

COMPLAINT SUMMARIES
FY 06

Issues Alleged	Policy Cites	Policy Issues	Violation	Corrective Activities
Issues resolved through Early Resolution (ER)	--	--	--	--
Whether the district: 1) implemented the student's Individualized Education Program (IEP) specific to extended school (ESY)	6.0	Administration of Services	No	Issues 1 and 2 resolved through Early Resolution (ER) Develop a plan to provide current information pertaining to the requirements of prior written notice (PWN)
2) provided the specific training to personnel with regard to the student's communication	6.1.3	Provision of Staff	No	
3) ensured the student's placement was in the student's home school	5.1.5	IEP Team Responsibilities	Yes	
Whether the district: 1) provided the teacher with the student's IEP information pertaining to extended School Year (ESY) services	6.1.2	Provision of IEP information	No	None Required
2) implemented the student's IEP specific to an aide and assistive technology	6.0	Administration of Services	No	None Required
3) provided training for staff specific to assistive technology and a handwriting program	6.1.3	Provision of Staff	No	None Required
Whether the district: 1) provided the student "door to door" transportation as specified on the student's IEP	6.0	Administration of Services	No	Letter of Findings C06004 was issued on October 27, 2005 and included a CA requiring the district to submit a corrective action plan addressing the provision of information regarding the requirements of prior written notice to all district personnel responsible for developing IEPs for students. Therefore, no other CAs were required.
2) included the "door to door" transportation issue in the content of the PWN provided to the parent	8.1.1	Prior Notice; Content of Notice	Yes	
Issues resolved through Early Resolution (ER)	--	--	--	--

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Whether the district provided a free appropriate public education (FAPE) to the student.	1.7	Right to FAPE	Yes	<ol style="list-style-type: none"> 1) Develop a compensatory education plan in consideration of the services denied 2) Submit an assurance statement regarding the implementation of the compulsory school attendance procedures when a student is truant from school 3) Develop procedures for tracking students who have been temporarily admitted to a specific behavioral program 4) Disseminate the aforementioned procedures to the named persons responsible for implementing them.
Whether the district: <ol style="list-style-type: none"> 1) implemented one student's IEP specific to a particular reading program 2) determined the students' placements based solely on the availability of special education placement options, availability of educational services or availability of staff 3) implemented the students' IEPs specific to the provision of services in the regular education environments 	6.0	Administration of Services	No	None Required
	5.1.5	IEP Team Responsibilities	Yes	Develop a compensatory plan in consideration of the reading instruction denied one student
	6.0	Administration of Services	Yes	Submit documentation to verify that each one of five students' current class schedules matches the students' current IEPs.
Whether the district completed the student's assistive technology evaluation within the required timeline.	3.1.1	Evaluation Responsibilities	Yes	The district proactively submitted a corrective action plan, including 5 activities, in conjunction with its complaint response. Therefore, the OAA required the district to submit verification of the implementation of CA 3, 4 & 5 of the corrective action plan.
Issues resolved through Early Resolution (ER)	--	--	--	--
Whether the district convened the students' IEP team meetings with the required membership	5.1.2	IEP Team Membership	Yes	<ol style="list-style-type: none"> 1) Submit a draft memorandum to be disseminated to all school personnel responsible for scheduling and developing IEP team meetings that communicates the requirements of Policy 2419 and IDEA 2004 pertaining to IEP team membership 2) Submit a statement that assures that all IEP team meetings will be convened with required membership, specifically, with not less than one regular education teacher of the student.

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Whether the district: 1) provided the parents prior written notice of its refusal to convene an IEP 2) convened an IEP meeting at the parents' request	8.1.1 5.1.1	Prior Notice; Content of Notice Timelines	Yes No	1) Submit an assurance statement regarding the provision of prior written notice containing the required components 2) Re-issue the PWN provided the parent containing the two (2) components omitted (procedural safeguards protections and sources to obtain information to understand procedural safeguards). None required
Whether the district: 1) conducted child find activities to ensure that the student was identified and referred for appropriate evaluation 2) provided a free appropriate public education (FAPE)	2.0 1.7	Identification and Referral Right to FAPE	Yes Yes	Develop a plan to ensure that principals and SAT chairpersons understand the requirements pertaining to conducting SAT meetings and referring a student for evaluation by forwarding the referral to the central office and obtaining parental consent within timelines Issue a memorandum that communicates the discipline procedures, specifically procedures that must be followed for students not yet determined eligible whenever a change of placement is being considered by the district
Whether the district denied the student FAPE	1.7	Right to FAPE	Yes	Convene an IEP team meeting to consider the behavioral needs of the student and to determine the positive behavioral supports needed to address the specific behavioral needs
Whether the district completed the initial multidisciplinary evaluation within the required timeline	3.1.1	General Responsibilities	Yes	Submit a plan that assures that all reevaluations for eligible students will be completed within timelines

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<p>Whether the district:</p> <p>1) developed the IEP to meet the student's needs</p>	5.1.3	IEP Content	Yes	<ol style="list-style-type: none"> 1) Convene an IEP meeting to review/revise the student's IEP in consideration of the documented need for an assistive technology device and provide documentation of the purchase of said device 2) Submit a statement that assures students' IEPs will be developed based upon student needs and not based on cost or other factors 3) Develop a compensatory education plan in consideration of the impact of the denial of related services on the student's progress for the 2005-2006 school year 4) Submit a memorandum that delineates the requirements of an independent evaluation obtained at private expense by the parent and that ensures each IEP team determines a student's IEP is appropriate to meet the individual needs of the student 5) Disseminate a memorandum that provides the requirements for prior written notice
<p>2) required parents to pay for an assistive technology device to provide FAPE</p>	9.1.3	Responsibilities of the LEA	No	None Required

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<p>Whether the district:</p> <ol style="list-style-type: none"> 1) Implemented the student's IEP specific to the provision of a 1:1 aide, a behavior intervention plan and "appropriate educational transition services to a new school" 2) Provided the student's IEP information to service providers 3) Provided the parent notification of the IEP team meeting 4) Failed to follow the discipline procedures for the student 	<p>6.0</p> <p>6.1.2</p> <p>8.1.7</p> <p>7.0</p> <p>9.1.3</p>	<p>Administration of Services</p> <p>Provision of IEP Information</p> <p>Parental Participation</p> <p>Discipline</p> <p>Additional Violation</p> <p>Responsibilities of the LEA: Maintenance of student data</p>	<p>Yes</p> <p>No</p> <p>No</p> <p>No</p> <p>Yes</p>	<p>Develop a compensatory education plan to address the services denied the student due to a lack of 1:1 aide</p> <p>None Required</p> <p>None Required</p> <p>None Required</p> <ol style="list-style-type: none"> 1) Submit the student's corrected attendance data maintained through the West Virginia Education Information System (WVEIS) 2) Submit a memorandum that communicates the requirements regarding the collection and maintenance of current and accurate student data 3) Submit an assurance statement regarding the accurate collection and maintenance of student data
<p>Whether the district:</p> <ol style="list-style-type: none"> 1) developed the student's IEP to meet the student's behavioral needs 2) implemented the student's IEP during the 2004-2005 school years specific to occupational therapy (OT) 3) followed discipline procedures for the student 	<p>5.1.3</p> <p>6.1</p> <p>7.0</p>	<p>IEP Content</p> <p>Initiation of Services</p> <p>Discipline</p>	<p>No</p> <p>Yes</p> <p>No</p>	<p>None Required</p> <ol style="list-style-type: none"> 1) Submit a memorandum regarding the requirement to provide the special education and related services necessary to implement the services provided for in each student's IEP and how progress will be reported 2) Develop a compensatory education plan in consideration of the inconsistently provided OT services 3) Submit copies of progress reports provided to the parents for the 2005-2006 school year regarding the provision of OT services <p>None Required</p>

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<p>4) provided the parent adequate PWN for two IEP team meetings</p> <p>5) denied the parent participation in the IEP team meeting</p>	<p>8.1.1</p> <p>8.1.7</p> <p>5.1.1</p> <p>5.1.5</p> <p>IDEA 97 300.501 (B)(2)</p> <p>9.1.3</p> <p>IDEA 2004 614 (d)</p>	<p>Prior Notice; Content of Notice</p> <p>Parental Participation</p> <p>Additional Violations</p> <p>IEP Timelines</p> <p>IEP Team Responsibilities</p> <p>Informal conversations not an IEP meeting</p> <p>Accurate Reporting of Student Data</p> <p>IEP Progress Reporting</p>	<p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>None Required</p> <p>Convene the meeting to review and revise the student's behavior intervention plan</p> <p>Include a statement in a memorandum outlining the district's policies and procedures regarding the required actions and timelines for responding to a parent's request for an IEP team meeting</p> <p>Convene the IEP team to determine whether the annual goals for the student are being achieved and revise the IEP to address the concerns of the parent, specifically a positive behavior intervention plan</p> <p>Submit a memorandum for approval and dissemination which clarifies the requirement of providing parents notice of IEP team meetings when the request for a meeting involves issues addressed on the student's IEP</p> <p>1) Submit a statement that assures the accurate reporting of student data 2) Submit a revised WVEIS report that accurately reflects the student's removals for the 2005-2006 school year</p> <p>Include a statement in a memorandum regarding how the student's progress toward meeting the annual goals will be measured and reported</p>
<p>Whether the district made available a continuum of alternative placements to meet the students' needs for special education and related services</p>	<p>9.1.3</p>	<p>Responsibilities of the LEA</p>	<p>No</p>	<p>None Required</p>

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<p>Whether the district:</p> <p>1) followed procedures for determining the student's eligibility for special education</p> <p>2) provided the student with FAPE</p> <p>3) provided specially designed transportation to the student</p>	<p>4.1.2</p> <p>1.7</p> <p>9.1.3</p>	<p>Eligibility Procedures</p> <p>Right to FAPE</p> <p>Responsibilities of the LEA</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>1) Complete a functional behavior assessment and social skills evaluation and reconvene the EC/IEP team to consider all evaluations and other relevant information to determine the student's eligibility and review and revise the student's IEP, as appropriate to include any specially designed instruction or transportation or provide the parent PWN of its refusal to provide any specially designed instruction or transportation</p> <p>2) Develop a plan to ensure that all evaluations requested are completed within the required timelines and reports are submitted for consideration before the date of the EC</p> <p>1) Develop a compensatory education plan for education services denied the student from August 26 through October 24, 2005</p> <p>2) Submit a statement that communicates the requirements regarding compulsory school attendance and the district's responsibility to provide eligible exceptional students an instructional day and school calendar equivalent to that established for non-exceptional students</p> <p>Provide monetary compensation to the parent in consideration of the denial of reimbursement for the transportation the parent provided for the student</p>
<p>Withdrawn as a result of Due Process Hearing</p>	<p>--</p>	<p>--</p>	<p>--</p>	<p>--</p>

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Whether the district provided qualified personnel to implement the student's IEP with regard to assisting the student with toileting needs	6.1.3 6.1	Provision of Staff Additional Violation Initiation of Services	No Yes	None Required Develop a compensatory education plan in consideration of the special education and related services denied the student for the ten (10) day period prior to implementing the proposed changes to the IEP
Whether the district: 1) is maintaining the appropriate staffing ratios in the students' classroom 2) is providing qualified staff with the training and skills necessary to implement the students' IEPs 3) is implementing the IEPs of the students in the classroom 4) is providing the students a classroom that is adequate and comparable to classrooms for non-exceptional students	6.1.5 6.1.3 6.0 9.1.3	Caseloads Provision of Staff Administration of Services Responsibilities of the LEA	No No No No	None Required None Required None Required None Required
Whether the district: 1) included the required members on the Multidisciplinary Evaluation Team (MDET) specific to the student's physical needs 2) developed the IEP to address the student's needs with regard to specialized equipment and the consideration of the concerns of the parent	3.1.2 5.1.3	Multidisciplinary Team IEP Content	No No	None Required None Required
Whether the district implemented the modifications specified in the student's IEP	6.0	Administration of Services	Yes	1) Reconvene the student's IEP team to review and revise the student's IEP to specify and clarify the special education and related services and the supplementary aids and program modifications to be provided for the student 2) Submit a statement that assures the student's IEP information will be provided to all service providers prior to the initiation of services and its receipt documented on a dissemination sheet 3) Submit a memorandum regarding the provision of IEP information to all regular education teachers and other service providers prior to the initiation of services and documents the providers' receipt on a dissemination sheet

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Whether the district: 1) convened the student's IEP meeting with the required membership 2) provided the parent written notice of the IEP meeting 3) provided a teacher the training to teach the student's reading program 4) provided the parent prior written notice for the IEP team meeting	5.1.2 8.1.7 6.1.3 8.1.1	IEP Team Membership Parental Participation Provision of Staff Prior Notice; Content of Notice	No No Yes No	None Required None Required Develop a plan to ensure that school personnel are identified to review student IEPs for needs and that personnel is appropriately trained to implement the IEPs None Required
Issues resolved through Early Resolution (ER)	--	--	--	--
Whether the district: 1) provided qualified personnel for the student in the aide's absence 2) provided the student an instructional day equivalent to that established for non-exceptional students	6.1.3 9.1.3	Provision of Staff Responsibilities of the LEA	Yes Yes	Develop a plan to assure the provision of qualified staff to implement student IEPs, specifically recruitment of additional aides and/or alternative procedures for the provision of staff in the event an aide is unavailable Amend the compensatory education plan required for C06029 to include additional three (3) days for the instruction denied the student in the absence of the aide
Whether the district: 1) followed procedures for evaluating and determining the student's eligibility for special education 2) provided the student with FAPE	4.1.2 1.7	Eligibility Procedures Right to FAPE	Yes No	1) Reconvene the EC to review the evaluations and determine whether the student meets the eligibility criteria for one of the designated exceptionalities and needs special education and related services 2) Develop a plan to ensure that personnel discontinue the practice of requesting a physician's recommendation to determine whether a student meets the criteria for an exceptionality None Required

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Whether the district provided the student an Independent Education Evaluation (IEE) at public expense	8.1.9	Independent Education Evaluation	No	None Required
	3.1.3	Additional Violations Evaluation Components	Yes	Reconvene the IEP team to determine which, if any, evaluations are needed, document such on the Reevaluation Determination Plan form, and obtain parental permission for any assessments required
	4.1	Eligibility Procedures	Yes	Develop a plan to ensure procedures are followed for conducting reevaluations and determining eligibility
Whether the district: 1) developed an IEP to meet the student's needs specific to the use of a stander 2) implemented the student's IEP specific to the use of a stander	5.1.3	IEP Content	Yes	1) Submit a statement that, upon the parent's re-enrollment of the student, the district will convene an IEP team meeting to revise the student's IEP to include the provision of a stander or provide the parent PWN of it refusal to do so 2) The district shall for all subsequent IEP meetings a) develop an agenda, b) assign a recorder and c) document all issues addressed.
	6.0	Administration of Services	No	None Required
Whether the district: 1) convened an IEP team meeting with the required members in attendance 2) developed an IEP to meet the student's behavioral needs 3) provided the student FAPE	5.1.2	IEP Team Membership	No	None Required
	5.1.3	IEP Content	Yes	Develop a compensatory education plan with documented parental input.
	1.7	Right to FAPE	No	None Required
Issues resolved through Early Resolution (ER)	--	--	--	--
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Whether the district: 1) completed the initial evaluation of the student within the required timeline 2) considered the concerns of the parent for enhancing the education of the student in developing the student's IEP	3.1.1 5.1.3	General Responsibilities IEP Content	Yes No	1) Develop a plan to ensure all initial evaluations are completed within the 80 day timelines from receipt of parental consent 2) Submit a memorandum that communicates the district's requirements for conducting initial evaluations and convening EC meetings within the required timelines None Required
Issues resolved through Early Resolution (ER)	--	--	--	--
Issues resolved through Early Resolution (ER)	--	--	--	--
Whether the district: 1) followed discipline procedures 2) implemented the accommodations specified in the student's IEP	7.0 6.0	Discipline Administration of Services	Yes Yes	1) Submit a memorandum that communicates the discipline procedures 2) Submit a statement assuring compliance with the discipline procedures 1) Submit a plan that assures school personnel will provide the special education and related services necessary to implement each student's IEP 2) Submit a statement that assures school personnel will provide the special education and related services necessary to implement each student's IEP

