

**Delaware Department of Education
Exceptional Children Resources**

State Complaint Decision

DE SC #26-16

Date Issued: April 20, 2026

On February 19, 2026, REDACTED and REDACTED (Parent) filed a complaint with the Delaware Department of Education (Department) on behalf of their son, REDACTED (Student). The complaint alleges Aspira Charter High School (School) violated state and federal regulations concerning the provision of a free, appropriate public education (FAPE) to students with disabilities within the School under the Individuals with Disabilities Education Act (IDEA).¹ 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 a review of Student’s educational records, correspondence between Parent and School, and interviews with Parent, Supervisor of K-12 Education Enrichment (Supervisor), and other school personnel related to the implementation of Student’s IEP.

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 February 19, 2025. Therefore, the Department’s findings address violations from February 19, 2025, to February 19, 2026.

¹ To protect personally identifiable information about the students 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.

Complaint Allegations

Parent alleges School violated Part B of IDEA and implementing regulations by:

1. Failing to provide annual IEP meetings;
2. Failing to implement necessary supports leading to significant decline in academic performance and denial of FAPE;
3. Falsifying service logs indicating service provision on days Student was not in School.
4. Failing to inform Parent of change in Case Manager (due to medical leave);
5. Failing to respond to persistent bullying and racism by staff and students;
6. Failing to provide vocational services and promised tutoring services.

Factual Findings

1. Student attended REDACTED school in a Maryland School District.
2. Student attended REDACTED school at home in a virtually blended program within a Maryland school district. In 2020, Student received a medical diagnosis of Attention Deficit Hyperactivity Disorder (ADHD) and became eligible for special education services under the classification of Other Health Impairment (OHI) and began receiving services.
3. Student attended REDACTED grade in a private school with an Individual Learning Plan (ILP).
4. On August 28, 2024, Student enrolled in School as a REDACTED grade student.
5. On September 30, 2024, the IEP Team met to develop a new Evaluation Summary Report (ESR) and Individualized Education Program (IEP) since Student was enrolled in a private school in Delaware for REDACTED grade and had an ILP. The end date of the newly developed IEP was September 30, 2025.
6. The IEP Team held an IEP revision meeting on December 10, 2024. The Prior Written Notice (PWN), dated January 23, 2025, noted Student grades had remained stable or improved since November 2024, according to reports in Schoology and teacher communication. Noted improvements include Student's increased focus on longer readings supported by peer learning strategies, Improvements in grades is attributed to additional support. Discussion included Student's continued struggles with maintaining organization system, writing organization and articulation, particularly in structuring thoughts. Math challenges include multi-step problem- solving, computation and translating verbal concepts into written format. Supporting these deficits while considering Student's anxiety about being identified as a special education student was discussed regarding recommendation for small math group, within scheduling challenges for next semester, since no integrated math classes are being offered next semester, small group would be only 1-2 students. IEP revisions include adding accommodations such as extended time, chunking assignments, graphic organizers, and a calculator to support Student's math skills. Alternative options for small group

instruction while maintaining inclusivity and a conducive learning environment will continue to be explored.

7. Student is currently in the REDACTED grade and receives special education services as a student with a primary educational classification of Other Health Impairments (OHI) and a secondary classification of Specific Learning Disability (SLD) in math calculation and math problem solving.
8. Student currently receives special education services in “A” setting. Student receives math services in a small group (10 students) with a full-time special education teacher and an instructional assistant. In addition, there is a full-time teacher obtaining alternate route to certification.
9. Student’s current annual goals are:
 - Math Calculation: When given a one-step equation to calculate, Student will be able to identify the appropriate operations (+, -, x.) and correct order of operations to solve them with 70% accuracy when dealing with rational numbers based on teacher construction assessments 2/3 times.
 - Math Problem-Solving: When given a math equation to solve, Student will recognize and use a general plan to solve the problem and identify steps-- 1. Understand the problem, 2. Select and try a strategy, 3. Examine the solution, and 4. Verify the solution with 65% accuracy when dealing with rational numbers based on teacher construction assessments 2 out of 3 times.
 - Written Expression: Student will compose a 3-paragraph passage to an expository and/or informational text that has no more than 6 mechanical errors and a minimum score of 2 on the Delaware Writing Rubric.
 - Reading Comprehension: After reading a short story passage with a Lexile of at least 900L. Student will predict the ending of the story, make an accurate inference. and provide a verbal summary with at least 60% accuracy, in 3/5 trials.
 - Task Initiation/Completion: Student will initiate and complete 2/5 tasks for each class weekly.
10. Student’s accommodations include the following:
 - Math : Handheld calculator, frequent teacher check-ins for understanding (comprehension of materials/concepts), chunking of information, opportunity to verbalize answers, extended wait time, repeat or reteach as necessary by para, teacher, peer or other support personnel, prompting to use taught strategies, Explicit teacher modeling, frequent positive feedback, support to make sense of the information para, teacher, peer or other support personnel ,directions read orally as needed para, teacher, peer or other support personnel, Use of multiplication chart or appropriate notes, breaks during lengthy assignments as needed, reduce the number of problems to focus on demonstrating mastery of concepts and standards, flexible small grouping for direct instruction/testing per instructor direction, additional time to complete

assignments, preferential seating near instructor and away from distractions, verbal and non-verbal cues when necessary, teacher modeling of new concepts and mathematical procedures, use of anchor charts, guides/class notes, tables, and graphic organizers as needed, manipulatives, Draw out steps/problems, Use of real-life situations to relate to problem.

- Written Expression: Instruction: Directions Read Aloud, Repeat and Restate Directions, Teacher Modeling/Teacher Prompting, Use of Highlighters, Chunking of Material, Preferential Seating (Away from Distractions), Graphic Organizers, Extended Time (50%) Assessment/Quizzes/Written Expression, Text Read Aloud, Redirection from additional adult support staff as needed, Re-teaching as necessary for skill mastery, Explicit vocabulary instruction.
- Assessments: Seat in close proximity to teacher, Read and simplify directions, read text and questions aloud where permissible, small group as needed, Extra time where needed, Test completed in sections when needed, Answers given orally when needed and permitted
- Across Content: Small group testing as needed, Assignments and assessments read aloud where permissible, Extra time on assessments and assignments (2 days formative, 5 days summative), abbreviated assignments as needed.
- Reading Comprehension: frequent checks for understanding/comprehension , pre-teaching new vocabulary words, ,visual aids(charts/graphic organizers) highlighting important words simplified questions, clarification of directions, repeated practice/modeling of fluency use of graphic organizers, word banks, texts and questions read aloud or the ability, to use text to speech as needed redirection to remain on task, extended time to complete assignments (2 days formative, 5 days summative),prompting to use taught strategies use of notes/graphic organizers provided positive feedback, use of technology, ability to discuss answers with an instructor for accuracy as needed, chunking of written materials, lessons, assessments, assignments, ability to demonstrate understanding and mastery of concepts/standards in a variety of modalities provided study guides, ability to use notes, or check notes for accuracy prior to assessment.
- Task Initiation/Completion: Graphic Organizers, chunked, provide checklists for assignments to outline steps for task completion, allow for extended time on tasks to reduce pressure and promote initiation, Use visual timers to help understand time management, implement structured breaks to prevent overwhelm during longer tasks, offer one-on-one support during the initial stages of assignments as needed, utilize technology tools, such as reminders or apps, to assist in task initiation, encourage the use of graphic organizers to help outline project steps, provide immediate feedback on task initiation to reinforce positive behaviors.

11. On January 27, 2025, School sent Parent Notice of Meeting (NOM) for an IEP meeting to be held on February 20, 2025. The purpose of meeting included determination of Student's continuation of eligibility for special education services, transition planning,

review or revise Student's IEP and consideration if recent behavioral incident was related to Student's disability.

12. On February 20, 2025, School Psychologists (School Psychologist 1 & 2) conducted Student's triennial evaluation. Due to Parent concerns, the Autism Spectrum Disorder Rating Scale (ASRS) and the Autism Diagnostic Observation Schedule- 2 Model 3 (ADOS-2) were among assessments administered, in addition to the Wechsler Individual Achievement Test – 4th Edition (WIAT-4). The ASRS relies on Parent and Teacher rating scales and ADOS-2 relies on School Psychologist 1's observation.
13. On February 20, 2025, IEP Team met. Prior Written Notice (PWN) stated IEP Team reviewed IEP to monitor Student progress, consideration of accommodations for organizational and math challenges, special education considerations (balancing Student anxiety about being identified as a special education student and providing necessary supports), recommending additional accommodations, scheduling challenges for next semester, and request for transition survey to be completed to move forward on transition planning.
14. On March 5, 2025, IEP Team held an IEP meeting to collaborate on Student's IEP, evaluations, accommodations, and services. The PWN listed topics of discussion and Team decisions made as follows: Parent concerns relate to services in written expression, comprehension goals, either missed or not documented and Student continues to bring home disorganized papers. Parent looking for lasting solutions to foster Student independence; staff to cc Administration on IEP related emails; academic performance; math grade 82% but student struggles with memory and missing assignment, teachers adjust seating to minimize Student's distractions; Student's executive functioning including forgetting assignments and steps at home, and inconsistent use of certain supports. Actions planned; collect data and update reports; clarify roles and plans for binder checks and lunch routine; use of support materials to include specific organizers and use across all classes; communication protocols.
15. On March 6, 2025, School sent Parent an email (and hard copy sent home with Student) containing letter announcing Extended School Year dates and times, and a survey to be returned to School by March 21, 2025. Parent responded to survey indicating Student participation and need for transportation according to document Director provided.
16. On March 11, 2025, IEP Team met to continue meeting of March 5, 2025. PWN states School proposes to meet to review and revise Student's IEP, as part of annual review. Topics addressed included Student's missed assignments, miscommunication regarding accessibility of Schoology, Student's organizational challenges, (binders may not be effective due to different formats of work products), need for additional math support with one-to-one instruction being added 2 days per week in addition to weekly tutoring, Parent and School continue to provide support for organizational challenges, catching up missed assignments, and reconvene meeting with School Psychologist 1 on March 26, 2025.
17. On March 11, 2025, School sent NOM for March 26, 2025, IEP meeting with stated purpose to determine continued eligibility of Student for special education services,

- review /revise IEP and transition planning. However, there is no record of a meeting occurring on March 26, 2025.
18. On March 12 and 19, 2025, School sent a NOM to Parent for a meeting on April 2, 2025. However, there is no documentation the meeting took place.
 19. On April 30, 2025, IEP Team met to review and revise Student's IEP. On May 1, 2025, School issued a PWN stating Student placement is an "A" setting except for ESY, which is a "C" setting, since only students eligible for ESY or 12-month program receive services during that time. Discussions included Parent concerns:
 - Reading Comprehension Goal Removed
 - Executive Functioning vs. Reading Disability
 - Accurate Accommodations
 - Consistent Support & Communication
 - Clarify Tutor's Role
 - Lunch Monitoring
 - More Observational Data (math and executive functioning)
 - In review of data, Student did not make progress in math goals in MP1 and MP2 master annual math goals. Team agreed Student needs smaller class size to make progress in math. Student will continue in current placement and special education setting during ESY and small class size next school year.
 - Appropriate accommodations across content areas and shared responsibility of general education to implement IEP as written. Collection of data and provision of services will be shared responsibility.
 - Service, frequency, duration and setting and goal statements revisions will be captured in revised IEP.
 - Student attends classes with paraprofessional support and requires special education support in the areas of math calculation, math problem solving, numerical operations written expression, task initiation, and completion, and reading comprehension addition Team agreed Student continues to require an assigned seat on the bus, capture need for lunch plan attached to IEP, and is eligible for ESY due to degree of impairment in math.
 - Parent shared Student participates in private therapy and requested additional testing to rule out Autism.
 20. On May 2, 2025, School sent Parent a Permission to Evaluate (PTE) form for School to provide additional evaluations/ assessments conducted by Speech Language Pathologist in the best academic interest of Student and concerns regarding behavior observed by Parent that can be characteristic of Autism.
 21. On May 16, 2025, Parent signed the IEP and PTE.

22. On May 28, 2025, School's Speech/Language Pathologist conducted a Pragmatic Language assessment of Student in response to a request for Student to be evaluated for Autism.
23. On June 16, 2025, School's ESY began and ran through July 24, 2025. The IEP dated April 30, 2025, states that Student qualified for ESY services in math for 40 mins, 4 days/week. ESY occurred Monday-Thursday from 8:00 am- 11:00 am. Student attended 1 day of ESY.
24. On June 18, 2025, Parent sent Director email regarding a meeting Director had with Parent's Advocate/legal counsel, at Advocates request. Parent was upset School did not invite Parent as she was aware of it and invited by Advocate. Director responded that request was initiated by Advocate, therefore, assumed Advocate would share meeting information and link to join. Since School did not initiate the meeting, common practice would be for Advocate to invite and share meeting information. Director did share meeting agenda and assured parent Student was not discussed, rather, the Advocate wanted to know where School was in process of responding request for School to assess Student for Autism. Director shared notes with Parent. Parent clarified no meeting regarding Student is to occur without Parent being a part of it, going forward. Parent released attorney and informed Investigator not to contact attorney.
25. On July 3, 2025, Parent sent email to Director and Head of School stating concern Student was determined ineligible for ESY. Director responded on July 7, 2025, Student was on the attendance rolls for ESY and stated ESY had been discussed at the April 30, 2025, IEP meeting and Parent was in attendance. Parent also had been mailed communications and a survey for ESY in March. Student could not be on ESY rolls unless Parent had completed survey.
26. On July 7, 2025, School Counselor followed up and sent ESY bus information to Parent.
27. On July 10, 2025, Parent sent School Counselor email, stating Student would ride the bus the next day to ESY program. School Counselor responded ESY was only Monday to Thursday.
28. On July 14, 2025, Parent sent School Counselor email asking if Student would be with peer group and asked if there was a reason why ESY is not at high school. Student attended ESY.
29. On July 15, 2025, Parent sent email to School Counselor asking if ESY and summer school are combined. Student was confused because announcements referenced summer school and wondered why Student had to do a book report if Student was in ESY specifically for math. School Counselor responded Student was with all high school students. School Counselor cc'd teachers and Coordinator on this email to help answer Parent's questions, "...ESY (extended school year) and summer school are the same thing. "Summer school "is a term that most are familiar with so that is why it is used sometimes. The ESY school day is split between math and ELA so students should be working on both subjects."
30. Parent responded, that ESY is not the same as summer school. ESY is a customized program for students with IEPs who are at risk of losing essential skills over extended breaks. Parent asked what exactly Student was going over from IEP. School Counselor

shared ESY includes both math and reading and put Parent in contact with Program Coordinator.

31. On August 26, 2025, Parent emailed Director stating Student reported front seat on bus was not available for Student to sit that day. On August 27, 2025, Director forwarded email from Transportation Supervisor to Parent, confirming Student would sit in the front seat of bus going forward, as noted in Student's IEP.
32. On August 27, 2025, Nemours Hospital requested Student's current IEP and most recent evaluation summary report (ESR) from School, providing Parent release dated July 7, 2025.
33. On August 27, 2025, Parent sent email to Educational Diagnostician (ED) requesting an IEP meeting with entire Team available for entire meeting.
34. On August 27, 2025, ED emailed Parent a NOM for September 4, 2025. ED also confirmed guidance counselor (Counselor) would meet with Student regarding schedule and identifying next course in Art Pathway. Student's Counselor Case Manager (Case Manager 1) were cc'd on email in case Parent had specific questions for either.
35. On August 28, 2025, ED left Parent voicemail and sent Parent email offering September 4, 16 or 17, 2025, for entire IEP Team to meet in-person. ED offered September 10 or 11, 2025, as alternative dates when only one of the two school psychologists that co-assessed Student would be available for assessment review. ED asked Parent to confirm preferred date to plan coverage for teachers. Parent responded preference for September 16, 2025, for IEP meeting.
36. On September 3, 2025, ED sent Parent a revised IEP NOM for September 16, 2025.
37. On September 3, 2025, Parent sent Counselor an email stating Student was uncomfortable in science class because there were mostly REDACTED graders. Parent wanted to know what changes could be made.
38. On September 3, 2025, ED responded to Parent's email asking for clarification of Student feeling "uncomfortable." ED explained Student is in Earth Science because Student took Biology prior year. ED stated both sections of Earth Science have a mix of REDACTED and REDACTED graders.
39. On September 4, 2025, Parent sent ED an email questioning why science class is not grade based and asking if Student is only REDACTED grader in class. ED responded by reiterating both classes have REDACTED and REDACTED grade students. Biology or Earth Science can be taken in REDACTED or REDACTED grade since neither is pre-requisite to the other.
40. On September 4, 2025, Parent sent ED email inquiring if documents requested from Nemours had been sent. ED responded that School received request on August 28, 2025, and records would be sent by end of that day.
41. On September 8, 2025, Parent sent ED an email requesting all documents needing signature should be sent home with Student.

42. On September 9, 2025, ED sent Parent email confirming NOM for September 16, 2025, would be sent home with Student that day, as well as all documents needing signature going forward.
43. On September 15, 2025, Parent sent ED email informing ED there was an unexpected death in the family which increased Student's anxiety. Student reported to Parent not being comfortable using break card and had not met with Case Manager 1 yet. Parent also stated concerns about Student returning to school from illness previous week. Student was not going to bathroom to blow his nose, rather, was wearing mask and waiting to blow nose after school. Additionally, Student was not eating lunch in School.
44. On September 15, 2025, ED sent email to Parent stating ED met with Student regarding Parent's concerns. Together they determined Student would continue to use E-hall pass on Chromebook to request break (i.e., to go to hall to blow nose, since Student cited it could be disruptive to class). Student reported Student had many friends in class that Student sits with at lunch, noting Student ate lunch each day, detailing lunch items that day. ED also described Case Manager 1's responsibilities and confirmed Case Manager 1's attendance at IEP meeting the following day.
45. On September 16, 2025, IEP Team met for triennial reevaluation. According to the PWN, the IEP Team reviewed the evaluation and determined Student did not meet the eligibility criteria for a classification of Autism. Student continued to be eligible for special education services under the primary classification of Other Health Impaired (OHI) and secondary classification of Learning Disability in the areas of math calculation and math problem-solving. The Team discussed most appropriate supports for Student throughout school day. The Team decided to reconvene to revise Student's IEP within 30 days to add/revise supports based on data discussed during development of ESR, including supports for executive functioning.
46. Parents did not agree with determination statement at the time and requested to take a copy of ESR home, would sign the document with their decision (agree or not agree) and return it to School with Student. Parent also requested the School provide an Independent Education Evaluation (IEE) to determine if Student is eligible for special education services under the classification of Autism. Director explained an educational diagnosis of autism is different from a medical diagnosis.
47. On September 16, 2025, PWN stated School granted approval of IEE, provided a list of qualified providers to conduct the IEE Parent could choose from, or if Parent chose another provider, requirements of licensure and certifications, as well next steps to have the IEE completed, per state regulations.
48. On September 17, 2025, Parent sent ED an email wanting clarification of next steps for IEE. ED responded that Director would initiate process and ED would contact Parent with next steps. Parent also sent separate email, very concerned Student received a score of "1" on a math test, questioning how this happened if all accommodations were in place. Parent stated Student was very upset at pick up and reported other students teased him. Parent also stated Parent expected all teachers should have attended IEP the previous day. ED responded ED would reach out for more information from math teacher and Case Manager 1 regarding math test. ED also clarified, required staff (per state

regulation) attended IEP meeting. ED suggested if Parent wanted to meet with all teachers, to reach out to Counselor to set up a meeting.

49. On September 18, 2025, ED sent both PWNs of September 16, 2025, home with Student, as requested by Parent. Student was absent on previous day. The PWN regarding the requested IEE, confirmed it was approved and explained the process per state regulations. As of the date of this complaint being filed, no provider (chosen by Parent) has contacted School to verify credentials or negotiate contract for IEE.
50. On September 18, 2025, ED responded that ED spoke with Case Manager 1 and math teacher. Teacher stated Teacher provided test to Student but did not require Student to take the test, as Student did not feel prepared to take it. Student chose to take the test. Teacher admitted returning test was in error, as a date for a new test was set. Teacher thought the additional practice and preparation of comprehensive study guide would benefit the entire class. ED also cc'd Case Manager 1 and math teacher on response email, if parent chose to reach out directly to either.
51. On September 26, 2025, ED sent Parent an email inquiring if Parent had reviewed and signed paperwork from September 16, 2025, and requesting if so, please send it to school with Student the following Monday.
52. On October 5, 2025. Parent sent ED an email describing an incident on October 1, 2025. Student alleged classmate took something from Student's backpack.
53. On October 7, 2025, Parents brought Student to School and requested meeting with Student, Parent, Head of School and ED. Parent expressed concern about incident occurring on October 1, 2025, direct support from Case Manager 1, as well as requesting an "emergency" IEP meeting on October 14, 2025.
54. On October 7, 2025, ED sent Parent an email informing Parent ED was not available October 14, 2025, for IEP, and offered October 23, 25, 31, 2025.
55. Parent sent ED an email informing ED Parent was available October 14, 2025.
56. On October 7, 2025, Head of School sent email to Parent regarding incident described in email of October 5, 2025. Head of School clarified several points and offered solutions going forward. This incident was handled in accordance with Student Code of Conduct.
57. On October 8, 2025, ED sent email to Parent citing the regulations regarding IEP meetings including notification and required team members to be in attendance. Regulations also require IEP Teams meet within 30 days of recent evaluation, so suggested a date of October 23, 2025, which would allow for 10-day notification, as well as ensure required Team members can attend.
58. On October 15, 2025, Parent sent ED email stating Student reported Case Manager 1 pulled Student out of preferred class. Parent stated Parent did not want Student pulled out of class Student enjoyed and referenced a conversation previous year with staff person about not pulling Student from classes. ED responded that check-in with Student was in response to meeting Parent request for direct support from Case Manager 1 the previous day. Parent also stated Student would be out 2 days that week for family funeral.

59. ED sent response email clarifying Student's IEP does not specify Student is not to receive services through a pull-out model per parent request. Case Manager 1 role is not to provide direct instruction, rather discussion with Student about feelings, comfort level and questions about classes that may arise throughout the day. ED further clarified, Student is in an "A" setting, which means accessing general education setting 80% of the day, and in high school a pull-out model for instruction is not preferred, unless demonstrated need exists. ED further clarified the purpose of recent meetings with Case Manager 1 (ensure understanding of curriculum being presented in current school year, and build rapport with Student, so Student is comfortable seeking help) would not be permanent change to schedule. Student is receiving service minutes for small group instruction in math and executive function goal of task management occur in Math class, with a special education teacher. Case Manager 1 is teaching during that time, so is not available. Potential times for check-ins are being explored but will not exceed approximately 15 minutes out of any class. Finally, ED stated a meeting invitation for Student IEP was emailed on October 10, 2025, and a sent home with Student on October 14, 2025. Invitation offered October 23 or 27, 2025 and if Advocate can attend ED would send Advocate an invitation.
60. Parent sent a second email, describing Student reported problem in Spanish when Student asked for help and Teacher instructed Student to look at notes. Student told Teacher Student did not understand notes, but not sure Teacher heard Student's second comment. Parent stated that was not appropriate implementation of IEP.
61. ED sent second email with clarification of what occurred in Spanish class, after following up with Teacher. Student did receive assistance later in that class. Aware of Student being out the remainder of week, Teacher will be sure Student is allotted time to learn the key standards presented in lessons missed.
62. On October 22, 2025, Parent requested meeting with ED when Parent brought Student to School after a 7-day absence. ED was in a meeting and not available. Parent had not set up a meeting, nor responded to recent emails from ED requesting to schedule an IEP meeting.
63. On October 23, 2025, ED sent Parent email asking if October 27, 2025, did not work for Parent and Advocate, to provide additional dates and times that both are available so to schedule for entire Team to meet for IEP revision meeting. Parent requested meeting be pushed back to later date since Advocate had just received records.
64. On October 23, 2025, ED sent Advocate email in response to records request forwarded to ED the previous day. Records were attached.
65. On October 24, 2025, ED sent updated meeting invitation to Parent for Monday, October 27, 2025, at 10:45 am. Advocate had another meeting until when IEP revision meeting would begin. ED offered Zoom option that day, or Team could meet October 29 or 31, 2025 at 10:45 am.
66. On October 27, 2025, Student 's Progress report for Benchmarks 1 in all math, written expression, reading comprehension, and task initiative IEP goals states Student is making satisfactory progress toward annual goal.

67. On October 30, 2025, ED sent Parent email to confirm next day meeting at 10:45 am and to ask if Parent and Advocate would be there in person or preferred a Zoom meeting. That afternoon, Parent responded that family was sick, and Parent had not spoken to Advocate. Parent requested meeting be rescheduled.
68. On October 31, 2025, ED sent Parent email offering to meet on November 6, 10 or 19, 2025 and requested Parent and Advocate coordinate schedules and get back to ED with a date.
69. On November 4, 2025, ED sent Parent email asking if Parent and Advocate had identified a date for the IEP revision meeting, since ED had not heard from Parent and realized Student had not been in school for a second week, assuming due to continuing illness. ED again offered November 6, 10, or 19, 2025. Since it was already November 4, 2025, ED offered additional dates of December 2, 4, or 10, 2025.
70. On November 6, 2025, ED sent Parent email requesting a date for the IEP revision meeting.
71. On November 17, 2025, Parent sent ED email stating December 4, 2025, would work for Parent and Advocate.
72. On December 1, 2025, Parent sent ED email stating Parent had a conflict with an earlier appointment and requested the meeting be rescheduled. ED responded there would be mailing via UPS and sending electronically a new meeting invitation for December 18, 2025.
73. On December 2, 2025, Parent sent ED email asking what other days than December 18, 2025, Parent was entitled to, requested a new Case Manager for Student and an IEE “for the third notice” since September initial IEP meeting. Parent stated Student did not receive the required help needed to be successful in academics in the first marking period.
74. On December 3, 2025, School sent a PWN to Parent addressing the following:
 - IEP scheduling. School proposed to have IEP revision meeting and stated the following dates had previously been offered; October 21, 23, 27, 29 and 31, 2025. Parent had chosen October 31, 2025; however, canceled on October 30, 2025. November 6, 10 and 19, 2025; however, there was no response from Parent. December 2, 4, and 10, 2025, were also offered on November 4, 2025. On November 12, 2025, ED informed Parent Team could meet on December 4, 2025, and a meeting invitation was sent home with Student. Parent confirmed attendance on November 17, 2025; however, there was no further communication from Parent until December 1, 2025.
 - Due to school closures, previously scheduled IEP meetings, diagnostic testing the following dates in January; January 7, 13 Or 22, 2025 at 1:30 pm.
 - Case Manager assignment. Per Parent request, Case Manager 2 will be assigned for remainder of school year. Due to limited resources, another change in Case Manager cannot be altered again this school year.

- Independent Education Evaluation (IEE) School referenced PWN sent September 18, 2025, approving IEE and requests Parent choose a provider by December 18, 2025, so process can proceed.
 - Student Support and Academic Progress. School described efforts to identify needed support from Student after extended illness. Teachers, ED and Case manager devised plans for Student to demonstrate grade-level standards for Marking Period (MP)1. School noted absenteeism impact on performance noting MP 1 – 6 full days absences and 6 partial days absences; MP 2 (as of December 3,2025 only) – 7 full day absences and 3 partial day absences.
 - Parent concerns about communication – School needs further clarification regarding what Parent is requesting.
75. On December 15, 2025, Parent sent ED email confirming attendance on December 18, 2025, IEP meeting. Parent requested all of Student’s teachers and Case Manager 1 be present at meeting. ED responded that Case Manager 1 was out on unexpected medical leave and other teachers had instructional responsibilities at that time, therefore could not attend on short notice. However, required Team members will attend and input from other teachers will be gathered, so perspectives are included in meeting.
 76. Parent sent ED email stating Parent needed all teachers at the meeting or were there other dates where that could occur.
 77. ED sent response email to Parent stating all required IEP Team members, per state and federal special education regulation, would attend and input from other teachers had been gathered for the meeting. If follow-up with specific teachers is needed after the meeting, next steps would be explored.
 78. Parent sent response email asking which teachers would be present. ED responded clarifying which teachers were invited, as well as reviewing which teachers were at the September 16, 2025, IEP and that the Drivers Education teacher had attended meeting Parent requested with Head of School and ED.
 79. On December 17, 2025, Parent requested all teacher input be sent ahead of meeting for those not present. ED forwarded teachers’ completed input forms to Parent.
 80. On December 18, 2025, the IEP Team held the IEP revision meeting required because of new evaluation completed and discussed on September 16, 2025. PWN, dated January 3, 2026, stated Team proposed actions included; providing Parent with draft of proposed IEP revision and meeting invitation for continuation meeting, adding an annual additional goal focused on skills to support Student in appropriately communicating needs and seeking assistance through school day, consideration of accommodations related to Parent self-care concerns regarding bathroom use, eating lunch and accessing water during the school day, since these concerns have not been observed by School staff, initiating weekly communication update tool between teachers and Parent. Finally, Team acknowledged the importance of Parent concerns and agreed continued collaboration was necessary to determine if Student’s reported self-care behaviors impact Student’s educational performance or access to general education curriculum.

81. Communication in December 18, 2025 meeting included discussion of the work plan created by teachers to modify missed assignments and implemented for Student to demonstrate mastery of grade-level standard when he returned from extended illness. Grades for MP 1 were then updated and explanation of how grades are entered, noting assignments not turned in or not yet due, impact calculations, as both appear as "0." Additionally, the Team discussed Vocational Rehabilitation (VR) services. It was determined Case Manager 2 would follow-up on referral for Student to VR in January. IEP Team also explained a collaborative effort to make an alternate plan for Student to demonstrate grade level standards to adjust 1st MP grades, since Student was absent due to illness. Then VR support for driver education (DE) could be provided during ESY. Finally, ED sent invitation to all Student's teachers to meet on first day back from holiday break.
82. Beginning the week of January 5, 2026, (ongoing beyond the date the complaint was filed) teaches initiated the use of the spreadsheet, entitled Weekly Class Updates. This spreadsheet included notes from Student's teachers and the nurse regarding Student's class content, performance, and assignments and lunch location. It also contains a column for Parent to clarify any Student's concerns, or Parent questions, regarding any class. This was to encourage more direct communication between Parent and Teachers. However, there were no Parent comments as of the date document was sent to Investigator.
83. On January 15, 2026, Student Progress Report for Benchmark 2 states Student making satisfactory progress toward all annual goals, which include math, written expression, reading comprehension, and task initiation.
84. On January 22, 2026, IEP Team met to continue meeting of December 18, 2025. A PWN, dated February 3, 2026, states proposed action includes continuing Student's IEP as written, Team to develop new annual IEP before current IEP end date, does not propose to change Student's eligibility, disability classification, placement, or special education services at this time. Additionally, School to convene one structured meeting with appropriate personnel, to address Parent concerns that fall outside of the scope of IDEA (school discipline, lunch procedure, staff availability, enforcement of school-wide policies), not refusing to consider additional special education services rather no services are proposed at this time because current data does not indicate a need to revise the IEP.
85. Other discussion included extensive conversation about Student's lunch routine and potential VR services. Case Manager 2 followed up with Senior VR Counselor (SR Counselor) about referral of Student for VR support for DE during ESY. SR Counselor confirmed Student could not be opened as a case until 11th grade as DE support was only given to clients after 12th grade. SR. Counselor did say VR provides Pre-Employment Transition Program (Pre-EST) and included Counselor associated with that Program on the email. Case Manager shared this information with Parent on January 22, 2026, meeting.

86. On February 4, 2026, VR Counselor 2 sent email to Parent with information about Pre-ETS. The attachment contained a list of contracted providers and states, “Students do not need to be open & eligible for Vocational Rehabilitation to access these services, unless otherwise noted.”
87. “Interested youth, families, and school advisors should contact providers to inquire about their program schedule, enrollment availability, & referral process.” When the Investigator asked about this opportunity, Director provided Investigator with supporting documentation School had reached out to VR in March 2025, thanking VR for current services, and expressing interest in other opportunities. Administrator stated in return email, VR Counselor 2 could provide guidance and cc’d VR Counselor 2, as well as another counselor on the email to make the connection. There did not appear to be follow-up to make connection. Investigator did email and left voicemail for VR Counselor 2 but did not receive a response.
88. On February 19, 2026, Parent filed state complaint.
89. Parent voiced to Investigator, concerns about Student’s declining grades reflecting lack of implementation of IEP, DE grade, Student receiving VR services, related to DE and other opportunities Student could potentially access. Parent forwarded state regulations regarding DE accommodations for students with special education service.
90. When Investigator interviewed Student’s teachers, Teachers (Math, English, Economics, Ceramics, Physical Education, Case Manager 2, Driver Education) described Student in very positive terms (i.e., kind, good student, engaging, respectful, positive). However, Student’s absenteeism and incomplete independent work have negatively impacted recent grades in core content areas. This was evidenced in Weekly Update document, as well.
91. Every teacher displayed knowledge of accommodations for instruction and assessments and confirmed appropriate implementation in class. Many further described direct assistance with assignments, use of preferential seating for key instruction, as well as provision of frequent check-ins throughout instructional time and independent work time in the classroom, when Student often becomes distracted. Homework is rarely completed. Several teachers explained how they work with Student the following day to complete the homework or extend timelines for completion.
92. Teachers stated Student usually did not log on during asynchronous days. However, several teachers stated they reviewed the work assigned on those days with entire class when students returned to School. One teacher explained setting another Zoom time to review work with Student.
93. Teachers noted Student’s need to self-advocate more, while in class with the teacher, rather than hold concerns until end of day to share with Parent. Self-advocacy has been noted and discussed in IEPs since Student was in REDACTED school.
94. Teachers also confirmed Student grades, lessons (and instructions, resources) are up to date on Schoology for Student and Parent access at home for support.

95. Teachers noted use of the Weekly Update communication spreadsheet, implemented in January 2026, for better home- school communication, though no one received feedback or questions from Parent. Teacher reports in interview, are consistent with reporting on Weekly Update spreadsheet.
96. DE Teacher explained to Investigator Student received an Incomplete (did not fail the class). However, DE Teacher felt confident Student can making up classroom hours quickly during ESY and move on to driving hours. Student could not take DE class second semester of school year because the class was already full.

Legal Conclusions

This complaint is investigated relevant to federal and state regulations. It appears communication between School and Parent regarding Student’s classroom challenges are primarily based on Student report. Parent relaying Student concerns to ED or Administration, versus directly to teacher/s, did not seem efficient in obtaining clarification or resolution. Parent requested changes in methods of delivery of notices and documents for review and /or signature through the year, including being sent home with Student, call, email, DocuSign and mailed hard copy, may have contributed to miscommunication or conflicting facts.

Allegation #1 Failing to provide required annual IEP meetings

According to 34 C.F.R. §300.324(b)(1), a public agency must ensure that an IEP is reviewed at least annually to determine whether annual goals are being achieved and to revise the IEP as appropriate. Additionally, 14 DE Admin. Code § 925.11.4-7.3 states:

- 11.4 Agreement: In making changes to a child's IEP after the annual IEP team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP. If changes are made to the child's IEP in accordance with this section, the public agency shall ensure that the child's IEP team is informed of those changes.
- 11.5 Consolidation of IEP team meetings: To the extent possible, the public agency shall encourage the consolidation of re-evaluation meetings for the child and other IEP team meetings for the child.
- 11.6 Amendments: Changes to the IEP may be made either by the entire IEP team at an IEP team meeting, or as provided in subsection 11.4, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent shall be provided with a revised copy of the IEP with the amendments incorporated.
- 11.7 Review and revision of IEPs, general: Each public agency shall ensure that...the IEP team reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and revises the IEP, as appropriate, to address

11.7.1 Any lack of expected progress toward the annual goals described in subsection 11.7.1.2, and in the general education curriculum, if appropriate.

11.7.2 The results of any re-evaluation conducted under Section 3.0.

11.7.3 Information about the child provided to, or by, the parents...

As per 14 DE Admin. Code § 925. 9.0-9.2 Parent Participation:

9.1 Public agency responsibility, general: Each public agency shall take steps to ensure that one (1) or both parents of a child with a disability are present at each IEP team meeting or are afforded the opportunity to participate, including:

9.1.2 Scheduling the meeting at a mutually agreed on time and place.

Student enrolled in School August 28, 2024. Prior to that, Student attended REDACTED and REDACTED grade at home, through a virtual blended program in Maryland District. Student attended a private school in Delaware for REDACTED grade and had an Individual Learning Plan (ILP). Student's last IEP was from when Student attended a Maryland public school. That IEP ended on February 10, 2023.

Student's educational records document an IEP meeting held on September 30, 2024, with an IEP end date of September 30, 2025. The IEP Team held an IEP revision meeting on December 10, 2024. The PWN dated January 23, 2025, noted Student grades had remained stable or improved since November 2024, according to reports in Schoology and teacher communication. Noted improvements include Student's increased focus on longer readings supported by peer learning strategies, Improvements in grades is attributed to additional support. Discussion included Student's continued struggles with maintaining organization system, writing organization and articulation, particularly in structuring thoughts. Math challenges include multi-step problem-solving, computation and translating verbal concepts into written format. Supporting these deficits while considering Student's anxiety about being identified as a special education student was discussed regarding recommendation for small math group, within scheduling challenges for next semester, since no integrated math classes are being offered next semester, small group would be only 1-2 students. IEP revisions include adding accommodations such as extended time, chunking assignments, graphic organizers and a calculator to support Student's math skills. Alternative options for small group instruction while maintaining inclusivity and a conducive learning environment will continue to be explored.

On April 30, 2025, the IEP Team drafted a new IEP considering recent Student triennial evaluation (February 20, 2025) that identified Student as eligible for special education services with a primary educational classification of OHI and a secondary classification of Specific Learning Disability. The end date on this IEP was April 29, 2026. Parent requested additional testing for Autism at this meeting. School agreed to provide additional testing that was completed on June 1, 2025. The IEP Team met on September 16, 2025, to review results of Autism testing. Based on the evaluations, the Team determined Student not eligible for an educational classification of Autism. However, the Student was eligible for a secondary classification of Specific Learning Disability. Parent requested an IEE. As of the date of this complaint being filed, no provider (chosen by Parent) has contacted School to verify credentials or negotiate contract for IEE. From October until December 18, 2025, School offered

approximately 14 dates to Parent to hold an IEP revision meeting related to September 16, 2025, re-evaluation and determination Student was eligible for services under a secondary classification of Specific Learning Disability.

Therefore, I find no violation of IDEA or state special education regulations.

Allegation #2 Failing to implement necessary supports leading to significant decline in academic performance and therefore denial of FAPE.

Per 14 DE Admin. Code § 925.10.3, accessibility of child's IEP to teachers and others, 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.

On March 5, 2025, IEP Team met in preparation for April 30, 2025, IEP annual review. Parent's concerns considered were Student's continued lack of organization, math performance, Student's lack of independence, academic performance, executive functioning impact on memory regarding independent and home assignments, classroom seating to minimize distractions and inconsistent use of certain supports. Actions planned included collect data and update reports; clarify roles and plans for binder checks and lunch routine; use of support materials to include specific organizers and use across all classes; communication protocols.

During the April 30, 2025, IEP annual meeting, review of data showed Student did not make adequate progress in math goals. Team determined Student required a smaller class size for the 2025-2026 school year. Team recommended increased instructional time during ESY to begin June 16, 2025, and end July 24, 2025. Student will receive 40 minutes per day of math instruction, 4 days per week during ESY.

Per 14 DE Admin. Code § 923.6.0 - Extended School Year Services

6.4 ... "Extended School Year Services" means special education and related services that are provided to a child with a disability beyond the normal school year of the public agency in accordance with the child's IEP and at no cost to the parents of the child; and meets the standards of the DOE.

6.5 Determining need for Extended School Year Services: Full consideration must be given to the educational needs of each child. The following factors are to be considered by the IEP Team in making a decision that, without extended school year services over the summer months, the child would not receive a free appropriate public education (FAPE) during the regular school year.

6.6 Extended school year services are to be based on needs and goals or objectives found within the child's IEP of the school year, though activities may be different.

On July 3, 2025, Parent sent email to Head of School and Director stating Parent did not receive bus information regarding ESY until 2 weeks into the program. Student attended ESY on July 14, 2025. Documentation provided from School indicate an announcement and survey about ESY was sent to Parent on March 6, 2025, with a close date of March 21, 2025. Student appeared on

official ESY rolls. School explained unless Parent completed survey regarding attendance, Student would not be on the rolls. IEP dated April 30, 2025, indicates Student is eligible for ESY, as described above. According to documentation reviewed, Parent stated Parent received bus information on July 7, 2025. It is not clear when previous notification was sent to Parent. Student attended ESY July 14, 2025 and received math instruction. However, Student reported Student was also required to work on a book report for Language Arts class. Student's IEP only indicated Student was eligible for ESY for math, 40 minutes, 4 sessions per week. There was no documentation Parent contacted School to determine options to attend only math class for ESY; however, ESY continued to be accessible to Student through July 24, 2025, per 14 DE Admin. Code §§ 923.6.8 -923.6.10

- 6.8 This regulation does not diminish a child's entitlement to participate, with or without accommodations, in summer school programs. Normally scheduled summer school programs may be an option for providing extended school year services if such programs can meet the individual needs of each child, as identified on the child's IEP.
- 6.10 Transportation shall be provided to children except for service provided in the home or hospital. Mileage reimbursement to the family may be used as a transportation option if the parent voluntarily transports the student.

However, documentation of when and how bus information was sent Parent prior to ESY was not provided. Also, the email regarding ESY and "summer school" could clearly be a miscommunication. The day Student did attend ESY, Student was required to do reading assignment after completing math class. There was no further documentation of communication between School and Parent to address Student only attending Math class, per IEP, though ESY did remain accessible to student through July 27, 2025.

The IEP contains extensive lists of accommodations that address many of Parent concerns and are carried across multiple content areas. Interviews with teachers consistently revealed Student attendance (absences, as well as late arrivals and early dismissals) and incomplete assignments in recent months, as the main reason for Student's drop in grades. Teachers also described direct assistance offered to complete missed or incomplete assignments or homework, often during the next class day, exempting work, extending timelines, beyond the accommodations during instructional time. Parent correspondence with ED confirmed two of the extended absences (5 days each) in 2025-2026, were due to a death in the family and the household having Strep Throat. According to School attendance records, in the 2024-2025 school year, attendance records state 19 days absent and 20 days tardy or early dismissal. In 2025-2026 school year, between August 29, 2025, and May 27, 2026, Student was absent 18 days, and 16 tardy or early dismissals from September 2, 2025, and March 12, 2026 of the current school year. This is inclusive of excused (medical appointment, illness per medical note) and unexcused absences.

Progress reports dated October 27, 2025, states Student was making adequate progress toward IEP goals in Math, Written Expression, Reading Comprehension and Task Initiation/Completion on Benchmarks 1.

Progress reports dated January 15, 2026, states Student was making adequate progress toward IEP goals in Math, Written Expression, Reading Comprehension and Task Initiation/Completion on Benchmarks 1 and 2.

For the 2025-2026 academic year, Student is placed in a small class of 10 students with a math/special education teacher, paraprofessional and currently a teacher in the Alternate Route to Certification. Student is in this classroom for 82 minutes A and B days per week, meeting the instructional minutes documented in IEP for math goals and Task Initiation/Completion goal.

There are multiple emails from ED to Parent encouraging direct contact with specific teachers to ask questions or clarify accommodation issues Student reported to Parent. ED provided contacts in ccs, as well as offers to set up meeting with teachers through the Counselor.

Specific to Parent concerns regarding Drivers Education (DE), according to Teacher and School attendance records, Student had 8 absences in Drivers Education class. Therefore, Student did not meet the mandated classroom hours. DE Teacher stated Student could make up class during ESY. However, DE cannot be provided as ESY, as it is not a special education or related service. Per 14 DE Admin. Code § 540

- 1.1.1. For a student with an active Individual Education Program (IEP), the Individualized Education Program Team, in consultation with the Driver Education teacher, may make accommodations to the Driver Education program, including but not limited to, allowing multiple opportunities to take the driver education course, delaying the course until the 11th or 12th grade, taking the course across two semesters and offering specialized instruction and related services through the student's Individual Education Program (IEP).
- 1.1.2. A student who is receiving special education services under an active Individual Education Program (IEP) shall be authorized until the age of 21 to complete the driver education certification.
- 1.1.3. Delaware students who are residents attending school out of state as 10th graders, students in excess of the September 30th unit allotment, students attending private schools in the state with 10th grade enrollments of less than twenty-five homeschooled students and any student approved by the Secretary as an exceptional case are entitled to attend summer driver education without charge.

Additionally, in the December 18, 2025, IEP meeting and in email correspondence with Parent, IEP Team explained a collaborative effort to make an alternate plan for Student to demonstrate grade level standards and adjusted MP 1 grades, since Student was absent due to illness.

Delay in securing an IEE's impact on Student's delivery of FAPE was considered. On September 18, 2025, School sent Parent a PWN stating approval of IEE and explanation of the process described in state regulation. On December 3, 2025, School sent Parent a PWN regarding meeting scheduled for December 18, 2025, referencing PWN sent on September 18, 2025, with approval and process for IEE and requesting Parent select a provider by December 18, 2025, meeting. PWN does not indicate Parent chose a provider to administer IEE. It does state proposed action includes continuing Student's IEP as written, Team to develop new annual IEP before current IEP end date, does not propose to change Student's eligibility, disability

classification, placement, or special education services currently. Additionally, School to convene one structured meeting with appropriate personnel, to address Parent concerns that fall outside of the scope of IDEA (school discipline, lunch procedure, staff availability, enforcement of school-wide policies), not refusing to consider additional special education services rather no services are proposed at this time because current data does not indicate a need to revise the IEP.

Therefore, I find a violation of IDEA or state special education regulations, related to ESY services and Driver Education.

Allegation # 3 Falsifying service logs indicating service provision on days student was not in school.

Formal “service logs” are not required of teachers by state or federal law. Related service personnel must maintain service logs, due to Medicaid reimbursement around those services. However, teacher’s lesson plans, student work products, assessments, and progress reporting are ways to evidence service delivery. In 2024-2025, Student received special education services with Case Manager, who chose to use “service log” format and shared with Parent. Parent sent examples as evidence of allegation. Case manager during 2024-2025 school year is no longer employed at the School, so contact for clarification was not possible. For the 2025-2026 school year, Student receives special education services in small math class (REDACTED students) with a full-time special education teacher, a student seeking alternate route to certification and a paraprofessional. Several staff from the 2024-2025 academic year, are no longer employed with the School, including Student’s former Case Manager. Service logs Parent provided did not have the year identified.

Therefore, I do not find a violation of IDEA or state special education regulations, related to delivery of ESY services.

Allegation # 4 Failing to inform Parent of change in Case Manager (due to medical leave).

Notification of a change in Case Manager is a reasonable request. However, notification of change in personnel is not addressed in federal or state regulations. In this case, the trajectory of the medical leave status of Case Manager 1 was unknown. In interview with ED and Case Manager 2, the departure of Case Manager 1 was due to a medical issue and staff did not have any timelines of if, or when Case Manager 1 would return, as staff information is confidential. According to facts, Case Manager 1 met with Student two times, at beginning of year. Staff collaborated to cover responsibilities of Case Manager 1, who returned to School briefly; however, went back out on medical leave and did not return. ED assumed Student’s case management in addition to ED responsibilities until Parent requested a new Case Manager, on December 2, 2025, at which time Case Manager 2 was assigned to Student. It should be noted, Case Managers have daily teaching responsibilities, in addition to case management role, impacting availability. When Case Manager 1 did meet with Student per Parent concerns, Parent sent ED email, stating Parent did not want Student pulled out of classes to meet with Case Manager.

Therefore, I find no violation of IDEA or state special education regulations.

Allegation # 5 Failing to respond to persistent bullying and racism by staff and students

Head of School addressed the single incident that occurred on October 1, 2025, where Student alleges classmate stole something from Student's backpack. The Head of School handled the incident according to School Code of Conduct. Parent did not present evidence of or describe in interview, other incidents of bullying as part of this complaint. Investigator asked every teacher and staff interviewed if anyone had witnessed any bullying of Student in their classes or otherwise. No one had witnessed bullying of Student.

Concerns related to racial discrimination are beyond the purview of this investigation. However, such complaints can be filed with the Office of Civil Rights. Delaware is within the jurisdiction of the Atlanta office. Below find links to office and complaint process.

https://ocrcas.ed.gov/contact-ocr?field_state_value=646

<https://www.ed.gov/laws-and-policy/civil-rights-laws/file-complaint/how-file-discrimination-complaint-ocr>

Therefore, I find no violation of IDEA or state special education regulations.

Allegation # 6 Failing to provide vocational services and promised tutoring services

According to 14 DE Admin Code § 925.9.4, "For a child with a disability beginning with the earlier of the first IEP to be in effect when the child turns fourteen (14) or enters the eighth (8th) grade, or younger if determined appropriate by the IEP team, the notice shall also indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with subsection 7.2 and that the agency will invite the student; and identify any other agency that will be invited to send a representative. The invitation to the child shall be in writing.

Upon review of Student's IEP, the transition plan was appropriate, surveys had been completed. In interview, Parent did not understand why a VR counselor was not involved in IEP meetings. Director explained, in interview, VR counselor(s) are in School weekly for junior and senior students. They begin attending IEP meetings during students' junior year. Parent contacted SR VR Counselor (SR Counselor) 2, inquiring about services for Student. VR Counselor 2 shared a Program VR provides in other high schools that Student might participate in. However, it was not offered in Student's School, as VR2 Counselor "had not had success in getting it into Student's School for students with disabilities."

Director shared in interview, tutoring was supplemental to regular IEP services because there was a long-term substitute for a couple of months in Fall 2025, for Student's Economics class and School contracted outside tutoring services to provide additional support for students in the class, who might struggle. The School provided tutoring services within the available hours of the contracting agency. Since tutoring was only available during Student's preferred classes, Parent did not want Student pulled out of preferred classes. Therefore, Student did not

participate in supplemental tutoring services. These services did not replace any services Student was entitled to and receiving per IEP.

Therefore, I find no violation of IDEA or state special education regulations.

Corrective Actions

Student Level

The IEP Team shall meet by May 20, 2026. Team shall determine:

- Compensatory education for ESY for Math (400 minutes) from June 16, 2025, until July 14, 2025, per 2025 ESY calendar shall be delivered by August 1, 2026. A plan for delivery of service should be sent to Dale Matusevich, Director, Exceptional Children Resources DDOE no later than **May 31, 2026**.

Respectfully submitted,

REDACTED

REDACTED

Investigator