

**DELAWARE DEPARTMENT OF EDUCATION
EXCEPTIONAL CHILDREN RESOURCES**

STATE COMPLAINT DECISION

DE SC # 23-01

Date Issued: December 22, 2022

On October 25, 2022, REDACTED (Parent) filed a complaint on behalf of REDACTEDREDACTED, REDACTED (Student) with the Delaware Department of Education (Department). The complaint alleges the REDACTED School District (District) violated state and federal regulations concerning the provision of a free, appropriate, public education (FAPE) to Student under the Individuals with Disabilities Education Act (IDEA)¹. 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's regulations at 14 DE Admin Code §§ 923.51.0 to 53.0.

The investigation included a review of Student's educational records, correspondence and interviews with Parent and District Director of Special Services.

ONE YEAR LIMITATIONS PERIOD

In accordance with IDEA and corresponding state and federal regulations, the complaint must allege violations that occurred not more than one (1) year prior to the date the Department receives the complaint. *See*, 34 C.F.R. § 300.153(c); 14 DE Admin. Code § 923.53.2.4. In this case, the Department received the complaint on October 25, 2022. Therefore, the Department's findings address violations from October 25, 2021 to the current.

COMPLAINT ALLEGATIONS

Parent alleges the District violated Part B of the IDEA and implementing regulations, as follows:

1. District failed to provide FAPE, specifically appropriate reading instruction over the past six years. Parent claims that lack of appropriate instruction impacted Student's ability to be successful in school, and Student's low reading level (Grade 2) has impacted performance in Science and Social Studies.
2. District would not hold an IEP meeting prior to 60 days from the date of Student's re-enrollment into the District in order to review Student's most recent evaluation summary report (ESR), outside evaluation, and review and revise the IEP.
3. District would place Student in grade level classes at REDACTED (Middle School) upon re-enrollment. Furthermore, the IEP that was last used when Student was enrolled in the public school system (January 2022) would be implemented with no additional supports or services

¹ The complaint decision identifies some people and places generally, 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 complaint decision is released as a public record.

until re-evaluation was completed. Re-evaluation would be completed within 60-days of re-enrollment.

4. District requiring Student's removal from current private school placement to be re-enrolled in REDACTED Middle School to have updated evaluation would be detrimental to Student's mental and emotional well-being and physical safety.

FINDING OF FACT

1. Student is a REDACTED year-old student currently attending a parentally placed private school (Private School). Student is in REDACTED grade at Private School.
2. On October 4, 2022, Student began attending Private School.

Background Information²

3. Student attended schools within the District from kindergarten through 7th grade (2015-2021).
4. During Student's Kindergarten school year (2014-2015), Student began receiving Tier 2 reading support. Student received Tier 3 reading support during Student's first grade year (2015-2016) and second grade year (2016-2017). In addition, Student received Tier 2 math support in second grade.
5. On January 30, 2017, Student was first identified as a Student with an educational classification of Specific Learning Disability and began receiving special education services. The Evaluation Summary Report (ESR) documented that Student received two years of Response to Intervention (RTI) in reading and one year of math.
6. On December 12, 2019, the IEP Team met and determined Student's continued eligibility for special education services as a result of Student's triennial reevaluation. Student continued to meet eligibility for special education services. However, Student's primary educational classification was changed to Other Health Impairment due to a medical diagnosis of Attention Deficit Hyperactivity Disorder. Student also had a secondary educational classification of Specific Learning Disability.
7. Parent requested Student be held back in 7th grade. Parent stated Student had a good year in 6th grade, attending full time virtually, with no distractions. Parent stated IEP Team did not support the request to retain the Student in 7th grade due to Student making "positive progress."
8. On November 4, 2020, Parent filed a State Complaint that was settled in mediation. Parent stated Middle School had really "stepped up" following mediation.

² In accordance with IDEA and corresponding state and federal regulations, the complaint must allege violations that occurred not more than one (1) year prior to the date the Department receives the complaint. *See*, 34 C.F.R. § 300.153(c); 14 DE Admin. Code § 923.53.2.4. In this case, the Department received the complaint on October 25, 2022. Therefore, the Department's findings address violations from October 25, 2022 to the current. However, there is some background information included as it is relevant to understanding the facts.

9. During the Summer of 2021, Student received an evaluation conducted remotely and was diagnosed with social anxiety by REDACTED.
10. On August 29, 2021, Parent enrolled Student in Charter School because of smaller class size and advertised support for students with ADHD.
11. After attending Charter School for two weeks, Parent withdrew Student because of alleged assaults on Student.
12. On September 24, 2021, Student re-enrolled in Middle School. Parent made request to Principal to enroll Student in District's Virtual Academy due to Student's social anxiety. According to Parent, Student was not recommended to participate in District's Virtual Academy because Student's IEP Team could not adequately provide special education support services virtually. However, Student's most recent IEP stated that Student would be put on the wait list for Virtual Academy.
13. On September 28, 2021 Student began attending Middle School in person.
14. According to Parent, a series of incidents occurred while Student attended in-person at Middle School from September 28, 2021 through October 21, 2021 including the following:
 - a. Student was placed in a class Student had previously taken. Student had lunch stolen multiple times by bullies.
 - b. Counselor began meeting with Student to support Student with organization and acclimating to school.
 - c. Student missed 5 days of school. Parent reported that Student did not attend school due to school anxiety.
15. On October 21, 2021, Parent emailed Principal:
 - a. inquiring if there was testing to address Student's ability to socialize and adapt.
 - b. stating Student needed to be taught at Student's level ...” which was grades behind (due to 2nd grade reading level)” the 8th grade classes where the Student was placed, “
 - c. requesting Student be tested for other learning disabilities, specifically dyslexia. Parent stated perhaps Student had autism. Student's pediatrician stated to Parent school must do testing and forward to physicians for medical diagnosis.
 - d. requested Student be placed in Virtual Academy.
16. October 21, 2021, Principal responded via email and informed Parent of the following:
 - a. Middle School would be participating in the PASS survey, a Social- Emotional assessment tool. Student's participations provide initial information that would indicate need for additional testing, as requested by Parent.
 - b. There was a wait list for the Virtual Academy and Principal did not have ability to approve students to attend as this is done through the Choice Office. Principal agreed to forward Parent request for Student to attend the Virtual Academy to the Choice Office Specialist who oversees the process.

17. On the same day, Parent responded to Principal's email and stated Parent did not know if Student would be returning to Middle School as Student refused to go to school because of bullying.
18. On October 25, 2021, Parent sent email to Choice Office Specialist explaining Student's diagnosis of social anxiety and Student reports of bullying. Parent requested Student placement in Virtual Academy.
19. October 27, 2021, Student had appointment with Psychiatrist regarding refusal to return to school and social anxiety.
20. On October 28, 2021, Student's annual IEP meeting was held virtually with Student, Parent and School representatives in attendance.
21. The October 28, 2021, prior written notice states, in relevant part:
 - a. New goals in basic reading: vocabulary, reading fluency, reading comprehension, written expression, and math problem solving were developed.
 - b. Student needed small group instruction in math and ELA which could be adequately met in the least restrictive "B" setting.
 - c. The IEP Team discussed the possibility of Student attending the Virtual Academy and Student was placed on the waiting list pending District decision.
22. On October 28, 2021, and IEP was held at which time Parent requested Student be placed in 7th grade and requested Student attend the Virtual Academy at District Middle School. Parent shared Student's social anxiety diagnosis.
23. On October 29, 2021, Parent sent an email to Choice Office Specialist stating Student was put on wait list for Virtual Academy, which was not acceptable to Parent. Parent explained student had diagnosis of social anxiety and Parent had reached out to Psychiatrist for medical documentation supporting the need for Student to be taught virtually. Parent further stated Parent had contacted family attorney regarding Student absences. (Student attendance record showed Student had been absent 10 days since October 12, 2021). Parent stated Parent would not be responsible for truancy issues since District could not do what was necessary to meet Student's learning needs. Parent explained that if the Choice Office Specialist did not respond by the end of day, the family attorney and Parent would be in contact with the Delaware Department of Education.
24. On October 29, 2021, Choice Office Specialist sent paperwork to Parent and informed Parent Student would be assigned to Virtual Academy at Middle School as of November 2, 2021.
25. On November 2, 2021, Student began attending virtual classes. There was no IEP meeting or prior written notice (PWN) regarding Student's transfer to virtual learning.
26. On January 8, 2022, Student had an "emotional breakdown" as reported by Parent. Parent stated Student could not complete the work in Social Studies and Science because Student's

low reading level made it impossible for Student to fully participate in the classes and complete the required work.

27. Between November 4 and January 8, 2022, Student was absent 15 (partial or full) days.
28. There was no documented correspondence regarding attendance as a concern since Student begun attending the Virtual Academy.
29. On January 12, 2022, Parent emailed Principal to explain:
 - a. Student's absences (Student had been absent 5 days since January 5, 2022) and recent "emotional breakdown."
 - b. Student did not log -in because the classes were too hard. Teachers were typing and asking for things to be done that were beyond Student's abilities and Student could not "keep up."
 - c. Some teachers did use recording as sited in IEP. Parent indicated student was not reading at level and year after year it was discussed but not getting better. Students in current virtual classes were above Student's level,
 - d. Contacted District Office regarding reevaluating the student and was referred to Student's Middle School. This email was the contact regarding that request.
30. On January 12, 2022, Principal responded to Parent's email and stated Principal would talk to IEP Team and identify potential resources Middle School could offer.
31. On January 14, 2022, Parent emailed Principal and stated Parent was looking into other options for schooling and did not "see Student returning to Middle School" and would keep Principal apprised.
32. On January 19, 2022, Principal emailed Parent and stated Principal spoke with IEP Team. Student was due for triennial evaluation in current school year and would be scheduled with Psychologist for the evaluation prior to IEP meeting in October 2022. Principal also reported contacting the Virtual Academy Social Worker (Social Worker). Principal offered that the Social Worker would meet with Student via Zoom to work on emotional issues. Principal asked that Parent contact Principal if Parent was agreeable to this service. Parent did not respond.
33. On January 19, 2022, English Language Arts Teacher (ELA Teacher) for the Virtual Academy emailed Parent regarding Student absences in ELA and other classes. Parent responded and explained Student's historical struggles in reading and "keeping up." Parent also described Student's recent "emotional breakdown" on January 8, 2022.
34. On January 19, 2022, Teacher responded to Parent, describing small group and 1-1 enrichment Teacher had scheduled with Student every other day, to support Student's reading goals and needs. Teacher reminded Parent IReady personalized lessons available to Student at any time including out of school time. IReady lessons were also available for Math, teacher explained. Parent asked for recommendation of a home-school Program. Teacher offered to facilitate meeting with Social Worker to support Student's emotional issue, as Principal had offered previously. Parent did not see benefit of this contact as Student did not know the Social Worker.

35. On January 24, 2022, Parent withdrew Student from Middle School and began home-schooling Student through the end of the school year. Between October 4, 2021, and January 24, 2022, Student was absent 35 days (2 excused).

After Withdrawal from District

36. Sometime during February 2022, Student had annual physical exam. Parent shared Student's ongoing educational struggles with physician. Parent asked physician if Student could be evaluated for autism spectrum disorder. Physician made referral to REDACTED (REDACTED). Due to backlog. \

37. In June 2022, Parent visited and applied to two private schools. Neither of the schools felt they could meet Student's learning needs. One of the schools provided two recommendations for two other private schools.

38. On July 12, 2022, Student was evaluated for Autism Spectrum Disorder at REDACTED. The evaluation report indicated diagnoses of: Autism Spectrum Disorder, ADHD, and Social Anxiety Disorder.

39. On August 2, 2022, Parent contacted Principal to request re-evaluation of Student based on recommendations and new information provided by the REDACTED evaluation. Principal forwarded the request to the Special Services Director. As per the REDACTED evaluation recommendations, Parent requested evaluation for the following:

- a. Speech and Language assessment which includes an assessment for pragmatic communication supports.
- b. Occupational assessment due to sensory differences that affect his ability to learn.
- c. Behavioral supports to address rigidity and how this triggers maladaptive behaviors across settings, impacting his ability to learn and participate in the classroom."

40. On August 3, 2022, Child Find Coordinator (Coordinator) responded to Parent via email explaining since Student was currently home-schooled, Child Find would be providing evaluations. Coordinator asked if Parent intended to reenroll student in District or remain as home-schooled student for the 2022-23 school year. Coordinator stated if Student would be transitioning back into Middle School, it would be helpful for Student's IEP Team to participate in evaluation. Coordinator requested Parent send educational recommendations from REDACTED evaluation. Coordinator explained that staff would not return to school until the end of August; however, Coordinator wanted to go forward in making the referral for evaluation.

41. On August 4, 2022, Parent responded to Coordinator stating desire for Student to transition back to Middle School. Parent stated Student was taken out of school to be tested and because the school could not provide the full services he needed.

42. Parent sent only the educational recommendations portion of the REDACTED report to the Coordinator.

43. On August 9, 2022, Coordinator notified Special Services Director that Parent agreed to come into School the next day to sign enrollment papers. Director stated to Investigator the Permission to Evaluate and Prior Written Notice (PWN) were going to be provided then for Parent's signature. However, Parent stated to Investigator, Parent was under the assumption that Parent would only be signing re-enrollment paperwork.
44. On August 10, 2022, Parent emailed Principal and stated Parent was not coming in to re-enroll Student as planned as Parent was exploring other alternatives.
45. On September 27, 2022, Parent and Student visited one of the private schools recommended by the private school who would not accept Student. Subsequently, the Student shadowed for four days, was evaluated, and accepted into the Private School.
46. On October 4, 2022, Student began classes at Private School.
47. October 11, 2022, Parent contacted State Representative seeking assistance in having District provide tuition reimbursement and transportation for Student in Private School.
48. October 11, 2022 State Representative forwarded email to Statewide Director of Autism Services.
49. October 11, 2022, Statewide Director of Autism Services forwarded email to District Director of Special Services.
50. October 12, 2022, Parent emailed District Director of Transportation to request assistance in transporting student to Private School as parent had become aware of other students attending Private School from the District. Private School does not provide transportation for students.
51. October 12, 2022, Director of Transportation forwarded email to Director of Special Services
52. October 17, 2022, Parent and Director of Special Services had a phone conversation. Parent reported knowledge of other students at Private School from District receiving transportation services. Director of Special Services clarified Private School did not provide any transportation. Director of Special Services also explained that students are brought to the Interagency Collaborative Team (ICT) when data shows that a student's needs require resources more than the District can offer. Director of Special Services stated District did not have the data to support an out of District placement for Student at present.
53. On October 21, 2022, Director of Special Services sent email to Parent summarizing conversation of Oct 17, 2022 between Director and Parent.
54. October 24, 2022, Parent called DDOE Program Manager. Program Manager followed up the conversation with call to Director of Special Services regarding conversation with Parent.
55. October 24, 2022, Director of Special Services sent email offering mediation to Parent. Parent did not respond.

56. October 25, 2022 Parent filed State Complaint 23-01.

57. On November 28, 2022, District Child Find Coordinator sent Permission to Evaluate and prior written notice to Parent for signature to initiate evaluation. Parent did not sign documents since State Complaint had been filed and Parent had a misunderstanding that Parent was not to have contact with District.

CONCLUSIONS

Special Education is governed by multitude of both Federal and State laws and regulations. IDEA and implementing state and federal regulations require school districts to provide a free appropriate public education (FAPE) to students with disabilities. *See*, 20 U.S.C. § 1401(9); 34 C.F.R. § 300.101(a); 14 DE Admin. C. § 923.1.2. IDEA requires special education that is specialty designed instruction, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions, and related services, as defined by the DDOE rules and regulations approved by the State Board of Education, and as may be required to assist a child with a disability to benefit from an education that:

- (a) Is provided at public expense, under public supervision and direction and without charge in the public school system;
 - (b) Meets the standards of the Delaware Department of Education;
 - (c) Includes elementary, secondary or vocational education in the State;
 - (d) Is individualized to meet the unique needs of the child with a disability;
 - (e) Provides significant learning to the child with a disability; and
 - (f) Confers meaningful benefit on the child with a disability that is gauged to the child with a disability potential.
- See*, 14 Del. C. § 3101(5).

IDEA and implementing state and federal regulations also set forth requirements for development of an IEP with consideration of special factors. In the case of a child with limited reading proficiency, for example, the IEP Team must consider the use of services, supports and evidence-based interventions to address those needs. *See*, 34 C.F.R. § 300.324(a)(3)(ii); 14 DE Admin Code § 925.24.2.7. This IEP is the guide to a student's special education. This document allows a student's IEP to appropriately program for the student's special education needs.

Additionally, the IEP contains information regarding a child's needs through a statement of measurable annual goals in the IEP. *See*, 34 C.F.R. § 300.320(a)(2)(i); 14 DE Admin Code § 925.20.1.2. This allows the team to monitor a student's progress on IEP goals and help determine if more or fewer supports are needed. The child's IEP may also include a statement of the program modifications or supports for school personnel that will be provided to advance appropriately toward attaining the annual goals. *See*, 34 C.F.R. § 300.320(a)(4); 14 DE Admin Code § 925.20.1.4. This allows the providers the opportunity to properly implement the student's IEP.

The US Supreme Court in *Endrew F. ex rel. Joseph F v. Douglas County School Dist.*, 137 S.Ct. 988 (2017), outlined the standard used to determine if an LEA provided a student with FAPE. The

Court found that a student was not provided FAPE if they do not make reasonable progress in light of their disability. *Andrew F.* at 999. The progress monitoring of IDEA allows for IEP teams to periodically review a student's progress to determine if changes to the program should be made to ensure reasonable progress.

Here, Parent made various allegations against the District for violations of IDEA and related federal and state regulations. The allegations that serve the basis of this complaint will be addressed in turn:

1. *District failed to provide FAPE, specifically appropriate reading instruction over the past six years. Parent claims that lack of appropriate instruction impacted Student's ability to be successful in school, and Student's low reading level (Grade 2) has impacted performance in Science and Social Studies.*

A review of Student's educational records of the past six years indicate Student has not made significant progress with reading skill development.

During the period at issue, Student's social anxiety and emotional issues interfered with Student participating in or benefiting from instruction with appropriate accommodations and support. Student's social anxiety and emotional issues resulted in a high rate of unexcused absences both during in-person and virtual learning. Parent also reported that Student was experiencing bullying which was another barrier to in-person attendance.

IDEA requires more than academic support. IDEA also requires that a student receive programming support for mental health and social-emotional concerns a student may exhibit. *See* 34 C.F.R. § 300.34. In Delaware, bullying prevention is written directly into law. Public schools are required to prohibit bullying and have policies in place on how to properly address such issues. *See* 14 Del. C. §4164. Despite Student's mental health and emotional issues interference with his education, the District did not meet to properly program for these concerns in the Student's IEP. There should have been an IEP meeting upon the decision to transfer Student to Virtual Academy as this can be seen as a change in placement. Also, the services provided in Student's IEP at the time of transfer may have needed to be modified to properly support Student in this new virtual setting.

Parent reached out multiple times regarding Student's social and academic struggles, even after the transition to Virtual Academy. District provided access for Student to participate in Social/Emotional Survey and offered support of Social Worker to address Student's emotional issues, which Parent did not pursue. However, there was no evidence presented that indicated discussions during IEP meetings to address Student's alleged bullying and Student's subsequent refusal to come to in-person school, address Student transfer and struggles in Virtual Academy, or Student's high rate of absenteeism even after transitioning to Virtual Academy. These concerns should have been discussed and properly addressed during IEP meetings and in Student's IEP, and associated PWN.

Despite the violations that may have occurred, many of these incidents occurred before October 25, 2021, or earlier than one year before the complaint was filed on October 25, 2022. According

to, 34 C.F.R. § 300.153(c), and 14 *DE Admin. Code* § 923.53.2.4, the complaint must contain violations that occurred not more than one (1) year prior to the date the Department receives the complaint.

For these reasons, I find the District failed to provide FAPE and violated IDEA and corresponding state and federal regulations. However, many of these issues have occurred outside the statute of limitation for a state complaint as these violations occurred beyond one year before this complaint was filed. The District is in violation of IDEA as they failed to conduct an IEP meeting upon Student’s transfer to Virtual Academy and after additional concerns were raised after Student transitioned to Virtual Academy³.

- 2. District would not hold an IEP meeting prior to 60 days from the date of Student’s re-enrollment into the District in order to review Student’s most recent evaluation summary report (ESR), outside evaluation, and review and revise the IEP.*

Child Find office informed Parent the evaluation could occur if Student was not re-enrolled in the District. The Child Find Coordinator specifically asked Parent if Parent intended to transition Student back into Middle School or continue to home-school for the 2022-23 school year. Parent responded in writing that Parent’s intention was to transition Student back into school. Child Find Coordinator requested outside evaluation information to begin referral for evaluation based on new information. Parent only provided the recommendation portion of the independent evaluation and never provided the complete evaluation.

The District was going to provide Parent with a Permission to Evaluate when she completed enrollment paperwork, but she never re-enrolled Student. Parent had an understanding that if she re-enrolled Student that an IEP meeting would not occur for 60 days to allow time for the District to evaluate. This is incorrect. The Child Find Coordinator informed Parent that while Student’s IEP was still current, a temporary IEP could have been created with the recommendations of the outside evaluation. The only way this new temporary IEP could be initiated was through an IEP meeting. Therefore, it appears from the records, that the District was willing to meet before their evaluation was complete in order to create an interim IEP that considered recommendations from an outside evaluation.

The issue is that when Parent did not re-enroll Student the District never followed up. Someone from the District should have contacted the Parent to clarify any confusion, explain that attendance in the public school is not required for the evaluation and should have sent Permission to Evaluate and PWN to Parent to proceed with evaluation as a Student who resides in district but is attending a parentally placed private placement.

For this reason, I find there was a procedural violation of the IDEA and corresponding state and federal regulation regarding the denial of FAPE

³ There should have been an IEP meeting upon the decision to transfer Student to Virtual Academy as this can be seen as a change in placement, and Student’s IEP supports should have been reviewed to see if changes in programming were needed for Virtual Academy. Additionally, an IEP meeting should have been held after additional concerns were raised while Student attended Virtual Academy.

3. *District would place Student in grade level classes at Middle School upon re-enrollment. Furthermore, the IEP that was last used when Student was enrolled in the public school system (January 2022) would be implemented with no additional supports or services until re-evaluation was completed. Re-evaluation would be completed within 60-days of re-enrollment.*

Child Find Coordinator did state Student's IEP that was still current would be put in place or a temporary IEP including any necessary accommodations or services identified in the new information until evaluation was completed. Therefore, Parent's understanding is incorrect, as one of the options explained to her was that a temporary IEP could be created that provided different support until the evaluation was complete. Parent ultimately decided not to re-enroll Student.

For this reason, I do not find a violation of IDEA and corresponding state and federal regulation regarding the denial of FAPE.

4. *District requiring Student's removal from current private school placement to be re-enrolled in Middle School to have updated evaluation would be detrimental to Student's mental and emotional well-being and physical safety.*

This was an incorrect assumption made by Parent. There was no evidence Child Find nor Director of Special Services stated Student must be re-enrolled and attend the Middle School to be evaluated. The re-enrollment process was the completion of paperwork.

For this reason, I do not find a violation of the IDEA and corresponding state and federal regulation regarding the denial of FAPE.

CORRECTIVE ACTIONS

Student Level Corrective Actions

1. The District shall meet with the Parent and determine appropriate compensatory education services owed to Student for violations that occurred from October 25, 2021 to January 24, 2022. The District shall contact SPARC to request IEP Facilitation services for this meeting. In determining the provision of compensatory education, the District should account for failures in providing appropriate services for academic development, social emotional functioning, and properly addressing absenteeism both in-person and virtual.

The determination of compensatory education services, calculation of time owed, and timeline for delivery should be discussed with Parent and documented. This document shall be provided to the Parent and a copy sent to the Director of Exceptional Children Resources by **March 3, 2023**.

2. The District shall issue a PTE and PWN to Parent **immediately**. A copy of these documents should be sent to the Director of Exceptional Children Resources **immediately**.

If Parent is agreeable to an evaluation and signs the PTE, the District shall complete an evaluation while Student is in current educational placement. The evaluation should assess Student in all areas of suspected disability.

3. If Student re-enrolls in District, District should follow regulations for when IEPs will be in effect as outlined in 14 DE Admin Code §10.0925.

School Level Corrective Actions

1. Professional development plan regarding IEP and evaluation process, including prior written notice. Instructional materials, sign-in sheets, training evaluations should be sent to DDOE.
2. **On or before March 3, 2023**, Middle School shall review the regulations related to FAPE, PWN, and procedural safeguards and provide professional development to all special education staff and administrators who work for Middle School in the aforementioned areas. The related documentation (sign in sheet, agenda, copy of handouts and/or PowerPoint, etc.) shall be provided to the Department's Director of Exceptional Children Resource Workgroup **by March 10, 2023**.

School District Corrective Actions

1. **On or before March 3, 2023**, District shall review the regulations related to Child Find, informed parental written consent, the OSERS document "Questions and Answers on Serving Children With Disabilities Placed by Their Parents in Private Schools (Revised February 2022 *See attached*), and the distinction between reenrollment and location of parentally placed private school and provide professional development to all special education staff and administrators who work for District. The related documentation (sign in sheet, agenda, copy of handouts and/or PowerPoint, etc.) shall be provided to the Department's Director of Exceptional Children Resource Workgroup **by March 10, 2023**.

By: REDACTED
Assigned Investigator