

**PENNSYLVANIA DEPARTMENT OF EDUCATION  
BUREAU OF SPECIAL EDUCATION  
COMPLAINT INVESTIGATION REPORT**

**LOCAL EDUCATION AGENCY:** School District of Philadelphia

**DATE RECEIVED:** October 17, 2019

**DATE OF REPORT:** **AMENDED MAY 6, 2020**  
~~February 14, 2020~~

**COMPLAINANT:** Attorney Advocates

**NAME:** Maura McInerney Esquire  
Margie Wakelin, Esquire

**ADDRESS:** Education Law Center  
~~4315 Walnut St., Suite 400~~ **1800 JFK BLVD. SUITE 1900-A**  
Philadelphia, PA 49407-19103

**RE:** Multiple Children

**NEW INFORMATION IS IN BOLD AND CAPITALIZATION AND DELETED INFORMATION IS INDICATED WITH STRIKETHROUGH.**

**SPECIFIC COMPLAINT(S):**

Issue 1: The School District of Philadelphia (SDP) failed in its child find obligations when it did not evaluate English Language Learner (ELL) students who are suspected of having a disability and other students who are struggling in the classroom and suspected of having a disability.

Issue 2: The SDP failed to respond to parents' requests for an evaluation within 10 days of an oral request and within a reasonable amount of time of a written request.

Issue 3: The SDP failed to complete evaluations within 60 calendar days of the signed Permission to Evaluate Forms (PTE).

Issue 4: The SDP used Response to Intervention (RTI) and/or a Multi-Tiered System of Supports (MTSS) to delay or deny a timely initial evaluation for students suspected of having a disability.

Issue 5: The SDP failed to administer evaluations in each students' native language.

Issue 6: The SDP failed to evaluate children with disabilities who transferred from one public agency to the SDP in the same school year and all other highly mobile students, in a timely manner and without undue delay.

**APPLICABLE REGULATORY AUTHORITY:**

Issue 1:

**Individuals with Disabilities Education Act (IDEA) Code of Federal Regulations Part 300**

### **§ 300.111 Child Find.**

- (a) *General.* (1) The State must have in effect policies and procedures to ensure that—
- (i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and (ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.
- (c) *Other children in child find.* Child find also must include—
- (1) Children who are suspected of being a child with a disability under § 300.8 and in need of special education, even though they are advancing from grade to grade; and
  - (2) Highly mobile children, including migrant children.
- (d) *Construction.* Nothing in the Act requires that children be classified by their disability so long as each child who has a disability that is listed in § 300.8 and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under Part B of the Act.

### **Pa Code 22 Chapter 14 Special Education Services and Programs State Regulations § 14.122. Screening.**

- (a) Each school district shall establish a system of screening, which may include early intervening services, to accomplish the following:
- (1) Identify and provide initial screening for students prior to referral for a special education evaluation.
  - (2) Provide peer support for teachers and other staff members to assist them in working effectively with students in the general education curriculum. To provide this support, school districts may implement instructional support teams according to Department guidelines or use an alternative process.
  - (3) Identify students who may need special education services and programs.
- (b) The screening process must include:
- (1) Hearing and vision screening in accordance with section 1402 of the School Code (24 P. S. § 14-1402) for the purpose of identifying students with hearing or vision difficulty so that they can be referred for assistance or recommended for evaluation for special education.
  - (2) Screening at reasonable intervals to determine whether all students are performing based on grade-appropriate standards in core academic subjects.
- (c) Each school district may develop a program of early intervening services. In the case of school districts meeting the criteria in 34 CFR 300.646(b)(2) (relating to disproportionality), as established by the Department, the early intervening services are required and must include:
- (1) A verification that the student was provided with appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the Elementary and Secondary Education Act of 1965 (ESEA) (20 U.S.C.A. § 6368(3)), and appropriate instruction in math.
  - (2) For students with academic concerns, an assessment of the student's performance in relation to State-approved grade level standards.
  - (3) For students with behavioral concerns, a systematic observation of the student's behavior in the school environment where the student is displaying difficulty.
  - (4) A research-based intervention to increase the student's rate of learning or behavior change based on the results of the assessments under paragraph (2) or (3).
  - (5) Repeated assessments of achievement or behavior, or both, conducted at reasonable (6) A determination as to whether the student's assessed difficulties are the result of a lack of instruction or limited English proficiency. (7)
  - A determination as to whether the student's needs exceed the functional ability of the regular education program to maintain the student at an appropriate instructional level. (8)
  - Documentation that information about the student's progress as identified in paragraph (5) was periodically provided to the student's parents.

(d) Screening or early intervening activities do not serve as a bar to the right of a parent to request an evaluation, at any time, including prior to or during the conduct of early intervening activities

Issue 2:

**Chapter 14 Special Education Services and Programs State Regulations § 14.123. Evaluation**

(c) Parents may request an evaluation at any time, and the request must be in writing. The school entity shall make the permission to evaluate form readily available for that purpose. If a request is made orally to any professional employee or administrator of the school entity, that individual shall provide a copy of the permission to evaluate form to the parents within 10-calendar days of the oral request.

Issue 3:

**Chapter 14 Special Education Services and Programs State Regulations §14.123. Evaluation.**

(b) In addition to the requirements incorporated by reference in 34 CFR 300.301 (relating to initial evaluations), the initial evaluation shall be completed and a copy of the evaluation report presented to the parents no later than 60-calendar days after the agency receives written parental consent for evaluation, except that the calendar days from the day after the last day of the spring school term up to and including the day before the first day of the subsequent fall school term will not be counted.

Issue 4:

**Chapter 14 Special Education Services and Programs State Regulations § 14.122. Screening**

(a) Each school district shall establish a system of screening, which may include early intervening services, to accomplish the following:

(1) Identify and provide initial screening for students prior to referral for a special education evaluation.

Issue 5:

**IDEA – § 300.304 Evaluation procedures.**

(b) *Conduct of evaluation.* In conducting the evaluation, the public agency must—

(1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining—

(i) Whether the child is a child with a disability under § 300.8; and

(ii) The content of the child’s IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities);

(c) *Other evaluation procedures.* Each public agency must ensure that—

(1) Assessments and other evaluation materials used to assess a child under this part—

(i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;

(ii) Are provided and administered in the child’s native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;

Issue 6:

**IDEA§ 300.304 Evaluation procedures.**

(5) Assessments of children with disabilities who transfer from one public agency to another public agency in the same school year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with § 300.301(d)(2) and (e), to ensure prompt completion of full evaluations.

**IDEA§ 300.301 Initial evaluations.**

(d) *Exception.* The timeframe described in paragraph (c)(1) of this section does not apply to a public agency if—

- (1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
- (2) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under § 300.8. (e) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed.

**SOURCES OF INFORMATION:**

**This Adviser AND OTHER BSE ADVISERS:**

- A. Reviewed the complaint letter sent by the Education Law Center and received by the Bureau of Special Education (BSE) on October 17, 2019. Spoke to the Complainants, by telephone on October 23, 2019.
- B. Corresponded, via e-mail, with Natalie Hess, Deputy Chief for SDP's Office of Specialized Services (OSS) on October 31, 2019.
- C. Corresponded by e-mail with Sonya Berry, SDP Executive Director (Executive Director) for the SDP's OSS on November 8, 2019, November 15, 2019, November 25, 2019, and December 2, 2019.
- D. Corresponded by e-mail with Dr. Schehera Coleman, SDP Director of Psychological Services (Director) on November 24, 2019, November 25, 2019, and November 27, 2019.
- E. Spoke by phone with Allison Still, Deputy Chief for the SDP's Office of Multilingual Curriculum Programs (MLCP Chief) on January 23, 2020 and conducted a telephone interview with the MLCP Chief on January 28, 2020. Corresponded by e-mail with the MLCP Chief on January 28, 2020.
- F. Corresponded by e-mail with Dr. Chris Shaffer, Deputy Chief for the SDP's Office of Curriculum, Instruction, and Assessment (CIA Chief) on January 23, 2020, and conducted a telephone interview with the CIA Chief on January 24, 2020.
- G. Spoke by telephone with Wendy J. Shapiro, Interim Deputy Chief (Deputy Chief) for the SDP's OSS on January 24, 2020.
- H. Conducted phone interview with Dan Lazar, Principal of the Albert M. Greenfield School (AMGS Principal), on January 27, 2020.

I. Conducted phone interview with Tamara Edwards, Principal of Thomas K. Finletter School (TKFS Principal) on January 27, 2020.

**J. CONDUCTED PHONE INTERVIEWS WITH THE FOLLOWING PARENTS:**

- ██████████ - NOVEMBER 8, 2019.
- ██████████ - NOVEMBER 8, 2019.
- ██████████ – NOVEMBER 8, 2019 AND MARCH 2, 2020.
- ██████████, EDUCATION DECISION MAKER (EDM) - FEBRUARY 11, 2020.
- ██████████ - NOVEMBER 8, 2019.
- ██████████ - NOVEMBER 8, 2019 AND NOVEMBER 9, 2019.
- ██████████ - FEBRUARY 21, 2020.
- ██████████ FEBRUARY 6, 2020.

K. CORRESPONDED VIA EMAIL WITH CARLY FLUEHR, HAMILTON DISSTON SCHOOL, SPECIAL EDUCATION COMPLIANCE MONITOR (DISSTON SPECM) ON NOVEMBER 17, 2019; DECEMBER 1, 2019; AND DECEMBER 3, 2019, AND FEBRUARY 25, 2020, FEBRUARY 26, 2020, AND MARCH 2, 2020.

L. INTERVIEWED THE DISSTON SPECM VIA PHONE ON NOVEMBER 22, 2019 AND FEBRUARY 25, 2020 AND MARCH 2, 2020.

M. CORRESPONDED VIA EMAIL WITH CHRISTINE LEUZZI, SOUTHWARK SPECIAL EDUCATION COMPLIANCE MONITOR (SOUTHWARK SPECM), ON NOVEMBER 17, 2019; NOVEMBER 26, 2019; NOVEMBER 27, 2019; DECEMBER 1, 2019; DECEMBER 3, 2019; DECEMBER 4, 2019; AND DECEMBER 5, 2019, AND MARCH 3, 2020.

N. INTERVIEWED THE SOUTHWARK ENGLISH AS A SECOND LANGUAGE (ESOL) INSTRUCTOR AND SOUTHWARK SPECM ON NOVEMBER 22, 2019.

O. ON DECEMBER 2, 2019, INTERVIEWED SOUTHWARK SPECM; NATALIE MCHUGH, SOUTHWARK ASSISTANT PRINCIPAL; KIMBERLY SOLLBERGER, SOUTHWARK (ESOL) TEACHER; AND DAI LAI HTOO, SOUTHWARK BILINGUAL COUNSELING ASSISTANT (KAREN LANGUAGE).

P. CORRESPONDED VIA EMAIL WITH SYREETA STRINGFIELD, HAMILTON SCHOOL REGULAR EDUCATION INSTRUCTOR, ON NOVEMBER 17, 2019.

Q. CORRESPONDED VIA EMAIL WITH FAYNE PALEY, HAMILTON SCHOOL SPECIAL EDUCATION COMPLIANCE MONITOR (HAMILTON SPECM), ON NOVEMBER 17, 2019; DECEMBER 1, 2019; AND DECEMBER 2, 2019.

R. INTERVIEWED THE HAMILTON SPECM ON NOVEMBER 22, 2019.

S. INTERVIEWED THE HAMILTON REGULAR EDUCATION INSTRUCTOR ON NOVEMBER 26, 2019.

- T. CORRESPONDED VIA EMAIL WITH LAURA ELLIOTT, LOCKE SCHOOL SPECM ON NOVEMBER 17, 2019, NOVEMBER 18, 2019, DECEMBER 2, 2019, AND MARCH 2, 2020.**
- U. CORRESPONDED VIA EMAIL WITH KATHERINE MCKELLAR-CARTER, LOCKE SCHOOL PRINCIPAL, ON NOVEMBER 18, 2019.**
- V. INTERVIEWED THE LOCKE SCHOOL SPECM ON NOVEMBER 22, 2019.**
- W. CORRESPONDED VIA EMAIL WITH NOLITA PETTUS, CARNELL SCHOOL SPECIAL EDUCATION COMPLIANCE MONITOR (CARNELL SPECM) ON NOVEMBER 26, 2019.**
- X. INTERVIEWED THE CARNELL SPECM ON NOVEMBER 20, 2019.**
- Y. CORRESPONDED VIA EMAIL WITH ERIN CABABE, CAYUGA SCHOOL SPECM, AND GEOFFREY ANDREW HUTTON, CAYUGA SCHOOL COUNSELOR ON NOVEMBER 20, 2019, NOVEMBER 26, 2019, DECEMBER 1, 2019, DECEMBER 5, 2019, MARCH 2, 2010 AND MARCH 3, 2020.**
- Z. INTERVIEWED THE CAYUGA SCHOOL SPECM AND CAYUGA SCHOOL COUNSELOR VIA PHONE ON NOVEMBER 27, 2019.**
- AA. ON NOVEMBER 20, 2019, INTERVIEWED LINDA KERRIGAN, CRAMP SCHOOL SPECM; JANIE TIBBETTS, CRAMP SCHOOL SPECIAL EDUCATION TEACHER; JULIE CHEIFETZ, CRAMP SCHOOL COUNSELOR; DEANDRA LOGAN, CRAMP SCHOOL PRINCIPAL; W. DANITA PEGREM-BREDELL, CRAMP SCHOOL SECOND GRADE REGULAR EDUCATION TEACHER; AND ANNECLAIRE MERKLE-SCOTLAND, CRAMP SCHOOL THIRD GRADE REGULAR EDUCATION TEACHER.**
- BB. SPOKE WITH THE CRAMP SCHOOL SPECM BY TELEPHONE ON FEBRUARY 21, 2020 AND CORRESPONDED BY EMAIL WITH THE CRAMP SCHOOL SPECM ON FEBRUARY 20, 2020.**

Reviewed the following numbered documents:

<b>Ref.</b>	<b>Document</b>	<b>Date</b>	<b>Source</b>
1.	Complaint Letter	Received October 17, 2019	Complainant
2.	Pennsylvania Department of Education (PDE) Special Education Data Report	2018-2019 School Year	BSE
3.	SDP Child Find Policy	Undated	SDP
4.	SDP Policy: Screenings and Evaluations for Students with Disabilities	January 19, 2017	SDP
5.	BSE Complaint Data	2018-2019 School Year 2019-2020 School Year	BSE
6.	BSE Survey Questions	November 25, 2019	BSE
7.	SDP Survey Results	January 2020	BSE
8.	U.S. Department of Education Dear	January 7, 2015	BSE

	Colleague Letter: English Learner Students and Limited English Proficient Parents		
9.	SDP ELL Data	2019-2020 School Year	SDP
10.	SDP English Learner Handbook and Administrative Procedures	2019-2020 School Year	SDP
11.	Office of Special Education Programs (OSEP) Memo: An RTI Process Cannot Be Used to Delay-Dey an Evaluation for Eligibility under the IDEA.	January 21, 2011	BSE
12.	SDP Early Literacy Guiding Document for MTSS	Undated	SDP
13.	SDP Grades 4-5 Guiding Document for MTSS	2019-2020 School Year	SDP
14.	SDP Assessment Calendar	2019-2020 School Year	SDP
15.	SDP MTSS Support Plan Parent Notice	Undated	SDP
16.	MTSS Parental Request Process	August 2018	SDP
17.	Pennsylvania's RTI Framework	Undated	Pennsylvania Training and Technical Assistance Network
18.	AMGS Survey Results	January 2020	BSE
19.	TKFS Survey Results	January 2020	BSE
20.	SDP Procedures for Evaluating Students Whose Primary Language is Other Than English	Undated	SDP
21.	U.S. Department of Education Dear Colleague Letter: Ensuring a high-quality education for highly mobile children	July 19, 2013	BSE
22.	SDP Policy: Students Experiencing Homelessness	February 15, 2018	SDP
23.	SDP Referral Process for Students transferring into the SDP with a signed PTE/Permission to Reevaluate Form (PTRE)	Undated	SDP
24.	Office of Special Education and Rehabilitative Services (OSERS) Questions and Answers on Special Education and Homelessness	February 2008	BSE

**INTRODUCTION:**

The PDE Special Education Data Report shows that the SDP's percentage of special education students who are identified and serviced trails the state's percentage. During the 2018 – 2019 school year, the SDP served 18,781 students with disabilities, accounting for 13.9% of its student population. The state's percentage of special education students for the 2018 -2019 school year was 17.3%. This investigation considered data from various sources to determine whether or not the SDP is in compliance with state and federal regulations with regards to evaluating students to establish their need for special education services.

## FINDINGS:

### Issue 1:

1. The BSE administers a state complaint system (SCS) as required by the federal regulations in 34 CFR §§ 300.151-153. The BSE records from July 1, 2018, through June 30, 2019, indicate that the BSE received only one complaint for the SDP pertaining to child find issues. That complaint resulted in compensatory education to remedy the educational loss.
2. The BSE records from July 1, 2019, through the date of this report indicate that the BSE received two complaints for the SDP pertaining to child find issues. One complaint resulted in a finding that the SDP was in compliance and the other complaint resulted in compensatory education to remedy the educational loss.
3. The MLCP Chief reported that 16,322 students are enrolled in the SDP's ELL Program during the 2019-2020 school year and that 1,786 of those students or 11% have Individualized Education Plans (IEPs) and are receiving special education support.
4. The SDP's ELL Handbook explains that students are provided with the same Universal Screening measures as all other students enrolled in the SDP to determine academic proficiency and progress. However, ELLs are compared to their "true peers", who are other ELLs with similar English proficiency levels, similar linguistic, cultural and educational backgrounds.
5. The MLCP Chief explained and the SDP ELL Handbook confirms that if a student falls behind his or her "true peers" in their academic abilities and their English language skills then they may be referred to the MTSS Team for an intervention action plan or evaluated for special education. The ELL Teacher participates in this team decision.
6. The MLCP Chief explained that students' English proficiency is monitored one time a year using the ACCESS Test. Students are reclassified as English Proficient based on the results of this assessment along with a Language Inventory, as required by the PDE.
7. The MLCP Chief explained and the ELL Handbook confirms that students coming in at Level 1 on the ACCESS Test should be able to meet reclassification criteria and be able to transition to the general education program within five years in the ELL program. 20% of students enrolled in the SDP ELL Program remain in the program for five or more years.
8. The BSE conducted a survey, regarding evaluations for special education services, of 246 schools in the SDP. 110 schools or 45% of the SDP's schools completed the survey. Results of the SDP's BSE Survey indicate that 201 parents/guardians of ELL students requested a special education evaluation during the 2018-2019 school year and that at least 144 evaluations (72%) were completed for those ELL students. **THE SURVEY DID NOT DETERMINE HOW MANY EVALUATIONS FOR ELL STUDENTS WERE INITIATED BY SCHOOL PERSONNEL.**
9. **THIS COMPLAINT INCLUDED TWELVE INDIVIDUAL STUDENTS. A REVIEW OF THE INDIVIDUAL STUDENTS' FILES REVEALED THAT NINE OF THESE STUDENTS WERE DENIED A FREE AND APPROPRIATE PUBLIC EDUCATION (FAPE) DUE TO THE SDP'S FAILURE TO INITIATE AN EVALUATION WITHIN A REASONABLE AMOUNT OF TIME FROM WHEN THE SDP RECEIVED NOTICE**



**THAT THE STUDENT MAY HAVE HAD A DISABILITY. A REVIEW OF THE FILES OF THESE STUDENTS DISCLOSED THAT THE SDP HAD NOTICE OF THE NEED FOR AN EVALUATION BASED ON THE FOLLOWING FACTORS:**

- **RECEIPT OF MEDICAL DOCUMENTATION REGARDING A STUDENT'S MENTAL HEALTH DIAGNOSIS AND TREATMENT.**
- **KNOWLEDGE OF AN ELL STUDENT'S FAILURE TO PROGRESS ON THE ENGLISH LANGUAGE PROFICIENCY TEST FOR 2 OR MORE YEARS.**
- **OBSERVATIONS FROM PARENTS AND TEACHERS REGARDING A STUDENT'S LACK OF PROGRESS IN THE GENERAL EDUCATION CURRICULUM, WHICH RESULTED IN A RECOMMENDATION TO REPEAT KINDERGARTEN FOR THREE CONSECUTIVE YEARS.**
- **KNOWLEDGE OF A STUDENT'S LACK OF ACADEMIC PROGRESS RESULTING IN A KINDERGARTEN READING AND MATH LEVEL IN 4<sup>TH</sup> GRADE.**
- **RECEIPT OF MEDICAL DOCUMENTATION REGARDING A STUDENT'S DIAGNOSIS OF AUTISM AND A TEACHER AND PARENT'S REPORT OF AN ASSOCIATED PATTERN OF DISRUPTIVE CLASSROOM BEHAVIORS.**
- **MAINTAINING A STUDENT ON TIER 3 OF THE RESPONSE TO INTERVENTION (RTI) MODEL FOR FOUR YEARS.**

Issue 2:

1. The SDP's Policy on Screenings and Evaluations for Students with Disabilities indicates that parents/guardians of students may request an evaluation at any time and that within ten (10) calendar days of receiving the written or oral request, the district shall contact the parents/guardians to invite them to a meeting to review data and the parental request for evaluation/re-evaluation.
2. The BSE records from July 1, 2018, through June 30, 2019, indicate that the BSE received seven complaints for the SDP pertaining to issues involving requests for evaluations. Results of these complaints are as follows:
  - Two required corrective action.
  - One required compensatory education.
  - Three were resolved.
  - One went to abeyance.
3. The BSE records from July 1, 2019, through the date of this report indicate that the BSE received one complaint for the SDP pertaining to a request for an evaluation. This complaint resulted in a finding that the SDP was in compliance.
4. Results of the BSE survey involving 45% of the SDP's schools, indicate that 1,083 parents/guardians requested a special education evaluation either orally or in writing to building personnel during the 2018-2019 school year. 277 or 26% of the requests resulted in Notice of Recommended Educational Placement/Prior Written Notices (NOREPs) being issued denying the parent's request for an evaluation. 806 or 74% of parental requests resulted in the issuance of a PTE/P TRE form. The SDP responded to 100% of the parents' requests for evaluations. **HOWEVER, THE SURVEY DID NOT ASK PRINCIPALS OR THEIR DESIGNEES**

**ABOUT THEIR TIMELINE FOR RESPONDING TO PARENTS' REQUEST FOR EVALUATIONS.**

5. **THIS COMPLAINT INCLUDED TWELVE INDIVIDUAL STUDENTS. TEN OF THESE INDIVIDUAL COMPLAINTS INCLUDED ALLEGATIONS THAT THE SDP FAILED TO RESPOND TO THE PARENT'S REQUEST FOR AN EVALUATION. RESULTS OF A REVIEW OF EACH STUDENT'S FILE REVEALED THE FOLLOWING:**
- **THREE OF THE 10 FILES INDICATED THAT THE SDP DID RESPOND TO THE PARENT'S REQUEST FOR AN EVALUATION WITHIN 10 DAYS OF THE ORAL OR WRITTEN REQUEST.**
  - **SEVEN OF THE 10 FILES INDICATED THAT THE SDP DID NOT RESPOND WITHIN 10 DAYS OF THE PARENT'S REQUEST FOR AN EVALUATION. IN THESE CASES, IT TOOK THE SDP BETWEEN ONE TO 8 MONTHS TO RESPOND TO THE PARENT'S REQUEST.**

Issue 3:

1. The SDP's Policy on Screenings and Evaluations for Students with Disabilities indicates that the evaluation shall be completed and a copy of the evaluation report presented to parents/guardians no later than 60 calendar days after receipt of written parent/guardian consent for an evaluation, exclusive of the period following the last day of the spring school term to the first day of the subsequent fall term.
2. The BSE records from July 1, 2018, through June 30, 2019, indicate that the BSE received 11 complaints for the SDP pertaining to issues involving evaluation timelines. Results of these complaints are as follows:
  - One required corrective action.
  - Three required compensatory education.
  - Four were resolved.
  - Two went to abeyance.
  - One was in compliance.
3. The BSE records from July 1, 2019, through the date of this report indicate that the BSE received one complaint for the SDP pertaining to evaluation timelines. This complaint resulted in a finding that the SDP was in compliance.
4. On November 13, 2019, the BSE conducted a file review regarding the SDP's procedures for transitioning students from early intervention (EI) to school-aged programming. The BSE reviewed 34 randomly selected files of students who transitioned from EI to school-aged programs during the 2019 – 2020 school year. Only 14 of 34 files or 41% of the files reviewed revealed that the reevaluations were completed within the 60-day required timeline.
5. Results of the BSE survey involving 45% of the SDP's schools, indicate that 1,503 PTE/PTRE Forms were issued to Parents during the 2018 – 2019 school year. 804 or 53% of these evaluations were completed within 60 calendar days.

#### Issue 4:

1. The CIA Chief explained that the SDP follows an assessment calendar for their Universal Screening process throughout the school year. In grades K - 5 AIMSweb and DRA2 are administered to Students three or four times a year to make instructional decisions and in grades 6-12 the STAR Reading and Math Assessments are administered to students throughout the school year. In addition, the PSATs are used for high school students along with benchmark testing, Keystone assessments, and a variety of other tests.
2. The SDP's Guiding Documents for MTSS indicate that the assessments are used to determine if students are making adequate progress in the core curriculum in the regular classroom setting and if not, an action plan is developed in order to address the student's areas of concerns. Students are placed on a Tier 2 research-based intervention program, which may be administered in the classroom by the classroom teacher or by a specialist. Ongoing progress monitoring through AIMSweb and other progress monitoring tools are used to adjust instruction and assess achievement.
3. The SDP's Guiding Documents for MTSS indicate that students who are two or more reading levels below the grade appropriate reading level, as well as struggling with content and foundational skills and are not responding to Tier 2 research-based interventions are put on a Tier 3 research-based intervention program. The Guiding Documents recommend that the team commit 20 to 30 school days to implementing a Tier 3 intervention plan.
4. The CIA Chief reported that every SDP school has a MTSS team, which includes a special educator. The MTSS teams review student test scores and make determinations if students require Tier 2 or Tier 3 interventions and what the intervention action plans will involve, including who will be responsible for the implementation of the intervention and the progress monitoring.
5. The SDP provides parents with an MTSS Support Plan Parent Notice to inform them of their child's participation in the MTSS Program. The Support Plan affords parents the opportunity to request more information about the plan and to sign the notice indicating receipt of the MTSS plan.
6. The AMGS Principal reported that the MTSS grade level team in her building meets once a week to discuss assessment results and concerns about individual students who are not progressing in their academic goals. The AMGS executes a daily 40-minute Intervention/Enrichment block so that students can participate in their MTSS interventions.
7. The AMGS Principal indicated that parents are informed when their students are recommended for a Tier 2 or Tier 3 intervention and are part of the decision-making process if the team determines that the student is in need of an evaluation for special education.
8. The TKFS Principal reported that grade level teachers are provided with daily common planning time and they meet one time a month to discuss assessment results and concerns about individual students. A special educator is part of each grade level team. The TKFS executes a daily 40-minute Intervention/Enrichment block so that students can participate in their MTSS interventions.

9. The TKFS Principal explained that MTSS students are progress monitored every two weeks. If a student is recommended for a Tier 3 intervention then the classroom teacher is responsible for developing a student portfolio, which is presented to the Principal and Special Education Compliance Manager (SPECM). This portfolio is then presented to the parent and school psychologist and a determination is made as to whether or not the student requires a special education evaluation.
10. The MTSS Guiding Documents indicate that if a parent makes a request for a special education evaluation, the team is to follow the district's process through the OSS and to use the data collected from the Tier 2 and/or Tier 3 interventions to support the parent's request for an evaluation.
11. The SDP's MTSS Parental Request Process indicates that if a parent makes a verbal or written request for an evaluation a Point of Contact at the school level is required to send home a PTE Request Form and generate a Parent Invitation along with a Procedural Safeguards to the parent.
12. The MTSS Parental Request Process indicates that a meeting must occur within 10 school days to present the parent with student level data from the classroom teacher and any other relevant information along with the MTSS Support Plan. The Process requires the team to issue a NOREP to the parent with details of the MTSS action plan and the next meeting date. Then in six to eight weeks the team reconvenes and makes a determination to:
  - Continue use of the MTSS Tiered support process.
  - Issue a NOREP to deny the evaluation with supporting data for this decision.
  - Issue a PTE.
13. The AMGS and TKFS Principals both reported that if a parent requests an evaluation for a student who is participating in the MTSS program, the team meets with the parent and reviews the MTSS data and classroom data with the parent. The school then issues either a PTE to the parent or a NOREP denying the evaluation request but specifying continuation in the MTSS intervention for an explicit period of time before the team reconvenes to review the data again and make a determination whether or not a special education evaluation is needed.
14. Results of the BSE survey involving 45% of the SDP's schools, indicate that 9,036 students participated in the MTSS Program in their buildings during the 2018-2019 school year and that 860 or 10% of these MTSS students were evaluated for special education during the 2018-2019 school year. **THE SURVEY DID NOT REQUIRE INFORMATION AS TO HOW LONG THE STUDENTS' HAD PARTICIPATED IN THE MTSS PROGRAM OR WHETHER THE REFERRALS FOR SPECIAL EDUCATION EVALUATIONS WERE INITIATED BY THE PARENTS OR BY SCHOOL PERSONNEL.**
15. Pennsylvania's RTI Framework and the National MTSS/RTI norms report that 5-10% of students who participate in RTI/MTSS are found eligible for special education.
16. **THIS COMPLAINT INCLUDED TWELVE INDIVIDUAL STUDENTS. A REVIEW OF THE INDIVIDUAL STUDENTS' FILES REVEALED THAT TWO OF THESE STUDENTS' EVALUATIONS WERE DELAYED WHEN THE SDP PLACED THE STUDENTS INTO AN RTI/MTSS PROGRAM RATHER THAN EVALUATE THE STUDENTS FOR SPECIAL EDUCATION.**

**17. IN THE CASE OF BOTH INDIVIDUAL STUDENTS NAMED IN THE COMPLAINT THE SDP ISSUED A NOREP FOR PARTICIPATION IN THE RTI/MTSS PROGRAM IN RESPONSE TO THE PARENTS' REQUEST FOR AN EVALUATION.**

**18. IN THE CASE OF ONE OF THE INDIVIDUAL STUDENTS NAMED IN THE COMPLAINT, THE SDP PLACED THE STUDENT IN THE RTI/MTSS PROGRAM AND THEN WHEN THE STUDENT DID NOT SHOW PROGRESS, RECOMMENDED THAT THE STUDENT REPEAT KINDERGARTEN FOR A THIRD TIME RATHER THAN EVALUATE THE STUDENT FOR SPECIAL EDUCATION.**

**19. IN THE CASE OF ANOTHER INDIVIDUAL STUDENT NAMED IN THE COMPLAINT, IN OPPOSITION TO ITS OWN SDP MTSS POLICY, THE SDP KEPT THE STUDENT ON A TIER 3 INTENSIVE INTERVENTION FOR FOUR YEARS RATHER THAN 20 TO 30 DAYS AS REQUIRED IN THE SDP MTSS GUIDELINES.**

Issue 5:

1. The SDP's Procedures for Evaluating Students whose Primary Language is Other than English indicates that if it is believed that the student's language may be other than English then the evaluator conducts a Home Language Survey and/or Family Interview to determine if the student's language is other than English. If so, then:
  - A bilingual school psychologist or bilingual speech pathologist will conduct the evaluation.
  - A non-bilingual school psychologist/speech pathologist will conduct the evaluation with the use of a bilingual counseling assistant (BCA) or nonverbal assessments.
2. Results of the BSE survey involving 45% of the SDP's schools, indicate that 201 guardians/parents of ELL students requested a special education evaluation during the 2018-2019 school year and that 144 evaluations or 72% were provided with bilingual evaluations in each of the students' native language.
3. According to the SDP's 2019-2020 EI data, 199 evaluations were completed for EI transitioning students whose language was other than English. 122 of the evaluations, or 61% were conducted by bilingual psychologists, bilingual speech pathologists, or included a BCA.
4. On November 13, 2019, the BSE conducted a file review regarding the SDP's procedures for transitioning students from EI to school-aged programming. The BSE reviewed 17 files of students whose primary language was identified as other than English. Results of the file review revealed the following:
  - Ten of 17 files, or 59 %, were determined, as a result of the Home Language Survey, that students were using English as their primary language and, therefore, did not require a bilingual evaluation.
  - Seven or 41% of the students' files, which were reviewed, did require a bilingual evaluation.

- Three of the seven or 43% of the bilingual evaluations, were conducted in the student's native language.
- Four of the seven or 57% of the bilingual evaluations included a BCA as part of the evaluation team.

**5. THIS COMPLAINT INCLUDED TWELVE INDIVIDUAL STUDENTS. TWO OF THESE STUDENTS' COMPLAINT IS INCLUDED ALLEGATIONS THAT THE SDP DID NOT EVALUATE THE STUDENTS' IN THEIR NATIVE LANGUAGE. THE FINDINGS FROM EACH OF THE INVESTIGATIONS FOR THESE TWO STUDENTS REVEALED THAT THE ISSUES WERE UNFOUNDED, AND THE SDP HAD ADMINISTERED NON-VERBAL ASSESSMENTS AND INCLUDED A BCA WHO WAS FLUENT IN EACH STUDENTS' NATIVE LANGUAGE AS PART OF THE EVALUATION.**

Issue 6:

1. The SDP Referral Process for Students transferring into the SDP with a signed PTE/PTRC indicate that within 24 hours of learning that a PTE/PTRC was signed in the previous district, a PTE Request Form and Procedural Safeguards is issued to the Parent.
2. The Referral Process explains that the PTE Request Form should provide the parent with the school's options of:
  - Issuing a PTE Consent Form.
  - Issuing a NOREP explaining why the school is not issuing a PTE Consent Form.
3. Nothing in the Federal Regulations confirm that the SDP can issue a NOREP and not conduct the evaluation.
4. Results of the BSE survey involving 45% of the SDP's schools, indicate that 1,624 students with disabilities transferred into the 110 schools represented in the survey during the 2019-2020 school year. 826 or 51% of these students were evaluated.

**CONCLUSION:**

Issue 1:

The SDP is **NOT** in compliance with the regulations cited above. **ALTHOUGH** ¶the data indicates that during the 2018-2019 and 2019-2020 school years there were not a significant number of **BSE** complaints to indicate consistent, ongoing, child find violations; **AND ALTHOUGH** ¶the SDP has a system in place for identifying and evaluating students enrolled in the ELL Program, which takes into consideration the implications of each student's English proficiency as part of the determination to evaluate for special education; **AND ALTHOUGH** ¶the data revealed that 11% of SDP ELL students receive special education services and at least 144 evaluations or 72% of those requested **BY PARENTS** for ELL students were completed, supporting the conclusion that the SDP does evaluate ELLs who are suspected of having a disability, **EVIDENCE FROM THE INDIVIDUAL STUDENTS' FILES INDICATES THAT THE SDP FREQUENTLY FAILS TO INITIATE AN EVALUATION WITHIN A REASONABLE AMOUNT OF TIME FROM WHEN IT HAS NOTICE THAT A STUDENT MAY HAVE A DISABILITY.**

Issue 2:

The SDP is **NOT** in compliance with the regulation cited above, **ALTHOUGH** based on the results of the BSE survey, the SDP responded to 100% of the parents' requests for evaluations during the 2018-2019 school year, by either issuing a PTE/PTRE to evaluate the student or issuing a NOREP denying the parent's request for an evaluation, **THE SURVEY DID NOT INCLUDE INFORMATION ON HOW LONG IT TOOK FOR THE SCHOOLS TO RESPOND TO THE PARENT'S REQUESTS FOR AN EVALUATION. THE RESULTS OF THE FILE REVIEWS FOR THE INDIVIDUAL STUDENT COMPLAINTS ASSOCIATED WITH THIS COMPLAINT, INDICATE THAT THE SDP FREQUENTLY FAILS TO EITHER ISSUE A PTE/PTRE CONSENT FORM OR A NOREP DENYING THE EVALUATION WITHIN 10 CALENDAR DAYS. IN ADDITION, THE SDP'S POLICY ON SCREENINGS AND EVALUATIONS FOR STUDENTS WITH DISABILITIES DOES NOT COMPLY WITH THE REGULATIONS. THE REGULATIONS REQUIRE THAT WHEN A PARENT REQUESTS AN EVALUATION THE SCHOOL ENTITY MUST PROVIDE A PTE CONSENT FORM TO THE PARENT WITHIN 10-CALENDAR DAYS OF THE REQUEST AND NOT A MEETING TO REVIEW DATA, AS THE SDP'S POLICY STATES.**

Issue 3:

The SDP is not in compliance with the regulations cited above. Based on the findings from the EI file review and the BSE survey, the SDP does not complete a majority of its evaluations within the required 60 calendar days.

Issue 4:

The SDP is **NOT** in compliance with the regulations cited above. **ALTHOUGH** the SDP has a process in place for identifying and evaluating students enrolled in the MTSS program, **AND SOME** school principals have confirmed that they follow the required protocols for identifying students who may require special education services and for responding to parents' requests for evaluations **AND** **ALTHOUGH** the data collected from the BSE survey indicates that 10% of SDP students who participated in MTSS during the 2018-2019 school year were evaluated for special education services. **AND THAT** this percentage is equal to the state and federal norms for students who participate in MTSS/RTI Programs, **THERE ARE AT LEAST TWO CASES THAT REVEAL THAT THE SDP DOES NOT ALWAYS FOLLOW ITS RECOMMENDED PRACTICES AND DOES, AT TIMES, USE THE RTI/MTSS SYSTEM TO DELAY AN INITIAL EVALUATION OF STUDENTS SUSPECTED OF HAVING A DISABILITY.**

Issue 5:

The SDP is in compliance with the regulations cited above. The data from various sources, including the BSE survey, EI data, and the EI file review, **AS WELL AS THE REVIEW OF TWO INDIVIDUAL STUDENTS' FILES NAMED IN THIS COMPLAINT**, indicate that students whose primary language is other than English are administered evaluations by either a bilingual psychologist/bilingual speech pathologist or include a BCA as part of the evaluation team.

Issue 6:

The SDP is not in compliance with the regulations cited above. Although the data from the BSE survey shows that the SDP does evaluate more than half of the special education students who transfer into the

SDP, the SDP's procedures for evaluating students who transfer into the District with a signed PTE/PTRE are out of compliance. When a student enters the SDP with a signed PTE/PTRE from another district, the SDP must either move forward with the timeline indicated on the previously signed PTE/PTRE or issue a SDP PTE/PTRE, which would start the 60-day timeline anew. Issuing a PTE Request Form, as indicated in the SDP's referral process, unduly delays the evaluation and denying the evaluation through a NOREP cannot be an option.

#### **CLOSURE/CORRECTIVE ACTION:**

##### **ISSUE 1:**

- A. ALL OF THE INDIVIDUAL STUDENTS NAMED IN THIS COMPLAINT WHO WERE DENIED A FAPE DUE TO THE DISTRICT'S FAILURE TO INITIATE AN EVALUATION WITHIN A REASONABLE AMOUNT OF TIME FROM WHEN THE SDP RECEIVED NOTICE THAT THE STUDENT MAY HAVE HAD A DISABILITY HAVE BEEN AWARDED COMPENSATORY EDUCATION, WHICH HAS BEEN SPECIFIED IN EACH INDIVIDUAL STUDENTS' COMPLAINT INVESTIGATION REPORT.**
  
- B. THE SUPERINTENDENT OR HIS DESIGNEE WILL PROVIDE STAFF DEVELOPMENT TO ALL REGULAR EDUCATION TEACHERS, ELL TEACHERS, MTSS INTERVENTION SPECIALISTS, READING TEACHERS , AND OTHER PERTINENT STAFF REGARDING THE SDP'S CHILD FIND OBLIGATION AND EACH TEACHER'S ROLE IN ENSURING THAT STUDENTS WHO ARE SUSPECTED OF HAVING A DISABILITY ARE IDENTIFIED AND EVALUATED IN A TIMELY MANNER.**

##### **ISSUE 2:**

**THE SDP WILL REVISE ITS POLICY ON SCREENINGS AND EVALUATIONS FOR STUDENTS WITH DISABILITIES TO INDICATE THAT WHEN A PARENT OR GUARDIAN REQUESTS AN EVALUATION THE DISTRICT WILL ISSUE EITHER A PTE/PTRE CONSENT FORM INITIATING THE EVALUATION OR A NOREP DENYING THE EVALUATION.**

##### **Issue 3:**

- A. The SDP will establish a process, subject to the BSE's approval, for tracking all signed PTE/PTREs through the OSS to ensure that students are evaluated within the 60-day timeline **(SEE BSE OVERSIGHT SECTION)**. ~~The system is to include the name of the student, school and learning network, date PTE/PTRE was signed, and the date that the evaluation is due and was completed.~~ The process should include informing parents, in writing, of the legal deadline to complete the evaluation and their right to compensatory education if the SDP fails to evaluate the student by the legal deadline and the student is found eligible for special education services.
  
- B. Each school that did not complete a BSE survey is required to send a list of all students in their building waiting to be evaluated including the name of the student and the date the PTE/PTRE was signed. A list of schools will be provided to the Deputy Chief of OSS in a separate letter.



- C. In addition, each month, each school SPECM will provide **OSS** ~~the appropriate BSE Adviser~~ a list of all students in each school in the SDP who are waiting to be evaluated including the name of the student and the date that the PTE/PTRE was signed. **OSS WILL PROVIDE THE INFORMATION TO EACH** ~~The BSE Advisers~~ **WHO** will follow-up with each overdue evaluation report by requiring completion of the report and ordering compensatory education, if the student is found eligible for special education. BSE will continue to monitor the SDP's completion of evaluation/reevaluation reports throughout the 2019-2020 school year, the 2020-2021, and the 2021-2022 school years.

~~BSE will also conduct a file review to ensure that the SDP is completing evaluations within the 60-day timeline. The file review will take place in January 2021 and include 100 files of students who were issued PTE/PTREs during the 2020-2021 school year to determine if the evaluations were completed within the 60-day required timeline.~~

#### **ISSUE 4:**

**THE SDP IS REQUIRED TO MAINTAIN A TRACKING SYSTEM/DATA BASE OF ALL STUDENTS WHO HAVE PARTICIPATED IN THE MTSS/RTI PROGRAM FOR OVER ONE YEAR, INCLUDING THE DATES THAT EACH STUDENT BEGAN IN THE MTSS PROGRAM AND THE PROGRESS MONITORING DATA THAT WAS USED TO ASSESS ACHIEVEMENT AND DETERMINE THE TYPE OF INSTRUCTION FOR EACH TIER (SEE BSE OVERSIGHT SECTION).**

Issues ~~1, 2, 4,~~ and 5: Corrective action is not required.

Issue 6:

The SDP will revise its Referral Process for students who transfer into the SDP with a signed PTE/PTRE to ensure compliance with IDEA 300.301 and IDEA 300.304.

#### **BSE OVERSIGHT:**

**WITH REGARDS TO BSE'S RESPONSIBILITY FOR OVERSIGHT OF THE SDP'S EVALUATION PROCEDURES** BSE will conduct a file review of 50 students' file for three consecutive years, beginning in January 2021, to ensure that Students who are suspected of having a disability are evaluated in a timely manner including students in ELL programs, students in RTI/MTSS programs for more than one year, students receiving mental health services in the school environment, students whose parents' have requested evaluations, and students whose teachers have expressed concerns regarding behavioral and/or academic issues.

**BSE IS REQUIRING THAT EACH SDP SCHOOL MAINTAIN A DATA BASE/TRACKING SYSTEM, WHICH IS TO BE SENT TO OSS MONTHLY. BSE WILL USE THIS DATA TO MONITOR THE SDP'S EVALUATION PROCEDURES AND TO CHOOSE THE FILES THAT WILL BE REVIEWED DURING THE YEARLY EVALUATION FILE REVIEW. THE DATA BASE/TRACKING SYSTEM MUST INCLUDE THE FOLLOWING DISAGGREGATED INFORMATION:**

- **NAMES OF PARENTS WHO HAVE REQUESTED AN EVALUATION/ REEVALUATION INCLUDING:**

- **NAME OF STUDENT.**
  - **ORAL OR WRITTEN REQUEST.**
  - **DATE REQUEST MADE.**
  - **DATE PTE CONSENT FORM OR NOREP DENYING REQUEST WAS ISSUED TO PARENT.**
- **NAMES OF ALL STUDENTS WHO HAVE RECEIVED MTSS/RTI FOR OVER ONE YEAR INCLUDING PROGRESS MONITORING DATA AND DATE THAT MTSS/RTI WAS INITIATED.**
  - **NAMES OF ALL ELL STUDENTS WHO HAVE REMAINED AT LEVEL 1 OF THE ENGLISH PROFICIENCY TEST FOR MORE THAN TWO YEARS.**
  - **NAMES OF ALL HIGHLY-MOBILE STUDENTS, INCLUDING STUDENTS IN FOSTER CARE AND HOMELESS STUDENTS, WHO HAVE BEEN ISSUED A PTE/PTRE CONSENT FORM AND THE DATE THAT THE PTE/PTRE CONSENT FORM WAS SIGNED.**
  - **NAME OF EACH STUDENT IN THE SCHOOL WHO IS WAITING TO BE EVALUATED INCLUDING:**
    - **DATE PTE/PTRE WAS SIGNED.**
    - **DATE THAT THE EVALUATION IS DUE.**
    - **DATE THAT THE EVALUATION WAS COMPLETED.**

**VERIFICATION OF COMPLETION OF CORRECTIVE ACTION:**

The Superintendent or his designee will forward the following documents to this Adviser at: Pennsylvania Department of Education, Bureau of Special Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333, on or before ~~April 24, 2020~~ **OCTOBER 1, 2020:**

- **A copy of the SDP’s process for tracking all signed PTE/PTREs AND OTHER REQUIRED DATA INCLUDING REQUESTS FOR EVALUATIONS, RTI/MTSS STUDENTS, ELL STUDENTS, AND HIGHLY MOBILE STUDENTS, THROUGH the OSS to ensure that students ARE IDENTIFIED IN A TIMELY MANNER and evaluated within the 60-day timeline.**
- **A list of students’ names waiting to be evaluated from each school that did not participate in the BSE survey.**
- **A copy of the revised Referral Process for students who transfer into the SDP with a signed PTE/PTRE.**
- **A COPY OF THE TRAINING INFORMATION AND MEETING AGENDAS, INCLUDING DATES, WHICH HAVE BEEN PROVIDED TO ALL REGULAR EDUCATION TEACHERS, ELL TEACHERS, MTSS INTERVENTION SPECIALISTS, READING TEACHERS , AND OTHER PERTINENT STAFF REGARDING THE SDP’S CHILD FIND OBLIGATION.**
- **A COPY OF THE REVISED POLICY ON SCREENINGS AND EVALUATIONS FOR STUDENTS WITH DISABILITIES TO INDICATE THAT WHEN A PARENT OR GUARDIAN REQUESTS AN EVALUATION THE DISTRICT WILL ISSUE EITHER A PTE/PTRE CONSENT FORM INITIATING THE EVALUATION OR A NOREP DENYING THE EVALUATION.**

- **A COPY OF THE OSS SPREAD SHEET CONTAINING THE REQUIRED DISAGGREGATED DATA INCLUDING PARENT REQUEST FOR EVALUATION; STUDENTS IN MTSS/RTI FOR OVER A YEAR; ELL STUDENTS WHO HAVE REMAINED AT LEVEL 1 OF THE ENGLISH PROFICIENCY TEST FOR MORE THAN 2 YEARS; NAMES OF ALL HIGHLY MOBILE STUDENTS WHO HAVE BEEN ISSUED A PTE/PTRE AND DATE THAT DOCUMENTS WAS SIGNED; AND NAMES OF STUDENTS WHO ARE WAITING TO BE EVALUATED AND DATES THAT PTE/PTRE WERE SIGNED.**

Ruth B. Furman

Ruth B. Furman  
Special Education Adviser  
Division of Monitoring & Improvement – East  
610-642-1237

NOTICE: In accordance with federal regulations, this report constitutes the PDE's final decision with regard to this complaint.

~~If either party disagrees with the conclusions in the Complaint Investigation Report (CIR), the party has the right to submit a written request for reconsideration with additional information either not considered or not available at the time of the investigation. The written request for reconsideration must be submitted within ten (10) calendar days of the date of the CIR. The BSE will determine if the additional information is sufficient to warrant a review of the conclusions reached as a result of the investigation. Upon determining the sufficiency of the information, the BSE will notify the parties in writing of its decision to reconsider the conclusions reached. The BSE will issue its decision on the request for reconsideration within 30 calendar days from BSE's receipt of the request.~~

~~A local educational agency must implement any corrective actions ordered in the CIR without waiting for the BSE's decision on the request for reconsideration.~~

Enclosures: Form - Completion of Corrective Action  
Basic Education Circular-Special Education Compliance

cc: Dr. William Hite, Jr., Superintendent  
Wendy J. Shapiro, Interim Deputy Chief, Office of Specialized Services  
Sonya Berry, Executive Director  
Walter L. Howard, Chief, Division of Monitoring and Improvement – East  
Sherri Campbell, Special Education Adviser  
Central File

## Completion of Corrective Action

Dear Complainant:

This form provides you with the opportunity to notify Bureau of Special Education staff if you believe that the corrective action specified in the complaint investigation report was not completed. If you believe that the corrective action was not completed, please complete the form and return it to the Bureau of Special Education. This form must be received in the Bureau of Special Education no later than 10-calendar days after the due date of the corrective action. Please address and send this form to:

Attn: **Ruth B. Furman**  
Corrective Action Verification Form  
Bureau of Special Education  
Pennsylvania Department of Education  
333 Market Street  
Harrisburg, PA 17126

1. Child's name: **Multiple Children**
2. Name of complainant: **Maura McInerney, Esquire**  
**Margie Wakelin, Esquire**
3. Name of school district/charter school: **School District of Philadelphia**
4. Date of complaint investigation report (CIR): **February 14, 2020 – AMENDED ON MAY 6, 2020**
5. Date of corrective action:

Issue 1: ~~None Required~~ **OCTOBER 1, 2020**  
Issue 2: ~~None Required~~ **OCTOBER 1, 2020**  
Issue 3: ~~April 24, 2020~~ **OCTOBER 1, 2020**  
Issue 4: ~~None Required~~ **OCTOBER 1, 2020**  
Issue 5: **None Required**  
Issue 6: ~~April 24, 2020~~ **OCTOBER 1, 2020**

Other Issues:

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6. Specifically for each issue, what part of the corrective action was not completed?

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Signature \_\_\_\_\_ Date \_\_\_\_\_