



DISTRICT OF COLUMBIA  
OFFICE OF THE STATE SUPERINTENDENT OF

# EDUCATION

[REDACTED]

VIA Electronic Mail

[REDACTED]  
[REDACTED] PCS  
[REDACTED]

RE: State Complaint No. 019-015 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] (complainant or parent) against [REDACTED] [REDACTED] Public Charter School ([REDACTED] PCS) alleging violations in the special education program of [REDACTED] [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 the services 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 failed to make available the services on the student's IEP. This Letter of Decision 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. **Requirement to provide services at 34 CFR §300.323(c)(2)**
  - a. Failure to make available special education in accordance with the child's IEP,

specifically with regard to dedicated aide services during the [REDACTED] school year.

### INVESTIGATIVE PROCEDURE

The investigation included interviews with the following individuals:

1. Complainant
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 autism spectrum disorder.
3. The student's local educational agency (LEA) is [REDACTED] PCS.

### ISSUE: IEP SERVICES

#### Findings of Fact

1. On [REDACTED] the IEP Team amended the student's IEP to add a dedicated aide.
  - a. The [REDACTED] amended IEP prescribes the support of a dedicated aide for 6 hours per day and extended school year (ESY) services.
  - b. [REDACTED] PCS assigned a dedicated aide (dedicated aide 1) to the student the following school day on [REDACTED].
2. Dedicated aide 1 served as the student's dedicated aide from [REDACTED] until [REDACTED], when dedicated aide 1 left employment at the school.

3. [REDACTED] PCS informed the parent of this upcoming change and let the parent select which of two dedicated aides already employed by the school would temporarily serve as the student's dedicated aide while the school hired a new dedicated aide.
4. The temporary dedicated aide selected by the parent (dedicated aide 2) served as the student's dedicated aide from [REDACTED] until [REDACTED].
5. [REDACTED] PCS hired a new dedicated aide (dedicated aide 3) who started on [REDACTED] and served as the student's dedicated aide until the end of the [REDACTED] school year.
6. Pursuant to the parent's request, dedicated aide 3 served as the student's dedicated aide during ESY services.
7. For the [REDACTED] school year, dedicated aide 3 accepted another position at the school.
8. A new dedicated aide (dedicated aide 4) has been serving as the student's dedicated aide for the [REDACTED] school year.
9. For the first two weeks of the [REDACTED] school year, dedicated aide 4 supported another student when that student's schedule overlapped with the schedule of the student named in the complaint.
10. At a [REDACTED] meeting [REDACTED] PCS and the parent discussed the partially shared dedicated aide arrangement.
  - a. The parent requested that the student's dedicated aide support be one-to-one.
  - b. [REDACTED] PCS agreed that the student's dedicated aide support would be one-to-one support for the remainder of the school year.
11. The [REDACTED] IEP prescribes the support of a dedicated aide for 6 hours per day.
12. Dedicated aide 4 has missed two school days this school year and on those days [REDACTED] [REDACTED] PCS ensured that there was coverage of a staff member supporting the student throughout the school day through increased monitoring, proximity, and check-ins, although it was not always one-to-one support.

### Discussion/Conclusion

[REDACTED] PCS has not complied with 34 CFR §300.323(c)(2), because it has not consistently provided a dedicated aide as required by the student's IEP.

Pursuant to 34 CFR §300.323(c)(2), each public agency must ensure that as soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP. The complainant alleges that [REDACTED] PCS has not had a consistent dedicated aide in place for the student.

### School Year

On [REDACTED] the IEP Team amended the student's IEP to add a dedicated aide and [REDACTED] PCS assigned a dedicated aide (dedicated aide 1) to the student the following school day on [REDACTED]. Dedicated aide 1 served as the student's dedicated aide from [REDACTED] until [REDACTED], when dedicated aide 1 left employment at the school. [REDACTED] PCS informed the parent of this upcoming change and let the parent select which of two dedicated aides already employed by the school would temporarily serve as the student's dedicated aide while the school hired a new dedicated aide. The temporary dedicated aide selected by the parent (dedicated aide 2) served as the student's dedicated aide

from [REDACTED] until [REDACTED]. [REDACTED] PCS hired a new dedicated aide (dedicated aide 3) who started on [REDACTED] and served as the student's dedicated aide until the end of the [REDACTED] school year. Pursuant to the parent's request, dedicated aide 3 served as the student's dedicated aide during ESY services.

Although there was transition between dedicated aides assigned to the student, there was no interruption in services. [REDACTED] PCS notified the parent of upcoming changes and did what they could to make the transitions between dedicated aides as smooth as possible. [REDACTED] PCS cannot control staff departures from employment and thus cannot guarantee a specific service provider for any length of time. However, [REDACTED] PCS is responsible for ensuring the service is made continuously available to the student and OSSE finds that [REDACTED] PCS did this during the [REDACTED] school year.

#### [REDACTED] School Year

For the [REDACTED] school year, dedicated aide 3 accepted another position at the school and so a new dedicated aide (dedicated aide 4) has been serving as the student's dedicated aide for the [REDACTED] school year. For the first two weeks of the school year, dedicated aide 4 supported another student during part of the school day when that student's schedule overlapped with the schedule of the student named in the complaint. At a [REDACTED] meeting [REDACTED] PCS and the parent discussed the partially shared dedicated aide arrangement. The parent requested that the student's dedicated aide support be one-to-one. [REDACTED] PCS agreed that the student's dedicated aide support would be one-to-one support for the remainder of the school year.

Dedicated aide 4 has missed two school days this school year and on those days [REDACTED] [REDACTED] PCS ensured that there was coverage of a staff member supporting the student throughout the school day through increased monitoring, proximity, and check-ins, although it was not always one-to-one support. OSSE's review of the record finds that although [REDACTED] [REDACTED] PCS provided supports to the student on the two school days when Dedicated aide 4 was absent, the student did not receive the supports of a dedicated aide on these days.

One-to-one support is inherent in the definition of a dedicated aide. [REDACTED] PCS should not have planned for the student's dedicated aide to support another student for part of the school day. However, the student still had the support of the aide and [REDACTED] PCS quickly resolved the issue after the parent requested the support be provided on a one-to-one basis. [REDACTED] PCS cannot control staff absences and OSSE notes that the LEA took steps to ensure that the student was supported on those days when the student's one-to-one aide was absent. OSSE finds that [REDACTED] PCS did not make available the supports of a dedicated aide support required by the student's IEP on the two school days that Dedicated aide 4 was absent during the [REDACTED] school year.

Therefore, [REDACTED] PCS has not complied with 34 CFR §300.323(c)(2).

**CONCLUSION**

1. [REDACTED] PCS has not complied with 34 CFR §300.323(c)(2), because it has not consistently provided a dedicated aide as required by the student’s IEP, specifically on the two days that Dedicated aide 4 was absent during the [REDACTED] school year.

**CORRECTIVE ACTION**

1. In order to correct the noncompliance with 34 CFR §300.323(c)(2), [REDACTED] PCS must do the following:
  - a. Convene an IEP team meeting to develop a compensatory education plan for [REDACTED] PCS’ failure to provide a dedicated aide as required by the student’s IEP on the two days that Dedicated aide 4 was absent during the [REDACTED] school year. If the parties cannot agree, [REDACTED] PCS must provide twelve (12) hours of independent tutoring services. Documentation of completion of this corrective action is due to OSSE within 30 days of the date of this letter.
  - b. Develop and submit to OSSE a written policy and procedure for ensuring dedicated aide services are made available to eligible students during all short and long term staff absences. Documentation of the completion of this item is due to OSSE within 30 days of the date of this letter.

All corrective actions must be completed by the date specified above, but in no case later than one year from the date of this letter. 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], Complainant  
[REDACTED], PCSB