



August 22, 2023

VIA Electronic Mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

RE: State Complaint No. 022-031 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) against [REDACTED] [REDACTED] Public Charter School [REDACTED] PCS) alleging violations in the special education programs of students with IEPs within [REDACTED] co-taught classroom.

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 special education in accordance with students' IEPs.

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 provide special education services to students with IEPs. 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 IEP services at 34 CFR §300.323(c)(2)**
 - a. Failure to make available special education and related services.

INVESTIGATIVE PROCEDURE

The investigation included interviews with the following individuals:

1. Complainant

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

[REDACTED]
[REDACTED]
[REDACTED]

GENERAL FINDINGS OF FACT

1. The students in this complaint are children with a disability as defined by 34 CFR §300.8.
2. The students' local educational agency (LEA) is [REDACTED] PCS.

ISSUE: IEP SERVICES

[REDACTED] PCS has complied with 34 CFR §300.323(c)(2), because it provided the special education services required by the student's IEPs.

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 the special education teacher in the co-taught classroom failed to provide special education services to students with IEPs.

Findings of Fact and Discussion

During the [REDACTED] school year, the complainant was the general education teacher in a classroom co-taught with a special education teacher. The complainant alleges that during the two periods of English Language Arts class, the special education teacher sat at a table writing reports instead of helping students.

In its response to the complaint, [REDACTED] PCS reported that when the complainant brought these concerns to school administration in [REDACTED], the special education coordinator investigated, which included a review of student progress data, and found no issues with the students' receipt of special education services. [REDACTED]

[REDACTED] PCS also reported that the general education teacher struggled with classroom

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management, had frequent absences, was put on a performance improvement plan with coaching, and her contract was not renewed for the next school year. Administrators visited the classroom to observe teaching and did not report any issues with the special education teacher and provision of specialized instruction.

OSSE reviewed education records for the students assigned to those two periods of English Language Arts. One class had 5 students with IEPs and the other class had 6 students with IEPs. The IEPs prescribed four to ten hours per week of specialized instruction inside the general education setting and [REDACTED] students required specialized instruction outside the general education setting, ranging from two to twelve hours per week. All [REDACTED] students had IEP academic goals related to reading and seven students had goals related to written expression.

The special education teacher reported that she helped plan lessons and activities with the students' IEP accommodations in mind. The general education teacher lead instruction and the special education teacher provided support to students with IEPs. The special education teacher would repeat instructions and clarify any gaps that students with IEPs may have missed. During learning activities, the special education teacher was available to provide extra support and small group instruction to students at a small table at the back of the classroom. The special education teacher also took students with IEPs to another room for testing to be able to provide all IEP required testing accommodations. In addition to specialized instruction, the some of the students received support from a speech therapist, a psychologist, and dedicated aids during those class periods.

OSSE interviewed the dedicated aides assigned to students in those classes and an administrator. Those staff members confirmed issues with the lead teacher's classroom management and communication, but all of them reported that the special education teacher provided specialized instruction and one-on-one support to the students with IEPs. OSSE reviewed the students' IEP progress reports and found that all students were progressing in their reading and written expression goals.

OSSE found no evidence from its interviews and review of student records that [REDACTED] PCS failed to provide special education services to students with IEPs in two classes of English Language Arts.

Therefore, [REDACTED] PCS has complied with 34 CFR §300.323(c)(2).

CONCLUSION

1. [REDACTED] PCS has complied with 34 CFR §300.323(c)(2), because it provided the special education services required by the student's IEPs.

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, Division of Systems and Supports, K-12

cc: [REDACTED], Complainant

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