



July 6, 2023

VIA Electronic Mail

██████████
██████████
██████████ Public Charter School
██████████
██████████

RE: State Complaint No. 022-029 Letter of Decision

LETTER OF DECISION

PROCEDURAL BACKGROUND

On ██████████, 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 ██████████ (complainant or parent) against ██████████ Public Charter School (PCS) alleging violations in the special education program of ██████████ ██████████ (Student ID # ██████████), hereinafter “student” or “child.”

The complainant alleged that ██████████ 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 address bullying.

The SCO for OSSE has completed its investigation of the State complaint. During the course of the investigation OSSE determined that ██████████ PCS complied with its obligation to address concerns over bullying. This Letter of Decision is the report of the final results of OSSE’s investigation.

COMPLAINT ISSUE

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

1. **Requirement to revise the IEP at 34 CFR §300.324(b)(1)(ii)**
 - a. Failure to review and revise the child’s IEP as appropriate, specifically with regard to concerns related to bullying interventions.

INVESTIGATIVE PROCEDURE

The investigation included interviews with the following individuals:

1. Complainant
2. [REDACTED] PCS [REDACTED]
3. [REDACTED] PCS [REDACTED]
4. [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]
[REDACTED]
[REDACTED]
[REDACTED]
[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 multiple disabilities.
3. The student's local educational agency (LEA) is [REDACTED] PCS.

ISSUE: BULLYING

Friendship PCS has complied with 34 CFR §300.324(b)(1)(ii), because it found that the student was not bullied and therefore did not have to address it through the IEP process.

Pursuant to 34 CFR §300.324(b)(1)(ii), each public agency must ensure that the IEP team revises the IEP, as appropriate, to address information about the child provided to, or by, the parents; the child's anticipated needs; or other matters. The complainant alleges that [REDACTED] PCS failed to address ongoing bullying.

Findings of Fact and Discussion

The complainant alleges that the student experienced ongoing bullying throughout the [REDACTED] school year that culminated in a confrontation between the complainant and student and another student's family outside of the school on [REDACTED]. That day [REDACTED] PCS notified the student's IEP team that the two students should be kept separate. Starting the following day, the complainant refused to send the student back to school. The parent filed a complaint about bullying and [REDACTED] PCS opened an investigation on [REDACTED].

[REDACTED] PCS has a schoolwide bullying policy and they conduct investigations into any alleged bullying incidents. [REDACTED] PCS's investigation included interviews with all parties involved

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and a review of text messages sent between the students outside of school. On [REDACTED] [REDACTED] PCS issued their investigation report. The report found that the conflict between the students was mutually engaged in by both students and not the result of bullying. The conflict arose from text messages exchanged outside of school that led to in-school conflict on two occasions. The students engaged in a fight in [REDACTED] and [REDACTED] and both times the conflict was addressed through restorative circles and closer supervision by school staff members during times the students were in the same place, such as recess, lunch, and in the hallways during transitions.

OSSE's review of the student's education record found that [REDACTED] PCS had many behavior supports in place to help the student. The student's [REDACTED] IEP prescribes 180 minutes per month of behavioral support services and the support of a dedicated aide for eight hours per day. The IEP contains four goals related to the student's emotional, social, and behavioral development to help the student develop coping, mindfulness, problem-solving, and self-advocacy strategies, and reduce physical and verbal aggression. Under positive behavior interventions and supports it states "[Student] has displayed behaviors within the inclusion classroom that has hindered [their] academic progress and disrupted the learning environment. [Student] has been placed on daily behavior trackers that are closely monitored by the school psychologist. [Student] is now participating in the classroom-based behavior tracker. [Student] also has a dedicated aide to assist with maintaining desirable behaviors within the classroom setting and during transitions to and from class." [REDACTED] PCS also had a behavior intervention plan and safety plan in place.

Because [REDACTED] PCS determined that the student was not bullied it had no obligation to address it through the IEP process. OSSE additionally finds that [REDACTED] PCS took all necessary steps, including utilizing the IEP process, to address the student's behavior and safety throughout the [REDACTED] school year.

Therefore, [REDACTED] PCS has complied with 34 CFR §300.324(b)(1)(ii).

CONCLUSION

1. [REDACTED] PCS has complied with 34 CFR §300.324(b)(1)(ii), because it found that the student was not bullied and therefore did not have to address it through the IEP process.

If you have any questions regarding this decision, please contact me at Kirstin.Hansen@dc.gov or 202-445-4893.

Sincerely,

Kirstin Hansen

Kirstin Hansen
State Complaints Manager
Office of Special Education

cc: [REDACTED], Complainant