

**DELAWARE DEPARTMENT OF EDUCATION
EXCEPTIONAL CHILDREN AND EARLY CHILDHOOD EDUCATION BRANCH**

**FINAL REPORT
ADMINISTRATIVE COMPLAINT RESOLUTION**

DE AC 12-3 (November 8, 2011)

On September 9, 2011, Father filed a complaint with the Delaware Department of Education on behalf of Student.¹ The complaint alleges the Appoquinimink School District (“the District”) violated certain state and federal special education regulations with respect to parental participation in the development of Student’s IEP and attendance at Student’s IEP meetings. The complaint has been investigated as required by federal regulations at 34 C.F.R. §§ 300.151 to 300.153 and according to the Department of Education’s regulations at 14 DE Admin Code §§ 923.51.0 to 53.0.

FINDINGS OF FACT

1. Student is eligible to receive special education and related services under the Individuals with Disabilities Education (“IDEA”) and 14 *Del. C.* § 3101 *et seq.*
2. Student’s parents are divorced. Mother resides in Delaware, and Father resides out of State.
3. For the 2011-2012 school year, Student was enrolled in the Elementary School in the District. The registration form provided to the school lists Mother and Father as Student’s parents. It does not reflect different addresses for Mother and Father.
4. The school scheduled an IEP meeting for September 1, 2011 and sent parental notice of the meeting to the Delaware address listed on the school registration form.
5. Mother attended the September 1st IEP meeting. The IEP team discussed placement options for Student.
6. On September 9, 2011, Father filed this complaint with the Department of Education.
7. Prior to the September 9th complaint, the school has no record of being contacted by Father for the 2011-2012 school year.
8. The District has since revised its records to note Father’s address and contact information. The District scheduled another IEP meeting for October 4, 2011. In a September 21, 2011 E-mail, Mother asked the school to make sure Father is notified of Student’s IEP meetings. Father traveled to Delaware and participated in the October 4th IEP meeting for Student. Mother also attended the October 4th meeting.

¹ The Final Report identifies some people and places generically, to protect personally identifiable information about the student from unauthorized disclosure. An index of names is attached for the benefit of the individuals and agencies involved in the investigation. The index must be removed before the Final Report is released as a public record.

CONCLUSIONS

State and federal regulations require school districts to take steps to ensure that one or both of the parents of a child with a disability are present at an IEP team meeting or are afforded the opportunity to participate. An IEP meeting must be scheduled at a time and place mutually agreeable to the parent(s) and school district. 14 DE Admin Code § 925.22.0; 34 C.F.R. § 300.322.

School districts must also notify parents of an IEP meeting, in writing, no less than ten (10) school days prior to the IEP Team meeting (unless mutually agreed otherwise) to ensure they will have an opportunity to attend. The notice must contain: (a) the purpose, time, and location of the meeting and who will be in attendance; and (b) inform the parents other individuals may participate on the IEP team who have knowledge or special expertise about the child. 14 DE Admin Code § 925.22.0; 34 C.F.R. § 300.322.

In this case, the District acknowledges its responsibility to take steps to ensure that Mother and Father are afforded an opportunity to participate in Student's IEP team meetings, and provided the required notice in a timely manner.

The Department has not identified a violation of Part B of the IDEA or corresponding state regulations. The complaint investigation is limited to determining whether there was a violation of Part B of the IDEA or state regulations concerning the provision of special education and related services.

By: /s/Jennifer L. Kline
Jennifer L. Kline
Assigned Investigator
Education Associate

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