

On December 13, 2005, Ms. XXXXXXXXXXXXXXXX ("Parent") filed a complaint on behalf of her son ("Student") against the Christina School District ("District A"). The complaint alleges that the District has violated state and federal laws relating to children with disabilities. Specifically, Parent states that Student did not receive agreed-to homebound services nor would district provide bus transportation from February 2004, through June 2004.

Investigation of the complaint has been conducted, as required by the *Individuals with Disabilities Education Act* (IDEA) Regulations at 34 C.F.R. § 300.660 to 300.662 and according to the Department of Education's regulations and procedures, including Sections 15.12 to 15.14 of the *Administrative Manual for Special Education Services* ("AMSES"). There is no known phone number for Parent. Two letters have been sent to Parent, the last one certified mail, requesting that she call by January 31, 2005, so that she could be interviewed regarding her complaint. This letter was returned. The DOE called District of residence (District "B") and found no current phone number. A message was left with Parent's step-mother, a number provided by District "B". Parent has not responded. Sally Farr, Director for Special Education, District "A," provided written testimony and documentation.

### **Findings of Fact**

1. Student is eligible for special education and is currently receiving services through District "B," although this complaint is filed against District "A" where Student resided until early December of 2004.
2. Student was approved to receive homebound instruction for three to five hours a week in District "A" in the fall of 2004.
3. The District-contracted private provider of homebound services was not successful in contacting Parent to arrange homebound services.
4. A letter from the contracted private provider to Parent dated November 18, 2004, documented dates that messages were left at Parent's residence and other dates when calls were made with no answer throughout the month of November.
5. In a letter from the private provider was a request for Parent to call or write so that appropriate arrangements could be made for services.
6. The letter also stated that a tutor may not be present in the home without a person over the age of 21 being present and suggested other community sites where tutoring could also occur.
7. The District states that the private contractor continued to have problems scheduling services with Parent and that Student was a "no show."
8. A document submitted from District transportation office dated February 6, 2004 and signed by Parent, indicates that Parent did not want transportation in the morning, and states that Mother will transport.
9. Parent, in her letter of complaint, states Student did not receive transportation from February 2004 through June of 2004.
10. Parent states in her letter of complaint "School starts at 8:30 a.m. and I was told by his school that 7:45 a.m. was too late to pick my son up."

## **Conclusion**

Testimony and documents provided from District indicate attempts made to contact Parent and deliver homebound services. Parent was unresponsive with private tutoring service and with District in making arrangements for tutoring or ensuring Student was available for tutoring.

It is unclear what the transportation issue is from Parent's letter of complaint. It appears that she wanted a later pick-up time from transportation in the morning. The document signed by Parent in which she refuses morning transportation appears to be in conflict with her statements in the letter of complaint.

Given the documents and testimony provided by District and no response from Parent to further clarify issues, I find that District is complying with federal and state regulation.

If, upon receiving this letter of findings, Parent wishes to provide additional information to what she believes may be a violation of special education law, she should call Martha Toomey at 302-739-4667.