



[REDACTED]
Director of Special Education
[REDACTED]

[REDACTED]
Executive Director
[REDACTED]

February 26, 2010

Re: **Formal State Complaint**
Student Name:
Date of Birth:

LETTER OF DECISION

The State Complaint Office for the Office of the State Superintendent of Education (OSSE) has completed its investigation of a State complaint filed by [REDACTED] on [REDACTED] alleging a failure by [REDACTED] to provide a copy of [REDACTED] child's Individualized Education Program (IEP) to [REDACTED]. The 60-day timeline for this State complaint was extended to [REDACTED] due to the closure of government offices during the week of [REDACTED] because of severe weather. This Letter of Decision is the report of the final results of OSSE's investigation.

OVERVIEW

The State Complaint Office received a State complaint from [REDACTED] hereafter, "the complainant," filed on behalf of [REDACTED]. In that correspondence, the complainant alleged that [REDACTED] violated certain provisions of the Individuals with Disabilities Education Act (IDEA). This office investigated the following allegation filed by the complainant:

1. A copy of [redacted] s IEP was not transmitted to [redacted] following [redacted] release from [redacted].

INVESTIGATIVE PROCEDURE

- [redacted]
- [redacted]
- [redacted] to
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

ALLEGATION #1:

1. A copy of [redacted] s IEP was not transmitted to [redacted] following [redacted] release from [redacted].

FINDINGS OF FACT

1. An annual IEP was developed for the student on [redacted].
2. On [redacted] 0 [redacted] forwarded the student's IEP and evaluations to [redacted].
3. The student was released from [redacted] on [redacted].
4. [redacted] received the student's IEP on [redacted].
5. The student was enrolled in [redacted] on [redacted].

DISCUSSION/CONCLUSIONS

[redacted] did not violate provisions in 34 C.F.R. §300.323(g).

The Part B regulations of the IDEA at 34 C.F.R. §300.323(g) requires that, to facilitate the transition for a child transferring, the new public agency in which the child enrolls must take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous public agency in which the child was enrolled, and the previous public agency in which the child was enrolled must take reasonable steps to promptly respond to the request from the new public agency. Based on the Findings of Facts, [redacted], even without a request from [redacted], took reasonable steps to promptly transmit the child's records to the new public agency in which the child was enrolled.

Therefore, [REDACTED] did not violate Part B provisions of IDEA in 34 C.F.R. §300.323(g) with regard to this State complaint.

Sincerely,

A handwritten signature in black ink that reads "Tameria Lewis". The signature is written in a cursive style with a large initial "T" and "L".

Tameria Lewis
Assistant Superintendent of Special Education

cc:

Parent
