

**DELAWARE DEPARTMENT OF EDUCATION
EXCEPTIONAL CHILDREN RESOURCES**

**FINAL REPORT
ADMINISTRATIVE COMPLAINT RESOLUTION**

DE AC 15-04 (April 24, 2015)

On February 25, 2015, Parent filed a complaint with the Delaware Department of Education (“DOE”). The complaint alleges that Brandywine School District (“District”) violated state and federal regulations concerning the provision of a free, appropriate public education (“FAPE”) to Student. The complaint has been investigated according to and as required by federal regulations (34 C.F.R. §§ 300.151 to 300.153) and the DOE’s regulations 14 Del. Admin.Code §§ 923.51.0 to 53.0. The investigation included a review of Student’s educational records, staff correspondence and documentation provided by Parent, as well as interviews conducted with Parent, District and School staff.

FINDINGS OF FACT

1. Student is 11 years old and receives special education services at a Middle School (“School”) in the District. Student is eligible for these services under the Individuals with Disabilities Education Act (“IDEA”) and 14 Del. Code § 3101 *et seq.* as a student who is Deaf/Blind as defined in 14 Del. Admin. Code § 925.6.8.
2. The District calendar indicates that the first day of the 2014-2015 school year for students was August 25, 2014.

Measuring and Reporting Progress

3. The IEP dated March 11, 2014 states that District will provide monthly updates to parents and related service providers.
4. District acknowledged that monthly updates were not provided to Parent for September and October 2014.
5. Parent states that he/she received updates for November 2014 and has been receiving them on a monthly basis since that time.

Closed Captioned Videos

6. The IEP dated March 11, 2014 states that all videos shown without closed captions are to be sent home to preview not less than three days prior to use in the classroom.
7. The investigator reviewed a compilation of classroom teachers’ email responses from March 4, 2015. The review was conducted to ascertain whether videos were sent home

for Student to preview. The majority of teachers report that videos were either not used during classroom instruction or were used with closed captions. There were seven occasions when videos without closed captions were used during instruction and thus should have been sent home. On two of these occasions, videos were not sent home. Staff reported that on one occasion, Student was absent and did not need to make up the assignment. On the second occasion, Student was provided with a complete set of notes. Staff reports that neither of these occasions affected Student's grade on the assignment.

Teacher In-service Training

8. The IEP dated March 11, 2014 states that District will "coordinate and schedule in-services for all staff with whom Student interacts at the beginning of the new school year and at the end of each school year, to review Student's needs and accommodations... The first in-service for the 2014-2015 school year is to take place by the end of October 2014 and is to include staff currently working with Student... Parents are invited to attend."
9. On August 19, 2014, District sent emails to Student's teachers scheduling a meeting to share basic information about Student and the use of Student's technology. Parent was not included in the email correspondence. District acknowledges it did not invite Parent to the meeting because it was a teacher training meeting.
10. On August 21, 2014, the in-service meeting was held. The teachers received a prepared document of Student's areas of need and corresponding accommodations. A Flash IEP (summary sheet), dated August 25, 2014, was prepared using this information and distributed to all teachers. Parent did not receive a copy of the Flash IEP.

Transfer of Educational Information Between Educators

11. Parent stated that the previous special education teacher and the current special education teacher did not transition information about Student's needs and accommodations from the 2013-2014 school year to the 2014-2015 school year.
12. District reported a representative from the School attended the May 2014 IEP meeting. There is no paperwork documenting the occurrence or discussion at this meeting. The School representative shared this information about Student's needs and accommodations with the teachers at the beginning of the 2014-2015 school year via the August 21, 2014 in-service meeting and the Flash IEP. There were no minutes from the August 21, 2014 in-service meeting.

Honors Math Class

14. Parent reported that Student was moved into honors math class at the end of September 2014 without Parent's permission.
15. On October 2, 2014, Counselor issued an apology to Parent via email for changing Student's math class without notifying Parent. School Administrator reported that School

routinely notifies parents of student schedule changes. There are no such School procedures or policies documented in either the *Student Handbook Policies and Procedures for Success* or the *Student Code of Conduct*.

16. In an email dated October 1, 2014, Parent requested a plan to catch up Student on work missed from moving into honors math class.
17. The Math Teacher offers after school tutoring to all math students that he/she instructs. Numerous Math Teacher and Parent emails document both parties' efforts to coordinate dates for after school math tutoring. Fifteen sessions were held between October 2, 2014 and March 30, 2015.
18. The Prior Written Notice dated February 19, 2015 indicates that Student attended weekly math tutoring sessions. It should be noted that math tutoring support is not written in Student's IEP.

Student Locker

19. At the beginning of the 2014-2015 school year, Student had a locker on the second floor of the building with a slider lock made for students with visual impairments. The lock was provided by Parent.
20. The Orientation and Mobility Observation Report, dated May 12, 2014, contained a recommendation that Student's locker should be at the end of a row with whatever type of lock is easiest for Student to manipulate. The report makes no recommendations for a specific floor.
21. On August 26, 2014, the Educational Diagnostician sent an email to Parent confirming that Student had a locker at the end of the row. The email also explained that because Student's homeroom was changed to the first floor, his/her locker would be located on the first floor. The Educational Diagnostician's email contends that with block scheduling, Student's classes were in one wing and less travel would be required if his/her homeroom was located on the first floor.
22. On August 25, 2014, Parent sent an email to School inquiring why the lock was cut off of Student's first floor locker. On September 5, 2014, School sent Parent an email indicating the hole on the locker was too small.
23. From September 2014 to present, the Special Education Supervisor and School staff have been working to find a lock that will fit on the first floor locker that Student can open. They have purchased three locks in local stores and one online, but have yet to find a lock that fits the first floor locker.
24. On October 7, 2014, Special Education Teacher sent Parent an email listing three options to resolve the lock issue. School reports no response was received as of March 19, 2015.

Accommodations and Supports

25. The IEP dated March 11, 2014 states that coordination of services for Student's hearing and vision needs will occur 5 times per week for 30 minutes per day.
26. Parent contends that School does not check to verify that Student's accommodations are in place and working. School refutes this and states that verbal and written contacts are made daily with teachers to check for implementation of accommodations, supports and the need for assistance.
27. The February 19, 2015 Prior Written Notice minutes state that Student completes 100% of classwork assignments based on teacher surveys.
28. The IEP dated March 11, 2014 details the accommodation that District will monitor and coordinate large print in 16 point font. Parent contends that School is not consistently providing IEP supports such as large print. District refutes this charge. Parent cited a specific incident involving a stamp sheet in Spanish class that was enlarged for Student to use. Meeting minutes from the January 15, 2015 teacher in-service training indicated that teachers are to give Student supports and accommodations rather than ask Student if he/she wants to use them. Teachers reported that the stamp sheet in Spanish class was provided to Student but he/she refused to use it. This information was shared with the IEP team members at the February 19, 2015 IEP meeting and reported to the investigator by the District. It is not documented in the Prior Written Notice dated February 19, 2015.

Assistive Technology

29. The IEP dated March 11, 2014 documents Student's need for assistive technology and vision accommodations.
30. The Assistive Technology Specialist purchased English literature books through iBooks on August 21 and 23, 2014. The Assistive Technology Specialist loaded literature books, Pages, Keynote and Numbers onto iPad on October 2, 2014.
31. The Assistive Technology Specialist reported that several of Student's books had already been loaded onto the iPad prior to Student beginning the 2014-2015 school year. Staff confirmed Student's iBooks were loaded onto the iPad and in October, the Special Education Teacher showed Student where the books were located.
32. During the teacher in-service training held on January 15, 2015, Parent reported that he/she requested that the Assistive Technology Specialist provide training to Student on the use of the iPad. The Assistive Technology Specialist agreed to provide training.
33. District initiated emails to Parent, beginning on January 16, 2015, to schedule a meeting to give Student instruction on iPad functions and features. Both parties were unable to identify a mutually agreeable time to meet. Student instruction on the iPad was not included in the February 19, 2015 draft IEP.

34. District staff met with Student on March 16, 2015, to review iPad features and tools. District reported to investigator that Student was aware of iBook locations and iPad features.

Notice of Meeting

35. Parent made request to District via email dated March 24, 2015, to invite the Educational Audiologist, the Delaware School for the Deaf Educational Audiologist and the Assistive Technology Specialist to the IEP meeting scheduled for March 25, 2015. These staff members were not on the Notice of Meeting and did not attend the IEP meeting. District reported absence of IEP members was addressed at the beginning of the meeting. IEP Excusal Forms were not completed for these staff members.

Related Services -Counseling

36. An IEP meeting was held on March 11, 2014 to conduct an annual review of Student's IEP. The IEP dated March 11, 2014 indicated that individual counseling services are to be provided for 30 minutes one time per week beginning August 25, 2014.
37. The Counselor acknowledges, and paperwork supports, that his/her first contact with Student for school counseling was on September 15, 2014. This was communicated to Parent at the September 15, 2014 Open House. School states the delay was due to scheduling issues that arose from School's initial conversion to block scheduling.
38. The Counselor's attendance log for school counseling indicates that counseling services were not provided for 4 weekly sessions. The log reflects that he/she provided counseling services twice weekly for 3 weeks. Such from the beginning of the school year until the complaint was filed, one session was not provided.
39. Counselor's attendance log for school counseling does not indicate the length of the counseling sessions. Counselor acknowledges that some school counseling sessions were longer than 30 minutes and some were shorter than 30 minutes.
40. Parent reports that when he/she originally requested that the School Counselor communicate with Parent and Student's private agency counselor ("Private Counselor) regarding sessions, the School Counselor told Parent he/she would contact Parent if there was a direct concern of harm only. A release form was signed and dated March 11, 2015 by Parent allowing Counselor to communicate with Student's private agency counselor ("Private Counselor").
41. District emails support Counselor's initial contact with Private Counselor on December 9, 2014 to coordinate dates, times and place for private counseling to occur on School grounds.

42. Counselor's emails confirm Private Counselor started meeting with Student on School grounds on December 16, 2014. Counselor stays after hours until Student is picked up by Parent.

Related Services - Deaf and Hard of Hearing

43. Special Education Supervisor acknowledges School did not have staff to provide Deaf and Hard of Hearing services at the start of the 2014-2015 school year due to shortage of qualified personnel available to fill recently vacated position.
44. District did not immediately inform Parent about staff shortage. Rather, Student informed Parent that no services were being provided.
45. In the complaint, Parent stated that the first and second marking period IEP Progress Reports for the IEP dated March 11, 2014 were not sent home for the Hard of Hearing Partially Deaf (HHPD) Services: Self-Advocacy goal.
46. In the complaint, Parent stated goal pages for the HHPD Services: Self-Advocacy goal were not addressed. During School interview, Counselor acknowledged addressing self-advocacy in counseling sessions related to IEP goals.
47. On September 19, 2014, District posted Educational Audiologist position. On November 24, 2014, District hired Educational Audiologist to begin employment on December 8, 2014. District Educational Audiologist observed Student on January 21, 2015.
48. During the Parent interview, Parent stated that a request was made for District Educational Audiologist to attend the February 19, 2015 IEP meeting. District Educational Audiologist is not listed on the Notice of Meeting. District said that District Educational Audiologist was not available to attend the meeting.
49. District and Parent agree that at the IEP meeting held on February 19, 2015, Parent requested individual audiology services not be provided to Student by District Educational Audiologist.
50. The IEP dated March 11, 2014 contained a goal for the HHPD Services: Self-Advocacy which was signed by the District Educational Audiologist and was to be addressed by him/her. Services to address this goal were consultative and were to occur 4 times per month, for 45 minutes per session. The related services page of the IEP indicated that Deaf and Hard of Hearing services were to be consultative for 3 hours per month.
51. During the Parent interview, Parent reported that the draft IEP, written on February 19, 2015, omitted the HHPD goals.

52. The draft IEP dated February 19, 2015 addressed Self Advocacy Skills as a separate goal. Services to address this goal were to occur 1 time per week for 30 minute sessions. The related services page of the IEP summarized the Deaf and Hard of Hearing services as consultative for 90 minutes per month.
53. The Prior Written Notice dated February 19, 2015 indicates that the IEP Team discussed Student's self-advocacy goals. The team agreed that an Educational Audiologist from the Delaware School for Deaf would consult with Student's case manager for 90 minutes per month to observe Student mostly in his/her core content classes.

Related Services - Mobility Specialist

54. The IEP dated March 11, 2014 includes a goal for Mobility which was addressed and signed off by the Physical Therapist. The Physical Therapist was listed on the Notice of Meeting dated March 5, 2014. Parent permission was granted on March 5, 2014 to excuse the Physical Therapist from attending the IEP meeting. Physical Therapy was listed as a consultative service which was to occur for 30 minutes per month. Parent agreed with IEP as written.
55. The Mobility Specialist was not invited to the March 11, 2014 IEP meeting. Mobility and Orientation services were not listed as a related service.
56. The draft IEP dated February 19, 2015 cites a Physical Therapy Progress Report (dated January 13, 2015) indicating that Parent and School reported 100% academic access and mobility including stairs, ramps, hallway transitions, and getting to locker without reported difficulties.
57. The Mobility Specialist was not invited to the February 19, 2015 IEP meeting. A Physical Therapist, different than the one invited to the March 11, 2014 IEP meeting, was invited to the February 19, 2015 IEP meeting.
58. The draft IEP dated February 19, 2015 includes a Gross Motor goal focusing on safe travel within the building. This goal was to be addressed through consultative physical therapy services 30 minutes per marking period with an additional 30 minutes at the beginning of the school year. Physical therapy was listed as a related service with consultative services 30 minutes (per marking period).
59. The IEP was not completed and continuation meetings were scheduled for March 9, 2015 and March 25, 2015. The Physical Therapist was not invited to either of these meetings.
60. In the complaint, Parent states that the Mobility Specialist was to observe Student during the 2014-2015 school year and provide feedback to Parent.

61. The minutes from the January 15, 2015 teacher in-service training state concern regarding Student being marked late to class and the amount of materials Student carries during school. Mobility Specialist did not attend the January 15, 2015 in-service training meeting.
62. Parent requested Student be given a permanent late pass. The draft IEP dated February 19, 2015 includes supports to provide Student with a permanent late pass to allow for safe travel in the hall during class transition.

CONCLUSIONS

A. Measuring Progress

Under IDEA, a description of how the child's progress toward meeting the annual goals will be measured and when the periodic reports will be provided is required. District acknowledged it did not provide monthly reports for IEP goals for two months but remedied the situation to Parent's satisfaction soon after the occurrence. District acknowledged it did not provide monthly updates for HHPD goals for the first two marking periods due to a staff vacancy. **For the reasons stated, I find a procedural violation of IDEA Regulations 34 C.F.R. § 300.320(a)(3) and corresponding state code 14 DE Admin Code §§ 925.20.1.3 regarding measuring and reporting progress on meeting the annual goals for HHPD services.**

B. Modifications and Supports

The IDEA requires a statement of the special education and related services and supplementary aids and services, and a statement of the program modifications or supports to be provided to the child to advance toward attaining annual goals. In this case, videos without closed captions were written into the IEP for Student to preview prior to the lesson. However, this accommodation was not provided on all occasions. **For the reasons stated, I find a procedural violation of IDEA Regulations 34 C.F.R. § 300.320(a)(4)(i) and corresponding state code 14 Admin Code §§ 925.20.1.4.1 regarding providing program supports.**

Since the IEP did not require tutoring, I cannot conclude that District denied Student FAPE by failing to provide tutoring during the first several weeks of school. Since Parent requested a plan to catch up Student on work missed from moving into the honors math class, I am able to conclude that District provided such services by making after school tutoring available. District attempted to provide weekly sessions at School. These attempts were stymied because of Student's after school schedule. **In these circumstances, I cannot conclude that District failed to provide Student with FAPE.**

Parent alleges that School is not checking to verify accommodations are in place and working. District refutes and comments that verbal and written checks are occurring. District appears to be fulfilling this obligation but perhaps not communicating the results with Parent. It should be noted that Student's percentage for work completion in all subjects is over 90% for the

first and second semester. For the reasons stated above, I conclude that there is no violation of IDEA or corresponding state code.

Parent alleges that School is not consistently providing IEP supports such as large print. The specific incident related to the stamp sheet in Spanish reveals that District was following the IEP by providing the enlarged stamp sheet but Student refused to use it. Documentation from meeting minutes support this finding. **Therefore, I conclude that there is no violation of IDEA or corresponding state code.**

C. Accessibility of Student's IEP

IDEA Regulations 34 C.F.R. § 300.323(d) requires: “accessibility of child's IEP to teachers and others.” Each public agency shall ensure that the “child’s IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation”; and further requires that “each teacher and provider described in paragraph (d)(1) of this section is informed of: (i) His or her specific responsibilities related to implementing the child’s IEP; and (ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.” *See also* 14 Admin Code §§ 925.23.3- 23.3.2.

District sent representatives to the teacher in-service training in May 2014. This document was in effect starting in March 2014 while Student was in fifth grade and extends into Student's sixth grade year. IDEA and corresponding state regulations stress that everyone needs to know what his/her specific responsibilities are for carrying out the child's IEP, including the specific accommodations, modifications, and supports that the child must receive. District accomplished this requirement by sending a representative to the May meeting and having that representative share the information with Student's teachers at an August 21, 2014 meeting and in a document referred to as a Flash IEP. District assigned a case manager to Student in June 2014 for the 2014-2015 school year. **District made appropriate efforts in transitioning information from one school year to the next school year thus there is no violation of IDEA or corresponding state regulations.**

D. Change of Placement

Student was moved from his/her regular math class to an honors math class without parental notification. IDEA Regulations 34 C.F.R. § 300.116(a)(1) state, “In determining the educational placement of a child with a disability... each public agency must ensure that the placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.” Since the coursework in the honors class is different than the coursework in the regular math class, Student may therefore require a different level of support. **The change in placement was not discussed with the IEP team; therefore I find the District in violation of IDEA.**

Parent had concerns regarding staff changes for mobility and hearing services. District made decisions about service providers to deliver services per Student's IEP. A change in the staff person providing services on an IEP does not require prior notice to the parents. However, in the

spirit of collaboration, Parent should have been informed of changes regarding Student. **I find no violation but believe that communication between District and Parent needs improvement.**

E. Locker

Parent's complaint is that District has not provided a functional lock for Student's locker. IDEA Regulations 34 C.F.R. § 300.117 (*See also* 14 Admin Code §§ 925.20.1.4.2) discusses other supports that are provided in nonacademic settings to enable children with disabilities to be educated with nondisabled children. Since Student's lock cannot operate on the school issued locker, then supports should be provided in the IEP. Student's IEP dated March 11, 2014 IEP does not include supports.

District and Parent have worked closely to find a solution to this problem. Parent was not satisfied with the timeline in which District staff tried to remedy this situation. The investigation did not reveal that District shirked its responsibility to provide a lock. On the contrary, District and School staff purchased a number of locks; however, none properly fit the school locker and thus were not functional. Since a proper lock could not be found, the next step would be to revise the IEP to include additional supports. **Therefore, I find a violation of IDEA and corresponding state regulations.**

F. Assistive Technology

IDEA Regulations 34 C.F.R. § 300.105(a)(1-3) regarding "assistive technology" ensures devices or services, or both, are made available to a child with a disability if required as a part of the child's special education, related service, or supplementary aids and services. IDEA Regulation 34 C.F.R. § 300.5 (*See also* 14 Admin Code §§ 922.3.0) defines an "assistive technology device" as "...any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability." IDEA Regulation 34 C.F.R. § 300.6(e) (*See also* 14 Admin Code §§ 922.3.0) defines an "assistive technology service" as, "...any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device." Such as with this Student, the term applies to training or technical assistance for a child.

In the IEP dated March 11, 2014, there were no supports listed to assist Student with the use of the device. Regardless, District provided training, but only after the 2014-2015 school year began. It should be noted, that in the draft IEP dated February 19, 2015, District included Parent and Student training goals as a support. **I find District was in violation of providing assistive technology services.**

G. Procedural Safeguards

Parent made requests via email to District and School staff to have certain staff members invited to the IEP meetings held on February 19, March 9, and March 25, 2015. These staff members were not on the Notices of Meeting. These staff members did not attend the IEP meetings and IEP Excusal Forms were not completed for these staff members.

Members of the IEP team may be excused from attending if the parent or guardian agree pursuant to IDEA Regulations 34 C.F.R. § 300.321(e) (*See also* 14 Admin Code §§ 925.21.5): “A member of the IEP Team... is not required to attend an IEP Team meeting, in whole or in part, if the parent of a child with a disability and the public agency agree, in writing, that the attendance of the member is not necessary because the member’s area of the curriculum or related services is not being modified or discussed in the meeting.” IDEA Regulations 34 C.F.R. § 300.321(e)(2)(i-ii) (*See also* 14 Admin Code §§ 925.21.5.1.1-925.21.5.1.2) states, “...a member of the IEP Team...may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member’s area of the curriculum or related services, if the parent, in writing, and the public agency consent to the excusal; and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.” There was no such agreement here and District did not use excusal forms for these staff members.

Regarding Parent’s request for certain team members, IDEA Regulations 34 C.F.R. § 300.321(a)(6) (*See also* 14 Admin Code §§ 925.21.1.6) states that “at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate” can be invited to the meeting. Parent utilized her discretion to include IEP members who have knowledge of Student and Parent made such requests of District. Staff were not on the Notices of Meeting. **Due to these reasons, I conclude that there is a violation of IDEA and corresponding state regulations regarding the attendance of IEP Team members.**

Parent alleges language in IEP has not been adhered to as written. The IEP dated March 11, 2014 states that Parent is to be invited to attend teacher in-service training. Parent was not invited to the August 21, 2014 in-service meeting and only upon asking later in the fall, was Parent informed that the meeting occurred. **I find a violation since the Parent was not invited to the in-service although the IEP indicates that Parent should be.**

H. Related Services

IDEA Regulations 34 C.F.R. § 300.320(a)(7) (*See also* 14 Admin Code §§ 925.20.1.7) requires that an IEP include “the projected date for the beginning of the services and modifications described in paragraph (a)(4) of this section, and the anticipated frequency, location, and duration of those services and modifications.”

Parent alleges violation of related services for Counseling, Deaf and Hard of Hearing Services, and Mobility Services. Documentation supported Parent’s allegations in that related services for Counseling were not provided as outlined in IEP for starting date, frequency and

duration. It should be noted that District has made up some sessions but not equal to the ones missed. **Therefore, I conclude that District is in violation of IDEA and corresponding state regulations regarding providing related services as written in the IEP.**

Parent wanted School Counselor and Private Counselor to collaborate regarding Student's services and therefore signed a consent form enabling School Counselor and Private Counselor to communicate regarding Student. There was evidence of initial contact between the two parties but no documentation to indicate that communication continued. **I conclude that although communication between the two parties appears beneficial to Student's progress, the absence of it is not a violation of IDEA and corresponding state regulations since communication between the two parties is not in Student's IEP.**

Related services for Deaf and Hard of Hearing were also not provided as per the IEP. This was due to the absence of qualified staff. District did make attempts to hire staff but had done so after the 2014-2015 school year had already begun. District should have notified Parent at the start of the school year that staff was unavailable to provide services and amended the IEP to address either absence of services or alternative means to provide the services. **I find that the District is in violation of IDEA and corresponding state regulations.**

District acknowledges that it was not able to deliver HHPD services at the start of the school year as required by Student's IEP due to inability to hire qualified staff. No revision was made to Student's IEP. IDEA Regulations 34 C.F.R. § 300.320(a) (*See also* 14 Admin Code §§ 925.20.1) states "the term individualized education program or IEP means a written statement for a child with a disability that is developed, reviewed, and revised in a meeting in accordance with applicable law." **Therefore, I conclude that there is a violation of IDEA and corresponding state regulations regarding District's failure to revise the IEP in the absence of HHPD services.**

On the other hand, mobility services were delivered as per the IEP through the service provider listed on the IEP (i.e. the physical therapist). Parent states Mobility Specialist was to provide these services but there is no documentation in the agreed upon IEP that states this. **Therefore, I conclude that there is no violation of IDEA or corresponding state regulations.**

CORRECTIVE ACTION

In resolving a complaint in which the State has identified noncompliance, the State must address: (a) the failure to provide appropriate services, including corrective action appropriate to address the needs of the child; and (b) the appropriate future provision of services for all children with disabilities (IDEA Regulations § 34. C.F.R. § 300.151(b)).

As a result of the DOE's investigation and findings, the DOE directs District to take the following corrective actions:

1. By May 26, 2015, the District shall:
 - (a). Provide a detailed corrective action plan to the Director of Exceptional Children Resources for the Department of Education which sets forth specific procedures for disseminating written guidance, scheduling meetings and/or professional development sessions to be delivered to School staff by June 1, 2015. The procedures should address the use of excusal forms, IEP revisions, adherence to IEP content, updating goals and providing progress to parents as indicated in the IEP, the delivery of assistive technology services, and requirements for IEP Team members.
 - (b). Determine the number of hours (or partial hours) separately for counseling and HHPD services required by Student's IEP, but not delivered. Notify Parents of its specific plan for delivering those missed services to Student, such that all missed services are provided by June 1, 2015. If the District's plan includes the delivery of services outside of the regular school day, it shall also include an offer of transportation.
 - (c). Send the Director of Exceptional Children Resources for the Department of Education a written summary of its calculations and compensatory service plan, specifically including a copy of the communication provided to Parents.

By: /s/ Janella Newman
Assigned Investigator