

**Delaware Department of Education
Exceptional Children Resources**

**State Complaint Decision
DE SC #26-18
Date Issued: April 28, 2026**

On March 4, 2026, REDACTED (Parent 1) filed a complaint with the Delaware Department of Education (Department). The complaint alleges the POLYTECH School District (District) violated state and federal regulations concerning the provision of a free, appropriate public education (FAPE) to REDACTED (Student) under the Individuals with Disabilities Education Act (IDEA). 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 DE Admin. Code §§ 923.51.0–923.53.0.

The investigation included review of correspondence between Parent and District, interviews with Parent 1, written response from District and interviews with REDACTED, Director of Personnel and Student Supports (Director), REDACTED POYTECH High School Assistant Principal (Assistant Principal) and REDACTED, Special Education Teacher/Case Manager (SE Teacher/Case Manager).

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 DE Admin. Code § 923.53.2.4. In this case, the Department received the complaint on March 4, 2026. Therefore, the Department’s findings address violations from March 4, 2025 to March 4, 2026.

Complaint Allegations

Parent 1 alleges the District violated Part B of the IDEA and implementing regulations, by the following:

1. Failing to provide an alternative method for Parents to participate in Student’s Individualized Educational Program (IEP) meeting.

Factual Findings

1. Student is REDACTED years old and is a REDACTED grade student attending POLYTECH High School (School) within District. Student is eligible to receive special education and related services under the educational classification of Learning Disability.
2. On February 27, 2026, Special Education Teacher/Case Manager sent Parent 1 REDACTED (Parent 2) an email offering a few dates and times in an attempt to schedule Student's annual IEP meeting. The email contained the following message, "I wanted to reach out to schedule Student's annual IEP meeting. Looking at the School's calendar I would like to offer and schedule the meeting for the week we return from spring break. Please let me know if any of the below times work for you: Tuesday, April 14th or Thursday, April 16th @ 8:10, 10:15, or 11:40."
3. On Sunday, March 1, 2026, Parent 1 emailed Special Education Teacher/Case Manager stating, "Parents need something closer to 4:30 pm. Student will not be in attendance. That's Student's decision." Parent 1 also emailed again stating, "or a Zoom meeting."
4. On Monday, March 2, 2026, Special Education Teacher/Case Manager responded, "The latest meeting time I can offer is 2:00 pm. I cannot offer a Zoom meeting without approval from Director. I have reached out to Director to request a Zoom meeting and will be back in touch." Parent 1 then responded through a series of emails, "Ok, then get an approval from Director.", "We have to miss work to attend these meetings." and "It will have to be the very end of April or beginning of May, we can schedule latest time."
5. On March 2, 2026, Special Education Teacher/Case Manager sent an email to Director stating, "Student's Parents are requesting the IEP meeting as a Zoom. Can I offer them that option?"
6. On March 2, 2026, Director responded to Special Education Teacher/Case Manager via email, "Is there a specific reason for the request? All IEP meetings are face to face unless there are extenuating circumstances. Feel free to give me a call if there are private reasons that would warrant such a request."
7. On evening of March 3, 2026, Parent 1 sent Director an email again requesting that the IEP meeting be held via Zoom. Parent stated that the previous request for a virtual option was declined; however, Parent is resubmitting this to ensure her rights as a parent to meaningfully participate in the IEP process are upheld. Parent 1 stated, "I am writing to formally follow up on the request to hold the upcoming IEP meeting for Student via Zoom. My previous request for a virtual option was declined; however, I am resubmitting this to ensure my rights as a parent to meaningfully participate in the IEP process are upheld. As a member of the IEP team, my participation is essential to the development of an appropriate program for Student. Under both federal and Delaware law, the district is required to facilitate parental involvement through alternative means if an in-person meeting is not possible. Because of work obligations, I am unable to attend in person at the school building during school hours. Since the law explicitly provides for video conferencing to ensure parental rights are protected, I am asking the district to provide a Zoom link for our scheduled meeting. If the district continues to deny this request for a virtual format, please provide me with Prior Written Notice

(PWN) as required by 14 Del. Admin. Code § 926.3.0, detailing the specific legal or safety basis for refusing this accommodation.”

8. On March 4, 2026, Assistant Principal sent Parents 1 and 2 an email explaining why Special Education Teacher/Case Manager was trying to schedule an IEP meeting for Student. The email communicated, “Special Education Teacher/Case Manager is now working to schedule Student's annual IEP revision meeting. Although the IEP does not expire until August, we hold all our annual IEP revision meetings prior to the end of the school year (specifically by mid-May). With the number of IEP meetings that need to be scheduled, case managers typically work to schedule meetings two months in advance. We are currently within that two-month window for scheduling Student's meeting and dates and times are booking up. I hope this provides a better understanding of Special Education Teacher/Case Manager's role and her reason for reaching out to schedule Student's annual IEP revision meeting. Please work with Special Education Teacher/Case Manager to select a date and time that works best for all parties.”
9. In addition, Assistant Principal explained that clarification was needed for misunderstanding regarding Special Education Teacher/Case Manager and the role in scheduling IEP meetings. It was explained that Special Education Teacher/Case Manager is a special education teacher. In addition to this role, she is also Student's case manager, overseeing all aspects of Student's IEP.
10. On March 4, 2026, Parent 2 sent Assistant Principal an email stating, “As working parents, we cannot simply "drop" our professional obligations to fit into a specific two-month window that the school has pre-selected, especially when our request for a virtual Zoom option, which would significantly ease this process was denied. We are ready to pick a date that works for everyone, but we ask for flexibility in return—either through the approval of a Zoom link or by considering times that account for our work schedules.”
11. On March 4, 2026, Assistant Principal sent Parents an email stating, “I understand your constraints and concerns with needing to take time off from work to attend an IEP meeting. As a school, we do have business hours as would a medical office or any other establishment. We can only schedule our meetings during our business/operating hours. As to your request for a Zoom meeting, that is currently in the hands of the District, and we are awaiting a response just as you are. It has been our practice since Covid restrictions were lifted to hold meetings in person. I will ensure that Special Education Teacher/Case Manager books the agreed upon day and time, and we will communicate further once we have received more direction from the District.”
12. On March 4, 2026 at 9:26 am, Parent 1 sent Assistant Principal an email stating, “We have selected a date of May 6th at 2:30. Special Education Teacher/Case Manager may not have received that email yet. Parent 2 will attend via Zoom as soon as we receive the link.”
13. In the afternoon of March 4, 2026, Parent 1 sent an email to Assistant Principal stating, “Director has declined the request. She has sent this decline through 3rd/4th party through Special Education Teacher/Case Manager’s Director, to Special Education Teacher/Case Manager and then to me. As it was stated in the email.”

14. In the evening of March 4, 2026, Director sent Assistant Principal an email, "Thank you. If May 6th at 2pm or 2:30pm works for everyone, please have the meeting scheduled for that day/time. I will follow up with a return phone call to Parent 1 tomorrow. I appreciate how you handled this situation with the parents and explaining Teacher/Case Manager's role and the school's/district's position."
15. On March 5, 2026, Assistant Principal and Parent conversed via email and scheduled the IEP meeting for May 6, 2026 at 2:30 where Parent 1 will attend in person and Parent 2 will attend via Zoom. Director also spoke with Parent 1 via telephone reassuring Parent 1 that their concerns were addressed and a Zoom link will be sent.
16. On March 5, 2026, Director sent Parent a letter thanking Parent for their conversation that morning and confirming the agreed upon date for Student's annual IEP meeting for May 6, 2026 at 2:00 pm. The letter contained a Zoom link for Parent's participation.
17. On March 6, 2026, Director replied to State Complaint explaining that District policy is to hold IEP meetings in person and utilize alternative options as a backup when conducive. Their goal is to work collaboratively and build strong relationships with parents and guardians. Director believed that the previous request for a virtual meeting may have been miscommunicated which resulted in a denial. Director explained that staff members contracted day ends at 3:00 pm and many have responsibilities and obligations after 3:00 pm. With the assistance of the Assistant Principal, Parent 1 and Assistant Principal spoke and agreed upon a mutually agreed upon date, time and participation method. The issue was promptly resolved.

Legal Conclusions

Allegation #1: Failing to provide an alternative method for Parents to participate in Student's Individualized Educational Program (IEP) meeting:

The Office of Special Education Programs (OSEP) emphasizes that parents are essential members of the IEP Team and must be given meaningful opportunities to participate in all aspects of the process. Under IDEA, schools are required to ensure that parents are involved in meetings related to the identification, evaluation, educational placement, and provision of FAPE for their child. This includes providing timely notice of meetings, scheduling them at mutually agreeable times, and using methods such as phone calls or virtual participation if in-person attendance is not possible. Schools must also ensure that parents understand the proceedings, which may require interpreters or translated documents.

OSEP further clarifies that parent participation must be more than a procedural formality; it must be meaningful and collaborative. Schools cannot predetermine decisions about a child's IEP without parental input or present finalized plans without discussion. Instead, they must actively consider parents' concerns, insights, and information about their child's needs. If a disagreement arises, parents have the right to dispute decisions through procedural safeguards such as mediation, state complaints or due process hearings. Overall, OSEP's guidance reinforces that parental involvement is a cornerstone of developing an effective, individualized educational plan that truly serves the student.

IDEA 34 C.F.R. § 300.322(c) states: Parent participation. (a) Public agency responsibility— general. Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including— (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and (2) Scheduling the meeting at a mutually agreed on time and place. (b) Information provided to parents. (1) The notice required under paragraph (a)(1) of this section must— (i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and (ii) Inform the parents of the provisions in §300.321(a)(6) and (c) (relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child), and §300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C of the Act). (2) For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, the notice also must— (i) Indicate— (A) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with §300.320(b); and (B) That the agency will invite the student; and (ii) Identify any other agency that will be invited to send a representative. (c) Other methods to ensure parent participation. If neither parent can attend an IEP Team meeting, the public agency must use other methods to ensure parent participation, including individual or conference telephone calls, consistent with §300.328 (related to alternative means of meeting participation). 14 Del. Admin. Code § 925.22.3: states that if a parent cannot attend an IEP Team meeting, the school shall use other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

In addition, on May 21, 2013, OSEP issued a guidance letter to Christopher Northrop stating, “As you know, the IDEA gives deference to the parents’ rights and role in the development of IEPs. For example, the LEA must take steps to ensure that the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, through notification of the meeting early enough to ensure that they will have an opportunity to attend, and scheduling the meeting at a mutually agreed on time and place. (See 34 CFR §300.322(a); 71 FR 46540, 46678, August 14, 2006).”

In this case, on February 27, 2026, Teacher/Case Manager sent the initial request to begin scheduling Student’s annual IEP meeting, suggesting a few dates and times. On March 1, 2026, Parent sent an email requesting the meeting be held closer to 4:30 or held as a Zoom meeting. Special Education Teacher/Case Manager responded by email stating that the latest time that can be offered for the meeting is 2:00 and that, according to District policy, the Director must grant permission for the meeting to be held virtually. On March 2nd, Special Education Teacher/Case Manager sent Director the Parent’s request for permission to hold the meeting by Zoom. Special Education Teacher/Case Manager and Assistant Principal explained to Parent 1 and Parent 2 the reasons why the IEP meeting must be scheduled by 2:00 due to staff contracted end of day. In addition, since Covid, it is the District’s policy to hold in person meetings to foster collaboration and to build stronger relationships with parents and guardians. Any requests for virtual meetings must receive District approval. Although the first request for a virtual meeting was denied, upon further communication, the second request was approved immediately.

In all communications from District to Parents, it was clear that attempts to schedule the meeting were to select a date and time that works best for all parties. Attempting to schedule the meeting at least four months ahead of time allows each party to communicate their preferences for meeting dates and times. In addition, although the District encourages IEP Teams to meet in person, if at all possible, to encourage collaboration and build relationships, they have established a process to request virtual meetings. Within an eight-day timeframe and multiple emails, the meeting was scheduled at a mutually agreeable date and time. The meeting format will allow for Parents to attend either virtually or in person. **Therefore, I find no violation of IDEA or state special education regulations.**

Corrective Actions

The Delaware Department of Education is required to ensure that corrective actions are taken when violations of the requirements are identified through the complaint investigation process. See, 14 DE Admin. Code § 923.51.3.3. **In this case, no violation of Part B of the IDEA was identified.**

Respectfully submitted,

REDACTED

REDACTED