



DEPARTMENT OF EDUCATION

Townsend Building
401 Federal Street Suite 2
Dover, Delaware 19901-3639
<http://education.delaware.gov>

Mark A. Holodick, Ed.D.
Secretary of Education
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**Compliance Agreement
Sussex Montessori Charter School
and
Exceptional Children Resources
Delaware Department of Education**

WHEREAS, the Delaware Department of Education (“DDOE”) exercises general supervision of local education agencies (“LEAs”) including school districts and charter schools to ensure the proper implementation of Part B of the Individuals with Disabilities Education Act (“IDEA”) and corresponding Delaware regulations related to the education of children with disabilities. The DDOE monitors the implementation of Part B of the IDEA, enforces the requirements of Part B in accordance with its authority, and reports annually on the performance of LEAs and the State in selected areas. The primary focus of the DDOE’s monitoring activities is on improving educational results and functional outcomes for children with disabilities and ensuring that public agencies are meeting the program requirements under Part B of the IDEA.

WHEREAS, the DDOE is required to notify LEAs in writing of any findings of noncompliance with state and federal special education regulations. All noncompliance must then be corrected by the LEA within one year from the date of receiving notice. Within the year timeframe, the DDOE must also conduct a second review of student records and/or additional evidence to verify that all noncompliance has been corrected by the LEA.

WHEREAS, the DDOE has identified regulatory noncompliance at Sussex Montessori Charter School related to the implementation of special education regulations.

WHEREAS, this Agreement is intended to address the current findings of noncompliance pending against the Sussex Montessori Charter School; under Part B of the IDEA and establish timelines for the correction of noncompliance.

Section One: CURRENT FINDING OF NONCOMPLIANCE REQUIRING CORRECTION

- A. The current findings pending involve the areas of eligibility determination and Individualized Education Program (“IEP”) development. The findings were identified during the DDOE’s audit conducted on March 21, 2022.

- B. The findings are identified under federal regulations implementing the IDEA as follows:



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Eligibility Determination		
#	Regulation:	Citation:
3	Variety of sources used to determine eligibility.	4 DE Admin Code §925.4.0 34 CFR §300.306
IEP Development		
23	IEP contains statement of frequency, duration and location of services and modification	14 DE Admin Code §925.20 34 CFR §300.320
24-26	IEP contains statement of Student's present level of academic achievement and functional performance, AND IEP contains description of how Student's progress toward meeting annual goal will be measured, AND IEP contains statement of measurable annual goal, including academic and functional goals	14 DE Admin Code §925.20 34 CFR §300.320

C. Individual student corrections were not completed and uploaded into PSIEP by June 30, 2022. Therefore, Sussex Montessori was moved to Tier III which involved the development and implementation of an Intervention Plan. The DDOE and Sussex Montessori identified thirteen corrective actions to address the current findings of noncompliance pending against the charter school under Part B of the IDEA and established revised timelines for the correction of noncompliance. The following corrective actions were not completed by the identified due date:

1. " All instances of individual student noncompliance found in 2021-2022 monitoring are completed, compliant and uploaded in PowerSchool IEP (due February 24, 2023)". As of May 22, 2023, individual student corrections remain incomplete as they do not align with the criteria set forth in the Delaware regulations.
2. "All files reviewed for systematic compliance as part of the 2021-2022 monitoring are verified as compliant by DDOE (due by March 24, 2023)". Verification of systematic compliance was not conducted due to outstanding individual student noncompliance on March 21st, 2023.



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3. "Participate in 2022-2023 monitoring of special education records (due April 21, 2023)". As corrections for the 2021-2022 monitoring cycle were incomplete, the LEA was unable to move forward in the 2022-2023 monitoring process.

D. All instances of noncompliance at the individual student level must be corrected by **July 21, 2023**. When corrections have been made for all items of noncompliance at the individual student level, the appropriate administrator must sign and date the 2021-2022 Compliance Monitoring: Tracking the Correction of Student Level Citations form. Submit completed form as evidence required to the DDOE for verifications of individual student level correction.

Section Two: CORRECTIVE ACTION

The Sussex Montessori Charter School shall implement corrective action to ensure that staff are properly implementing the requirements of Part B of the IDEA related to eligibility determination and IEP development. The corrective actions shall include:

A. School Administrators

1. Participate in ongoing technical assistance with the Exceptional Children Resources staff relating to procedural safeguards for parents and children as outlined in the Delaware Administrative Code.
2. Establish leadership team (comprised of active staff member for SY 23/24) to lead the standards-based IEP professional learning activities as noted in the Compliance Agreement. **Due June 30, 2023**

Delivery of Phase 1 of Standards-Based IEP training

3. Participate in state-wide content for Data-Based Decision Making from ACCESS project (~~Rebecca Thomas, Kim Oswinkle~~, Lisa Coldiron, ~~Kate Bailey~~, Alyson Silva, Jori Martinez- Woods). **Completed June 14, 2023**
4. In collaboration with the ACCESS project, create a professional development by tailoring the Data Based Decision Making to the educational context of Sussex Montessori. **Completed June 14, 2023.**
5. Deliver the tailored Data-Based Decision-Making training to the entire staff with a focus on the comprehensive assessment system and progress monitoring within the current Sussex Montessori program. **Completed June 14, 2023**
6. Participate in Standards-Based IEP training for educational leaders; all members of the leadership team as established in **Corrective Action A.2** must attend the full training. **Due Date: August 11, 2023.**
7. Review and utilize data from the needs assessment provided by the ACCESS project to refine the priorities and plan for the delivery of full-staff Standards-Based IEP



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- training and compose a professional development plan (that includes each phase of SB-IEP training) for the 2023-2024 SY. **Evidence of Activity Due to DDOE: August 11, 2023**
8. Submit crafted Standards-Based IEP professional development plan for the entire staff at Sussex Montessori. the 2023-2024 SY to the Delaware Department of Education. **Final PD plan Due to DDOE: August 25, 2023**
 9. Deliver refresher and updates (based on new platforms) of Data-Based Decision-Making training to entire staff in pre-service training; communicate expectations for implementation and updated protocols/procedures for data collection. **Evidence of Activity Due to DDOE: September 15, 2023.**

Delivery of Phase 2 of Standards-Based IEP training

10. Tailor the content for the second phase of the Standards-Based IEP training professional learning plan for the entire staff at Sussex Montessori. **Evidence of Activity Due to DDOE: October 1, 2023.**
11. Deliver the second phase of Standard-Based IEP training professional learning to the entire staff at Sussex Montessori. **Evidence of Professional Learning Due to DDOE: October 30, 2023.**
12. Execute fidelity checks of second phase of Standards-Based IEP training to identify areas of strength and areas in need of growth in IEP development. Develop a plan to address areas in need of growth. **Evidence of Activity Due to DDOE: November 30, 2023**

Delivery of Phase 3 of Standards-Based IEP training

13. Tailor the content for the third phase of the Standards-Based IEP training professional learning plan for the entire staff at Sussex Montessori. **Evidence of Activity Due to DDOE: December 30, 2023.**
14. Deliver the third phase of Standard-Based IEP training professional learning plan for the entire staff at Sussex Montessori. **Evidence of Professional Learning Due to DDOE: January 30, 2024.**
15. Execute fidelity checks of third phase of Standards-Based IEP training to identify areas of strength and areas in need of growth in IEP development. Plan to address areas in need of growth. **Evidence of Activity Due to DDOE: February 29, 2024**

Delivery of Phase 4 of Standards-Based IEP training

16. Tailor the content from for the fourth phase of the Standards-Based IEP training professional learning plan for the entire staff at Sussex Montessori. **Evidence of Activity Due to DDOE: March 30, 2023.**



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17. Deliver the fourth phase of Standard-Based IEP training professional learning plan for the entire staff at Sussex Montessori. **Evidence of Professional Learning Due to DDOE: April 30, 2024.**
 18. Execute fidelity checks of fourth phase of Standards-Based IEP training to identify areas of strength and areas in need of growth in IEP development. Plan to address areas in need of growth. **Evidence of Activity Due to DDOE: May 30, 2024**
 19. Utilize data from fidelity checks over the year to refine professional development plan for the SY 2024-2025. **Final PD Plan for SY 24/25 Due to DDOE: June 15, 2024**
 20. Meet monthly with Exceptional Children Resources Liaison: **August, 2023 – June, 2024.**
 - 21.
 22. Submit a written plan to the DDOE outlining a system of accountability within Sussex Montessori Charter School to ensure compliance with IDEA, provision of special education services and procedural safeguards. **This written plan shall be submitted to the DDOE by June 30, 2024.**
- B. Special Education Coordinators:** In addition to contributing as a leadership member to support the execution of the School Administrators activities (**Corrective Action A.3-21**), the special education coordinator will be responsible for the following:
1. Participate in ongoing technical assistance with the Exceptional Children Resources staff relating to evaluation and eligibility, IEP development, IEP team participants, transition services, least restrictive environment, and procedural safeguards for parents and children as outlined in the Delaware Administrative Code during the school year.
 2. Attend the full day training for Charter School Special Education Coordinators in **August/September 2023.**
 3. Attend professional development provided through three Special Education Leadership meetings during the **2023-2024 school year.**
 4. Attend professional development provided through three Charter School Special Education Director meetings during the **2023-2024 school year.**
- C. School Psychologist/s:**
1. Attend an additional three (3) hours of professional development with school psychologist/s relating to the IEP process and eligibility determination. This training will be provided by the DDOE on **August 30, 2023 (9:00am until 12:00pm).**
- D. Special Education Teachers:**



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1. Participate in all four phases of Standards-Based IEP training from Sussex Montessori Leadership and ACCESS project during the 2023-2024 school year.

E. General Education Teachers:

1. Participate in all four phases of Standards-Based IEP training from Sussex Montessori Leadership and ACCESS project during the 2023-2024 school year.

The professional development under this section shall be completed according to the schedule stated. The DDOE, or one of its contracted providers, shall provide all or segments of the professional development.

Section Three: DDOE'S VERIFICATION ACTIVITIES

1. After **July 21, 2023**, the DDOE shall conduct a verification activity of individual student records to determine if noncompliance has been corrected. The DDOE will review records through a desk audit. All signed copies of ESRs and IEPs must be uploaded into Power School IEP immediately following the IEP meeting. The DDOE will verify corrections of noncompliance on a periodic schedule.
2. After **September 30, 2023**, utilizing updated data, the DDOE shall conduct a verification activity to verify systemic compliance during which randomly selected additional student and school records will be reviewed to determine if Sussex Montessori Charter School is 100% compliant and correctly implementing the specific regulatory requirements under IDEA. The DDOE will review records through a desk audit, as well as conduct on-site reviews at Sussex Montessori Charter School. The DDOE may also conduct interviews with school staff, or complete classroom observations as part of its verification process.
3. If the DDOE is able to verify correction of noncompliance in all the regulatory areas, then DDOE will close out the findings of noncompliance that are corrected and notify the LEA in writing. If, however, findings of noncompliance remain open in specific regulatory areas, additional actions will be necessary. Depending on the results of the DDOE's verification activities, the DDOE may increase its enforcement actions in accordance with its authority.



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Section Four: SIGNATURES

On behalf of Sussex Montessori Charter School:

Name: Lisa Coldiron, Head of School

Lisa Coldiron

Lisa Coldiron (Jul 3, 2023 13:39 EDT)

Signature

Date: Jul 3, 2023

Name: Linda Zankowsky, Board Chair

Linda Zankowsky

Linda Zankowsky (Sep 25, 2023 17:00 EDT)

Signature

Date: 25/09/2023

Sep 25, 2023

Signature

On behalf of the Exceptional Children Resources Group of

The Delaware Department of Education:

Name: Dale Matusевич, Director

Dale Matusевич

Signature

Date: 6/20/23







Sussex Montessori 2021-2022 Compliance Monitoring Compliance Agreement 6.26.2023

Final Audit Report

2023-07-03

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