



DISTRICT OF COLUMBIA  
OFFICE OF THE STATE SUPERINTENDENT OF

# EDUCATION

June 6, 2019

*VIA U.S. Mail & Electronic Mail*

[REDACTED]  
[REDACTED]  
[REDACTED] Public Charter School  
[REDACTED]  
[REDACTED]

RE: State Complaint No. 018-017 Letter of Decision

## LETTER OF DECISION

### PROCEDURAL BACKGROUND

On [REDACTED], the State Complaint Office (SCO) of the Office of the State Superintendent of Education (OSSE), Division of Systems and Supports, K-12 received a State complaint from [REDACTED] (complainants or parents) against [REDACTED] Public Charter School (PCS) alleging violations in the special education program of their [REDACTED] (Student ID # [REDACTED] hereinafter "student" or "child.")

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 provide specialized instruction and accommodations required by the student's IEP.

The SCO for OSSE has completed its investigation of the State complaint. During the course of the investigation, OSSE determined that [REDACTED] PCS complied with its obligation to have an IEP in effect for the student during the [REDACTED] school year. This Letter of Decision (LOD) is the report of the final results of OSSE's investigation.

### COMPLAINT ISSUE

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. **IEP requirements at 34 CFR §300.323(a)**
  - a. Failure to have an individualized education program (IEP) in effect for the student, specifically a failure to provide specialized instruction and

accommodations required by the student's IEP.

### **INVESTIGATIVE PROCEDURE**

The investigation included interviews with the following individuals:

1. Complainants

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]

### **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) during the investigation period was [REDACTED] PCS.

### **ISSUE: IEP IMPLEMENTATION**

#### **Findings of Fact**

1. The [REDACTED] IEP prescribed 3.25 hours per week of specialized instruction inside the general education setting.
  - a. The IEP contained the following classroom aids and services: "Teachers should break down large assignments into smaller portions with attainable due dates."
  - b. The IEP contained the following classroom accommodations: clarification/repetition of directions, preferential seating, location with minimal distractions, small group testing, and extended time (1.5 time[s the allotted testing time]).
2. On [REDACTED] the parent requested alternative or additional times for student support hours and the teacher responded with [REDACTED] availability to provide additional support to students.
3. [REDACTED] PCS reported that the student's assigned special education teacher provided academic support in the student's classes, including English, Math, Physics, Chemistry, and Biology.
4. The student's special education teacher reported various methods for differentiating the student's instruction for different subjects:
  - a. Math: breaking down problems, reviewing missed questions, using visual aids, prompting the student to show [REDACTED] work, and use of geometric figures.

- b. English: use of graphic organizers and prompts and cues to support evidence through text for writing.
  - c. Reading: small group instruction to focus on expression and enunciation of words.
5. [REDACTED] PCS reported that they changed strategies throughout the school year to adapt to the student's needs and offered additional support during study hall and after school hours.
6. [REDACTED] PCS reported that in addition to direct specialized instruction to the student, the special education teacher collaborated with the student's general education teachers on how to support the student in the classroom.
7. [REDACTED] PCS held an IEP Team meeting on [REDACTED].
  - a. The IEP Team reviewed recently completed evaluations and found that the student continued to be eligible for special education services.
  - b. The IEP was updated to prescribe 3.25 hours per week of specialized instruction inside the general education setting and 1.5 hours per week of specialized instruction outside the general education setting.
    - i. The IEP contained the following classroom aids and services: "Teachers should break down large assignments into smaller portions with attainable due dates. In writing, teachers will use graphic organizers in order for [Student] to organize [REDACTED] writing."
    - ii. The IEP contained the following classroom accommodations: clarification/repetition of directions, calculation device on non-calculator sections, preferential seating, location with minimal distractions, small group testing, extended time (1.5 time), flexibility in scheduling, and frequent breaks.
    - iii. The IEP contained updated goals in all areas of concern: Mathematics, Reading, and Written Expression.
8. On [REDACTED] [REDACTED] PCS issued written notice that the student continues to need academic support and specialized instruction in the areas of reading, writing, and math.
9. The [REDACTED] IEP progress report stated that the student was progressing in both Math goals, both Reading goals were recently introduced, and both Written Expression goals were recently introduced.

### Discussion/Conclusion

[REDACTED] PCS has complied with 34 CFR §300.323(a), because it provided the specialized instruction and academic supports required by the student's IEP.

Pursuant to 34 CFR §300.323(a), at the beginning of each school year, each public agency must have an IEP in effect for each child with a disability within its jurisdiction. The complainants allege that the student's teachers failed to differentiate instruction and provide needed academic supports.

The student attended [REDACTED] PCS for the [REDACTED] school year. The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received. (34 CFR §300.153(c)) The parents filed this complaint on [REDACTED]; therefore, OSSE has the

authority to review events occurring back to [REDACTED] in its investigation. The student's [REDACTED] IEP that was in effect at the start of the investigation timeline prescribed 3.25 hours per week of specialized instruction inside the general education setting. The IEP also contained the following classroom aids and services: "Teachers should break down large assignments into smaller portions with attainable due dates" and the following classroom accommodations: clarification/repetition of directions, preferential seating, location with minimal distractions, small group testing, and extended time (1.5 time).

[REDACTED] PCS held an IEP Team meeting on [REDACTED]. The IEP Team reviewed recently completed evaluations and found that the student continued to be eligible for special education services. The Team updated the IEP to prescribe 3.25 hours per week of specialized instruction inside the general education setting and 1.5 hours per week of specialized instruction outside the general education setting. The IEP Team added additional classroom aids and services: "Teachers should break down large assignments into smaller portions with attainable due dates. In writing, teachers will use graphic organizers in order for [Student] to organize [REDACTED] writing" and additional classroom accommodations: clarification/repetition of directions, calculation device on non-calculator sections, preferential seating, location with minimal distractions, small group testing, extended time (1.5 time), flexibility in scheduling, and frequent breaks. The IEP contained updated goals in all areas of concern: Mathematics, Reading, and Written Expression, due to the student's progress toward meeting [REDACTED] IEP goals.

[REDACTED] PCS reported that the student's assigned special education teacher provided academic support in the student's classes, including English, Math, Physics, Chemistry, and Biology. In addition to direct specialized instruction to the student, the special education teacher collaborated with the student's general education teachers on how to support the student in the classroom. The student's special education teacher reported various methods for differentiating the student's instruction for different subjects. In math the methods included breaking down problems, reviewing missed questions, using visual aids, prompting the student to show [REDACTED] work, and use of geometric figures. In English, the methods included the use of graphic organizers and prompts and cues to support evidence through text for writing. And in reading the methods included small group instruction to focus on expression and enunciation of words. In the IDEA regulations, Specially designed instruction means adapting, as appropriate to the needs of the eligible child, the content, methodology, or delivery of the instruction to address the unique needs of the child that result from the child's disability and to ensure access to the general curriculum so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children. (34 CFR §300.39(b)(3)) OSSE finds that [REDACTED] PCS's methods met this definition.

The parents cite to the fact that the student received a failing grade in three (3) of [REDACTED] classes as evidence that the school failed to differentiate instruction and provide needed academic support. However, this outcome does not mean that the school failed to provide the student's IEP services. Specialized instruction is not recorded on service trackers the way related services are, but [REDACTED] PCS identified the special education teachers assigned to the student throughout the [REDACTED] school year and reported that all hours required by the IEP were

provided. The school reported that it provided the classroom aids and services and accommodations listed on the IEP. The complainants acknowledge that extended time to complete tests and assignments was made available to the student. [REDACTED] PCS reported that they changed strategies throughout the school year to adapt to the student's needs and offered additional support during study hall and after school hours. OSSE's investigation found ample evidence that [REDACTED] PCS provided the specialized instruction and supports required by the student's IEP. In addition, during the investigation timeline [REDACTED] PCS updated the student's IEP with additional specialized instruction and supports to meet the student's needs.

Therefore, [REDACTED] PCS has complied with 34 CFR §300.323(a).

### **CONCLUSION**

1. [REDACTED] PCS has complied with 34 CFR §300.323(a), because it provided the specialized instruction and academic supports required by the student's IEP.

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

Sincerely,



Victoria Glick  
State Complaints Manager, Division of Systems and Supports, K-12

cc: [REDACTED], Complainants