

**Delaware Department of Education
Exceptional Children Resources**

**State Complaint Decision
DE SC # 26-32
Date Issued: July 1, 2026**

On May 6, 2026, REDACTED, (Parent) filed a complaint with the Delaware Department of Education (Department). The complaint alleges that the Smyrna School District (District) violated state and federal regulations governing the provision of a free, appropriate public education (FAPE) to Student under the Individuals with Disabilities Education Act (IDEA).^[1] The Department investigated the complaint as required by federal regulations at 34 C.F.R. §§ 300.151–300.153 and by 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, including emails and phone logs between Parent and relevant District personnel; and interviews with Parent, the Supervisor of Special Programs (Supervisor), District Educational Diagnostician (ED), Special Education Teacher (Teacher), English Language Arts Teacher (ELA Teacher), Reading Specialist (RS), and the School Building Principal (Principal).

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 May 6, 2026. Therefore, the Department’s findings address violations from May 6, 2025 to May 6, 2026.

Complaint Allegations

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

1. Failing to provide special education identified in the Student’s Individual Education Program (IEP).

Factual Findings

1. Student is a REDACTED-year-old REDACTED grader and attends REDACTED. The student’s ELA Teacher is dual certified in elementary and special education.

2. On August 2, 2025, the District held an initial special education eligibility meeting with the Parent and the rest of the IEP Team. The Evaluation Summary Report (ESR) stated Parent requested the evaluation. The ESR concluded that the student met the criteria for the educational classification of Learning Disability in the areas of reading comprehension, reading fluency, and written expression.
3. On September 23, 2025, the IEP Team conducted the Student's initial IEP meeting, with an initiation date of September 24, 2025. Student identified with needs in reading comprehension, reading fluency, and written expression. IEP goals were written for the areas of reading decoding, reading comprehension, and written expression. Accommodations and/or modifications included graphic organizers, extra time for reading and responding to questions, breaking texts into smaller sections, pre-teaching or highlighting key vocabulary before reading, asking guided or scaffolded questions, allow use of notes, use of visual aids, extra time to complete assignments, access to highlighter, adult checks for understanding, sentence starters for writing, modeling correct sentence structure, break writing tasks into smaller steps, peer/teacher editing before final submission, access checklists for sentence components, editing checklists, preferential seating near teacher, use visual or auditory cues to maintain attention, written and verbal instructions, reminder to stay on task, support for spelling, opportunities to practice reading aloud, allow repeated readings, repeating skills for mastery, frequent checks and monitoring for accuracy, and redirecting prompts.
4. On October 22, 2025, Parent sent an email to District, expressing concerns for Student's most recent progress report. The Parent expressed concern about the Student's standing in language standards, and the Student appeared to have declined in math and science. Parent stated no graded papers have been sent home, and "Student's grades hit Infinite Campus all at once." Parent stated that when Student was asked if they were being pulled for reading or writing help, Student responded, "Only a couple of times with the teacher to see how many words he could read in one minute." Parent reported that Student shared that the Teacher only worked on writing once. Parent requested copies of Student's special education service logs, including those for small-group instruction, and of the graded assignments.
5. On October 23, 2025, Educational Diagnostician (ED) responded to Parent that a discussion would be held with the classroom team to get samples of Student's work and his reading services minutes to the Parent. The ED indicated an inquiry would be conducted with a special education specialist to determine if the Student could be involved in one of the specialist's reading and writing groups.
6. On November 25, 2025, Parent requested, "a legible copy sent home of some of his writing assignments, and also a copy of the service logs where REDACTED is being pulled for his SDI." In the same email communication, Parent requested clarification on three items from the Student's IEP: when "Editing Accuracy Checks" occur in the lesson, when "Key Highlights" are made in the lesson, and evidence of the completed checklists following work activities.
7. On November 25, 2025, the ED responded to the Parent's email stating an inquiry will be made with staff to share with the Parent about how special education is implemented

with the Student, and that copies of the Student's work assignments be sent to the Parent. The ED stated final copies of the Student's written work may not contain corrections because those corrections are made before the final draft. In addition, the ED indicated the Teacher would be asked to attach the editing checklists with the Student's writing.

8. On December 02, 2025, the District issued Student's Progress Report, documenting the Student's current levels of functioning in the areas of reading fluency, reading comprehension, and written expression. The report states the Student is making adequate progress toward all goals.
9. On January 16, 2026, the IEP Team met to review the evaluation findings following the Parent's request for a re-evaluation. The Team determined that the Student continued to meet the educational classification of Learning Disability and continues to benefit from special education.
10. On February 17, 2026, the District held an IEP meeting to revise the Student's current IEP. The IEP had an initiation date of February 18, 2026. Student goals included reading comprehension, reading decoding, and written expression. The accommodations and modifications included all previous supports listed in the initial IEP, with the addition of support for segmenting and blending for vocabulary decoding, and support for spelling.
11. On February 27, 2026, Parent emailed the Teacher requesting, 1) Teacher send home a daily service schedule identifying the time blocks each day Student receives his Specialized Designed Instruction (SDI); 2) prior service logs beginning with the initial IEP; 3) copies of specific writing prompts used to determine Student's current levels of educational performance, and 4) copies of work samples used to measure Student's writing benchmarks; and 5) explanation of the distinction between accommodations, progress monitoring activities, and SDI.
12. On March 12, 2026, the District issued Student's Progress, documenting the Student's current levels of functioning in the areas of reading fluency, reading comprehension, and written expression. The report states the Student is making adequate progress toward all goals.
13. On March 13, 2026, Teacher responded by email to Parent, indicating the rubric with the breakdown for the two assignments given on the most recent Monday will be shared with the Parent. Teacher reported the Student received teacher editing and prompts for sentence stems specific to the most recent writing prompt to be shared.
14. On March 13, 2026, Parent sent an email thanking the Teacher, ED, and Assistant Principal (AP) for sending weekly service logs and progress monitoring data for the previous two weeks. Parent reported, "It is all very helpful to see the breakdown of how Student's writing is being scored and how goals are being tracked." Parent questioned how the Teacher interacted with the Student with the "I-Ready" program. Parent requested the Teacher send homework in a "timely manner, either weekly or biweekly," and not wait until the end of the trimester.
15. On March 13, 2026, Teacher responded in an email stating the rubric will be sent home with a breakdown for two recent assignments. Teacher referred the Parent to the rubric

to understand how assignments are graded. Teacher indicated that assignments are sent home after report cards are issued. The Teacher stated the accommodations that were used with these assignments, which included Teacher editing, prompting sentence stems to specific writing prompts, ensuring highlights were made, and the Student had access to the writing folders that included general supports such as transition words, generic sentence stems, a word wall, and a generic writing checklist. The Teacher stated copies of these can be shared with the Parent.

The Teacher explained in the email that accommodations and SDI are separate. Students receive SDI individually. The Teacher indicated that accommodations support listed in the Student's IEP provide the Student with access to grade-level work and are separate from the 15-minute targeted instruction (SDI) sessions. Teacher shared that progress monitoring is separate from instruction time. Teacher indicated that service logs will include instructional time for SDI, and any support needed, reflecting the work of the prior two weeks.

Teacher reported having sent home Parent-requested documents and included the writing prompts used to determine the present levels of performance, and the work samples used to measure work progress toward the Student's writing benchmark goals.

16. On March 19, 2026, Parent sent an email acknowledging receipt of the weekly service logs and the progress monitoring data for the prior two weeks. Parent stated, "It was helpful to see the breakdown of how Student's writing is being scored and how goals are being tracked." Parent requested the Teacher clarify how the student is receiving fluency and comprehension instruction, and whether the instruction is computer-led or provided by the Teacher.
17. On March 27, 2026, Teacher responded via email to the Parent, clarifying how the I-Ready program is used with the Student. The Teacher stated that she "closely monitors the Student's progress, and the Student knows to come to me if he is unsure or needs support." The teacher shared that the I-Ready program is "just one component of the Student's support." The Teacher indicated that, in addition to the I-Ready program, the Student receives direct instruction through one-on-one support and small group instruction. It is during these times that students work on targeted skills in fluency, comprehension, and written expression, which may include more explicit instruction, modeling, and guided practice.
18. On May 1, 2026, Parent sent an email to the Teacher stating concerns that Student has not been receiving the targeted instruction for the entire school year. Concerns included work not being sent home and service logs not reflecting the targeted instruction stated in the IEP. Parent stated, "What you are calling targeted instruction for Student is the same generalized instruction the entire class is receiving for the research project."
19. On May 4, 2026, Parent sent an email stating, "Please explain how it is acceptable that it is now May of Student's 4th grade year, and I am still having the same issues that I brought to the school's attention back in October and numerous times in between. Targeted instruction is not occurring how it should be as written out in the IEP, and I have repeatedly asked about accommodations and if my child has been receiving them."

20. On May 6, 2026, the Associate Principal (AP) responded to the Parent's May 4, 2026, email, stating that Parent has had access to the Student's work through ClassDojo and the parent/teacher conference held in November. AP stated that English Language Arts assignments are returned home on a different schedule from those of other subjects. The AP stated that a paraeducator enters the classroom to allow the Teacher to support the implementation of the Student's IEP. During that time, the Teacher focuses on delivering SDI while ensuring the rest of the class is appropriately supervised.
21. Parent is concerned that the Student is not receiving SDI, and the accommodations are not being implemented. Parent stated that multiple requests for evidence documenting implementation of SDI through service logs, and for classroom work showing use of accommodations, were not shared with the Parent.
22. On May 15, 2026, the Parent requested the District fund an Independent Educational Evaluation (IEE), and the District approved the Parent's request. The evaluation process is still taking place.
23. On May 21, 2026, the District responded to the Administrative Complaint, stating the Teacher provided two different service logs during the school year outlining the SDI implementation for the Student for English Language Arts (ELA). The District included, as evidence, a calendar that provided the service log of the SDI implementation from March 2 through May 8, 2026, labeled Exhibits 5 and 6 in the response. The service log reflected that the Teacher provides SDI first thing in the morning when the Student is with her during homeroom, or in the afternoon when the Student transitions to her classroom.

The District stated that accommodations are provided to the Student throughout the school day. The District provided, as evidence in Exhibit 8, pictures of the classroom and the Teacher's desk, noting the Student is seated directly in front of the Teacher, and is seated allowing the Student an easy transition to the small group table. The District provided, as evidence in Exhibit 10, scanned examples of the word lists, graphic organizers, and checklists specifically designed for the Student. The District provided as evidence in Exhibit 9, examples of the classroom visual aids representing some of the accommodations available to all students, along with examples of accommodations listed in the IEP and used with the Student. The District provided as evidence in Exhibit 11, documentation of a writing folder developed for the Student to support writing activities, including checklists, graphic organizers, and word lists. The District stated in the response that the Teacher, "models fluent readings, highlighting key concepts, redirection/prompting, guided questions as she works with the Student in whole group and small group...Checks for understanding are completed as the teacher rotates through the room during instruction and when working in a small group...Guided questions, scaffolding, and repetition of skills and reading occur as practices. The District listed the accommodations provided to the Student in its response, reflecting those listed in the Student's IEP. The District stated the Student's IEP is implemented with fidelity.

24. The Investigator interviewed the Teacher, ED, Principal, AP, and District Supervisor. The Teacher is the Student's homeroom teacher, and work is done with the Student first

thing in the morning. Following individual work, the Teacher completes thirty minutes of whole-group instruction, followed by small-group work with each small group containing 3 to 4 students. The Teacher explained that during whole-group instruction, such as on a research project, the project topic would be presented to all students. Following whole-group instruction, the Teacher would include the Student in a small group and provide modeling and scaffolding as the Student progressed through the project work. The Teacher described that accommodations may include modeling, demonstrating how to conduct research, scaffolding work, providing word lists, highlighting, and using graphic organizers. The Teacher stated that graphic organizers are customized for the Student. The Teacher may pre-highlight words to read or research, then guide the Student through a sequencing process to support the Student toward independent work.

According to the Teacher, the reading curriculum, American Reading Company curriculum, uses an eight-week topic approach that requires students to research a topic and produce a written report on.. The curriculum combines silent reading, reading aloud, reading comprehension activities, and a simultaneous progression of writing tasks that culminate in a report on the topic. The Teacher stated support is provided throughout the project process. The teacher reported that work is typically sent home at the end of each trimester; however, work has been sent home for the Student at the Parent's request.

25. The District provided the Investigator examples of the two graphic organizers used with the Student, and a copy of the initial service log example the Teacher sent home to the Parent. The service log example did not contain dates of service.

Legal Conclusions

Allegation #1 Failing to provide special education identified in the Student's Individual Education Plan (IEP).

The Student's initial IEP, dated September 23, 2025, has an initiation date of September 24, 2025. The revised IEP dated February 17, 2026, has an initiation date of February 18, 2026.

In emails from the Parent, dated October 22, 2025, and November 25, 2025, requests were made for SDI service logs for the Student and for documentation of the Student's work reflecting use of the accommodations listed in the IEP. The Educational Diagnostician (ED) responded on October 23, 2025, and November 25, 2025, to the Parent's requests, stating the ED would ask the Teacher to send home service logs and samples of the Student's work. The ED stated that completed classroom work is sent home after grading and clarified that final work sent home has already received accommodations support from the classroom staff. The District sent Parent progress reports on December 2, 2025, and again on March 13, 2026, indicating the Student was making adequate progress.

On February 27, 2026, the Parent sent an email requesting that the Teacher send home service logs reflecting when the Student receives SDI, beginning with the Student's initial IEP, copies of writing prompts used to determine the Student's current levels of educational performance, and work samples used to measure the Student's writing benchmarks. On March 13, 2026, Parent thanked the Teacher, ED, and Assistant Principal (AP) for sending weekly service logs and progress monitoring support data.

On March 13, 2026, the Teacher explained via email the difference between the accommodations and the SDI the Student receives. The Teacher indicated that writing prompts used to determine present levels of performance were sent, along with work samples used to determine the Student's benchmark performance. On May 1, 2026, the Parent sent an email stating concerns that the Student has not been receiving targeted instruction for the entire year, indicating that the lack of adequate work being sent home and the lack of ongoing service logs are evidence that special education instruction is not being implemented.

On May 21, 2026, the District responded to the Administrative Complaint, stating the Student's English Language Arts Teacher provided the Student's IEP, with SDI implemented as outlined in the Student's IEP. The District response stated that "accommodations described in Student's IEPs from September 26, 2025 (sic, actual date September 23, 2025), and February 17, 2026, are provided to him in the educational setting by his teachers throughout his school day. The response included evidence of the accommodations used in the classroom (Exhibit 9). Several accommodations are described as visual support available to all students in the classroom. The District provided copies of customized accommodations, such as word lists, graphic organizers, grammar reminders, and descriptive writing prompts. These reflected the accommodations listed in the Student's IEP. The District described the Teacher's implementation processes during both reading and writing instructional times in the classroom. The District's response included two pictures showing the locations of the Teacher's and Student's desks and stated that the Student has easy access to the Teacher for assistance. The District's response included lists of specific accommodations used with the Student in the areas of Assessment, Reading Fluency, Reading Accommodations, Written Expression, and Focus and Attention. The response included service logs reflecting the implementation of SDI with the Student from March 2, 2026, through May 8, 2026.

As per 14 DE Admin. Code §925.10.2.2 When IEPs Shall be in Effect: As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP; and 14 DE Admin. Code §925.10.3.2: The specific accommodations, modifications, and supports that shall be provided for the child in accordance with the IEP. The response from the District to the Complaint that includes documentation of the accommodations available to the Student; email correspondence from the Parent reflecting receipt of documents requested including service logs, performance measurement examples, and sample work; interviews with the Teacher that demonstrated how special education is implemented with the Student; interviews with the Teacher, AP, and Principal describing the academic process used in the school and the classroom for ELA; and the Progress Reports provided as documentation of the Student's progress, suggest the Student has been receiving special education services as described in the IEP, that accommodations have been created and

used with the Student, and the Student is making adequate progress on the IEP goals,
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, the Investigator found no violation of Part B of the IDEA or Delaware regulations. Therefore, no further action by the Department shall be taken.

Respectfully submitted,

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