

## BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

|                                        |   |                           |
|----------------------------------------|---|---------------------------|
| In the Matter of Greater Albany Public | ) | FINDINGS OF FACT,         |
| School District 8J                     | ) | CONCLUSIONS,              |
|                                        | ) | AND CORRECTED FINAL ORDER |
|                                        | ) | Case No. 24-054-072       |

### I. BACKGROUND

On November 21, 2024, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from an employee (Complainant) employed by the Greater Albany Public School District 8J (District). The Complainant requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

Under state and federal law, the Department must investigate written complaints that allege violations of the Individuals with Disabilities Education Act (IDEA) and issue an order within sixty days of receipt of the complaint.<sup>1</sup> This timeline may be extended if the Complainant and the District agree to the extension in order to engage in mediation or local resolution or for exceptional circumstances related to the complaint.<sup>2</sup>

On December 3, 2024, the Department's Complaint Investigator sent a *Request for Response (RFR)* to the District identifying the specific allegations in the Complaint to be investigated and establishing a *Response* due date of December 17, 2024.

The District submitted a *Response* on December 23, 2024, denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted additional materials on January 2, January 7, January 23, January 30, February 24, February 27, and March 4, 2025 upon request of the Complaint Investigator. The District submitted the following relevant items:

1. District's Written *Response* to Complaint, dated 12/23/24
2. Student 1 Individualized Education Program (IEP), 11/14/24
3. Student 1 Meeting Attendance/Summary, 11/14/24
4. Student 1 Notice of Team Meeting, 10/28/24
5. Student 2 IEP, 11/14/24
6. Student 2 Special Education Placement Determination, 11/14/24
7. Student 2 Meeting Attendance/Summary, 11/14/24
8. Student 2 Notice of Team Meeting, 11/01/24

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<sup>1</sup> OAR 581-015-2030(12) and 34 CFR § 300.152(a)

<sup>2</sup> OAR 581-015-2030(12) and 34 CFR § 300.152(b)

9. Student 3 IEP, 11/15/24
10. Student 3 Meeting Attendance/Summary, 11/15/24
11. Student 3 Notice of Team Meeting, 10/07/24
12. Student 4 IEP, 11/15/24
13. Student 4 Meeting Attendance/Summary, 11/15/24
14. Student 4 Notice of Team Meeting, 10/07/24
15. Student 5 IEP, 11/16/24
16. Student 5 Meeting Attendance/Summary, 11/16/24
17. Student 5 Notice of Team Meeting, 12/11/24
18. Student 6 IEP, 11/18/24
19. Student 6 Meeting Attendance/Summary, 11/18/24
20. Student 6 Notice of Team Meeting, 10/07/24
21. Student 7 IEP, 11/18/24
22. Student 7 Meeting Attendance/Summary, 11/18/24
23. Student 7 Notice of Team Meeting, 11/13/24
24. Student 7 Special Ed Student Contact Log, 12/16/24
25. Student 8 IEP, 11/19/24
26. Student 8 Meeting Attendance/Summary, 11/19/24
27. Student 8 Notice of Team Meeting, 10/29/24
28. Student 9 IEP, 11/19/24
29. Student 9 Meeting Attendance/Summary, 11/19/24
30. Student 9 Notice of Team Meeting, 10/30/24
31. Student 10 Meeting Attendance/Summary, 11/19/24
32. Student 10 Notice of Team Meeting, 10/30/24
33. Student 10 Notice of Team Meeting, 12/11/24
34. Student 11 IEP, 11/19/24
35. Student 11 Meeting Attendance/Summary, 11/19/24
36. Student 11 Notice of Team Meeting, 10/29/24
37. Student 12 Notice of Team Meeting, 10/23/24
38. Student 12 Notice of Team Meeting, 11/15/24
39. Student 12 Notice of Team Meeting, 12/03/24
40. Student 13 Meeting Attendance/Summary, 11/21/24
41. Student 13 Notice of Team Meeting, 11/19/24
42. Student 13 Notice of Team Meeting, 11/15/24
43. Student 14 IEP, 11/21/24
44. Student 14 Written Agreement Between Parents and District, 11/21/24
45. Student 14 Meeting Attendance/Summary, 11/21/24
46. Student 14 Meeting Attendance/Summary Signature Page, 11/21/24
47. Student 14 Notice of Team Meeting, 11/08/24
48. Student 15 IEP, 11/21/24
49. Student 15 Meeting Attendance/Summary, 11/21/24
50. Student 15 Notice of Team Meeting, 11/04/24
51. Student 16 Eligibility Summary Statement Signature Page, 11/21/24
52. Student 16 Notice of Team Meeting, 11/05/24
53. Student 16 Notice of Team Meeting, 11/03/24

54. Student 17 IEP, 11/21/24
55. Student 17 Meeting Attendance/Summary, 11/21/24
56. Student 17 Notice of Team Meeting, 10/29/24
57. Student 18 Notice of Team Meeting, 10/31/24
58. Student 19 Notice of Team Meeting, 09/18/24
59. Student 20 IEP, 11/15/24
60. Student 20 Meeting Attendance/Summary, 11/15/24
61. Student 20 Notice of Team Meeting, 10/29/24
62. Notice of Team Meeting, 11/05/24
63. Notice of Team Meeting, 12/04/24
64. Student B Notice of Team Meeting, 10/28/24
65. Student B Notice of Team Meeting, 12/03/24
66. Student C Notice of Team Meeting, 10/09/24
67. Student C Notice of Team Meeting, 12/06/24
68. Student D Notice of Team Meeting, 11/18/24
69. Student E Notice of Team Meeting, 10/09/24
70. Student E Notice of Team Meeting, 12/05/24
71. Student F Notice of Team Meeting, 10/29/24
72. Student F Notice of Team Meeting, 11/05/24
73. Student F Notice of Team Meeting, 12/04/24
74. Student G Notice of Team Meeting, 10/09/24
75. Student G Notice of Team Meeting, 12/09/24
76. Student H Notice of Team Meeting, 12/06/24
77. Student I Notice of Team Meeting, 10/03/24
78. Student I Notice of Team Meeting, 10/31/24
79. Student J Notice of Team Meeting, 10/22/24
80. Student J Notice of Team Meeting, 11/13/24
81. Student J Notice of Team Meeting, 12/05/24
82. Student K Notice of Team Meeting, 11/05/24
83. Student K Notice of Team Meeting, 12/06/24
84. Student L Notice of Team Meeting, 11/08/24
85. Student L Notice of Team Meeting, 12/16/24
86. Additional Materials: IEP Due Dates, Students A-L, no date
87. Student I, Notice of Team Meeting, 12/20/2024
88. Prior Notice of Special Education Action (PWN), [Student 28], 01/17/24
89. Individual Education Program (IEP), Amendment Page, [Student 28], 01/16/24
90. Present Levels of Academic Achievement and Functional Performance, [Student 28], 12/07/23
91. Services, [Student 28], 12/07/23
92. Meeting Notes, [Student 28], 12/07/23
93. Special Education Notice of Team Meeting, [Student 28], 01/03/24
94. PWN, [Student 28], 12/08/23
95. Individual Education Program (IEP), Amendment Page, [Student 28], 12/07/23
96. Special Education Notice of Team Meeting, [Student 28], 10/30/23
97. Special Education Notice of Team Meeting, [Student 28], 10/25/23

98. Annual Academic and Functional Goals and Objectives Progress Report, [Student 28], 02/05-06/12/24
99. IEP, [Student 41], 11/06/24
100. PWN, [Student 39], 10/17/23
101. IEP, [Student 39], 10/17/23
102. Annual Academic and Functional Goals and Objectives Progress Report, [Student 39], 02/02-06/14/24
103. IEP, Amendment [Student 40], 04/08/24
104. IEP, [Student 40] 03/21/24
105. Annual Academic and Functional Goals and Objectives Progress Report, [Student 40], 06/14/24
106. PWN, [Student 42], 12/14/23
107. IEP, [Student 42], 12/14/23
108. Special Education Notice of Team Meeting, [Student 42], 12/05/23
109. Annual Academic and Functional Goals and Objectives Progress Report, [Student 39], 01/26-06/14/24
110. IEP, [Student 30], 10/04/24
111. IEP, [Student 26], 02/06/24
112. Annual Academic and Functional Goals and Objectives Progress Report, [Student 39], 02/06-05/30/24
113. IEP, [Student 35], 03/04/24
114. Annual Academic and Functional Goals and Objectives Progress Report, [Student 35], 06/03-06/14/24
115. PWN, [Student 22], 05/08/24
116. Special Education Placement Determination, [Student 22], 01/22/24
117. PWN, [Student 22], 01/23/24
118. IEP, [Student 22], 01/22/24
119. Special Education Notice of Team Meeting, [Student 22], 01/10/24
120. Annual Academic and Functional Goals and Objectives Progress Report, [Student 22], 02/05-06/14/24
121. IEP, Amendment [Student 29], 05/31/24
122. IEP, [Student 29], 01/04/24
123. Annual Academic and Functional Goals and Objectives Progress Report, [Student 29], 02/05-06/10/24
124. IEP, [Student 36], 05/21/24
125. Annual Academic and Functional Goals and Objectives Progress Report, [Student 36], 02/05-06/12/24
126. Annual Academic and Functional Goals and Objectives Progress Report, [Student 36], 06/15/23-02/05/24
127. PWN, [Student 23], 05/13/24
128. IEP, [Student 23], 05/13/24
129. Annual Academic and Functional Goals and Objectives Progress Report, [Student 23], 05/30/24
130. PWN, [Student 37], 01/04/24
131. IEP, [Student 37], 01/04/24

132. Special Education Notice of Team Meeting, [Student 37], 12/06/23
133. Annual Academic and Functional Goals and Objectives Progress Report, [Student 37], 01/26-06/14/24
134. IEP, [Student 33], 01/10/24
135. Annual Academic and Functional Goals and Objectives Progress Report, [Student 33], 01/26-06/13/24
136. PWN, [Student 38], 11/17/23
137. IEP, [Student 38], 11/17/23
138. Special Education Notice of Team Meeting, [Student 38] 11/07/23
139. Annual Academic and Functional Goals and Objectives Progress Report, [Student 38], 02/05-06/14/24
140. PWN, [Student 27], 10/19/23
141. IEP, [Student 27], 10/19/23
142. Special Education Notice of Team Meeting, [Student 27], 10/06/23
143. Annual Academic and Functional Goals and Objectives Progress Report, [Student 27], 02/06-05/30/24
144. IEP, [Student 25], 12/12/23
145. Annual Academic and Functional Goals and Objectives Progress Report, [Student 27], 02/01-05/30/24
146. IEP, [Student 32], 02/27/24
147. Annual Academic and Functional Goals and Objectives Progress Report, [Student 32], 06/03-06/14/24
148. IEP, [Student 31], 01/22/24
149. Annual Academic and Functional Goals and Objectives Progress Report, [Student 31], 02/05-06/10/24
150. IEP, Amendment, [Student 34], 04/11/24
151. IEP, [Student 34], 01/11/24
152. Annual Academic and Functional Goals and Objectives Progress Report, [Student 34], 02/05-06/13/24
153. IEP, [Student 24] 05/14/24
154. Annual Academic and Functional Goals and Objectives Progress Report, [Student 24], 05/30-06/04/24
155. Annual Academic and Functional Goals and Objectives Progress Report, [Student 24], 02/06/24
156. PWN, [Student 21], 04/15/24
157. IEP, [Student 21], 04/15/24
158. Special Education Notice of Team Meeting, [Student 21], 04/09/24
159. Special Education Notice of Team Meeting, [Student 21], 03/22/24
160. Annual Academic and Functional Goals and Objectives Progress Report, [Student 21], 06/04-06/14/24
161. Annual Academic and Functional Goals and Objectives Progress Report, [Student 23], 06/09/23-02/09/24
162. District Written Responses to Questions, no date
163. Student Schedule, Student 1, 2024-25
164. Student Schedule, Student 2, 2024-25

165. Student Schedule, Student 3, 2024-25
166. Student Schedule, Student 4, 2024-25
167. Student Schedule, Student 5, 2024-25
168. Student Schedule, Student 6, 2024-25
169. Student Schedule, Student 7, 2024-25
170. Student Schedule, Student 8, 2024-25
171. Student Schedule, Student 9, 2024-25
172. Student Schedule, Student 10, 2024-25
173. Student Schedule, Student 11, 2024-25
174. Student Schedule, Student 12, 2024-25
175. Student Schedule, Student 13, 2024-25
176. Student Schedule, Student 14, 2024-25
177. Student Schedule, Student 15, 2024-25
178. Student Schedule, Student 16, 2024-25
179. Student Schedule, Student 17, 2024-25
180. Student Schedule, Student 18, 2024-25
181. Student Schedule, Student 19, 2024-25
182. Student Schedule, Student 20, 2024-25
183. SLC/FSC Behavior Data, 2024-25
184. Period Student Attendance Profile, [Student 39], 2024-25
185. Absentee Reports, re: teachers and staff, 08/01/24-11/12/24
186. SLP Service Minutes Spreadsheet, 2024-25
187. Service Provider Spreadsheet, 2024-25
188. Emails from 01/23/25 through 03/06/25

The Complainant submitted a *Reply* on January 6, 2025, providing an explanation and rebuttal in support of the Complainant's position. The Complainant submitted supporting documents on March 6, 2025. The Complainant submitted the following relevant items:

1. Complainants' *Reply* to the District's *Response* to *RFR*, 01/6/25
2. Email, re: FWD: further info, 03/6/25
3. Email, re: [School] FSC 1st white flag, 09/03/24
4. Email, [School] FSC needs assessments, 10/20/23
5. Document, student schedule grid, undated
6. Document, teacher and assistant schedule grid, undated
7. Email, re: Additional questions (ODE 24-054-072), 03/17/25

The Complaint Investigator interviewed the Director of Special Programs on February 24, 2025 and the Complainant on February 26, 2025. Additional interviews were conducted on March 7, 2025. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits to reach the findings of fact and conclusions of law contained in this order. This order is timely.

## **II. ALLEGATIONS AND CONCLUSIONS**

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Complainant's allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from November 22, 2023, to the filing of this Complaint on November 21, 2024.

| Allegations                                                                                                                                                                                                                                                                                                                                                                                                  | Conclusions                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>IEP Team Members</b></p> <p>The Complaint alleged that the District violated the IDEA by improperly convening IEP Team Meetings during the current employee strike in the District. The Complaint alleged that from November 12, 2024, to the filing of this Complaint, IEP Team meetings have been held without the required IEP team members present.</p> <p>(OAR 581-015-2210; 34 CFR §300.321)</p> | <p><b>Substantiated in Part</b></p> <p>The District held 5 out of 20 IEP meetings without the required IEP team members present at the IEP meeting from November 12, 2024 to the filing of the Complaint.</p>                                                                                                                                                                                                                                                                      |
| <p><b>Individualized Educational Program</b></p> <p>The Complaint alleged that the District violated the IDEA by presenting and reviewing IEPs at IEP meetings that were not developed by an appropriately constituted IEP team from November 12, 2024, to the filing of this Complaint.</p> <p>(OAR 581-015-2560; 34 CFR §300.320)</p>                                                                      | <p><b>Substantiated in Part</b></p> <p>The District held 5 out of 20 IEPs that were not developed by appropriately constituted IEP teams from November 12, 2024 to the filing of the Complaint.</p>                                                                                                                                                                                                                                                                                |
| <p><b>When IEPs Must Be in Effect</b></p> <p>The Complaint alleged that the District violated the IDEA by not providing specially designed instruction (SDI) to 22 students on the Complainant’s caseload during the 2024-25 school year. Eight of these students are also not receiving designated adult support as described in their IEPs.</p> <p>(OAR 581-015-2220; 34 CFR §300.323)</p>                 | <p><b>Substantiated in Part</b></p> <ol style="list-style-type: none"> <li>1. SDI: 8 out of 22 students did not receive the amount of SDI required in their IEPs.</li> <li>2. Designated adult support: There were no students who had IEPs requiring a designated adult.</li> <li>3. Speech services: 12 out of 22 students failed to receive a significant amount of speech services as required in their IEPs, which was a material failure to implement these IEPs.</li> </ol> |
| <p><b>Free Appropriate Public Education</b></p>                                                                                                                                                                                                                                                                                                                                                              | <p><b>Substantiated in Part</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                |

| Allegations                                                                                                                                                                                                                                                                               | Conclusions                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The Complaint alleged that the District violated the IDEA and denied a free appropriate public education to 22 students on the Complainant’s caseload when adequate and trained staff were unavailable to implement the students’ IEPs.</p> <p>(OAR 581-015-2040; 34 CFR §300.101)</p> | <p>The District denied 15 of 22 students a FAPE when SDI and/or speech services were not provided in accordance with their IEPs, resulting in a material failure to implement the IEPs.</p> |

| REQUESTED CORRECTIVE ACTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The Complainant requested the following corrective action:</p> <ul style="list-style-type: none"> <li>• “Holding IEP meetings without required Staff Members: any IEP meeting that was held without the presence of required members must be promptly rescheduled and re-held with all required members present. Any decisions made during the IEP meeting that were made without required consultation and input from required members must be vacated.”</li> <li>• “Understaffing-Related Violations: Generally, the remedy should be that ODE should order the District to provide adequate staffing ratios to enable the affected students to receive the designated support that is required in those students’ IEPs, and to come up with a plan, approved by the Case Manager of the affected students to make this work.”</li> <li>• “Going forward ODE should order the District to cease and desist and future violation of this sort.”</li> </ul> |

### III. FINDINGS OF FACT

IDEA regulations limit complaint investigation to alleged violations occurring no more than one year before the Department’s receipt of the special education complaint. This Complaint Investigation did not consider any IDEA violations alleged to have occurred before November 22, 2023. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide the context necessary to understand the Student’s disability and special education history.

#### Allegations 1 and 2

1. In an interview with the Complaint Investigator, the Director of Special Programs shared that the District prioritized scheduling IEP meetings due in November 2024 based on strike length estimations. They focused on meetings where updated student information was available and school teams could participate. The District contacted the Oregon



Department of Education (ODE) for guidance on IEPs during strikes but received a generic response. To avoid backlogs, they proceeded with meetings if possible, informing parents about the strike and giving them the option to wait. Most parents chose to move forward. Teachers were also informed they could hold meetings upon their return if needed. In a few cases, eligibility meetings were held again after the strike, leading to different outcomes. Regarding the staff that held the meetings, the District shared that the IEP meetings held during the strike were primarily conducted by qualified administrators and included relevant staff who were not on strike.

2. When questioned by the Complaint Investigator about whether the staff had knowledge of each student, the Director of Special Programs shared, “They had knowledge of the students. They knew the students. And again, they were providing written input and data that had been provided by the teams that are the most acquainted with them and most familiar with them.”

### **Student 1**

3. On October 28, 2024, a Notice of Team Meeting to discuss Student 1’s eligibility and transition needs was created for a meeting on November 14, 2024. The “Invited/Required” column listed the individuals invited or required to attend. The “Listed/Noted on Schedule” column described the titles of the teachers listed or noted on Student 1’s schedule.

| Name                        | Role                                | Invited/Required | Listed/Noted on Schedule                       |
|-----------------------------|-------------------------------------|------------------|------------------------------------------------|
| Parents                     | Parents                             | Invited          | N/A                                            |
| Assistant Principal 1       | Assistant Principal                 | Invited          | N/A                                            |
| Case Manager 1              | Case Manager                        | Required         | Case Manager                                   |
| Health Teacher 1            | General Education Teacher           | Invited          | Health 2                                       |
| English Teacher 1           | General Education Teacher           | Required         | English                                        |
| Finance Teacher 1           | General Education Teacher           | Invited          | Personal Finance                               |
| English Teacher 2           | General Education Teacher           | Invited          | Redhawk 201                                    |
| Math Teacher 1              | General Education Teacher           | Invited          | Geometry                                       |
| Sports Teacher 1            | General Education Teacher           | Invited          | Influence on Sports                            |
| Counselor 1                 | School Counselor                    | Invited          | N/A                                            |
| School Psychologist 1       | ESD School Psychologist             | Invited          | N/A                                            |
| Special Education Teacher 3 | Special Education Teacher           | Invited          | Academic Development/Special Education Teacher |
| YTP Specialist              | Youth Transition Program Specialist | Invited          | N/A                                            |

4. An IEP meeting and an Eligibility meeting were held via conference call on November 14, 2024. The following IEP Team Members were listed as present on the Meeting/Attendance document for Student 1:
- i. REDACTED, Student;
  - ii. Parent;
  - iii. Assistant Principal 1, District Representative;
  - iv. Finance Teacher 1, General Education Teacher;

- v. Special Education Teacher 3, Special Education Teacher; and
- vi. School Psychologist 1, ESD, Individual Interpreting Instructional Implications of Evaluations.

5. The November 14, 2024 IEP Service Summary for Student 1 listed the following:

- a. SDI:
  - i. Provider: LEA; Role: Case Manager.
- b. Supplementary Aids and Services, Accommodations:
  - i. Provider: LEA; Role: General Education Teacher.
- c. Supports for School Personnel:
  - i. Provider: LEA; Role: Case Manager.

## Student 2

6. On November 1, 2024, a Notice of Team Meeting to discuss an initial/annual IEP for Student 2 was created for a meeting on November 12, 2024. The “Invited/Required” column listed the individuals invited or required to attend. The “Listed/Noted on Schedule” column described the titles of the teachers listed or noted on Student 2’s schedule.

| Name                        | Role                      | Invited/Required | Listed/Noted on Schedule      |
|-----------------------------|---------------------------|------------------|-------------------------------|
| Parents                     | Parents                   | Invited          | N/A                           |
| Resource Math Teacher       | Case Manager              | Required         | Case Manager/Math Foundations |
| Math Teacher 2              | General Education Teacher | Required         | Math                          |
| Social Studies Teacher 1    | General Education Teacher | Invited          | Social Studies                |
| English Teacher 3           | General Education Teacher | Invited          | Language Arts                 |
| PE Teacher 2                | General Education Teacher | Invited          | Physical Education            |
| Science Teacher 3           | General Education Teacher | Invited          | Science                       |
| Special Education Teacher 2 | General Education Teacher | Invited          | Academic Development          |
| Principal 3                 | Principal                 | Invited          | N/A                           |

| Name                  | Role                | Invited/Required | Listed/Noted on Schedule |
|-----------------------|---------------------|------------------|--------------------------|
| Assistant Principal 5 | Assistant Principal | Invited          | N/A                      |
| Counselor 3           | School Counselor    | Invited          | N/A                      |

7. The November 14, 2024 IEP Service Summary for Student 2 listed the following:
  - a. SDI:
    - i. Provider: LEA; Role: Case Manager.
  - b. Supplementary Aids and Services, Accommodations:
    - i. Provider: LEA; Role: Case Manager.
  - c. Supports for School Personnel:
    - i. Provider: LEA; Role: Case Manager.
8. The following information was listed in the Meeting/Attendance Summary document for Student 2:
  - a. A virtual IEP Review meeting was held on November 14, 2024.
  - b. The following IEP Team Members were listed as present for the meeting:
    - i. Principal 2, Special Education Teacher;
    - ii. Assistant Principal 3, General Education Teacher; and
    - iii. Principal 3, District Representative.
  - c. The notes indicated that “[The Parent] was on vacation in Florida and did not attend the virtual meeting.”
  - d. The District clarified that the Parent was “consulted” regarding the scheduling of the meeting. In a follow-up email, the District indicated that “The word ‘consulted’ came from a drop[-]down menu and was selected in error.”
9. The District *Response*, dated December 23, 2024 indicated, “The parent did not attend this meeting and it was agreed in the meeting that it should be rescheduled after the strike.”
10. In a written response to questions, dated February 24, 2025, the District indicated neither Principal 2 nor Assistant Principal 3 were Student 2’s current or former teachers.

### Student 3

11. On October 7, 2024, a Notice of Team Meeting for Student 3 was created to discuss an initial/annual IEP and transition needs on November 15, 2024. The “Invited/Required” column listed the individuals invited or required to attend. The “Listed/Noted on Schedule” column listed the titles of the teachers listed or noted on Student 3’s schedule.

| Name                        | Role                      | Invited/Required | Listed/Noted on Schedule                  |
|-----------------------------|---------------------------|------------------|-------------------------------------------|
| Parents                     | Parents                   | Invited          | N/A                                       |
| Student 3                   | Student                   | Invited          | N/A                                       |
| Assistant Principal 1       | Assistant Principal       | Invited          | N/A                                       |
| Art Teacher 2               | General Education Teacher | Invited          | Drawing                                   |
| Finance Teacher 1           | General Education Teacher | Required         | Not on schedule                           |
| Sports Teacher 2            | General Education Teacher | Invited          | Team Sports                               |
| Avid Teacher 3              | General Education Teacher | Invited          | Redhawk 201                               |
| Math Teacher 3              | General Education Teacher | Invited          | Algebra 1A                                |
| Science Teacher 2           | General Education Teacher | Invited          | Chemistry                                 |
| Counselor 1                 | School Counselor          | Invited          | N/A                                       |
| Special Education Teacher 4 | Special Education Teacher | Invited          | Special Education Teacher/Algebra Support |
| Special Education Teacher 3 | Special Education Teacher | Required         | Not on schedule                           |

- a. The Case Manager/English 10 Support teacher was listed as Case Manager 1 on Student 3's schedule. Social Studies Teacher 3 was listed as the Flight 2027 teacher on Student 3's schedule.
- b. The November 15, 2024 IEP Service Summary for Student 3 listed the following:
  - i. SDI:
    1. Provider: LEA; Role: Case Manager.
  - ii. Supplementary Aids and Services, Accommodations:
    1. Provider: LEA; Role: Case Manager;
    2. Provider: LEA; Role: General Education Teacher; and
    3. Provider: Job Corp[s]; Role: General Education Teacher.
  - iii. Supports for School Personnel:

1. Provider: LEA; Role: Case Manager.
- c. The following information was listed in the Meeting/Attendance Summary document for Student 3.
    - i. An IEP meeting was held on November 15, 2024.
    - ii. The following IEP Team Members were listed as present for the meeting:
      1. Finance Teacher 1, General Education Teacher;
      2. Assistant Principal 1, District Representative; and
      3. Special Education Teacher 3, Special Education Teacher.
    - iii. According to the notes, the “parent and student did not attend.”
  - d. The District *Response*, dated December 23, 2024, described the roles of the District IEP team members, “[Assistant Principal 1] (principal license); [Finance Teacher 1] (general education teacher license); [Special Education Teacher 3] (Special Education teacher license).”
  - e. In a written response to questions, dated February 24, 2025, the District indicated that neither Finance Teacher 1 nor Special Education Teacher 3 were Student 3’s current or former teachers.

#### Student 4

12. On October 7, 2024, a Notice of Team Meeting to discuss an initial/annual IEP for Student 4 was created for a meeting on November 15, 2024. The “Invited/Required” column listed the individuals invited or required to attend. The “Listed/Noted on Schedule” column described the titles of the teachers listed or noted on Student 4’s schedule.

| Name            | Role                      | Invited/Required | Listed/Noted on Schedule         |
|-----------------|---------------------------|------------------|----------------------------------|
| Parent          | Parent                    | Invited          | N/A                              |
| Case Manager 10 | Case Manager              | Required         | Case Manager/Elementary Resource |
| Principal 7     | Principal                 | Required         | N/A                              |
| SSS 1           | School Support Specialist | Required         | N/A                              |
| SLP 2           | SLP                       | Required         | SLP                              |
| Classified 1    | Classified Representative | Invited          | N/A                              |

| Name         | Role       | Invited/Required | Listed/Noted on Schedule |
|--------------|------------|------------------|--------------------------|
| IEP Writer 1 | IEP Writer | Invited          | N/A                      |
| Counselor 4  | Counselor  | Invited          | N/A                      |

- a. Homeroom Teacher 6 is listed as Student 4’s teacher for homeroom, English, math, social studies, science, and health. PE Teacher 5 is listed as Student 4’s PE teacher. Art Teacher 5 is listed as Student 4’s fine arts teacher.
- b. The November 15, 2024 IEP Service Summary listed the following for Student 4:
  - i. SDI:
    1. Provider: LEA; Role: Case Manager;
    2. Provider: LEA-SLP; Role: Case Manager; and
    3. Provider: Special Education Teacher; Role: Case Manager.
  - ii. Supplementary Aids and Services, Accommodations:
    1. Provider: LEA; Role: Case Manager;
    2. Provider: General Education Teacher; Role: Case Manager.
  - iii. Supports for School Personnel:
    1. Provider: LEA-SLP; Role: Case Manager; and
    2. Provider: LEA; Role: Case Manager.
- c. The following information was listed in the Meeting/Attendance Summary document for Student 4.
  - i. An IEP meeting was held on November 15, 2024.
  - ii. The following IEP Team Members were listed as present for the meeting:
    1. Assistant Principal 2, Special Education Teacher;
    2. Principal 7, General Education Teacher and District Representative; and
    3. Parent.
- d. The District *Response*, dated December 23, 2024, described the roles of the District IEP team members, “[Principal 7] (general education teacher license and principal license); [Assistant Principal 2] (Special Education teacher license and principal license).”
- e. In a written response to questions, dated February 24, 2025, the District indicated that neither Assistant Principal 2 nor Principal 7 were Student 4’s current or former teachers.

## Student 5

13. On December 11, 2024, a Notice of Team Meeting to discuss Student 5’s initial/annual IEP was created for a meeting on December 17, 2024. The “Invited/Required” column listed the individuals invited or required to attend. The “Listed/Noted on Schedule” column described the titles of the teachers listed or noted on Student 5’s schedule.

| Name                                    | Role                                      | Invited/Required | Listed/Noted on Schedule    |
|-----------------------------------------|-------------------------------------------|------------------|-----------------------------|
| Parent                                  | Parent                                    | Invited          | N/A                         |
| Student 5                               | Student                                   | Invited          | N/A                         |
| Complainant                             | Case Manager                              | Required         | Case Manager/Basic Skills A |
| SLP 6                                   | SLP                                       | Invited          | SLP                         |
| Principal 3                             | Principal                                 | Invited          | N/A                         |
| Assistant Principal 5                   | Assistant Principal                       | Invited          | N/A                         |
| PT Assistant 1                          | ESD Physical Therapist Assistant          | Invited          | PT                          |
| Counselor 2                             | School Counselor                          | Invited          | N/A                         |
| OT 2                                    | ESD Occupational Therapist Assistant      | Invited          | OT                          |
| Autism Consultant 1                     | Autism Consultant                         | Invited          | Autism Consultant           |
| Augmentative Communication Specialist 1 | ESD Augmentative Communication Specialist | Invited          | Augmentative Communication  |

- a. PE Teacher 2 was listed as Student 5's PE teacher, and OT 3 was noted as an additional OT for Student 5.
- b. The November 16, 2024 IEP Service Summary for Student 5 listed the following:
  - i. SDI:
    1. Provider: LEA; Role: Case Manager.
  - ii. Related Services:
    1. Provider: LEA; Role: Case Manager; and
    2. Provider: LEA-SLP; Role: Case Manager.
  - iii. Supplementary Aids and Services, Accommodations and Modifications:
    1. Provider: LEA; Role: Case Manager.
  - iv. Supports for School Personnel:
    1. Provider: LEA-SLP; Role: Case Manager;
    2. Provider: LEA; Role: Case Manager;
    3. Provider: LEA-AUG-COM [SLP]; Role: Case Manager;
    4. Provider: LEA/Regional; Role: Case Manager;
    5. Provider: LEA-OT/COTA; Role: Case Manager; and



6. Provider: LEA-PT/LPTA; Role: Case Manager.
- c. The following information was listed in the Meeting/Attendance Summary document for Student 5.
- i. An informational meeting was held on November 16, 2024.
  - ii. The following IEP Team Members were described in a written response as being present for the meeting:
    - 1. PT Assistant 1, Physical Therapist Assistant;
    - 2. PCA 1, PCA;
    - 3. Case Manager 4, Special Programs Coordinator and Special Education Teacher;
    - 4. General Education Teacher 1, General Education Teacher;
    - 5. PCA 4, PCA;
    - 6. Principal 3, Principal and District Representative; and
    - 7. OT 2, OT.
  - iii. The notes indicated that “suggestions were noted here but will be brought to the IEP team at the next meeting for them to consider any changes in service minutes.”
  - iv. The notes indicated that “As the parent was missing from this meeting, they will be contacted to reschedule an IEP meeting as soon as the case manager is available.”
- d. The District *Response*, dated December 23, 2024 described the roles of the District IEP team members, “This meeting was held but because the parent requested a meeting with the school team, the IEP was not finalized and is being rescheduled. In an interview with the Complaint Investigator, the District indicated that the meeting was scheduled as an IEP meeting, but the Parent did not attend and the meeting would be rescheduled.
- e. In a written response to questions, dated February 24, 2025, the District indicated that neither Case Manager 4 nor General Education Teacher 1 were Student 5’s current or former teachers.

## Student 6

14. On October 7, 2024, a Notice of Team Meeting for Student 5 to discuss reevaluation planning, the Initial/Annual IEP, transition needs, and eligibility was created for November 18, 2024. The “Invited/Required” column listed the individuals invited or required to attend. The “Listed/Noted on Schedule” column described the titles of the teachers listed or noted on Student 6’s schedule.

| Name    | Role    | Invited/Required | Listed/Noted on Schedule |
|---------|---------|------------------|--------------------------|
| Parents | Parents | Invited          | N/A                      |

| Name                        | Role                      | Invited/Required | Listed/Noted on Schedule |
|-----------------------------|---------------------------|------------------|--------------------------|
| Assistant Principal 1       | Assistant Principal       | Invited          | N/A                      |
| Case Manager 1              | Case Manager              | Invited          | Case Manager             |
| ELD TOSA 1                  | ELD TOSA                  | Required         | Not on schedule          |
| English Teacher 1           | General Education Teacher | Invited          | English                  |
| Child Development Teacher 1 | General Education Teacher | Invited          | Child Development        |
| Sports Teacher 3            | General Education Teacher | Invited          | Sports Marketing         |
| Science Teacher 2           | General Education Teacher | Invited          | Chemistry                |
| Avid Teacher 1              | General Education Teacher | Invited          | Avid 10/Flight 2027      |

- a. Math Teacher 1 was listed as Student 6's Statistics teacher. ELD TOSA 2 was listed as Student 6's ELD teacher. and Special Education Teacher 3 was listed as the Intro to Stats Support teacher and a special education teacher.
- b. The November 18, 2024 IEP Service Summary for Student 6 listed the following:
  - i. SDI:
    1. Provider: LEA; Role: Case Manager.
  - ii. Supplementary Aids and Services; Accommodations:
    1. Provider: LEA; Role: General Education Teacher.
  - iii. Supports for School Personnel:
    1. Provider: LEA; Role: Case Manager.
- c. The following information was listed in the Meeting/Attendance Summary document for Student 6.
  - i. An Evaluation Planning, Eligibility Determination, and IEP meeting was held on November 18, 2024.
  - ii. The following IEP Team Members were listed as present for the meeting:
    1. Special Education Teacher 3, Special Education Teacher;
    2. ELD TOSA 1, ELD Teacher/General Education Teacher;
    3. Assistant Principal 1, District Representative;
    4. Interpreter 1, Interpreter; and
    5. The Parent.

- d. The District *Response*, dated December 23, 2024, described the roles of the District IEP team members, “Assistant Principal 1 (principal license); [ELD TOSA 1] (general education teacher, ELD endorsement, principal license); [Special Education Teacher 3] (special education teacher license).”
- e. In a written response to questions, dated February 24, 2025, the District indicated that ELD TOSA 1 was not Student 6’s current or former teacher.

## Student 7

15. On November 13, 2024, a Notice of Team Meeting for Student 7 was created for a meeting on November 18, 2024, to discuss an initial/annual IEP and reevaluation planning. The “Invited/Required” column listed the individuals invited or required to attend. The “Listed/Noted on Schedule” column described the titles of the teachers listed or noted on Student 7’s schedule.

| Name                  | Role                                               | Invited/Required | Listed/Noted on Schedule |
|-----------------------|----------------------------------------------------|------------------|--------------------------|
| Parents               | Parents                                            | Invited          | N/A                      |
| Principal 4           | General Education Teacher; District Representative | Required         | Not on schedule          |
| Clerical 2            | Clerical Staff                                     | Invited          | Not on schedule          |
| SLP 1                 | SLP                                                | Invited          | Not noted on schedule    |
| School Psychologist 3 | School Psychologist                                | Invited          | N/A                      |

- a. Homeroom Teacher 4 was listed as Student 7’s teacher for homeroom, English, math, social studies, science, health, and fine arts. PE Teacher 1 was listed as Student 7’s PE teacher, and Music Teacher 1 was listed as Student 7’s music teacher. Case Manager 6 was listed as Student 7’s case manager and elementary resource teacher. SLP 5 was noted as Student 7’s SLP.
- b. The November 18, 2024 IEP Service Summary for Student 7 listed the following:
  - i. SDI:
    1. Provider: LEA; Role: Case Manager.
  - ii. Related Services:
    1. Provider: LEA-SLP; Role: Case Manager.
  - iii. Supplementary Aids and Services, Accommodations:
    1. Provider: General Education Teacher; Role: Case Manager.

- iv. Supports for School Personnel:
  - 1. Provider: SLP/SLPA; Role: Case Manager.
- c. The following information was listed in the Meeting/Attendance Summary document for Student 7.
  - i. An IEP Review meeting was held on November 18, 2024.
  - ii. The following IEP Team Members were listed as present for the meeting:
    - 1. Parent;
    - 2. Principal 4, General Education Teacher;
    - 3. SLP 1, SLP/District Representative;
    - 4. Assistant Principal 1, District Representative; and
    - 5. School Psychologist 3, ESD School Psychologist.
  - iii. The notes indicated that “Due to the absence of a special education teacher we will need to not finalize this document and re-hold the meeting when teachers return from the strike.”
- d. The District *Response*, dated December 23, 2024 indicated, “This meeting was held, but [the] parent requested a meeting with the school team so the IEP was not finalized and is being rescheduled.
- e. In a written response to questions, dated February 24, 2025, the District indicated that Principal 4 was not Student 7’s current or former teacher.

## Student 8

- 16. On October 29, 2024, a Notice of Team Meeting was created for a meeting on November 19, 2024 to discuss Student 8’s initial/annual IEP and their transition needs. The “Invited/Required” column listed the individuals invited or required to attend. The “Listed/Noted on Schedule” column described the titles of the teachers listed or noted on Student 8’s schedule.

| Name                  | Role                      | Invited/Required | Listed/Noted on Schedule        |
|-----------------------|---------------------------|------------------|---------------------------------|
| Parents               | Parents                   | Invited          | N/A                             |
| Assistant Principal 1 | Assistant Principal       | Invited          | N/A                             |
| Case Manager 1        | Case Manager              | Invited          | Case Manager/English 10 Support |
| Finance Teacher 1     | General Education Teacher | Required         | Not on schedule                 |
| Child Development     | General Education         | Invited          | Child Development               |

| Name                        | Role                      | Invited/Required | Listed/Noted on Schedule |
|-----------------------------|---------------------------|------------------|--------------------------|
| Teacher 1                   | Teacher                   |                  |                          |
| Culinary Arts Teacher 1     | General Education Teacher | Invited          | Culinary Arts            |
| Science Teacher 2           | General Education Teacher | Invited          | Chemistry                |
| English Teacher 4           | General Education Teacher | Invited          | English 10               |
| Counselor 1                 | School Counselor          | Invited          | N/A                      |
| Special Education Teacher 4 | Special Education Teacher | Invited          | Algebra Support          |
| Special Education Teacher 3 | Special Education Teacher | Required         | Academic Development     |

- a. It was noted that there were three special education teachers for Student 8, Special Education Teacher 3, Case Manager 1, and Special Education Teacher 4. Math Teacher 5 was listed on Student 8's schedule as the Algebra teacher.
- b. The November 19, 2024 IEP Service Summary for Student 8 listed the following:
  - i. SDI:
    1. Provider: LEA; Role: Case Manager.
  - ii. Supplementary Aids and Services, Accommodations:
    1. Provider: LEA; Role: Case Manager.
  - iii. Supplementary Aids and Services, Modifications:
    1. Provider: LEA; Role: Case Manager.
  - iv. Supports for School Personnel:
    1. Provider: LEA; Role: Case Manager.
- c. The following information was listed in the Meeting/Attendance Summary document for Student 8.
  - i. An IEP meeting was held on November 19, 2024.
  - ii. The following IEP Team Members were listed as present for the meeting:
    1. Special Education Teacher 3, Special Education Teacher;
    2. Finance Teacher 1, General Education Teacher;
    3. Assistant Principal 1, District Representative; and
    4. Parent.

- d. The District *Response*, dated December 23, 2024, described the roles of the District IEP team members, “Assistant Principal 1 (principal license); Finance Teacher 1 (general education teacher license); [Special Education Teacher 3] (Special Education teacher license).”
- e. In a written response to questions, dated February 24, 2025, the District indicated that Finance Teacher 1 was not Student 8’s current or former teacher.

## Student 9

- 17. On October 30, 2024, a Notice of Team Meeting was created for a meeting on November 19, 2024 to discuss Student 9’s initial/annual IEP and transition needs. The “Invited/Required” column listed the individuals invited or required to attend. The “Listed/Noted on Schedule” column described the titles of the teachers listed or noted on Student 9’s schedule.

| Name                        | Role                      | Invited/Required | Listed/Noted on Schedule                   |
|-----------------------------|---------------------------|------------------|--------------------------------------------|
| Parents                     | Parents                   | Invited          | N/A                                        |
| Relative                    | Relative                  | Invited          | N/A                                        |
| Student 9                   | Student                   | Invited          | N/A                                        |
| Assistant Principal 1       | Assistant Principal       | Invited          | N/A                                        |
| Autism Consultant 2         | Autism Consultant         | Invited          | Autism Consultant                          |
| Special Education Teacher 4 | Case Manager              | Invited          | Case Manager/Algebra Support/Connections A |
| ELD TOSA 1                  | ELD TOSA                  | Required         |                                            |
| ELD TOSA 2                  | ELD TOSA                  | Invited          | ELD                                        |
| Art Teacher 2               | General Education Teacher | Invited          | Drawing                                    |
| Math Teacher 3              | General Education Teacher | Invited          | Algebra                                    |
| English Teacher 4           | General Education Teacher | Invited          | English                                    |

- a. SLP 9 was noted as Student 9's SLP. Foundations Teacher 1 was listed as the Student's Freshman Foundations teacher, and Social Studies Teacher 3 was listed as the Flight 2027 teacher.
- b. The November 19, 2024 IEP Service Summary for Student 9 listed the following:
  - i. SDI:
    1. Provider: LEA; Role: Case Manager; and
    2. Provider: LEA-SLP; Role: Case Manager.
  - ii. Supplementary Aids and Services, Accommodations:
    1. Provider: LEA; Role: Case Manager; and
    2. Provider: LEA; Role: General Education Teacher; and
    3. Provider: LEA; role: Other.
  - iii. Supplementary Aids and Services, Modifications:
    1. Provider: LEA; Role: Case Manager.
  - iv. Support for School Personnel:
    1. Provider: LEA/Regional; Role: Regional Com;
    2. Provider: LEA-SLP; Role: LEA-SLP; and
    3. Provider: LEA; Role: Case Manager.
- c. The following information was listed in the Meeting/Attendance Summary document for Student 9.
  - i. An IEP meeting was held on November 19, 2024.
  - ii. The following IEP Team Members were listed as present for the meeting:
    1. Special Education Teacher 3, Special Education Teacher/District Representative;
    2. ELD TOSA 1, General Education Teacher/ELD Teacher;
    3. SLP 9, Speech; and
    4. Parent; and
    5. Interpreter 1, Interpreter.
- d. The District *Response*, dated December 23, 2024, described the roles of the District IEP team members, "[ELD TOSA 1] (general education teacher, ELD endorsement, principal license); [Special Education Teacher 3] (special education teacher license); [SLP 9] (SLP); [Interpreter 1] (interpreter)."
- e. In a written response to questions, dated February 24, 2025, the District indicated that Special Education Teacher 3 was Student 9's special education teacher in 2023-24, but ELD TOSA 1 was not their current or former teacher.

## Student 10

18. On October 30, 2024, a Notice of Team Meeting was created for a meeting on November 19, 2024 to discuss Student 10's eligibility and initial/annual IEP. The "Invited/Required" column listed the individuals invited or required to attend. The "Listed on Schedule" column described the titles of the teachers listed or noted on Student 10's schedule.

| Name                    | Role                        | Invited/Required | Listed/Noted on Schedule                                |
|-------------------------|-----------------------------|------------------|---------------------------------------------------------|
| Parents                 | Parents                     | Invited          | N/A                                                     |
| Student 10              | Student                     | Invited          | N/A                                                     |
| Case Manager 5          | Case Manager                | Required         | Case Manager/Dog Teams/F Transition/ Essentials of Math |
| Culinary Arts Teacher 2 | General Education Teacher   | Required         | Culinary Arts                                           |
| School Psychologist 4   | School Psychologist         | Invited          | N/A                                                     |
| SLP 4                   | SLP                         | Invited          | SLP                                                     |
| Principal 2             | Principal                   | Invited          | N/A                                                     |
| Counselor 6             | School Counselor            | Invited          | N/A                                                     |
| SEA 5                   | Special Education Assistant | Invited          | N/A                                                     |

- a. The following teachers were listed on Student 10's schedule: Art Teacher 3 Jewelry; PE Teacher 3, Lifelong Fitness and Unified Physical Education; and Art Teacher 4 Pottery.
- b. The following information was listed in the Meeting/Attendance Summary document for Student 10.
  - i. An Eligibility Determination meeting was held on November 19, 2024.
  - ii. The following IEP Team Members were listed as present for the meeting:
    1. Parent;
    2. Principal 2, District Representative/Special Education Teacher;
    3. School Psychologist 3 (ESD), School Psychologist;
    4. SLP 1, SLP; and
    5. General Education Teacher 2, General Education Teacher.
- c. On December 11, 2024, a Notice of Team Meeting was created for a meeting on December 17, 2024 to discuss Student 10's eligibility. The "Invited/Required" column listed the individuals invited or required to attend. The "Listed/Noted on Schedule" column described the titles of the teachers listed or noted on Student 11's schedule.

| Name    | Role    | Invited/Required | Listed/Noted on Schedule |
|---------|---------|------------------|--------------------------|
| Parents | Parents | Invited          | N/A                      |



| Name                    | Role                        | Invited/Required | Listed/Noted on Schedule                                |
|-------------------------|-----------------------------|------------------|---------------------------------------------------------|
| Student 10              | Student                     | Invited          | N/A                                                     |
| Case Manager 5          | Case Manager                | Required         | Case Manager/Dog Teams/F Transition/ Essentials of Math |
| Culinary Arts Teacher 2 | General Education Teacher   | Required         | Culinary Arts                                           |
| SLP 4                   | SLP                         | Invited          | SLP                                                     |
| Principal 2             | Principal                   | Invited          | N/A                                                     |
| Counselor 6             | School Counselor            | Invited          | N/A                                                     |
| SEA 5                   | Special Education Assistant | Invited          | N/A                                                     |

- d. The District *Response*, dated December 23, 2024, indicated, “This was an eligibility[-]only meeting. [Principal 2] (special education teacher license and principal license); [SLP 1] (SLP license and principal license); [General Education Teacher 2] (general education teacher license and principal license); [School Psychologist 3] (School psychologist).”
- e. In a written response to questions dated February 24, 2025, the District indicated that neither Principal 2, SLP 1, nor General Education Teacher 2 were Student 10’s current or former teachers.

## Student 11

19. On October 29, 2024, a Notice of Team Meeting was created for a November 19, 2024 meeting to discuss Student 11’s initial/annual IEP and transition needs. The “Invited/Required” column listed the individuals invited or required to attend. The “Listed/Noted on Schedule” column described the titles of the teachers listed or noted on Student 11’s schedule.

| Name                        | Role                      | Invited/Required | Listed/Noted on Schedule                  |
|-----------------------------|---------------------------|------------------|-------------------------------------------|
| Relatives                   | Parents                   | Invited          | N/A                                       |
| Student 11                  | Student                   | Invited          | N/A                                       |
| Assistant Principal 1       | Assistant Principal       | Invited          | N/A                                       |
| Health Teacher 1            | General Education Teacher | Invited          | Health 2                                  |
| Sports Teacher 2            | General Education Teacher | Invited          | Unified Physical Education                |
| Culinary Arts Teacher 1     | General Education Teacher | Invited          | Culinary Arts                             |
| Avid Teacher 2              | General Education Teacher | Required         | Not on schedule                           |
| SSS 2                       | School Support Specialist | Invited          | N/A                                       |
| Special Education Teacher 5 | Special Education Teacher | Invited          | F Language Arts/Special Education Teacher |
| Special Education Teacher 3 | Special Education Teacher | Required         | Not on schedule                           |

- a. The following teachers were listed on Student 11's schedule: Case Manager 7, Science/Case Manager/Flight Mixed A; Assistant Principal 6, Red Zone; Health Teacher 2, Health; and SLP 7 was noted as the SLP.
- b. The November 19, 2024 IEP Service Summary listed the following for Student 11:
  - i. SDI:
    1. Provider: LEA; Role: Case Manager;
  - ii. Related Services:
    1. Provider: LEA; Role: Case Manager; and
    2. Provider: SLP/SLPA; Role: Case Manager.
  - iii. Supplementary Aids and Services, Accommodations:
    1. Provider: LEA; role: Case Manager.
  - iv. Supplementary Aides/Services, Modifications:
    1. Provider: LEA; Role: Case Manager.
  - v. Supports for School Personnel:

1. Provider: LEA; Role: Case Manager; and
  2. Provider: LEA- SLP; Role: Case Manager.
- c. The following information was listed in the Meeting/Attendance Summary document for Student 11.
- i. An IEP meeting was held on November 19, 2024.
  - ii. The following IEP Team Members were listed as present for the meeting:
    1. Special Education Teacher 3, Special Education Teacher/District Representative/Individual Interpreting Instructional Implications of Evaluations;
    2. Avid Teacher 2, General Education Teacher;
    3. SLP 7, ESD SLP;
    4. According to the notes, "Parents & student did not attend [the] meeting."
- d. The District *Response*, dated December 23, 2024, described the roles of the District IEP team members, "[Special Education Teacher 3] (Special education teacher license); [SLP 7] (SLP license); [Avid Teacher 2] (general education teacher license)."

## Student 12

20. On October 23, 2024, a Notice of Meeting was created for an annual/initial IEP meeting for Student 12 on November 20, 2024. The "Invited/Required" column listed the individuals invited or required to attend. The "Listed/Noted on Schedule" column described the titles of the teachers listed or noted on Student 12's schedule.

| Name                | Role                      | Invited/Required | Listed/Noted on Schedule                                            |
|---------------------|---------------------------|------------------|---------------------------------------------------------------------|
| Parents             | Parents                   | Invited          | N/A                                                                 |
| Case Manager 6      | Case Manager              | Required         | Case Manager/Elementary Resource                                    |
| Homeroom Teacher 2  | General Education Teacher | Required         | Homeroom, English, Math, Social Studies, Science, Health, Fine Arts |
| SLP 5               | SLP                       | Invited          | SLP                                                                 |
| Autism Consultant 1 | Autism Consultant         | Invited          | Autism Consultant                                                   |
| Clerical 2          | Clerical Staff            | Invited          | Not on Schedule                                                     |

- a. PE Teacher 1 was listed as Student 12's PE teacher, and Music Teacher 1 was listed as their music teacher.
- b. On November 15, 2024, a Notice of Team Meeting was created for Student 12's initial/annual IEP for November 20, 2024. The "Invited/Required" column listed the individuals invited or required to attend. The "Listed/Noted on Schedule" column described if the personnel invited or required to attend the meeting were listed on Student 12's schedule. (DAE24) The Parent requested that the IEP meeting be rescheduled for a time the Student's teachers could attend.

| Name                  | Role                        | Invited/Required | Listed/Noted on Schedule |
|-----------------------|-----------------------------|------------------|--------------------------|
| Parents               | Parent                      | Invited          | N/A                      |
| Assistant Principal 2 | Special Education Teacher   | Required         | Not on schedule          |
| Principal 4           | General Education Teacher   | Required         | Not on schedule          |
| Clerical 2            | Clerical Staff              | Invited          | Not on schedule          |
| SLP 1                 | SLP/District Representative | Invited          | Not on Schedule          |

### Student 13

21. On November 15, 2024, a Notice of Meeting was created for an eligibility meeting for Student 13 on November 21, 2024. The "Invited/Required" column listed the individuals invited or required to attend. The "Listed/Noted on Schedule" column described the titles of the teachers listed or noted on Student 13's schedule.

| Name                  | Role                         | Invited/Required | Listed/Noted on Schedule                         |
|-----------------------|------------------------------|------------------|--------------------------------------------------|
| Parent                | Parent                       | Invited          | N/A                                              |
| Case Manager 3        | Case Manager                 | Required         | Case Manager                                     |
| Homeroom Teacher 3    | General Education Teacher    | Required         | Homeroom, English, Math, Social Studies, Science |
| IEP Writer 1          | IEP Writer                   | Invited          | Not on schedule                                  |
| Principal 5           | Principal                    | Required         | N/A                                              |
| Counselor 5           | School Counselor             | Invited          | N/A                                              |
| SSS 1                 | School Support Specialist    | Required         | N/A                                              |
| SLP 1                 | Special Programs Coordinator | Invited          | N/A                                              |
| SLP 3                 | SLP                          | Required         | SLP                                              |
| Assistant Principal 2 | Not Listed                   | Invited          | Not on schedule                                  |

- a. OT 1 was noted as Student 13's OT. PE Teacher 6 was listed as Student 13's PE teacher, and Health Teacher 3 was listed as their Health and Fine Arts teacher.
- b. On November 19, 2024, a Notice of Team Meeting was created for an eligibility meeting for Student 13 on November 21, 2024. The following individuals were invited or required to attend:

| Name                         | Role                         | Invited/Required | Listed/Noted on Schedule                         |
|------------------------------|------------------------------|------------------|--------------------------------------------------|
| Parent                       | Parent                       | Invited          | N/A                                              |
| Case Manager 3               | Case Manager                 | Invited          | Case Manager                                     |
| OT 1                         | ESD Evaluation Specialist    | Invited          | Noted as OT                                      |
| Homeroom Teacher 3           | General Education Teacher    | Invited          | Homeroom, English, Math, Social Studies, Science |
| IEP Writer 1                 | IEP Writer                   | Invited          | Not on schedule                                  |
| Principal 5                  | Principal                    | Required         | Not on schedule                                  |
| Counselor 5                  | School Counselor             | Invited          | N/A                                              |
| School Psychologist 3        | ESD School Psychologist      | Required         | Not on schedule                                  |
| SSS 1                        | School Support Specialist    | Invited          | N/A                                              |
| SLP 1                        | Special Programs Coordinator | Invited          | N/A                                              |
| Director of Special Programs | Special Programs Director    | Invited          | N/A                                              |
| SLP 3                        | SLP                          | Invited          | SLP                                              |

- c. The following information was listed in the Meeting/Attendance Summary document for Student 13.
- i. An Eligibility Determination meeting was held on November 21, 2024.
  - ii. The following IEP Team Members were listed as present for the meeting:
    1. Parent;
    2. SLP 1, SLP;
    3. Assistant Principal 2, Assistant Principal; “Special education verification”;
    4. Principal 5, District Representative/General Education Teacher;
    5. School Psychologist 3, School Psychologist;
    6. OT 1, OT;
    7. According to the notes, “Parents were offered the option to not hold the meeting at this time with the participants as listed. Parent agreed to proceed with the meeting.”

- d. The District *Response*, dated December 23, 2024, indicated, “This was an eligibility[-]only meeting. [Principal 5] (general education teacher license and principal license); [School Psychologist 3] (School Psychologist); [Assistant Principal 2] (Special education teacher license and principal license); [SLP 1] (SLP license and principal license).”
- e. In a written response to questions, dated February 24, 2025, the District indicated that neither SLP 1, Assistant Principal 2, nor Principal 5 were Student 13’s current or former providers, but OT 1 was their former OT.

#### **Student 14**

- 22. A Notice of Meeting was created on November 8, 2024, for an initial/annual IEP meeting on November 21, 2024. The “Invited/Required” column listed the individuals invited or required to attend. The “Listed/Noted on Schedule” column described the titles of the teachers listed or noted on Student 14’s schedule.

| Name                 | Role                                 | Invited/Required | Listed/Noted on Schedule                                            |
|----------------------|--------------------------------------|------------------|---------------------------------------------------------------------|
| Guardian             | Guardian                             | Invited          | N/A                                                                 |
| Clerical 1           | Clerical Staff                       | Invited          | N/A                                                                 |
| Principal 1          | District Representative              | Invited          | N/A                                                                 |
| Homeroom Teacher 1   | General Education Teacher            | Invited          | Homeroom, English, Math, Social Studies, Science, Health, Fine Arts |
| Elementary Teacher 1 | General Education Teacher            | Invited          | Not on schedule                                                     |
| Case Manager 2       | Special Education Teacher            | Required         | Case Manager/Elementary Resource                                    |
| SLP 2                | SLP                                  | Invited          | SLP                                                                 |
| DHH Teacher 1        | Teacher for the Deaf/Hard of Hearing | Invited          | Not on schedule                                                     |
| SLP 1                | Special Programs Coordinator         | Invited          | N/A                                                                 |

- a. PE Teacher 7 was listed as Student 14's PE teacher.
- b. The November 21, 2024 IEP Service Summary listed the following for Student 14:
  - i. SDI:
    1. Provider: LEA-SLP; Role: Case Manager;
    2. Provider: Regional-HI (Hearing Impaired); Role: Case Manager; and
    3. Provider: LEA; Role: Case Manager.
  - ii. Supplementary Aids and Services, Accommodations:
    1. Provider: LEA; Role: Case Manager; and
    2. Provider: General Education Teacher; Role: Case Manager.
  - iii. Supplementary Aids/Services, Modifications:
    1. Provider: LEA; Role: Case Manager.
  - iv. Supports for School Personnel:
    1. Provider: Special Education Teacher; Role: Case Manager;
    2. Provider: SLP; Role: Case Manager; and
    3. Provider: Regional-HI; Role: Case Manager.



- c. The following information was listed in the Meeting/Attendance Summary document for Student 14.
  - i. An IEP meeting was held on November 21, 2024.
  - ii. Written Agreements between the Parent and the District indicated that “The District and the Parent agree that the following member(s) of the IEP team may be excused from attending the IEP meeting on 11/21/24, in whole or in part, when the meeting involves a modification to or discussion of the member’s area of the curriculum or related services, if the member submits in writing to the team input into the IEP before the meeting.”
    - 1. The following names were listed:
      - a. Homeroom Teacher 1 General Education Teacher; and
      - b. SLP 2, SLP.
    - 2. The Parent's signature was redacted.
  - iii. The following IEP Team Members were listed as present for the meeting:
    - 1. Guardian;
    - 2. Elementary Teacher 1, General Education Teacher;
    - 3. Case Manager 2, Individual Interpreting Instructional Implications of Evaluations/Special Education Teacher; and
    - 4. SLP 1, SLP/District Representative.
- d. The District *Response*, dated December 23, 2024, described the roles of the District IEP team members, “[Case Manager 2] (special education teacher license); [Elementary Teacher 1] (general education teacher license); [SLP 1] (SLP license and principal license).”
- e. In a written response to questions, dated February 24, 2025, the District indicated that Elementary Teacher 1 was not Student 14’s current or former teacher.

## **Student 15**

- 23. On November 4, 2024, a Notice of Team Meeting was created for an initial/annual IEP and to consider transition needs for Student 15 on November 21, 2024. The “Invited/Required” column listed the individuals invited or required to attend. The “Listed/Noted on Schedule” column described the titles of the teachers listed or noted on Student 15’s schedule.

| Name                        | Role                      | Invited/Required | Listed/Noted on Schedule                         |
|-----------------------------|---------------------------|------------------|--------------------------------------------------|
| Relative                    | Relative                  | Invited          | N/A                                              |
| Parent                      | Parent                    | Invited          | N/A                                              |
| Student 15                  | Student                   | Invited          | N/A                                              |
| Assistant Principal 6       | Assistant Principal       | Invited          | N/A                                              |
| Special Education Teacher 4 | Case Manager              | Invited          | Case Manager/Flight 2026                         |
| Design Teacher 1            | General Education Teacher | Invited          | Basic Design                                     |
| Finance Teacher 1           | General Education Teacher | Required         | Not on schedule                                  |
| Social Studies Teacher 2    | General Education Teacher | Invited          | Modern US History                                |
| English Teacher 5           | General Education Teacher | Invited          | English 11A                                      |
| Science Teacher 1           | General Education Teacher | Invited          | Biology                                          |
| Counselor 7                 | School Counselor          | Invited          | N/A                                              |
| Special Education Teacher 5 | Special Education Teacher | Invited          | Academic Development/Special Education Teacher   |
| Special Education Teacher 3 | Special Education Teacher | Required         | Intro to Stats Support/Special Education Teacher |

- a. The following teachers were listed on Student 15's schedule: PE Teacher 4 Weight Training; and Math Teacher 6, Statistics.
- b. The November 21, 2024 IEP Service Summary listed the following for Student 15:
  - i. SDI:
    1. Provider: LEA; Role: Case Manager.
  - ii. Supplementary Aids and Services, Accommodations:
    1. Provider: LEA; Role: General Education Teacher; and
    2. Provider: LEA; Role: Case Manager.

- iii. Supports for School Personnel:
  - 1. Provider: LEA; Role: Case Manager.
- c. The following information was listed in the Meeting/Attendance Summary document for Student 15.
  - i. An IEP meeting was held on November 21, 2024.
  - ii. The following IEP Team Members were listed as present for the meeting:
    - 1. Finance Teacher 1, General Education Teacher;
    - 2. Special Education Teacher 3, Special Education Teacher/Individual Interpreting Instructional Implications of Evaluations/District Representative;
    - 3. Youth Transition Program Specialist.
    - 4. According to the notes, “parent and student did not attend.”
- d. The District *Response*, dated December 23, 2024, described the roles of the District IEP team members, “[Special Education Teacher 3] (Special education teacher license); [Finance Teacher 1] (General education teacher license); [YTP Specialist] (classified employee).”
- e. In a written response to questions, dated February 24, 2025, the District indicated that Finance Teacher 1 was not Student 15’s current or former teacher.

## **Student 16**

- 24. On November 5, 2024, a Notice of Team Meeting was created for an eligibility meeting for Student 16 on November 21, 2024. The “Invited/Required” column listed the individuals invited or required to attend. The “Listed/Noted on Schedule” column described the titles of the teachers listed or noted on Student 16’s schedule.

| Name               | Role                                              | Invited/Required | Listed/Noted on Schedule                                            |
|--------------------|---------------------------------------------------|------------------|---------------------------------------------------------------------|
| Parents            | Parents                                           | Invited          | N/A                                                                 |
| Clerical 3         | Clerical Staff                                    | Invited          | N/A                                                                 |
| DHH Teacher 2      | ESD Deaf/Hard of Hearing Teacher                  | Invited          | Deaf/Hard of Hearing Teacher                                        |
| Case Manager 9     | District Representative/Special Education Teacher | Required         | Case Manager/Elementary Resource                                    |
| Homeroom Teacher 5 | General Education Teacher                         | Invited          | Homeroom, English, Math, Social Studies, Science, Health, Fine Arts |
| Nurse 1            | LEA - RN                                          | Invited          | N/A                                                                 |
| PT Assistant       | ESD Physical Therapist Assistant                  | Invited          | PT                                                                  |
| Principal 8        | Principal                                         | Invited          | N/A                                                                 |
| SSS 3              | School Support Specialist                         | Invited          | N/A                                                                 |
| SLP 10             | SLP                                               | Invited          | SLP                                                                 |

- a. Student 16's PE teacher was listed as PE Teacher 8 and their music teacher was listed as Music Teacher 2.
- b. The following information was listed in the Meeting/Attendance Summary document for Student 16.
  - i. An Eligibility meeting was held on November 21, 2024.
  - ii. The following IEP Team Members were listed as present for the meeting:
    1. Parent;
    2. Clerical 3, Special Education Clerical
    3. Case Manager 9, Case Manager/District Representative;
    4. DHH Teacher 2, ESD Deaf/Hard of Hearing Teacher;
    5. PT Assistant 1, ESD Physical Therapist Assistant.
- c. The District *Response*, dated December 23, 2024 indicated, "This was an eligibility only meeting. The following staff attended: [Case Manager 9] (special education teacher license); [Clerical 3] (classified employee); [DHH Teacher 2] (Deaf and Hard of Hearing Teacher/special education license); [PT Assistant 1] (PTA)."

- d. On December 3, 2024, a Notice of Team Meeting was created for Student 16's initial/annual IEP on December 18, 2024. The following individuals were invited or required to attend:

| Name               | Role                                              | Invited/Required |
|--------------------|---------------------------------------------------|------------------|
| Parents            | Parents                                           | Invited          |
| Clerical 3         | Clerical Staff                                    | Invited          |
| DHH Teacher 2      | ESD Deaf/Hard of Hearing Teacher                  | Invited          |
| Case Manager 9     | District Representative/Special Education Teacher | Required         |
| Homeroom Teacher 5 | General Education Teacher                         | Required         |
| Nurse 1            | LEA - LPN/RN                                      | Invited          |
| PT Assistant 1     | ESD Physical Therapist Assistant                  | Invited          |
| Principal 8        | Principal                                         | Invited          |
| SSS 3              | School Support Specialist                         | Invited          |
| SLP 10             | SLP                                               | Invited          |

### Student 17

25. On October 29, 2024, a Notice of Team Meeting was created for a meeting to discuss eligibility, the initial/annual IEP, transition needs, and reevaluation planning for Student 17 on November 21, 2024. The "Invited/Required" column listed the individuals invited or required to attend. The "Listed/Noted on Schedule" column described the titles of the teachers listed or noted on Student 17's schedule.

| Name                        | Role                      | Invited/Required | Listed/Noted on Schedule |
|-----------------------------|---------------------------|------------------|--------------------------|
| Parents                     | Parents                   | Invited          | N/A                      |
| Student 17                  | Student                   | Invited          | N/A                      |
| Assistant Principal 1       | Assistant Principal       | Invited          | N/A                      |
| Case Manager 1              | Case Manager              | Invited          | Case Manager/WR Support  |
| English Teacher 1           | General Education Teacher | Invited          | English                  |
| Finance Teacher 1           | General Education Teacher | Required         | Not on schedule          |
| Art Teacher 1               | General Education Teacher | Invited          | Digital Arts             |
| Social Studies Teacher 4    | General Education Teacher | Invited          | AP World History         |
| Counselor 1                 | School Counselor          | Invited          | N/A                      |
| Special Education Teacher 4 | Special Education Teacher | Invited          | Algebra Support          |

- a. The following teachers were listed on Student 17's schedule: Special Education Teacher 6, Academic Development/Special Education Teacher; Math Teacher 3, Algebra 1A; Science Teacher 4, Chemistry; English Teacher 2, Flight 2027.
- b. The November 21, 2024 IEP Service Summary for Student 17 listed the following:
  - i. SDI:
    1. Provider: LEA; Role: Case Manager;
  - ii. Supplementary Aids and Services, Accommodations:
    1. Provider: LEA; Role: General Education Teacher.
  - iii. Supports for School Personnel:
    1. Provider: LEA; Role: Case Manager.
- c. The following information was listed in the Meeting/Attendance Summary document for Student 17.
  - i. An Evaluation Planning/File Review, Eligibility Determination, and IEP meeting were held on November 21, 2024.
  - ii. The following IEP Team Members were listed as present for the meeting:
    1. Student;
    2. Parents;

3. Special Education Teacher 6, District Representative/ Individual Interpreting Instructional Implications of Evaluations/Special Education Teacher; and
4. Finance Teacher 1, General Education Teacher.

- a. The District *Response*, dated December 23, 2024, described the roles of the District IEP team members, “[Special Education Teacher 6] (Special education teacher license); [Finance Teacher 1] (general education teacher license).”
- b. In a written response to questions, dated February 24, 2025, the District indicated that Special Education Teacher 6 was Student 17’s special education teacher during semester 1 of 2024-25, but Finance Teacher 1 was not their current or former teacher.

### Student 18

26. On October 31, 2024 a Notice of Team Meeting was created for an initial/annual IEP for Student 18 on November 22, 2024. The “Invited/Required” column listed the individuals invited or required to attend. The “Listed/Noted on Schedule” column described the titles of the teachers listed or noted on Student 18’s schedule. This IEP meeting was held.

| Name               | Role                      | Invited/Required | Listed/Noted on Schedule                                            |
|--------------------|---------------------------|------------------|---------------------------------------------------------------------|
| Parents            | Parents                   | Invited          | N/A                                                                 |
| Case Manager 2     | Case Manager              | Required         | Case Manager/Elementary Resource                                    |
| Clerical 1         | Clerical Staff            | Invited          | N/A                                                                 |
| Homeroom Teacher 6 | General Education Teacher | Required         | Homeroom, English, Math, Social Studies, Science, Health, Fine Arts |
| Principal 1        | Principal                 | Invited          | N/A                                                                 |

- a. PE Teacher 7 was listed as Student 18’s PE teacher.

### Student 19

27. On September 18, 2024, a Notice of Team Meeting was created for an eligibility meeting for Student 19 on September 26, 2024. The “Invited/Required” column listed the

individuals invited or required to attend. The “Listed/Noted on Schedule” column described the titles of the teachers listed or noted on Student 19’s schedule.

| Name                  | Role                        | Invited/Required | Listed/Noted on Schedule                                            |
|-----------------------|-----------------------------|------------------|---------------------------------------------------------------------|
| Parent                | Parent                      | Invited          | N/A                                                                 |
| Case Manager 8        | Case Manager                | Required         | Case Manager/Elementary Resource                                    |
| Homeroom Teacher 7    | General Education Teacher   | Required         | Homeroom, English, Math, Social Studies, Science, Health, Fine Arts |
| Principal 9           | Principal                   | Invited          | N/A                                                                 |
| Assistant Principal 2 | Assistant Principal         | Invited          | N/A                                                                 |
| SSS 3                 | School Support Specialist   | Invited          | N/A                                                                 |
| School Psychologist 5 | ESD School Psychologist     | Invited          | N/A                                                                 |
| OT 4                  | ESD Occupational Therapist  | Invited          | OT                                                                  |
| OT 3                  | ESD Occupational Therapist  | Invited          | OT                                                                  |
| SLP 8                 | SLP                         | Invited          | SLP                                                                 |
| SEA 4                 | Special Education Assistant | Invited          | N/A                                                                 |

- a. PE Teacher 9 was listed as Student 19’s PE teacher. Music Teacher 3 was listed as Student 19’s music teacher. This eligibility meeting was held.

## Student 20

28. On October 29, 2024, a Notice of Team Meeting was created for an initial/annual IEP for Student 20 on November 15, 2024. The “Invited/Required” column listed the individuals invited or required to attend. The “Listed/Noted on Schedule” column described the titles of the teachers listed or noted on Student 20’s schedule.



| Name                        | Role                                 | Invited/Required | Listed/Noted on Schedule                                    |
|-----------------------------|--------------------------------------|------------------|-------------------------------------------------------------|
| Parents                     | Parents                              | Invited          | N/A                                                         |
| Case Manager 11             | Case Manager                         | Required         | Case Manager/Math Skills/Advisory/Special Education Teacher |
| Math Teacher 4              | General Education Teacher            | Required         | Math                                                        |
| Principal 6                 | Principal                            | Invited          | N/A                                                         |
| Assistant Principal 4       | Assistant Principal                  | Invited          | N/A                                                         |
| Counselor 8                 | School Counselor                     | Invited          | N/A                                                         |
| ELD Teacher 1               | English Language Development Teacher | Invited          | Not on schedule                                             |
| Science Teacher 5           | General Education Teacher            | Invited          | Science                                                     |
| General Education Teacher 4 | General Education Teacher            | Invited          | Not on schedule                                             |
| General Education Teacher 3 | General Education Teacher            | Invited          | Not on schedule                                             |
| English Teacher 6           | General Education Teacher            | Invited          | LA 8                                                        |

- a. The following teachers were listed on Student 20's schedule: Special Education Teacher 7, HD Word/Special Education Teacher; PE Teacher 10, Health/PE; Art Teacher 6, Digital Photo.
- b. The November 15, 2024 IEP Service Summary listed the following for Student 20:
  - i. SDI:
    1. Provider: LEA; Role: Case Manager.
  - ii. Supplementary Aids and Services, Accommodations:
    1. Provider: LEA; Role: Case Manager.
  - iii. Supports for School Personnel:
    1. Provider: LEA; Role: Case Manager.

- c. The following information was listed in the Meeting/Attendance Summary document for Student 20.
  - i. An IEP meeting was held on November 15, 2024.
  - ii. The following IEP Team Members were listed as present for the meeting:
    1. Parent;
    2. Case Manager 4, Case Manager;
    3. Principal 6, Principal; and
    4. Assistant Principal 4, Assistant Principal.
- d. The District *Response*, dated December 23, 2024, described the roles of the District IEP team members, “[Principal 6] (principal license and district rep); [Case Manager 4] (special education teacher and administrator licensed); [Assistant Principal 4] (general education teacher and principal licensed).”
- e. In a written response to questions dated February 24, 2025, the District indicated that neither Case Manager 4 nor Assistant Principal 4 were Student 20’s current or former teachers.

#### Students A-L

29. In the District *Response*, dated December 23, 2024, the District described, “Additionally, 12 IEP meetings that were due during the strike were canceled without any attempt to hold them because the District did not have sufficient written input from members of the IEP team to hold the meeting. The parents were told at the beginning of each meeting that was held that the team assembled may not consist of all of the members of the typical IEP team due to the strike and that they could either opt to delay the meeting until the teachers returned, or that another meeting could be held when the teachers returned. The District used discernment in deciding which meetings to hold, and opted to cancel meetings, putting the IEPs out of compliance, when there was not sufficient information for the team to discuss and consider.”

30. This table provides a summary of meeting details and relevant dates for Students A-L, including the purpose of the meeting, the original and rescheduled meeting dates, and the due date for the annual IEP.

| Student   | Meeting Type                  | Original |              | Rescheduled |              | Annual IEP Due Date | Citation      |
|-----------|-------------------------------|----------|--------------|-------------|--------------|---------------------|---------------|
|           |                               | NOM      | Meeting Date | NOM         | Meeting Date |                     |               |
| Student A | Eligibility; Initial/Annual ; | 11/5/24  | 11/14/24     | 12/4/24     | 12/5/24      | 11/26/24            | DX1-DX3; DX63 |

| Student    | Meeting Type                                                    | Original |              | Rescheduled          |                      | Annual IEP Due Date | Citation             |
|------------|-----------------------------------------------------------------|----------|--------------|----------------------|----------------------|---------------------|----------------------|
|            |                                                                 | NOM      | Meeting Date | NOM                  | Meeting Date         |                     |                      |
|            | Reevaluation Planning; Transition                               |          |              |                      |                      |                     |                      |
| Student B  | Initial/Annual                                                  | 10/28/24 | 11/20/24     | 12/3/24              | 12/6/24              | 2/14/25             | DX6-DX8; DX63        |
| Student C  | Initial/Annual ; Transition                                     | 10/9/24  | 11/14/24     | 12/6/24              | 12/9/24              | 11/15/24            | DX11-DX13; DX63      |
| Student D  | Initial/Annual                                                  | 11/18/24 | 12/9/24      |                      |                      | 11/19/24            | DX16-DX17; DX63      |
| Student E  | Eligibility; Transition; Initial/Annual ; Reevaluation Planning | 10/9/24  | 11/21/24     | 12/5/24              | 12/10/24             | 11/19/24            | DX19-DX21; DX63      |
| Student F* | Transition; Initial/Annual                                      | 10/29/24 | 11/13/24     | 11/5/24<br>12/4/24   | 11/19/24<br>12/10/24 | 11/30/24            | DX24-DX28; DX63      |
| Student G  | Initial/Annual Transition                                       | 10/9/24  | 11/19/24     | 12/9/24              | 12/11/24             | 11/26/24            | DX31-DX33; DX63      |
| Student H  | Initial/Annual                                                  | 12/6/14  | 12/12/24     | OUT OF DATE RANGE    |                      | 11/30/24            | DX36-DX37; DX63      |
| Student I  | Reevaluation Planning; also Initial/Annual                      | 10/3/24  | 10/30/24     | 10/31/24<br>12/20/24 | 11/15/24<br>2/14/25  | 1/31/25             | DX40-DX42; DX63-DX65 |

| Student    | Meeting Type                                                                   | Original |              | Rescheduled         |                      | Annual IEP Due Date | Citation        |
|------------|--------------------------------------------------------------------------------|----------|--------------|---------------------|----------------------|---------------------|-----------------|
|            |                                                                                | NOM      | Meeting Date | NOM                 | Meeting Date         |                     |                 |
|            | for 2/14/25 meeting                                                            |          |              |                     |                      |                     |                 |
| Student J* | Initial/Annual                                                                 | 10/22/24 | 11/15/24     | 11/13/24<br>12/5/24 | 11/22/24<br>12/16/24 | 11/29/24            | DX44-DX49;DX63  |
| Student K  | Initial/Annual                                                                 | 11/5/24  | 11/22/24     | 12/6/24             | 12/18/24             | 11/27/24            | DX53-DX56; DX63 |
| Student L  | Initial/Annual<br>;<br>Transition;<br>Eligibility;<br>Reevaluation<br>Planning | 11/8/24  | 11/21/24     | 12/16/24            | 12/19/24             | 11/29/24            | DX58-DX61; DX63 |

\*Indicates the meeting was rescheduled twice.

### Allegations 3 and 4

#### **2023-24**

31. In an email to the Complaint Investigator, the Complainant shared that for the 2023-24 school year, there were 13 students in the Foundational Skills Classroom (FSC). The Complainant named two personal care assistants (PCAs) that served as PCAs during the 2023-24 and the 2024-25 school years.
32. On October 20, 2023, the Complainant emailed the Director of Special Programs and Principal 3 indicating that the Complainant completed 13 needs assessments for students on their caseload, "I have listed 4 of my students as needing intensive 1:1 adult support at all times, with high academic support needed for gen[eral] ed[ucation] push-in for all of the other 9. I am looking forward to and very grateful for our new hire ... but can we please keep the posting open to look for a fifth PCA? I can illustrate a schedule that would give more appropriate student support and maybe, just maybe some prep/case management periods for me."

33. During an interview with the Complaint Investigator, the Complainant explained that there was a history of understaffing in the FSC at their school. According to the Complainant, this issue, which began at the start of the 2023-24 school year, resulted in high staff turnover, inconsistent support for students, and increased burdens on the Complainant. The Complainant indicated they undertook tasks beyond their normal teaching duties, such as behavior management, interventions, and acting as a one-to-one aide for a high-needs student. This situation led to the District hiring a substitute teacher for over two weeks to cover the Complainant's teaching responsibilities while the Complainant filled the support role. According to the Complainant, despite raising these concerns with administrators, the staffing problems persisted, leading to their Complaint.
34. During an interview with the Complaint Investigator, Principal 3 shared that the School consistently worked to fill positions, even when staffed. They moved personnel (PCA 1) to provide support where needed, shifting them from other programs. Principal 3 indicated that employee absenteeism was a persistent problem, and the staffing agency they used struggled to fill classified positions, especially in the 2023-24 school year. Principal 3 described that the FSC experienced a high turnover of classified staff over the past few years, unlike the SLC, which had maintained a stable workforce. This turnover created a substantial training burden, as many new hires lacked prior experience in education or personal care roles.
35. In an interview with the Complaint Investigator, PCA 1 described working in the FSC during the 2023-24 school year, periods two through seven, supporting students with academic and behavioral tasks:
- a. Period 2: PCA 1 was assigned to the FSC. There were typically three adults, including the teacher, and six to eight students. PCA 1 described that this was not enough support due to the students' varying levels and needs, including a student requiring one-on-one medical and personal care.
  - b. Period 3: PCA 1 described this as a math period with varied staffing due to a student with behavioral challenges who eloped from the classroom. PCA 1 shared that there were usually three adults and five students. PCA 1 believed that students did not receive adequate support two to three times per week due to one of the student's behaviors.
  - c. Period 4: PCA 1 described this as a "crafting free time" period staffed with two adults and five to six students. They described this period as more manageable, even though one student required a significant amount of support.
  - d. Period 5: PCA 1 described this as the period designated for English and considered it manageable. PCA 1 described a smaller class size with four to five students and two adults.
  - e. Periods 6 and 7: PCA 1 indicated that these two periods presented significant challenges. They described there were approximately ten students and three adults and shared that these periods were unmanageable due to frequent behavioral escalations, which left insufficient time for individualized student

support. PCA 1 highlighted that their reassignment from another position to assist in the FSC underscored the program's critical need for additional support.

36. The Director of Special Programs shared in an interview with the Complaint Investigator that there were two special education classrooms at the School: The FSC, where the Complainant was the teacher, and the Social Learning Classroom (SLC), where Special Education Teacher 1 was the teacher. According to the Director of Special Programs, Special Education Teacher 1 resigned on October 7, 2024, and the Complainant offered to run both classrooms temporarily. The Director of Special Programs shared that Special Education Teacher 1 reported that one teacher and three assistants met all 12 students' needs. The Director of Special Programs indicated that one of the concerns the Complainant brought forward was that the Complainant was not getting their prep period. The Director of Special programs shared that in the past, "... [the Complainant's] ability to manage staff has sometimes also created some impact in the program." During a transition period from December 2023 to January 2024, the School addressed staffing shortages by pulling in staff from other programs and hiring certified substitutes, especially when the Complainant was out sick. The Director of Special Programs indicated they were actively backfilling positions.

## **2024-25**

37. In an interview with the Complaint Investigator, the Director of Special Programs described the staffing and support structure for the Complainant's classroom at the beginning of the 2024-25 school year.
- a. Staffing: The classroom had one special education teacher (the Complainant) and four PCAs. A fifth PCA was added in October 2024.
  - b. Staffing and Implementation: The Complainant was responsible for scheduling themselves and the PCAs to meet the students' needs
38. On September 3, 2024, the Complainant emailed Principal 3 and the Director of Special Programs, "To understate would be to say I'm nervous about beginning another year as I did last year. I'm attaching my student schedule (so far), which indicates the level of support needed in order to run the program with fidelity and for me to have any chance at teaching/providing FAPE to all students this year, following their IEPs, taking prep and case management periods, etc. ... Now, to not understate, I have been experiencing physiological trauma-response symptoms of stress related to working in a continued toxic work environment (due to one person) and not being able to provide what I am required by law due to improper support for our students — the law states that special education students require highly qualified paraprofessionals and outlines how those paras should be hired, retained, and training maintained to the highest. I have missed two days of work due to this trauma-response and this is before students are in the building. I honestly don't know how this week is going to go and that should be a big, big concern to all involved. Please advise." The Complainant attached the staffing schedule to the email and shared that they were "unable to place any breaks yet; and even with cutting back on students going out, it leaves us with unsafe conditions with high needs in the classroom."

39. The Complainant shared that at the beginning of the 2024-25 school year, there were 12 students and five adults in their program. The SLC had 10 students and three assistants when the Complainant took over the program in October 2024. During the three busiest periods in the FSC, the Complainant indicated that each of those periods had from five to seven students.
40. Principal 3 indicated in an interview with the Complaint Investigator that the Complainant's reasons for requesting additional staff were related to the Complainant not getting their prep period or their lunch. However, "... when we try to look at a schedule or who's going where[,] the numbers don't ... show the need for more staffing. Even when we have some absences, at least on paper, it appears like kids could still be covered and get services covered and people get their breaks and lunches." Principal 3 stated that the concerns about students' unmet needs were not raised by the Complainant until recently, after the Complaint was filed."
41. The Complainant shared a 2024-25 schedule grid that showed which classes each student attended each period. The grid revealed the following for 12 students:
- Period 1: Five students were assigned to B13, six students were assigned to Tech, and one student was assigned to reading. Two PCAs pushed out to classes with students and four PCAs remained in B13.
  - Period 2: Six students were assigned to B13, four students were assigned to PE, one student was assigned to CTE, and one student was assigned to math. Two PCAs pushed out to classes with students and four PCAs remained in B13.
  - Period 3: Five students were assigned to B13, four students were assigned to choir, one student was assigned to PE, and two students were assigned to science. Three PCAs pushed out to classes with students, and three PCAs remained in B13.
  - Period 4: Six students were assigned to B13, two students were assigned to PE, and three students were assigned to science. Three to four PCAs pushed out to classes with students and two to three remained in B13.
  - Period 5: Six students were assigned to B13, three students were assigned to PE, and three students were assigned to science. Three PCAs pushed out to classes with students, and three PCAs remained in B13.
  - Period 6: Five students were assigned to B13, four students were assigned to foods, two students were assigned to PE, and one student was assigned to art. Four PCAs pushed out to classes with students, and two PCAs remained in B13.
  - Period 7: Four students were assigned to B13, two students were assigned to B13 Adapted PE, five students were assigned to art, and one student was assigned to science. Four PCAs pushed out to classes with students, and two PCAs remained in B13.
  - The Complainant shared in an email to the Complaint Investigator that B13 was the Complainant's classroom.

An additional schedule grid from September 13, 2025 that described where the assistants were scheduled indicated that Student 21 was “unsupported” during periods one and two in reading and math, and for period three, the grid indicated that Student 36 was also unsupported. However, in an email to the Complaint Investigator, the Complainant explained that during that period, Student 36 attended an alternative education teacher’s classroom staffed with an assistant. The Complainant did not need to send an assistant with the Student.

42. The Director of Special Programs explained during an interview with the Complaint Investigator that special education teachers received training on case management during their licensure program and that the District provided additional training three times per year, covering scheduling, lesson planning, working with assistants, and using communication notebooks. The Director of Special Programs said weekly meetings with support staff were encouraged.

Additionally, the District sought to maintain a minimum staffing ratio of one adult to three students in its secondary special education programs. To determine if more support was needed, they conducted needs assessments, and case managers could request additional staff for students with higher needs. Administrators reviewed these requests, taking into account various factors such as scheduling, student IEPs, and available resources.

43. The Director of Special Programs shared in an interview that the Complainant worked for the District for three or four years and that prior or during the Complaint period, “[The Complainant] expressed more, primarily that [the Complainant] was having a hard time scheduling staff to allow for staff lunch, breaks, and for [the Complainant’s] prep time. And so we met [their] principal, myself, and the two special ed[ucation] teachers ... .” The Director of Special Programs indicated that the previous teacher in the SLC had adequate prep time and breaks for staff and that the Complainant was struggling with scheduling. The Director of Special Programs observed instances where multiple adults were present but not actively engaged with students. Discussions were held with the Complainant about improving scheduling to meet all student needs and ensure breaks for staff. According to the Director of Special Programs, the Complainant’s primary concern was scheduling breaks and prep time rather than specific student needs. The Director of Special Programs indicated that the Complainant sometimes chose to forgo their prep time due to concerns about student behavior, highlighting an element of personal choice in the situation. According to the Director of Special Programs, “... more frequently at the beginning of the year [the Complainant’s] expressed concerns were with the lack of staff showing up. And that’s a problem we have across the District. It’s not the ratios that don’t allow us to support the students effectively.”

44. The Director of Special Programs described that the School faced challenges with staff absences in the Complainant’s classroom. Finding substitute classified staff proved difficult. The Director of Special Programs shared that to address this, Principal 3 provided additional support by assigning resource instructional assistants to the



Complainant's classroom for two periods to help with lunch and breaks. They also explored adjusting student lunch schedules to ensure adults received breaks. Additionally, the School hired another PCA and continued to seek a certified substitute teacher whenever possible. The Director of Special Programs described that the primary focus of these efforts was to meet the needs of the adults in the classroom rather than addressing concerns about specific students whose IEP goals might not have been fully met.

45. SEA 3 shared their schedule during an interview with the Complaint Investigator:

- a. Period 1: During the first period, SEA 3 assisted in a social group held within the SLC. There were four students specifically assigned to the SLC, and two additional students joined for the social group activity. The staffing for this period included the classroom teacher, and sometimes an additional assistant, providing either one or two adults to support the students.
- b. Period 2: According to SEA 3, all students attended general education classes during this period. SEA 3 joined a math group with four to five students and another assistant. The resource teacher provided the math instruction, and the group sessions took place in the SLC or in the math classroom, depending on the students' needs. SEA 3 indicated that the two adults present were considered sufficient to provide support to the students.
- c. Period 3: In third period, SEA 3 returned to the SLC classroom, where they worked with the teacher and three students on social skills. SEA 3 considered the presence of two adults adequate to implement the students' IEP supports and services effectively.
- d. Period 4: During this period, SEA 3 supported three students in a general education science class with an additional assistant. According to SEA 3, the two adults were able to implement students' IEPs and provide support.
- e. Period 5: During this period, SEA 3 supported three students in a general education PE class with another adult, providing adequate support to implement the students' IEPs during PE.
- f. Period 6: SEA 3 supported one student in art, which was typically enough support unless there were behavioral challenges in which SEA 3 indicated they called for additional adult support.
- g. Period 7: SEA 3 supported one student in Language Arts and felt this support was adequate to provide IEP services for that student.

46. SEA 3 shared in an interview with the Complaint Investigator that the overall support and student numbers in the programs seemed consistent with the previous year. However, "For this year, it's more having a teacher running two classrooms. One teacher for two classrooms is where we're struggling and [the Complainant] can't be in two places at once. And then that sometimes pulls other staff away from where they need to be in gen[eral] ed[ucation]."

47. In an interview with the Complaint Investigator, Principal 3 acknowledged their bias related to staffing, "... We have more staffing now. ... I've been at this school 28 years and we have more staffing in those two programs now than we've ever had. And the

load of kids has not increased.” Principal 3 described that the current staff struggled with (Student 22’s) occasional physical behaviors, which, while problematic, were less severe than those of past students who caused serious injuries. Principal 3 hypothesized that the staff’s difficulty with this student stemmed from pre-existing personal trauma.

48. In an interview with the Complaint Investigator, the Director of Special Programs shared that the Complainant indicated the reasons they were struggling to schedule breaks for themselves and staff was “... [the Complainant] did say that the needs are too much. So again, that’s where we added some support in some places and talked about how [the Complainant] could pull from the other program. And then not long after that, [the Complainant] took over both programs ... . So the goal was to be able to ... schedule all of the staff where the needs were.”
49. The Director of Special Programs shared in an interview with the Complaint Investigator that when the FSC and SLC programs were combined, there were 22 students with the Complainant as the teacher, “We had a total of eight assistants, although the Principal 3 was putting additional building assistants in there to cover key times of the day to allow for breaks for staff and for lunches. And then we were continuing to have a certified substitute as well, which would’ve brought it to, so there were eight assistants, [the Complainant], and then a certified substitute, although not consistently, so 10 adults to 22 kids, plus some additional times where [the Principal] was pushing in from other assistants within the building to be able to provide breaks.”
50. During an interview with the Complaint Investigator, the Complainant shared that very few of the substitutes available had relevant special education or training, which limited the Complainant’s ability to utilize them effectively, requiring someone with student knowledge and training to be present in the classroom.
51. Principal 3 described in an interview with the Complaint Investigator that new staff training involved shadowing existing staff for two to seven days to learn routines and student needs, followed by classroom-specific training from the teacher. They also received MAT (Managing Aggressive Behavior Training), which covered de-escalation and safe physical intervention techniques. According to the Principal, they aimed to get new staff trained quickly
52. During an interview with the Complaint Investigator, the Complainant shared that there was a period of time at the beginning of the 2024-25 school year when students did not receive their required speech therapy minutes. According to the Complainant, there was a gap in speech therapy services because their regular speech-language pathologist (SLP) went on leave through December. They eventually secured an SLP from the ESD, but the replacement didn’t begin providing services until later October 2024.
53. The Director of Special Programs reiterated in an interview with the Complaint Investigator that “... none of the IEPs specifically state that there’s a need for one-on-

one ... for the students.” The Director of Special Programs described that “... it’s the case manager that ultimately is responsible for ensuring that services are being provided ... .”

54. Principal 3 shared in an interview with the Complaint Investigator that the support staff confused “... doing everything for the kid versus supporting the student. And so these people have a tendency to have huge hearts ... . And with that huge heart comes them not wanting to see a student struggle at all. And so they have a tendency to jump in and want to do all the work for them rather than support to help the student grow.”
55. During an investigative interview, the Complainant shared that their approach to small group instruction was characterized by its adaptability and focus on individual student needs. The Complainant shared that groups rarely worked on identical material. Instead, instruction was tailored to each student's specific goals. The Complainant described incorporating an interactive smartboard and assistive communication devices. While one class focused on sight words, which allowed for more uniform instruction, the level of adult support varied significantly. In the Complainant’s most successful class, a combination of teacher assistants and peer mentors enabled near one-on-one support, facilitating effective instruction. However, according to the Complainant, other classes suffered from inadequate staffing, hindering the Complainant’s ability to provide consistent and effective support. The Complainant expressed concerns that students were not consistently meeting the basic requirements of their IEP goals and that there was insufficient support for them to progress beyond those requirements.
56. In an interview with the Complaint Investigator, SEA 1 shared that their primary duties included assisting students in the SLC, in the classroom and in mainstream settings during all seven periods. SEA 1 described the following:
- a. Period 1: SEA 1 supported four students (Student 23, Student 24, Student 25, and Student 26) in a general education class by scribing, providing direction and offering support. Two assistants were present at times, but staffing shortages resulted in one assistant being pulled to support students in another location. SEA 1 indicated that this “pulling” occurred at least weekly, for varying durations. When alone, SEA 1 struggled to implement IEP supports as they could only assist one student at a time which led to frustration for the others.
  - b. Period 2: SEA 1 assisted three students (Student 24, Student 23, and Student 25, and occasionally Student 27) in math class. According to SEA 1, two assistants should have been present, but staffing issues led to staff being pulled out to support other students. SEA 1 indicated that students became frustrated due to lack of immediate assistance.
  - c. Period 3: SEA 1 was the sole support for three students (Student 24, Student 23, and Student 25) in reading. Student 23 required significant scribing support which was challenging to provide while also assisting the other students. According to SEA 1, the lack of additional adult support for the students led to student frustration.
  - d. Period 4: SEA 1 supported three SLC students (Student 23, Student 24, and Student 25) in science. Occasionally, FSC students were added, increasing the

student load. SEA 1 indicated that the additional assistant was frequently pulled, leaving SEA 1 alone. When FSC students were present, SEA 1 tried to support them as well, but this created a high workload. The hands-on nature of the science class further exacerbated the challenges of inadequate staffing, leading to student frustration.

- e. Period 5: SEA 1 supported three students (Student 24, Student 23, and Student 25) in PE. While SEA 1 was supposed to have a second assistant, FSC students were also sometimes present. Student 23 frequently escalated and needed to be removed from class, leaving the other students without support. Staff pull-outs further exacerbated this issue, making it difficult to implement IEP services.
- f. Period 6: SEA 1 assisted six students (Student 23, Student 24, Student 25, Student 26, Unknown Student 1, and Student 28) in the SLC for social communication. While the Complainant was supposed to be present, the Complainant was frequently pulled, leaving SEA 1 alone. Lesson plans were often not provided, forcing SEA 1 to rely on their experience and general knowledge of the students' needs. SEA 1 had limited access to current IEP information, hindering their ability to provide targeted support. The lack of a second adult made it difficult to manage the students' focus and engagement.
- g. Period 7: SEA 1 supported four students (Student 24, Student 23, Student 29, and Student 28) who had a break period. There was no lead teacher, so SEA 1 was alone with the students.

SEA 1 indicated that several students, Student 28, Student 27, Student 30, and Student 31 required one-on-one support due to frequent escalations. SEA 1 emphasized the detrimental impact of staffing shortages on IEP implementation and expressed frustration over limited access to current IEP information.

57. SEA 2 indicated in an interview with the Complaint Investigator that they had been supporting students in the SLC to provide academic and behavioral support to students in the general education and special education setting. SEA 2 indicated that they frequently assisted in the FSC as needed. SEA 2 shared that staffing levels fluctuated, creating challenges in consistently meeting students' IEP goals. SEA 2 discussed Special Education Teacher 2's first-period class as an example where additional support was often needed, noting that having three support staff present significantly improved the learning environment. SEA 2 described that they prioritized behavioral support for Student 27.

58. During an interview with the Complaint Investigator, SEA 3 described they had supported students in the SLC for several years by accompanying students to their general education classes to help them with classwork and model appropriate behavior. According to SEA 3, they worked with one to three students at a time in a general education class, where SEA 3 spent the majority of their time, depending on the students' behavioral needs. SEA 3 mentioned that if a student had higher behavioral needs they received one-on-one support. SEA 3 described that there were three support staff and one teacher assigned to the SLC to support an average of 10-12 students.

59. PCA 1 described their support schedule for the 2024-25 school year in an interview with the Complaint Investigator:

- a. Period 1: PCA 1 supported seven students in the FSC classroom for a baking project. They shared that supporting the seven students was manageable with at least three adults present. This allowed PCA 1 to focus on individual IEP goals and life skills. PCA 1 described that earlier in the year, there were nine students to support, which was more challenging.
- b. Period 2: PCA 1 assisted with English in the FSC, working with about seven students and occasional visitors. According to PCA 1, it was difficult to meet every student's needs because of their varying reading levels. PCA 1 shared that the addition of a student aide in late November/December significantly increased their ability to support students.
- c. Period 3: PCA 1 worked in choir with three students, finding this period manageable to address students' individual needs. Before PCA 1 transferred to choir, they described that Student 32, Student 33, Student 34, and Student 35's needs were not being met.
- d. Period 4: PCA 1 assisted with free art time for 20 minutes before lunch, helping students with typing and printing. PCA 1 described supporting students during lunch, and providing one-on-one with a student to help with behavioral issues.
- e. Period 5: PCA 1 assisted during Chromebook time with seven to eight students and two staff members. According to PCA 1, room clears were required twice in November due to student escalations. PCA 1 shared that the period became unmanageable when students from the SLC joined, adding to the workload and creating behavioral issues.
- f. Period 6: PCA 1 worked in Foods with four students, finding the class manageable and receiving helpful assistance from the classroom aid.
- g. Period 7: PCA 1 was typically in the FSC with eleven students. PCA 1 shared that while the presence of four to five adults made the period manageable in terms of numbers, behavioral issues frequently required staff to chase students, making pack-up and cleanup difficult.

60. In an interview with the Complaint Investigator, PCA 1 shared, "I believe eight staff members that we currently have now. And I believe that we have nine one-on-one students." PCA 1 shared, "It says in their behavioral plan that someone is to be with them at all times." PCA 1 listed the nine students they were referring to: Student 36, Student 37, Student 22, Student 39, Student 38, Unknown Student 2, Student 28, Student 27, and Student 23. PCA 1 shared, "... during the strike I was able to start reading their IEPs. ... So when I got to read their IEPs, they all say 'needs an adult with them at all times during the day.' And it was related [*sic*] to me that that is basically a one-on-one."

## **Speech/Language SDI and Related Services**

61. In a written response, the Director of Special Programs indicated that the SLP provided either SDI and/or related services per their IEPs to the following students during the 2024-25 school year until this Complaint was filed on November 21, 2024.

- a. SDI Only:
  - i. Student 34 and Student 33;
  - ii. Student 31 and Student 25; and
  - iii. Student 21 and Student 40.
- b. Related Services Only:
  - i. Student 28 and Student 35; and
  - ii. Student 36, Student 22, and Student 37.
- c. SDI and Related Services:
  - i. Student 32 and Student 29;
  - ii. Student 41 and Student 30;
  - iii. Student 23 and Student 24;
  - iv. Student 26 and Student 39; and
  - v. Student 38, Student 42, and Student 27.

62. In an email to the Investigator on March 4, 2025, the Director of Special Programs wrote, "The SLP assigned to [the School] was on leave from September-December. We had several sub SLPs fall through, but got an SLP in place at the end of September. The speech services are mostly written as a monthly total. The sub worked on recouping some of the September minutes in October and December. With the strike in November, there wasn't an opportunity to make up services. All of the missed services for September will be made up before the end of the year."

### **Teacher/Staff Attendance**

63. The following information was gathered from the District 2024-25 Academic Calendar:

- a. From September 4, 2024 through November 12, 2024, there were 47 instructional days.
  - i. September 2024: 19 instructional days and three early-release days.
  - ii. October 2024: 22 instructional days and five early-release days.
  - iii. November 2024: 6 instructional days and one early-release day.

64. The Complainant was absent for 21 days between August 1, 2024 and November 12, 2024. Nineteen of those days required a substitute and were filled by a substitute.

65. In an email to the Investigator dated March 4, 2025, the Director of Special Programs shared, "With regard to substitute training, our substitutes don't typically receive formal training. They all have to do our Safe Schools training, but we do not have the

opportunity or capacity to train subs in a more formal manner. The expectation is for the teacher to leave detailed sub plans including relevant behaviors plans and health protocols for the substitute.”

66. Special Education Teacher 1 was absent for one day in September 2024 and one day in October 2024. Both jobs were filled by a substitute.

67. From August 1, 2024 through November 12, 2024, the following attendance was reported for the Personal Care Assistants assigned to the Complainant’s program:

- a. PCA 2 was absent for three full days. No absences were filled by a substitute.
- b. PCA 3 was not absent during this timeframe.
- c. PCA 4 was absent for three full days. No absences were filled by a substitute.
- d. PCA 5 was absent for eight full days. No absences were filled by a substitute.
- e. PCA 1 was absent for two full days, and neither absence was filled by a substitute.
- f. PCA 6 was absent for three days, in which a substitute was needed, and those jobs remained unfilled.
- g. SEA 3 was absent for one day, in which a substitute was needed. The job was unfilled.
- h. SEA 2 was not absent for any instructional days.

68. On the following dates, the Complainant and one Personal Care Assistant were absent from the classroom:

- a. October 14, 2024; October 23, 2024; October 24, 2024; and October 25, 2024.

## **Student 21**

69. For the 2024-2025 school year, Student 21 attended school 76% of the time with no restraints or major behaviors.

70. An IEP dated April 15, 2024 outlined the services for Student 21.

- a. Goals were listed in the following areas:
  - i. Speech/Language: “By April 2025, Student 21 will increase [their] receptive and expressive language skills and articulation skills as measured by the following objectives.”
    1. Progress was measured by the SLP’s notes, teacher input, data, probes, informal tests and/or observations and was reported in writing at the end of formal grading periods and the annual IEP meeting.

- ii. Reading: “In a year’s time [Student 21] will work towards growth in the area of phonics, vocabulary, comprehension of literature and informational text with instruction and practice with the following objectives with data supporting 80% accuracy in 4 out of 5 tr[ia]ls.”
  - 1. Progress was measured by informal reading inventory and curriculum-based assessments and was included in a written report and twice yearly at report card time.
- iii. Written Language: “[Student 21] will work on consistently following correct writing conventions at least 80% accuracy in 3 out of 4 tr[ia]ls.”
  - 1. Progress was measured by writing samples and curriculum-based assessments. Progress was included in a written report and twice yearly at report card time.
- iv. Motor Skills - Fine: “[Student 21] will improve fine motor skills by working on manipulating small objects comfortably such as tying shoe laces, cutting, undoing small buttons, buckling and unbuckling, zipping, keyboarding/mouse work and writing legibly for a prolonged period of time.”
  - 1. Progress was measured by teacher observation and data collection and was included in a written report and twice yearly at report card time.
- v. Math: “In a year’s time with specially designed instruction,[ Student 21] will work towards growth in the areas [of] number[s] and operations; skip counting, telling time, and in 4 out of 5 tr[ia]ls with 80% accuracy.
  - 1. Progress was measured by curriculum-based assessments and was included in a written report and twice yearly at report card time.
- vi. Social-Emotional Skills: “Student 21 will demonstrate school [-]expected play skills, peer[-] to[-] peer relations, cooperative learning and peer[-] to[-]peer assertiveness with 80% frequency as measured by observable opportunities. From a baseline of 1, Student 21 will work towards increas[ing] [their] personal behaviors that may contribute to a positive peer[-] to[-] peer/peer[-]to[-]adult relations to a level of 3 or higher. Examples of behaviors may include but not limited to stop staring at a peer when asked the first time, ask if [they] would like to join a peer group exhibiting school appropriate peer[-]to[-]peer spacing, or ask[ing] a peer to play a game with [them] independently.”
  - 1. Progress was measured by the following rubric: Level 1 Absent; Level 2 Emerging; Level 3 Prompt Dependent; Level 4 Intermittent Prompts; Level 5 Independent. It was included in a written report and twice yearly at report card time.



- vii. Social Communication: “From a baseline of 2 Student 21 will work on increasing [their] attending skills by communicating one to two personal needs in a school environment, examples include but not limited to – ‘I need to use the bathroom’ or ‘I need to go to the school nurse, I hurt myself’ or ‘I need a break’ or ‘I don’t like...’ moving to a level 4 or higher.”
  - 1. Progress was measured by the following rubric: Level 1 Absent; Level 2 Emerging; Level 3 Prompt Dependent; Level 4 Intermittent Prompts; Level 5 Independent. It was reported twice yearly in writing.
- b. SDI:
  - i. Speech/Language: 100 minutes monthly in the speech room from April 16, 2024 through April 14, 2025 provided by the LEA/SLP-SLPA and monitored by a case manager.
  - ii. Reading: 80 minutes weekly in the resource room from April 16, 2024 through April 14, 2025 provided by the LEA and monitored by a case manager.
  - iii. Written Language: 40 minutes weekly in the resource room from April 16, 2024 through April 14, 2025 provided by the LEA and monitored by a case manager.
  - iv. Motor Skills - Fine: 30 minutes weekly in a self-contained class from April 16, 2024 through April 14, 2025 provided by the LEA and monitored by a case manager.
  - v. Math: 120 minutes weekly in the resource room from April 16, 2024 through April 14, 2025 provided by the LEA and monitored by a case manager.
  - vi. Social Skills: 30 minutes weekly in the resource room from April 16, 2024 through April 14, 2025 provided by the LEA and monitored by a case manager.
  - vii. Communication - Social: 120 minutes weekly at all school sites from April 16, 2024 through April 14, 2025 provided by the LEA and monitored by a case manager.
- c. The Team determined that Related Services were not needed.
- d. Supplementary Aids/Services; Accommodations
  - i. Teaching mode: Visual prompts: Once daily for math assignments throughout the school day as they are a visual learner, in the resource room from April 16, 2024 through April 14, 2025 provided by the general education teacher and monitored by a case manager.
  - ii. School setting: Needs breaks: Once per class or as needed, in the general education classroom from April 16, 2024 through April 14, 2025 provided by the general education teacher and monitored by a case manager.

- iii. School setting: Preferential seating: Once daily up front near the chalkboard, in the general education classroom from April 16, 2024 through April 14, 2025 provided by the general education teacher and monitored by a case manager.
- iv. Teaching mode: Repeated review: Teach and rehearse new routines three times for each new routine in the general education classroom from April 16, 2024 through April 14, 2025 provided by the general education teacher and monitored by a case manager.
- v. Instructional materials: Large print materials: All reading and math size 38 font, schoolwide from April 16, 2024 through April 14, 2025 provided by the general education teacher and monitored by a case manager.
- vi. Math Manipulatives: Once daily for math assignments, 100's chart, multiplication chart, division chart, and use manipulatives they can grasp easily, in the resource room from April 16, 2024 through April 14, 2025 provided by the general education teacher and monitored by a case manager.
- vii. Tactile-lined paper for writing: All writing assignments at the school site from April 16, 2024 through April 14, 2025, provided by the special education teacher and monitored by a case manager.
- viii. Instructional materials: Break large projects into shorter goals: Break learning tasks into small steps, over learn and add next step, in the general education classroom from April 16, 2024 through April 14, 2025 provided by the general education teacher and monitored by a case manager.
- ix. Math Manipulatives: Any and all approved for state and district testing in the resource room from April 16, 2024 through April 14, 2025 provided by the consulting teacher and monitored by a case manager.
- x. Home School Relations: Copies of textbooks and supporting materials sent home for use throughout the year, to and from school, from April 16, 2024 through April 14, 2025 provided by the LEA and monitored by a case manager.
- xi. Scheduled routine for toileting times: "Scheduled routine toileting times monitored by staff and supervision for clothing changes if accidents occur and clothing is soiled. (Directly from OT report recommendations[,])" in the special education classroom from April 16, 2024 through April 14, 2025 provided by the LEA and monitored by a case manager.
- xii. Support tools: Slantboard: For reading and writing, should be considered depending on the classroom environment, in the resource room from April 16, 2024 through April 14, 2025 provided by the LEA and monitored by a case manager.

- xiii. Magnification Strip: For reading and writing, should be considered depending on the classroom environment, in the resource room from April 16, 2024 through April 14, 2025 provided by the LEA and monitored by a case manager.
- xiv. Early Transitions in crowded areas: Transitions to class while hallways are not crowded if needed for timely transition to classes, lunch, and all crowded times at school, at all school sites from April 16, 2024 through April 14, 2025 provided by the LEA and monitored by a case manager.
- xv. Instructional materials: Accommodations to test setting: Separate setting for testing as needed school-wide from April 16, 2024 through April 14, 2025 provided by the LEA and monitored by a case manager.
- xvi. "Science Non-Embd Desg Sup and Non-Embd Desg Sup:" Separate setting for testing: State testing school-wide from April 16, 2024 through April 14, 2025 provided by the LEA and monitored by a case manager.
- xvii. Student need: Familiar Evaluator/Listener: School-wide from April 16, 2024 through April 14, 2025 provided by the LEA and monitored by a case manager.
- xviii. Home School Relations: Reports to/from home: Refer to medical letter from the doctor. School-wide from April 16, 2024 through April 14, 2025 provided by the LEA and monitored by a case manager.
- xix. School Setting: Visual Schedule: Visual schedule task sequencing trips may be required. School-wide from April 16, 2024 through April 14, 2025 provided by the LEA and monitored by a case manager.
- xx. Support Tools: Reading line/guide window: School-wide from April 16, 2024 through April 14, 2025 provided by the LEA and monitored by a case manager.
- xxi. Peer Modeling: In the general education classroom from April 16, 2024 through April 14, 2025 provided by the LEA and monitored by a case manager.
- e. Supplementary Aids/Services; Modifications: Modified curriculum to meet Student 21 's needs in the general education classroom from April 16, 2024 through April 14, 2025 provided by the general education teacher and monitored by the case manager.
- f. Program Modifications/Supports for School Personnel
  - i. OT Consultation: 180 minutes yearly at the school site from April 16, 2024 through April 14, 2025 provided by the LEA/OT/COTA and monitored by the case manager.
  - ii. Consultation: To parent and staff: 200 minutes yearly at the school site from April 16, 2024 through April 14, 2025 provided by the special education teacher and monitored by the case manager.

- iii. SLP Consultation: 60 minutes yearly at the school site from April 16, 2024 through April 14, 2025 provided by the LEA/SLP and monitored by the case manager.
- iv. Consultation: To teaching staff: 100 minutes yearly at the school site from April 16, 2024 through April 14, 2025 provided by the LEA and monitored by the case manager.

71. During an interview with the Complaint Investigator, the Complainant shared that Student 21's IEP specified that they should have an assistant to help them transition between classrooms and around the school. However, this was largely not implemented. While Student 21 was supposed to have a special education assistant in the Learning Resource Center (LRC) for their first and second-period classes, this was not consistently provided. Student 21 had a shared adult for two of their classes as part of a small group but did not have an adult specifically assigned to them for transitions. Regarding SDI, Student 21 was supposed to receive it in the LRC for fine motor skills, math, reading, and written language. The teacher was unsure how individualized the instruction was in the LRC, but Student 21 attended those classes. They also received SDI from the SLP, though there was an initial period where those services were not provided. The teacher indicated Student 21 received most of their SDI this year, particularly in social skills, which were addressed through sessions with the teacher and the SLP.

72. In an interview with the Complaint Investigator, the Director of Special Programs indicated that “one of the assistants from the foundational skills classroom would accompany the student to class as part of the transitions ... during the school day.”

73. According to the SLP Service Delivery spreadsheet for the 2024-25 school year, Student 21 received the following speech service minutes:

- a. September: 0 minutes.
- b. October: 155 minutes.
- c. November: 0 minutes.

74. The Annual Progress Report for Student 21 for the IEP dated April 15, 2024 described the following:

- a. Goal Area: Reading
  - i. For Progress Report 1, dated June 14, 2024, Student 21 was described as “Progressing.”
    - 1. Comments indicated that Student 21 mastered the site word lists through second grade at 75%. Student 21 worked on re-telling

short stories they read with the School staff, and Student 21 retold the story with understanding.

b. Goal Area: Written Language

i. For Progress Report 1, dated June 14, 2024, Student 21 was described as making “Limited Progress.”

1. Comments indicated that Student 21 worked on this goal; however, the data supported inconsistent results of identifying writing conventions when asked to correct missing punctuation from question sentences and address capitalization.

c. Goal Area: Math

i. For Progress Report 1, dated June 14, 2024, Student 21 was described as making “Limited Progress.”

1. Comments indicated that Student 21 progressed with the identification of which coins and dollars made up a particular amount, but they had not worked on the concept of giving change back. Student 21 worked on counting by tens; they could say the correct words “... when counting together and when adults assistance [*sic*] [was] given with objects grouped in tens and we count. [Student 21 was] not independent in this skill at this time.” Student 21 kept working on adding and subtracting. “[Student 21 could] use objects for assistance, [they do] need adult support and reminders for two[-] digit problems.” Some progress was made.

d. Goal Area: Speech/Language

i. For Progress Report 1, dated June 4, 2024, the IEP stated, “See Comments.”

1. Comments indicated Student 21 worked on regular plurals, which they could do with 89% accuracy, and irregular plurals with 80% accuracy. Student 21 also worked on re-telling a story and its key details with 37% accuracy and answered “Wh-” questions with 47% accuracy. Student 21 worked on categories (function/location), grammar, and social problem-solving in speech. At times, Student 21 ’s attention impacted their accuracy and ability to do well.

e. Goal Area: Motor Skills - Fine

i. For Progress Report 1, dated June 14, 2024, Student 21 was described as “Progressing.”

1. Comments indicated that Student 21 participated in the activities to help support this goal. Student 21 progressed in this area and their favorite was the squeeze pig that shoots out balls.

- f. Goal Area: Social Emotional Skills
  - i. For Progress Report 1, dated June 14, 2024, Student 21 was described as “Progressing.”
    - 1. Comments indicated that Student 21 progressed in this area and had positive peer-to-peer relationships at school. Data supported that Student 21 was at a level three, which was prompt-dependent for things they either could not understand or had a difficult time moving on from. For example, if Student 21 wanted a certain swing, they would not play with anything else without being prompted by an adult. Student 21 accepted adult prompting when peers invited them to play and they did not answer right away. Student 21 would not answer without prompting about 40% of the time.
- g. Goal Area: Social Communication
  - i. For Progress Report 1, dated June 14, 2024, Student 21 was described as “Progressing.”
    - 1. Comments indicated that Student 21 had almost mastered this goal. Student 21 asked for breaks and to go to the office if they did not feel well. Staff were working on Student 21 going to the bathroom without prompts and noted Student 21 received four prompts a day to use the bathroom.

## **Student 22**

75. For the 2024-25 school year, Student 22 attended school 90% of the time, was restrained on six occasions, and had three major behaviors.

76. An IEP dated January 22, 2024 outlined the services for Student 22.

- a. Goals were listed in the following areas:
  - i. Written Language: “Within one year, Student 22 will increase [their] written language production as measured by meeting the following objectives with 90% accuracy in 4 out 5 opportunities.”
    - 1. Progress was measured by teacher observation and work samples and was reported twice yearly with general education report cards and the annual IEP meeting.
  - ii. Self-Management: “Given self[-]calming strategies with visual supports and a positive reinforcement system, Student 22 will keep [their] body safe for learning and take ... scheduled and non-scheduled breaks when needed, with fewer than two adult prompts with 90% accuracy in 4 out of 5 opportunities.

1. Progress was measured by teacher and specialist observation and data and was reported twice yearly with general education report cards and the annual IEP meeting.
- iii. Math: "Within one year, Student 22 will increase [their] functional math skills as measured by meeting the following objectives with 90% accuracy in 4 out of 5 opportunities."
  1. Progress was measured by teacher observation and data and student work samples. Progress was reported twice yearly with general education report cards and the annual IEP meeting.
- iv. Reading: "Within one year, Student 22 will increase [their] functional reading fluency and comprehension as measured by meeting the following objectives with 90% accuracy in 4 out of 5 opportunities."
  1. Progress was measured by teacher observation and data and student work samples. Progress was reported twice yearly with general education report cards and the annual IEP meeting.
- v. Communication-Social: "Given explicit instruction and visual support, Student 22 will improve [their] social communication skills by (1) increasing [their] understanding of how [their] behavior impacts others and [themselves], (2) increase [their] awareness of how [their] body feels during specific emotions, (3) learn and understand self[-]regulation and coping strategies and (4) learn logical social consequences and emotional reactions to social behavior across all school settings at 80% accuracy."
  1. Progress was measured by observations and/or therapy data collected by the SLP and was reported twice yearly with general education report cards and the annual IEP meeting.
- b. SDI in the special education classroom from January 23, 2024 through January 21, 2025 was provided by the LEA and monitored by a case manager.
  - i. Written Language: 45 minutes weekly.
  - ii. Self-Management: 30 minutes daily.
  - iii. Math: 60 minutes weekly.
  - iv. Reading: 60 minutes weekly.
  - v. Communication-Social: 15 minutes daily.
- c. Related Services from January 23, 2024 through January 21, 2025 provided by the LEA and monitored by a case manager.
  - i. Transportation: two trips daily, to and from school.
  - ii. Speech/Language Pathology/Therapy: 60 minutes monthly in the speech room.
- d. Supplementary Aids/Services; Accommodations from January 23, 2024 through January 21, 2025 provided by the LEA and monitored by a case manager.
  - i. Behavior Plan: Throughout the school day at all school sites.

- ii. School setting: Seat away from distractions: Throughout the school day at all school sites.
- iii. Teaching mode: Visual prompts: Throughout the school day and for expectations and coping strategies at all school sites.
- iv. School setting: Visual schedule: Throughout the school day at all school sites.
- v. Break Cards Available: Throughout the school day. Five-minute break choice options listed, at all school sites.
- vi. Break Area: Throughout the school day at all school sites.
- vii. Teaching mode: Give the student a warning for changes/transitions: throughout the school day at all school sites.
- viii. Sensory Breaks: Throughout the school day, scheduled and as needed, at all school sites.
- ix. Support tools: Access to sensory fidgets: Throughout the school day at all school sites.
- x. Allow other options besides sitting at a desk to do work throughout the school day when needed. Swing, walking, standing by desk, wiggle chair, etc., at all school sites.
- xi. Support tools: Scribe/note taker: “Throughout the school day and for state and district assessments” at all school sites.
- xii. Alternative response options: Throughout the school day, as needed, at all school sites.
- xiii. Support tools: Word processor: As needed to respond to writing assignments at all school sites.
- xiv. Adult support: “Throughout the school day as needed for transitions, breaks, self-regulation, etc.,” at all school sites.
- xv. Separate setting for testing (state and district): Throughout the school day and for state and district assessments in the special education classroom.
- xvi. Testing with a familiar adult: “Throughout the school day and for state and district assessments” in the special education classroom.
- e. Supplementary Aids/Services; Modifications
  - i. Instructional materials: Modified curriculum: All materials to the student’s level of access at all school sites from January 23, 2024 through January 21, 2025 provided by the LEA and monitored by a case manager.
- f. Program Modifications/Supports for School Personnel
  - i. SLP Consultation: 150 minutes yearly at all school sites from January 23, 2024 through January 21, 2025 provided by the LEA and monitored by a case manager.



- ii. OT Consultation: 90 minutes yearly at all school sites from January 23, 2024 through January 21, 2025 provided by the LEA and monitored by a case manager.
- iii. Autism Consultation: 120 minutes yearly at all school sites from January 23, 2024 through January 21, 2025 provided by the LEA/Regional and monitored by a case manager.

77. The Complainant explained during an interview with the Complaint Investigator that Student 22 had not received the full amount of SDI due to inadequate staffing and safety concerns. The Complainant shared that Student 22 required multiple adults when they became agitated, and the need for increased supervision for behaviors impacted the delivery of the Student's academic SDI.

78. According to the SLP Service Delivery spreadsheet for the 2024-25 school year, Student 22 received the following speech service minutes:

- a. September: 0 minutes.
- b. October: 120 minutes.
- c. November: 0 minutes.

79. Student 22's Annual Progress Report for the IEP dated January 22, 2024, described the following:

- a. Goal Area: Written Language
  - i. For Progress Report 1 dated February 5, 2024, Student 22 was described as making "Limited Progress."
    - 1. Comments indicated this was a new goal with limited data available.
  - ii. For Progress Report 2 dated June 14, 2024, Student 22 was described as making "No Progress."
    - 1. Comments indicated that Student 22 had not shown a willingness to participate in this goal area. The school was working on building stamina toward non-preferred academic tasks. There was a discussion about revising the IEP to change all three academic goals into one "academic stamina-building" but no revision had been done yet.
- b. Goal Area: Self-Management
  - i. For Progress Report 1 dated February 5, 2024, the report stated, "See Comments."
    - 1. Comments indicated this was a new goal with limited data available.

- ii. For Progress Report 2 dated June 14, 2024, Student 22 was described as making “Limited Progress.”
    - 1. Comments indicated that Student 22 showed more progress in calmly following their individual schedule with fewer behavior escalations. Student 22 maintained a safe body 80% of the time. Student 22 continued to show avoidance strategies and to refuse an attempt to barter for a more preferred activity, but there were fewer of these incidents.
- c. Goal Area: Math
  - i. For Progress Report 1, dated February 5, 2024, the report stated, “See Comments.”
    - 1. Comments indicated this was a new goal with limited data available.
  - ii. For Progress Report 2, dated June 14, 2024, Student 22 was described as making “No Progress.”
    - 1. Comments indicated that Student 22 had not shown a willingness to participate in this goal area. The school was working on building stamina toward non-preferred academic tasks. There was a discussion about revising the IEP to change all three academic goals into one “academic stamina-building” but no revision had been made.
- d. Goal Area: Reading
  - i. For Progress Report 1 dated February 5, 2024, the report stated “See Comments.”
    - 1. Comments indicated this was a new goal with limited data available.
  - ii. For Progress Report 2 dated June 14, 2024, Student 22 was described as making “Limited Progress.”
    - 1. Comments indicated that Student 22 had not shown a willingness to participate in this goal area. The school was working on building stamina toward non-preferred academic tasks. There was a discussion about revising the IEP to change all three academic goals into one “academic stamina-building” goal, but no revision had been made. At times, Student 22 willingly sat and read a book of their choosing from the library when prompted and sometimes when not prompted. Student 22 would also share information about what they were reading, but this was inconsistent.
- e. Goal Area: Communication-Social
  - i. For Progress Report 1 dated February 5, 2024, Student 22 was described as making “Limited Progress.”

1. Comments indicated this was a new goal with limited data available.
- ii. For Progress Report 2 dated June 3, 2024, Student 22 was described as “Progressing.”
  1. Comments indicated that Objective 1 was met; and Objective 2 was 3/4 independent and met in structured settings. For Objective 3, there had been many sessions reviewing self-regulation strategies and how and when to use them. Student 22 had difficulty generalizing and accessing them in the moment. Objective 4 had 60% accuracy with moderate verbal cuing with visual supports in structured activities.

### **Student 23**

80. For the 2024-25 school year, Student 23 attended school 88% of the time with no restraints or major behaviors.

81. An IEP dated May 13, 2024 outlined the services for Student 23.

a. Goals were listed in the following areas:

- i. Reading: “By May 2025, Student 23 will increase [their] comprehension skills according to the objectives [listed] as measured by teacher observation and data.”
  1. Progress was measured by teacher observation and classroom data. Progress was reported twice yearly in writing with general education report cards and at the annual review of the IEP.
- ii. Math: “By May 2025, [Student 23] will increase [their] math skills to include reading numbers, addition and subtraction, multiplication, division, and money with 80% accuracy as measured by teacher observation and data.”
  1. Progress was measured by teacher observation and classroom data. Progress was reported twice yearly in writing with general education report cards and at the annual review of the IEP.
- iii. Writing: “By May 2025, [Student 23] will increase [their] writing skills to write up to 3 paragraphs with an intro[duction], supporting details and conclusion utilizing a word processor or scribing [their] work on a given topic in 3 out of 4 attempts as measured by teacher observation and data.”
  1. Progress was measured by teacher observation and classroom data. Progress was reported twice yearly in writing with general education report cards and at the annual review of the IEP.

- iv. Social Communication: “By May 2025, [Student 23] will increase [their] social communication by learning to make inferences based on what people are thinking and feeling, improve [their] peer interaction skills and learn to identify and use appropriate calming/coping strategies across all school sites at 80% accuracy.”
  - 1. Progress was measured by teacher observation and classroom data. Progress was reported twice yearly in writing with general education report cards and at the annual review of the IEP.
- b. SDI in the special education classroom from May 14, 2024 through May 12, 2025 provided by the LEA and monitored by the case manager for:
  - i. Reading: 120 minutes weekly.
  - ii. Math: 120 minutes weekly.
  - iii. Written Language: 120 minutes weekly.
  - iv. Communication-Social: 100 minutes weekly.
- c. Related Services from May 14, 2024 through May 12, 2025:
  - i. Transportation: Two trips daily by bus provided by the LEA and monitored by the case manager.
  - ii. Speech/Language Pathology/Therapy: 60 minutes monthly in the special education classroom provided by the LEA-SLP and monitored by the case manager.
- d. Supplementary Aids/Services: Accommodations at all school sites from May 14, 2024 through May 12, 2025 provided by the LEA and monitored by the case manager:
  - i. A written or visual schedule available during the school day.
  - ii. Daily behavior sheet; notes home to parents for behavior.
  - iii. Behavior plan; one copy placed in the special education classroom file and the other with the IEP school file.
  - iv. Reteach/preteach content before and during instructional time.
  - v. Pencil/pencil grip daily during in-class instruction.
  - vi. Visual prompts accompanying verbal directions, calming strategies to refer to for redirection, and to support the student to verbally express themselves.
  - vii. Headphones at all times.
  - viii. Access to sensory fidgets in class.
  - ix. Word processor; voice-to-text, word prediction software for all written assignments.
  - x. Preferential seating in each class session. Seating near the back of the room to allow for movement breaks and ease of leaving the classroom if needed.
  - xi. Scheduled bathroom breaks four times a day.

- e. Supplementary Aids/Services; Modifications: Reduce the amount of work daily in all school sites from May 14, 2024 through May 12, 2025 provided by the LEA and monitored by the case manager.
- f. Program Modifications/Supports for School Personnel from May 14, 2024 through May 12, 2025 as monitored by the case manager:
  - i. Autism consultation: 180 minutes (3 hours) per year in the special education classroom provided by the LEA/Regional.
  - ii. SLP consultation: 60 minutes per year in all school sites provided by the LEA-SLP.
  - iii. OT consultation: 120 minutes (180 minutes/3 hours) per year provided by the LEA-OT/COTA.
    - 1. In an interview with the Complaint Investigator, the Director of Special Programs indicated there was an error in the OT consultation minutes described and that the likely correct one was 180 minutes. The Complainant was unsure if the Student should be receiving 120 minutes or 180 minutes of OT consultation.

82. In an interview with the Complaint Investigator, the Complainant indicated that Student 23 attended classes with resource teachers to receive some of their SDI and shared, “I would say [Student 23] is receiving [their] specially designed instruction.”

83. According to the SLP Service Delivery spreadsheet for the 2024-25 school year, Student 23 received the following speech service minutes:

- a. September: 45 minutes.
- b. October: 150 minutes.
- c. November: 30 minutes.

84. The Annual Progress Report for Student 23 for the IEP dated May 13, 2024, described the following:

- a. Goal Areas: Reading, Math, Social Communication, Writing
  - i. For the Progress Report 1, dated May 30, 2024, the progress code said, “Scheduled Later.”
  - ii. The comment stated, “IEP was just updated. Report will be addressed at the end of the first semester next school year.”

## **Student 24**

85. For the 2024-25 school year, Student 24 attended school 84% of the time with no restraints and no major behaviors.

86. An IEP dated May 14, 2024 outlined the services for Student 24.

a. Goals were listed in the following areas:

- i. Self-Management: "By October 2024, Student 24 will demonstrate an increase in [their] self-management by using school[-]appropriate language, demonstrating on[-]task behavior, attending all classes for the whole period, completing assigned classwork, and following staff directions without argument with 90% frequency."
  1. Progress was measured by teacher observation and classroom data. Progress was reported in writing at the formal grading periods and the annual IEP.
- ii. Math: "Student 24 will demonstrate growth in this area by completing the [listed] objectives on 4 out of 5 opportunities tracked."
  1. Progress was measured by teacher observation, classroom data, and work samples and probes. Progress was reported in writing at the formal grading periods and the annual IEP.
- iii. Written Language: "Given a picture, Student 24 will write 3 sentences about the picture using correct capitals and ending punctuation for 4 out of 5 assignments as measured by writing samples and probes."
  1. Progress was measured by work samples and probes. Progress was reported in writing at the formal grading periods and the annual IEP.
- iv. Social Communication: "Given specially designed instruction in the area of social communication and a structured small group setting, Student 24 will show improvements in using communication skills to interact with peers and adults, 3 out of 4 opportunities."
  1. Criteria for meeting the goal was set at 80% or better accuracy or with minimal to no assistance. Progress was measured by observations and/or therapy data collected by the SLP. Progress was reported twice yearly in writing with the general education report cards and at the annual review of the IEP.
- v. Reading: "By October 2024, Student 24 will increase [their] lexile score by 100 points as preformed [sic] on lexile testing."
  1. Progress was measured by teacher and specialist observations and data from progress monitoring. Progress was reported twice yearly in writing with the general education report cards and at the annual review of the IEP.

b. SDI in the special education classroom from May 15, 2024 through May 13, 2025 provided by the LEA and monitored by the case manager for:

- i. Self-Management: 120 minutes per week.

- ii. Math: 120 minutes per week.
- iii. Written Language: 100 minutes per week.
- iv. Communication-Social: 120 minutes per week.
- v. Reading: 120 minutes per week.
- c. Related Services from May 15, 2024 through May 13, 2025 provided by the LEA and monitored by the case manager:
  - i. Transportation: Two trips daily to and from school.
  - ii. Speech/Language Pathology/Therapy: 60 minutes monthly in the special education classroom provided by the LEA-SLP.
- d. Supplementary Aids/Services; Accommodations in all school sites from May 15, 2024 through May 13, 2025 provided by the LEA and monitored by the case manager:
  - i. Visual/verbal cueing once daily when directions or assignments were given, to cue behavior/coping strategies in new settings and when teaching new skills.
  - ii. Visual schedule once daily for all transitions.
  - iii. Seat near the teacher/chalkboard once daily to minimize distractions and during large group instruction.
  - iv. Assignments shortened to demonstrate mastery of material once daily when directions or assignments are given.
  - v. Non-embedded designated support (separate setting for testing) once daily during testing.
  - vi. Break large projects into shorter goals once daily when directions or assignments are given.
  - vii. Graphic organizers once daily for developing writing assignments.
  - viii. A positive reward schedule once daily to reinforce appropriate/target behavior.
  - ix. Breaks scheduled between instructional sessions once daily for calming, when highly stressed/agitated, or when escalated to proactively manage self-regulation.
  - x. Text-to-speech/Speech-to-text once daily for developing writing assignments.
  - xi. Non-embedded designated support (noise buffers) once daily in loud situations, upon request.
  - xii. A weighted lap pad once daily when seated while receiving instruction; available for calming to proactively manage self-regulation and upon request.
  - xiii. Adult assistance available. "Once daily to cue behavior/coping strategies, in new settings, to facilitate initiating/interacting with peers in play/leisure activities, [and] for social problem-solving."

- xiv. Reteach desired behavior once daily to review expected behavior, to reinforce appropriate/target behavior, to proactively manage self-regulation, and in new settings.
  - xv. Social stories once daily for specific situations, for social problem-solving, and for learning new rules and routines.
- e. The Team determined that modifications were not needed.
- f. Program Modifications/Supports for School Personnel at all school sites from May 15, 2024 through May 13, 2025 as monitored by the case manager:
  - i. Autism consultation: 240 minutes yearly provided by the LEA/Regional.
  - ii. OT consultation: 180 minutes yearly provided by the "LEA-OT/COTA."
  - iii. SLP consultation: 100 minutes yearly provided by the LEA-SLP.
  - iv. Consultation with teaching staff: 100 minutes yearly provided by the LEA.

87. During the investigative interview, the Director of Special Programs described that the case manager would assign an SCA to meet Student 24's documented needs.

88. During an interview with the Complaint Investigator, the Complainant described that Student 24 received adult assistance when going to general education classes and while in the Social Learning Center (SLC) classroom. Although their IEP specified "one time daily" for cueing, Student 24 generally has consistent support available, especially in the SLC where they are part of a small group that often has one or two adults present. The Complainant was unsure about the delivery of academic goals in the resource setting.

89. According to the SLP Service Delivery spreadsheet for the 2024-25 school year, Student 24 received the following speech service minutes:

- a. September: 0 minutes.
- b. October: 150 minutes.
- c. November: 30 minutes.

90. The Annual Progress Report for Student 24 for the IEP dated May 14, 2024 described the following:

- a. Goal Area: Self-Management
  - i. For the Progress Report 1, dated June 4, 2024, the progress code said, "Scheduled Later."
  - ii. The comment stated, "IEP was just updated. Report will be addressed at the end of the first semester next school year."
- b. Goal Areas: Math, Written Language, Social Communication, Reading
  - i. For the Progress Report 1, dated May 30, 2024, the progress code said, "Scheduled Later."



- ii. The comment stated, "IEP was just updated. Report will be addressed at the end of the first semester next school year."

## Student 25

91. For the 2024-25 school year, Student 25 attended school 95% of the time with no restraints or major behaviors.

92. An IEP dated December 12, 2023 outlined the services for Student 25.

a. Goals were listed in the following areas:

- i. Self-Management: "By December 2024, Student 25 will demonstrate an increase in [their] self-management by using school-appropriate language, demonstrating on[-]task behavior, attending all classes for the whole period, completing assigned classwork, and following staff directions without argument with 90% frequency."
  - 1. Progress was measured by daily data sheets and observations. Progress was reported twice yearly in writing with the general education report cards and at the annual review of the IEP.
- ii. Reading: "By December 2024, Student 25 will increase [their] lexile score by 100 points as preformed [sic] on lexile testing."
  - 1. Progress was measured by teacher and specialist observations and data from progress monitoring. Progress was reported twice yearly in writing with the general education report cards and at the annual review of the IEP.
- iii. Writing: "Given a teacher[-]directed prompt, Student 25 will complete 5 sentences using correct capitalization and punctuation with 80% accuracy by December 2024 with no more than 3 prompts from an adult."
  - 1. Progress was measured by teacher and specialist observations and classroom data and assessments. Progress was reported twice yearly in writing with the general education report cards and at the annual review of the IEP.
- iv. Math: "When given specially designed instruction, Student 25 will demonstrate progress towards grade level common core standards in the areas of place value, addition, subtraction, and multiplication by December 2024 with 80% accuracy on 3 out of 4 trials as measured by the [listed] short[-]term objectives."
  - 1. Progress was measured by teacher and specialist observations and classroom samples and assessments. Progress was reported twice yearly in writing with the general education report cards and at the annual review of the IEP.

- v. Social Communication: “Given specialized instruction, Student 25 will increase [their] social communication skills in the area of perspective-taking, learning the impact of [their] behavior and learn expected and unexpected behaviors.”
  - 1. The criteria for meeting the goal was 80% or better accuracy or with minimal to no assistance. Progress was measured by observations and/or therapy data collected by the SLP. Progress was reported twice yearly in writing with the general education report cards and at the annual review of the IEP.
- b. SDI from December 13, 2023 through December 10, 2024 was provided by the LEA and monitored by the case manager for:
  - i. Self-Management: 100 minutes weekly in all school sites.
  - ii. Reading: 120 minutes weekly in all school sites.
  - iii. Written Language: 60 minutes weekly in the resource room.
  - iv. Math: 120 minutes weekly in the resource room.
  - v. Communication-Social: 120 minutes weekly in the special education classroom.
- c. Related Services: Transportation: Two trips daily to and from school from December 13, 2023 through December 10, 2024 were provided by the LEA and monitored by the case manager.
- d. Supplementary Aids/Services; Accommodations at all school sites from December 13, 2023 through December 10, 2024 provided by the LEA and monitored by the case manager:
  - i. Visual/verbal cueing, including tactile cues, when interacting with the student in the classroom setting.
  - ii. Clarification of directions during instruction.
  - iii. Tools available to strengthen math knowledge: number line, hundreds chart, and manipulatives.
  - iv. Noise-canceling headphones as needed, especially before and during transition times.
  - v. “Dictation to an adult, then copying from a model [f]or writing assignments and assessments, as needed.”
  - vi. Assignments shortened to demonstrate mastery of material once daily when directions or assignments are given.
  - vii. Text-to-speech/Speech-to-text once daily for developing writing assignments.
- e. The Team determined that modifications were not needed.
- f. Program Modifications/Supports for School Personnel at the school site from December 13, 2024 through December 10, 2025 as monitored by the case manager:

- i. Autism consultation: 120 minutes yearly provided by the LEA/Regional.
- ii. SLP consultation: 60 minutes yearly provided by the LEA-SLP.

93. In an investigative interview, the Director of Special Programs indicated that Student 25's access to dictation and copying would be "... either the classroom teacher or an assigned assistant ... or scheduling time with a special education teacher to be able to dictate as needed based on the assignment. And the copy of a model, again, would likely be giving them a copy of notes ahead of time or kind of a sentence structure, sentence frames, that type of thing."

94. The Complainant shared, in an interview with the Complaint Investigator, that Student 25 received adult assistance as part of the 8th-grade cohort, usually with one to two adults available, depending on the class and staffing levels. The Complainant described there were times when the Student attended general education classes unassisted and relied on the general education teacher or a peer for support for the dictation accommodation. The Complainant described that Student 25's social communication goals were being met, but expressed concern about the consistency of their self-management SDI, indicating that it was not always fully delivered due to the structure of the social skills group. However, the Complainant estimated that they were "pretty close" to meeting the 100 minutes per week goal with only occasional instances where it was not fully delivered.

95. According to the SLP Service Delivery spreadsheet for the 2024-25 school year, Student 25 received the following speech service minutes:

- a. September: 45 minutes.
- b. October: 125 minutes.
- c. November: 30 minutes.

96. The Annual Progress Report for Student 25 for the IEP dated December 12, 2023 described the following:

- a. Goal Area: Self-Management
  - i. For the Progress Report 1, dated February 1, 2024, Student 25 was described as "Progressing."
    - 1. The comment said that Student 25 attended all their classes and used appropriate language. However, completing assigned work had been difficult.
  - ii. For the Progress Report 2, dated May 30, 2024, Student 25 was described as "Progressing."
    - 1. It was noted that Student 25 had progressed more since the last report and had attended classes by themselves for a few classes. It

also said that Student 25 still got distracted often and needed redirection in class.

b. Goal Area: Social Communication

- i. For the Progress Report 1, dated February 1, 2024, Student 25 was described as “Progressing.”
  - 1. The comment said that Student 25 was progressing well with the goal. They could determine basic emotions in others but had difficulty expressing more narrow emotions.
- ii. For the Progress Report 2, dated May 30, 2024, Student 25 was described as “Progressing.”
  - 1. It was noted that Student 25 had been successful with facial expressions. However, understanding complex emotions was difficult for them, and they needed to continue working on it.

c. Goal Area: Reading

- i. For the Progress Report 1, dated February 1, 2024, Student 25 was described as “Progressing.”
  - 1. Comments indicated that Student 25 was reading and demonstrating phonics skills at a 2nd-grade level, working on vocabulary at a 3rd-grade level, and demonstrating literature comprehension at a 1st-grade level.
- ii. For the Progress Report 2, dated May 30, 2024, Student 25 was described as “Progressing.”
  - 1. The comments were identical to the first progress report period.

d. Goal Area: Math

- i. For the Progress Report 1, dated February 1, 2024, Student 25 was described as “Progressing.”
  - 1. Comments indicated that Student 25’s addition skills had improved. However, subtraction, especially with borrowing, was still challenging for them. With multiplication, Student 25 did well with problems involving 5s up to 60.
- ii. For the Progress Report 2, dated May 30, 2024, Student 25 was described as “Progressing.”
  - 1. Student 25 was close to achieving the goal. They had made significant improvement in multiplication, scoring 95% or higher on assignments with numbers ranging from 0-11. Identifying place values was still something Student 25 needed to work on.

e. Goal Area: Writing

- i. For the Progress Report 1, dated February 1, 2024, Student 25 was described as making “Limited Progress.”

1. Comments indicated that Student 25 needed a lot of prompting to write and could write five sentences with adult assistance for sentence structure.
- ii. For the Progress Report 2, dated May 30, 2024, Student 25 was described as “Progressing.”
  1. Comments stated that Student 25’s sentence structure and punctuation were improving slowly. They needed a fair amount of prompting to generate ideas.

## **Student 26**

97. For the 2024-25 school year, Student 26 attended school 88% of the time with no restraints or major behaviors.

98. An IEP dated February 6, 2024 outlined the services for Student 26.

- a. Goals were listed in the following areas:
  - i. Self-Management: “By February 2025, Student 26 will demonstrate an increase in [their] self-management by using school-appropriate language, demonstrating on[-]task behavior, attending all classes for the whole period, completing assigned classwork, and following staff directions without argument with 90% frequency.”
    1. Progress was measured by teacher/specialist observations and evaluations. Progress was reported twice yearly at the end of each grading period and also during the annual IEP meeting.
  - ii. Social Communication: “By February 2025, given explicit instruction using literature or visual materials, Student 26 will increase [their] understanding of others’ perspective and [their] ability to independently find acceptable social solutions to difficult problems in order to participate effectively in a range of conversations and collaborations with diverse partners, as measured by [their] progress on the [listed] short term objectives.”
    1. Progress was measured by SLP session data, formal and/or informal assessments and by the teacher’s observations. The criteria for mastering short-term objectives was 80% accuracy over three consecutive sessions. Progress was reported in writing during the annual IEP review and at each grading period.
- b. SDI in the special education classroom from February 7, 2024 through February 5, 2025 was provided by the LEA and monitored by the case manager for:
  - i. Self-Management: 60 minutes weekly.
  - ii. Communication-Social: 60 minutes weekly.

- c. Related Services from February 7, 2024 through February 5, 2025 were monitored by the case manager:
  - i. Transportation: Two trips daily at all LEA-provided school sites.
  - ii. Speech/Language Pathology/Therapy: 60 minutes monthly in the speech room provided by the LEA-SLP.
- d. Supplementary Aids/Services; Accommodations from February 7, 2024 through February 5, 2025 were provided by the LEA and monitored by the case manager:
  - i. A copy of class notes daily when notes or materials are presented on the board in the general education classroom.
  - ii. Preferential seating for all academic classes; near the teacher and/or where the student can be the most successful in the general education classroom.
  - iii. Breaks daily, before and following recess, to review expectations and regulate emotions/anxiety at the school site.
  - iv. Break large projects into smaller goals for longer ELA assignments in the general education classroom.
  - v. Reduce the amount of work in the general education classroom; 50% of assignments.
  - vi. Daily behavior plan at school site.
  - vii. Mini schedules for routine tasks daily for each academic class in the general education classroom.
- e. The Team determined that modifications were not needed.
- f. Program Modifications/Supports for School Personnel in the general education classroom from February 7, 2024 through February 5, 2025 provided by the LEA and monitored by the case manager:
  - i. SLP consultation: 30 minutes yearly provided by the SLP.
  - ii. OT consultation: 120 minutes yearly provided by the OT.

99. The Complainant explained to the Complaint Investigator in an interview that Student 26 had received their SDI

100. According to the SLP Service Delivery spreadsheet for the 2024-25 school year, Student 26 received the following speech service minutes:

- a. September: 45 minutes.
- b. October: 110 minutes.
- c. November: 15 minutes.

101. The Annual Progress Report for Student 26 for the IEP dated February 6, 2024, described the following:

- a. Goal Area: Self-Management

- i. For the Progress Report 1, dated February 6, 2024, Student 26 was described as “Progressing.”
  - ii. It was noted that Student 26 would attend all classes but struggled to follow directions and complete assignments. Depending on the subject, Student 26 would turn in less than 50% of the assigned work, even with prompting.
- b. Goal Area: Social Communication
  - i. For the Progress Report 1, dated February 6, 2024, Student 26 was described as “Progressing.”
  - ii. Comments indicated that Student 26 could explain correct social responses when role-playing social problems. However, Student 26 needed to continue working on applying that knowledge and skill to real-life situations.

## Student 27

- 102. For the 2024-25 school year, Student 27 attended school 87% of the time with no restraints and one minor behavior.
- 103. An IEP dated October 19, 2023 outlined the services for Student 27.
  - a. Goals were listed in the following areas:
    - i. Communication-Social: “Given specially designed instruction [Student 27] will improve [their] social communication skills by using coping skills to help with emotional regulation and use perspective[-]taking skills to figure out what someone is thinking or feeling, and/or adults in 3/4 opportunities by October 2024.”
      - 1. Progress was measured by 85% of daily points for two consecutive months using teacher data/observation. Progress was reported in writing twice a year at district reporting periods and the annual IEP meeting.
    - ii. Behavior (Self-Management): “By October 2024, [Student 27] will demonstrate an increase in [their] self-management by using school[-]appropriate language, demonstrating on[-]task behavior, attending all classes for the whole period, completing assigned work, and following staff directions without argument with 90% frequency.”
      - 1. Progress was measured by teacher observations, check-in and check-out sheets, and regular data probes. Progress was reported at each general education grading period and the annual IEP meeting.
    - iii. English Language Arts-Writing: “Given specially designed instruction in the area of writing, [Student 27] will increase writing skills to towards

grade level standards in the areas of Ideas and Content and Conventions as measured by scoring at least a 2 (nearly meets) on a teacher[-]created rubric on 2 out of 3 work samples.”

1. Progress was measured by scored writing samples, and was reported in writing twice yearly with general education report cards and the annual IEP meeting.
- iv. English Language Arts - Reading: “By October 2024, [Student 27] will increase [their] lexile score by 100 points as performed on lexile testing.
  1. Progress was measured by progress monitoring tools and teacher collection data. Progress was reported in writing twice yearly with general education report cards and the annual IEP meeting.
- v. Math: “With specially designed instruction, [Student 27] will demonstrate progress towards grade level common core standards in the areas of subtraction, multiplication and division and word problems by (date) with 80% accuracy on 3 out of 4 trials as measured by the following short[-]term objectives.”
  1. Progress was measured by district, classroom, informal assessments, and observations. Progress was reported in writing twice yearly with general education report cards and the annual IEP meeting.
- b. The LEA provided SDI from October 20, 2023 through October 18, 2024 and was monitored by a case manager.
  - i. Behavior: Social/Emotional: 60 minutes weekly at all school sites.
  - ii. Written Language: 60 minutes weekly in the special education classroom.
  - iii. Reading: 120 minutes weekly in the special education classroom.
  - iv. Math: 80 minutes weekly in the special education classroom.
- c. Related Services
  - i. Transportation: Two trips daily, to and from school, from October 20, 2023 through October 18, 2024 provided by the LEA and monitored by a case manager.
  - ii. Speech/Language Pathology/Therapy: 60 minutes monthly in the special education classroom from October 20, 2023 through October 18, 2024 provided by the LEA/SLP and monitored by a case manager.
- d. Supplementary Aids/Services; Accommodations
  - i. Teaching mode: Give the Student a warning for changes/transitions: When changing activities during their day or learning period at all school sites from October 20, 2023 through October 18, 2024 provided by the LEA and monitored by a classroom teacher.
  - ii. Break area: Provide an area and pre-taught routine for taking a break in the class when at level one or two and outside the classroom when at



- three or above at all school sites from October 18, 2024 through October 18, 2024 provided by the LEA and monitored by a case manager.
- iii. Provide movement and brain breaks: Two times a day at all school sites from October 20, 2023 through October 18, 2024 provided by the LEA and monitored by a case manager.
  - iv. Assessment accessibility supports: Provide a less distracting environment for tests longer than 20 minutes and text to speech or read aloud when content is above instructional level, at all school sites from October 20, 2023 through October 20, 2023 provided by the LEA and monitored by a classroom teacher.
  - v. Provide verbal or visual cues to use pre-taught writing strokes: During handwriting at all school sites from October 20, 2023 through October 18, 2024 provided by the LEA and monitored by a case manager.
  - vi. Student behavior: Written behavior plan: Throughout the school day during in-person learning with positive reinforcement at all school sites from October 20, 2023 through October 18, 2024 provided by the LEA and monitored by a case manager.
  - vii. Adult Assistance Available: “15 minutes weekly for transitions for the support of Recovery Services” at all school sites from October 20, 2023 through October 18, 2024 provided by the LEA and monitored by a case manager.
  - viii. Instructional materials: Graphic organizer: Once weekly or as needed in the general education classroom from October 20, 2023 through October 18, 2024 provided by the general education teacher and monitored by a case manager.
  - ix. Text to Speech/Speech to text: Once daily or as needed in the general education classroom from October 20, 2023 through October 18, 2024 provided by the general education teacher and monitored by a case manager.
  - x. Reinforcement System: Once daily (immediate feedback for reinforcement, with continually switching reinforcers) at all school sites from October 20, 2023 through October 20, 2023 provided by the LEA and monitored by a case manager.
  - xi. Teaching mode: Visual prompts: Once daily for task analysis in the general education classroom from October 20, 2023 through October 18, 2024 provided by the general education teacher and monitored by a case manager.
  - xii. School setting: Visual schedule: Once daily with only two steps at a time at all school sites from October 20, 2023 through October 18, 2024 provided by the LEA and monitored by a case manager.

- xiii. Visual Timer: Once daily, using a time with numbers that counts down at all school sites from October 20, 2023 through October 18, 2024 provided by the LEA and monitored by a case manager.
- xiv. Break Card: Two times daily as needed at all school sites from October 20, 2023 through October 18, 2024 provided by the LEA and monitored by a case manager.
- xv. Student behavior: Daily communication card: Check in/check out with staff daily at all school sites from October 20, 2023 through October 18, 2024 provided by the LEA and monitored by a case manager.
- xvi. Provide choices for task completion: Once daily for each assignment as needed (how much, which order, etc.), in the general education classroom from October 20, 2023 through October 20, 2023 provided by the general education teacher and monitored by a case manager.
- xvii. Alternate preferred and nonpreferred tasks: Once daily as needed with only two tasks presented at once, short, quick-paced activities with explicit instructions and feedback in the general education classroom from October 20, 2023 through October 20, 2023 provided by the general education teacher and monitored by a case manager.
- xviii. School work: Reduce the amount of work by 50%: For challenging tasks to show mastery of concepts. Start with easier concepts or tasks to build confidence in the general education classroom from October 20, 2023 through October 20, 2023 provided by the general education teacher and monitored by a case manager.
- xix. School setting: Preferential seating: Seated close to peer role models and near teacher for frequent positive reinforcement. Table space for them to work alone, alternated with sitting by different groups of students, in the general education classroom from October 20, 2023 through October 20, 2023 provided by the general education teacher and monitored by a case manager.
- xx. Adaptive seating for desk work: Wiggle cushion, wobble seat, leg band, etc., in the general education classroom from October 20, 2023 through October 18, 2024 provided by the general education teacher and monitored by a case manager.
- xxi. Teaching mode: Check for comprehension: Once daily for each subject area in the general education classroom from October 20, 2023 through October 18, 2024 provided by the general education teacher and monitored by a case manager.
- xxii. Modeling: Role modeling and video modeling for social skills and expected behavior in the general education classroom from October 20,

- 2023 through October 18, 2024 provided by the general education teacher and monitored by a case manager.
- xxiii. Access to SLP: Extra processing time with prompts to slow down or wait time in the speech room from October 20, 2023 through October 18, 2024 provided by the LEA/SLP and monitored by a case manager.
- e. Supplementary Aids/Services; Modifications
  - i. Instructional materials: Modified curriculum: Modified assignments in all core academic areas in the general education classroom from October 20, 2023 to October 18, 2024 provided by the general education teacher and monitored by a case manager.
- f. Program Modifications/Supports for School Personnel
  - i. SLP Consultation: 30 minutes yearly at the school site from October 20, 2023 through October 18, 2024 provided by the LEA/SLP and monitored by an LEA/SLP.
  - ii. OT Consultation: 100 minutes yearly (during in-person learning) in the general education classroom from October 20, 2023 through October 18, 2024 provided by the LEA/OT-COTA and monitored by a case manager.
  - iii. Consultation: To parent and staff: 120 minutes yearly in the resource room from October 20, 2023 through October 18, 2024 provided by the LEA and monitored by a case manager.

104. During an interview with the Complaint Investigator, the Complainant indicated that Student 27's IEP stated a need for adult assistance for 15 minutes weekly for transitions and support of recovery services, which the Complainant identified as inaccurate and not reflective of Student 27's actual needs, which required consistent adult support throughout the day. The Complainant reported that Student 27 primarily missed SDI in academics due to a combination of their behaviors and fluctuating staff availability. While an adult was usually available for Student 27, their behavioral escalations often disrupted their access to SDI, especially in the resource room setting, which was intended to provide individualized instruction for their academic goals. The Complainant expressed concern that the resource room was not consistently providing individualized SDI and was instead utilizing a whole-group instruction model. To address this, the Complainant began transitioning Student 27 to a one-on-one SDI model within a closer, more controlled setting. However, due to ongoing behavioral challenges and the recent implementation of this new model, it was difficult to determine the exact frequency of missed SDI.

105. In an interview with the Complaint Investigator, the Director of Special Programs indicated that Student 27 was a student in the SLC and that their previous Teacher, Special Education Teacher 1, reported that this student's needs were being met,

including the 15 minutes per week for transition. The Director of Special Programs was unsure about the reference to recovery services in the IEP.

106. According to the SLP Service Delivery spreadsheet for the 2024-25 school year, Student 27 received the following speech service minutes:

- a. September: 0 minutes.
- b. October: 75 minutes.
- c. November: 0 minutes.

107. The Annual Progress Report for Student 27 for the IEP dated October 19, 2023, described the following:

- a. Goal Area: Communication-Social
  - i. For Progress Report 1 dated February 6, 2024, Student 27 was described as “Progressing.”
    - 1. Comments indicated Student 27 used breathing exercises to help with self-regulation. When aggravated, Student 27 left the classroom without permission, but they had not left school and they kept their body safe.
  - ii. For Progress Report 2 dated May 30, 2024, Student 27 was described as “Progressing.”
    - 1. Comments indicated that Student 27 improved on this goal and did a good job this year bouncing back. Student 27 needed multiple cues and prompts; they were not able to turn things around after one cue yet.
- b. Goal Area: English Language Arts - Writing
  - i. For Progress Report 1, dated February 6, 2024, Student 27 was described as making “Limited Progress.”
    - 1. Comments indicated that Student 27 struggled with taking their time writing. Writing large letters prevented Student 27 from putting all of their ideas into words. Student 27 came up with the start of a topic but struggled to come up with a full topic sentence that made sense.
  - ii. For Progress Report 2, dated May 30, 2024, Student 27 was described as making “Limited Progress.”
    - 1. Student 27 struggled with sentence structure. It was easier for Student 27 to get thoughts and ideas, but they were challenged putting those thoughts into complete sentence and paragraph form.
- c. Goal Area: English Language Arts - Reading

- i. For Progress Report 1, dated January 26, 2024, Student 27 was described as "Progressing."
    - 1. Comments indicated that Student 27 could read a third-grade level passage with 92% accuracy. Student 27 read 35 words in a minute but struggled to read new words and needed additional help when sounding words out.
  - ii. For Progress Report 2, dated May 30, 2024, Student 27 was described as "Progressing."
    - 1. Comments were the same as in Progress Report 1.
- d. Goal Area: Math
  - i. For Progress Report ,1 dated February 6, 2024, Student 27 was described as making "Limited Progress."
    - 1. Comments indicated that it was difficult for Student 27 to understand the concept of borrowing for addition and subtraction. Student 27 was 100% accurate in multiplying numbers that they knew with their ones, twos, and fives times tables. Student 27 did not know the concept of division.
  - ii. For Progress Report 2, dated May 30, 2024, Student 27 was described as "Progressing."
    - 1. Student 27 worked on multiplication in math class. Below were the results of how Student 27 performed in their multiplication time tables.
      - a. 2,3 8 < 4: 95% (43/45)
      - b. 5,6 & 7: 71% (32/45)
      - c. 8,9 & 10: 46% (21/45)
- e. Goal Area: Self-Management
  - i. For Progress Report 1, dated February 6, 2024, Student 27 was described as "Progressing."
    - 1. Comments indicated that Student 27 was, on average, meeting this goal 50% of the time.
  - ii. For Progress Report 2 dated May 30, 2024, Student 27 was described as "Progressing."
    - 1. Comments indicated that Student 27 was, on average, meeting this goal 70% of the time.

## Student 28

108. For the 2024-25 school year, Student 28 attended school 90% of the time with no restraints or major behaviors.

109. An IEP dated December 7, 2023 outlined the services for Student 28.

- a. Goals were listed in the following areas:
- i. Social Skills: “[Student 28] will demonstrate appropriate play skills, peer relations, cooperative learning, and assertiveness for 4 out of 5 opportunities as measured by observations and daily data.”
    - 1. Progress was measured by teacher observation and classroom data and was reported in writing at formal grading periods and the annual IEP meeting.
  - ii. English Language Arts - Reading: “In one year, with specially designed instruction, [Student 28] will increase [their] reading accuracy and comprehension toward grade[-]level standards” as measured by listed objectives.
    - 1. Progress was measured by a progress monitoring tool, and data was collected by the teacher. Progress was reported twice per year in the general education report cards and at the annual IEP meeting.
  - iii. Writing: “In one year, with specially designed instruction and a graphic organizer and an adult scribe, [Student 28] will write a paragraph after reading a non[-]fiction text with a clear topic sentence, at least 2 supporting details and a conclusion and score a 2 on a teacher[-]made rubric on 3 out of 4 writing samples.”
    - 1. Progress was measured by teacher observation, classroom data, work samples, and probes and was reported in writing at the annual IEP and the formal grading periods.
  - iv. Speech/Language: “By December 2024, [Student 28] will improve [their] articulation skills and [their] receptive/expressive and pragmatic (social) language skills by retelling stories [Student 28] has listened to, identifying causes and solutions to social problems and producing the ‘th’ in sentences, with 80% accuracy, during structured activities.”
    - 1. Progress was monitored with session data, SLP probes, and observation and was reported twice per year with the general education report cards and the annual IEP.
  - v. Mathematics: “When given specially designed instruction, [Student 28] will demonstrate progress towards grade[-]level common core standards in the areas of multiplication, division, and fractions by December 2024,” as measured by the listed objectives.
    - 1. Progress was measured with a progress monitoring tool, and data was collected by the teacher. Progress was reported twice each year, using the general education report cards and the annual IEP.

- vi. Behavior: “[Student 28] will make appropriate decisions on a daily basis with 90% frequency of level 1 and level 2 behavior for 2 consecutive weeks as measured by daily data collection and observations.”
  - 1. Progress was measured by teacher observation and classroom data. Progress was reported in writing at the formal grading periods and the annual IEP.
- b. SDI from December 8, 2023 through December 5, 2024 provided by the LEA and monitored by a case manager for:
  - i. Reading: 150 minutes weekly in the special education classroom.
  - ii. Written language: 100 minutes weekly in the special education classroom.
  - iii. Math: 150 minutes weekly in the special education classroom.
  - iv. Social skills: 75 minutes weekly in the special education classroom.
  - v. Behavior: 75 minutes weekly (no location, provider, or monitor listed).
- c. Related Services from December 8, 2023 through December 5, 2024, provided by the LEA and monitored by a case manager:
  - i. Transportation: two trips daily, to and from school.
  - ii. Speech/Language Pathology/Therapy: 60 minutes monthly in the speech room provided by the SLP.
- d. Supplementary Aids/Services; Accommodations in the general education classroom from December 8, 2023 through December 5, 2024 provided by the LEA and monitored by a case manager:
  - i. Strategic seating: 30 minutes monthly.
  - ii. Pre-teach new information or skills: 30 minutes monthly.
  - iii. Teaching mode/Check for comprehension: 30 minutes weekly.
  - iv. Consistent line of sight during transitions: 10 minutes daily.
  - v. Behavior plan: 5 minutes daily.
  - vi. Student behavior/Positive reward schedule: 5 minutes daily.
- e. The Team determined that modifications were not needed.
- f. Program Modifications/Supports for School Personnel: Consultation for 30 minutes yearly at the school site from December 8, 2023 through December 5, 2024 provided by the SLP/SLPA and monitored by a case manager.

110. In an interview with the Complaint Investigator, the Complainant shared that Student 28 received their SDI in social skills and behavior. However, there were concerns about their academic goals, which were supposed to be addressed in the Learning Resource Center (LRC). The Complainant explained that Student 28 had been attending LRC classes, they hadn’t been accessing them effectively due to a combination of staffing limitations and their own behaviors. Student 28 was described as an “eloper,” which required increased supervision.

111. According to the SLP Service Delivery spreadsheet for the 2024-25 school year, Student 28 received the following speech service minutes:

- a. September: 45 minutes.
- b. October: 145 minutes.
- c. November: 30 minutes.

112. The Annual Progress Report for Student 28 for the IEP dated December 7, 2023, described the following:

- a. Goal Area: Social Skills
  - i. For the Progress Report 1 dated February 5, 2024, Student 28 was described as making “Limited Progress.”
  - ii. Comments indicated that Student 28 was working on demonstrating appropriate play skills and responding appropriately to inappropriate behavior. Student 28 engaged well in social situations and enjoyed interacting with peers. Student 28 needed reminders about personal space. Student 28 was enthusiastic about learning but needed to work on raising their hand and waiting their turn to speak.
  - iii. For Progress Report 2 dated May 10, 2024, Student 28 was described as “Progressing.”
  - iv. Comments indicated that Student 28 continued to have some challenges with peer interactions but was improving in responding appropriately to inappropriate situations. Student 28 initiated social interactions with peers and maintained appropriate personal space. Student 28 needed to work on raising their hand and waiting their turn to speak.
- b. Goal Area: English Language Arts - Reading
  - i. For Progress Report 1, dated February 5, 2024, Student 28 was described as “Progressing.”
    - 1. Comments indicated that Student 28 participated in reading, quickly answered comprehension questions, and volunteered to read aloud. On a 5th-grade text, Student 28 initially read 22 correct words per minute with 65% accuracy.
  - ii. For Progress Report 2, dated June 12, 2024, Student 28 was described as “Progressing.”
    - 1. Comments indicated that Student 28 showed improvement by increasing their fluency to 25 words per minute with 73% accuracy, surpassing their accuracy goal.
- c. Goal Area: Writing
  - i. For Progress Report 1, dated February 5, 2024, Student 28 was described as making “Limited Progress.”



1. Comments indicated that writing was Student 28's least preferred task, and they struggled during writing activities. Student 28 enjoyed choosing nonfiction articles about animals and could copy a sentence about the animal with 100% accuracy after an adult wrote it. The focus was on building Student 28's writing stamina.
- ii. For Progress Report 2, dated June 12, 2024, Student 28 was described as "Progressing."
  1. Comments indicated that Student 28 continued to need time and encouragement for writing. Student 28 was able to complete a full paragraph about Arctic Foxes with a topic sentence, four details, and a conclusion. Due to the time it took them to write, only one completed writing sample was available for review.
- d. Goal Area: Speech/Language
  - i. For Progress Report 1, dated February 5, 2024, Student 28 was described as "Progressing."
    1. Comments indicated that Student 28 could retell a story with 50% accuracy when provided with visual icons. Student 28 was able to identify the problem in social scenarios and offer multiple solutions. Student 28 also achieved 100% accuracy in producing the initial /th/ sound after one practice session.
  - ii. For Progress Report 2, dated June 10, 2024, Student 28 was described as "Progressing."
    1. Comments indicated that Student 28 improved their story retelling accuracy to 55%. Student 28 also showed improvement in problem-solving social scenarios with 67% accuracy. Student 28 was able to use the /th/ sound in sentences with 73% accuracy.
- e. Goal Area: Mathematics
  - i. For Progress Report 1, dated February 5, 2024, Student 28 was described as "Progressing."
    1. Multiplication: Student 28 was able to solve basic multiplication equations with 85% accuracy using a multiplication chart. They reached 100% accuracy with prompting and self-correction. They sometimes confused multiplication with addition, but Student 28 was getting better at remembering the difference.
    2. Division: Student 28 was able to solve division equations accurately when given a picture and the equation. However, when given the numerical sentence for division and adult reminders to draw a picture and make groups, Student 28 was not yet able to solve the equations accurately.
    3. Fractions: Not yet addressed in detail.

4. Overall: Math was Student 28's preferred subject, and they actively engaged in interventions. Focusing on increasing independence in division and introducing fractions was needed.
- ii. For Progress Report 2, dated June 12, 2024, Student 28 was described as "Progressing."
  1. Multiplication: Student 28 showed significant improvement, solving basic multiplication with 97% accuracy on 3 out of 3 problems with a multiplication chart. Student 28 also demonstrated understanding beyond the multiplication chart by using skip counting or pictures. Student 28 also accurately solved multi-digit multiplication problems with 100% accuracy on three work samples using a multiplication chart.
  2. Division: Student 28 was able to solve 5 out of 10 basic division problems independently using skip counting.
  3. Division with Remainders: Not yet addressed.
  4. Fractions: Work was beginning on representing fractions with pictures.
  5. Overall: Student 28 continued to excel in math. Student 28 had mastered basic multiplication and made progress in basic division. Continued focus on division, particularly with remainders, and further development of fraction concepts were the next steps.
- f. Goal Area: Behavior
  - i. For Progress Report 1, dated February 5, 2024, Student 28 was described as "Progressing."
  - ii. Comments indicated that Student 28 made progress in several areas of classroom behavior. Student 28 was learning to focus on their own tasks and avoid getting involved in peer conflicts, though this remains an area for continued growth. Student 28 was generally able to remain in their seat during instruction with minimal adult support. When redirection was needed, Student 28 readily accepted it from adults. Student 28 was also able to follow a break routine and return to work with prompting.

113. An IEP Amendment to the December 7, 2023 IEP, dated January 17, 2024, outlined additional accommodations for Student 28.

- a. Text-to-Speech/Items: Once daily as needed at all school sites from December 8, 2023 through December 5, 2024 provided by the LEA; no monitor was listed.
- b. The following accommodations were scheduled to occur once daily as needed at all school sites from December 8, 2023 through December 5, 2024 provided by the LEA and monitored by a case manager:
  - i. Text-to-Speech/Stimuli;

- ii. 100's Chart;
- iii. Scribe;
- iv. Multiplication Table/Math only;
- v. Separate setting for testing; and
- vi. Instructional materials/breaking large projects into smaller goals.

## Student 29

114. For the 2024-25 school year, Student 29 attended school 96% of the time with no restraints or major behaviors.

115. An IEP dated January 4, 2024, outlined the services for Student 29.

- a. Goals were listed in the following areas:
  - i. Speech/Language (language and social communication: "By January 2025, [Student 29] will improve [their] pragmatic (social), receptive, and expressive language skills by retelling stories and identifying solutions to problems, with 80% accuracy, during structured activities."
    - 1. Progress was measured by session data, SLP data probes, and observation. Progress was reported twice yearly in writing with general education report cards and at the annual review of the IEP.
  - ii. Social Communication: "[Student 29] will gain independence with fading prompts from adult support in the room as measured by data to support [their] readiness for middle school."
    - 1. Progress was measured by teacher data and observation. Progress was reported twice yearly in writing with general education report cards and at the annual review of the IEP.
  - iii. Writing: "When given specially designed instruction, [Student 29] will demonstrate progress towards grade[-]level common core standards in the areas of conventions and organization by January of 2025 as measured by the [listed] short-term objectives."
    - 1. Progress was measured by teacher data and observation. Progress was reported twice yearly in writing with general education report cards and at the annual review of the IEP.
- b. SDI was provided by the LEA and monitored by the case manager for:
  - i. Communication - Social
    - 1. 150 minutes weekly in the special education classroom from January 5, 2024 through June 14, 2024.
    - 2. 220 minutes weekly in the special education classroom from June 14, 2024, through January 3, 2025.

- ii. Written Language
  - 1. 75 minutes weekly in the special education classroom from January 5, 2024 through June 14, 2024.
  - 2. 75 minutes weekly in all school sites from June 14, 2024 through January 3, 2025.
- c. Related Services
  - i. Speech/Language Pathology/Therapy: 80 minutes monthly in the speech room from January 5, 2024 through January 3, 2025 provided by the LEA-SLP and monitored by the case manager.
  - ii. Transportation Service: Two trips daily to and from school from January 5, 2024 through January 3, 2025 provided by the LEA and monitored by the case manager.
- d. Supplementary Aids/Services; Accommodations at all school sites from January 5, 2024 through January 3, 2025 provided by the LEA and monitored by the case manager:
  - i. Break area: 30 minutes weekly.
  - ii. Check-ins: 30 minutes weekly.
  - iii. Accommodations to test setting: 360 minutes yearly.
  - iv. Word processor: 240 minutes yearly.
  - v. Graphic organizers: 30 minutes weekly.
  - vi. Word bank: 30 minutes weekly.
  - vii. Modeling (writing): 20 minutes weekly.
  - viii. Non-embedded designated support (read aloud items): once daily as needed.
  - ix. Embedded designated support (text-to-speech for stimuli): once daily as needed.
  - x. Adaptive paper: once daily as needed.
  - xi. Break large projects into shorter goals: once daily as needed.
- e. The Team determined that modifications were not needed.
- f. Program Modifications/Supports for School Personnel at all school sites from January 5, 2024 through January 3, 2025:
  - i. Autism consultation: 180 minutes yearly provided by the LEA/Regional and monitored by the case manager.
  - ii. Consultation with teaching staff: 60 minutes yearly provided by the LEA and monitored by the case manager.
  - iii. SLP consultation: 30 minutes yearly provided by the LEA-SLP and monitored by the case manager.

116. The Complainant was unsure in their interview with the Complaint Investigator if Student 29 received their SDI in written language, which was supposed to be addressed by the resource teacher.
117. According to the SLP Service Delivery Spreadsheet for the 2024-25 school year, Student 29 received the following speech service minutes:
- a. September: 0 minutes.
  - b. October: 100 minutes.
  - c. November: 20 minutes.
118. The Annual Progress Report for Student 29 for the IEP dated January 4, 2024, described the following:
- a. Goal Area: Speech/Language (Language and Social Communication)
    - i. For the Progress Report 1, dated February 5, 2024, Student 29 was described as “Progressing.”
      1. Student 29 could identify a problem in a given scenario with 67% accuracy and identify appropriate solutions with 61% accuracy. They could identify 8 out of 8 story elements but did not use correct sequencing when retelling a story.
    - ii. For the Progress Report 2, dated June 10, 2024, Student 29 was described as “Progressing.”
      1. Student 29 could identify solutions to problems with 55% accuracy and correctly retell stories with 96% accuracy.
  - b. Goal Area: Social Communication
    - i. For the Progress Report 1, dated February 5, 2024, Student 29 was described as “Progressing.”
      1. Student 29 was working towards greater independence throughout the day and had made progress in using appropriate voice levels in class. They were also making strides in utilizing their surroundings to seek help when needed. However, Student 29 continued to struggle with group work, particularly with sharing ideas and being flexible with the ideas of others. This was an area where they were receiving support to help them express their own ideas while also understanding and accepting the ideas of others.
    - ii. For the Progress Report 2, dated May 10, 2024, Student 29 was described as “Progressing.”
      1. Student 29 had made significant progress in becoming more independent in classroom settings and had learned to ask for help when needed. However, they were still working on using

appropriate voice tones in all situations, especially when frustrated, and they tended to prefer working alone rather than with peers. This preference for independent work was something for which they were continuing to receive support.

- c. Goal Area: Writing
  - i. For the Progress Report 1, dated February 5, 2024, Student 29 was described as “Progressing.”
  - ii. Comments mentioned that Student 29 was focused and self-directed during writing time, often remembering previous topics. They were able to create clear beginnings and add details to their writing with the help of a color organizer. However, Student 29 did not understand the need to correct subject-verb agreement, making changes only about half the time, and was still learning how to write effective conclusions.

### **Student 30**

- 119. For the 2024-25 school year, Student 30 attended school 97% of the time with no restraints and five major behaviors.
- 120. An IEP dated October 4, 2024, outlined the services for Student 30.
  - a. Goals were listed in the following areas (progress was included with the report card during the grading period):
    - i. Self-Regulation: “Within a year, [Student 30] will display productive school behavior on a daily basis for 4 out of 5 opportunities for 2 consecutive weeks as measured by daily data and observations by completing the [listed] objectives.”
    - ii. Social Communication: “By October 2025, [Student 30] will improve [their] pragmatic language skills by identifying solutions to (social) problems, and by identifying the feelings and results of a given behavior to a Level 5, during structured activities.”
    - iii. Study/Organizational Skills: “[Student 30] will increase [their] use [of] appropriate strategies for learning in reading, writing and math for 4 out of 5 opportunities as measured by teacher observation and student data.”
  - b. SDI at school sites from October 5, 2024 through October 3, 2025 provided by the LEA and monitored by the case manager for:
    - i. Organizational/Study Skills: 45 minutes per week.
    - ii. Behavior: 80 minutes per week.
    - iii. Social Communication: 120 minutes per week.
  - c. Related Services from October 5, 2024 through October 3, 2025:

- i. Transportation: 40 minutes per day to and from school provided by the LEA and monitored by the case manager.
  - ii. Speech-Language Pathology/Therapy: 80 minutes per month in the speech room provided by the LEA-SLP.
- d. Supplementary Aids/Services; Accommodations in all school sites from October 5, 2024 through October 3, 2025 provided by the LEA and monitored by the case manager:
  - i. Access to sensory fidgets: 10 minutes per day.
  - ii. A positive behavior reward schedule: 10 minutes per day.
  - iii. Break area: 10 minutes per day.
  - iv. Give the student a warning for changes/transitions: 10 minutes per day.
  - v. Graphic organizers: 10 minutes per day.
  - vi. Preferential seating: 10 minutes per day.
  - vii. Non-embedded designated support (noise buffers): 10 minutes per day.
  - viii. Seat near teacher/chalkboard: 10 minutes per day.
  - ix. Visual prompts: 10 minutes per day.
  - x. Clarifying directions: 10 minutes per day.
  - xi. Behavior/safety plan for directing staff to support Student 30's safety and appropriate behaviors during unstructured times: 10 minutes per day.
- e. The Team determined that modifications were not needed.
- f. Program Modifications/Supports for School Personnel from October 5, 2024 through October 3, 2025 as monitored by the case manager:
  - i. Consultation with teaching staff: 60 minutes per year provided by the LEA/Regional.
  - ii. SLP consultation: 60 minutes a year provided by LEA-SLP.
  - iii. Autism consultation: 120 minutes per year provided by "Regional-Autism."

121. In an interview with the Complaint Investigator, the Complainant estimated that Student 30 had only been receiving 200/245 minutes of SDI, with the missing 45 minutes likely coming from the study and organizational skills portion of instruction. The Complainant attributed this to Student 30's increasing behaviors and the resulting need to increase the level of support they receive in other areas.

122. According to the SLP Service Delivery spreadsheet for the 2024-25 school year, Student 30 received the following speech service minutes:

- a. September: 0 minutes.
- b. October: 100 minutes.
- c. November: 30 minutes.

## Student 31

123. For the 2024-25 school year, Student 31 attended school 80% of the time with no restraints or major behaviors.

124. An IEP dated January 22, 2024 outlined the services for Student 31.

- a. Goals were listed in the following areas:
  - i. Speech/Language (Language and Articulation): “By January 2025, [Student 31] will improve [their] articulation skills and [their] receptive/expressive and pragmatic (social) language skills by identifying solutions to social problems and producing /l/ and /l/ blends in conversation, with 80% accuracy, during structured activities.”
    1. Progress was measured by session data, SLP data probes, and observation. Progress was reported twice yearly in writing with general education report cards and at the annual review of the IEP.
  - ii. Communication (Social): “[Student 31] will improve [their] social communication skills by understanding the feelings of others, understanding appropriate reactions to social problems and by demonstrating flexibility during the school day in 4 [out of] 5 opportunities.”
    1. Progress was measured by data and observations. Progress was reported twice yearly in writing with general education report cards and at the annual review of the IEP.
  - iii. Self-Management: “Given calming strategies and fading adult support, [Student 31] will demonstrate safe and productive school behavior by maintaining a level 2 or lower per [their] 5-point plan for an average of 90% of [their] day.”
    1. Progress was measured by teacher/specialist data, evaluation, and progress monitoring. Progress was reported at the end of each grading period and the annual IEP.
- b. SDI from January 23, 2024 through January 21, 2025 was provided by the LEA and monitored by the case manager for:
  - i. Speech/Language: 80 minutes monthly in the speech room provided by the SLP.
  - ii. Communication-Social: 150 minutes weekly at all school sites.
  - iii. Self-Management: 150 minutes weekly at all school sites.
- c. The team determined that no related services were needed.



- d. Supplementary Aids/Services; Accommodations at all school sites from January 23, 2024 through January 21, 2025 provided by the LEA and monitored by the case manager:
  - i. Access to the break area when escalating and needing a quiet area to calm self.
  - ii. Behavior plan daily.
  - iii. Access to sensory tools (i.e., headphones, gross motor, chewy necklace, etc.) daily when sensory differences impact learning.
  - iv. Visuals when Student 31 is transitioning or understanding instructions and [their] schedule.
- e. Supplementary Aids/Services; Modifications: “Adult support: Daily to aid with transitions and emotional regulation” at all school sites from January 23, 2024 through January 21, 2025 provided by the LEA and monitored by the case manager.
- f. Program Modifications/Supports for School Personnel at all school sites from January 23, 2024 through January 21, 2025, as monitored by the case manager:
  - i. Consultation from SLP: 30 minutes yearly provided by the LEA-SLP.
  - ii. Autism consultation: 120 minutes yearly (2 hours annually) provided by the LEA/Regional.
  - iii. Consultation with parent and staff: 240 minutes yearly (4 hours annually) provided by the LEA.

125. During an interview with the Complaint Investigator, the Director of Special Programs indicated that Student 31 was a student in the SLC and that the Social Care Assistants (SCAs) would have scheduled an SCA to support the student and their needs. The Director of Special Programs indicated there had not been identified concerns around the ability to support this student.

126. According to the Complainant, in an interview with the Complaint Investigator, Student 31’s IEP specified adult support daily to assist with transitions and emotional regulation. The Complainant reported that Student 31 had minimal adult support in classrooms. Student 31 was in the Complainant’s social skills group for the first period, where the Complainant was the only adult present. When Student 31 eloped, the Complainant had no one to retrieve them, resulting in missed instruction. In their other six classes, Student 31 had adult support available in only two. While Student 31 required support in all classes due to dysregulation, staff limitations prevented this. However, the Complainant indicated that “... it has either been me or I’ve been pulling other adults from support they’re to work with [them] ... .” Due to Student 31’s behaviors and lack of consistent adult support, Student 31 missed significant SDI in self-management and

behavior. This was primarily attributed to their elopement and the unavailability of staff to redirect them back to instruction.

127. According to the SLP Service Delivery spreadsheet for the 2024-25 school year, Student 31 received the following speech service minutes:

- a. September: 0 minutes.
- b. October: 130 minutes.
- c. November: 30 minutes.

128. The Annual Progress Report for Student 31 for the IEP dated January 22, 2024, described the following:

- a. Goal Area: Speech/Language: Language and Articulation
  - i. For the Progress Report 1, dated February 5, 2024, Student 31 was described as "Progressing."
    1. The comments said that since the IEP meeting, Student 31 could identify the problem in a given scenario with 100% accuracy and the solutions with 63% accuracy. Student 31 was able to produce the /l/ sound in conversation with 56% accuracy.
  - ii. For the Progress Report 2, dated June 10, 2024, Student 31 was described as "Progressing."
    1. Comments indicated that Student 31 could problem-solve a social scenario with 73% accuracy and produced the /l/ sound and /l/ blends in conversation with 59% accuracy.
- b. Goal Area: Communication-Social
  - i. For the Progress Report 1 dated February 5, 2024, Student 31 was described as making "No Progress."
    1. Student 31 was working on improving their social skills and understanding the feelings of others but often preferred to work and play alone, refusing to engage with others when prompted. They had difficulty with flexibility and changes in routine, thriving on predictability. While Student 31 sometimes spoke without considering others' feelings, they made progress in being respectful and courteous with continued support.
  - ii. For the Progress Report 2, dated May 10, 2024, Student 31 was described as making "Limited Progress."
    1. Student 31 was still working on understanding social problems, their own reactions to others' feelings, and managing different situations throughout the day. They continued to prefer working independently, regardless of the task, and required a routine schedule, demonstrating inflexibility when changes occurred.

Student 31 also struggled to make positive comments towards peers and had difficulty seeing the benefits of peer interactions.

- c. Goal Area: Self-Management
  - i. For the Progress Report 1, dated February 5, 2024, Student 31 was described as “Progressing.”
    - 1. Student 31 was working on learning appropriate calming strategies, especially when frustrated during undesirable activities. They generally demonstrated safe and productive school behaviors but still needed support in identifying and understanding their own emotions and the feelings of others.
  - ii. For the Progress Report 2, dated May 10, 2024, Student 31 was described as making “Limited Progress.”
    - 1. Student 31 was continuing to learn and use calming strategies when frustrated but still needed support in this area, particularly in recognizing when they needed a break and choosing appropriate strategies. While generally demonstrating safe and productive school behaviors, Student 31 was still working on identifying their own emotions and how to best regulate them in a school setting.

## **Student 32**

- 129. For the 2024-25 school year, Student 32 attended school 95% of the time with no restraints or major behaviors.
- 130. An IEP dated February 27, 2024 outlined the services for Student 32.
  - a. Goals were listed in the following areas:
    - i. Reading: “Within one year, Student 32 will increase [their] reading proficiency by meeting the [listed] objectives with 80% accuracy in 4 out of 5 opportunities.”
      - 1. Progress was measured by teacher observation and student work samples. Progress was reported in writing at the annual IEP and at formal grading periods.
    - ii. Math: “Within one year, Student 32 will increase [their] ability in functional math as demonstrated by meeting the [listed] objectives with 80% accuracy in 4 out of 5 opportunities.”
      - 1. Progress was measured by teacher observation and classroom data. Progress was reported in writing at the annual IEP and at formal grading periods.
    - iii. Fine Motor/Writing: “Within one year, Student 32 will increase [their] fine motor skills and written language production as measured by

meeting the [listed] objectives with 80% accuracy in 4 out of 5 opportunities.

1. Progress was measured by teacher observation, classroom data, work samples, and probes. Progress was reported in writing at the annual IEP and at formal grading periods.
- iv. Self-Management and Functional Routines: “Within one year, Student 32 will demonstrate increased self-management as measured by meeting the [listed] objectives with 80% accuracy in 4 out of 5 opportunities.”
  1. Progress was measured by teacher observation and classroom data. Progress was reported twice yearly in writing with general education report cards and at the annual review of the IEP.
- v. Communication: “By the next annual review, given specially designed instruction and structured opportunities, Student 32 will increase [their] functional communication skills across the day and [their] sentence building skills by mastering the [listed] objectives with 80% or better accuracy or with minimal to no assistance.”
  1. Progress was measured by observations and/or therapy data collected by the SLP. Progress was reported twice yearly in writing with general education report cards and at the annual review of the IEP.
- b. SDI in the special education class from February 28, 2024 through February 26, 2025 provided by the LEA and monitored by the case manager for:
  - i. Reading: 120 minutes weekly.
  - ii. Math: 120 minutes weekly.
  - iii. Fine Motor/Written Language: 120 minutes weekly.
  - iv. Self-Management and Functional Routines: 100 minutes weekly.
  - v. Communication: 200 minutes weekly.
- c. Related Services from February 28, 2024 through February 26, 2025 included:
  - i. Transportation: Two trips daily to and from school provided by the LEA and monitored by the case manager.
  - ii. Speech/Language Pathology/Therapy: 100 minutes monthly in the special education classroom provided by the LEA-SLP and monitored by the case manager.
  - iii. Augmentative Communication Service: 400 minutes yearly in the special education classroom provided by the “LEA-AUG COM (SLP)” and monitored by the case manager.
- d. Supplementary Aids/Services; Accommodations in all school sites from February 28, 2024 through February 26, 2025 provided by the LEA and monitored by the case manager:
  - i. Safety vest for bus: two trips daily for safety on the bus.

- ii. Augmentative communication devices: once daily for all situations in which communication is necessary.
- iii. Modeling/expansion/extension of utterances: once daily during any activity in which [they] want/need to communicate.
- iv. Preferential seating: once daily to minimize distractions while receiving instruction.
- v. Check for comprehension: once daily when teaching new skills or when directions or assignments are given.
- vi. Reteach/preteach content: once daily to learn new rules and routines and in new settings to assist with skills retention.
- vii. Visual prompts: once daily for learning new rules and routines, when teaching new skills, for work completion, to cue behavior or coping strategies, or when directions or assignments are given.
- viii. Visual schedule: once daily for all transitions.
- ix. A positive reward schedule: once daily to reinforce appropriate / target behavior.
- x. Break large projects into shorter goals: once daily when directions or assignments are given.
- xi. Adapted “spring” scissors: once daily for cutting tasks.
- xii. “Adult assistance available: once daily to manage transitions through [the] building to complete functional routines, to support [the] use of aug[mentative] comm[unication] tools, to facilitate initiating/interacting with peers in play, leisure activities, in new settings for supervision/safety.”
- e. Supplementary Aids/Services; Modifications: Modified curriculum once daily when appropriate for academic instruction in all school sites from February 28, 2024 through February 26, 2025 provided by the LEA and monitored by the case manager.
- f. Program Modifications/Supports for School Personnel from February 28, 2024 through February 26, 2025:
  - i. SLP consultation: 60 minutes yearly in the special education classroom provided by the LEA-SLP and monitored by the case manager.
  - ii. OT consultation: 120 minutes yearly in the special education classroom provided by the LEA-OT and monitored by the case manager.
  - iii. Augmentative Communication consultation: 60 minutes yearly in the special education classroom provided by the “LEA-AUG COM (SLP)” and monitored by the case manager.
  - iv. Special education teacher consultation with general education teachers and staff: 60 minutes yearly in the special education classroom provided by the LEA and monitored by the case manager.

131. When questioned by the Complaint Investigator about Student 32's access to adult assistance, the Director of Special Programs shared, "... it would be the case manager that is responsible for ensuring that all of these are being implemented and for scheduling accordingly. ... The teachers know the IEPs, they review the IEPs and they schedule their staff to be able to make sure that these services and support ... so it would be one of the staff members working in there." The Director of Special Programs indicated that for all of the students, "... the support is assigned daily."
132. During an interview with the Complaint Investigator, the Complainant shared that Student 32's IEP stated that they required adult assistance once daily to manage transitions, complete functional routines, use augmentative communication, and engage in peer interactions. This assistance was intended to provide supervision and safety. However, the Complainant clarified that Student 32 seldom received dedicated one-on-one adult assistance. Instead, Student 32 was typically part of a shared group, and their needs were often deprioritized when other students required more support. The Complainant reported that Student 32 primarily missed SDI in academics due to the lack of consistent, dedicated adult support. Student 32 required one-on-one assistance to attend to tasks and engage in instruction, which were often unavailable due to limited staffing and the needs of other students. The small group instruction Student 32 received was provided within the Complainant's program, not in the resource room setting.
133. According to the SLP Service Delivery spreadsheet for the 2024-25 school year, Student 32 received the following speech service minutes:
- September: 30 minutes.
  - October: 70 minutes.
  - November: 0 minutes.
134. The Annual Progress Report for Student 32 for the IEP dated February 27, 2024 described the following:
- Goal Area: Reading
    - For the Progress Report 1, dated June 14, 2024, Student 32 was described as making "Limited Progress."
    - It was noted that Student 32 had been showing progress in following directions and staying on task. Student 32 met the objective of identifying lowercase and capital letters when presented with 10 at a time with approximately 75% accuracy. Student 32 accurately sequenced up to four parts of an emergent-level story using picture cards or an AAC device. Student 32 had mastered five new sight words from their goal of 20.

- b. Goal Area: Math
  - i. For the Progress Report 1, dated June 14, 2024, Student 32 was described as making “Limited Progress.”
  - ii. Comments indicated Student 32 demonstrated 75% accuracy with independently counting and ordering numbers 0-20. Student 32 was identifying common coins with approximately 65% accuracy. The part of the goal regarding identifying the cost of an item and rounding it up to the nearest dollar had not yet been addressed.
- c. Goal Area: Fine Motor/Writing
  - i. For the Progress Report 1, dated June 14, 2024, Student 32 was described as making “Limited Progress.”
  - ii. Comments indicated that Student 32 consistently used their dominant hand to pick up a writing utensil with the appropriate grasp and then scribble on paper with approximately 70% accuracy. Student 32 was independently picking up and using large tongs or serving spoons to move objects and serve themselves with approximately 75% accuracy. Regarding using scissors, it said, “Still a struggle, will address more and try different tools.” Student 32 produced their name and common high-frequency words using their choice of mode (AAC device, computer, or manipulatives) with approximately 60% accuracy with adult prompting. The part of the goal regarding keyboarding skills had not yet been addressed.
- d. Goal Area: Self-Management and Functional Routines
  - i. For the Progress Report 1, dated June 14, 2024, Student 32 was described as making “Limited Progress.”
  - ii. It was noted that Student 32 was working on following their schedule independently with approximately 70% accuracy. They were able to remain seated and facing forward about 65% of the time with multiple prompts. Student 32 was learning to transition smoothly between activities and school environments but still struggled with running, interacting with peers inappropriately, and staying on task. They were working on walking with an adult to build trust for independent transitions.
- e. Goal Area: Communication
  - i. For the Progress Report 1, dated June 14, 2024, Student 32 was described as “Progressing.”
  - ii. Comments indicated that Student 32 was using 1-2 words with a model for sentence starters on the AAC device. They were independently attempting to use the device for various functions. The part of the goal

regarding using communication modes to decline an item had not yet been addressed.

### Student 33

135. For the 2024-25 school year, Student 33 attended school 86% of the time with no restraints or major behaviors.

136. An IEP dated January 10, 2024, outlined the services for Student 33.

a. Goals were listed in the following areas:

- i. Speech/Language: "By January 2025, [Student 33] will improve [their] receptive and expressive language skills by answering why and how questions and retelling stories, with 80% accuracy, during structured activities."
  1. Progress criteria was 80% or better accuracy or with minimal to no assistance. Progress was reported in writing, using the general education report cards, and at the annual review of the IEP.
- ii. Social Skills: "Within one year, [Student 33] will increase [their] social skills acquisition by meeting the [listed] objectives with 90% accuracy in 4 out of 5 opportunities."
  1. Progress was measured by teacher and specialist observations and data. Progress was reported twice yearly with report cards.
- iii. Math: "Within one year, [Student 33] will increase [their] functional mathematics skills as measured by meeting the [listed] objectives with 90% accuracy in 4 out of 5 opportunities."
  1. Progress was measured by work samples, data collection, and teacher observation. Progress was reported twice yearly, using report cards and at the annual IEP.
- iv. Reading: "Within one year, [Student 33] will demonstrate increased reading skills as measured by meeting the [listed] objectives with 90% accuracy in 4 out of 5 opportunities."
  1. Progress was measured by teacher and specialist observations and data. Progress was reported twice yearly with report cards.
- v. Written Language: "Within one year, [Student 33] will increase [their] production of written language as measured by meeting the [listed] objectives with 90% accuracy in 4 out of 5 opportunities."
  1. Progress was measured by teacher observation and data and student work samples. Progress was reported twice yearly, using report cards and at the IEP meeting.



- b. SDI from January 11, 2024 through January 9, 2025 provided by the LEA and monitored by the case manager:
  - i. Speech/Language: 60 minutes monthly in the speech room provided by the SLP.
  - ii. Reading: 120 minutes weekly in the special education classroom.
  - iii. Math: 120 minutes weekly in the special education classroom.
  - iv. Social Skills: 30 minutes daily in the special education classroom.
  - v. Written Language: 90 minutes weekly in the special education classroom.
- c. Related Services: Transportation: Two trips daily to and from school from January 11, 2024 through January 9, 2025 provided by the LEA and monitored by the case manager.
- d. Supplementary Aids/Services; Accommodations at all school sites from January 11, 2024 through January 9, 2025 provided by the LEA and monitored by the case manager:
  - i. Reteach/preteach content with new and reviewed content.
  - ii. Preferential seating in all settings for best success.
  - iii. Check for comprehension after instructions are given.
  - iv. "Adult assistance available as needed for academic tasks and navigating various school settings."
  - v. Visual schedule throughout the day.
  - vi. A positive reward schedule to incentivize work stamina.
  - vii. Noise-canceling headphones as needed when entering high-traffic, high-noise areas.
  - viii. P.E. dress-down plan: does not have to dress down, but dresses down in the classroom instead of the locker room if so.
- e. Supplementary Aids/Services; Modifications: Modified curriculum in all subject areas to meet their skill level in all school sites from January 11, 2024 through January 9, 2025 provided by the LEA and monitored by the case manager.
- f. Program Modifications/Supports for School Personnel: Consultation with parent and staff for 120 minutes yearly at all school sites from January 11, 2024 through January 9, 2025 provided by the LEA and monitored by the case manager.

137. During an interview with the Complaint Investigator, the Complainant shared that Student 33's IEP specified adult assistance as needed to access general education classes, but this support was inconsistently provided. Student 33 frequently went to general education without adult support, estimated at 50% of the time, due to staffing limitations and the prioritization of other students with higher needs. Regarding SDI, Student 33 received their SDI in speech and language and social skills. However, Student 33 experienced a significant loss of instruction in academic areas, particularly during the previous school year. The teacher estimated this loss to be around 50% for the previous

year but noted it had decreased to approximately 25% for this year. This was attributed to the lack of adequate adult support to facilitate their engagement in instructional activities.

138. According to the SLP Service Delivery spreadsheet for the 2024-25 school year, Student 33 received the following speech service minutes:

- a. September: 30 minutes.
- b. October: 60 minutes.
- c. November: 30 minutes.

139. In an investigative interview, the Director of Special Programs indicated that the case manager would schedule the adult assistance needed for Student 33.

140. The Annual Progress Report for Student 33 for the IEP dated January 10, 2024 described the following:

- a. Goal Area: Speech/Language: Language
  - i. For the Progress Report 1, dated February 5, 2024, Student 33 was described as making “Limited Progress.”
    - 1. Comments indicated it was a new goal, but Student 33 answered why/how questions with 50% accuracy. Student 33 did not yet include characters, settings, problems, or solutions in their story retelling.
  - ii. For the Progress Report 2, dated June 3, 2024, Student 33 was described as “Progressing.”
    - 1. Comments showed that Student 33 answered “why” questions with 20% accuracy and was naming characters in their story retelling on 1 out of 4 trials.
- b. Goal Area: Reading
  - i. For the Progress Report 1, dated February 5, 2024, the progress code said, “See comments.”
    - 1. The comments said, “This is a newly written IEP goal, please [sic] see most recent present levels as reported.”
  - ii. For the Progress Report 2, dated June 13, 2024, Student 33 was described as making “Limited Progress.”
    - 1. Comments indicated that Student 33 was accurately reading 34 high-frequency sight words, was able to listen to a story, and accurately answered two comprehension questions with adult prompting.
- c. Goal Area: Math

- i. For the Progress Report 1, dated February 5, 2024, the progress code said, "See comments."
    - 1. The comments said, "This is a newly written IEP goal, please [sic] see most recent present levels as reported."
  - ii. For the Progress Report 2, dated June 13, 2024, Student 33 was described as making "Limited Progress."
    - 1. Comments indicated Student 33 could add within 20 and subtract within 15 without regrouping. They were able to identify the four basic coins and their values with around 60% accuracy. Student 33 continued to work on reading a digital clock.
- d. Goal Area: Social Skills
  - i. For the Progress Report 1, dated February 5, 2024, the progress code said, "See comments."
    - 1. The comments said, "This is a newly written IEP goal, please [sic] see most recent present levels as reported."
  - ii. For the Progress Report 2, dated June 13, 2024, Student 33 was described as making "Limited Progress."
    - 1. Comments indicated Student 33 was successfully identifying basic emotions in themselves and others and had met their goal of initiating conversations with peers. However, they continued to benefit from practice with problem-solving and interpreting body language cues, particularly those related to personal space.
- e. Goal Area: Written Language
  - i. For the Progress Report 1, dated January 26, 2024, the progress code said, "See comments."
    - 1. The comments said, "This is a newly written IEP goal, please [sic] see most recent present levels as reported."
  - ii. For the Progress Report 2, dated June 13, 2024, Student 33 was described as making "Limited Progress."
    - 1. The comments said that Student 33 could independently write their first and last name with 75% accuracy. They were able to dictate and copy at least three sentences with around 80% accuracy, although some prompting was often needed.

## Student 34

141. For the 2024-25 school year, Student 34 attended school 87% of the time with no restraints or major behaviors.

142. An IEP dated January 10, 2024, outlined the services for Student 34.

- a. Goals were listed in the following areas:
  - i. Speech/Language: "By January 2025, Student 34 will improve [their] receptive and expressive language skills by answering why and how questions, retelling stories, with 80% accuracy, during structured activities."
    - 1. Progress was measured by session data, SLP data probes, and observation. Progress was reported twice yearly in writing with general education report cards and at the annual review of the IEP.
  - ii. Math: "Within one year, Student 34 will increase [their] functional mathematics skills as measured by meeting the [listed] objectives with 90% accuracy in 4 out of 5 opportunities."
    - 1. Progress was measured by work samples, data collection, and teacher observation. Progress was reported twice yearly with report cards.
  - iii. Reading: "Within one year, [Student 34] will demonstrate increased reading skills as measured by meeting the [listed] objectives with 90% accuracy in 4 out of 5 opportunities."
    - 1. Progress was measured by teacher and specialist observations and data. Progress was reported twice yearly for report cards.
  - iv. Social Skills: "Within one year, [Student 34] will increase [their] social skills acquisition by meeting the [listed] objectives with 90% accuracy in 4 out of 5 opportunities."
    - 1. Progress was measured by teacher and specialist observations and data. Progress was reported twice yearly with report cards.
  - v. Written Language: "Within one year, [Student 34] will increase [their] production of written language as measured by meeting the [listed] objectives with 90% accuracy in 4 out of 5 opportunities."
    - 1. Progress was measured by teacher observation and data and student work samples. Progress was reported twice yearly, using report cards and at the annual IEP.
- b. SDI in the special education classroom from January 11, 2024 through January 9, 2025 provided by the LEA and monitored by the case manager for:
  - i. Reading: 120 minutes weekly.
  - ii. Math: 120 minutes weekly.
  - iii. Social Skills: 30 minutes daily.
  - iv. Written Language: 90 minutes (no frequency listed).
  - v. Speech/Language: 60 minutes monthly provided by the SLP.

- c. Related Services: Transportation: Two trips daily to and from school from January 11, 2024 through January 9, 2025 by the LEA monitored by the case manager.
- d. Supplementary Aids/Services; Accommodations provided in all school sites from January 11, 2024 through January 9, 2025 provided by the LEA and monitored by the case manager:
  - i. Check for comprehension after giving instructions.
  - ii. Preferential seating: best seating in each setting.
  - iii. "Adult assistance available as needed to access general education classes, curriculum, and settings."
  - iv. Positive reward schedule (no amount/frequency listed).
  - v. Read directions, grade-level materials, and tests aloud in general education classes and state testing.
  - vi. Visual schedule daily in the special education classroom.
  - vii. P.E. dress-down plan: does not have to dress down, but dresses down in the classroom instead of the locker room if so.
- e. Supplementary Aids/Services; Modifications: Modified curriculum across all subject areas in all school sites from January 11, 2024 through January 9, 2025 provided by the LEA and monitored by the case manager.
- f. Program Modifications/Supports for School Personnel: Consultation to parent and staff for 120 minutes yearly at all school sites from January 11, 2024 through January 9, 2025 provided by the LEA and monitored by a case manager.

143. During the investigative interview, the Director of Special Programs described that access to adult assistance for Student 34 would be the PCAs scheduled by the Complainant.

144. In an investigative interview with the Complainant, they shared that Student 34 had an IEP accommodation for adult assistance to access general education classes. The Complainant reported that this was inconsistently implemented due to staffing constraints and the needs of other students. The Complainant estimated that Student 34 went without adult support for general education classes around 50% of the time. Regarding SDI, the Complainant stated that Student 34 received their SDI in speech and language and social skills. However, they experienced a significant loss of instruction, particularly in academics, primarily during the previous school year. The teacher estimated this loss to be around 50% for the previous year but noted it had decreased to approximately 25% for this year. This was attributed to the lack of adequate adult support to facilitate their engagement in instructional activities.

145. According to the SLP Service Delivery spreadsheet for the 2024-25 school year, Student 34 received the following speech service minutes:
- September: 30 minutes.
  - October: 60 minutes.
  - November: 30 minutes.
146. The Annual Progress Report for Student 34 for the IEP dated January 10, 2024 described the following:
- Goal Area: Speech/Language: Language
    - For the Progress Report 1, dated February 5, 2024, Student 34 was described as making "Limited Progress."
      - Comments indicated Student 34 could answer why/how questions correctly in five out of eight trials. They could retell a story including characters on two out of two trials, including setting two out of three trials, including the problem zero out of two trials, and the solution on zero out of one trial.
    - For the Progress Report 2, dated June 3, 2024, Student 34 was described as "Progressing."
      - Student 34 could answer "why" questions with 50% accuracy. Student 34 could retell a story, including the characters, setting, and problem, with 50% accuracy. They have not yet included the solution in their story retelling.
  - Goal Area: Social Skills
    - For the Progress Report 1, dated February 5, 2024, in the progress code section, it said, "See comments."
      - The comments said, "This is a newly written IEP goal, please [sic] see most recent present levels as reported."
    - For the Progress Report 2, dated June 13, 2024, Student 34 was described as making "Limited Progress."
      - Student 34 was making progress in identifying basic emotions in themselves and others and had successfully met their goal of initiating conversations. However, they were still working on interpreting body language and cues, especially regarding personal space, and would benefit from further practice with problem-solving.
  - Goal Areas: Math, Reading, and Written Language
    - For the Progress Report 1, dated February 5, 2024, in the progress code section, it said, "See comments."
      - The comments said, "This is a newly written IEP goal, please [sic] see most recent present levels as reported."

## Student 35

147. For the 2024-25 school year, Student 35 attended school 92% of the time with no restraints or major behaviors.

148. An IEP dated March 4, 2024 outlined the services for Student 35.

- a. Goals were listed in the following areas:
  - i. Self-Management: "Within one year, [Student 35] will show increased self-management by meeting the [listed] objectives with 90% accuracy in 4 out of 5 observations."
    - 1. Progress was measured by staff observation and documentation. Progress was reported twice yearly in writing with general education report cards and at the annual review of the IEP.
  - ii. Reading: "Given specially designed instruction in reading, [Student 35] will identify 65 sight words with 80% accuracy when given a field of 3 to choose from with 80% accuracy in 4 [out of] 5 opportunities."
    - 1. Progress was measured by staff observation and documentation. Progress was reported twice yearly in writing with general education report cards and at the annual review of the IEP.
  - iii. Math: "Within one year, [Student 35] will increase [their] understanding of math concepts by meeting the [listed] goals with 80% accuracy in 4 out of 5 opportunities."
    - 1. Progress was measured by staff observation and documentation. Progress was reported twice yearly in writing with general education report cards and at the annual review of the IEP.
  - iv. Communication: "Given specially designed instruction, [Student 35] will improve [their] expressive language skills in order to express [their] thoughts, feelings, and ideas clearly by meeting the [listed] objectives in 4 out of 5 opportunities over three consecutive sessions."
    - 1. Progress was measured by SLP observation and data. Progress was reported twice yearly in writing with general education report cards and at the annual review of the IEP.
  - v. Writing: "Within one year, [Student 35] will demonstrate increased production of written language by meeting the [listed] objectives with 90% accuracy in 4 out of 5 opportunities."
    - 1. Progress was measured by a teacher-administered probe. Progress was reported twice yearly and at the IEP.
- b. SDI from March 5, 2024 through March 3, 2025 provided by the LEA and monitored by the case manager for:

- i. Self-Management: 120 minutes weekly in all school sites.
  - ii. Reading: 120 minutes weekly in the special education classroom.
  - iii. Math: 120 minutes weekly in the special education classroom.
  - iv. Written Language: 120 minutes weekly in the special education classroom.
- c. Related Services from school from March 5, 2024 through March 3, 2025:
  - i. Transportation: Two trips daily to and from school provided by the LEA and monitored by the case manager.
  - ii. Speech/Language Pathology/Therapy: 60 minutes monthly in the speech room provided by the LEA-SLP and monitored by the case manager.
  - iii. Augmentative Communication Service: 200 minutes yearly in all school sites provided by the "LEA - AUG COM (SLP/SLPA)" and monitored by the case manager.
- d. Supplementary Aids/Services: Accommodations in all school sites from March 5, 2024 through March 3, 2025 provided by the LEA and monitored by the case manager:
  - i. Check for comprehension 2-3 times per instructional period.
  - ii. "Student behavior: Teach self-monitoring. Adult support available throughout the day in order to ensure [Student 35's] safety."
  - iii. Seating supports of cushion and footstool to aid in positioning at table/desk.
  - iv. No requirement to change clothes for P.E. daily.
  - v. Preferential seating: The Student was strategically placed for best access at the teacher's discretion.
  - vi. Read directions, grade-level materials, and tests aloud as needed.
  - vii. Copy of class notes for copying onto own notes.
  - viii. Reduce the amount of work; general education work was turned in as the student was able and was graded for effort/citizenship.
  - ix. "Support tools: Scribe/notetaker. Adult support available to access the general education curriculum as needed [in the] general ed[ucation] classroom."
- e. Supplementary Aids/Services; Modifications: Modified curriculum as needed for Student 35 to meet their IEP goals in all school sites from March 5, 2024 through March 3, 2025 provided by the LEA and monitored by the case manager.
- f. Program Modifications/Supports for School Personnel from March 5, 2024 through March 3, 2025:
  - i. OT consultation: 120 minutes yearly in all school sites provided by the "LEA-OT/COTA" and monitored by the case manager.
  - ii. SLP consultation: 30 minutes yearly in all school sites provided by the LEA-SLP and monitored by the case manager.



- iii. Consultation with the Parent and staff: 180 minutes yearly at all school sites provided by the LEA and monitored by the case manager.
- iv. Augmentative Communication consultation: 60 minutes yearly in all school sites provided by the “LEA-AUG COM (SLP/SLPA)” and monitored by the case manager.

149. During the investigative interview, the Director of Special Programs indicated that “... Teach self-monitoring: adult support available throughout the day to ensure safety. And so that, again, would be scheduled by the special education teacher, by [the Complainant] to ensure that that adult support is available throughout the day” along with scribe/note-taker and adult support available to access general education.”

150. During an interview with the Complaint Investigator, the Complainant shared that Student 35's IEP included adult support throughout the day for safety and to access the general education curriculum. While the Complainant aimed to provide this support through a shared adult model, both within the special education classroom and in general education settings, the Complainant acknowledged that this was not always possible. Estimating the frequency of missed support, the Complainant stated that Student 35 went without adult support for safety approximately 25% of the time the previous school year, but this was closer to 10% for this year. Regarding support for accessing the general education curriculum, Student 35 went without support about 50% of the time last year, which has decreased to around 25% for this year. This inconsistency was largely attributed to staffing limitations. Regarding SDI, the Complainant indicated that Student 35's slow progress in reading was due to both a lack of consistent instruction and Student 35 being a slow learner. The Complainant estimated that Student 35 missed SDI, particularly in academic areas, at a frequency similar to the missed adult support, especially during the previous school year. This was again attributed to staffing limitations and the need for adult assistance to facilitate Student 35's engagement in instructional activities.

151. According to the SLP Service Delivery spreadsheet for the 2024-25 school year, Student 35 received the following speech service minutes:

- a. September: 30 minutes.
- b. October: 145 minutes.
- c. November: 30 minutes.

152. The Annual Progress Report for Student 35 for the IEP dated March 4, 2024, described the following:

- a. Goal Area: Self-Management

- i. For the Progress Report 1, dated June 14, 2024, Student 35 was described as “Progressing.”
  - ii. Comments indicated Student 35 was working on managing their time and transitioning between classes within the allotted time, achieving this with about 75% accuracy, but still needed occasional adult prompts. They responded respectfully to adult prompts and corrections around 80% of the time but sometimes communicated frustration in this area. Student 35 was also working on keeping their personal items and supplies organized, which they did with about 75% accuracy, though they had some difficulty with this in recent weeks.
- b. Goal Area: Reading
  - i. For the Progress Report 1, dated June 14, 2024, Student 35 was described as making “Limited Progress.”
  - ii. Comments indicated that Student 35 had mastered five sight words (the goal was 25 and then 40 sight words). It stated, “This has been a relatively slow progress area, but Student 35 has made strides in connecting [their] sight word acquisition to [the] use of [their] AAC device.”
- c. Goal Area: Math
  - i. For the Progress Report 1, dated June 14, 2024, Student 35 was described as making “Limited Progress.”
  - ii. Comments indicated that Student 35 was consistently identifying and counting numbers 0-10 but was still working on numbers 11-20. They were able to identify coins and bills within \$20.00 by name and worth with about 65% accuracy. The goal of using the "dollar-up" method to round up prices had not yet been addressed.
- d. Goal Area: Communication
  - i. For the Progress Report 1, dated June 14, 2024, Student 35 was described as “Progressing.”
  - ii. Comments indicated that Student 35 was using their AAC device to answer WH questions on 3 out of 5 trials with moderate verbal cueing. They used their AAC device to name one attribute of a noun or object on 4 out of 5 trials. Student 35 initiated a greeting, comment, question, or closure on 3 out of 3 trials with a prompt and verbal or gestural cue. They used their AAC device to independently describe a scene or event using 3-4 sentences on 3 out of 5 trials.
- e. Goal Area: Writing
  - i. For the Progress Report 1, dated June 14, 2024, Student 35 was described as making “Limited Progress.”

- ii. Comments indicated Student 35 was working on independently producing their mom's phone number, achieving around 70% accuracy, and was most successful with a model. They also improved their handwriting concentration, stayed on and within lines about 70% of the time, and made progress with their keyboarding skills. The goal of dictating and transcribing two sentences had not yet been addressed.

## **Student 36**

153. For the 2024-25 school year, Student 36 attended school 90% of the time with no restraints and one major behavior issue.

154. An IEP dated May 21, 2024 outlined the services for Student 36.

- a. Goals were listed in the following areas:
  - i. Reading: "Within one year, [Student 36] will increase [their] reading skills by meeting the [listed] objectives with 90% accuracy in 4 out of 5 opportunities."
    - 1. Progress was measured by teacher and specialist observations and data. Progress was reported twice annually with report cards.
  - ii. Written Language: "Within one year, [Student 36] will demonstrate increased proficiency with [their] writing by meeting the [listed] objectives with 90% accuracy in 4 out of 5 opportunities."
    - 1. Progress was measured by teacher and specialist observations and data. Progress was reported twice annually with report cards.
  - iii. Math: "Within one year, [Student 36] will demonstrate an increased understanding of numbers and math concepts by meeting the [listed] objectives with 90% accuracy in 4 out of 5 opportunities."
    - 1. Progress was measured by teacher and specialist observations and data. Progress was reported twice annually with report cards.
  - iv. Behavior/Self-Determination: "Within one year, [Student 36] will increase [their] self-determination skills and gain independence in school settings by meeting the [listed] objectives with 85% accuracy in 4 out of 5 opportunities."
    - 1. Progress was measured by teacher observations and data, and student input and self-reflection. Progress was reported twice annually, using report cards and at the annual IEP meeting.
  - v. Communication: "[Student 36] will compensate during a communication breakdown with a variety of communication part[n]ers out in a community environment."

1. Progress was measured by observations and/or therapy data collected by the SLP. Progress was reported via a written progress report provided twice a year during District reporting periods and at the annual IEP review.
- b. SDI in the special education classroom from May 22, 2024 through May 20, 2025 provided by the LEA and monitored by the case manager for:
  - i. Reading: 120 minutes weekly.
  - ii. Written Language: 120 minutes weekly.
  - iii. Math: 120 minutes weekly.
  - iv. Behavior: 30 minutes daily.
- c. Related Services from May 22, 2024 through May 20, 2025:
  - i. Speech/Language Pathology/Therapy: 60 minutes monthly in the speech room provided by the LEA-SLP and monitored by the case manager.
  - ii. Transportation: One daily trip to/from school provided by the LEA and monitored by the case manager.
- d. Supplementary Aids/Services; Accommodations in all school sites from May 22, 2024 through May 20, 2025 provided by the LEA and monitored by the case manager:
  - i. Visual/verbal cueing as needed for learning new rules and routines in new settings, for work completion, and to cue behavior/coping strategies.
  - ii. Check for comprehension when teaching new skills and when directions or assignments were given.
  - iii. Reteach/pre-teach content in new settings and when teaching new skills to assist with skills retention.
  - iv. Break large projects into shorter goals when directions or assignments were given.
  - v. A positive reward schedule to reinforce appropriate/target behavior.
  - vi. Modeling/expansion/extension of utterances when the student was not understood by others during any activity in which [they] want/need to communicate.
  - vii. Speech models in small group or one-to-one settings to facilitate initiating/interacting with peers in play or leisure activities or when the student was not understood by others.
  - viii. Extended assessment non-embedded designated support of a separate setting for testing during testing.
  - ix. No requirement to change clothes for P.E.
  - x. Access to a communication system across the school day.

- e. Supplementary Aids/Services; Modifications: Modified curriculum for core subjects in all school sites from May 22, 2024 through May 20, 2025 provided by the LEA and monitored by the case manager.
- f. Program Modifications/Supports for School Personnel from May 22, 2024 through May 20, 2025:
  - i. SLP consultation: 60 minutes yearly in all school sites provided by the LEA-SLP and monitored by the case manager.
  - ii. Special education teacher consultation to general education teachers and staff: 120 minutes yearly in all school sites provided by the LEA and monitored by the case manager.
  - iii. Augmentative Communication consultation: 120 minutes yearly provided by the LEA and monitored by the case manager.

155. The Complainant shared in an interview with the Complaint Investigator that Student 36 primarily missed receiving SDI in academic areas due to elopement and behavioral issues. Student 36's tendency to leave the classroom, coupled with limited adult support, reduced their ability to access instruction. The Complainant indicated that Student 36 received their speech and communication services.

156. According to the SLP Service Delivery spreadsheet for the 2024-25 school year, Student 36 received the following speech service minutes:

- a. September: 10 minutes.
- b. October: 45 minutes.
- c. November: 30 minutes.

157. The Annual Progress Report for Student 36 for the IEP dated May 21, 2024, described the following:

- a. Goal Areas: Reading, Written Language, and Math
  - i. For the Progress Report 1, dated June 12, 2024, Student 36 was described as making "Limited Progress."
  - ii. Comments said, "This is a relatively new goal, please see IEP present levels and meeting notes."
- b. Goal Area: Communication
  - i. For the Progress Report 1 dated February 5, 2024, Student 36 was described as making "Limited Progress."
    - 1. Comments indicated that Student 36 received weekly support from an SLP to improve their communication repair strategies, including repeating themselves, rephrasing, and checking for understanding. They were able to verbalize 3 to 4 ways to clarify their message, often repeating or slowing down their speech

when needed. However, Student 36 was resistant to using their iPad for communication purposes.

- ii. For the Progress Report 2, dated June 3, 2024, Student 36 was described as making "Limited Progress."
  - 1. Comments indicated that Student 36 could use verbal strategies but did not want to, or like to, repeat themselves or use their device to repair their language. Student 36 understood the strategies and said their message in another way to be understood.
- c. Goal Area: Behavior/Self-Determination
  - i. For the Progress Report 1, dated February 5, 2024, Student 36 was described as making "Limited Progress."
  - ii. Comments said, "This is a relatively new goal, please see IEP present levels and meeting notes."

## **Student 37**

158. For the 2024-25 school year, Student 37 attended school 74% of the time with no restraints and two major behaviors.

159. An IEP dated January 4, 2024 outlined the services for Student 37.

- a. Goals were listed in the following areas:
  - i. Reading: "Within one year, [Student 37] will increase [their] reading skills by meeting the following objectives with 85% accuracy in 4 out of 5 opportunities."
    - 1. Progress was measured by teacher and specialist observations and data and was reported twice yearly in writing with general education report cards and the annual IEP meeting.
  - ii. Math: "Within one year, [Student 37] will increase [their] mathematics skills as measured by meeting the following objectives with 85% accuracy in 4 out of 5 opportunities."
    - 1. Progress was measured by district, classroom, and formal assessments and observations. Progress was reported twice yearly in writing with general education report cards and the annual IEP meeting.
  - iii. Writing: "Within one year, [Student 37] will produce (write or type) at least four sentences on a given or preferred topic with appropriate capitalization and punctuation with 85% accuracy in 4 out of 5 opportunities."

1. Progress was measured by district assessments, work samples, and observations and was reported twice yearly in writing with general education report cards and the annual IEP meeting.
- iv. Behavior: "Within one year, [Student 37] will display school[-]appropriate behaviors by meeting the following objectives with 85% accuracy in 4 out 5 opportunities."
  1. Progress was measured by teacher and specialist observations and data and was reported twice yearly in writing with general education report cards and the annual IEP meeting.
- v. Self-Management: "Within one year, [Student 37] will demonstrate student-ready behavior by beginning a task, even if non-preferred, promptly; and persisting through the task until completion as measured by meeting the following objectives with 85% accuracy in 4 out 5 opportunities."
  1. Progress was measured by teacher and specialist observations and data and was reported twice yearly in writing with general education report cards and the annual IEP meeting.
- b. The LEA provided SDI in the special education classroom from January 5, 2024 through January 3, 2025, monitored by a case manager.
  - i. Reading: 120 minutes weekly.
  - ii. Math: 120 minutes weekly.
  - iii. Written Language: 120 minutes weekly.
  - iv. Reading: 30 minutes daily.
  - v. Self-Management: 30 minutes daily.
- c. Related Services
  - i. Speech/Language Pathology/Therapy: 60 minutes monthly in the speech room from January 5, 2024 through January 3, 2025 provided by the LEA/SLP and monitored by a case manager.
  - ii. Transportation: Two trips daily, to and from school, at all school sites from January 5, 2024 through January 3, 2025 provided by the LEA and monitored by a case manager.
- d. Supplementary Aids/Services; Accommodations
  - i. Instructional materials: Extra time for completion: Allow extra time to complete all assigned work at all school sites from January 5, 2024 through January 3, 2025 provided by the LEA and monitored by a case manager.
  - ii. School setting: Needs breaks: Allow frequent short breaks throughout the day or during long periods of work expectations at all school sites from January 5, 2024 through January 3, 2025 provided by the LEA and monitored by a case manager.

- iii. Instructional materials: Copy of notes provided: Provide copies of teacher notes and work samples in the general education classroom from January 5, 2024 through January 3, 2025 provided by the LEA and monitored by a case manager.
- iv. Student behavior: Positive reward schedule: Positive incentive chart at all school sites from January 5, 2024 through January 3, 2025 provided by the general education teacher and monitored by a case manager.
- v. Teaching mode: Read directions, grade-level materials and tests aloud: Receive all instructions verbally and have instruction assignments read aloud. Receive text-to-speech for state and district testing at all school sites from January 5, 2024 through January 5, 2024 provided by the general education teacher and monitored by a case manager.
- vi. Adult Support: "During all independent transition times during the day, stay on task in [general education] as needed" at all school sites from January 5, 2024 through January 3, 2025 provided by the LEA and monitored by a case manager.
- vii. "Non-Embd Desg Sup: Scribe: For extended written assignments, state[,]" at all school sites from January 5, 2024 through January 3, 2025 provided by the LEA and monitored by a case manager.
- viii. Behavior Plan: BSP for school-appropriate behavior and drawings at all school sites from January 5, 2024 through January 3, 2025 provided by the LEA and monitored by a case manager.
- e. Supplementary Aids/Services; Modifications
  - i. Instructional Materials: Modified curriculum: Student 37 will receive differentiated instruction, modified assignments, and modified assessments to meet their individual instruction level daily at all school sites from January 5, 2024 through January 5, 2024 provided by the LEA and monitored by a case manager.
  - ii. Instructional Materials: Reduce amount of work: Student 37 will receive a reduced amount of work to meet their individual instruction level daily at all school sites from January 5, 2024 through January 5, 2024 provided by the LEA and monitored by a case manager.
- f. Program Modifications/Supports for School Personnel
  - i. Consultation: To parent and staff: 120 minutes yearly at the school site from January 5, 2024 through January 3, 2025 provided by the LEA and monitored by a case manager.
  - ii. SLP Consultation: 60 minutes yearly at all school sites from January 5, 2024 through January 3, 2025 provided by the LEA/SLP and monitored by a case manager.



- iii. Behavior Consultation: 60 minutes yearly at all school sites from January 5, 2024 through January 3, 2025 provided by the LEA/Regional and monitored by a case manager.
160. During an interview with the Complaint Investigator, the Complainant indicated that Student 37 required adult support during all transitions, which was inconsistently provided. While Student 37 sometimes received support during group transitions, Student 37 often lacked individual assistance, leading to elopement and involvement of building administration. The Complainant attributed this to insufficient staffing. Due to elopement and attendance issues, Student 37 frequently missed SDI. The Complainant estimated that Student 37 missed approximately 75% of their SDI due to a lack of available staff. Even when staff were available, Student 37's success depended heavily on positive relationships with adults, and without those relationships, they would not engage in instruction. The Complainant emphasized that the program's structure did not allow for whole-group instruction, making consistent one-on-one support essential, which was often lacking.
161. The Complainant indicated in an interview with the Complaint Investigator that a behavior consultant from the ESD observed and worked with Student 37.
162. In an interview with the Complaint Investigator, the Director of Special Programs shared that Student 37's IEP indicated that they needed adult support during transitions between activities and to help them stay focused in general education classes. The support provided is by adults who accompany the students in the program and was managed within the usual staffing ratios of the program.
163. According to the SLP Service Delivery spreadsheet for the 2024-25 school year, Student 37 received the following speech service minutes:
- a. September: 0 minutes.
  - b. October: 60 minutes.
  - c. November: 0 minutes.
164. The Annual Progress Report for Student 37, for the IEP dated January 4, 2024, described the following:
- a. Goal Area: Reading
    - i. For Progress Report 1, dated January 26, 2024, Student 37 was described as making "Limited Progress."
      - 1. Comments indicated this was a new goal with insufficient data to report on.

- ii. For Progress Report 2, dated June 14, 2024, Student 37 was described as making “Limited Progress.”
    - 1. Comments indicated that Student 37 had limited access to this goal area due to inconsistent attendance and their willingness to participate. Student 37 read an at-their-level reading passage with fluency, with a focus on not 'guessing' words they did not know with 65% accuracy. Student 37 read an at-their-level reading passage and accurately answered at least four comprehension questions with around 70% accuracy.
- b. Goal Area: Math
  - i. For Progress Report 1, dated January 26, 2024, Student 37 was described as making “Limited Progress.”
    - 1. Comments indicated this was a new goal with insufficient data to report on.
  - ii. For Progress Report 2, dated June 14, 2024, Student 37 was described as making “Limited Progress.”
    - 1. Comments indicated Student 37 could independently add/subtract up to triple digits without regrouping, with around 75% accuracy. Student 37 could independently add/subtract up to triple digits with regrouping, including money amounts using a decimal, with about 65% accuracy. Student 37 accurately solved basic multiplication facts. Student 37 was skip counting by 2s, 5s, and 10s with around 85% accuracy and worked on solving basic multiplication facts. Student 37’ goal of demonstrating an understanding of basic fractions and their function as it pertained to measuring/cooking was not addressed yet.
- c. Goal Area: Writing
  - i. For Progress Report 1, dated January 26, 2024, Student 37 was described as making “Limited Progress.”
    - 1. Comments indicated this was a new goal with insufficient data to report on.
  - ii. For Progress Report 2, dated June 14, 2024, Student 37 was described as making “Limited Progress.”
    - 1. Comments indicated that Student 37 drew a school-appropriate drawing and produced at least two sentences describing the picture with 85% accuracy in 4 out of 5 opportunities. This goal was at 65% accuracy. The goal for Student 37 was to produce at least three sentences on a given or preferred topic with 85% accuracy in four out of five opportunities. They were about 70% accurate.

- d. Goal Area: Behavior
  - i. For Progress Report 1 dated January 26, 2024, Student 37 was described as making "Limited Progress."
    - 1. Comments indicated this was a new goal with insufficient data to report on.
  - ii. For Progress Report 2 dated June 14, 2024, Student 37 was described as making "Limited Progress."
    - 1. Comments indicated that Student 37 independently identified their emotions and any coinciding triggers with about 55% accuracy. Student 37 maintained appropriate language with peer interactions with around 70% accuracy. Student 37 used appropriate language for the school/bus at all times with approximately 65% accuracy. When drawing and writing, Student 37 drew appropriate drawings for school around 65% of the time.
- e. Goal Behavior: Self-Management
  - i. For Progress Report 1 dated January 26, 2024, Student 37 was described as making "Limited Progress."
    - 1. Comments indicated this was a new goal with insufficient data to report on.
  - ii. For Progress Report 2 dated June 14, 2024, Student 37 was described as making "Limited Progress."
    - 1. Comments indicated that around 70% of the time, Student 37 began the task without making inappropriate drawings on the assignment. Student 37 appropriately asked for help when needed with about 75% accuracy. Student 37 appropriately asked for a brief break as needed and returned to their task with approximately 70% accuracy. Student 37 kept their body upright at their desk, unless given permission to take a break/rest, with approximately 60% accuracy.

## **Student 38**

- 165. For the 2024-25 school year, Student 38 attended school 88% of the time with no restraints or major behaviors.
- 166. An IEP dated November 17, 2023 outlined the services for Student 38.
  - a. Goals were listed in the following areas:
    - i. Reading: "Within one year, Student 38 will increase growth in functional math as measured by meeting the following objectives with 80% accuracy in 4 out of 5 opportunities:"

1. Progress was measured by teacher observation, classroom data, work samples, and probes. Progress was reported twice yearly with report cards and once at the annual IEP meeting.
- ii. Math: "Within one year, [Student 38] will increase [their] comprehension skills when reading an at-level passage as demonstrated by meeting the following objectives with 90% accuracy in 4 out 5 opportunities:"
  1. Progress was measured by teacher observation and classroom data and was reported in writing at the annual IEP meeting and at formal grading periods.
- iii. Written Language: "Within one year, [Student 38] will increase [their] production of written language (handwritten or typed) as measured by meeting the following objectives with 90% accuracy in 4 out 5 opportunities."
  1. Progress was measured by teacher observation, classroom data, work samples, and probes. Progress was reported in writing at the annual IEP meeting and at formal grading periods.
- iv. Self-Management and Functional Routines: "[Student 38] will demonstrate growth in this area by completing the following objectives on 4 out of 5 opportunities tracked."
  1. Progress was measured by teacher observation and classroom data and was reported in writing at the annual IEP meeting and formal grading periods.
- v. Communication: "By the next annual review, [Student 38] will improve [their] total communication skills by meeting the following objectives:"
  1. Progress was measured by therapy/data observations and/or teacher/staff observations. Progress was reported twice yearly in writing with general education report cards and at an annual review of the IEP.
- b. SDI in the special education classroom from November 18, 2023 through November 16, 2024 was provided by the LEA and monitored by a case manager for:
  - i. Reading: 120 minutes weekly.
  - ii. Math: 120 minutes weekly.
  - iii. Written Language: 120 minutes weekly.
  - iv. Self-Management and Functional Routines: 30 minutes daily.
  - v. Communication: 150 minutes weekly.
- c. Related Services
  - i. Transportation: Two trips daily, to and from school, from November 18, 2023 through November 16, 2024 provided by the LEA and monitored by a case manager.

- ii. Speech/Language Pathology/Therapy: 100 minutes monthly in the speech room from November 18, 2023 through November 16, 2024 provided by the LEA/SLP and monitored by a case manager.
- d. Supplementary Aids/Services: Accommodations from November 18, 2023 through November 16, 2024 provided by the LEA and monitored by a case manager.
  - i. Bus: Assistance: "2 times daily Bus Attendant for safety" on the bus.
  - ii. School setting: Visual schedule: Once daily for all transitions at all school sites.
  - iii. Teaching mode: Visual prompts: Once daily to facilitate independent work completion for learning new rules and routines, when teaching new skills, for work completion to cue behavior/coping strategies, and when directions or assignments are given at all school sites.
  - iv. Visual Communication Material: Once daily for all situations in which communication is necessary at all school sites.
  - v. Teaching mode: Give the student a warning for changes/transitions: Once daily for unexpected changes in schedule or routine when changes can be anticipated at all school sites.
  - vi. Teaching mode: Prompt/Encourage/Expect correct sentence structure: Once daily for all situations where communication is necessary at all school sites.
  - vii. Teaching mode: Increased wait time: Once daily when instructions were given or requests were made and when a response was expected, at all school sites.
  - viii. Teaching mode: Check for comprehension: Once daily when teaching new skills, when directions or assignments are given at all school sites.
  - ix. Student behavior: Positive reward schedule: Once daily to reinforce appropriate/target behavior at all school sites.
  - x. Instructional materials: Break large projects into shorter goals: Once daily when directions or assignments are given at all school sites.
  - xi. Support tools: Slantboard: Once daily when writing to position materials optimally at all school sites.
  - xii. Adult Assistance Available: "[T]o complete functional routines to support use of AAC device, to facilitate initiating/interacting with peers in play/leisure activities, for social problem-solving, for learning new rules and routines, in new settings to cue behavior/coping strategies, for stability and safety" at all school sites.
  - xiii. Assignments shortened to demonstrate mastery of material: Once daily when directions or assignments are given at all school sites.

- xiv. School settings: Brain breaks at desk: Once daily to proactively manage self-regulation at all school sites.
- xv. Support tools: Scribe/note taker: Once daily when receiving instruction in the regular education classroom at all school sites.
- xvi. Orthopedic supports: Adapted trike with scheduled opportunities: Once daily to better manage long-distance relationships at all school sites.
- xvii. Orthopedic supports: Adaptive chair: Once daily when seated at a desk/table at all school sites.
- xviii. Support tools: Noise-reducing headphones: Once daily in loud situations, upon request, at all school sites.
- xix. Support tools: Adapted “spring” scissors: Once daily for cutting tasks at all school sites.
- xx. Instructional materials: Whiteboard option for writing tasks: Once daily when writing at all school sites.
- xxi. Student need: Toileting supplies: Once daily to complete toileting routine in the bathroom.
- xxii. School setting: Seating away from distraction: Once daily in regular classroom settings at all school sites.
- xxiii. Teaching mode: Visual cue to help stay on topic: Once daily when they stray from the topic of conversation at all school sites.
- e. Supplementary Aids/Services; Modifications
  - i. Instructional materials: Modified curriculum: All subject areas to the student’s learning level at all school sites from November 18, 2023 through November 16, 2024 provided by the LEA and monitored by a case manager.
- f. Program Modifications/Supports for School Personnel
  - i. Autism Consultation: 120 minutes (Comment/Note: 120 min / yr) yearly at all school sites from November 18, 2023 through November 18, 2023 provided by the LEA/Regional and monitored by a case manager.
  - ii. SLP Consultation: 60 minutes (Comment/Note: 60 min/yr) yearly at all school sites from November 18, 2023 through November 16, 2024 provided by the LEA/SLP and monitored by a case manager.
  - iii. OT Consultation: 180 minutes (Comment/Note: 180 min/yr) yearly at all school sites from November 18, 2023 through November 16, 2024 provided by the LEA/OT/COTA and monitored by a case manager.
  - iv. Physical Therapy Consultation: 180 minutes (Comment/Note: 180 min/yr) yearly at all school sites from November 18, 2023 through November 16, 2024 provided by the LEA/PT/LPTA and monitored by a case manager.
  - v. Augmentative Communication Consultation: 180 minutes (Comment/Note: 180 min/yr) yearly at all school sites from November

18, 2023 through November 16, 2024 provided by the LEA/AUG COM and monitored by a case manager.

- vi. Consultation: Sped Teacher to Gen Ed Teacher/Staff: 60 minutes (Comment/Note: 60 min/yr) yearly at all school sites from November 18, 2023 through November 16, 2024 provided by the LEA and monitored by a case manager.

167. The Complainant shared in an interview with the Complaint Investigator that Student 38's IEP mandated one-to-one adult support to maintain focus, adhere to their schedule, and ensure safety, particularly due to mobility challenges following orthopedic surgeries. This support was inconsistently provided, especially during the previous school year, with the Parent often keeping Student 38 home when staff were unavailable. The Parent also arranged for volunteer support at times. The Complainant estimated that the required adult support was available only about half of the time during the previous school year. Regarding SDI, Student 38 required direct, one-on-one assistance to engage in tasks. While Student 38 received more consistent SDI in social communication and functional routines, they frequently missed SDI in academic areas like math, reading, and writing due to insufficient adult support. The Complainant described that when staffing was low, Student 38 would not work towards goals unless directly supported, leading to missed SDI.
168. In an interview with the Complaint Investigator, the Director of Special Programs shared that Student 38's IEP specified that adult assistance should be provided for using the AAC, functional routines, stability, and safety, but did not specify a specific adult assigned solely to the student.
169. According to the SLP Service Delivery spreadsheet for the 2024-25 school year, Student 38 received the following speech service minutes:
- a. September: 30 minutes.
  - b. October: 75 minutes.
  - c. November: 0 minutes.
170. The Annual Progress Report for Student 38 Payne-Burdett for the IEP dated November 17, 2023 described the following:
- a. Goal Area: Reading
    - i. For Progress Report 1 dated February 5, 2024, Student 38 was described as "Progressing."
      - 1. Comments indicated Student 38 was meeting objective one with adult support to prompt completion, with 75% accuracy. Student 38 was not demonstrating objective two yet.

- ii. For Progress Report 2 dated June 14, 2024, Student 38 was described as making “Limited Progress.”
  - 1. Comments indicated that due to absences and inconsistent willingness to participate, Student 38 showed limited progress in this area. Student 38 read an at-level passage and accurately answered at least four questions related to the text, given multiple choices. Student 38 read and deciphered multi-step instructions at their level and accurately answered at least four questions related to the instructions or performed the instructions.
- b. Goal Area: Math
  - i. For Progress Report 1 dated February 5, 2024, Student 38 was described as making “Limited Progress.”
    - 1. Comments indicated that Student 38 was slow to show willingness toward teacher-assigned math work but preferred to write their own math problems on a whiteboard. With adult prompting, they accurately added up to 3-digit numbers without regrouping and with regrouping at around 75% accuracy. Student 38 subtracted double-digit numbers with and without regrouping. Student 38 was able to round up to the nearest dollar after identifying the cost of an item, doing so with about 75% accuracy. Student 38 showed a recent willingness to reference the digital clock in the classroom.
  - ii. For Progress Report 2 dated June 14, 2024, Student 38 was described as making “Limited Progress.”
    - 1. Comments indicated there was limited progress in this area, partially due to absences and an inconsistent willingness to participate.
- c. Goal Area: Written Language
  - i. For Progress Report 1 dated February 5, 2024, Student 38 was described as making “Limited Progress.”
    - 1. Comments indicated that Student 38 was able to write their full name with around 80% accuracy in 4 out of 5 opportunities. Student 38 demonstrated a willingness to write/copy from dictation one sentence with consistency around 60% accuracy.
  - ii. For Progress Report 2 dated June 14, 2024, Student 38 was described as making “Limited Progress.”
    - 1. Comments indicated there was limited progress in this area, partially due to absences and an inconsistent willingness to participate.



- d. Goal Area: Self-Management & Functional Routines
  - i. For Progress Report 1 dated February 5, 2024, Student 38 was described as making “Limited Progress.”
    - 1. Comments indicated that Student 38 showed somewhat slow recoupment in this area. Student 38 needed “increased adult support and cueing to stay on task and follow [their] schedule and routines.” Student 38’s work refusal increased after returning from surgery, but they continued to work well for a reward/incentive.
  - ii. For Progress Report 2 dated June 14, 2024, Student 38 was described as making “Limited Progress.”
    - 1. Comments indicated that Student 38 followed the steps of their written schedule routine by marking a check in the box beside each completed activity. Student 38 then saw what the next activity was, moved to the correct area, and began the next task with no more than two additional adult cues, achieving about 80% accuracy. Student 38 followed the steps of their arrival and departure routines with no more than one additional verbal and/or visual cue, with about 80% accuracy. Student 38 followed all steps of their toileting routine with minimal verbal and/or visual cues, with about 80% accuracy. Student 38 independently followed the steps of their handwashing routine with verbal and/or visual cues, with about 80% accuracy. Student 38 followed the steps of their lunch routine with verbal and/or visual cues only, with about 70% accuracy. Student 38 transitioned with their class to and from other locations in the school without stopping or flopping on 4 out of 5 opportunities, achieving about 65% accuracy. When frustrated or upset, Student 38 used total communication to request a break at their desk and returned to the task afterward, with about 65% accuracy.
- e. Goal Area: Communication
  - i. For Progress Report 1 dated February 5, 2024, Student 38 was described as “Progressing.”
    - 1. Comments indicated that Student 38 used their device to repeat or use the search function to navigate to the intended message with minimal prompting. Student 38 used their device to express their feelings with a verbal prompt in 3 out of 4 opportunities. Student 38 commented using 3-4 word sentences when given visual and verbal prompts.

- ii. For Progress Report 2 dated June 3, 2024, Student 38 was described as “Progressing.”
  - 1. Comments indicated Student 38 used their device to repeat or use the search function to navigate to the intended message with minimal prompting. There were 3/5 trials with verbal prompting, and made comments using 3-4 word sentences given visuals and verbal prompting.

## Student 39

- 171. From September 3, 2024 through December 9, 2024, Student 39 was absent for 13 days. Three absences were logged as “excused,” two were logged as “ill,” and eight were logged as “other-excused.” The Director of Special Programs indicated, “There is no behavior/discipline data for [Student 39] this year.” The Complainant indicated in an interview with the Complaint Investigator that Student 39 is no longer enrolled at the school.
- 172. An IEP dated October 17, 2023 outlined the services for Student 39.
  - a. Goals were listed in the following areas:
    - i. Communication/Language: “By the next annual review, when given specially designed instruction in a structured setting, Student 39 will expand their functional receptive, expressive and social communication skills by following directions, and using total communication for a variety of functions as measured by the following objectives[.]”
      - 1. Progress was measured by SLP data, teacher report and observation and was reported in writing at formal grading periods and the annual IEP meeting.
    - ii. Functional Routines: “[Student 39] will demonstrate growth in this area by completing the following objectives on 4 out of 5 opportunities tracked.”
      - 1. Progress was measured by teacher observation and classroom data and was reported in writing at formal grading periods and the annual IEP meeting.
    - iii. Self-Management: “[Student 39] will demonstrate growth in this area by completing the following objectives on 4 out of 5 opportunities tracked.”
      - 1. Progress was measured by teacher observation and classroom data and was reported in writing at formal grading periods and the annual IEP meeting.

- iv. Functional Academics: “[Student 39] will demonstrate growth in this area by completing the following objectives on 4 out of 5 opportunities tracked.”
  - 1. Progress was measured by teacher observation, classroom data, work samples, and probes and was reported in writing at formal grading periods and the annual IEP meeting.
- b. SDI from October 18, 2023 through October 15, 2024 was provided by the LEA and monitored by a case manager for:
  - i. Self-Management: 150 minutes weekly at all school sites.
  - ii. Other Functional Routines: 150 minutes weekly at all school sites.
  - iii. Functional Academics: 200 minutes weekly in the special education classroom.
  - iv. Communication: 200 minutes weekly in the special education classroom.
- c. Related Services
  - i. Speech/Language Pathology/Therapy: 60 minutes monthly in the special education classroom from October 18, 2023 through October 15, 2024 provided by the LEA/SLP and monitored by a case manager.
  - ii. Augmentative Communication Service: 300 minutes yearly in the special education classroom from October 18, 2023 through October 15, 2024 provided by the LEA/SLP and monitored by a case manager.
  - iii. Transportation Service: two trips daily, to and from school, from October 18, 2023 through October 15, 2024, provided by the LEA and monitored by a case manager.
- d. Supplementary Aids/Services; Accommodations from October 18, 2023 through October 15, 2024 were provided by the LEA and monitored by a case manager for:
  - i. Adult Support: “WITHIN ARMS REACH [emphasis added] for all activities and transitions, for safety, to support use of communication tools, for learning new rules and routines, to complete routines, [sic] for sensory/behavioral support” at all school sites.
  - ii. Support tools: Access to sensory fidgets: Once daily (CHEWY) available for calming, to proactively manage self-regulation, upon request at all school sites.
  - iii. Bus: Safety vest: Two times daily, on the bus.
  - iv. School setting: Visual schedule: Once daily for all transitions at school sites.
  - v. Teaching mode: Visual prompts: Once daily for learning new rules and routines, to cue behavior/coping strategies, and to complete functional routines to facilitate independent work completion at all school sites.

- vi. Visual Communication material: Once daily, available at all times for all situations where communication is necessary at all school sites.
- vii. Teaching mode: Give the student a warning for changes/transitions: Once daily for upcoming transitions, for changes in schedule or routine when changes can be anticipated at all school sites.
- viii. Sensory Breaks: Once daily scheduled throughout their day at all school sites.
- ix. Access to Break Area: Once daily when over-stimulated and needing a quiet place to regulate in the special education classroom.
- x. Noise-Cancelling Headphones: Once daily in loud situations, upon request at all school sites.
- e. Supplementary Aids/Services; Modifications
  - i. Instructional materials: Modified curriculum: Once daily when appropriate for academic instruction in the special education classroom from October 18, 2023 through October 15, 2024, provided by the LEA and monitored by a case manager.
- f. Program Modifications/Supports for School Personnel
  - i. SLP Consultation: 120 minutes (Comment/Note: 120 min/yr), yearly in the special education classroom from October 18, 2023 through October 15, 2024, provided by the LEA/SLP and monitored by a case manager.
  - ii. Consultation: Augmentative Communication: 60 minutes (Comment/Note: 60 min/yr), yearly in the special education classroom from October 18, 2023 through October 15, 2024, provided by the LEA/SLP and monitored by a case manager.
  - iii. Consultation: Autism Communication: 300 minutes (Comment/Note: 300 min/yr), yearly in the special education classroom from October 18, 2023 through October 15, 2024, provided by the LEA/Regional and monitored by a case manager.
  - iv. Occupational Therapy (OT) Consultation: 240 minutes (Comment/Note: 240 min/yr), yearly in the special education classroom from October 18, 2023 through October 15, 2024, provided by the LEA/OT/COTA and monitored by a case manager.

173. During an interview with the Complaint Investigator, the Complainant shared that Student 39's IEP mandated that an adult was within arm's reach of Student 39, which the Complainant attempted to provide by ensuring an adult was consistently with the student, though this often meant other students lacked support. However, the Complainant reported that Student 39 did not receive the SDI outlined in their IEP, primarily due to severe dysregulation that prevented them from engaging in tasks. Specifically, the student did not consistently receive SDI in communication using their

AAC device, functional routines, self-management, or functional academics. The teacher attributed this lack of service delivery to Student 39's behavior, limited staffing, and the absence of the SLP at the beginning of the year. The Complainant acknowledged there were no concrete records of the missed SDI, relying instead on staff observation and professional judgment.

174. According to the SLP Service Delivery spreadsheet for the 2024-25 school year, Student 39 received the following speech service minutes:

- a. September: 30 minutes.
- b. October: 60 minutes.
- c. Notes indicated that Student 39 was withdrawn from school.

175. The Annual Progress Report for Student 39, for the IEP dated October 17, 2023 described the following:

- a. Goal Area: Functional Routines
  - i. For the Progress Report 1 dated February 5, 2024, Student 39 was described as making "Limited Progress."
    1. Comments indicated that Student 39 made progress with functional routines and required less adult prompting. Student 39 was more cooperative with some adults and enjoyed challenging others. Student 39 followed most of [their] bathroom routine with minimal cues but "continue[d] to require additional adult prompts to move through the hand washing routine." Student 39 became more independent with arrival and departure routines. During lunch, Student 39 needed adult assistance with the salad bar and tray, but they participated with hand-over-hand help. Student 39 was "... able to open ziplock bags but needs adult to close them. [They] now hands [sic] a package (such as chips) that [they] can't open ... to an adult while looking at the adult ... for help." Student 39 improved at completing workstation tasks. "With an adult sitting behind [them] [they were] able to do 3 tasks such as put-in tasks and place them in the finish basket to [their] right."
  - ii. For Progress Report 2 dated June 13, 2024, Student 39 was described as making "Limited Progress."
    1. Comments indicated Student 39 made progress in opening some packages and looked to adults for help by extending the baggie or container. Student 39 also began using a "help" card. Student 39 improved in completing "put-in" tasks, understanding the process from left to right. However, Student 39 still needed an adult to place one piece at a time on their left to complete the task.

- b. Goal Area: Functional Academics
  - i. For Progress Report 1 dated February 5, 2024, Student 39 was described as making “Limited Progress.”
    - 1. Comments indicated that Student 39 struggled with joint attention. For handing over a requested object, Student 39 grabbed and handed over the first object in their reach without looking at the objects or considering their response. This was a barrier to learning concepts and for demonstrating knowledge.
  - ii. For Progress Report 2 dated June 14, 2024, Student 39 was described as making “Limited Progress.”
    - 1. Additional comments showed Student 39 showed slightly better joint attention and focus.
- c. Goal Area: Communication/Language
  - i. For Progress Report 1 dated February 2, 2024, Student 39 was described as “Progressing.”
    - 1. Comments indicated Student 39 had been working on using their low-tech device. When Student 39 was amenable to it, “hand over hand” prompts were used to have them push the buttons/words.
  - ii. For Progress Report 2 dated June 14, 2024, Student 39 was described as making “Limited Progress.”
    - 1. Comments indicated that Student 39 was able to consistently indicate their preferences from nine choices on their GoTalk 9+ device. If Student 39 felt agitated during speech therapy, they tended to push random buttons, walk away, or lightly push the speech therapist. The resulting data was inconsistent.
- d. Goal Area: Self-Management
  - i. For Progress Report 1 dated February 5, 2024, Student 39 was described as making “Limited Progress.”
  - ii. Comments indicated Student 39 made progress with their level of independence during classroom transitions. Student 39 walked between activities about 50% of the time with verbal cues. During transitions through the building, Student 39 sometimes rushed ahead of an adult but other times walked beside an adult in line with their peers, needing only occasional verbal prompts. Student 39 learned to pick up a 3-inch BREAK card and hand it to an adult to request a break in the sensory room. “[They] generally need[ed] some adult prompting to pick up the card and give it to another adult, but [they have] done this independently.”

## Student 40

176. For the 2024-25 school year, Student 40 attended school 77% of the time with no restraints or major behaviors.

177. An IEP dated March 21, 2024 outlined the services for Student 40.

- a. Goals were listed in the following areas:
  - i. Reading: "Within one year, [Student 40] will increase [their] functional reading skills by meeting the [listed] objectives with 80% accuracy in 4 out of 5 opportunities."
    - 1. Progress was measured by teacher-created probes, observations, and data. Progress was reported twice yearly in writing with general education report cards and at the annual review of the IEP.
  - ii. Written Language: "Within one year, [Student 40] will demonstrate increased written language skills by meeting the [listed] objectives with 80% accuracy in 4 out of 5 opportunities."
    - 1. Progress was measured by teacher observation and data. Progress was reported twice yearly in writing with general education report cards and at the annual review of the IEP.
  - iii. Math: "Within one year, [Student 40] will increase [their] functional math skills by meeting the [listed] objectives with 80% accuracy in 4 out of 5 opportunities."
    - 1. Progress was measured by teacher observation and data. Progress was reported twice yearly in writing with general education report cards and at the annual review of the IEP.
  - iv. Speech/Language: "Given specially designed instruction in the area of language, [Student 40] will improve [their] expressive and receptive language skills in order to express [their] thoughts, feelings and ideas clearly by meeting the [listed] objectives with 80% accuracy over three consecutive sessions."
    - 1. Progress was measured by SLP session data, formal and/or informal assessments, and the teacher's observations. Progress was reported twice yearly in writing with general education report cards and at the annual review of the IEP.
- b. SDI from March 22, 2024 through March 20, 2025 was monitored by the case manager for:
  - i. Reading: 120 minutes weekly in the special education classroom provided by the special education teacher.
  - ii. Math: 120 minutes weekly in the special education classroom provided by the special education teacher.

- iii. Written Language: 120 minutes weekly in the special education classroom provided by the special education teacher.
  - iv. Speech/Language: 60 minutes monthly in the speech room provided by the LEA-SLP.
- c. Related Services: Transportation: Two trips daily to and from school from March 22, 2024 through March 20, 2025 provided by the LEA and monitored by the case manager.
- d. Supplementary Aids/Services; Accommodations from March 22, 2025 through March 20, 2025 in all school sites provided by the LEA and monitored by the case manager:
  - i. A seat away from distractions during the school day to maintain attention during classroom instruction.
  - ii. Visual schedule for the entire school day to support understanding of the classroom schedule/routine.
  - iii. A copy of notes provided for note-taking in the general education class.
  - iv. "Adult assistance available: as needed to access gen[eral] ed[ucation] curriculum [and] social problem-solving."
  - v. Reduce the amount of work. Expect student-appropriate work production and grade for effort/citizenship on what is turned in.
  - vi. Check for comprehension after instructions are given, as needed.
- e. Supplementary Aids/Services; Modifications: Modified curriculum to meet Student 40's needs in all school sites from March 22, 2025 through March 20, 2025 provided by the LEA and monitored by the case manager.
- f. Program Modifications/Supports for School Personnel at all school sites from March 22, 2024 through March 20, 2025 as monitored by the case manager:
  - i. Consultation from SLP: 30 minutes yearly provided by the LEA-SLP.
  - ii. Consultation for teaching staff: 120 minutes a year provided by the special education teacher.

178. When questioned by the Complaint Investigator about Student 40's access to adult assistance, the Director of Special Programs shared, "PCAs accompany most of the students to general education classes, and their schedules are grouped accordingly to allow maximum utilization of the personal care assistant."

179. In an email to the Complaint Investigator, the Complainant indicated that "Student 40 has received inconsistent adult assistance; but when available, this would be typically in a shared adult, pushing into a gen[eral] ed[ucation] class with a small group of my students. Similar to other students of mine in the FSC, Student 40 has lacked receiving SDI in those academic goal areas due to inadequate staffing when [Student 40] is



present at school. However, it is also fair to note that Student 40 is a student who has chronically poor attendance.”

180. The Annual Progress Report for Student 40 for the IEP dated March 21, 2024, described the following:

- a. Goal Area: Reading
  - i. For the Progress Report 1 dated June 14, 2024, Student 40 was described as making “Limited Progress.”
  - ii. Comments indicated that Student 40’s attendance and sleep needs while at school were an “obstacle” to their learning. Student 40 was currently reading 10 new sight words and was demonstrating emerging skills with around 75% accuracy in answering comprehension questions after listening to an at-level passage or story. It was also noted, “Goal not yet addressed” for reading an at-level passage or story and answering comprehension questions.
- b. Goal Area: Written Language
  - i. For the Progress Report 1 dated June 14, 2024, Student 40 was described as making “Limited Progress.”
    - 1. Comments indicated that Student 40’s attendance and sleep needs while at school were an “obstacle” to their learning. Student 40 was able to write and type their full name with around 85% accuracy. Student 40 could dictate and write two sentences with 75% accuracy. It was noted, “Goal not addressed” for saying personal information and beginning to write the personal information with a visual.
- c. Goal Area: Math
  - i. For the Progress Report 1 dated June 14, 2024, Student 40 was described as making “Limited Progress.”
    - 1. Comments indicated Student 40’s absences and sleep needs while at school were an “obstacle” to their learning. Student 40 was able to identify commonly used coins and their values with approximately 75% accuracy. Student 40 was able to identify the cost of an item and round up to the nearest dollar with approximately 80% accuracy. Parts of the math goal pertaining to fractions and telling time using a digital clock had not yet been addressed.

## **Student 41**

181. For the 2024-25 school year, Student 41 attended school 84% of the time with no restraints or major behaviors.
182. An IEP dated November 6, 2024 outlined the services for Student 41.
- a. Goals were listed in the following areas (progress was measured by progress reports and was reported during grading periods):
    - i. Speech/Language: "By November 2025, [Student 41] will improve [their] expressive, receptive, and pragmatic (social) language skills by identifying solutions to given problems, answering questions that require predictions/inferences, and identifying the main idea and details from reading passages, with 80% accuracy, during structured activities."
    - ii. Social Communication: "[Student 41] will engage in appropriate group activity (play, academics, classroom discussion, etc.) for 4 out of 5 opportunities as measured by observation and daily data sheets."
    - iii. Self-Management: "[Student 41] will display productive school behavior on a daily basis for 4 out of 5 opportunities as measured by daily data sheets and observations."
    - iv. Reading: "In one year, given specially designed instruction, [Student 41] will increase [their] fluency score on grade level text from 56 correct words per minute to at least 81 correct words per minute with 95% accuracy[.] [They] will also be able to identify the main idea and at least 3 supporting details from [the] passage read during group time on 3 out of 4 attempts."
    - v. Math: "Within one year, [Student 41] will demonstrate progress towards grade level common core standards in the areas of multiplication and division as measured by the [listed] short-term objectives."
    - vi. Writing: "Within one year with specially designed instruction, when given a teacher-directed topic, [Student 41] will write at least 3 complete sentences on topic with appropriate capitalization and punctuation with 80% accuracy on 4 out of 5 opportunities."
  - b. SDI from November 7, 2024 through November 5, 2025 provided by the LEA and monitored by the case manager for:
    - i. Written Language: 75 minutes per week in the resource room.
    - ii. Self-Management: 120 minutes per week in the special education classroom.
    - iii. Math: 120 minutes per week in the resource room.
    - iv. Reading: 120 minutes per week in the resource room.
    - v. Social Communication: 100 minutes per week in the special education classroom.

- c. Related Services from November 7, 2024 through November 5, 2025 provided by the LEA included:
  - i. Transportation: 40 minutes per day to and from school.
  - ii. Speech-Language Pathology/Therapy: 60 minutes per month in the speech room provided by the SLP.
- d. Supplementary Aids/Services; Accommodations at all school sites from January 7, 2024 through November 5, 2025 provided by the LEA and monitored by the case manager included:
  - i. Embedded designated support (text-to-speech for stimuli): 10 minutes per day.
  - ii. Non-embedded designated support (scribe): 10 minutes per day.
  - iii. Give the student a warning for changes/transitions: 15 minutes per day.
  - iv. Non-embedded accommodation (multiplication table for math only): 10 minutes per day.
  - v. Visual schedule: 15 minutes per day.
  - vi. Embedded designated support (text-to-speech for items): 10 minutes per day.
  - vii. Break area: 45 minutes per day.
  - viii. A positive behavior reward schedule: 30 minutes per day.
  - ix. Preferential seating: 180 minutes per day.
  - x. "Familiar listener:" 30 minutes per day.
  - xi. Text-to-speech/Speech-to-text: 60 minutes per day.
  - xii. 100s chart: 10 minutes per day.
  - xiii. Shorten tasks to increase participation and show knowledge: 60 minutes per day.
  - xiv. "Dictate to adult [and] copy from [a] model:" 45 minutes per day.
  - xv. ELPA non-embedded designated support (separate setting): 45 minutes per week.
- e. The Team determined that modifications were not needed.
- f. Program Modifications/Supports for School Personnel from November 7, 2024 through November 5, 2025:
  - i. Autism consultation: 180 minutes per year provided by "Regional-Autism" and monitored by the case manager.
  - ii. SLP consultation: 60 minutes per year provided by the LEA-SLP and monitored by the case manager.

183. In an interview with the Complaint Investigator, the Complainant shared that Student 41's IEP included a "familiar listener" accommodation for 30 minutes daily, which the Complainant believed was intended for testing situations, not daily classroom activities. Student 41 also had an accommodation for "dictate to adult and copy from a model" for

45 minutes per day. This was inconsistently provided, with the Complainant estimating that Student 41 had access to this support in only two of their seven class periods. The inconsistency was partly due to reliance on support from staff outside of the Complainant's programs. The Complainant confirmed that Student 41 received SDI in academics. Regarding missed SDI, the Complainant reported that Student 41 received SDI in math, reading, and writing in the resource room. Student 41 received their social communication SDI consistently since October and most of their self-management SDI, which was primarily provided by the Complainant during the first period. Any missed SDI in self-management was typically due to staffing limitations that prevented the Complainant from delivering that instruction.

184. During the investigative interview, the Director of Special Programs described that the Student's IEP included support for fluency assessments and dictation/copying tasks. For fluency, a familiar listener helped Student 41 during assessments. Dictation and copying were provided by the classroom teacher or another adult and scheduled based on the student's needs. There was no specific person assigned to these tasks.
185. According to the SLP Service Delivery spreadsheet for the 2024-25 school year, Student 41 received the following speech service minutes:
  - a. September: 0 minutes.
  - b. October: 0 minutes.
  - c. November: 0 minutes.

## **Student 42**

186. For the 2024-25 school year, Student 42 attended school 77% of the time with no restraints or major behaviors.
187. An IEP dated December 14, 2023 outlined the services for Student 42.
  - a. Goals were listed in the following areas:
    - i. Social Communication: "By December 2024, given explicit instruction, [Student 42] will improve [their] ability to participate appropriately in small group instruction by meeting the following short[-]term objectives."
      1. Progress was measured by SLP data and observation (80% accuracy over three consecutive days) and was reported twice yearly in writing with general education report cards and the annual IEP meeting.
    - ii. Behavior: "Given a visual schedule and verbal warnings, [Student 42] will transition throughout the entire school day with only one verbal or visual

cue while also displaying safe and respectful behaviors in 90% of transitions throughout the school day.”

1. Progress was measured by teacher and specialist observation and data and was reported twice yearly in writing with general education report cards and the annual IEP meeting.
  - iii. Social Skills: “Within one year, [Student 42] will increase social skills as measured by meeting the following objectives with 90% accuracy in 4 out of 5 opportunities.”
    1. Progress was measured by teacher and specialist observation and data, student self-reflection, and was reported twice yearly in writing with general education report cards and the annual IEP meeting.
  - iv. Reading: “Within one year, [Student 42] will demonstrate increased skill in the area of reading as measured by meeting the following objectives with 90% accuracy in 4 out of 5 opportunities.”
    1. Progress was measured by teacher/specialist observation and data, and was reported twice yearly in writing with general education report cards and the annual IEP meeting.
  - v. Written Language: “Within one year, [Student 42] will increase [their] written language skills as measured by meeting the following objectives with 90% accuracy in 4 out of 5 opportunities.”
    1. Progress was measured by teacher and specialist observation and data and was reported twice yearly in writing with general education report cards and the annual IEP meeting.
  - vi. Math: “Within one year, [Student 42] will develop and increase [their] functional mathematics skills as measured by meeting the following objectives with 90% accuracy in 4 out of 5 opportunities.”
    1. Progress was measured by teacher/specialist data, evaluation and progress monitoring. Progress was reported twice yearly in writing with general education report cards and the annual IEP meeting.
- b. SDI
- i. Social Skills: 30 minutes daily at all school sites from December 15, 2023 through December 12, 2024 provided by the LEA/SLPA and monitored by a case manager.
  - ii. Behavior [*sic*]: 30 minutes daily at all school sites from December 15, 2023 through December 12, 2024 provided by the LEA and monitored by a case manager.

- iii. Behavior [*sic*]: 120 minutes weekly in the special education classroom from December 15, 2023 through December 12, 2024 provided by the LEA and monitored by a case manager.
  - iv. Written Language: 120 minutes weekly in the special education classroom from December 15, 2023 through December 12, 2024 provided by the LEA and monitored by a case manager.
  - v. Math: 120 minutes weekly in the special education classroom from December 15, 2023 through December 12, 2024 provided by the LEA and monitored by a case manager.
- c. Related Services
  - i. Transportation: Two trips daily, to and from school, from December 15, 2023 through December 12, 2024 provided by the LEA and monitored by a case manager.
  - ii. Speech/Language Pathology/Therapy: 60 minutes monthly in the speech room from December 15, 2023 through December 12, 2024 provided by the LEA/SLP/SLPA and monitored by a case manager.
- d. Supplementary Aids/Services; Accommodations at all school sites from December 15, 2023 through December 12, 2024 provided by the LEA and monitored by a case manager:
  - i. School setting: Visual schedule: Throughout the school day.
  - ii. Teaching mode: Visual/verbal cueing: Throughout the school day.
  - iii. Teaching mode: Repeated review: Throughout the school day.
  - iv. Behavior plan: Throughout the school day.
  - v. ExtAsst Non-Embd Desg Sup: Separate setting for testing: During district/state assessments.
  - vi. Sensory Breaks: Scheduled throughout the school day and available as needed, including large body movement, climbing, and swinging.
  - vii. Alternate methods used to demonstrate mastery of materials: Example (iPad, Chromebook, manipulative).
  - viii. Instructional materials: Token Reinforcement Board: Daily and hourly.
  - ix. School setting: Needs breaks: Scheduled breaks and breaks as needed, and sensory and regular breaks.
  - x. Adult Support: "Daily as needed throughout the school."
- e. Supplementary Aids/Services; Modifications
  - i. Instructional materials: Modified curriculum: Throughout the school day at all school sites from December 15, 2023 through December 12, 2024 provided by the LEA and monitored by a case manager.
- f. Program Modifications/Supports for School Personnel from December 15, 2023 through December 12, 2024 provided by the LEA and monitored by a case manager.

- i. Autism Consultation: 180 minutes yearly at all school sites.
- ii. Behavior Consultation: 120 minutes yearly at all school sites.
- iii. SLP Consultation: 60 minutes yearly in the special education classroom.
- iv. Consultation: To parent and staff: 90 minutes yearly in the special education classroom.

188. During an interview with the Complaint Investigator, the Complainant shared that Student 42 transitioned from a behavior program and required fluctuating levels of adult support, which included immediate intervention during episodes of dysregulation. While Student 42 could participate in some general education activities when regulated, the Student often needed one to two adults during emotional outbursts. The Complainant identified inconsistencies in the delivery of Student 42's SDI. Although the IEP listed five areas of SDI, the teacher clarified that there should have been six, with social communication being the additional area, though social communication and social skills SDI were often combined. The Complainant stated that Student 42 consistently missed SDI in all areas except social communication, estimating that they received appropriate SDI only one to two days out of a typical five-day school week. This lack of service delivery was attributed to inconsistent adult support and the need for direct, one-on-one engagement to facilitate Student 42's participation in instructional activities.

189. According to the SLP Service Delivery spreadsheet for the 2024-25 school year, Student 42 received the following speech service minutes:

- a. September: 30 minutes.
- b. October: 75 minutes.
- c. November: 0 minutes.

190. In an interview with the Complaint Investigator, the Director of Special Programs indicated that Student 42's IEP stated that they needed adult support, but it did not specify one-on-one support or a set schedule.

191. The Annual Progress Report for Student 42 for the IEP dated December 14, 2023 described the following:

- a. Goal Area: Social Communication
  - i. For the Progress Report 1 dated February 5, 2024, Student 42 was described as making "Limited Progress."
    - 1. Comments said limited attendance affected Student 42's progress. For objective one, Student 42 was able to generate three self-regulation strategies but did not generalize the skill. Objective two was described as a new goal.

- ii. For the Progress Report 2 dated June 3, 2024, Student 42 was described as “Progressing.”
  - 1. Comments indicated Student 42 was able to generate three self-regulation strategies but did not generalize the skill. Student 42 could identify if their own behavior was expected or unexpected with a visual with over 80% accuracy, how it made others feel with 60% accuracy, and how it impacted themselves with 50% accuracy. They required visual cues and verbal prompts to work through a graphic organizer.
- b. Goal Area: Behavior
  - i. For the Progress Report 1 dated January 26, 2024, Student 42 was described as making “Limited Progress.”
    - 1. Comments indicated that data showed Student 42 maintained a mostly calm and composed demeanor while transitioning throughout the day. There were days when they required additional verbal or visual cues to transition from preferred activities to non-preferred ones. The use of work production-based incentives helped motivate them to transition and persist through non-preferred tasks. When Student 42 became irritated or aggressive, the duration of these episodes decreased.
  - ii. For the Progress Report 2 dated June 14, 2024, Student 42 was described as “Progressing.”
    - 1. Comments indicated that Student 42 had primarily calm and safe days, showing success following the individual schedule/work plan and earning incentives. Student 42 continued to prefer setting their own pace for daily expected work. Student 42 became more successful at communicating what bothered them, and met this goal with around 80-85% accuracy.
- c. Goal Area: Social Skills
  - i. For the Progress Report 1 dated January 26, 2024, Student 42 was described as making “Limited Progress.”
    - 1. Comments showed that Student 42 responded to peers and adults with an average accuracy of 80%. Student 42 participated almost daily in group yoga sessions lasting at least 30 minutes and became more willing to join small groups for lessons, games, or activities. Student 42 participated in weekly small group speech sessions with few issues. Student 42 did best in activities requiring turn-taking when they acted as the “leader”, though still struggled with potential loss.



- ii. For the Progress Report 2 dated June 14, 2024, Student 42 was described as “Progressing.”
    - 1. Comments stated similar progress to Progress Report 1, but added that Student 42 had initiated more interactions and been consistent with their progress.
- d. Goal Behavior: Reading
  - i. For the Progress Report 1 dated January 26, 2024, Student 42 was described as making “Limited Progress.”
    - 1. Comments indicated there was limited data following winter break. However, recently completed reading assignments showed that Student 42 was accurately reading an at-level (grade 3) reading passage and accurately answered at least for comprehension questions with 85% accuracy.
  - ii. For the Progress Report 2 dated June 14, 2024, Student 42 was described as making “Limited Progress.”
    - 1. Comments indicated Student 42 was bored by the reading passages from the current curriculum. Student 42 demonstrated boredom by rushing through the assignment. Student 42 preferred to read what they wanted and then verbally answer questions about it. When willing to participate, Student 42 did this with around 75% accuracy.
- e. Goal Area: Written Language
  - i. For the Progress Report 1 dated January 26, 2024, Student 42 was described as making “Limited Progress.”
    - 1. Comments indicated that since the IEP meeting on December 14, 2023, Student 42 has focused on creative writing related to their drawings. Student 42 focused on asking for help on the spelling of words but needed reminders around capitalization/punctuation. Student 42 was writing three sentences with around 65% accuracy.
  - ii. For the Progress Report 2 dated June 14, 2024, Student 42 was described as making “Limited Progress.”
    - 1. Comments indicated that Student 42 participated by typically only writing on a subject of interest, usually creative writing connected to their drawings. In the coming school year, the School will work on practicing writing a teacher-given topic or prompt, and strengthening Student 42’s creative writing production.
- f. Goal Area: Math
  - i. For the Progress Report 1 dated January 26, 2024, Student 42 was described as making “Limited Progress.”

1. Comments indicated there was little data to report since the IEP meeting on December 14, 2023. Student 42 was rebuilding confidence in this area and asking for “easy math.”
- ii. For the Progress Report 2 dated June 14, 2024, Student 42 was described as making “Limited Progress.”
  1. Student 42 correctly identified the value of coins and their relationship to a dollar with 75% accuracy. Student 42 correctly identified the cost of an item and accurately "dollar-up"/round up to the next dollar with around 85% accuracy. There was not much progress in Student 42 correctly identifying representations of fractions as it pertained to recipe measurements. Student 42 performed counting by 10s with 90% accuracy, 5s with around 75% accuracy, and 2s with approximately 55% accuracy.

192. On November 21, 2024, the Complainant was received by the Department.

#### **IV. DISCUSSION**

##### **IEP Team Members**

The Complaint alleged that the District violated the IDEA by improperly convening IEP team meetings during the current employee strike in the District. The Complaint alleged that from November 12, 2024 to the filing of this Complaint, IEP Team meetings were held without the required IEP team members present.

School districts must ensure that the IEP Team for each child with a disability includes one or both of the child’s parents, the child where appropriate, and at least one regular education teacher of the child if the child is or may be participating in the regular education environment. In addition, at least one special education teacher of the child or, if appropriate, at least one special education provider of the child is required. A representative of the school district, who may also be another member of the team, who is qualified to provide or supervise the provision of specially designed instruction, knowledgeable about the general education curriculum, knowledge about district resources, and authorized to commit district resources and ensure that services set out in the IEP will be provided.<sup>3</sup> The IDEA mandates that certain core team members participate in an IEP team meeting, including the parent, a special education teacher or provider, a district representative, an individual who can interpret the evaluation results, and, in some cases, a general education teacher. The Ninth Circuit Court of Appeals concluded, “after the 1997 amendments, the IDEA no longer requires

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<sup>3</sup> OAR 581-015-2210(1)(a-e) and 34 CFR § 300.321

the presence of the child's current regular education teacher on the IEP team. The phrase 'at least one regular education teacher of such child' gives a school district more discretion in selecting the regular education teacher than the phrase 'the teacher.' The phrase "at least one" contemplates that the IEP team will include regular education teachers other than the child's current teacher. Requiring "the current regular education teacher" to assume the role set aside for "at least one regular education teacher" would interpret the statute too narrowly."<sup>4</sup>

School districts must ensure that the IEP Team has an individual who can interpret the instructional implications of the evaluation results. This individual may also be another team member. Additionally, the parent or the district may invite other individuals, including related services personnel as appropriate, to share knowledge or special expertise regarding the child. Transition services participants needed to assist the student in reaching transition goals, must also be invited.<sup>5</sup>

Additionally, a member of the IEP team described above is not required to attend an IEP meeting, in whole or in part, if the parent of a child with a disability and the school district agree in writing that their attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. An IEP team member may be excused from an IEP meeting even when it involves the discussion of their area of curriculum or related services if the parent and district consent in writing to the excusal and if the member submits, in writing, to the parent and the IEP team, input into the development of the IEP before the meeting.<sup>6</sup>

The regular education teacher of the child must participate as a member of the IEP team in the development, review, and revision of the child's IEP, to assist in the determination of supplementary aids and services, modifications, supports for school personnel, appropriate positive behavioral interventions and supports and other strategies for the child.<sup>7</sup>

During the 2024 strike, the District prioritized holding November IEP meetings, proceeding when possible with available staff and updated student data. Parents were informed of the strike and given the choice to reschedule, with most opting to continue. Meetings were led by qualified administrators who, according to the Director of Special Programs, had sufficient knowledge based on available data. Documentation from 20 students was reviewed. 5 of the 20 students had meetings that were improperly constituted due to the absence of required members. 5 meetings failed to adhere to proper IEP team requirements, indicating systemic issues in meeting protocol. The following information summarizes the findings for each student.

**Student 1:** The November 14, 2024 IEP/Eligibility meeting consisted of the parent, Student 1,

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<sup>4</sup> R.B. ex rel. F.B. v. Napa Valley Unified Sch. Dist.; 48 IDELR 60, 107 LRP 39430

<sup>5</sup> OAR 581-015-2210(1)(f-h) and 34 CFR § 300.321

<sup>6</sup> OAR 581-015-2210(3)

<sup>7</sup> OAR 581-015-2210(4)

a District Representative, one of the student's special education, one of the student's general education teachers, and a member to interpret the instructional implications of evaluations. This IEP team was properly constituted.

The Department does not substantiate this portion of the allegation.

**Student 2:** The November 14, 2024 IEP meeting consisted of a special education teacher, a general education teacher and a district representative. The Parent did not attend. Neither the special education teacher nor the general education teacher were Student 2's teachers. The District indicated in their response that it was agreed that the meeting should be rescheduled, but not until after they held the original meeting and discussed Student 2's needs.

The Department does not substantiate this portion of the allegation.

**Student 3:** The November 15, 2024 IEP meeting consisted of a special education teacher, a general education teacher and a district representative. Neither the Parent nor Student 3 attended. None of the teachers present were Student 3's teachers.

The Department substantiates this portion of the allegation.

**Student 4:** The November 15, 2024 IEP meeting consisted of a special education teacher, a general education teacher/district representative and the Parent. Neither of the teachers present were Student 4's teachers.

The Department substantiates this portion of the allegation.

**Student 5:** The meeting on November 16, 2024 was informational, and attendance by specific members was not mandatory.

The Department does not substantiate this portion of the allegation.

**Student 6:** An Evaluation Planning, Eligibility Determination, and IEP meeting were conducted on November 18, 2024. One of the student's special education teachers, a general education teacher, a district representative, and an interpreter, and the Parent were present. The general education teacher present was not one of Student 6's teachers.

The Department does not substantiate this portion of the allegation.

**Student 7:** An IEP meeting was held on November 18, 2024. The IEP team comprised the following: the Parent, a general education teacher, an SLP/District Representative, an additional District Representative, and a school psychologist. Student 7's special education teacher was not present. The general education teacher in attendance was not Student 7's

teacher.

The Department does not substantiate this portion of the allegation.

**Student 8:** An IEP meeting was held on November 19, 2024. The IEP team comprised the following: one of the Student's special education teachers, a general education teacher, the Parent, and a District Representative. The general education teacher was not Student 8's teacher.

The Department does not substantiate this portion of the allegation.

**Student 9:** An IEP meeting was held on November 19, 2024. The IEP team comprised the following: one of the Student's former special education teachers/District Representative, a general education teacher, an SLP, an interpreter, and the Parent. The general education teacher was not one of Student 9's teachers.

The Department does not substantiate this portion of the allegation.

**Student 10:** An Eligibility Determination meeting was held on November 19, 2024. The IEP team consisted of the following: a special education teacher/District Representative, a School Psychologist, an SLP, and a general education teacher. The special education teacher and the general education teacher were not Student 10's teachers, and the SLP did not serve Student 10.

The Department does not substantiate this portion of the allegation.

**Student 11:** An IEP meeting was held on November 19, 2024. The IEP team comprised the following: a special education teacher, a general education teacher, and an SLP. Neither the special education teacher nor the general education teacher were Student 11's teachers and neither the Parent nor the Student attended.

The Department does not substantiate this portion of the allegation.

**Student 12:** An IEP meeting was scheduled for November 20, 2024, but the meeting was rescheduled for December 19, 2024.

The Department does not substantiate this portion of the allegation.

**Student 13:** On November 21, 2024 an Eligibility meeting was held. The IEP team comprised the following: the Parent, an SLP, a special education teacher/assistant principal, a general education teacher/district representative, a school psychologist, and an occupational therapist. Neither the SLP, the special education teacher, nor the general education teacher were Student 13's current or former providers.

The Department substantiates this portion of the allegation.

**Student 14:** On November 21, 2024, an IEP meeting was held. There was a Written Agreement between the Parent and the District excusing the SLP and the general education teacher from the meeting. There is no evidence that the excused members submitted written input to the Parent and the team. The IEP team comprised the following: the Guardian, a general education teacher, the student's special education teacher/evaluation interpreter, and an SLP/District Representative. The general education teacher was not one of Student 14's teachers and the SLP did not serve the Student.

The Department substantiates this portion of the allegation.

**Student 15:** On November 21, 2024 an IEP meeting was held. The IEP team consisted of a general education teacher, one of Student 15's special education teachers, and a Youth Transition Program (YTP) Specialist. The general education teacher was not one of Student 15's teachers and neither the Parent nor the Student were in attendance.

The Department does not substantiate this portion of the allegation.

**Student 16:** An eligibility meeting was held on November 21, 2024. The IEP team consisted of the Parent, clerical support, Student 16's case manager, Student 16's deaf/hard of hearing teacher, and a physical therapist assistant. There was no general education teacher. However, the Student did not spend time in general education.

The Department does not substantiate this portion of the allegation.

**Student 17:** On November 21, 2024 an Eligibility, IEP, and Re-evaluation Planning meeting was held. The IEP team consisted of the Student, Parents, a District Representative/Data Interpreter/Special Education Teacher, and a general education teacher. The special education teacher was the Student's special education teacher during the first semester, but the general education teacher was not one of Student 17's teachers.

The Department does not substantiate this portion of the allegation.

**Student 18:** The IEP meeting for this Student was held outside of the Complaint date range.

**Student 19:** The IEP meeting for this Student was held outside of the Complaint date range.

**Student 20:** On November 15, 2024, an IEP meeting was held. The IEP team consisted of the Parent, a case manager, a principal/District Representative, and a general education teacher/assistant principal. Neither the special education teacher nor the general education teacher were Student 20's teachers.

The Department substantiates this portion of the allegation.

### **Individualized Educational Program**

The Complaint alleged that the District violated the IDEA by presenting and reviewing IEPs at IEP meetings that were not developed by an appropriately constituted IEP team from November 12, 2024, to the filing of this Complaint.

An eligible child must have an individualized educational plan (IEP) developed. An appropriately constituted team for school-age children must develop the IEP. A designated regional program staff must be included in the development of the IEP, as needed. The IEP serves as the basis for determining the child's unique developmental or educational needs and the extent and nature of services to be provided, including services provided by the regional program.<sup>8</sup>

Based on the materials and testimony provided, multiple IEP meetings during this period lacked essential team members, such as the student's current teachers, individuals to discuss transition needs, or those to interpret evaluations. Therefore, the District violated the IDEA by presenting and reviewing IEPs at meetings that were not developed by appropriately constituted IEP teams.

The Department substantiates this allegation for the following students: Students 3, 4, 13, 14 and 20.

### **When IEPs Must Be in Effect**

The Complaint alleged that the District violated the IDEA by not providing SDI to 22 students on the Complainant's caseload during the 2024-25 school year. Eight of these students were also not receiving designated adult support as described in their IEPs.

At the beginning of each school year, a school district must have in effect an IEP for each child with a disability within the district's jurisdiction. School districts must provide special education and related services to a child with a disability in accordance with an IEP. Regarding initial IEPs, a school district must conduct a meeting to develop an initial IEP within 30 calendar days of a determination that the child needs special education. As soon as possible following the development of the IEP, special education and related services must be made available to the child in accordance with the child's IEP.<sup>9</sup> When a school district does not perform exactly as called for by the IEP, the district does not violate the IDEA unless it is shown to have materially failed to implement the child's IEP. A material failure occurs when there is more than a minor discrepancy between the services provided to the disabled child

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<sup>8</sup> OAR 581-015-2560(1-3)

<sup>9</sup> OAR 581-015-2220(1)(2) and 34 CFR § 300.323

and those required by the IEP.<sup>10</sup>

Staffing and service delivery challenges within the FSC and the SLC were documented during the complaint period. In 2023-24, the Complainant reported experiencing understaffing in their program, which increased their responsibilities and impacted student support. They shared their concerns with administrators regarding these issues. PCA 1 corroborated reports of periods with perceived inadequate student support, particularly during certain class periods due to student needs and behavioral incidents. In 2024-25, the Complainant continued to express concerns about perceived inadequate support and their ability to implement IEPs effectively. Scheduling data indicated instances where students appeared to lack adult support. Principal 3 and Director of Special Programs focused on addressing staff scheduling needs, such as breaks and prep time. Records indicated absences by both the Complainant and PCAs, with many PCA absences reportedly going unfilled by substitutes. There was also a reported lapse in speech therapy services due to the SLP's leave and difficulties securing substitute SLPs. The District acknowledged challenges related to substitute training and filling open positions.

The provision of one-on-one support emerged as a central point of contention. The Complainant, along with PCA 1, consistently expressed concerns regarding the need for individualized adult support for students with significant behavioral and academic needs. PCA 1 identified multiple students whose IEP behavioral plans, in their interpretation, mandated constant adult presence. However, the District maintained that IEPs did not explicitly state a requirement for one-on-one support. This discrepancy highlighted a fundamental disagreement regarding the interpretation of IEP requirements and the level of support necessary to meet individual student needs.

#### **Student 21**

- a. The Complainant indicated that Student 21 received most of their SDI in social skills with the Complainant and the SLP. There was no evidence provided that the Student did not receive SDI in their other areas of need, except for speech. Student 21's IEP listed 100 minutes monthly of SDI in speech and over the course of three months the Student received 155 of the 300 required minutes resulting in a material failure to implement the IEP.

The Department substantiates this portion of the allegation.

- b. The Complainant indicated that Student 21 's IEP specified the need for an assistant with transitions, however the actual language of the IEP stated. "Early transitions to class while hallways are not crowded if needed for timely transitions to classes, lunch and all crowded times in the school." The language of the IEP does not support the need for a one-on-one assistant. There was mention in the IEP of the need for staff to monitor toileting times and supervise clothing changes, but there was no indication that this was not implemented.

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<sup>10</sup> Van Duyn v. Baker Sch. Dist., (9th Cir. 2007) 502 F.3d 811, 814



The Department does not substantiate this portion of the allegation.

**Student 22**

- a. During the 2024-25 school year, Student 22 attended 90% of the time. The Complainant indicated that the delivery of Student 22 's academic SDI was limited by staffing shortages and safety concerns arising from their need for increased supervision during agitation. It is evident that Student 22 needed support for a variety of tasks, but there is no evidence to suggest that the SDI they missed was due to a material failure to implement the IEP.

The Department does not substantiate this portion of the allegation.

- b. Student 22's IEP indicated that adult support should be available throughout the day for a variety of tasks. There is no indication that adult support was not provided in such a way to meet the Student's needs.

The Department does not substantiate this portion of the allegation.

- c. However, Student 22's IEP listed 60 minutes of speech per month and over the course of three months, Student 22 received 120 minutes of the 180 required resulting in a material failure to implement the IEP.

The Department substantiates this portion of the allegation.

**Student 23**

- a. The Complainant confirmed that Student 23 received their SDI.

The Department does not substantiate this portion of the allegation.

**Student 24**

- a. The Complainant did not describe any missed SDI for Student 24.

The Department does not substantiate this portion of the allegation.

- b. While Student 24 did not receive speech service minutes during one month, over the course of three months, Student 24 received 180 minutes out of the 180 minutes required.

The Department does not substantiate this portion of the allegation.

**Student 25**

- a. The Complainant indicated that Student 25's social communication goals were met and that the delivery of SDI for self-management was inconsistent but likely met the

weekly 100 minute goal. There was no interview statements or material evidence that any of the other SDI was not delivered.

The Department does not substantiate this portion of the allegation.

**Student 26**

- a. The Complainant confirmed that Student 26 received their SDI.

The Department does not substantiate this allegation.

- b. Regarding the delivery of speech and language services, Student 26's IEP listed 60 minutes of speech per month. Over a three-month period, Student 26 received 170 of the 180 minutes required. This was not a material failure to implement the IEP.

The Department does not substantiate this portion of the allegation.

**Student 27**

- a. Student 27 attended school during the 2024-25 school year, 87% of the time. The Complainant indicated that Student 27 missed academic SDI due to behaviors and insufficient staff. However, Student 27 was scheduled to receive their academic SDI in the resource room, not the SLC. While the Complainant expressed concern that the resource teachers were not consistently providing SDI, there is no evidence to suggest that is the case.

The Department does not substantiate this portion of the allegation.

- b. Student 27's IEP indicated the need for adult assistance for 15 minutes per week for support with transitions. There was no indication in the IEP that the Student was entitled to a one-on-one assistant to support their needs.

The Department does not substantiate this portion of the allegation.

- c. However, Student 27's IEP listed 60 minutes of monthly speech and language related service. Over the course of three months, Student 27 received 75 of the 180 minutes required which resulted in a material failure to implement the IEP.

**Student 28:**

- a. According to the Complainant, Student 28 received their SDI in social skills and behavior. There was no evidence that suggested that Student 28 did not receive their SDI in the other areas listed on their IEP.

The Department does not substantiate this portion of the allegation.

- b. Student 28's IEP did not describe the need for a one-on-one adult assistant.

The Department does not substantiate this portion of the allegation.

**Student 29:**

- a. Student 29 attended school for 96% of the 2024-25 school year. There was no indication in the interview statements or materials provided that indicated Student 29 Student 28 did not receive their SDI. The Department does not substantiate this portion of the allegation.
- b. However, Student 29's IEP listed 80 minutes monthly of speech and language services, and in a three-month period, Student 29 received 120 minutes of the 240 minutes required, resulting in a material failure to implement the IEP.

**Student 30:**

- a. The Complainant indicated that Student 30 received 200/245 minutes per week of the SDI listed on their IEP, with the 45 minutes missed likely coming from study and organizational skills due to an increased frequency of behaviors. This shortage of minutes did not constitute a material failure to implement the IEP.

The Department does not substantiate this portion of the allegation.

- b. However, Student 30 received only 130 minutes of the 240 speech and language related service minutes listed on their IEP. The insufficient minutes resulted in a material failure to implement the IEP.

**Student 31:**

- a. Student 31 attended school for 80% of the 2024-25 school year. Student 31's IEP listed goal areas in speech, communication, and self-management, but the Complainant indicated that due to Student 31's behaviors, elopement, and lack of consistent adult support, Student 31 missed SDI in their goal areas. However, the Complainant shared that they were able to provide support to Student 31 themselves or pull another assistant from another location to support Student 31 when necessary.

The Department does not substantiate this portion of the allegation.

- b. Additionally, Student 31's IEP listed 80 minutes monthly of speech and language services. In a three-month period, Student 31 received 160 out of 240 minutes required, resulting in a material failure to implement the IEP.

**Student 32:**

- a. Student 32 attended school 95% of the time during the 2024-25 school year. The Complainant indicated that Student 32's academic SDI in three areas was impacted by the lack of consistent adult support, resulting in a material failure to implement the IEP.

The Department substantiates this portion of the allegation.

- b. Additionally, Student 32's IEP listed 100 minutes per month of related speech-language services. Within three months, Student 32 received 100 of the 300 minutes they were due. The significant lack of speech-language service minutes and the insufficient SDI indicated a material failure to implement the IEP.

**Student 33:**

- a. In academics, the Complainant indicated that Student 33 experienced a 50 % loss of SDI last year and a 25% loss this year resulting in a material failure to implement the IEP.

The Department substantiates this portion of the allegation.

- b. Additionally, Student 33's IEP listed 60 minutes of monthly speech and language services. In a three-month period, they received 120 speech and language minutes of the 180 required resulting in a material failure to implement the IEP.

**Student 34:**

- a. In academics, the Complainant indicated that the Student experienced a 50% loss of SDI last year and a 25% loss this year. The insufficient SDI resulted in a material failure to implement the IEP.

The Department substantiates this portion of the allegation.

- b. Additionally, Student 34's IEP listed 60 minutes of monthly speech and language services. In a three-month period, they received 120 speech and language minutes of the 180 required minutes resulting in a material failure to implement the IEP.

**Student 35:**

- a. The Student received their academic SDI in the special education classroom. The Complainant described that Student 35's slow progress was due to a lack of consistent instruction, Student 35's slower learning pace, and insufficient staffing. Insufficient SDI in Student 35's academic goal areas, approximately a 50% loss last year and a 25% loss this year indicated a material failure to implement the IEP.

The Department substantiates this portion of the allegation.

**Student 36:**

- a. The Complainant described Student 36's tendency for elopement impacting the ability to provide academic SDI to Student 36. This frequent elopement may have impacted the delivery of SDI, but not so that it was a material failure.

The Department does not substantiate this portion of the allegation.

- b. Additionally, Student 36's IEP listed 60 minutes of monthly speech and language services. In a three-month period, they received 85 speech and language minutes of

the 180 required. While the speech and language minutes were not met, the Student's frequent elopement impacted the ability to deliver the services. In this case, the shortage of speech and language minutes did not constitute a material failure to implement the IEP.

**Student 37:**

- a. Student 37 attended school during the 2024-25 school year 74% of the time, which is 3.7 days per week. The Complainant indicated that Student 37 missed 75% of their SDI. Despite Student 37's poor attendance, the lack of SDI resulted in a material failure to implement the IEP.

The Department substantiates this portion of the allegation.

- b. Student 37's IEP required adult support during transitions, but did not indicate the need for a one-to-one assistant.

The Department does not substantiate this portion of the allegation.

- c. Additionally, Student 37's IEP listed 60 minutes of speech and language services each month. Over the course of three months, Student 37 received 60 out of the required 180 minutes resulting in a material failure to implement the IEP.

**Student 38:**

- a. Regarding the delivery of SDI for Student 38, the Complainant indicated that the Student received consistent SDI in communication and functional routines, but missed SDI in the areas of math, reading, and writing due to a lack of adult support and lack of motivation. It is evident that Student 38 needed support for a variety of tasks, but there is no evidence to suggest that the SDI they missed was due to a material failure to implement the IEP.

The Department does not substantiate this portion of the allegation.

- b. While the Complainant's impression was the Student 38's IEP required one-on-one support, the language of the IEP does not corroborate that impression. The IEP indicated that adult assistance should be available for a variety of tasks, not that Student 38 needed a one-on-one assistant for support.

The Department does not substantiate this portion of the allegation.

- c. However, Student 38's IEP indicated that they required 100 minutes per month of speech and language related services. Over the course of three months, Student 38 received a total of 105 minutes out of the required 300 minutes indicating a material failure to implement the IEP.

**Student 39:**

- a. Student 39's IEP indicated the need for SDI in communication and language, functional

routines, and self-management. The Complainant described that Student 39's severe dysregulation, limited staffing, and the absence of an SLP at the beginning of the year prevented consistent delivery of SDI outlined in the IEP. Student 39 was absent for 13 days from September 3, 2024, and December 9, 2024, which impacted the School's ability to implement the IEP. Student 39's attendance and dysregulation impacted the School's ability to deliver SDI, but not such as it resulted in a material failure to implement the IEP.

The Department does not substantiate this portion of the allegation.

- b. Student 39's IEP indicated that an adult should be "within arms reach" for all activities and transitions. The Complainant indicated that they attempted to provide an adult to consistently support Student 39. There is no indication that a lack of support substantially impacted the implementation of the IEP.

The Department does not substantiate this portion of the allegation.

- c. It was noted that Student 39 received 90 of the 120 minutes of speech and language services listed in their IEP in a two-month period. Due to Student 39's dysregulation and attendance, this was not determined to be a material failure to implement the IEP.

#### **Student 40:**

- a. Student 40 attended school 77% of the days they were enrolled. According to the Complainant, Student 40 did not receive SDI in their academic goal areas because of inadequate staffing when Student 40 was present at school. The lack of instruction in the three goal areas indicated a material failure to implement the IEP.

The Department substantiates this portion of the allegation.

#### **Student 41**

- a. Student 41 attended school for 84% of the 2024-25 school year. The Complainant shared that the delivery of SDI for academics came from the resource teachers. The Complainant indicated that the delivery of social communication SDI had been consistent since October 2024. The Complainant provided the self-management SDI during their first period and any missed SDI was due to staffing limitations, which did not constitute a material failure to implement the IEP.

The Department does not substantiate this portion of the allegation.

- b. However, Student 41's IEP listed 60 minutes of speech per month and no speech services were provided over the course of three months resulting in a material failure to implement the IEP.

#### **Student 42**

- a. Student 42 attended school during the 2024-25 school year, 77% of the time, which is 3.85 days per week. According to the Complainant, Student 42's SDI delivery was inconsistent and occurred only one or two days each week in all areas except social communication. Even with Student 42's poor attendance, SDI was lacking on the days they were present resulting in a material failure to implement the IEP.

The Department substantiates this portion of the allegation.

- a. The Complainant indicated that Student 42's behavior, during episodes of dysregulation, often required two adults for de-escalation. Student 42's IEP indicated a need for daily adult support, but did not list a requirement for a one-to-one assistant.

The Department does not substantiate this portion of the allegation.

- b. Additionally, Student 42's IEP listed 60 minutes per month for speech and language services. Over the course of three months, Student 42 received 105 out of the required 180 minutes resulting in a material failure to implement the IEP.

### **Free Appropriate Public Education**

The Complaint alleged that the District violated the IDEA and denied a free appropriate public education to 22 students on the Complainant's caseload when adequate and trained staff was not available to implement the students' IEPs.

School districts must provide a free appropriate public education for all school-age children with disabilities for whom the district is responsible. "School-age children" are children who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year. The requirements of this rule also apply to children with disabilities who have been suspended or expelled from school.<sup>11</sup>

Staffing levels in the FSC were a subject of ongoing discussion during the 2023-24 and 2024-25 school years, with concerns raised about the adequacy of support for students. The FSC experienced challenges related to staff availability, consistency, and the perception of required one-on-one assistance. While some staff perceived a need for constant individual support, particularly for certain students with behavioral needs, the administration clarified that students' IEPs did not explicitly mandate consistent one-on-one support. The District aimed for a 1:3 adult-to-student ratio and that based on schedules provided by the Complainant and staffing allocations, adequate student support was available, including the provision of services outlined in IEPs, and time for staff breaks and planning. They acknowledged challenges with staff absences and scheduling but maintained that efforts were made to address these issues.

While the Department found that the instances where students did not receive all of the SDI included in their IEPs did not result in a material failure to implement their IEPs, 13 students did

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<sup>11</sup> OAR 581-015-2040(1)(3) and 34 CFR § 300.101

not receive a significant amount of speech and language services included in their IEPs, which was a material failure to implement the IEPs.

The Department substantiates this allegation for Student 21, Student 22, Student 27, Student 29, Student 30, Student 31, Student 32, Student 33, Student 34, Student 35, Student 37, Student 38, Student 40, Student 41, and Student 42.

## **Additional Findings**

### **Review and Revision of IEPs**

Each District must ensure that the IEP team reviews a child's IEP periodically, specifically at least once every 365 days. The purpose of the review is to determine whether the annual goals for the child are being achieved. If necessary, the team must revise the IEP to address any lack of expected progress toward the annual goals and in the general education curriculum. The review must consider the results of any reevaluation conducted. Additionally, the team must incorporate information about the child provided to, or by, the parents and account for the child's anticipated needs.<sup>12</sup>

Districts are required to provide prior written notice to parents within a reasonable timeframe before proposing or refusing to initiate or change any aspect of a child's special education. This includes changes to the child's identification, evaluation, educational placement, or the provision of a FAPE. This notice ensures that parents are informed and involved in decisions regarding their child's special education services. The PWN must explain actions the district intends to take or not take. Second, it must provide a thorough explanation of the district's rationale behind this proposed or refused action.<sup>13</sup>

During the review of materials and interview statements it was determined that from November 12, 2024 through November 21, 2024, there were a number of annual IEP meetings that were not held by the annual review deadline. While the complexities of the strike and the ability to gather an appropriately constituted IEP team were certainly challenging, the District had an obligation to either hold appropriately constituted annual meetings by their due dates or send PWNs informing the families of the District's intentions.

The following students' IEPs lapsed between November 12, 2024 and November 21, 2024: Student A, Student C, Student D, Student E, Student F, Student G, Student J, Student K, and Student L.

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<sup>12</sup> OAR 581-015-2225(1); 34 CFR § 300.324

<sup>13</sup> OAR 581-015-2310(2)(3); 34 CFR § 300.503



**V. CORRECTIVE ACTION<sup>14</sup>**  
*In the Matter of the Greater Albany School District 8J*  
*Case No. 024-054-072*

Based on the facts provided, the following corrective action is ordered:

| <b>Action Required</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Submissions</b>                                                                                                                                                                                                   | <b>As Soon As Possible But No Later Than Due Date</b>         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| <p>1. The District must provide the Students who experienced material failures to implement portions of their IEPs with Compensatory Education to make up for SDI not provided pursuant to the Student's IEP, specifically students Student 21, Student 22, Student 27, Student 29, Student 30, Student 31, Student 32, Student 33, Student 34, Student 35, Student 37, Student 38, Student 40, Student 41 and Student 42. The Compensatory Education to be offered to the Parent shall include at least the amount of time noted in the report for each student.</p> <p>The District must hold IEP meetings with the Parents to develop a plan to deliver these compensatory services.<sup>15</sup></p> | <p>The District shall submit the following:</p> <p>Completed plan for delivery of Compensatory Education developed in IEP meeting with the Parents;</p> <p>Evidence showing compensatory education was provided.</p> | <p><b>May 15, 2025</b></p> <p><b>September 1, 2025</b></p>    |
| <p>2. The District must ensure that all District administrators and staff providing special education and related services receive training on when IEPs must be in effect, IEP Team members, IEP Programs, and FAPE.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>Training agenda/materials to ODE District Support Specialist for review/approval.</p> <p>Sign-in sheet for training.</p>                                                                                          | <p><b>August 1, 2025</b></p> <p><b>September 15, 2025</b></p> |

<sup>14</sup> The Department's order shall include any necessary corrective action as well as documentation to ensure that the corrective action has been completed (OAR 581-015-2030(13)). The Department expects and requires the timely completion of corrective action and will verify that the corrective action has been completed as specified in any final order (OAR 581-015-2030(15)). The Department may initiate remedies against a party who refuses to voluntarily comply with a plan of correction (OAR 581-015-2030(17) & (18)).

<sup>15</sup> The Department provides IEP Facilitation services when it is mutually desired by parents and school districts and is available to support the Student's IEP team in this meeting. If a Facilitated IEP meeting is desired, please email [ode.disputeresolution@ode.state.or.us](mailto:ode.disputeresolution@ode.state.or.us).

|                                                                                                                                                                                      |                                                  |                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|---------------------|
| 3. The District must reconvene IEP meetings for all students who had improperly constituted IEP Team meetings or whose IEPs lapsed from November 12 to the filing of this Complaint. | IEP Participant page from each IEP meeting held. | <b>June 1, 2025</b> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|---------------------|

Dated: this 4th Day of April, 2025.




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Ramonda Olaloye  
Assistant Superintendent  
Office of Enhancing Student Opportunities

E-mailing Date: April 4, 2025

Appeal Rights: Parties may seek judicial review of this Order. Judicial review may be obtained by filing a petition for review within sixty days from the service of this Order with the Marion County Circuit Court or with the Circuit Court for the County in which the party seeking judicial review resides. Judicial review is pursuant to the provisions of ORS § 183.484. (OAR 581-015-2030 (14).)