



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

**EDUCATION**

August 1, 2017

*VIA U.S. Mail & Electronic Mail*



RE: State Complaint No. 016-013 Letter of Decision

**LETTER OF DECISION**

**PROCEDURAL BACKGROUND**

On [REDACTED], the State Complaint Office of the Office (SCO) of the State Superintendent of Education (OSSE), Division of Elementary, Secondary, and Specialized Education received a State Complaint from [REDACTED] (“complainant”) against [REDACTED] Public Charter School ([REDACTED] PCS) alleging violations in the special education program of [REDACTED] (“student”) (Student ID # [REDACTED]).

The complainant alleged that [REDACTED] PCS violated certain provisions of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1400 et seq. and regulations promulgated at 34 CFR Part 300, specifically, failure to educate the student in the least restrictive environment, appropriately revise the student’s IEP, provide nonacademic services and activities, and provide special education and related services. IDEA regulations at 34 CFR §300.151 require OSSE to adopt written State complaint procedures for any complaint that meets specific requirements, including a requirement that a complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received. Under OSSE’s State Complaint Policy & Procedures, the SCO will not investigate complaints alleging violations that occurred more than one year prior to the date that the complaint is received by the SCO. (OSSE Formal State Complaint Policy & Procedures (Revised November 2009) at p. 4). Therefore, the period of investigation for this complaint is from [REDACTED], through [REDACTED], the date OSSE’s SCO received the complaint.

OSSE has completed its investigation of the State complaint. As a result of the investigation OSSE determined that [REDACTED] PCS is in compliance with its obligations to educate the student in the least restrictive environment, appropriately revise the student’s IEP, provide nonacademic services and activities, and provide special education and related services. This

Letter of Decision memorializes OSSE’s investigation and final results.

### **COMPLAINT ISSUES**

The allegations raised in the complaint, further clarified by a review of documents and interviews revealed in the course of the investigation, raised the following issues under the jurisdiction of the OSSE SCO:

1. **Requirement to educate the student in the least restrictive environment at 34 CFR §300.114(a)(2)**
  - a. Failure to educate the student in the least restrictive environment.
2. **Requirement to appropriately revise the IEP at 34 CFR §300.324(b)(1)(ii)**
  - a. Failure to appropriately revise the IEP to address any lack of expected progress toward the annual goals in the general education curriculum, information about the child provided by the parents, and the child’s anticipated needs; specifically with regard to extended school year (ESY) and vision therapy services.
3. **Requirement to provide nonacademic services and activities at 34 CFR §§300.107 and 300.117**
  - a. Failure to take steps, including the provision of supplementary aids and services determined appropriate and necessary by the student’s IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities.
4. **Requirement to provide services 34 CFR §300.323(c)(2)**
  - a. Failure to ensure that special education and related services are made available to the child in accordance with the child’s IEP; specifically with regard to specialized instruction.

### **INVESTIGATIVE PROCEDURE**

The investigation included interviews with the following individuals:

1. Complainant<sup>1</sup>
2. [REDACTED] PCS [REDACTED]

The investigation also included review of the following documents which were either submitted by the complainant, submitted by [REDACTED] PCS, or accessible via the Special Education Data System (SEDS):

[REDACTED]

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<sup>1</sup> At the Complainant’s request, this interview was conducted in writing.

[REDACTED]

**GENERAL FINDINGS OF FACT**

1. The student is a child with a disability as defined by 34 CFR §300.8.
2. The student's disability category is Specific Learning Disability.

3. The student's local educational agency (LEA) is [REDACTED] PCS.
4. [REDACTED] PCS offers a [REDACTED] language immersion program through an alternating day model in which students in grades Kindergarten through 5<sup>th</sup> grade receive equal instruction in [REDACTED] and English in all core subjects.

## **ISSUE ONE: LEAST RESTRICTIVE ENVIRONMENT**

### **Findings of Fact**

1. The student's IEP at the beginning of the [REDACTED] school year, initially created [REDACTED] and amended on [REDACTED], prescribed 20 hours per week of specialized instruction within general education, 6 hours per week of reading outside of general education, 45 minutes per week of speech-language pathology outside of general education, 45 minutes per week of behavioral support services outside of general education, 4 hours per month of occupational therapy outside of general education, and a dedicated aide in general education 22 hours per week.
2. The student was assigned to the [REDACTED] classroom for school year [REDACTED].
3. On [REDACTED], the LEA sent an email to the complainant responding to questions about the make-up and purpose of the [REDACTED] classroom where the student was anticipated to receive services during the [REDACTED] school year.
  - a. The [REDACTED] classroom was described in the email as a classroom, "for students to be able to gain access to the English general education curriculum, while also being exposed to the [REDACTED] language."
  - b. The email stated that, "[t]he [REDACTED] placement policy applies to students with disabilities and nondisabled students in the same way and criteria for placement in the [REDACTED] class is not based on disability."
4. The [REDACTED] classroom is a full inclusion classroom with a general education teacher, a special education teacher, a teacher's assistant, and the student's dedicated aide.
5. On [REDACTED], the IEP team convened to discuss the student's school year [REDACTED] class schedule. No changes were made to the IEP.
6. The student's [REDACTED] IEP was amended again on [REDACTED]. No changes were made to the student's special education and related services.
7. An annual IEP review meeting was held on [REDACTED] and a new IEP was developed. The [REDACTED] IEP maintained the same level of special education and related services.
8. At the beginning of the [REDACTED] school year, the [REDACTED] classroom had eight (8) special education and five (5) general education students, totaling thirteen (13) 4<sup>th</sup> and 5<sup>th</sup> grade students.
9. The [REDACTED] school year schedule for the [REDACTED] classroom included 45 minutes of instruction on [REDACTED] language four (4) days per week in addition to academic and non-academic subjects taught all five (5) days of the school week.

### **Discussion/Conclusion**

[REDACTED] PCS has complied with 34 CFR §300.114(a)(2), because it educated the student in the least restrictive environment required by [REDACTED] IEP.

Pursuant to 34 CFR §300.114(a)(2), students must be educated in the least restrictive environment. The complainant alleges that the student's IEP is implemented in a segregated environment with only students receiving special education services and [REDACTED] does not receive the same dual-language curriculum as general education students.<sup>2</sup> The complainant also raised concerns about the student's assignment to a classroom where [REDACTED] believes [REDACTED] was grouped inappropriately with [REDACTED] peers on the basis of [REDACTED] disability.

At the beginning of the [REDACTED] school year, the student's IEP which had last been amended on [REDACTED], prescribed 20 hours per week of specialized instruction within general education, 6 hours per week of reading outside of general education, 45 minutes per week of speech-language pathology outside of general education, 45 minutes per week of behavioral support services outside of general education, 4 hours per month of occupational therapy outside of general education, and a dedicated aide in general education 22 hours per week. The student's IEP was amended on [REDACTED] and updated on [REDACTED] and maintained the same level of services.

At the beginning of the school year, the student was assigned to the [REDACTED] classroom (hereafter [REDACTED]), a full inclusion classroom. [REDACTED] had four education staff members present in the classroom, a general education teacher, a special education teacher, a teacher's assistant, and the student's dedicated aide. [REDACTED] consisted of 13 4<sup>th</sup> and 5<sup>th</sup> grade students in total, eight (8) of whom were students with disabilities. The student received specialized instruction within the [REDACTED] classroom and was pulled outside general education for reading support five days per week for an hour or more, and for related services three days per week.

The schedule for [REDACTED] included 45 minutes of [REDACTED] instruction four days per week in addition to a number of subjects taught in English, including literacy, math, art, music, and physical education. The time scheduled for the student's pull out reading instruction coincided with the time that the [REDACTED] class was taught literacy.

The OSSE Standards Based IEP Guide (October 24, 2013) at p. 4 states that best practice is to assess the student in relationship to the grade-level content demands and focus on continuing to teach students at their grade-level with accommodations and modifications that will allow them to access the same curriculum. The [REDACTED] class that the student was assigned to is described in the LEA's criteria as a differentiated [REDACTED] curriculum model class comprised of students who require a different learning environment from the dual language immersion model. Furthermore, the LEA explained to the complainant through an [REDACTED] email

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<sup>2</sup> Although the complainant raised concerns that 45 minutes per day is not enough [REDACTED] instruction as compared the full immersion [REDACTED] instruction received by other students at the LEA, the complainant's primary concern was the classroom setting in which the student was receiving instructions and not the amount. So while the issue of whether the student is being educated in a segregated full-time special education classroom, contrary to the requirement of [REDACTED] IEP, is distinct from the appropriateness of modifications and supports being providing to the student to enable [REDACTED] to be involved with and make progress in the general education curriculum, both will be addressed in the context of the parent's classroom-based least restrictive environment concerns.

that placement in [REDACTED] was not based on disability, but on extensive criteria designed to ensure that the purpose of the class is fulfilled. Those criteria include: below grade level in [REDACTED], at least two grade levels below in English, and below grade level in math. The LEA additionally clarifies in the [REDACTED] email to the parent that this criteria for assignment to the [REDACTED] classroom applies to students with disabilities and students without disabilities alike. The LEA explained during the [REDACTED] IEP meeting, [REDACTED] was characterized as a full inclusion class for students who are behind in both [REDACTED] and English. OSSE finds that the record reflects that the student was placed in an inclusion classroom when assigned to the [REDACTED] classroom and continued to receive grade-level curriculum in both [REDACTED] and English, modified to meet the individualized needs of both the named student and [REDACTED] peers. OSSE also finds that the student had the opportunity to interact with [REDACTED] peers in general education for the majority of each school day in a full inclusion class, and was only pulled outside of general education for reading support and related services as required by [REDACTED] IEP.

Therefore, [REDACTED] PCS is in compliance with 34 CFR §300.114(a)(2).

## **ISSUE TWO: IEP REVISION**

### **Findings of Fact**

1. An [REDACTED] vision evaluation report found that the student had ocular motor dysfunction and recommended that the LEA allow the student any needed breaks when doing near-centered tasks, extra time for tests and assignments, to use [REDACTED] finger or index card when reading, and limit the amount of copying.
2. The [REDACTED] IEP included findings from the [REDACTED] vision evaluation report in the other classroom aids and services section; to include visual aids for all academic areas, wide-lined paper, breaks when doing near-centered tasks and activities, use of finger or index card when reading, and extra time when completing tasks/activities; and the classroom accommodations section, to include large print materials, read aloud for ELA/literacy and non-ELA assessments, human scribe, speech to text, extended time, and frequent breaks.
3. On [REDACTED], the IEP team discussed how the student's vision impacts [REDACTED] in the classroom and agreed to add a visual motor goal to [REDACTED] IEP and fund vision therapy services outside of [REDACTED] IEP.
4. On [REDACTED], the LEA authorized funding for an additional 12 sessions of vision therapy outside of [REDACTED] IEP to be completed during the investigation timeframe of [REDACTED].
5. On [REDACTED], the student's IEP was amended to add motor skills/physical development goals to address [REDACTED] visual motor concerns.
6. On [REDACTED], the LEA authorized funding for an additional 12 sessions of vision therapy.
7. On [REDACTED], following 24 sessions of vision therapy provided through [REDACTED], the vision therapist reported that the student improved [REDACTED] eye movements.

8. At the [REDACTED] IEP meeting, the student was found eligible for ESY services to be provided in Summer [REDACTED]. At the same meeting the complainant communicated disagreement with the LEA's ESY programming methodology and indicated that the student would not be attending ESY.
9. On [REDACTED], the complainant notified the LEA that the student would be attending ESY at the LEA and requested the planned schedule.
41. On [REDACTED], the IEP was amended with parent consent to require ESY services in the amount of 18 hours per week of specialized instruction in general education and 45 minutes per week of occupational therapy and 45 minutes per week of speech-language pathology outside general education.

### **Discussion/Conclusion**

**[REDACTED] PCS has complied with 34 CFR §300.324(b)(1)(ii), because it revised the student's IEP to include accommodations to support the student's vision needs and reflect the student's eligibility for ESY services as determined by the IEP team.**

Pursuant to 34 CFR §300.324(b)(1)(ii), the LEA must appropriately revise the IEP to address any lack of expected progress toward the annual goals in the general education curriculum, information about the child provided by the parents, and the child's anticipated needs. The complainant alleges that the LEA denied [REDACTED] request to provide vision therapy and ESY services.

#### *Vision therapy*

The IDEA does not expressly recognize vision therapy as a related service. However, it can be a related service if it is required to meet the child's educational needs or performance and does not require that the therapy involve a physician (*DeKalb County Sch. Dist. v. M.T.V.*, 45 IDELR 30 (11th Cir. 2006, unpublished)). If a student does not require vision therapy in order to benefit from [REDACTED] education, then the district need not provide vision therapy (*Eugene Sch. Dist. 4J*, 35 IDELR 52 (SEA OR 2001)). The OSSE Related Services Policy (January 5, 2010) at p. 3 limits medical services that are covered related services to services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.

The student's record includes an [REDACTED] vision evaluation report, funded by the LEA, stating that the student had ocular motor dysfunction. The vision evaluation found the student to be mildly myopic and that it was very difficult for [REDACTED] to keep [REDACTED] eyes fixated on a non-moving target for an extended amount of time. The evaluation recommended breaks when doing near-centered tasks, extra time for tests and assignments, use of [REDACTED] finger or index card when reading, and limited copying. The [REDACTED] IEP meeting notes reflect that the team reviewed the vision evaluation report and teacher observations did not indicate that the student would be unable to benefit from [REDACTED] education without vision therapy as a related

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<sup>3</sup> Although [REDACTED] is outside of the investigation period, this evaluation served as the basis for a number of accommodations in the student's [REDACTED] IEP (amended [REDACTED]), which was the IEP in effect at the beginning of the investigation period.

service. The IEP team did, however, update the student's IEP to incorporate these recommendations into the other classroom aids and services section and classroom accommodations section. These classroom accommodations have remained on each of the student's IEPs in effect during the investigation period and following the filing of this complaint:

██████████ amended IEP, ██████████ amended IEP, ██████████ IEP, and ██████████ IEP.

Although not required under IDEA, the LEA agreed to pay for six to twelve sessions of vision therapy and a ██████████ service update from the student's vision therapist noted ██████████ eye movements improved in every aspect following these services. The record reflects that at the ██████████ IEP meeting, the team's review of this data and information provided by the parent resulted in a team agreement to incorporate classroom accommodations and supports as outlined above to address the student's identified difficulty focusing on text for an extended timeframe. Again, although not required by IDEA, the LEA agreed to fund an additional twenty-four (24) hours of vision therapy services through an independent provider<sup>4</sup> from ██████████ through ██████████. These services were not incorporated into the student's IEP as the team determined at ██████████ meeting that according to the student data, vision therapy was not required in order for the student to access the curriculum and any classroom based concerns resulting from the vision impairment could be addressed through classroom accommodations.

OSSE finds that the LEA's adoption of recommendations made by the vision therapist to accommodate the student's mild myopia addressed concerns about the student's vision that were raised by the parent and confirmed by evaluation results.

#### *ESY*

The student was eligible for and received ESY services during the summer of ██████████. The ██████████ ESY Progress Report indicated that ██████████ received ESY services from ██████████ to ██████████, and made progress in math, reading, communication/speech and language, and motor skills/physical development.

On ██████████, the student was found eligible again for ESY services because ██████████ showed signs of regression when removed from the curriculum for an extended timeframe. On ██████████, the IEP was amended to prescribe ESY services in the amount of 18 hours per week of specialized instruction in general education and 45 minutes per week of occupational therapy and 45 minutes per week of speech-language pathology outside general education. The LEA reported that ██████████ was scheduled to begin receiving ESY services on ██████████. The complainant initially rejected the LEA's offer of ESY services made during the ██████████ IEP meeting, but later agreed that the student would attend ESY and requested the planned schedule.

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<sup>4</sup> Vision therapy services were provided by a licensed physician. IDEA does not require that these services be provided by a licensed physician.



The complainant alleges that the ESY services received by the student in [REDACTED] were ineffective and that the LEA denied [REDACTED] request of Lindamood-Bell for ESY services. However, the student's [REDACTED] ESY progress report indicated that the student made progress in all areas of instruction during the [REDACTED] ESY summer session. Although parent input is required in the IEP process, LEA's are under no obligation to use a parent's preferred teaching method (*Forest Grove School District v. Student* 63 IDELR 163 (D. Or.)). The record reflects that on [REDACTED] the IEP team considered the parent's request for services through the teaching methodology provided by Lindamood-Bell and declined this option, instead selecting the ESY services provided by the LEA during summer session. At this meeting, the team reviewed the student's schedule for the summer to ensure all service needs would be met.

OSSE finds that the LEA addressed the student's vision needs by revising the IEP to include classroom aids and services, and accommodations recommended by the vision evaluation report. OSSE also finds that the LEA addressed concerns about the student's ability to retain information following extended periods spent out of school by revising the IEP to include ESY services in [REDACTED] and [REDACTED]

Therefore, the LEA is in compliance with 34 CFR §300.324(b)(1)(ii).

### **ISSUE THREE: NONACADEMIC SERVICES AND ACTIVITIES**

#### **Findings of Fact**

1. The student's current IEP, last updated within the investigation timeline on [REDACTED], prescribed an FM system as assistive technology to assist the student with hearing [REDACTED] classroom teachers.
2. On [REDACTED], the LEA notified the complainant that the student auditioned for, but was not selected as a member of the school choir.
  - a. The parent was informed by the LEA that the student could participate in the school concert with all students who auditioned for the choir, to take place during the choir's performance.
3. Between [REDACTED] and [REDACTED], the LEA recorded observation notes of the student's use of [REDACTED] FM system.

#### **Discussion/Conclusion**

**[REDACTED] PCS has complied with 34 CFR §§300.107 and 300.117, because it provided aids and services to ensure the student had an equal opportunity for participation in nonacademic and extracurricular activities.**

Pursuant to 34 CFR §§300.107 and 300.117, the LEA must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the student's IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities. The complainant alleges that the LEA did not offer the student accommodations that would allow [REDACTED] to participate in extracurricular activities, particularly

the school choir.

The student's most current IEP during the investigation period, last updated [REDACTED], prescribed an FM system as assistive technology to assist the student with hearing [REDACTED] classroom teachers. Observation notes recorded by the LEA document the student's use of the FM system between [REDACTED] and [REDACTED]. The LEA reported that it made the FM system available to the student, but that [REDACTED] stopped using it because [REDACTED] did not like wearing headphones or earbuds.

The LEA reported that the only extracurricular activity it offers are music (choir) and after care, and that the student does not participate in after care at the LEA. The student auditioned for the school choir and the complainant was notified on [REDACTED] that [REDACTED] was not selected because [REDACTED] was unable to complete the required song in [REDACTED], and unable to find and maintain the correct pitch of the song during the audition. The LEA also told the complainant that all students who auditioned, including those who were not selected for the choir, would have the opportunity to sing in the school concert taking place at the same time as the choir's performance.

There is no evidence on the record to indicate that any aids or services would have been required to allow the student to participate in choir auditions, or that such accommodations were raised by any member of the IEP team at the various meetings held throughout the investigation time period. Although the complainant did not specifically raise the issue of assistive technology in regards to the choir tryout, it should be noted that the FM system prescribed by the student's IEP was intended to assist the student with hearing [REDACTED] classroom teachers. There is no evidence that the student required the hearing amplification device in order to hear [REDACTED] own voice, whether while speaking or singing. The LEA ensured that the student had an equal opportunity to participate in nonacademic and extracurricular activities by making available the opportunity for the student to sing in the school concert with all other students not selected for the choir. There is no record of the LEA offering, or the student attempting, to participate in any other nonacademic or extracurricular activity.

Therefore, [REDACTED] PCS is in compliance with 34 CFR §§300.107 and 300.117.

#### **ISSUE FOUR: PROVISION OF SERVICES**

##### **Findings of Fact**

1. The student's IEP for the [REDACTED] school year, updated during the investigation period on [REDACTED] and [REDACTED], prescribed 20 hours per week of specialized instruction within general education, 6 hours per week of reading outside of general education, 45 minutes per week of speech-language pathology outside of general education, and a dedicated aide in general education 22 hours per week.
2. The student's schedule for the [REDACTED] school year included pull outs for reading, speech, behavior support, and occupational therapy.

3. The reading support teacher's schedule for the [REDACTED] school year included 5 hours and 55 minutes per week of reading services provided to the student.
4. During the [REDACTED] school year, the student was assigned to the [REDACTED] classroom.
  - a. [REDACTED] is a full inclusion classroom with a general education teacher, a special education teacher, a teacher's assistant, and the student's dedicated aide.
5. On [REDACTED], the complainant notified the LEA that she intended to opt-out the student from PARCC testing.
  - a. At the [REDACTED] IEP meeting, the LEA notified the complainant that the student was legally required to take the PARCC if [REDACTED] attended school during the testing period.
6. PARCC testing for the student's class during the [REDACTED] school year occurred from [REDACTED] to [REDACTED].
7. The student was marked absent from school between [REDACTED] and [REDACTED].
8. The student's reading support teacher was absent from school 7 days from [REDACTED] [REDACTED], the beginning of the [REDACTED] school year, through [REDACTED].
9. Reading progress notes demonstrate progress from level J to level M from the beginning to the end of the [REDACTED] school year.

### **Discussion/Conclusion**

**[REDACTED] PCS has complied with 34 CFR §300.323(c)(2) because it provided specialized instruction in accordance with the student's IEP.**

Pursuant to 34 CFR §300.323(c)(2), the LEA must ensure that special education and related services are made available to the child in accordance with the child's IEP; specifically with regard to specialized instruction. The complainant alleged that the student did not receive specialized instruction during PARCC testing or during in-school suspensions during the [REDACTED] school year.<sup>5</sup>

### *Specialized Instruction*

The student's [REDACTED] amended IEP at the beginning of the [REDACTED] school year prescribed 20 hours per week of specialized instruction within general education, 6 hours per week of reading outside of general education and a dedicated aide in general education 22 hours per week. The same level of services was maintained through all of the student's IEPs that were in effect during the school year: [REDACTED] amended IEP and [REDACTED] updated IEP. At the beginning of the [REDACTED] school year, the student was assigned to the [REDACTED] full inclusion classroom that included four education staff members including: a general education teacher, a special education teacher, a teacher's assistant, and the student's dedicated aide. The reading teacher's weekly schedule indicates that the student was pulled

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<sup>5</sup> During the course of the investigation, the complainant additionally raised concerns regarding missed speech and language pathology services because the student's speech-language pathologist told her that she would be out for the week of [REDACTED]. Although the OSSE SCO reviewed the student's speech-language pathology service tracker for the month of [REDACTED], the complainant subsequently reported that any missed days of related services were made up.

out from the [REDACTED] classroom for specialized reading instruction for 1 hour and 20 minutes on two A days per week, 1 hour on two B days per week, and 1 hour and 15 minutes on Fridays, for a total of 5 hours and 55 minutes per week. Additionally, the reading support teacher floated around 4<sup>th</sup> grade classes for three (3) hours on Fridays. Progress notes from the reading support teacher demonstrate that the student progressed from reading level J at the beginning of the school year in [REDACTED], to reading level M at the end of the school year in [REDACTED].

The LEA reported that the student's classroom special education teacher was rarely absent and that on days that she was, the student's classroom had a general education teacher, a teacher's assistant, and the student's dedicated aide present to offer support. The reading support teacher's attendance records demonstrate that she missed seven (7) days of school from the beginning of the [REDACTED] school year on [REDACTED] until [REDACTED] when the complainant filed the State complaint. Only two of those seven absences occurred in the same week. Both the parent and LEA reported that any missed days of specialized instruction or related services were made up.

#### *PARCC Testing*

On [REDACTED], the complainant notified the LEA that the student would not be participating in PARCC testing. The LEA had notified the parent during the prior school year that DC law does not permit "opt-out" and that if the student attended school during the PARCC testing window, they would be required to administer the test to the student. The LEA reported that 4<sup>th</sup> graders (the student's grade) participated in PARCC testing from [REDACTED] to [REDACTED] and that the student was absent from school for the entire testing period, from [REDACTED] to [REDACTED]. During the PARCC testing window no instruction was provided and therefore no 4<sup>th</sup> graders with disabilities received specialized instruction.

Although the complainant alleged that the student did not receive specialized instruction during in-school suspensions, [REDACTED] did not identify when the student was suspended. Additionally, the LEA reported that the student was not suspended during the [REDACTED] school year. OSSE finds that the student did not miss any specialized instruction in the general education setting, and that the 8 hours and 45 minutes of reading instruction hours missed during the [REDACTED] school year were made up.

Therefore, [REDACTED] PCS is in compliance with 34 CFR §300.323(c)(2).

#### **CONCLUSIONS**

1. [REDACTED] PCS is in compliance with 34 CFR §§300.114(a)(2) due to ensuring that the student was educated in the least restrictive environment.
2. [REDACTED] PCS is in compliance with 300.324(b)(1)(ii) due to providing accommodations to support the student's vision needs and prescribing ESY services.
3. [REDACTED] PCS is in compliance with 300.107 and 300.117 due to providing aids and services to ensure the student had an equal opportunity for participation in nonacademic and extracurricular activities.

4. [REDACTED] PCS is in compliance with 300.323(c)(2) due to providing specialized instruction in accordance with the student's IEP.

If you have any questions regarding this decision, please contact Victoria Glick, Manager, State Complaints, at [Victoria.Glick@dc.gov](mailto:Victoria.Glick@dc.gov) or 202-724-7860.

Sincerely,

Amy Maisterra, Ed.D., MSW  
Assistant Superintendent for Elementary, Secondary, and Specialized Education

cc: [REDACTED], Complainant