

**DELAWARE DEPARTMENT OF EDUCATION  
EXCEPTIONAL CHILDREN RESOURCES**

**STATE COMPLAINT DECISION**

**DE SC # 25-09**

**Date Issued: March 31, 2025**

On January 30, 2025, REDACTED (Advocate 1), filed a complaint on behalf of REDACTED (Student) with the Delaware Department of Education (Department). The complaint alleges the REDACTED School District (District 1) violated state and federal regulations concerning the provision of a free, appropriate public education (FAPE) to Student under the Individuals with Disabilities Education Act (IDEA).<sup>1</sup> The complaint has been investigated as required by federal regulations at 34 C.F.R. §§ 300.151–300.153 and according to the Department’s regulations at 14 DEL. ADMIN. CODE §§ 923.51.0–923.53.0.

The investigation included a review of Student’s educational records provided by District 1, as well as email correspondence and interviews with REDACTED (Parent), District 1’s Supervisor of Special Programs (Supervisor), Advocate 1, REDACTED (Human Resources Director, District 1), and REDACTED (DDOE Staff).

**ONE YEAR LIMITATIONS PERIOD**

In accordance with IDEA and corresponding state and federal regulations, the complaint must allege violations that occurred not more than one (1) year prior to the date the Department receives the complaint. See, 34 C.F.R. § 300.153(c); 14 *Del. Admin. Code* § 923.53.2.4. In this case, the Department received the complaint on January 30, 2025. Therefore, the Department’s findings address events from January 30, 2024, through January 30, 2025.

**COMPLAINT ALLEGATIONS**

Parent alleged District 1 violated Part B of the IDEA by:

1. Failing to provide FAPE.
2. Failing to adequately implement Individual Education Plan (IEP).
3. Failing to provide appropriate Least Restrictive Environment (LRE) with non-disabled peers.
4. Failing to certify staff in restraint techniques.
5. Failing to notify Parent with written restraint reports.
6. Failing to protect Student from sexual abuse.

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<sup>1</sup> To protect personally identifiable information about the student from unauthorized disclosure, this complaint decision identifies people and places generically. The temporarily attached index lists the name corresponding to each generic role exclusively for the benefit of the individuals and education agency in the investigation. The index must be removed before the complaint decision is released as a public record.

7. Failing to allow Parent to voice concerns without retaliation.

### **FACTUAL FINDINGS**

1. Student is currently a REDACTED grader enrolled in District 1 and is receiving special education services at REDACTED (School 2), which is a private placement.
2. According to information and documentation provided by Supervisor, Student transferred into District 1 on August 11, 2023, with a current IEP that had an end date of May 2, 2024.
3. Prior to Student attending School 2, Student attended the REDACTED (School 1), under the educational classification of Autism, due to behavior concerns that could not be addressed in District 1. School 1 is based in the REDACTED School District (District 2) and is a countywide program.
4. Staff in School 1 restrained Student 11 times between January 31, 2024, and March 27, 2024, due to imminent risk of bodily harm to self or others. Overall, five different staff members implemented the restraint procedures but only two staff members per incident were involved. After each incident, Parent was notified by phone.
5. On February 7, 2024, Student was suspended for two days due to offensive touching of a staff member
6. On March 26, 2024, Student became upset in a staff member's office and broke some items in the room, poured water on staff's walkie, threw items around the room, swiped items off desk, kicked cabinets and desk and was escorted from office. Student became more aggressive and bit two staff members, pulled wood off the wall and attempted to stab, spit at, kick and hit staff. Student pulled staff's hair and attempted to elope. Due to imminent risk of bodily harm to self or others and an escalation in behaviors, staff restrained Student. Parent received notification in person at 2:45 PM when Parent picked Student up from School 1.
7. On March 27, 2024, Student became upset and became aggressive with staff. Parent received notification in person at 2:45 PM, when Parent picked Student up from School 1. Behaviors related to this incident resulted in Student being placed on Administrative Homebound (HB) services.
8. On March 27, 2024, Parent was notified of HB services via email.
9. It was not until April 11, 2024, that Parent received a PWN via Panda Doc, proposing HB services due to an increase in aggressive behaviors, presenting a safety concern to Student and others.
10. On April 16, 2024, IEP Team met to discuss HB services. According to the Supervisor, the IEP meeting did not produce any documents (completed IEP, PWN) because Parent and REDACTED (Advocate 2) refused to finalize and wanted a continuation of the meeting

after 3 hours. District 2 did not issue a PWN. There is no documentation regarding who attended the meeting. An email dated April 23, 2024, from Advocate 2, stated that Parent verbally requested an Independent Educational Evaluation (IEE) during the meeting.

11. On April 22, 2024, Supervisor sent an email to Parent offering a referral to the Interagency Collaborate Team (ICT) and placement at School 2, hiring of a 1:1 paraprofessional, and offer of homebound services.
12. On April 23, 2024, Advocate 2 sent an email to Supervisor, School 1 staff and District 2 Special Education Administrator, requesting an IEE.
13. On the same date, Supervisor sent Parent an email approving the IEE request.
14. Also on April 23, 2024, Parent sent an email to School 1 staff, requesting permission to evaluate (PTE) and a PWN. School 1 provided Parent both documents via Panda Doc. Parent signed and returned documents.
15. On May 6, 2024, Advocate 2 sent an email to Supervisor stating Parent chose an independent evaluator.
16. On May 7, 2024, Supervisor sent an email to Parent and independent evaluator confirming choice of independent evaluator, as well as plans to initiate a contract.
17. On May 9, 2024, School 1 sent a meeting notice to Parent via Panda Doc for a manifestation determination meeting on May 16, 2024.
18. On May 16, 2024, Parent signed meeting notice agreeing to attend meeting at the proposed date and time. Parent also signed section of notice that provided consent to waive right of being notified 5 days prior to manifestation determination meeting. According to the Manifestation Meeting Review form, the following attended the meeting: Parent, representatives from District 1, staff from School 1, and Advocate 2.
19. The PWN, dated May 16, 2024, stated the IEP Team reviewed the Manifestation Meeting Review form, as well as a detailed description of the behavioral incident that occurred on March 26, 2024, and other discipline incidents. The IEP Team reviewed and discussed the following questions:
  - Was the Student's IEP appropriate at the time of the offense (were the IEP objectives, accommodations, behavior plan and services being implemented)? All IEP Team members replied yes.
  - Was the Student's placement appropriate at the time of the offense? All IEP Team members replied yes.
  - Did Student have an individual behavior plan in place at the time of the offense? All IEP Team members replied yes.
  - Were behavioral strategies outlined in the Student's behavior plan carried out? All IEP Team members, except Parent, stated yes.

- Did the Student's disability impair Student's ability to understand the impact or consequences of the behavior? All IEP Team members replied yes.
- Did the Student's disability impair Student's ability to control the behavior? All IEP Team members replied yes.

The IEP Team agreed that behavior was a manifestation of Student's disability.

20. Also at the May 16, 2024, Manifestation Determination Meeting, the IEP Team discussed next steps regarding a gradual process to re-integrate Student back into the classroom since Student had been receiving HB services. The IEP Team agreed to provide additional support upon Student's return to School 1.
21. On May 20, 2024, Student attended one hour at School 1 and met paraprofessional.
22. On May 21, 2024, Student attended School 1 and met with paraprofessional and counselor.
23. On May 22, 2024, Parent did not want to leave student at School 1, due to Administrator being present. Parent reported the Student perceived Administrator as an unsafe person. According to Supervisor, Parent did not bring Student back to School 1 the rest of the school year.
24. On June 3, 2024, IEP Team met. The PWN dated June 3, 2024, stated the purpose of the meeting was to discuss LRE/Placement, Extended School Year Services (ESY) and ICT referral. The PWN did not state who attended the meeting. District 1 proposed Student remain in a D setting as the LRE, as well as make a lateral move from School 1 (D setting in District 2) to School 2 (D setting in private school) for the upcoming school year. Parent rejected this proposal due to logistics. District 1 proposed Student's placement at School 1 end immediately as programming needs were more extensive than what School 1 could provide. Parent rejected this proposal. District 1 proposed Student receive homebound services from June 3, 2024 through June 6, 2024 in order to provide services through the remainder of the school year. Parent rejected this proposal. District 1 proposed Student receive Extended School Year (ESY) services in person through School 2 because IEP Team determined Student was eligible for those services. Parent rejected this proposal.
25. On June 4, 2024, the PWN from the IEP meeting was provided to Parent via email.
26. On August 29, 2024, Supervisor emailed Parent and District 2 Administrator stating that per the last IEP meeting, Student was to attend School 2, Parent needed to enroll Student, and suggested Parent tour building and meet teachers with Student. Email also stated transportation could be arranged during the tour date.
27. On August 30, 2024, the independent evaluator provided District 1 and District 2 with a final copy of IEE.
28. On September 5, 2024, Parent enrolled student in School 2.

29. On September 9, 2024, Student entered REDACTED grade at School 2. Student did not participate in ESY services over the summer.
30. On October 3, 2024, IEP Team held a reevaluation meeting to review IEE and update Student's eligibility. According to the PWN, in attendance at the meeting were the Parent, representatives from District 1, staff from School 1 (School Psychologist and Behavior Interventionist), Administrators from School 2, Advocate 2, the Independent Evaluator, staff from CIMI Behavior Analytic Solutions, and a representative from Wrap Around Delaware.
31. On October 3, 2024, the Evaluation Summary Report (ESR) stated that Student performed largely within the very low to low average range across cognitive testing. It was noted that Student's dysregulation and difficulty attending likely impacted performance. Academically, Student's reading, writing, and mathematics performance were all within the very low range. At the time of this evaluation, Student had an educational classification of Autism. During evaluation, Student presented with what appeared to be appropriate social communication skills. During the ADOS-2, Student was social, funny, and engaged. Student socialized well, appreciated the natural give-and-take of social conversation, and was able to discern sarcasm and innuendo in conversation.
32. On October 3, 2024, The IEP Team determined that Student no longer met the eligibility criteria for an Autism educational classification. Parent and teachers' reports are consistent in their reflection upon Student's difficulty following rules and consistently and appropriately responding to the authorities in his environments. Parent and teacher both noted significant aggressive behaviors, as well as inappropriate conduct across home and school contexts. It was also noted that Student's behavioral and mental health needs were pressing. The evaluator stated in the report that a diagnosis of Other Specified Disruptive, Impulse-Control, and Conduct Disorder was indicated, and Student would be served well in a therapeutic learning environment with positive peer models that can meet the needs of Student's whole personhood. Student also presented with the symptoms and challenges associated with a diagnosis of Attention-Deficit Hyperactivity Disorder. Based on this information, the IEP Team agreed to change Student's classification to Emotional Disability as a primary educational classification and Specific Learning Disability as a secondary educational classification.
33. Also on October 3, 2024, a discussion regarding Annual IEP meeting on November 25, 2024, at 12:00 PM, occurred.
34. On October 7, 2024, a written notice of meeting was sent home via Student.
35. The IEP Team met on November 25, 2024 and continued the meeting on January 10, 2025 for Student's Annual IEP and to review Occupational Therapy (OT) evaluation. The IEP Team met on two dates due to Parent's time constraints. According to the PWN, in attendance at the meeting were, the Parent, representatives from District 1, Administrator from School 2, staff from School 1, Advocate 2 and a representative from Wrap Around Delaware.

36. On January 24, 2025, PWN stated the IEP Team agreed Student qualified for OT services due to fine motor needs. The IEP Team also identified needs in the areas Basic Reading, Math Calculation, Math Problem Solving, Reading Comprehension, Reading Fluency (Phonemic Awareness), Listening Comprehension, Written Expression, Behavior: Disregard Negative Peer Behaviors, and Speech Language: Phonological Processes. Based on the data provided, The IEP Team agreed to continue Student's LRE as D. The PWN did not indicate that the IEP Team reviewed the Student's Behavior Intervention Plan (BIP).
37. The Investigator requested progress reports and evidence of IEP implementation, including the implementation of the BIP, and no data was provided.

### **Facts Related to Retaliation, Sexual Abuse, and Staff Certification**

38. According to interview with Parent, District 1 terminated Parent's employment due to Parent voicing concerns about Student's IEP not being implemented, and after Parent filed a police report for sexual abuse. According to interview with Advocate 1, Parent was retaliated against by being terminated from her employment in District 1 due to Parent voicing concerns about Student, as well as obtaining Advocate 2.
39. According to District 1's Human Resources Director (HR Director), Parent's contract was not renewed after the 22-23 school year. This was due to Parent's lack of required certification needed to work in an Early Childhood facility. On June 14, 2023, a written notification of the non-renewal and reasons why was sent via certified mail.
40. According to interview with Parent, Student was sexually abused by another student, several times, while being transported on the school bus. Parent also reported that Student was shown pornography at School 2.
41. According to information provided by Supervisor, District 2 reported that all five staff members involved in providing physical restraint to Student, were properly trained in the use of restraint techniques.
42. According to documentation provided by Supervisor, Parent was sent an email with all written restraint report by Staff 1. Supervisor also reported that according to District 2, Parent was provided with written report at time of pickup.
43. According to interview with Delaware Department of Education (DDOE) Staff, an observation of Student in School 2 showed Student to be engaged in learning, participating in class, and responding to staff. During the time of observation, Student did not exhibit any behaviors.

## **LEGAL CONCLUSIONS**

### **Complaint Allegation #1: Failing to provide FAPE.**

The purpose of the IDEA is to ensure that “all children with disabilities have available to them a free and appropriate public education that emphasizes the special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.” 20 U.S.C. § 1400(d)(1)(A).

A “free appropriate public education” is defined within the IDEA as specially designed instruction and related services as may be required to assist a student with a disability to benefit from an education that: (a) is provided at public expense, under public supervision and direction, and without charge; (b) meets the standards of the State Educational Agency; (c) includes an appropriate preschool, elementary school, secondary school, or vocational school in the State; (d) is provided in conformity with the individualized education program designed to meet the student’s unique needs; (e) provides significant learning; and (f) confers meaningful educational benefit that is gauged to the student’s potential. 20 U.S.C. § 1401(9) and 14 Del. C. § 3101(5).

Under IDEA, it is legally required to develop and implement an IEP when a student has been found eligible for special education services. In accordance with 14 Del. Admin. Code § 923.12.0 (IEP’s), each public agency shall ensure that an IEP that meets the requirements of section 636(d) of the Act, is developed, reviewed, and revised for each child with a disability in accordance with 14 Del. Admin. Code §§ 925.20.0 -24.0, except as provided in 14 Del. Admin. Code § 925.1.2.3.

Student transferred into District 1 on August 11, 2023 with a current IEP that had an end date of May 2, 2024. When student transitioned into District 1, although Student remained in the same placement, a transfer IEP meeting to review and revise IEP was not held.

On March 27, 2024, Student was placed on homebound services due to an increase in behaviors but the IEP Team did not convene to change LRE from D to homebound services. On April 16, 2024, an IEP meeting was held to discuss homebound services. According to the Supervisor, the IEP meeting did not produce any documents (revised IEP, PWN) because Advocate 2 and Parent refused to finalize IEP and wanted a continuation of the meeting (after 3 hours). Therefore, a PWN was not issued because the IEP Team was not able to agree.

On April 23, 2024, Parent requested an IEE. District 1 approved the request for an IEE, PTE and PWN were signed by Parent, and District 1 worked with Parent to make arrangements for the evaluation to occur.

On May 16, 2024, the IEP Team held a manifestation determination meeting, which was 51 calendar days after the behavior occurred. The IEP Team agreed the behavior was a

manifestation of Student's disability, yet the Student remained on homebound services for the remainder of the school year.

On June 3, 2024, the IEP Team met to discuss LRE/Placement, ESY and ICT referral. At this meeting, District 1 and School 1 stated that Student's current School 1 and District 1 could not provide the services needed and proposed changing Student's setting to a private placement (School 2). Parent disagreed with proposal. At no time during any of these IEP meetings did the team review or revise the Student's IEP or behavior support plan, even though the Student had been restrained 11 times.

The Independent Evaluator provided District 1 and District 2 with a copy of the final evaluation report on August 30, 2024. The IEP Team met on October 3, 2024 to review the IEE. Based on the data reviewed, the IEP Team agreed to discontinue the Autism classification and change it to Emotional Disability, with a secondary classification of Specific Learning Disability. At this time, an annual IEP was not developed, Behavior Intervention Plan reviewed and revised, nor the IEP revised to reflect the changes in Student's educational classification.

Despite Parent originally disagreeing with a change from School 1 to a private placement (School 2), Parent enrolled Student and Student began receiving services on September 9, 2024. The IEP Team held an annual IEP meeting on November 25, 2024 which continued on January 10, 2025. The IEP Team met on two dates due to Parent's time constraints. According to Supervisor and Parent, Parent did not agree to IEP and did not sign. Parent was provided PWN and according to the IEP document, the IEP went into effect on January 27, 2025.

This Student is a resident of District 1 and attended a program within District 2. As the District of Residence, the District 1 is responsible for ensuring FAPE is provided to Student, and had a duty to monitor Student's program and placement.

**Therefore, I find there was a FAPE violation of IDEA, and state special education regulations regarding implementation of the IEP.**

**Complaint Allegation #2:** Failing to implement Students Individual Education Plan (IEP).

According to 14 DE Admin. Code § 925.10.0, at the beginning of school year, each public agency shall ensure that the child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and each teacher and provider described in this paragraph is informed of:

10.4 IEPs for children who transfer from and to public agencies within Delaware: If a child with a disability (who had an IEP that was in effect in a previous public agency in Delaware) transfers to a new public agency in Delaware, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) shall provide FAPE to the child (including services comparable to those described in the child's IEP from the previous public agency).



10.4.1 A child with a disability who transfers from one (1) Delaware public agency to another shall be temporarily placed in an educational setting which appears to be most suited to the child's needs based on a mutual agreement of the parents and the receiving public agency. This agreement shall be documented by the signatures of a parent and the receiving public agency on a temporary placement form or the cover page of the IEP. Within 60 days of the child's initial attendance in the receiving public agency, the receiving public agency shall:

10.4.1.1 Adopt the child's IEP from the previous public agency at an IEP meeting convened for that purpose, or develop, adopt, and implement a new IEP that meets the applicable requirements in Sections 7.0 through 11.0.

Student transferred into District 1 on August 11, 2023 with a current IEP that had an end date of May 2, 2024. When student transitioned into District 1, a transfer IEP meeting to review and revise IEP was not held.

Under IDEA, it is legally required to develop and implement an IEP when a student has been found eligible for special education services. In accordance with 14 Del. Admin. Code § 923.12.0 (IEP's), each public agency shall ensure that an IEP that meets the requirements of section 636(d) of the Act, is developed, reviewed, and revised for each child with a disability in accordance with 14 Del. Admin. Code §§ 925.20.0 -24.0, except as provided in 14 Del. Admin. Code § 925.1.2.3.

In this case, although the IEP Team met on April 16, 2024 and October 3, 2024, an annual IEP was not conducted. During these IEP meetings, the Behavioral Intervention Plan was not reviewed or revised, despite the Student being restrained on several occasions. The BIP is considered to be a part of the IEP.

On November 25, 2024 and January 10, 2025, the Annual IEP was developed. There is no documentation to support IEP implementation from January 31, 2024 through the school year including ESY.

**Therefore, I find there was a violation of IDEA, and state special education regulations regarding implementation of the IEP.**

**Complaint Allegation #3:** Failing to provide appropriate Least Restrictive Environment (LRE).

According to IDEA § 300.114 LRE requirements.

(a) **General.**

(1) Except as provided in § 300.324(d)(2) (regarding children with disabilities in adult prisons), the State must have in effect policies and procedures to ensure that public agencies in the State meet the LRE requirements of this section and §§ 300.115 through 300.120.

(2) Each public agency must ensure that—

(i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and

(ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

On March 27, 2024, Student was placed on homebound services due to an increase in behaviors but the IEP Team did not convene to change LRE from Separate Setting (D) to Homebound services (F).

According to Supervisor and PWN dated June 3, 2024, School 1 could no longer provide services Student needed to be successful in the program due to increase in severity of Student's behavior. Despite Parent resistance to the new school proposal, Parent enrolled Student in School 2 on September 5, 2024, and Student remains in that setting at this time.

**Therefore, I find there was a violation of IDEA, and state special education regulations regarding implementation of the LRE.**

**Complaint Allegation #4:** Failure to certify staff in restraint techniques.

According to Restraint and Seclusion regulations, 14 Del. Admin. Code § 610.4.

4.0 Training of Personnel

4.1 Except as provided in 14 Del.C. §702(c), a student may be physically restrained only by public school personnel, private program personnel, or alternative program personnel who have completed training in physical restraint procedures.

4.1.1 Such personnel shall receive annual training in the use of crisis prevention and intervention techniques consistent with nationally-recognized training programs, which shall meet the following minimum requirements:

4.1.1.1 The training shall address prevention techniques, de-escalation techniques, and positive behavioral intervention strategies and supports;

4.1.1.2 The training shall be designed to meet the needs of such personnel consistent with their duties and the potential need for emergency safety interventions; and

4.1.2 Each public school, private program, and alternative program shall maintain written or electronic documentation of each training provided, which shall include a list of all personnel who participated in the training.

4.2 Any public school personnel responsible for reporting the physical restraint of a student to the Department of Education shall complete training on the reporting process approved by the Department of Education and any additional training that the Department of Education may prescribe.

4.2.1 The approved training shall be provided using a web-based platform through the Department of Education's Professional Development Management System (PDMS) or similar system. The training will be provided on an annual basis and made available throughout each school year.

4.2.2 Such personnel responsible for reporting the physical restraint of a student shall complete the approved training at least once every 3 years and during any year in which reporting procedures were changed from the previous year as indicated by the Department of Education.

According to information provided by Supervisor on March 24, 2025, District 2 reported that all five staff members involved in providing physical restraint to Student, were properly trained in the use of restraint techniques.

**This allegation is beyond the purview of this investigator and cannot be addressed through the IDEA state complaint process.**

**Complaint Allegation #5:** Failure to notify Parent with written reports regarding restraints.

According to Restraint and Seclusion regulations, 14 Del. Admin. Code § 610.4

5.0 Parental Notification of Use of Physical Restraint

5.1 Except as provided in subsection 5.1.1, if a student is physically restrained, a reasonable attempt shall be made to notify the parent on the same day, but in no event later than twenty-four hours after, the physical restraint is used. Such notification shall be made in person, by phone or by voicemail, or by e-mail. The school shall maintain written documentation of successful and unsuccessful attempts to notify the parent. According to Parent, written restraint reports were never provided. According to

5.1.1 Where physical restraint is included in the student's IEP or Section 504 Plan, the IEP Team or Section 504 Team, including the parent, shall determine a timeframe and manner of notification of each incident of physical restraint.

5.2 The parent shall be provided a copy of a final written report no later than the date on which such report is filed with the Department of Education. The written report shall contain, at a minimum, the information required under Section 6.0. **26 DE Reg. 472 (12/01/22)**

According to restraint records provided by Supervisor as evidence, the Parent was notified by phone after each restraint occurred. According to Supervisor, per District 2, Parent was provided with written copy of reports.

**This allegation is beyond the purview of this investigator and cannot be addressed through the IDEA state complaint process.**

**Complaint Allegation #6:** Failure to protect student from sexual abuse.

According to interview with Parent, Student was sexually abused by another student, several times, while being transported on the school bus. Parent also reported that Student was shown pornography at School 2.

As the state complaint process only addresses violations of a requirement of Part B of the IDEA, or the Department regulations concerning the education of children with disabilities, suspected abuse should be reported to the Department of Services for Children, Youth & Their Families (DSCYF):

- General information about Child Abuse and Neglect Reporting in Delaware information is available at: <https://kids.delaware.gov/family-services/child-abuse-and-neglect-reporting/>

- To report suspected abuse online, visit the Delaware Division of Family Services Reporter Portal at: <https://dscyfkids.my.site.com/ReporterPortal/s/>

- Suspected abuse can also be reported by phone at: 1-800-292-9582.

**Therefore, this allegation is beyond the purview of this Investigator and cannot be addressed through the IDEA complaint process.**

**Complaint Allegation # 7:** Failing to allow Parent to voice concerns without retaliation.

According to this State Complaint, Parent and Advocate 2, Parent was terminated from District 1, due to Parent voicing concerns regarding IEP implementation and due to Parent filing a police report about alleged sexual abuse of Student. No evidence was provided to Investigator proving this allegation. According to documentation from District 1's HR Director, termination occurred outside of the timeline of this complaint. Parent and Advocate 2 can contact the National Headquarters for the Office of Civil Rights:

<https://ocrcas.ed.gov/contact-ocr>

The OCR National Headquarters is located at:

U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education Bldg.  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Telephone: [800-421-3481](tel:800-421-3481)  
FAX: [202-453-6012](tel:202-453-6012); TDD: [800-877-8339](tel:800-877-8339)  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

**Therefore, this allegation is beyond the purview of this Investigator and cannot be addressed through the IDEA complaint process.**

## **CORRECTIVE ACTIONS**

### **Student Level**

1. District 1 shall meet with the Parent and determine appropriate compensatory education services owed to Student for violations that occurred from January 31, 2024 to August 31 2024. District 1 shall contact SPARC to request IEP Facilitation services for this meeting. In determining the provision of compensatory education, District 1 should account for

failure in implementing the IEP and consider areas of academic, social emotional functioning, and lack of ESY services. The determination of compensatory education services, calculation of time owed, and timeline for delivery should be discussed with Parent and documented. Delivery of compensatory education services cannot replace Student's current educational program. This document shall be provided to the Parent and a copy sent to the Director of Exceptional Children Resources by **May 1, 2025**. Compensatory education services must be completed prior to **December 31, 2025**.

### **District Level**

1. District 1 shall develop a written signed document with District 2 outlining policies and procedures regarding timely communication between the two districts to ensure that FAPE is provided to students that are shared. This shall include student restraints, suspensions, IEP meetings, etc. In addition, the document shall include how oversight of District 2's program will occur between districts, including responsibilities of both District 1 and District 2's special education administrators, School 1's administrators, and special education staff. Lastly, all other factors both parties see fit that are necessary for District 1 and District 2 to adhere to IDEA and Delaware Special Education laws may be included.
2. Professional development (PD) related to the development and implementation of IEPs including procedures for transfer IEP's, documenting changes in placement, and manifestation meetings shall be provided to all staff that act in capacity as Local Education Agency's (LEA) designees and special education staff in School 1. Lastly, the PD must include information regarding development of PWNs that include documentation of team discussion and when PWNs should be sent to families (timelines). Training must be conducted by **June 1, 2025**. Training materials (i.e., Power Points, media, and handouts) and sign-in sheets must be sent to the Director of Exceptional Children Resources by **June 13, 2025**.

Respectfully submitted,

REDACTED  
Investigator