

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

LOCAL EDUCATIONAL AGENCY: School District of Philadelphia

DATE RECEIVED: August 28, 2025

DATE OF REPORT: October 27, 2025

COMPLAINANT: Attorneys

NAME: Rose Wehrman, Esquire
Margie Wakelin, Esquire

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1800 JFK Boulevard
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Philadelphia, PA 19103

RE: [REDACTED] et. al.

SPECIFIC COMPLAINT(S):

- Issue 1: During the 2024-2025 school year, the School District of Philadelphia (SDP) failed to implement the Student's and Similarly Situated Students' Individualized Education Programs (IEPs) with regards to the provision of Speech and Language Therapy (SLT), which includes an Augmentative and Alternative Communication (AAC) device, Occupational Therapy (OT), and a 1:1 Personal Care Assistant (PCA).
- Issue 2: The SDP discriminated against the Student based on the Student's disability during the 2024-2025 school year.
- Issue 3: The SDP failed to afford the Parent an opportunity for parent participation in an IEP team meeting regarding the implementation of the Student's IEP which affected the provision of Free Appropriate Public Education (FAPE).
- Issue 4: The SDP failed to provide the Student's Parent with progress monitoring.
- During the course of this investigation, three additional issues were brought to the attention of this Advisor and have been added to this complaint.
- Issue 5: The SDP failed to obtain written informed consent from the Student's Parent when proposing implementation of the Individualized Family Service Plan (IFSP) at the start of the 2024-2025 school year through September 30, 2024.
- Issue 6: The SDP failed to complete the reevaluation process for the Student within the regulatory timeline, resulting in the issuance of reevaluation reports after the required due dates, during the 2024-2025 school year.
- Issue 7: The Notice of Recommended Educational Placement/Prior Written Notices (NOREPs/PWNs) issued to the Student's Parent in September and December of 2024 do not correspond regarding the programming as described within the Student's subsequent IEPs.

APPLICABLE REGULATORY AUTHORITY:

Issue 1:

34 CFR Individuals with Disabilities Education Act (IDEA) § 300.17 Free appropriate public education.

Free appropriate public education or FAPE means special education and related services that—

- (a) Are provided at public expense, under public supervision and direction, and without charge;
- (b) Meet the standards of the SEA, including the requirements of this part;
- (c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and
- (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of §§300.320 through 300.324.

34 CFR IDEA § 300.39 Special education.

(a) General.

- (1) Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including -
 - (i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
 - (ii) Instruction in physical education.
- (2) Special education includes each of the following, if the services otherwise meet the requirements of paragraph (a)(1) of this section -
 - (i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards;
 - (ii) Travel training; and
 - (iii) Vocational education.

(b) Individual special education terms defined. The terms in this definition are defined as follows:

- (1) At no cost means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.
- (2) Physical education means -
 - (i) The development of -
 - (A) Physical and motor fitness;
 - (B) Fundamental motor skills and patterns; and
 - (C) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and
 - (ii) Includes special physical education, adapted physical education, movement education, and motor development.
- (3) Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction -
 - (i) To address the unique needs of the child that result from the child's disability; and
 - (ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.
- (4) Travel training means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to -
 - (i) Develop an awareness of the environment in which they live; and
 - (ii) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).
- (5) Vocational education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree.

34 CFR IDEA § 300.34 Related Services.

(a) General. Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training

...
(c) Individual related services terms defined. The terms used in this definition are defined as follows:
...

(15) Speech-language pathology services includes -

- (i) Identification of children with speech or language impairments;
- (ii) Diagnosis and appraisal of specific speech or language impairments;
- (iii) Referral for medical or other professional attention necessary for the habilitation of speech or language impairments;
- (iv) Provision of speech and language services for the habilitation or prevention of communicative impairments; and
- (v) Counseling and guidance of parents, children, and teachers regarding speech and language impairments.

34 CFR IDEA § 300.323 When IEPs must be in effect.

(a) General. At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in § 300.320.

...
(d) Accessibility of child's IEP to teachers and others. Each public agency must ensure that—

- (1) The child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and
- (2) Each teacher and provider described in paragraph (d)(1) of this section is informed of—
 - (i) His or her specific responsibilities related to implementing the child's IEP; and
 - (ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

Issue 2:

34 CFR § 104.4 Discrimination prohibited.

(a) General. No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance.

Issue 3:

34 CFR IDEA § 300.501 Opportunity to Examine Records; Parent Participation in Meetings.

...
(b) Parent participation in meetings.

- (1) The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to -
 - (i) The identification, evaluation, and educational placement of the child; and
 - (ii) The provision of FAPE to the child.

Issue 4:

34 CFR IDEA § 300.320 Definition of individualized education program.

- (a) *General.* As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§ 300.320 through 300.324, and that must include—
- (1) A statement of the child's present levels of academic achievement and functional performance, including—
 - (i) How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or
 - (ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
 - (2)
 - (i) A statement of measurable annual goals, including academic and functional goals designed to—
 - (A) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
 - (B) Meet each of the child's other educational needs that result from the child's disability;
 - (ii) For children with disabilities who take alternate assessments aligned to alternate academic achievement standards, a description of benchmarks or short-term objectives;
 - (3) A description of—
 - (i) How the child's progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and
 - (ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided...

Issue 5:

34 CFR IDEA § 300.300 Parental consent.

...

- (b) **Parental consent for services.**
- (1) A public agency that is responsible for making FAPE available to a child with a disability must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child.
 - (2) The public agency must make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child...

Issue 6:

34 CFR IDEA § 300.303 Reevaluations.

- (a) *General.* A public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with §§ 300.304 through 300.311
- (1) If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
 - (2) If the child's parent or teacher requests a reevaluation.
- (b) *Limitation.* A reevaluation conducted under paragraph (a) of this section—
- (1) May occur not more than once a year, unless the parent and the public agency agree otherwise; and
 - (2) Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.

22 Pa Code § 14.124. Reevaluation.

- (a) The group of qualified professionals, which reviews the evaluation materials to determine whether the child is a child with a disability under 34 CFR 300.303 (relating to reevaluations), shall include a certified school psychologist when evaluating a child for autism, emotional disturbance, intellectual disability, multiple disabilities, other health impairment, specific learning disability and traumatic brain injury.
- (b) In addition to the requirements incorporated by reference in 34 CFR 300.303, the reevaluation time line will be 60-calendar days, 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.
- (c) Students with disabilities who are identified as having an intellectual disability shall be reevaluated at least once every 2 years.
- (d) Copies of the reevaluation report shall be disseminated to the parents at least 10 school days prior to the meeting of the IEP team, unless this requirement is waived by a parent in writing.

Issue 7:

34 CFR IDEA § 300.503 Prior notice by the public agency; content of notice.

- (a) Notice. Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency—
 - (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
 - (2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.
- (b) Content of notice. The notice required under paragraph (a) of this section must include—
 - (1) A description of the action proposed or refused by the agency;
 - (2) An explanation of why the agency proposes or refuses to take the action;
 - (3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
 - (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
 - (5) Sources for parents to contact to obtain assistance in understanding the provisions of this part;
 - (6) A description of other options that the IEP Team considered and the reasons why those options were rejected; and
 - (7) A description of other factors that are relevant to the agency's proposal or refusal.

SOURCES OF INFORMATION:

This Special Education Advisor, Janet L. Pelone:

- Reviewed the complaint letter sent by the Complainants and received by the Bureau of Special Education (BSE) on August 28, 2025.
- Interviewed the Complainants on September 4, 2025 via Microsoft Teams.
- Corresponded via email with the following individuals on September 11, 2025:
 - Dr. Tony B. Watlington, Sr.; Superintendent,
 - Dr. Elizabeth Farruggia; Deputy ODL,
 - Dr. Laurena Zeller; Executive Director of Special Education, ODL,
 - Brittni Jennings; Senior Project Manager ODL,
 - Lucia Granger, Director LN 3,

- Sherri L. Campbell; Advisor, Division of Monitoring and Improvement- East
- Corresponded via email with SDP staff on the following dates: September 12 and 29, 2025 and October 1, 8, 10, 15, 20, 22 and 23, 2025.
- Corresponded with the Complainants via email on September 11 and 16, and October 15, 2025.
- Interviewed the following SDP Staff during a Microsoft Teams Meeting on October 1, 2025:
 - Lucia Granger, Director LN 3
- Interviewed Bonita McCabe; Director, The ARC of Philadelphia, on October 14, 2025.
- Interviewed Diane Perry; Regional Manager, Parent Education and Advocacy Leadership Center, on October 15, 2025.
- Interviewed Cathy Roccia-Meier; Vice President, Autism Sharing and Parenting, on October 16, 2025.
- Interviewed [REDACTED]; Parent, on October 20, 2025.
- Reviewed the following numbered documents:

Ref.	Document	Date	Source
1.	IEP (Early Intervention)	February 22, 2024	SDP
2.	Invitation to Participate in the Individualized Education Program (IEP) Team Meeting or Other Meeting	September 3, 2024	SDP
3.	Permission to Reevaluate (PTRE) - Consent Form	September 6, 2025	SDP
4.	Invitation to Participate in the Individualized Education Program (IEP) Team Meeting or Other Meeting	September 20, 2024	SDP
5.	IEP	September 30, 2025	SDP
6.	NOREP		SDP
7.	PTRE- Consent Form	September 30, 2025	SDP
8.	Psycho Educational Reevaluation Report	October 1, 2024	SDP
9.	Email	October 4, 2024	SDP
10.	Email	October 31, 2024	Parent
11.	RR	November 22, 2024	SDP
12.	WAIVER: Ten Day Evaluation Review	November 22, 2024	SDP
13.	Reevaluation Report (RR)	November 22, 2024	SDP
14.	Invitation to Participate in the Individualized Education Program (IEP) Team Meeting or Other Meeting	December 5, 2024	SDP
15.	Email	December 9, 2024	SDP
16.	RR	December 9, 2024	SDP
17.	IEP	December 13, 2024	SDP
18.	[REDACTED] PCA Staffing Letter	December 16, 2024	SDP
19.	PCA Employee #2 Time Sheets	December 16, 2024	SDP
20.	NOREP	December 18, 2024	SDP
21.	Calendar Invitation	March 4, 2025	SDP

22.	IEP	March 19, 2025	SDP and Complainants
23.	PCA Employee #3 Time Sheets	March 24, 2025	SDP
24.	████ PCA Staffing Letter	April 11, 2025	SDP
25.	FBA	April 28, 2025	SDP and Complainants
26.	Email	April 28, 2025	SDP
27.	Positive Behavior Support Plan (PBSP)	April 28, 2025	SDP and Complainants
28.	OT Service Logs	March – May 2025	SDP
29.	Progress Monitoring	2024-2025 School Year	SDP
30.	OT Service logs	March through May 2025	SDP
31.	BSE Complaint	Received August 28, 2025	Complainants
32.	SDP Calendar	2024-2025 School Year	SDP Website

INTRODUCTION:

The Student is 7 years old and attended █████ in Learning Network 3 (LN 3) in the SDP during the 2024-2025 school year as a transitioning kindergarten student. The Student was to receive Full-Time Autistic support with SLT, OT and a 1:1 Personal Care Assistant (PCA) as outlined in the Student's Early Intervention IEP and subsequent School Aged IEPs.

FINDINGS:

Issues 1, 2 and 3:

1. SDP Staff reported that the Student was not included in their Early Intervention (EI) database and when the parent brought the Student to school on the first day of school, August 26, 2025, the parent provided SDP Staff with a copy of the Student's IFSP.

The Parent reported that the building principal asked her for a copy of the IEP.

2. An IFSP from the Student's EI programming is dated February 22, 2024 and contained the following with regards to related services:

"Early Intervention Service	...Start Date	...Frequency up to a maximum	Session Duration
Occupational Therapy	02/22/2024	2 times per 7 days	3 units per session
Speech Therapy	02/22/2024	2 times per 7 days	3 units per session...
Speech Therapy	02/22/2024	2 times per 30 days	2 units per session

SDP Staff reported that this IFSP was implemented from August 26, 2025 through October 3, 2024.

3. SDP Staff reported that 1:1 PCA coverage was not provided to the Student from August 26, 2024 through September 3, 2024.

SDP Staff reported that the █████ building principal utilized three separate SDP Staff members to fill the 1:1 PCA for the Student which began on September 3, 2024. This Advisor was not

provided with documentation to verify the provision of a 1:1 PCA for the Student starting on this date.

4. An Invitation to Participate in the Individualized Education Program (IEP) Team Meeting or Other Meeting is dated September 3, 2024 proposing and IEP meeting to be held on September 23, 2024. This Invitation was not returned to SDP.
5. An Invitation to Participate in the IEP Team Meeting or Other Meeting is dated September 20, 2024 proposing and IEP meeting to be held on September 30, 2024. This Invitation was returned to SDP on September 24, 2024 and the parent attended the IEP meeting.
6. An IEP is dated September 30, 2024 contains the following under Section I. Special Considerations The IEP Team Must Consider Before Developing the IEP any Factors Checked as "Yes" Must be addressed in the IEP:
" ...
D. Does [Student] need assistive technology and/or services?..."
The box is checked "Yes."

The following language is in the Present Levels of Academic Achievement and Functional Performance, Present levels related to current postsecondary transition goals if the student's age is 14 or younger if determined appropriate by the IEP team, Strengths and Needs sections: "Speech - Language: Due to staffing shortages, speech and language goals may not have been updated. However, updating IEP present levels has been prioritized. Outstanding assessments, if any, will be completed as the situation resolves and IEP teams will be reconvened at that time to discuss speech/language programming. Service minutes will remain unchanged in the interim."

SDP Staff reported that the parent was made aware of the staffing shortages with SLT during the IEP meeting. The Parent reported although there is documentation of the SLT Staffing shortage in the IEP, the shortage and compensatory services were not discussed during the IEP team meeting.

The Related Services section of the IEP contains the following:

"Service	Location	Frequency	Projected Beginning Date	Anticipated Duration
Occupational Therapy- Individual	Inside the Regular Education Classroom	360 minutes/month	09/30/2024	09/29/2025..."

7. An email is dated October 4, 2024 from the [REDACTED] building principal to PCA #1 and contains the following:
" ...
This email serves to recap the phone conversation we just had at 9:35 am. Although you manage the Pretzel Sales, alternate arrangements must be made so that you may still follow your current deployment schedule to support [the Student] as a 1:1 Assistant...
8. The Parent reported that a Behavioral Health Technician (BHT), not and SDP employee, was working to support the Student's behaviors in the classroom from August 2024 through January 2025 informed her that the Students 1:1 PCA was not being provided consistently from October through January 2025.

An email chain between the Parent and the classroom teachers dated October 31, 2025 and contains the following:

“...Good morning [Teacher],

...I was recently informed [Student] has not been getting [Student's] 1:1 support. Do you know why her support was removed and when will she resume receiving her 1:1 support?...”

“...Good Morning (sic) [Parent],

...

1:1's got switched around recently but I will inquire about whats (sic) going on far as that goes...”

9. SDP staff reported that although there was an OT vacancy due to a maternity leave from December 2024 through January 2025, the Student was assigned to an Occupational Therapist during the 2024-2025 school year. This Advisor reviewed OT service logs for the Student from September through May and noted the following:

Month	OT Minutes Provided
September 2024	105
October 2024	30
November 2024	30
December 2024	0
January 2024	0
February 2025	30
March 2025	38
April 2025	90
May 2025	45

The Parent reported they were made aware of the maternity leave in November 2024.

10. An Invitation to Participate in the IEP Team Meeting or Other Meeting is dated December 5, 2024 proposing an IEP meeting to be held on December 13, 2024. This Invitation was not returned to SDP; however, the parent did attend the IEP meeting as verified by the signature page of the IEP.
11. An IEP is dated December 13, 2024 contains the following under Section I. Special Considerations The IEP Team Must Consider Before Developing the IEP any Factors Checked as “Yes” Must be addressed in the IEP:

“ ...

D. Does [Student] need assistive technology and/or services?...”

The box is checked “Yes.”

The following language is in the Present Levels of Academic Achievement and Functional Performance, Present levels related to current postsecondary transition goals if the student's age is 14 or younger if determined appropriate by the IEP team, Strengths and Needs sections: “Speech - Language: Due to staffing shortages, speech and language goals may not have been updated. However, updating IEP present levels has been prioritized. Outstanding assessments, if any, will be completed as the situation resolves and IEP teams will be reconvened at that time to discuss speech/language programming. Service minutes will remain unchanged in the interim.”

SDP Staff reported that the parent was made aware of the staffing shortages with SLT during the IEP meeting. The Parent reported although there is documentation of the SLT Staffing shortage in the IEP, the shortage and compensatory services were not discussed during the IEP team meeting.

The Related Services section of the IEP contains the following:

"Service	Location	Frequency	Projected Beginning Date	Anticipated Duration
Occupational Therapy-Individual	Inside the Regular Education Classroom	90 minutes/month	12/13/2024	12/12/2025..."

12. An [REDACTED] Staffing letter is dated December 16, 2024 and contains the following:
 "...This is notification of your revised assignment for the 2024-2025 school year, effective December 18, 2024. Grade Assignment: One-to-One Assistant [Student initials]
 ..."

This Advisor reviewed PCA #2's timesheets which indicated that this employee fulfilled their role for the Student from December 18, 2024 until April 2, 2025. The Parent stated they were not made aware of this staffing change for the Student and the BHT reported to the Parent the provision of a 1:1 PCA was inconsistent during November and December 2024.

13. A calendar invitation is dated March 4, 2025 for a meeting to be held on March 12, 2025, which included counsel for SDP and the Parent, to review and revise the Student's IEP.

14. An IEP is dated March 19, 2025 and contains the following under Section I. Special Considerations The IEP Team Must Consider Before Developing the IEP any Factors Checked as "Yes" Must be addressed in the IEP:

" ...
 D. Does [Student] need assistive technology and/or services?..."
 The box is checked "Yes."

The following language is in the Present Levels of Academic Achievement and Functional Performance, Present levels related to current postsecondary transition goals if the student's age is 14 or younger if determined appropriate by the IEP team, Strengths and Needs sections:
 "Speech - Language: Due to staffing shortages, speech and language goals may not have been updated. However, updating IEP present levels has been prioritized. Outstanding assessments, if any, will be completed as the situation resolves and IEP teams will be reconvened at that time to discuss speech/language programming. Service minutes will remain unchanged in the interim."

The Related Services section of the IEP contains the following:

"Service	Location	Frequency	Projected Beginning Date	Anticipated Duration
Occupational Therapy-Individual	Inside the Regular Education Classroom	90 minutes/month	03/19/2025	03/18/2026...
1:1 Adult Assistant provided by the School District of Philadelphia, authorized by the	Outside of the Regular Education Classroom	1695 minutes/week	03/19/2025	03/18/2026

IEP team- Individual				
Speech/Language Therapy- Group (2 or more)	Outside of the Regular Education Classroom	360 minutes/month	03/19/2025	03/18/2026"

15. A NOREP is dated March 19, 2025 and contains the following in the description of the action proposed or refused by the LEA:
 "...The SDP will provide the following comparable school age services for 90 days pending the results of a School District of Philadelphia Evaluation/Reevaluation and IEP. [Student]will be assigned to Supplemental Autistic Support with curb to curb transportation. [Student]will also receive occupational therapy for 360 min/month, speech therapy for 360 min/month, a 1:1 special education assistant and curb to curb transportation."

The Parent signed the NOREP on March 3, 2025 and provided approval for this action/recommendation.

16. The SDP and Parent acknowledged the Student was not provided with need assistive technology and/or services and the IEP team did not discuss assistive technology and/or services during the 2024-2025 school year.

17. An [REDACTED] Staffing letter is dated April 11, 2025 and contains the following:
 "...This is notification of your revised assignment for the 2024-2025 school year, effective April 21, 2025. Grade Assignment: One-to-One Assistant [Student initials]
 ..."

This Advisor reviewed PCA #3's timesheets which indicated that this employee fulfilled their role for the Student from March 24, 2025 until June 12, 2025.

18. An FBA, PBSP and IEP are all dated April 28, 2025. Parent had retained legal counsel and all documents and communication regarding the Student's programming went through Parent and SDP counsel. Documents were finalized on May 19, 2025, when counsel for both parties were in agreement with the content of the documents.

19. SDP Staff reported that compensatory education was discussed between Parent and SDP given the involvement of counsel, SDP concluded it would be calculated between counsel and agreed upon via a settlement agreement.

20. A Related Service Delivery Survey was completed by the Speech Therapists assigned to the Similarly Students for the 2024-2025 school year and a random sampling of responses indicate the following:

Were you provided the Student's IEP to review with regards to the SDI at the beginning of the 2024-2025 school year? • 4 out of 4 personnel, or 100 percent of the personnel, answered, "Yes."
If you were provided the Student's IEP at the beginning of the 2024-2025 school year, how was the IEP provided? • "Electronically, Easy IEP"
If an IEP revision occurred, how was this shared with you? • "Electronically, IEP writer, SPECM provided it"
Please explain how you implemented the following RS of Speech and Language Therapy (SLT) for the students assigned to you for the 2024-2025 school year:

• "Direct therapy services- pulled the student from classes during the school day, Group therapy • "Speech-Language services were provided via direct service which was in-person in small groups or individual sessions, determined by what is designated in the IEP" • "I implemented the related service of Speech and Language Therapy for each student assigned to me who also used Augmentative and Alternative Communication by directly following their IEP. I provided both individualized and group direct and consultative services via push in or pull out models of service. I conducted in person training sessions with family and teachers alike to ensure adequate carryover and understanding of the speech generating device. I checked in daily with teachers to see if new buttons needed to be added. I created visuals for each low incidence classroom that provided daily reminders to take the student's device out of their bag and make sure it is charged and easily accessible. Each student received adequate services that aligned directly with their plan to further improve their implementation and use of their SGD necessary for academic success."
If you were/will be absent for an extended period of time, how was/will the SLT be provided to your assigned caseload? • "N/A" • "N/A" • "I was not absent" • " Not Absent"
If you would have been absent or will be absent for an extended period of time, was/will the Parent/parents be notified? • "I was not absent" • "I communicate with my student's parent's via email and phone call/texting. I then complete a contact log on EASY or SIS" • "N/A--I wasn't absent for an extended period of time." • "Not absent for an extended period of time."

21. A Related Service Delivery Survey was completed by the Occupational Therapists assigned to the Similarly Students for the 2024-2025 school year and a random sampling of responses indicate the following:

Were you provided the Student's IEP to review with regards to the SDI at the beginning of the 2024-2025 school year? • 2 out of 2 personnel, or 100 percent of the personnel, answered, "Yes."
If you were provided the Student's IEP at the beginning of the 2024-2025 school year, how was the IEP provided? • "Easy IEP or email" • "In the Easy system"
If an IEP revision occurred, how was this shared with you? • "Easy IEP or email" • "In the Easy system"
Please explain how you implemented the following RS of Speech and Language Therapy (SLT) for the students assigned to you for the 2024-2025 school year: • "Direct (push in. pull out) or consultative services" • "Individual and group therapy"
If you were/will be absent for an extended period of time, how was/will the OT be provided to your assigned caseload? • "I wasn't absent for an extended period of time" • "By email I think if someone was on maternity leave."

If you would have been absent or will be absent for an extended period of time, was/will the Parent/parents be notified?

- "I don't remember."
- "By email"

22. A Related Service Delivery Survey was completed by the PCAs assigned to the Similarly Students for the 2024-2025 school year and a random sampling of responses indicate the following:

Were you provided the Student's IEP to review with regards to the SDI at the beginning of the 2024-2025 school year?

- 3 out of 3 personnel, or 100 percent of the personnel, answered, "Yes."

If you were provided the Student's IEP at the beginning of the 2024-2025 school year, how was the IEP provided?

- "The teacher provided me with a copy for reference during the school year."
- "Printed copy"
- "It was emailed"

If an IEP revision occurred, how was this shared with you?

- "Amended sections were shared in paper form."
- "Printed copy"
- "Printed copy of the IEP"

Please explain how you implemented the following RS of PCA for the student assigned to you for the 2024-2025 school year:

- "Supported academically and behaviorally and hygiene"
- "Support academically and behaviorally"
- "Support with academic, behavior and hygiene"

If you were/will be absent for an extended period of time, how was/will PCA Support be provided to your assigned student?

- "I don't remember"
- "I don't remember"
- "I don't remember"

If you would have been absent or will be absent for an extended period of time, was/will the Parent/parents be notified?

- "N/A"
- "N/A"
- "N/A"

23. A random sampling review of files for 10 similarly situated students was conducted on October 7, 2025. The results of the file review indicate:

Student #	SLT is included in the IEP, the location, frequency, projected beginning date, and anticipated duration of services	SLT was provided during the 2024-2025 school year, as evidenced by service logs and progress reporting.	Student had access to AAC device Yes or No	OT is included in the IEP, the location, frequency, projected beginning date, and anticipated duration of services	OT was provided during the 2024-2025 school year, as evidenced by service logs and progress reporting.	PCA Provided	Compensatory Education Owed? Yes or No	Compensatory Education Offered? Yes, No, or N/A
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	are present. Yes or No	Yes or No		are present. Yes or No	Yes or No			
1.	Yes	Yes	Yes	Yes	Yes	Yes	No	N/A
2.	Yes	No	Yes	No	No	Yes	Yes	No
3.	Yes	Yes	Yes	No	No	Yes	Yes	No
4.	Yes	Yes	Yes	No	No	Yes	Yes	No
5.	Yes	Yes	Yes	Yes	Yes	Yes	No	N/A
6.	Yes	No	Yes	No	No	Yes	Yes	No
7.	Yes	Yes	Yes	No	No	Yes	Yes	No
8.	Yes	No	Yes	No	No	Yes	Yes	No
9.	Yes	Yes	Yes	No	No	Yes	Yes	No
10.	Yes	Yes	Yes	Yes	Yes	Yes	No	No

Issue 4:

1. SDP Staff reported that Progress Monitoring- Reports of Progress were provided to the Parent with report cards and sent home with the student quarterly.
2. A review of Progress monitoring data collection and reports of progress indicates that OT progress reports were completed on the following dates: November 11, 2024, January 21, 2025, March 20, 2025 and June 2, 2025.
3. A review of Progress monitoring data collection and reports of progress indicates that SLT progress reports were not sent on the following dates: November 11, 2024, January 21, 2025, March 20, 2025 and June 2, 2025 as the Student did not receive SLT during the 2024-2025 school year.
4. During an interview on October 20, 2024, the Parent reported they did receive progress monitoring reports. This Advisor provided copies of the Progress monitoring data collection and reports of progress to the Parent for all four quarters. The Parent indicated they only received the Progress monitoring data collection and reports of progress the first quarter during a conference with SDP Staff.

Issue 5:

1. An IFSP from the Student's Early Intervention programming is dated February 22, 2024.

SDP Staff reported that this IEP was implemented from August 26, 2025 through October 3, 2024 and that a NOREP was not issued to adopt the IEP from Early Intervention.

Issue 6:

1. A PTRE- Consent Form is dated September 6, 2024 and proposed the following assessment tools, tests and procedures:

"...Skill Area	Method of Evaluation (Procedures)
Psychological Functioning	Measures of psychological functioning
Literacy	Measures of academic achievement- literacy
Math	Measures of academic achievement- math
Speech-Language	Measures of oral communication

Motor	Measures of sensory-motor functioning
Motor	Measures of “

The document indicates that the Parent provided permission for the reevaluation on September 12, 2024.

2. A Permission to Reevaluate – Consent form is dated September 30, 2025 and proposed the following assessment tools, tests and procedures:

“...Skill Area	Method of Evaluation (Procedures)
Behavior	Functional Behavioral Assessment”

The Parent provided consent to conduct the evaluation on September 30, 2025.

3. A Psychoeducational Re-Evaluation Report is dated October 1, 2024 and was completed by an SDP school psychologist. This report was not provided to the Parent upon request in December 2025.
4. An RR is dated November 22, 2024 and indicates it was provided to the parent on the same date. The Parent indicated they received a copy of this RR. This RR did not contain the speech/language evaluation or FBA.
5. An RR Waiver: Ten Day Evaluation Review dated November 22, 2024 and signed by the Parent on December 3, 2024.
6. An email chain between the school psychologist and SDP staff is dated December 6, 2024 and contains the following:

“...I had a phone call with [Student’s Parent] this afternoon to review the findings of [Student’s] RR.
...[Parent] would like you to reword the following that came from the teacher input: “How are the student’s communication skills? “[Student] does not communicate.” ...”
7. An RR is dated December 9, 2024 and indicates it was provided to the Parent on December 13, 2024 and did not contain an FBA or speech/language evaluation or FBA. The contents of the RR were identical to the November 22, 2024 RR.
8. An FBA, PBSP and IEP are all dated April 28, 2025. Parent had retained legal counsel and all subsequent documents and communication regarding the Student’s programming went through Parent and SDP counsel. Documents were finalized on May 19, 2025 when counsel for both parties were in agreement with the content of the documents.
9. A speech/language evaluation was not conducted during the 2024-2025 school year as proposed during the September 6, 2024 PTRE-Consent Form.

Issue 7:

1. An IEP is dated September 30, 2024 and contains the following in the Related Services section of the IEP:

“Service	Location	Frequency	Projected Beginning Date	Anticipated Duration
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Occupational Therapy-Individual	Inside the Regular Education Classroom	360 minutes/month	09/30/2024	09/29/2025..."
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2. A NOREP/PWN is dated September 30, 2025 and contains the following in the description of the action proposed or refused by the LEA:
 "...The SDP will provide the following comparable school age services for 90 days pending the results of a School District of Philadelphia Evaluation/Reevaluation and IEP. [Student] will be assigned to Supplemental Autistic Support with curb to curb transportation. [Student] will also receive occupational therapy for 360 min/month, speech therapy for 360 min/month, a 1:1 special education assistant and curb to curb transportation."
3. An IEP is dated December 13, 2024 and contains the following in the related services section of the IEP:

"Service	Location	Frequency	Projected Beginning Date	Anticipated Duration
Occupational Therapy-Individual	Inside the Regular Education Classroom	90 minutes/month	12/13/2024	12/12/2025..."

4. A NOREP is dated December 18, 2024 and contains the following in the description of the action proposed or refused by the LEA:
 "...The SDP will provide the following comparable school age services for 90 days pending the results of a School District of Philadelphia Evaluation/Reevaluation and IEP. [Student] will be assigned to Supplemental Autistic Support with curb to curb transportation. [Student] will also receive occupational therapy for 360 min/month, speech therapy for 360 min/month, a 1:1 special education assistant and curb to curb transportation."

CONCLUSIONS:

Issue 1:

The SDP was unable to demonstrate compliance with 34 CFR IDEA § 300.323(a).

The SDP was unable to provide evidence that the Student received the related service of a 1:1 PCA from August 26, 2024 through October 3, 2024. A review of [REDACTED] PCA Staffing Letters and corresponding employee timesheets indicated the Student received the service as outlined in the Student's IEP From October 4, 2024 through June 13, 2025. The email from the teacher on October 31, 2024 indicates that PCA schedules had been changed. No further documentation regarding inconsistencies in the Student's 1:1 PCA were provided to this Advisor.

The SDP was unable to provide evidence that the Student received SLT and access to the Student's AAC device nor did the IEP team discuss assistive technology and/or services as outlined in the Student's IEP.

The SDP was unable to provide evidence that the Student received OT as outlined in the Student's IEP.

A review of the SSS' files, as outlined above, indicated that the SDP was unable to provide evidence that the Similarly Situated Students' (SSS) received the related services of SLT, OT a PCA and access to their AAC devices as outlined in their IEPs.

As a result of the failure to provide related services, the Student and Similarly Situated Students are owed compensatory education.

Issue 2:

The SDP was able to demonstrate compliance with 34 CFR § 104.4.

The SDP acknowledged that staffing vacancies occurred district-wide throughout the 2024-2025 school year, impacting regular education and special education staff and students. The SDP made ongoing efforts to fill the vacancies throughout the course of the 2024-2025 school year by recruiting and hiring staff and utilizing agencies for related services. The impact of this on the Student's IEP services was communicated to the Parent throughout multiple contacts and documents, and the issue is now being addressed through the State complaint. Although the Student did not receive all of the related services, as outlined in the Student's IEP dated September 30, 2024, the SDP's failures to fully implement the IEP resulted from district-wide staffing shortages, rather than actions taken by reason of the Student's disability.

Issue 3:

The SDP was able to demonstrate compliance with 34 CFR IDEA § 300.501(b) and 34 CFR IDEA § 300.322(a) and (b).

The SDP issued invitations to the Parent on September 3 and 20, 2024; December 5, 2024 and March 4, 2025. The invitations were issued early enough to ensure attendance and indicated the purpose, time, location and who would be in attendance at the meeting. IEP meetings were held on September 30, 2024; December 13, 2024; and March 19, 2025, which included the Parent.

Issue 4:

The SDP was unable to demonstrate compliance with 34 CFR IDEA § 300.320(a)(3).

The IEPs throughout the 2024-2025 school year include descriptions of how the Student's progress toward meeting the annual goals will be measured; and when periodic reports on the progress the Student is making toward meeting the annual goals will be provided. However, the progress reports were not completed in their entirety and lacked evidence of the provision to the parent.

Issue 5:

The SDP was able to demonstrate compliance with 34 CFR IDEA § 300.300(b)

The SDP acknowledged they implemented the IFSP, as a provision of FAPE for the Student, from August 28, 2024 until a School Age IEP was developed and approved by the Parent on October 3, 2024 without informed consent from the Parent of the Student. However, this was not the provision of initial special education services for the Student, as the Student transitioned into SDP with an IFSP. Therefore, parent consent was not required.

Issue 6:

The SDP was unable to demonstrate compliance with the following regulations: 34 CFR IDEA § 300.303 and 22 Pa. Code § 14.124.

The SDP issued a PTRE to conduct a comprehensive psychoeducational evaluation and received consent from the Parent on September 12, 2024. This evaluation should have been completed on or

before November 11, 2024. The Parent was provided with an RR on November 22, 2024 and again on December 13, 2024.

The SDP issued a PTRE to conduct an FBA and received consent from the Parent on September 30, 2024. This evaluation should have been completed on or before November 29, 2024. The Parent was provided with an FBA on April 28, 2025.

Issue 7:

The SDP was unable to demonstrate compliance with 34 CFR § 300.503(a) and (b)(1).

The SDP acknowledged they implemented the IFSP, as a provision of FAPE for the Student, from August 28, 2024 until a School Age IEP was developed and approved by the Parent on October 3, 2024 without providing prior written notice to the Parent.

The September 30, 2024 IEP contains OT as the related service and the September 30, 2024 NOREP contains OT, Speech and a 1:1 special education assistant as the proposed action.

The December 13, 2024 IEP contains OT as the related service and the December 13, 2024 NOREP contains OT, Speech and a 1:1 special education assistant as the proposed action.

DISCUSSION:

To ensure that SDP are implementing the strategies learned in the required trainings and corrective action, the BSE will be conducting a file review specifically the implementation of related services that occurs according to state and federal regulations, during the 2026-2027 school year.

Additionally, LN Directors and the Director of Related Services shall meet quarterly with the BSE Regional Special Education Advisors to present the tracking system, review current data, and develop or revise an action plan to address any related services delays or disruptions. The Director of Related Services shall maintain records of these meetings and ensure corrective measures are implemented in a timely manner to maintain compliance. These records will be shared with the Executive Director of Special Education quarterly for review and oversight.

The Superintendent or Designee shall provide the Education Law Center with quarterly updates with regards to the provision of related services; which includes service disruptions.

Based on these ongoing oversight efforts, the BSE will determine if any further corrective action is warranted.

CLOSURE/CORRECTIVE ACTION AND VERIFICATION:

Issue 1: Corrective action is required.

- A. The Student is eligible for compensatory education services as a remedy to the educational loss due to the lack of provision of speech and language therapy, access to an AAC device and/or service, occupational therapy and a PCA during the 2024-2025 school year. The Superintendent or Designee shall convene an IEP meeting for the purpose of developing a plan for compensatory education as a remedy to the educational loss, and to issue a NOREP/PWN to the Guardian to approve or disapprove the compensatory education agreement.

The compensatory education shall be in addition to, and shall not supplant IEP supports and services, that should be appropriately provided by the SDP 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 IEP meeting, based on the Student's needs. Verification of this corrective action is to be a copy of the plan for compensatory education attached to the student's IEP. The district must forward a copy of the compensatory education agreement to this Advisor by **January 16, 2026**. The school district may use the attached compensatory education plan agreement format for the corrective action. If the parties cannot agree on the schedule for the completion of the compensatory education, they shall contact Dr. Alyse M. Watson, Division Chief, at alywatson@pa.gov who shall determine the process for the completion of this compensatory education award.

- B. The Similarly Situated Students are eligible for compensatory education services as a remedy to the educational loss due to the lack of provision of one or more of the following: speech and language therapy; including an IEP team review of assistive technology and/or services as noted in Section I of their IEPs, occupational therapy and a PCA during the 2024-2025 school year. The Superintendent or Designee shall convene an IEP meeting for the purpose of developing a plan for compensatory education as a remedy to the educational loss, and to issue a NOREP/PWN to the Parents/Guardians to approve or disapprove the compensatory education agreement.

The compensatory education shall be in addition to, and shall not supplant IEP supports and services, that should be appropriately provided by the SDP through the Students' IEPs to assure a meaningful educational process. The exact nature, delivery schedule and logistics of the compensatory education are to be determined at the IEP meeting, based on the Student's needs. Verification of this corrective action is to be a copy of the plan for compensatory education attached to the student's IEP. The district must forward a copy of the compensatory education agreements to this Advisor by **January 16, 2026**. The school district may use the attached compensatory education plan agreement format for the corrective action. If the parties cannot agree on the schedule for the completion of the compensatory education, they shall contact Dr. Alyse M. Watson, Division Chief, at alywatson@pa.gov who shall determine the process for the completion of this compensatory education award.

- C. The Superintendent or Designee shall establish a written procedure compliant with 34 CFR IDEA § 300.323(a) addressing the provision of related services, including timely notification to parents/guardians if there is a service delay or disruption of related services. The procedure shall include, but is not limited to, a clearly documented IEP team decision regarding compensatory services for missed services.

The written procedure shall be sent via memorandum to all appropriate professional school employees and administrators and training conducted by the Superintendent or Designee on or before **January 16, 2026**. A Copy of the procedure, memorandum, and confirmation of receipt of the memorandum and training of the SDP staff in this procedure shall be provided to this Advisor as verification of the corrective action.

Issue 2: None required

Issue 3: None required

Issue 4: Corrective action is required.

The Superintendent or Designee shall provide training to all relevant personnel on the requirements for progress reporting, as per 34 CFR § 300.320(a)(3), regarding the collection of data along with the development and issuance of progress reports and issue a follow-up memorandum/email to all relevant staff to ensure compliance with the regulation cited above.

Issue 5: None required

Issues 6 and 7: Corrective action is required.

- A. The Superintendent or Designee shall develop written procedures and staff training to address the following in compliance with regulations 34 CFR IDEA § 300.303, 34 CFR § 300.503(a) and (b), and 22 Pa. Code § 14.124 regarding RR timelines, PWN prior to IFSP implementation by school age LEA, IEPs and corresponding NOREPs. The procedure shall include but is not limited to the completion of RRs within regulatory timelines and the provision of NOREPs that correspond with the programming as described in the IEP.

The written procedures shall be sent via memorandum to all appropriate LN3 professional school employees and administrators and training conducted by the Superintendent or Designee on or before **January 16, 2026**. A Copy of the procedure, memorandum, and confirmation of receipt of the memorandum and training of the SDP staff in these procedures shall be provided to this Advisor as verification of the corrective action.

Janet L. Pelone
Special Education Advisor
Division of Monitoring & Improvement – East
717-329-0915
jpelone@pa.gov

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 10-calendar days of the date of the CIR.

An LEA must implement any corrective actions ordered in the CIR without waiting for the BSE's decision on the request for reconsideration.

ENCLOSURES:

Basic Education Circular – Special Education Compliance
Form – Completion of Corrective Action
Form – Compensatory Education Format
Confidential Student List (provided to LEA in a separate email)

cc: Dr. Tony B. Watlington, Sr., Superintendent
Dr. Elizabeth Farruggia, Deputy Chief of Specialized Services, Office of Diverse Learners (ODL)
Dr. Laurena Zeller, Executive Director of Special Education, ODL
Lucia Granger, Director of Special Education, LN 3
Brittni Jennings, Senior Project Manager, ODL
[REDACTED]
Dr. Alyse M. Watson, Chief, Division of Monitoring and Improvement – East
Sherri L. Campbell, Special Education Advisor, Division of Monitoring and Improvement – East
Karen Newsome, Special Education Advisor, Division of Monitoring and Improvement – Philadelphia
Central file