

**PROGRESS
NOTES
COVER SHEET**

CASE NAME MICHELLE DAVIS		LOCAL DISTRICT/AGENCY USE:
COMPLETED BY L. EDWARDS	DATE 6/28/99	# 20330292
AGENCY/DISTRICT A05		

- Use the TAB or Arrow keys to move to the next field.
- Using the TAB key in last row will create new row.

Event Date	Entry Date	Entry	Entered by
5/18/99	6/28/99	<p>REPORT RECEIVED FROM SCR. NO PREVIOUS HISTORY. CONSULT WITH SUPERVISOR. CONTACT SCHOOL SOCIAL WORKER AND SOURCE.</p> <p>CONTACT MARK CAHILL...END OF SCHOOL DAY...LEFT MESSAGE REQUESTING CONTACT.</p> <p>CONTACT SOURCE. MR. LEUBNER STATES THAT HE AND EX-WIFE MICHELLE LEUBNER-DAVIS HAVE JOINT CUSTODY OF THE 3 CHILDREN WITH MICHELLE HAVING PHYSICAL CUSTODY. HE CORRELATES PROBLEMS WITH VISITATION TO ACQUIRING A GIRLFRIEND.</p> <p>2 YEARS AGO, MR. LEUBNER AND MRS. DAVIS APPEARED BEFORE JUDGE CORNING REGARDING VISITATION. MR. LEUBNER SAID JUDGE CORNING WILL NOT MANDATE VISITATION IF THE KIDS, DANNY AGE 13 AND MELISSA AGE 15 ARE NOT WILLING TO GO. MELISSA REFUSES TO VISIT BECAUSE SHE CAUGHT IN A LIE AND MOTHER SAID DAD CANNOT DISCIPLINE DAUGHTER. ALSO, MOTHER TOLD CHILDREN THEY DO NOT HAVE TO LISTEN TO DAD'S GIRLFRIEND. YOUNGER DAUGHTER KIMBERLY, AGE 9, DOES VISIT ON REGULAR BASIS. HE BELIEVES MOTHER SABOTAGES THE RELATIONSHIP BETWEEN CHILDREN AND FATHER.</p> <p>MR. LEUBNER STATES THAT SON DANNY WAS ANOXIC AT BIRTH AND HAS MANY PROBLEMS. DANNY IS IN A 12:1:1 CLASS AT EAST MIDDLE SCHOOL. YESTERDAY THERE WAS A CSE MEETING. HE RELATES UNHAPPINESS WITH THE OUTCOME AND WANTS INDEPENDENT EVALUATION OF CHILD'S MENTAL STATUS. HE HAS MADE AN APPOINTMENT FOR 7/5/99 WITH DR. ALAN YAZOWITZ—NEUROPSYCHOLOGIST. MR. LEUBNER STATES THAT EX-WIFE WILL NOT AGREE TO THE EVALUATION. HE ALSO WANTS DANNY TO ATTEND SUMMER SCHOOL BUT MOTHER WILL NOT AGREE. MR. LEUBNER WANTS TO BE INVOLVED WITH DANNY BUT CHILD DOESN'T WANT MUCH TO DO WITH HIM. MOM DOES NOT ENCOURAGE CHILDREN TO SPEND TIME WITH DAD.</p> <p>MR. L IS CONCERNED THAT MOTHER DOES NOT SUPERVISE DANNY PROPERLY AND ALLOWS CHILD TO SWIM IN THE LAKE UNATTENDED. DANNY HAS ALSO BEEN FOUND IN THE ROAD. LEAVES CHILDREN HOME ALONE. HE WORRIES THAT MELISSA WILL NOT BE ABLE TO CONTROL DANNY (5'7" 180 LBS) SHOULD HE BECOME EXPLOSIVE. MR. L DESCRIBES DANNY AS PHYSICALLY VIOLENT.</p> <p>MR. LEUBNER RELATES THAT MOTHER'S DECISIONS HAVE BEEN CONCERNING. MOTHER ALLOWS MELISSA TO SPEND MANY HOURS ON THE</p>	LE

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COVER SHEET**

P. 20

CASE NAME: MICHELLE DAVIS

LOCAL DISTRICT/AGENCY USE

COMPLETED BY L. EDWARDS **DATE 5/28/99**

AGENCY/DISTRICT A05 **# 20330292**

Event Date	Entry Date	Entry	Entered by
5/19/99	7/13/99	<p>INTERNET. MOTHER ALLOWED MELISSA TO SPEND 1 WEEK IN CANADA WITH PEOPLE SHE MET ON THE NET. HE FEELS THIS WAS VERY UNSAFE.</p> <p>ANOTHER CONCERN IS FOR KIMBERLY. MR. L SAID THE STEP FATHER ROBERT DAVIS WAS SHOWERING KIM LAST YEAR..UNTIL HE PUT A STOP TO THAT HE IS ALSO UNHAPPY THAT MR. DAVIS IS THE DISCIPLINARIAN.</p> <p>MR. LEUBNER WOULD LIKE CPS INVESTIGATION TO PROMPT MOTHER INTO ENSURING DANNY WILL UNDERGO EVALUATION WITH DR. YOZOWITZ. CONTACT MARK CAHILL. MARK IS VERY FAMILIAR WITH DANNY. DANNY IS AUTISTIC AND ATTENDS EAST MIDDLE SCHOOL, 12:1:1 PROGRAM. FATHER WANTS TO BE INVOLVED BUT DANNY DOES NOT WANT RELATIONSHIP WITH HIM. MOTHER DOES HER BEST. DAD TRIES TO STICK IT TO MOM.</p> <p>YESTERDAY WAS CSE MEETING. DAD WANTS DANNY EVALUATED AND WANTS MOM TO BE FORCED INTO TAKING HIM TO THE APPOINTMENT. MOTHER AGREED TO ALLOW DANNY TO GO, BUT SAID HE PROBABLY WOULD NOT GET INTO THE CAR. THE PROBLEM IS, DAD DOES NOT AGREE WITH DIAGNOSIS OF AUTISM. DANNY HAS SEVERE BEHAVIOR PROBLEMS. DAD THINKS IF DIAGNOSIS IS CHANGED THEN CHILD WILL CHANGE. PROBLEM IS, THE BEHAVIORS WILL REMAIN CONSTANT. DANNY IS ON MEDICATION TO CONTROL HIS BEHAVIOR, BUT IT IS NOT SUCCESSFUL. MOTHER RECOGNIZES THAT MEDS NEED TO BE RE-EVALUATED. PSYCHOLOGIST, PAT OXFORD WILL CALL WITH MORE INFO.</p> <p>PC FROM PAT OXFORD. BOCES SCHOOL PSYCHOLOGIST. THE DIAGNOSIS IS PROBABLY CORRECT: AUSTISTIC WITH DIFFUSE BRAIN DAMAGE. MR. LEUBNER IS ANGRY THAT SCHOOL WOULD NOT PUSH FOR RE-EVALUATION. DAD THINKS DANNY'S PROBLEMS ARE DUE TO AUDITORY AND EXPRESSIVE LANGUAGE PROBLEMS....BUT DAN'S PROBLEMS ARE SEVERE. HE IS VIOLENT AND AGGRESSIVE. DAN'S PROGRAM IS HEAVILY STAFFED WITH A THERAPEUTIC TEAM TO DEAL WITH HIM. TO MANAGE BEHAVIOR, PARENTS NEED TO STAY ON TOP OF MEDICATION AND BEHAVIOR STRATEGIES. [THE PROBLEM IS, MOM AND DAD CANNOT AGREE. MOM DID NOT SAY FATHER COULD NOT TAKE DAN FOR EVALUATION. SHE SAID, SHE WOULD NOT GO ALONG TO THE APPOINTMENT. MOM WANTS A DIFFERENT DOCTOR. PAT IS COMPILING REFERRAL LIST FOR MOM.. WITH DOCTORS WHO ARE VERY SUCCESSFUL WITH PHARMACOLOGICAL BEHAVIOR MANAGEMENT. DAD IS VERY RESENTFUL THAT DAN WILL NOT VISIT WITH HIM. MOM IS VERY LOVING TO DAN. IF LET TO DO WHAT HE WANTS, DAN IS NOT THREATENING. HE IS AGGRESSIVE WHEN CHALLENGED. PAT BELIEVES THAT MOM HAS TAUGHT MELISSA TO HANDLE DAN AND THAT SHE COULD WATCH HIM SAFELY. BOCES HAS RESERVED A SUMMER SCHOOL SLOT FOR DAN, BUT MOM PREFERS TO KEEP HIM HOME. SUMMER PROGRAM IS VOLUNTARY. DAD CONFRONTED MOM IN HALLWAY AFTER THE MEETING AND THREATENED HER WITH CPS. MOM IS DOING A GOOD JOB.</p>	LE

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P. 09

CASE NAME: MICHELLE DAVIS

LOCAL DISTRICT/AGENCY USE:
20330292

COMPLETED BY L. EDWARDS | DATE 5/28/99
AGENCY/DISTRICT A05

Event Date	Entry Date	Entry	Entered by
5/19/99	7/13/99	<p>PC FROM CLARE COLELLA, BOCES SPECIAL EDUC. SHE DESCRIBES DAN AS A WONDERFUL KID. HE IS VERBAL, BUT NOT ALWAYS. PROGRAM ADDRESSES BASIC ACADEMICS, COMMUNICATION AND AGGRESSION CONTROL. SCHOOL IS BEING PULLED INTO A CONFLICT BETWEEN THE PARENTS. NEITHER PARENT IS HAPPY WITH DR. MONREAL AND IS REQUESTING RE-EVALUATION, SPECIFICALLY TO ADDRESS MEDICATION. PARENTS CANNOT AGREE ON A NEW DOCTOR. MOTHER HAS REQUESTED HELP WITH FINDING DR TO HELP WITH MEDICATION. PSYCHOTHERAPY IS VERY DIFFICULT DO WITH AUTISM. CLARE HAS GIVEN MOM NAMES: KATE CHURCH, NURSE PRACTITIONER WITH DOCTORATE IS PSYCHOLOGY... GOOD WITH PHARM. STRATEGIES. ALSO DR. HABERNACH HAS GOOD REPUTATION. CLARE IS NOT AWARE OF DR. YAZOWICZ'S REP.</p> <p>MICHELLE DAVIS IS RESPONSIVE AND HELPFUL...AS IS DAD. HOWEVER, DAD THINKS THAT IF DIAGNOSIS IS WRONG THEN TREATMENT HAS BEEN WRONG. THE TREATMENT ADDRESSES PRESENTING BEHAVIORS. NO MATTER WHAT THE DIAGNOSIS IS.</p> <p>PC TO MICHELLE DAVIS. SHE IS NOT SURPRISED. EX-HUSBAND THREATENED TO CALL CPS AFTER THE CSE MEETING. DISCUSS ALLEGATIONS. MICHELLE DESCRIBES FATHER'S VISITS AS: IN 2 YEARS FATHER HAD 3, 2 HOUR VISITS WITH HIS SON. DAD HAS NOT SEEN THE OLDEST CHILD IN 2 1/2 YEARS. DAD SEES YOUNGEST FROM 3-7PM ON TUESDAYS. MICHELLE SAID THAT THE FATHER HAS HAD NO CONTACT WITH THE KIDS AND NOW HE'S GOING TO TRY TO TELL ME WHAT'S BEST? MICHELLE WOULD LIKE CW TO COME TO HOUSE THIS AFTERNOON. AGREED. DIRECTIONS: 2 HOUSES BEFORE MOBBS ROAD ON LAKE SIDE. SIGN: DAVIS AND GENARO. HOUSE LOOKS LIKE A GRAY BARN.</p> <p>HOME VISIT. PRESENT: MICHELLE DAVIS, DANNY, MELISSA AND KIMBERLY LEUBNER. THIS IS A NICE TWO STORY HOME THAT IS UNDERGOING RENOVATION. IT IS CLEAN, BRIGHT, SPACIOUS AND APPROPRIATELY FURNISHED. PERSONAL HYGIENE IS NOT AN ISSUE.</p> <p>DANNY DID NOT INTERACT WITH WORKER OTHER TO SAY HELLO AND GOODBYE. HE WAS DRESSED IN GRAY SWEAT PANTS AND TANK TOP. DANNY SPENT MUCH TIME PLAYING NINETENDO.</p> <p>MICHELLE EXPLAINED THAT LEROY LEUBNER (THE CHILDREN'S FATHER) COULD NEVER ACCEPT THE FACT THAT DANNY WAS AUSTISTIC. AFTER DANNY WAS BORN, LEROY SPENT AS MUCH TIME AWAY FROM THE HOUSE AS HE COULD. THEN LEROY FOUND A GIRLFRIEND. MICHELLE STATES THAT THEY COULD HAVE WORKED THAT OUT. MICHELLE THREW LEROY OUT BECAUSE HE COULD NOT ACCEPT HAVING A SON LIKE DANNY.</p> <p>MICHELLE REMARRIED 7 YEARS AGO. SHE DESCRIBES ROBERT DAVIS AS SUPPORTIVE, GENEROUS AND HE ACCEPTS DANNY TOTALLY. MICHELLE SAID LEROY HAS NEVER TAKEN ALL THREE CHILDREN TOGETHER FOR</p>	

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		<p>VISITATION AND HAS NEVER HAD THEM OVERNIGHT. THAT'S THE WAY HE WANTS IT. MICHELLE SAID SHE HAS NEVER HAD A BREAK FROM THE KIDS, NOR HAS LEROY EVER TAKEN THE KIDS ON A VACATION. LEROY DOES TELL THE KIDS ABOUT HIS VACATIONS... WITH HIS GIRLFRIEND AND HER DAUGHTER. THIS ANGERS MELISSA GREATLY. MICHELLE SAID LEROY BARELY KNOWS HIS KIDS... HE CHOOSE TO HAVE LIMITED INVOLVEMENT AND SHE WILL NOT ALLOW HIM TO INTERVERE IN DAILY DECISIONS.... "I KNOW WHAT'S BEST FOR DANNY AND THE GIRLS... HE HASN'T BEEN HERE... DOESN'T KNOW HOW TO HANDLE DANNY." VISITATION AGREEMENT: LIBERAL... BUT ONLY TOOK ONE CHILD AT TIME, ON ONE WEEKDAY EVENING FOR 4 HOURS(OR LESS). THERE IS COURT ORDERED VISITS WITH KIM... ONE NIGHT A WEEK 3PM TO 7 PM. MICHELLE SAID SHE DOES NOT INTERFERE WITH VISITATION.</p> <p>LEROY HAS NEVER BROUGHT A CHRISTMAS OR BIRTHDAY PRESENT FOR HIS KIDS. HE HAD NO CONTACT WITH THEM FOR A WHOLE YEAR, UNTIL FEB. 15, 1999.</p> <p>MICHELLE HAS NOT DECIDED IF DANNY WILL ATTEND SUMMER SCHOOL. SHE PLANS TO USE THE SUMMER TO ADJUST HIS MEDICATION. MICHELLE REFUSES PSYCHOTHERAPY FOR DANNY. SHE PREFERS TO TAKE DANNY TO A DOCTOR WHO SPECIALIZES IN BEHAVIOR MODIFICATION MEDICATION. MICHELLE WILL BE HOME THROUGH OUT THE SUMMER DUE TO LAY OFF FROM TRW.</p> <p>MICHELLE SAID LEROY THREATENED TO TAKE HER TO COURT IF SHE DID NOT COOPERATE WITH HIS IDEA OF HAVING DANNY RE-EVALUATED BY DR. YAZOWICZ.</p> <p>MICHELLE EXPLAINS THAT KIM HAS A LEARNING DISABILITY. A TYPE OF LANGUAGE PROCESSING COMMUNICATION DISORDER.</p> <p>INTERVIEW MELISSA. AGE 15. MELISSA IS CHUNKY. SHE WEARS THICK GLASSES AND HER HAIR IS LONG AND MESSY. MELISSA EXPRESSES MUCH ANGER WITH HER FATHER. SHE BELIEVES HER RELATIONSHIP WITH DAD WAS DESTROYED WHEN CHERYL CAME INTO THE PICTURE. CHERYL HAS DAUGHTER, ALEXIS. SHE DESCRIBES ALEXIS AS PREPPY. CHERYL ALWAYS COMMENTS ON MELISSA'S APPEARANCE.... "YOU SHOULD FIX YOURSELF UP, ETC." MELISSA SAID SHE HASN'T SEEN DAD IN OVER 2 YEARS. SHE THINKS HE'S A "BIG HIPPROCRT." SHE "CANNOT STAND DAD'S PERFECTIONIST GIRLFRIEND." BEFORE THE GIRLFRIEND, THINGS WERE OK. MELISSA DOESN'T GET ALONG WITH CHERYL AND DAD ALWAYS TAKES THE GIRLFRIEND'S SIDE. MELISSA IS ANGRY THAT CHERYL WILL NOT ALLOW DAD TO SPEND ANY TIME ALONE WITH HER. SHE IS ANGRY AT DAD FOR NOT CHOOSING HIS CHILDREN ABOVE CHERYL. MELISSA SAID SOMETIMES MOM DOES GO TO THE STORE OR OUT FOR A COUPLE OF HOURS. DANNY IS USUALLY IN BED OR WATCHING TV. MELISSA RELATES THAT SHE KNOWS HOW TO HANDLE DANNY IF HE GETS OUT OF CONTROL. SHE ALSO KNOWS HOW TO AVOID PROBLEMS... "JUST LEAVE HIM</p>	

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		<p>ALONE. DON'T CHALLENGE HIM." MELISSA SAID SHE FEELS SAFE WITH DANNY. DANNY HAS NEVER TRIED TO HURT HER OR KIM. DANNY HAS NEVER BEEN IN THE ROAD OR UNSUPERVISED. HE DOES SWIM IN THE LAKE BUT CAN BE SEEN FROM THE HOUSE.</p> <p>MELISSA IS VERY ANGRY THAT DAD HAS NEVER GIVEN MOM A BREAK FROM THE KIDS. SHE THINKS MOM HAS BEEN AWAY ONCE IN 10 YEARS. HE HAS NEVER OFFERED TO TAKE THEM OVERNIGHT OR TOGETHER AND HAS NEVER OFFERED TO TAKE THEM ON A VACATION. MELISSA DESCRIBES ROBERT AS HER FATHER FIGURE. SHE FEELS SAFE WITH HIM AND RESPECTS HIM. ROBERT IS GOOD WITH DANNY. MELISSA SAID SOMEONE IS ALWAYS HOME WITH DANNY. MOM USED TO WORK NIGHTS. ROBERT WORKS DAYS. ROBERT IS THE ONLY PERSON DANNY WILL LISTEN TO 'NO' TO. SHE IS ANGRY THAT DAD THREATENED TO CALL SOCIAL SERVICES BECAUSE IT UPSET MOM. MOM WAS UPSET WHEN SHE GOT HOME FROM CSE MEETING YESTERDAY.</p> <p>AS FOR TRIP TO CANADA. MOM WENT WITH HER. THEY STAYED A FEW DAYS WITH THE FAMILY AND THEN LET MELISSA STAY FOR A FEW DAYS. THIS SUMMER. THE CANANDIAN FAMILY WILL COME TO VISIT AT HER HOME.</p> <p>INTERVIEW KIMBERLY. KIMBERLY WAS NOT VERY TALKATIVE. KIMBERLY SAID DANNY HAS NEVER HURT HER. SHE IS NOT AFRAID OF HIM AND MOM' IS ALWAYS HOME. KIMBERLY LIKES ROBERT AND FEELS COMFORTABLE IN HER HOME. SHE DOES NOT LIKE DAD'S GIRLFRIEND.</p> <p>MICHELLE SIGNED RELEASE OF INFORMATION.</p> <p>MICHELLE IS CONSCIENTIOUS WITH HER PARENTAL RESPONSIBILITES. CHILDREN ARE WELL CARED FOR AND ADEQUATELY SUPERVISED.</p> <p>MICHELLE UNDERSTANDS DANIEL'S NEEDS. CHILDREN ARE SAFE. REPORT IS UNFOUNDED. APPEARS THAT FATHER IS ATTEMPTING TO CONTROL FAMILY FROM AFAR. FATHER HAS VERY LITTLE DIRECT CONTACT WITH CHILDREN. HIS VISITATION PATTERN HAS BEEN SPORADIC AND MINIMAL.</p> <p>MELISSA AND DANIEL DO NOT HAVE AN OBLIGATION TO VISIT WITH HIM, PER FAMILY COURT. WHEN VISITS DID OCCUR, THEY WERE FOR A FEW HOURS WEEKLY, ONE CHILD AT A TIME. CASE CLOSED.</p>	

III. Statute, Regulations and Policy violation(s): (Day Care/Foster Care Only)

IV. Findings: REPORT UNFOUNDED. DANIEL HAS BEEN EVALUATED BY NEUROLOGIST AND DIAGNOSED AUTISTIC WITH DIFFUSE BRAIN DAMAGE. DANIEL IS IN 12:1:1 CLASS WHICH IS HEAVILY STAFFED WITH A THERAPEUTIC TEAM. FATHER WANTS CHILD TO BE RE-EVALUATED AS HE DOES NOT AGREE WITH PRESENT DIAGNOSIS. FATHER THINKS CHILD HAS AUDITORY AND EXPRESSIVE LANGUAGE PROBLEMS. MOTHER DID NOT PROHIBIT OR FORBID FATHER FROM TAKING CHILD FOR ANOTHER EVALUATION. FATHER WANTS MOTHER TO BE FORCED TO TAKE CHILD TO ANOTHER EVALUATION. SCHOOL PERSONNEL DOES NOT AGREE AND WILL NOT PUSH FOR ANOTHER NEUROLOGICAL EVALUATION. DANIEL'S BEHAVIOR PROBLEMS ARE SEVERE WITH VIOLENT AND AGGRESSIVE TENDENCIES. CHILD IS ON MEDICATION TO CONTROL BEHAVIOR. MOTHER AND SCHOOL PSYCHOLOGIST ARE PURSUING A DIFFERENT DOCTOR TO HAVE MEDICATION. ADJUSTMENTS TO DOSAGE AND BEHAVIOR STRATEGIES RE-ASSESSED. MELISSA IS COMFORTABLE WITH BABYSITTING FOR A FEW HOURS. MOTHER HAS A PAGER AND CHILDREN KNOW WHERE MOM IS GOING, LENGTH OF TIME AND HOW TO CONTACT. DANIEL IS USUALLY IN BED WHEN MELISSA IS BABYSITTING. FAMILY KNOWS THAT DANIEL IS NOT AGGRESSIVE OR THREATENING UNLESS CHALLENGED. FATHER LEFT THE HOME 10 YEARS AGO AND HAS CHOSEN NOT TO HAVE SUBSTANTIAL CONTACT WITH THE CHILDREN. MOTHER IS VERY APPROPRIATE AND INVOLVED IN THE CHILDREN'S LIVES. SHE IS COOPERATIVE WITH SCHOOL AND PROFESSIONALS INVOLVED IN DANIEL'S TREATMENT PROGRAM. MOTHER PROVIDES ADEQUATE SUPERVISION AND SUPPORT TO ALL THE CHILDREN. CHILDREN ARE SAFE.

6-7-99

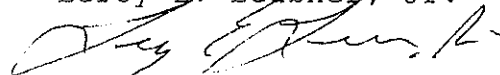
Jim Gregory
Administrator of Student Services
Cayuga/Onondaga BOCES

Sir;

My son, Daniel Leubner, is currently enrolled in the 8th grade "12-1-1" program at East Middle School. His current diagnosis is "autism"; however, there has not been any investigation into the underlying reasons and his specific deficits. After discussion with all involved staff, it is agreed that this is necessary and urgent. Dan has become increasingly agitated and resistant to the present form of instruction. As he has been violent in the past, assaulting a teacher with a chair in one instance, he poses a potential threat to the well-being of all involved. If steps are not taken to determine the causes of Dan's negative behavior, school will cease to be a positive part of his life. Therefore; I am formally requesting an independent evaluation of my son, Daniel Michael Leubner, in order to determine an appropriate strategy for his future education and to acquire a more appropriate and specific diagnosis.

Awaiting your reply;

Leroy E. Leubner, Jr.



31 Mary Street

Auburn, N.Y. 13021-4854



Auburn Enlarged City School District

ADMINISTRATOR OF
STUDENT SERVICES

ADMINISTRATIVE OFFICES
78 Thornton Avenue
Auburn, New York 13021

June 10, 1999

Telephone: (315) 255-5924

Mr. Leroy E. Leubner, Jr.
31 Mary Street
Auburn, NY 13021-4854

Dear Mr. Leubner:

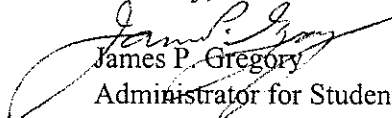
I am in receipt of your letter dated June 6, 1999, requesting an independent evaluation for your son Daniel Leubner. I am unclear about your request. You stated that you have had "discussion with all involved staff, it is agreed that this is necessary and urgent." What staff did you have a discussion with, what evaluations were examined, and what was the substance of the discussion?

You requested an "independent evaluation ... in order to determine an appropriate strategy for his future education and to acquire a more appropriate and specific diagnosis." According to the Regulations of the Commissioner of Education Subchapter P, Pursuant to Sections 207, 4403, and 4410 of the Education Law Part 200 Students with Disabilities, an *'Independent evaluation means an individual evaluation of a student thought to have a disability, conducted by a person who is not employed by the public agency responsible for the education of the student. Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including location of the evaluation and the qualifications of the examiner, shall be the same as the criteria which the school district uses when it initiates an evaluation..'* According to procedural due process Part 200.5 (a)(vi)(a) 'if the parent disagrees with the evaluation obtained by the school district, the parent has a right to obtain an independent evaluation at public expense. The Criteria under which the school district uses when it initiates an evaluation. However, the school district may initiate an impartial hearing to show that its evaluation is appropriate and, if the hearing officer determines that the evaluation is appropriate, the parent has a right to an independent evaluation, but not at public expense;...'

Your letter does not indicate any specific evaluation(s) with which you disagree. Therefore, the district is asking you to specify the evaluation(s) with which you disagree along with an explanation as to why you believe the evaluation(s) to be inappropriate. Furthermore, please inform the district whether or not you are requesting an independent evaluation at public expense. At that time we will be able to determine if an independent evaluation is warranted or if it is necessary for the district to initiate an impartial hearing.

Thank you for expressing your concern about Daniel's education. If you have any questions, please feel free to contact me at the District Office 255-8811.

Sincerely,


James P. Gregory
Administrator for Student Services

Enclosure

NEW YORK STATE INCIDENT REPORT

Date Printed: 7/28/99 Page Number: 1

1. Agency: CAYUGA COUNTY SHERIFF'S DEPT. 2. Div/Pct.: APPLAR 3. ORI: NY0050000 4. Case No.: 255 3915 5. Incident No.: 995613
 7. Reported On: FRI 7/23/99 7:24 PM 10. Occurred On/From: FRI 7/23/99 7:24 PM 13. To:
 16. Incident Type: DOMESTIC DISPUTE
 17. Business Name: GATTO, SUE
 19. Incident Street Address: 6012 RT 38 Bldg. #: Apt:
 Street Line 2 :
 20. City, State and Zip : AUBURN, NY 00000
 21. Location Code: 0654 FLEMING
 D. Location Type: 01 SINGLE FAMILY HOME

18. Weapons Used:

ASSOCIATED PERSONS

TYPE	NAME (last, first, m. or business)	ADDRESS	WORK PHONE	HOME PHONE
P. REPORTING	GATTO, SUE	99 LANSING ST AUBURN, NY		(315)255-3915

NARRATIVE

Posted Officer ID

7/23/99 4078

COMPL REPORTS HER FRIEND MICHELLE DAVIS (252-5987) IS BEING ASSAULTED AT THIS TIME BY HER 13YO AUTISTIC SON DANIEL LEUBNER AT HER RES 6012 RT 38 T/FLEMING. WHILE PATROLS BEING DISPATCHED, DISP CALLED DAVIS AND SHE STATED HER SON WAS OUT OF CONTROL AT THIS TIME, BUT SHE DID NOT WANT POLICE TO RESPOND. DISP COULD HEAR SOUNDS THAT VERIFIED SON WAS ASSAULTING HER WHILE SHE WAS ON THE PHONE AND EXPLAINED THAT POLICE HAVE TO RESPOND. UPON ARRIVAL OF PATROLS DAVIS AND HER YOUNG DAUGHTER EXITED THE HOUSE - AUTISTIC SON STILL INSIDE. SON IS UNDER CARE OF DR SEETHARON, CNY CHILD NEROLOGY (446-2985) AND WAS SEEN BY HIM APPROX 10 DAYS AGO AT WHICH TIME HIS MEDICATION WAS CHANGED. SINCE CHANGE OF MEDICATION, SON HAS BEEN HARDER TO CONTROL. DISP WAS ONLY ABLE TO SPEAK TO DR SEETHARON'S PARTNER DR HAVERNAK WHO IS NOT FAMILIAR WITH THIS CHILD. WHEN DISP EXPLAINED SITUATION, DR HAVERNAK STATED THAT HE SHOULD PROBABY GO BACK ON HIS OLD MEDICATION. WHEN DISP ASKED IF SHE WOULD FURNISH MOTHER WITH A PRESCRIPTION FOR PREVIOUS MEDICATION, DR HAVERNAK STATED SHE WOULD NOT SINCE SHE HAS NEVER EXAMINED THIS CHILD. SHE SUGGESTED TAKING CHILD TO ER IF MOTHER CONCURS. DISP THEN CALLED ER AND THEY STATED THEY WOULD BE WILLING TO EXAMINE THE CHILD AND IF MOTHER COULD NOT CONTROL HIM THEY WOULD ATTEMPT TO MAKE AT LEAST A TEMPORARY PLACEMENT FOR HIM. DISP RELAYED ABOVE INFORMATION TO PATROL AND PATROL EXPLAINED OPTIONS TO MOTHER MICHELLE DAVIS. DAVIS VERY PROTECTIVE OF CHILD AND IS UNWILLING TO TAKE CHILD TO ER. SHE STATED TO PATROL THAT SHE WOULD MAKE ARRANGEMENTS FOR CHILD ON 7-26-99. PATROL CONCERNED FOR SAFETY OF MOTHER AND HER DAUGHTER. IT WAS SUGGESTED THAT SHE MAY WANT TO CONTACT A MALE ADULT FRIEND TO HELP CONTROL CHILD AT LEAST UNTIL A PATROL ARRIVES IF SHE HAS MORE PROBLEMS OVER WEEKEND. DAVIS CONCURRED AND STATED SHE WOULD CONTACT A FRIEND.

ADMINISTRATIVE

M. Computer Related Crime?: NO N. Bias Crime: Solvability Factor: 13 Report Locked?: OFF
 74. Inquiries Made :
 75. NYSPIN Message No.:
 76. Complainant Signed? N Signature: _____
 77. Reporting Officer : PATROL DEPUTY APPLEBEE 78. ID No.: 4001 Signature: _____
 79. Supervising Officer: LT LAMPHERE 80. ID No.: 4094 Signature: _____
 81. Incident Status : CLOSED BY INVESTIGATION 82. Status Date: 7/23/99 83. Notified/Turned Over To:

END OF REPORT

