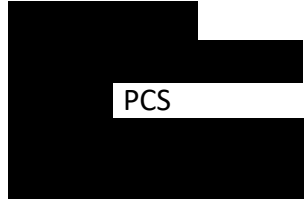




November 18, 2025

VIA Electronic Mail



RE: State Complaint No. 025-007 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 Strategic Funding for School Quality received a State complaint from [REDACTED] (parent or complainant) against the [REDACTED] Charter School (PCS) alleging violations in the special education program of their child, [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 review and revise the student’s individualized education program (IEP) to address bullying and implement the student’s safety plan and other IEP accommodations.

The SCO for OSSE has completed its investigation of the State complaint. During the course of the investigation OSSE determined that [REDACTED] PCS has complied with its obligations to address concerns regarding bullying and the implementation of the student’s IEP. This Letter of Decision is the report of the final results of OSSE’s investigation.

COMPLAINT ISSUES

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 revision and implementation requirements at 34 CFR §§300.324(b) and 300.323(c)(2)**
 - a. Failure to review and revise the IEP as appropriate to address bullying, and implement the student safety plan and other IEP accommodations meant to

prevent bullying.

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 Programs data system:

[REDACTED]

FINDINGS OF FACT

1. The student is [REDACTED] years old and qualifies for special education and related services under the primary classification of Autism as defined by 34 CFR §300.8.
2. The student's local education agency is [REDACTED] PCS.
3. In [REDACTED], [REDACTED] PCS became aware that the student may have been bullied by peers. On [REDACTED], [REDACTED] PCS initiated an investigation into the bullying concerns. The investigation concluded on [REDACTED] and determined that the student was bullied by three peers. In response, [REDACTED] PCS took several steps including but not limited to the following: moved the student's classroom, offered counseling to the student and other students involved in the bullying, and continued to

maintain safety procedures in keeping the students separated.

4. In [REDACTED], [REDACTED] PCS developed a safety plan for the student. This safety plan was developed by [REDACTED] PCS' Managing Director of Middle Schools, Community Assistant Principal, and the Student Support Coach.
5. The student was not eligible to receive special education services at the time in which the aforementioned bullying incident occurred and when the safety plan was developed.
6. On [REDACTED], the student was determined eligible for special education services. The student's initial IEP was developed on [REDACTED].
7. The [REDACTED] IEP prescribes the student to receive one hour monthly of behavioral support services inside the general education environment and one hour monthly of behavioral support services outside the general education environment. The [REDACTED] IEP prescribes the following goals:

“[The student] will demonstrate improved peer interactions by initiating and maintaining positive exchanges (e.g., giving compliments, asking for help, or resolving minor conflicts) with peers in 3 out of 4 observed opportunities, as measured by teacher reports and peer feedback.”

“[The student] will generalize [their] use of social and self-management skills across settings (classroom, lunch, and transitions) in 4 out of 5 observed opportunities, as measured by teacher and staff reports”

8. On [REDACTED], the student's IEP Team convened to discuss the student's speech-language evaluation and determine whether additional related services were warranted. The evaluation indicated the student's expressive and receptive language skills were within the average range and, therefore, speech-language services were not recommended. At the meeting, the complainant raised concern regarding social dynamics during group work. Two of the student's teachers expressed the student is quiet, prefers independent work, and occasionally needs encouragement to engage with peers. However, there were no concerns regarding bullying or peer targeting as of the date of the IEP Team meeting.
9. On [REDACTED], the student's [REDACTED] IEP was amended in response to the parent's concerns to include a social communication goal. The following goal was added to the student's IEP:

“In structured and unstructured settings, [the student] will use appropriate verbal and nonverbal communication strategies to express when they do not understand instructions, feel frustrated, or need support, in 4 out of 5 observed opportunities over a 6-week period.”

10. On [REDACTED], the student engaged in a physical altercation with another student. [REDACTED] PCS investigated the incident and determined it was a mutual fight and not an instance of bullying.
11. Four of the student's teachers report they have not observed or received reports of bullying during the [REDACTED] school year. The student's teachers do not report a link between attendance or academic progress and bullying.
12. The following table contains information on the student's [REDACTED] attendance as of [REDACTED].

Tardy	23
Present	21
Excused Tardy	2
Unexcused Absence	2
Early Dismissal	2

13. During Quarter One of the [REDACTED] school year, the student's grades ranged from 76 to 100 across all classes. During Quarter Two of the [REDACTED] school year, the student's grades, as of [REDACTED], range from 83 to 89.

ISSUE ONE: IEP

[REDACTED] PCS has complied with 34 CFR §§300.324(b) and 300.323(c)(2), because the student has not been found to be bullied following the development of the student's IEP, and it has implemented multiple special education and non-special education supports regarding behavioral support and safety.

Pursuant to 34 CFR §300.324(b), each public agency must ensure that it 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. Pursuant to 34 CFR §300.323(c)(2), each public agency must ensure 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 appropriately revised and implemented the student's IEP accommodations regarding bullying.

Discussion

The complainant alleges that the student experienced ongoing bullying since the [REDACTED] school year that culminated into a physical altercation between the student and a peer on [REDACTED]. The complainant asserts that the physical altercation is representative of [REDACTED] PCS failing to appropriately implement the student's IEP accommodations and appropriately revise the IEP in response to the ongoing concern. Although the [REDACTED] school year is outside the one-year investigation timeline for this complaint, OSSE reviewed the history of bullying

concerns to understand the current situation.

████████ PCS became aware of bullying concerns in ██████████ and opened an investigation into the issue on ██████████. On ██████████, ██████████ PCS concluded its investigation and determined the complainant's child had been bullied by three peers. As part of its response to the bullying determination, ██████████ PCS developed a safety plan for the student in ██████████ which consisted of various safety procedures such as teachers are instructed to enter the student's name into the grade level chat and wait for confirmation that the child's peers are not in the hallway at the same time, for example. The bullying investigation and development of the safety plan took place prior to the student being found eligible as a child with a disability as the child was first found eligible on ██████████. The safety plan was never integrated into the student's initial ██████████ IEP or other special education documentation. Therefore, the implementation of the safety plan is not a special education accommodation and is outside the scope of IDEA. Despite this, ██████████ PCS did provide documentation, including staff member messages, to the SCO to illustrate that it has been implementing the safety plan.

While the student's safety plan is not an accommodation prescribed by the student's ██████████ IEP, ██████████ PCS is obligated to address bullying concerns through the IEP process if the bullying is negatively impacting the student's access to free appropriate public education (FAPE). The SCO's review of the student's special education record found that ██████████ PCS had many behavior supports in place to help the student. The ██████████ IEP prescribes the student to receive one hour monthly of behavioral support services in the general education environment and one hour monthly of behavioral support services outside the general education environment. The student's initial IEP prescribed two emotional, social, and behavioral development goals to support the student in improving peer interaction, maintaining positive exchanges, as well as utilizing social and self-management skills. Both goals are to be measured by teacher reports and/or peer feedback. On ██████████, ██████████ PCS amended the student's IEP to include a third emotional, social and behavioral development goal to support the student with using appropriate verbal and nonverbal communication strategies. The ██████████ IEP amendment was not in response to bullying or harassment but rather was in response to addressing parent concern regarding social dynamics during group work. The student's teachers reported that the student occasionally needs encouragement to engage socially, and there was no indication of bullying or peer targeting at the time of the IEP Team meeting. As such, the amendment was designed to support the student's ongoing academic and social growth.

With regard to the ██████████ incident, ██████████ PCS conducted an investigation and

determined the altercation does not meet the LEA's definition of bullying. Rather the incident has been described as a mutual fight. Therefore, [REDACTED] PCS is not obligated to address the [REDACTED] altercation through the IEP process as a bullying instance.

Furthermore, regarding the [REDACTED] school year, four of the student's daily teachers report that they have not observed or received reports of bullying during this school year. Additionally, the teacher feedback provided to the SCO does not indicate any link between attendance or academic progress and bullying. One teacher did note occasional avoidance or tardiness, but this is reported to be unrelated to peer conflict. Thus, the SCO finds that [REDACTED] PCS has taken the necessary steps, including utilizing the IEP process, to address the student's behavior and safety during the [REDACTED] and [REDACTED] school years.

Therefore, [REDACTED] PCS has complied with 34 CFR §§300.324(b) and 300.323(c)(2).

COMPLAINT FINDINGS

1. [REDACTED] PCS has complied with 34 CFR §§300.324(b) and 300.323(c)(2), because the student has not been found to be bullied following the development of the student's IEP, and it has implemented multiple special education and non-special education supports regarding behavioral support and safety.

CONCLUSION

The Decision of the SCO is final and is not subject to further agency administrative review. Pursuant to 5-A DCMR §3048.6, if an issue is still in dispute, the parent or LEA may, to the extent permitted under IDEA, request mediation or file a due process complaint on the issue with which the party disagrees. This Decision shall become final as dated by the signature of the undersigned. If you have any questions regarding this decision, please contact me at Kirstin.Hansen@dc.gov or 202-741-0274.

Sincerely,

Kirstin Hansen

Kirstin Hansen
State Complaints Manager
Office of Special Education

cc: [REDACTED], Complainant