

RE: State Complaint No. 019-015 Letter of Decision

#### LETTER OF DECISION

PROCEDURAL BACKGROU	<u>JND</u>		
On , the	e State Complaint C	Office (SCO) of the Offic	e of the State
Superintendent of Educat	ion (OSSE), Division	of Systems and Suppo	rts, K-12 received a State
complaint from	(complainar	nt or parent) against	
Public Cha	rter School (	PCS) allegin	g violations in the special
education program of		(Student ID #	hereinafter
"student" or "child."			
The complainant alleged to Individuals with Disabilities promulgated at 34 CFR Pastudent's IEP.	es Education Act (ID	DEA), 20 U.S.C. §1400 et	seq. and regulations
The SCO for OSSE has com the investigation OSSE de- services on the student's investigation.	termined that	PCS failed	to make available the

## **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 school year.

#### **INVESTIGATIVE PROCEDURE**

The investigation included interviews with the following individuals:

- 1. Complainant
- 2. PCS

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



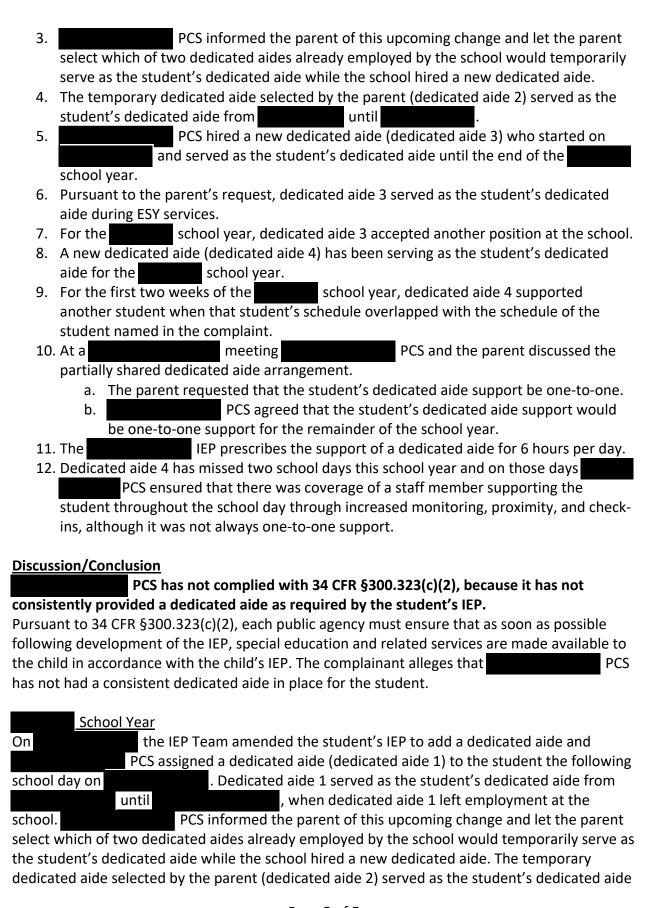
#### **GENERAL FINDINGS OF FACT**

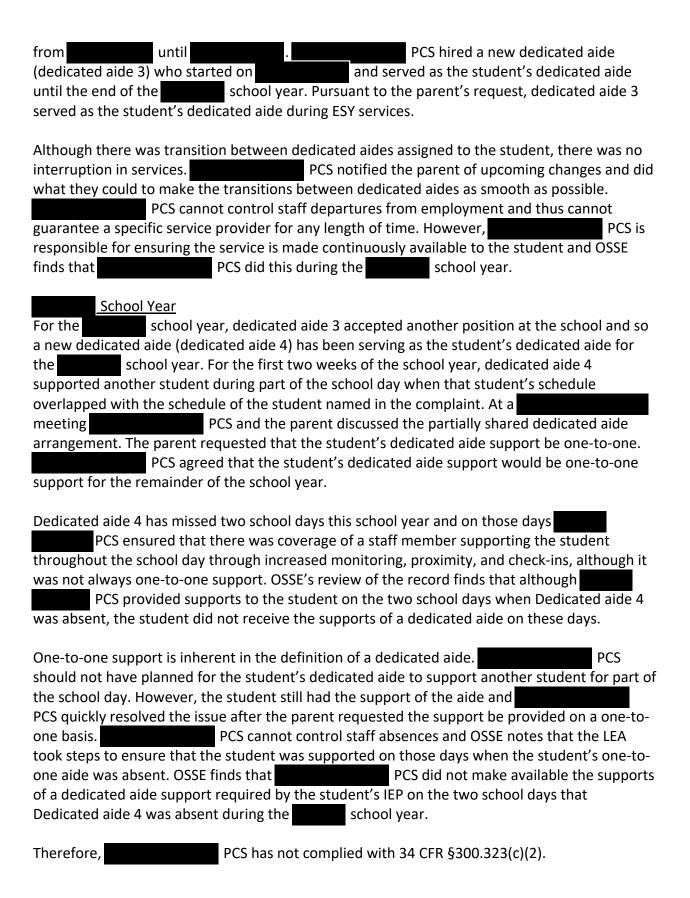
- 1. The student is a child with a disability as defined by 34 CFR §300.8.
- 2. The student's disability category is autism spectrum disorder.
- 3. The student's local educational agency (LEA) is

# **ISSUE: IEP SERVICES**

## Findings of Fact

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





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 school year.

### **CORRECTIVE ACTION**

- 1. In order to correct the noncompliance with 34 CFR §300.323(c)(2), PCS must do the following:
  - a. Convene an IEP team meeting to develop a compensatory education plan for 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 school year. If the parties cannot agree, 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 or 202-724-7860.

Sincerely,

Victoria Glick

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

cc: , Complainant , PCSB