PENNSYLVANIA DEPARTMENT OF EDUCATION
BUREAU OF SPECIAL EDUCATION
COMPLAINT INVESTIGATION REPORT

LOCAL EDUCATIONAL AGENCY: School District of Philadelphia

DATE RECEIVED: January 6, 2026

DATE OF REPORT: ~~April 6, 2026~~
MAY 15, 2026

COMPLAINANT: Attorneys

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RE: [redacted] et. al.

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

SPECIFIC COMPLAINT(S):

Alleged Issue (s):	**Timeframe:**	**Regulatory Authority:**
1. The School District of Philadelphia (SDP) failed to issue a Reevaluation Report (RR) that contained all regulatory components.	March 2025	34 CFR Individuals with Disabilities Education Act (IDEA) § 300.304 Evaluation procedures. 22 Pa Code § 14.123. Evaluation.
2. The SDP failed to provide a free, appropriate public education (FAPE) to the Student and Similarly Situated Students with existing IEPs upon admission to the Philadelphia Juvenile Justice Services Center (PJJSC).	January 2025 to present	34 CFR IDEA § 300.17 Free appropriate public education (FAPE) 34 CFR IDEA § 300.101 FAPE.
3. The SDP discriminated against the Student based on the Student's disability during the 2024-2025 school year by failing to provide a FAPE due to unilateral placement of the Student and deprivation of special education supports and services.	2024-2025 school year	22 Pa. Code § 15.10. Discrimination claims.

4. The SDP failed to provide Progress Monitoring-Reports of Progress to the Parents/Guardians of 3 Similarly Situated Students. **During the course of the investigation, this additional issue was brought to the attention of this Advisor and has been added to this complaint.*	January 2025 to present	34 CFR IDEA § 300.320 Definition of individualized education program.

SOURCES OF INFORMATION:

This Special Education Advisor, [redacted]:

- Reviewed the complaint letter sent by the Complainants and received by the Bureau of Special Education (BSE) on January 6, 2026.
- Corresponded with the Complainants via email on January 12, 2026.
- Interviewed the Complainants on January 14, 2026 via Microsoft Teams with [redacted]
- Corresponded via email with the following individuals on January 12, 2026: [redacted]
- Corresponded via email with SDP staff on the following dates: January 30, 2026; February 2-6, 10, 20, 23, 26, 2026 and March 2,16, 17 and 18, 20, 23, 27,30 and 31, 2026 and April 1-2, 2026.
- Interviewed the following SDP Staff during a Microsoft Teams Meeting on February 13, 2026 [redacted]
- Corresponded via email with [redacted] on February 11 and 12, 2026 and March 19, 2026.
- Interviewed [redacted] on February 13, 2026 via telephone.
- Corresponded via email with Educational Decision Makers (EDMs), [redacted] on February 19, 23, 2026 and March 19, 2026.
- Interviewed the Student's EDMs on February 23, 2026 via telephone.
- Interviewed the following SDP Staff during a Microsoft Teams Meeting on March 20,, 2026 [redacted]

[redacted]

- Reviewed the following numbered documents:

Record	Title	Date	Source
1.	IEP	October 28, 2024	SDP
2.	Draft NOREP/PWN	February 12, 2025	SDP
3.	Permission to Reevaluate (PTRE) - Consent Form	February 21, 2025	SDP
4.	Parent/Guardian Input Form	February 21, 2025	SDP
5.	Reevaluation Report (RR)	March 12, 2025	SDP
6.	Proposed IEP	March 12, 2025	SDP
7.	Email Chain	March 12 – 19, 2025	SDP
8.	BSE Complaint	January 6, 2026	Complainants
9.	Invitation to Participate in an IEP Team or Other Meeting	January 13, 2026	SDP
10.	Counseling Logs	February 4, 2025 – March 10, 2025	SDP
11.	Educational Records (Invitation to Participate in IEP Meeting or Other Team Meeting, IEPs, NOREP/PWN forms, Parent Contact Logs and enrollment records) for Similarly Situated Students #1 through #22	January 2025-January 2026	SDP
12.	Parent Contact Log	2024-2025 and 2025-2026 school years	SDP
13.	Student Enrollment History	2024-2025 and 2025-2026 school years	SDP
14.	SDP School Calendar	2024-2025 and 2025-2026 school years	SDP

INTRODUCTION:

The Student is 17 years old and entered the PJJSC with an IEP from an Approved Private School (APS) on February 4, 2025. At that time, the Student received Full-Time Emotional Support with school-based counseling. The Student was discharged from PJJSC on March 10, 2025.

FINDINGS:

Allegations 1, 2, and 3:

1. The Student was court ordered to be placed at PJJSC and was enrolled on February 4, 2025 with an Individualized Education Plan (IEP) dated October 28, 2024. The Student was receiving Full-Time Emotional Support with 30 minutes per week of counseling as a related service. There were two behavior goals focusing on decreasing physical aggression towards peers and task completion and two academic goals focusing on reading and math skills. The IEP noted that the Student had earned 81% of overall positive points to date during the 2024-2025 school year and that the Student was well behaved at school and was easily redirected. Attendance was problematic for the Student.

2. A Parent Contact Log indicates that SDP Staff called and left a message for the Student's Guardian on February 12, 2025 to discuss the Student's programming at PJJSC, including

issuing a NOREP/PWN. The Guardian did not respond to the phone call. SDP Staff were later informed that the person contacted was no longer a Guardian of the Student.

3. A draft NOREP/PWN dated February 12, 2025 was provided to this Advisor and SDP staff reported the NOREP/PWN was never issued as a meeting and/or phone revision did not occur.

4. The Student's triennial RR was overdue upon admittance, and a PTRE-Consent form was sent to the Student's EDM on February 21, 2025, which included a Parent/Guardian Input Form. The proposed evaluation was to include measures of psychological functioning, academic achievement, behavioral performance/social-emotional functioning and a review of records. The EDM signed and approved the PTRE on February 26, 2025 and neglected to complete and return the Parent/Guardian Input Form.

5. Progress monitoring was not provided to the Student's EDM as the Student attended PJJSC for 17 school days and the October 29, 2024 IEP indicated they "will be provided annually at IEP meetings, three times per year through report card/progress reports and upon parent/guardian request."

6. This Advisor reviewed the counseling logs for the Student and they indicated the Student received school-based counseling minutes as outlined in the October 29, 2024 IEP. School-based counseling logs were provided to this Advisor; however, they only included dates, not minutes of services provided.

7. The Student was discharged from PJJSC on March 10, 2025.

8. A Reevaluation Report is dated March 12, 2025 and does not contain a conclusion at the end of the document. All other regulatory components are included.

9. A Proposed IEP is dated March 12, 2025 which includes all regulatory components within the document. The recommended placement was Supplemental Emotional Support, which PJJSC Staff indicated was due to the Student's current behaviors at PJJSC and the RR.

   A NOREP/PWN was not generated as the Student was no longer attending PJJSC.

10. An email chain dated March 12, April 2, 2025 between PJJSC/SDP Staff and CASA Staff indicates the following:

    March 12, 2025
    - PJJSC Staff were reached out to finalize the Student's RR and IEP so that they could be provided to the Student's next placement.
    - CASA Staff responded by requesting that the Student's RR and IEP be sent to them to be finalized.
    - PJJSC Staff emailed the RR and IEP and offered an IEP meeting to discuss them. The IEP contained a 'Proposed" watermark. A Zoom meeting invitation was included in the email for March 13, 2025.

    March 13, 2025
    - CASA Staff reviewed the documents and requested a meeting to discuss the Student's "social-emotional needs and eligibility for special education."
    - PJJSC staff reiterated the IEP meeting invitation for March 13, 2025 was created as the student had been discharged and "the new school team should amend the document and asses [the Student's] needs in [the Student's] current school as PJJSC is a non-traditional school setting."

March 14, 2025

- PJJSC Staff contacted CASA Staff to follow up on next steps and discuss the Student's needs, reminding them that the Student was discharged and they would soon lose access to the Student's documents. CASA Staff did not reply.

March 18, 2025

- SDP Administration contacted CASA Staff to inform them that SDP was no longer the LEA and could not meet to discuss the Student's needs but could meet to discuss the RR that had been completed at PJJSC.

March 19, 2025

- CASA Staff responded that their concern was the Student "was stepped down from full-time to supplemental emotional support" and that "there wasn't a disability designation listed."
- SDP Administration responded with the explanation as outlined in the February 12, 2025 NOREP/PWN and that "while the school cannot implement FT support based on the center's assignment of students, many of the behavioral supports are implemented inside the classroom based on the staff that support them.

  The SDP Administrator was unaware the NOREP/PWN had not been sent and identified as such during an interview with this Advisor on February 13, 2026. The IEP writing software used in SDP automatically generates a NOREP/PWN after the IEP has been finalized. The Proposed IEP sent to the EDMs was in draft form and would not have been issued with a NOREP/PWN.

11. An IEP team meeting was held virtually on March 30, 2025 to discuss the results of the RR and to discuss the Student's proposed level of service.

12. The Student was placed at PJJSC on December 17, 2025, with a current IEP indicating the Student required Full-time Emotional Support from the Student's previous APS and contained the same language regarding in-person and virtual learning.

    APS Staff reported the Student was receiving homebound instruction virtually, which consisted of both synchronous and asynchronous learning opportunities.

13. The Parent Contact log indicated that PJJSC Staff reached out to CASA Staff and Foster Parent to schedule an IEP meeting on January 7 and 8, 2026.

14. An Invitation to Participate in the IEP Team Meeting or Other Meeting is dated January 13, 2026 and proposed an IEP meeting to be held virtually on January 14, 2026. CASA Staff were included and received a virtual invitation to attend.

15. A meeting was not held as the team was unable to meet on that date and the Student was discharged on February 2, 2026.

16. During an interviews on February 13 and 20, 2026, and via email, the SDP and PJJSC Staff stated that the Student's IEP was implemented on the first day of admission. Additionally, they reported that the Student did not experience behavioral challenges during the Student's first and current placement at PJJSC and that transition services were provided to the Student via the Special Education Teacher as outlined in the Student's IEP.

17. This Advisor interviewed the Supervisor of Special Education for the APS on February 13, 2026 and reported the following regarding special education programming:
    - The APS is a Full-Time special education placement; there aren't opportunities for students to participate in regular education. Itinerant and Supplemental placements are not available in this setting.
    - The APS operates in person on Tuesdays through Fridays. On Mondays, students participate in live instruction virtually for half of the day and are to complete assignments independently. There are office hours for students to utilize support if needed.
    - Non-Core classes (English, Math, Science and Social Studies) are taught by teachers with certifications in their area of concentration and are emergency certified in special education.
    - Paraprofessionals are not credentialed in special education.
    - The APS utilized the findings from the March 12, 2025 RR to revise the Student's IEP.
    - The APS acknowledged they reviewed the PJJSC paperwork upon the Student's return to the APS and noted the IEP and NOREP/PWN indicated the receiving IEP team would need to review and revise the Student's IEP upon admission to a new placement.
    - The APS acknowledged the structure, special education supports and setting would not require the Student to need behavior goals and an FBA while at PJJSC.

18. SDP Staff reported the following to this Advisor regarding special education programming at PJJSC:
    - A certified special education teacher is present in every core academic class (English, Math, Science, and Social Studies) to provide services and support as outlined in student's IEPs.
    - A credentialed special education aide is present to support to students as outlined in their IEPs in all other classroom settings.
    - Two residential counselors from the Department of Human Services (DHS) are in every classroom with the students and assist with hallway transitions.
    - Transition services are embedded throughout instruction and programming.
    - Special education teachers provide direct instruction and collaborate with PJJSC staff to integrate transition skills into lessons where appropriate.
    - The school counselor provides classroom lessons regarding social emotional learning and transition and meets with students individually and/or group settings.
    - The College and Career Coach meets with students individually, in small groups, and in classroom settings to support career exploration and postsecondary planning.
    - The school counselor meets with students individually, in small groups, and in classroom settings to support the student's needs.
    - Courses are added based on student needs, including classes such as personal finance.
    - All services are delivered in the least restrictive environment based on each student's IEP.
    - ESY is aligned with the hours and services provided to all students attending SDP schools.

19. This Advisor Reviewed the special education files of 22 Similarly Situated Students, including Invitation to Participate in IEP Meeting or Other Team Meeting, IEPs, NOREP/PWN forms, Parent Contact Logs, Student and Staff Schedules, Progress Monitoring- Reports of Progress, Related Service logs and enrollment records. Additionally, this Advisor interviewed SDP and PJJSC Staff regarding the provision of FAPE to the Similarly Situated Students. This review was conducted as part of the investigation for compliance with the regulations cited in Allegation 3. The findings are as follows:

- For the 5 Students who attended PJJSC for 9 weeks or longer, 2 had Progress Monitoring-Reports of Progress in their files, 2 had partial Progress Monitoring-Reports of Progress in their files and 1 Student did not have Progress Monitoring-Reports of Progress in their file.

- For the 17 Students who attended PJJSC, Progress Monitoring-Reports of Progress was not a requirement per their IEP and this Advisor utilized the provided via Staff interviews, Student schedules to review IEP implementation.
- 6 of the 22 Students did not have school-based counseling in their IEPs. 4 of the 16 Students were provided with school-based counseling as outlined in their IEPs. 12 of the 16 Students were not provided with school-based counseling as outlined in their IEPs. SDP stated they had more information to provide regarding the provision of these services, as of today, it was not provided to this Advisor.

Conclusions:

Issue 1:

The SDP is not in compliance with 34 CFR IDEA § 300.304 and 22 Pa Code § 14.123.

The RR dated March 12, 2025 did not contain all regulatory components, specifically, a conclusion of all of the data contained in the RR. Although a meeting was held with the EDMs to discuss the conclusions, the RR was not revised.

Issue 2:

The SDP is not in compliance with 34 CFR IDEA § 300.101.

The SDP did not provide a FAPE to the Student as the PJJSC upon admission by not implementing the October 27, 2024 IEP. The SDP did not provide the Student with school- based counseling from February 4, 2025 through March 10, 2025, as the logs provided to this Advisor did not demonstrate the Student received the service as written in the Student's IEP

Upon review of the March 10, 2025 proposed IEP Present Levels of Academic Achievement and Functional Performance, SDP and PJJSC Staff interviews, emails from SDP, the Student's schedule, it is evident SDP implemented the rest of the Student's IEP from the Student's previous placement. The Student made progress and did not experience behavioral challenges during their placement at PJJSC.

The SDP did not provide a FAPE to 12 of the Similarly Situated Students upon their admission as they were not provided with school-based counseling. The logs provided to this Advisor did not demonstrate the Students received the service as written in their IEPs. All other related services were provided to the Students as written in their IEPs.

The Student and the Similarly Situated Students who entered PJJSC were educated in a setting which included a small group of 12 students with core instruction delivered by both a regular and special education teacher, along with additional support from two residential counselors. All other settings were staffed with a regular education teacher, two residential counselors and a special education aide. Behavioral supports were implemented inside the classroom based on individual student needs and the staff that support them.

Issue 3:

The SDP is in compliance with 34 CFR § 104.4.

The SDP did not discriminate against the Student as SDP provided a FAPE to the Student. SDP implemented the Student's IEP, with comparable services, from the Student's previous placement until a new IEP was developed following an RR. The Student made progress and did not experience behavioral challenges up to the time the Student exited the facility on March 10, 2025.
When the Student reentered the facility on December 17, 2025, with an IEP that specified virtual homebound instruction, the SDP was able to provide the Student with special education supports and services consistent with the Student's goals and needs while receiving a FAPE.

Corrective Action:

Allegation 1: Corrective Action is required.

A. The Superintendent or Designee shall develop written procedures that reflect compliance with regulations: 34 CFR IDEA § 300.304 and 22 Pa Code § 14.123 specifically addressing Evaluations and related procedures. All SDP school psychologists and administrators at PJJSC shall receive a copy of the written procedures, via a memorandum, and subsequent training. A copy of the procedure, memorandum, and confirmation of receipt of the memorandum and training of the SDP staff at PJJSC in these procedures shall be provided to this Advisor as verification of the corrective action on or before **June 1, 2026.**

B. The RR dated March 12, 2025 needs to be revised to include the conclusion section. A copy of the revised RR shall be provided to this Advisor as verification of the corrective action on or before **June 1, 2026.**

Allegation 2: Corrective Action is Required.

A. The Student is eligible for compensatory education services to remedy the educational loss resulting from the failure to provide school-based counseling from February 4, 2025 through March 10, 2025 and December 17, 2025 through present day. 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 Parent/Guardian to approve or disapprove the compensatory education agreement.

B. 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 **June 1, 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 [redacted] who shall determine the process for the completion of this compensatory education award.

~~C. The identified Similarly Situated Students may be eligible for compensatory education services to remedy the educational loss resulting from the failure to provide school-based counseling during their educational programming at PJJSC. The Superintendent or Designee shall convene an IEP meeting for the purpose of determining if compensatory services are required and developing a plan for compensatory education as a remedy to the educational loss. A NOREP/PWN will be issued 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 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 **June 1, 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 [redacted] who shall determine the process for the completion of this compensatory education award.~~

D. ALL STUDENTS ELIGIBLE UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT MAY BE ELIGIBLE FOR COMPENSATORY EDUCATION SERVICES TO REMEDY THE EDUCATIONAL LOSS RESULTING FROM THE FAILURE TO PROVIDE SCHOOL-BASED COUNSELING DURING THEIR EDUCATIONAL PROGRAMMING AT PJJSC. THE SUPERINTENDENT OR DESIGNEE SHALL CONVENE AN IEP MEETING FOR THE PURPOSE OF DETERMINING IF COMPENSATORY SERVICES ARE REQUIRED AND DEVELOPING A PLAN FOR COMPENSATORY EDUCATION AS A REMEDY TO THE EDUCATIONAL LOSS. A NOREP/PWN WILL BE ISSUED 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 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 SEPTEMBER 30, 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 [redacted] WHO SHALL DETERMINE THE PROCESS FOR THE COMPLETION OF THIS COMPENSATORY EDUCATION AWARD.

Allegation 3: None Required

Allegation 4: Corrective Action is Required.

A. The Superintendent or Designee shall develop written procedures and training to all relevant SDP Staff at PJJSC personnel on the requirements for progress reporting, as per 34 CFR § 300.320, regarding the collection of data, along with the development and issuance of progress reports. The Superintendent or Designee shall also issue a follow-up memorandum/email to all relevant staff to ensure compliance with the reporting of progress.

   The written procedures shall be sent via memorandum to all appropriate SDP Staff at PJJSC professional school employees and administrators and training conducted by the Superintendent or Designee on or before **June 1, 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.

B. To ensure that SDP is implementing the strategies learned in the required trainings and corrective action, the BSE will conduct a file review specifically regarding Progress Monitoring-Reporting of Progress for each quarter of the 2026-2027 school year for PJJSC.

[redacted]

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 Plan
Confidential Student List (provided to LEA in a separate email)

cc: [redacted]