



March 12, 2018

Abena Osei
Director of Special Education
Office of Specialized Services
School District of Philadelphia
440 North Broad Street
Philadelphia, PA 19130

Dear Ms. Osei:

As the result of a Complaint Investigation Report (CIR) regarding the School District of Philadelphia's (SDP) issues concerning the transition process for special education students transitioning from early intervention (EI) to school-aged programs dated August 9, 2017, and amended on November 14, 2017 the Bureau of Special Education conducted a file review on March 6, 2018. The BSE reviewed 25 randomly selected students' files from the spreadsheet which was provided to the BSE from the SDP with the names of all students who transitioned from EI to school-aged programming during the 2017-2018 school year and whose evaluations were not completed within the required 60-day timeline and whose Individualized Education Programs (IEPs) were not completed within 30 days of the Reevaluation Reports (RRs). The purpose of the file review was to determine if each student had an IEP in place on the first day of their school enrollment and whether or not the students were denied a Free and Appropriate Public Education (FAPE) due to the failure of the District to either implement the students' EI IEPs or failure to develop an interim IEP agreed to by the parent.

Following are a summary of findings from the file review:

- 10 of 25 files or 40% of the files reviewed revealed that students were provided with FAPE from the first day of their school enrollment.
- 15 of 25 files or 60% of the files reviewed revealed that students did not have an IEP in place for their first day of their school enrollment and were denied FAPE for varying lengths of time.
- Six of 25 files or 24% of the files reviewed indicated that parents were issued a NOREP for the continuation of Ei services until the District completed a RR and IEP for the student.

As a result of the file review the following students are owed compensatory education from September 27, 2017, which is 10 school days from the first day of kindergarten on September 12, 2017, to the date that the SDP implemented an IEP for each individual Student:

<u>STUDENT NAME</u>	<u>DATE OF SDP IEP</u>	<u>DATE OF SDP NOREP</u>	<u>COMMENT</u>
[The Person]	January 19, 2018	January 24, 2018	
[The Person]	Non Eligible	November 20, 2017	
[The Person]	January 18, 2018	January 22, 2018	
[The Person]	Non Eligible	January 25, 2018	
[The Person]	Non Eligible	November 3, 2017	
[The Person]	February 16, 2018	February 16, 2018	
[The Person]	Non Eligible	January 1, 2018	
[The Person]	February 2, 2018	February 2, 2018	

[The Person]	February 14, 2018	February 11, 2018	Continuation of Services NOREP issued
[The Person]	October 6, 2017	October 6, 2017	Already was offered comp ed
[The Person]	October 2, 2017	October 2, 2017	
[The Person]	November 11, 2017	November 11, 2017	
[The Person]	Non Eligible	February 1, 2018	
[The Person]	October 3, 2017	October 3, 2017	
[The Person]	February 12, 2018	February 12, 2018	

The Superintendent or his designee will convene a meeting to develop a compensatory education agreement, and issue a NOREP to the parent of each Student listed above to approve or disapprove of the compensatory education agreement. The amount of compensatory education services to be provided will be the number of hours of special education and related service support per day as required in the student's EI IEP from September 27, 2017 to the date the that the SDP's IEP was implemented.

The calculation for compensatory education services excludes student absences, holidays, and school closings. The compensatory education may take the form of any appropriate developmental, remedial or enriching educational service, product, or device that furthers the goals of the student's program or otherwise assists in overcoming the effect of the disability. The compensatory education shall be in addition to, and shall not supplant educational services, products, and/or devices that should appropriately be provided by the school district through the student's IEP to assure a meaningful educational process. The exact nature, delivery schedule, and logistics of the compensatory education are to be determined at the meeting, based on the student's needs.

Should the parent and the SDP be unable to come to an agreement, the SDP will submit a written request for assistance from the BSE by **April 18, 2018**, to include a list of the proposals for compensatory education from each party, and signed by both parties. This request is to be sent to: Walter L. Howard, Chief, Division of Monitoring and Improvement - East, Pennsylvania Department of Education, Bureau of Special Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333, Fax (717) 783-6139.

The findings from the file review reveal that there is a concern that a numerous amount of students who transitioned from EI to school-aged programing this school year were not provided with FAPE from the first day of their school enrollment through the time that the SDP completed an evaluation and IEP for each student. In January 2018 the SDP provided this Adviser with the Compensatory Education Agreements and Compensatory Education NOREPs for 170 of 1,977 or 8% of the students who transitioned from EI to school-aged programing this school year and who did not receive FAPE due to a delay in their evaluations and IEP development. As a result of the file review it appears that not all of the students in this consortium were correctly identified as requiring compensatory education to remedy the loss of FAPE.

Enclosed is a spread sheet with a list of 1,795 students who transitioned from EI to school-aged programming this school year and whose RRs and IEPs were not completed within the required time lines. The SDP is required to provide this Adviser with the dates that the following documents were issued to the parents of these students.:

- Date of Continuation of Service NOREP
- Date of SDP IEP
- Date of SDP NOREP

Please forward the following documents:

- Completed spread sheet including the dates that the documents were issued to the Parents.
- A copy of the plan for compensatory education and a copy of the Compensatory Education NOREP/Prior Written Notice, which has been issued to the parent of each of the students listed above.

Please send these documents to my attention at: Pennsylvania Department of Education, Bureau of Special Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333, **no later than Wednesday, April 18, 2018.**

Following receipt and review of the spread sheet I will make a determination as to which additional students are owed compensatory education. If you have any questions or need assistance regarding this issue, you may contact me at (610) 642-1237 or by email at rfurman@pa.gov.

Thank you for your cooperation.

Sincerely,

Ruth B. Furman 1020

Ruth B. Furman
Division of Monitoring & Improvement – East

~~Enclosure: EI Spread Sheet~~

cc: Dr. William Hite, Jr., Superintendent
Natalie Hess, Deputy Chief, Office of Specialized Services
Kim Mecca, Interim Executive Director
Sean J. McGrath, Esquire, Complainant (Redacted Letter only)
Lisa Werts, Program Manager
Quiana Carthen, SDP EI Coordinator
Walter L. Howard, Chief, Division of Monitoring & Improvement – East
Central File