

**Delaware Department of Education
Exceptional Children Resources**

State Complaint Decision

DE SC #26-22

Date Issued: May 12, 2026

On March 13, 2026, REDACTED and REDACTED (Parents), filed a complaint with the Delaware Department of Education (Department). The complaint alleges the Academia Antonia Alonso Charter School (La Academia), (School), 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).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, email correspondence, phone calls and discipline documents.

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 13, 2026. Therefore, the Department’s findings address violations from March 13, 2025, to March 13, 2026.

Complaint Allegations

Parents allege School violated Part B of the IDEA and implementing regulations, by the following:

1. Failing to properly respond to bullying and harassment concerns;
2. Failing to allow parents to review their child’s educational records; and
3. Failing to provide FAPE due to not responding to bullying and harassment concerns.

¹ 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.

Factual Findings

1. Student is a REDACTED year-old REDACTED grader who receives special education and related services as a student with a Specific Learning Disability in a “B” setting at School.
2. Student has an Individual Education Program (IEP) with goals in the areas of letter and word recognition, reading comprehension, math problem solving and written expression. Additionally, Student receives Counseling, Occupational Therapy (OT) and Speech Language Therapy (SLT) outside of school.
3. On March 27, 2025, Student began therapy outside of school due to anxiety and difficulty related to bullying by peers. It should be noted that during this investigation, School claimed to be unaware that Student was receiving counseling services. However, School did report to be aware of Student’s OT services.
4. On September 23, 2025, Parent called Dean of Culture and Climate (Dean) to report that another student touched Student’s buttocks in gym class. According to Parent, Dean concluded the incident was accidental.
5. On October 2, 2025, Parent contacted Dean to report the same student from the September 23rd incident approached Student, that day, and pushed his chin upward. Parent also reported that the student shouted in Student’s face and challenged Student to a fight. Dean spoke to student who admitted to “playfully” pushing Student’s chin. Parent also shared Student’s outside Speech Language evaluation with Dean of Special Education (DSE).
6. On October 6, 2025, Student reported to Parent that another student demanded a snack be shared. When Student refused, the other student smacked the snack from Student’s hand. Dean spoke to the student who admitted to taking the peanut butter snack because peanut butter was not allowed on the playground.
7. On October 7, 2025, another student pushed Student while leaving class. Dean spoke to the student who denied pushing Student.
8. On October 10, 2025, Parent contacted Delaware Department of Justice Ombudsman (Ombudsman) to report bullying incidents at School.
9. On October 10, 2025, Ombudsman emailed Dean and asked to discuss the bullying report Parent filed.
10. On October 10, 2025, DSE replied to Parent’s October 2nd email and informed Parent that the evaluation would be shared with the IEP Team and reviewed during Student’s re-evaluation. It should be noted that Student’s re-evaluation is not due until November 1, 2026.

11. On October 13, 2025, Dean responded to Ombudsman's October 10th email by saying a call would be made after the bullying investigation report was completed. Dean also stated that students were out of the building so interviews could not be held.
12. On October 13, 2025, Student told Parent that another student asked, "Why are you a snitch?" Dean spoke to the student who denied making the comment to Student.
13. On October 15, 2025, Parent met with Dean to discuss bullying concerns. Parent reported that on October 14th, Student was asked, "If I pull your pants, will you be a snitch?" by the same student from the October 13th incident. Dean spoke to the student who admitted making the comment to Student.
14. On October 16, 2025, Parent, Student, Dean, Director and Paraprofessional met to discuss concerns regarding interactions with teachers. During the meeting, Student reported that he felt uncomfortable with two teachers who did not address bullying reports. School agreed that Paraprofessional would facilitate restorative sessions between Student and the two teachers.
15. On October 17, 2025, Dean completed an Investigation Report surrounding Parent's bullying allegations and concluded that Student had not been bullied. Dean also concluded that while certain actions by the students accused of bullying may have caused Student temporary discomfort, there is no evidence of intent to intimidate, threaten or harm Student. The report contained recommendations that included monitoring students interactions throughout the day, holding restorative discussions with the Social Emotional Paraprofessional, encouraging Student to report incidents to Dean or Paraprofessional, reviewing seating charts to minimize contact with students who Student had incidents with and conducting a follow-up check in with Student on a weekly basis for one month, providing feedback to Parent and monitoring any recurrence of peer-related issues. The report also states Student expressed feeling safe, does not feel fearful or targeted by peers and views the incidents as isolated and limited.
16. On October 17, 2025, Ombudsman emailed Dean and asked for a call to discuss a response plan and investigation findings.
17. On October 17, 2025, Student received a discipline referral due to a physical altercation that took place during a planned group activity. During a group activity, Student thought another student was talking about him. During the incident, Student stood up, threw a chair, and grabbed the other student by the shirt. In response, the student grabbed Student's shirt and asked to be released. However, Student did not let go until asked several times by the teacher. The incident report details that Teacher asked Student to release the other student, but Student did not immediately do so.

18. On October 30, 2025, Director emailed Parent to report witnessing Student grabbing another student around the neck. Director added that Student may have been joking but was reminded to keep hands off other students even if they are friends. Parent responded by asking Director if information regarding Student's pants being pulled down in class would be shared since it was requested a week earlier. Parent also told Director the incident that the Dean witnessed was not accurately reported. Parent asserted that the other student touched Student's face which caused Student to defend himself. Parent also asked Director to speak with teachers to ensure that reports were accurate and to make sure that incidents were addressed. Additionally, Parent reminded Director that multiple bullying concerns were reported to Director in the past and that nothing was done which caused Student to defend himself. Parent concluded by stating that Student was a calm, passive student who was forced to defend himself against bullying in a place where the only focus should be education.
19. On November 7, 2025, Student's first marking period report card showed Student passed all classes for the report period.
20. On November 17, 2025, IEP Team met for Student's annual IEP review. During the meeting, the Team agreed to add two Social Emotional Learning (SEL) goals: Staying on Task and Time Management/Agenda Organization. During the meeting, teacher recommended Student move to an "A" setting. However, Parent disagreed and asked that Student remain in a "B" setting for at least one more school year to continue to receive the same supports and to continue to show progress. IEP Team agree to continue to collect data on Student's progress in the "B" setting. IEP Team also agreed that Student qualified for Reading, Math and Writing Extended School Year (ESY) services due to breakthrough skills. Additionally, the Team also agreed that ESY services would be provided in a "C" setting. It should be noted that no discussion about Parent's bullying allegations were documented in the Prior Written Notice (PWN).
21. On December 17, 2025, Student received a discipline referral due to continuously throwing an ice pack to another student during class.
22. On January 29, 2026, Student's second marking period report card showed Student passed all classes.
23. On March 6, 2026, Student got into a fight with another student because the student showed a picture of an obese person on a Chromebook which caused Student to approach the other student and close the Chromebook. Student reported that he felt the image was directed at him. During the investigation, the other student denied making fun of Student and it was determined that Student initiated the fight. As a result of the altercation, Student was suspended for two days. It should be noted that six students and one teacher all reported that Student initiated the altercation.

24. On the same day, school nurse saw Student as a result of the altercation Student sustained a scratch below the left eye. The Nurse notified Parent, via phone, who picked up Student from school.
25. On March 9, 2026, Parent emailed Director and asked to review classroom video of the March 6th altercation, as well as to obtain a copy of the teacher's report of the incident and the Nurse's report. It should be noted that Parent alleges to have not received a copy of the Nurse's report.
26. On March 10 and 11, 2026, Student was suspended due to fighting.
27. On March 11, 2026, Parent emailed Board President (Board) to request a review and appeal of the disciplinary decision made to suspend Student.
28. On March 12, 2026, Parent met with Dean and Director because Student was returning to school from a suspension. Parent informed Director and Dean that another student constantly tells Student to commit suicide. Dean let Parent know that the allegation would be investigated. During the meeting, Parent asked for a copy of and to view witness statements from the March 6th altercation. Parent states Director allowed documents to be viewed briefly but that Director took the document from Parent so that pictures were not taken. Parent states that a phone was used so that the flashlight could be used due to Parent's vision issues. Parent also stated that Director would not give copies: however, Director reported that Parent never asked for copies.
29. On March 13, 2026, Parent filed a state complaint.

Legal Conclusions

Allegation #1. Failing to properly respond to Parent's bullying and harassment concerns

According to the U.S. Department of Education's Office of Special Education and Rehabilitative Services (OSERS), school districts must provide all children with positive, safe, and nurturing school environments in which they can learn, develop, and participate. Additionally, OSERS has provided an overview of a school district's responsibilities under the Individuals with Disabilities Education Act (IDEA) to address bullying of students with disabilities. Bullying of a student with a disability that results in the student not receiving meaningful educational benefit constitutes a denial of a free appropriate public education (FAPE) under the IDEA that must be remedied.

Parents allege that Student had been the target of bullying for several months prior to filing a state complaint. School documented instances of Student participating in physical

altercations that warranted discipline consequences. However, Parent alleges that School was aware of instances when Student was bullied but did nothing to address the bullying instances.

Unfortunately, Parent did not request an IEP meeting(s) to discuss concerns surrounding bullying. However, School was made aware of Parent's concerns on several occasions, and an IEP meeting was held on November 17th, but the Team did not discuss Parent's bullying concerns at that time. A discussion of Parent's bullying concerns should have occurred at the IEP meeting to determine whether a revision was warranted due to bullying concerns expressed. The school should have, as part of its appropriate response to the bullying allegations determined whether Student's needs changed due to the alleged bullying.

Therefore, I find a violation of IDEA and state special education regulations regarding convening an IEP meeting to properly respond to Parent's bullying and harassment concerns.

Allegation #2. Failing to allow a parent to review their child's educational records.

According to 14 Del. Code. 926.1.2 1. Opportunity to Examine Records and Educational Programs: The parents of a child with a disability, either personally or through representative, shall be afforded an opportunity to inspect and review all relevant education records with respect to the identification, evaluation, and educational placement of the child; and the provision of FAPE to the child.

1.2.2 Parents shall have the right to obtain copies of all educational records, except the actual evaluation or examination instrument, either without charge, or, at the discretion of the public agency, at a fee not to exceed actual cost. Under no circumstances shall a fee be assessed which effectively prevents parents from exercising their right to inspect, review and copy records.

During the investigation, neither Parent nor School submitted documented proof that School denied Parent's request to view bullying reports. Parents alleged that School denied a request for a copy of and to review witness statements from the March 6th altercation. However, School denies being asked for copies. Additionally, Parent states Director allowed documents to be viewed briefly. **Therefore, I find there was not a violation of IDEA and state special education regulations regarding allowing a parent to review their child's educational records.**

Allegation #3. Failing to provide FAPE due to not responding to bullying and harassment concerns.

According to 14 DE Admin. Code 923.1.2; Free appropriate public education: A free appropriate public education (FAPE) shall be available to all children with disabilities residing in Delaware beginning no later than the child's third birthday, or an earlier age

as otherwise provided in these regulations, until the receipt of a regular high school diploma or until August 31st of the school year in which the child attains the age of 22, whichever occurs first. FAPE shall also be available to children with disabilities who have been suspended or expelled from school, as provided for in this section and 14 DE Admin. Code 926, subsection 30.4.

According to 14 DE Admin Code 925.5.1; Review of existing evaluation data: As part of an initial evaluation (if appropriate) and as part of any re-evaluation under these regulations, the IEP Team and other qualified professionals, as appropriate, shall review existing evaluation data on the child, including:

5.1.1 Evaluations and information provided by the parents of the child;

Parent alleges School did not provide FAPE since School did not respond appropriately to bullying concerns. Parents reported, and School investigated, several incidents with Student's peers. School found that no instances of bullying occurred. Additionally, Student received passing grades during the first 2 marking periods of the school year. However, School was aware of Parents concerns and did not hold an IEP meeting to discuss and consider whether Students IEP was appropriate based upon Parent's repeated bullying concerns. Additionally, School reported knowledge of Student's OT therapy and Parent gave School a copy of Student's speech evaluation, but the information and evaluation report were not discussed and/or included in the development of Student's current IEP. **Therefore, I find there was a violation of IDEA and state special education regulations regarding a failure to provide a FAPE.**

Corrective Actions

Student Level

1. School shall schedule and hold an IEP meeting with Parents to discuss Student's progress and Parents' bullying concerns on or before **May 26, 2026**. During the meeting, the Team shall review the outside SLT evaluation and discuss whether current behavior and social emotional learning accommodations, goals and supports are appropriate, and whether additional support and/or counseling, OT and/or SLT related services should be added to Student's IEP. The IEP Team, including Parent, shall discuss how District will provide compensatory education regarding educational and related services for the date ranges of **September 23, 2025**, through **March 12, 2026**. Additionally, School shall provide Parents and the Director of Exceptional Children Resources copies of Student's disciplinary reports, investigation results, and medical reports by **March 20, 2026**. All compensatory education must be completed by **March 12, 2027**. Student's IEP and a Prior Written Notice (PWN) from the meeting, and documentation outlining the amount of compensatory education owed and a plan for the provision of services shall be provided to Parent and a copy shall be sent to the Director of Exceptional Children Resources by **June 9, 2026**.

School Level

1. School shall conduct professional development with all special education and related service staff regarding the following:
 - Procedures for ensuring that an IEP Team periodically reviews the child's IEP to determine whether a revision is appropriate based upon parent concerns and the child's anticipated needs.
 - Procedures for responding and appropriately handling bullying concerns of special education students.
2. School shall also:
 - Review, revise, or develop policies, practices and procedures pertaining to when to hold an IEP meeting to review a student's IEP when a parent of a child who receives special education has concerns. This professional development must take place by **October 2, 2026**.

All materials, as well as staff sign-in sheets, must be sent to the Director of Exceptional Children Resources by **October 2, 2026**. Policies, practices and procedures must be shared with staff and the Director of Exceptional of Children Resources by **October 2, 2026**.

Respectfully submitted,

REDACTED

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