)(1), and
- the requirement under 34 C.F.R. § 300.503(a) that PWN be provided a “reasonable time” before meetings or proposed actions.

Because of these procedural violations, we were forced to postpone the IEP.

November 18, 2025 — Dangerous Fence-Licking Incident (Video Evidence)

On November 18, during morning line-up:

- we recorded video showing Kaleb standing at a gate with no adult within arm’s reach,
- the aide was positioned several feet away,
- Kaleb placed his tongue on the metal fence, and
- staff intervention was delayed.

The District later claimed in its December 4 PWN that staff were “right beside him” and minimized the incident. Our video directly contradicts this account.

This incident would not have occurred if Kaleb had been provided with continuous 1:1 supervision in accordance with his IEP and Adaptation Plan.

November 18, 2025 — Meeting With Director Rigali and Coordinator Wilson (Exhibit Z)

On the originally scheduled IEP date (after we had postponed the team meeting), we met with Director Anne Rigali and Coordinator Alicia Wilson to address:

- safety concerns,
- paraeducator changes, and
- the late PWN.

At this meeting, as documented in Exhibit Z:

- we explained that the PWN had not been emailed until November 17—less than 24 hours before the IEP;
- both administrators acknowledged that this timing was inappropriate;
- we reported the fence-licking incident and the lack of consistent aide supervision;
- we noted that the new paraeducator often arrived after Kaleb in the mornings, leaving him unsupported; and
- we described Mrs. King’s unilateral reduction of para support and Kaleb’s distress during morning line-up.

Director Rigali stated that these concerns were “very telling,” agreed communication had broken down, and indicated that para positioning, training, and teacher directives would be reviewed. However, no meaningful corrective action followed.

November 20, 2025 — We Submit a Formal PWN Rebuttal (Exhibit AC)

We submitted a detailed rebuttal to the District’s November 14 PWN, identifying:

- IEP implementation failures,
- safety concerns,
- procedural violations, and
- factual misrepresentations.

We requested a written response by December 1, 2025.

The District did not respond by that deadline.

On December 3, 2025, we reiterated our request and set a final deadline of December 4, 2025, explaining that ongoing silence and unresolved safety concerns required escalation.

Only after this second deadline did the District issue a new written response—a December 4 PWN that still contained multiple inaccuracies and mischaracterizations.

November 24, 2025 — We Contact Trustee Sean Yang

After EGUSD failed to adequately respond to our administrative requests, we contacted Trustee Sean Yang to seek oversight and assistance at the Board level.

November 21–December 1, 2025 — No IEP Meeting Within 30-Day Timeline

Our October 21 request legally required an IEP meeting to be held by November 21, 2025.

The District failed to convene any IEP meeting within that statutory 30-day period.

DECEMBER 2025 — SAFETY WITHDRAWAL & SECOND PWN

December 3, 2025 — We Temporarily Withhold Kaleb for Safety (Exhibit AF)

Due to ongoing safety risks and the District’s failure to provide a timely written response or corrective plan, we notified EGUSD that we would temporarily withhold Kaleb from attending school until:

- the District issued a written response to our PWN Rebuttal,
- a clear safety plan was presented, and
- IEP implementation concerns were addressed.

We requested:

- that Kaleb’s IEP services continue during this temporary safety withdrawal, and
 - clarification as to how services would be provided.
-

December 4, 2025 — District Issues Second PWN With Misrepresentations (Exhibit AK)

On December 4, 2025, the District issued a new PWN that:

- misrepresented the October 27 injury incident,
- misrepresented the November 18 fence-licking incident,
- misstated the content of Kaleb’s IEP (claiming “flexibility” that does not exist in the service section),
- denied or minimized our concerns,
- refused to consider any temporary service-delivery adjustments, and
- refused to continue services during the safety-based withdrawal, while inaccurately characterizing our actions as a “change of placement.”

This PWN further cemented the impasse and made it clear to us that external intervention through CDE was necessary.