

August 29, 2011

Dr. Jeffrey Weaver, Superintendent  
Upper Arlington City School District  
1950 North Mallway Drive  
Upper Arlington, Ohio 43221

**RE: Complaint #CP-0130-2011, Letter of Findings**

Dear Dr. Weaver;

After reviewing the information regarding the complaint filed by Kerry Agins, Esquire and Andrea M. Valentino of Siegel & Agins, LPA (hereinafter "the attorneys for the complainants") on behalf of their clients alleging that the Upper Arlington City School District (hereinafter "the district") is in violation of federal and/or state laws relating to the education of various students with disabilities and students who are suspected of having disabilities, the Office for Exceptional Children has made the following findings:

**Issue 1:**

Whether the district complied with the requirements of the OAC § 3301-51-03(A) (Child Find) and the Individuals with Disabilities Education Improvement Act (IDEA) and its implementing regulation at 34 C.F.R. §300.111 (Child Find). The attorneys for the complainants allege that the district systematically fails to ensure that students with suspected disabilities regardless of the severity of their disabilities are identified, located and evaluated. The attorneys for the complainants allege that the district "constantly violates the child find requirements required by the IDEA" and the district fails to follow the district's own board policies with regards to child find. The attorneys for the complainants allege that the district, "through a systemic application of a 'spurious' intervention process", fails to meet the district's child find obligation and fails to follow the district's child find policies and procedures. The attorneys for the complainants allege that students with suspected learning disabilities are subjected to a "lengthy" intervention process that does not address or resolve the students' academic difficulties and results in students with suspected disabilities being denied evaluations. The attorneys for the complainants allege that although the district has child find policies and procedures, the district has failed to implement those child find policies and procedures based on the district's use of the intervention process to delay the evaluation and identification of students with specific learning disabilities. Although the complainants, and their attorneys on their behalf, allege a history of systemic violations of child find, dating from the past three to four years, per the requirements of the IDEA at 34 C.F.R. §300.153, the complaint will be limited to one year prior to the date that the complaint was received by the Ohio Department of Education, Office for Exceptional Children. Since the complaint was received in this office on June 7, 2011, the timeframe of the

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complaint investigation will be from June 7, 2010 through the date of the receipt of the complaint in this office.

### Facts

- For the purposes of this letter of findings, when referring to the signatories to the complaint as a group, the term used will be complainants. When referring to the students identified above as a group, the terms that will be used will be “students with disabilities” or for students not yet identified, “students with suspected disabilities”;
- Individual students will be referred to with the designation noted per the letter of allegations, from Student A through Student O, if applicable;
- The complainants, their attorneys, the district and the district’s attorney have been informed that although they allege a history of violations of child find, dating from the past three to four years, per the requirements of the IDEA at 34 C.F.R. §300.153, the complaint will be limited to one year prior to the date that the complaint was received by the Ohio Department of Education, Office for Exceptional Children;
- Since the complaint was received in this office on June 7, 2011, the timeframe of the complaint investigation will be from June 7, 2010 through the date of the receipt of the complaint in this office;
- All of the parties who were signatories to this complaint have had the opportunity to be interviewed and to provide documentation regarding this issue;
- The district has had the opportunity to be interviewed and to provide documentation regarding this complaint;
- Although the district had child find policies and procedures in place, a review of the documentation provided by the parties showed that staff at different elementary schools, middle schools and high schools in the district utilized the policies inconsistently as it applies to students suspected of having a SLD and/or having dyslexia;
- Each and every complainant that was interviewed and who provided documentation demonstrated that the district did not comply with the district’s written child find policies and procedures;
- Student A’s parents provided documentation to support that the student had three years of unsuccessful interventions such as Reading Recovery for twenty weeks during one school year;
- The parents of Student A requested an evaluation and provided private information to support that the student had a disability in the areas of reading fluency, written expression and mathematics problem solving;
- The documentation from the parent and the district showed that the district agreed to evaluate the student in February 2011 after three years of unsuccessful interventions;
- A review of the documentation showed that the district had data as of May 2010 that should have required the district to go forward with an evaluation; however the district did not go forward with an evaluation;
- The parents of Student B provided similar documentation;

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- A review of the documentation provided by the parents of Student B and the district showed that the student was also provided with interventions that did not resolve the student's academic difficulties, especially in the area of reading;
- The parents of Student B provided information to support that they had repeatedly attempted to work with the district to address the student's "severe and intense reading and other academic needs";
- The parents placed the student in a private school that provided services for dyslexic children, in order to address the student's educational needs;
- After the student was re-enrolled in the district, the district evaluated the student and determined that the student was eligible for special education services under the IDEA;
- The parents of Student B had provided documentation from private evaluators that indicated the severity of the student's reading, language and communication needs which should have triggered the district's child find obligation;
- Student C was evaluated after the parents filed a complaint; although the data available prior to the complaint showed that the student was not performing at grade level;
- The parents of Student C, prior to filing the complaint provided the district with data from a private evaluations that showed that the student was struggling academically, in the area of reading and other academic areas;
- The parents also informed the district that the parents suspected that the student was dyslexic;
- The parent of Student D provided documentation of the student's academic struggles related to dyslexia, reading comprehension issues during the student's attendance in the district;
- According to the parent, the parent removed the student from the district and placed him elsewhere in order to address the student's academic needs;
- The parents of Student E provided information regarding the student who was \_\_\_\_\_ and in the \_\_\_\_\_ grade when the complaint was filed;
- Student E struggled \_\_\_\_\_ grade. He was referred for reading intervention services that failed to resolve concerns about his below grade level academic performance during that time period;
- A review of the documentation showed that the student was often provided with interventions without informing the parents;
- When Student E was in the \_\_\_\_\_ grade, the parents requested a meeting with the director of special education to discuss why the student had not been referred for an evaluation after all of the years of unsuccessful interventions;
- The parents expressed concerns that the student might be dyslexic and in December 2010, after an evaluation was conducted, the student was determined eligible and an IEP was written;
- The parent of Student F provided documentation regarding the student's academic struggles due to \_\_\_\_\_
- The student was evaluated by the district, but the student was placed in a private school because the parent believed that the interventions utilized by the district did not appropriately address her concerns related to the student's academic needs and the student's lack of progress;
- The parents of Student G provided documentation and information regarding a history of failed interventions;

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- At the time that the complaint was filed, Student G was
- The parents informed this office that the student had been a struggling reader since \_\_\_\_\_ grade when he failed to pass the Ohio Achievement Assessment in Reading, the parents contacted the district to obtain assistance;
- After Student G continued to struggle although being provided with interventions, the parents obtained private evaluations and again requested that the district evaluate the student;
- In January 2011, the student began receiving services per an IEP;
- The parents of Students I, K, L and M provided documentation of their four children who also struggled academically in various areas; they also exhibited cognitive abilities that were discrepant with their academic progress;
- Students I, K, L and M also exhibited signs of dyslexia and ADHD;
- The parents of Students I, K, L and M also obtained private evaluations and attempted to work with the district to address the student's needs;
- Although there was documentation to support that the district's interventions were not successful, Students I, K, L and M experienced academic difficulties;
- Student M had significant difficulties, especially in the area of reading;
- In October 2010, the student was referred for an evaluation and was determined eligible for special education services under the disability category of SLD;
- The parents of Students J and L provided information about the students' academic struggles and about interventions that were tried that proved unsuccessful;
- Two adult complainants provided information about their academic struggles in the district, but the information is beyond the time limitations of this complaint;
- Other parents who were not signatories to this complaint provided information about their children's struggles in reading and reading comprehension due to their dyslexia;
- The aforementioned parents have children who are currently in \_\_\_\_\_ and \_\_\_\_\_ schools in the district;
- A review of the information provided by the complainants demonstrated that the parents had obtained private evaluations, paid for tutoring for the students, requested assistance from the district in a variety of ways as well as spending time assisting the students with homework assignments that the students struggled to read and comprehend;
- Three male parents expressed their feelings of frustration and helplessness at not being able to assist their children who were experiencing academic difficulties for periods of more than one or more years;
- Several female parents described a "sense of failure as parents" when they did not know how to communicate to the district that the failed interventions were impacting their daily lives and causing "their children to feel anxiety and hopelessness when discussing school";
- Per the requirements of the IDEA at 34 C.F.R. § 300.152 (a) (3) (i), the district can provide a proposal to resolve the complaint to the state agency's satisfaction;
- Prior to the issuance of this letter of findings, the district proposed that the staff participate in professional development regarding the requirements of OAC at 3301-51-03 (A) (Child Find) and the IDEA and its implementing regulation at 34 C.F.R. §300.111 (Child Find);

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- The district presented a corrective action plan that addresses systemic change and professional development regarding child find obligations, the evaluation process, prior written notice and on-going job-embedded professional development for the staff who serve students with disabilities and students with suspected disabilities;
- The district's professional development also includes appropriate information regarding interventions as they relate to SLD, dyslexia, Attention Deficit Disorder (ADD) and Attention Deficit Disorder associated with Hyperactivity (ADHD);
- This office has reviewed and accepted the district's corrective action plan; and
- The additional corrective action required to address the violations noted per this letter of findings will be after the facts and findings for Issue 3.

### **Findings:**

A review of the evidence obtained through the investigation showed that although the district has child find policies, the district staff failed to consistently comply with those policies. A review of the evidence demonstrated that these students with suspected learning disabilities are subjected to an intervention process that does not address or resolve the students' academic difficulties and results in students with suspected disabilities, particularly those related to reading difficulties, being denied timely evaluations. Prior to the issuance of this letter of findings, the district acknowledged their errors related to this issue and proposed a corrective action plan to remedy the violations noted per this issue. This office has also determined that additional corrective action is necessary to address the violations noted per this issue. The district is in violation of the OAC § 3301-51-03(A) (Child Find) and the Individuals with Disabilities Education Improvement Act (IDEA) and its implementing regulation at 34 C.F.R. §300.111 (Child Find) with respect to this issue and these students.

### **Corrective Action:**

1. The corrective action necessary to address the violations noted per this issue will be under the corrective action section following the facts and findings for Issue 3.

### **Issue 2:**

Whether the district complied with the requirements of OAC § 3301-51-06 (A) (General) and OAC § 3301-51-06 (H) (Additional procedures for identifying children with specific learning disabilities) when providing interventions for students with suspected learning disabilities in order to determine eligibility for special education services. The attorneys for the complainants allege that the district "consistently and unnecessarily requires students with suspected disabilities to engage in lengthy intervention processes" prior to evaluating the students or determining them eligible for special education services. The attorneys for the complainants allege that the district "systemically" requires students

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with suspected learning disabilities to participate in interventions that do not address the their academic difficulties and fail to resolve concerns related to the students' struggles in reading, writing, mathematics, spelling and language. The attorneys for the complainants allege that the district requests that parents consent to the intervention process, which may consist of a three years or longer series of interventions that do not resolve the concerns about the students. The attorneys for the complainants allege that the district failed to report the performance of students with suspected learning disabilities with regards to the interventions. The attorneys for the complainants allege that the district "routinely" failed to refer the students with suspected disabilities for evaluations. The attorneys for the complainants allege that the students were only referred for evaluations after the parents initiated the requests or after the parents brought information from private evaluations to the district. Although attorneys for the complainants allege a history of systemic violations of the requirements related to evaluating and providing interventions for the students with suspected disabilities, dating from more than three years ago to the present, per the requirements of the IDEA at 34 C.F.R. §300.153, the complaint will be limited to one year prior to the date that the complaint was received by the Ohio Department of Education, Office for Exceptional Children. Since the complaint was received in this office on June 7, 2011, the timeframe of the complaint investigation will be from June 7, 2010 through the date of the receipt of the complaint in this office.

### Facts

- For the purposes of this letter of findings, when referring to the signatories to the complaint as a group, the term used will be complainants. When referring to the students identified above as a group, the terms that will be used will be "students with disabilities" or for students not yet identified, "students with suspected disabilities";
- Individual students will be referred to with the designation noted per the letter of allegations, from Student A through Student O; if applicable;
- The complainants, their attorneys, the district and the district's attorney have been informed that although they allege a history of systemic violations of the requirements related to evaluating and providing interventions for the students with suspected disabilities, dating from more than three years ago to the present, per the requirements of the IDEA at 34 C.F.R. §300.153 the complaint will be limited to one year prior to the date that the complaint was received by the Ohio Department of Education, Office for Exceptional Children;
- Since the complaint was received in this office on June 7, 2011, the timeframe of the complaint investigation will be from June 7, 2010 through the date of the receipt of the complaint in this office;
- All of the parties who were signatories to this complaint have had the opportunity to be interviewed and to provide documentation regarding this issue;
- The district has had the opportunity to be interviewed and to provide documentation regarding this complaint;

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- A review of the documentation showed that the district had policies and procedures in place regarding the requirements related to evaluating and providing interventions for the students with suspected disabilities;
- However, a review of the documentation provided by the parties showed that staff at different elementary schools, middle schools and high schools in the district utilized the policies inconsistently as it applies to students suspected of having a SLD and/or having dyslexia;
- Each and every complainant that was interviewed and who provided documentation demonstrated that the district did not comply with the district's written policies and procedures regarding interventions, referral and evaluation;
- A review of the documentation that was provided by the district and the complainants showed that the complainants' allegations with respect to this issue were supported by the documentation and information;
- A review of the documentation showed that the district staff failed to refer the students with suspected disabilities for evaluations as it pertains to dyslexia and other significant reading difficulties;
- A review of the documentation showed that the district staff often failed to refer the students with suspected disabilities for evaluations as it pertains to writing, mathematics, spelling and language;
- The minor children of the complainants participated in an average of two to four years of failed interventions prior to be referred for an evaluation;
- Many of the students with suspected disabilities had reading comprehension difficulties as well as academic difficulties in the areas of writing, mathematics, spelling and language;
- Many of the students had
- A review of the documentation showed that all of the parents of these students with suspected disabilities obtained private evaluations to address the student's educational needs;
- A review of the documentation showed that all of the parents of these students with suspected disabilities provided copies of this data to the district;
- A review of the documentation showed that all of the parents of these students with suspected disabilities arranged for and paid for private tutoring for these students to assist in their ability to participate in the general education curriculum;
- A review of the documentation provided by the parties showed that the students were only referred for evaluations after the parents initiated the requests or after the parents provided the district staff with copies of reports from private evaluations to the district;
- A review of the documentation provided by the parties showed that the district also engaged in a practice of evaluating the students using a form captioned as a "Differentiated Evaluation";
- A review of these "Differentiated Evaluations" showed the evaluations included some of the pieces of the required ETR form but were missing some of the most critical parts such as:
  - No mention of who made the referral (the classroom teacher) or the date of the referral in the evaluation;

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- Some of the reports list a number of dates when the tests were administered with conflicting dates, some of which were typos because some of the reports referred to future dates;
- No information from the parent – in some cases the parents were not contacted;
- No medical information, even if the student had an existing medical condition or diagnosis;
- No information from the teacher, even when the teacher is the individual who made the referral for the evaluation;
- No summary of existing data;
- No observation data;
- No evaluation planning was documented;
- The only signature was the school psychologist;
- There was no evaluation team, the only signature in some case, was the school psychologist's;
- No Part 3 (Documentation for SLD) completed as part of the report, when it was clear that the referring teacher suspected a learning disability;
- These evaluations confused the parents and some parents have asserted that they believed that the evaluations constituted an evaluation of the students pursuant to the requirements of the IDEA;
- After the consultant assigned to the investigation of this complaint made the district aware of this practice, the district acknowledged the errors related to using such a form and practice;
- As discussed under the facts and findings for Issue 1, prior to the issuance of this letter of findings, the district proposed that the staff participate in professional development regarding the requirements of OAC at 3301-51-03 (A) (Child Find) and the IDEA and its implementing regulation at 34 C.F.R. §300.111 (Child Find);
- The district presented a corrective action plan that addresses systemic change and professional development regarding child find obligations, the evaluation process, prior written notice and on-going job-embedded professional development for the staff who serve students with disabilities and students with suspected disabilities;
- The district's professional development also includes appropriate information regarding interventions as they relate to SLD, dyslexia, Attention Deficit Disorder (ADD) and Attention Deficit Disorder associated with Hyperactivity (ADHD);
- This office has reviewed and accepted the district's corrective action plan; and
- The additional corrective action required to address the violations noted per this letter of findings will be after the facts and findings for Issue 3.

### **Findings:**



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A review of the evidence obtained through the investigation showed that although the district has written policies and procedures regarding interventions, referral and evaluation, the district staff failed to consistently comply with those policies. A review of the evidence demonstrated that these students with suspected learning disabilities were not referred for evaluation until the parents repeatedly requested evaluations and brought in data from private evaluators to support that the students were in need of evaluations to determine whether the students were eligible for special education services under the IDEA. The district staff's implementation of the written policies subjected some of the students to an intervention process that lasted from two to four years while the students continued to have academic difficulties in areas such as reading, writing, mathematics, spelling and language. The district staff also engaged in a practice of utilizing a "Differentiated Evaluation" form and process that caused parents to believe that the students had been evaluated pursuant to the requirements of the IDEA. Prior to the issuance of this letter of findings, the district acknowledged their errors related to this issue and proposed a corrective action plan to remedy the violations noted per this issue. This office has also determined that additional corrective action is necessary to address the violations noted per this issue. The district is in violation of OAC § 3301-51-06 (A) (General) and OAC § 3301-51-06 (H) (Additional procedures for identifying children with specific learning disabilities) with respect to this issue and these students.

### **Corrective Action:**

1. The corrective action necessary to address the violations noted per this issue will be under the corrective action section following the facts and findings for Issue 3.

### **Issue 3:**

Whether the district complied with the requirements of IDEA and its implementing regulation at 34 C.F.R. §300.301 (Initial Evaluations), OAC § 3301-51-06 (A) (1) (3) (4) (General) and OAC § 3301-51-06 (H) (2) (3) (Additional procedures for identifying children with specific learning disabilities) when determining whether to evaluate students whose parents suspect them of having specific learning disabilities. The attorneys for the complainants allege that the district fails to identify and evaluate students with suspected learning disabilities consistent with the requirements of the IDEA and the Operating Standards. The attorneys for the complainants allege that the district's procedures for determining whether the students have specific learning disabilities are not consistent with the definition of a child with a disability at 34 C.F.R. §300.8 or OAC § 3301-51-01 (B) (10). The attorneys for the complainants allege that the district consistently fails to identify students suspected of being a "child with a disability" in the area of specific learning disabilities and that parents who have provided information to support that the students have been diagnosed with dyslexia are denied evaluations. The attorneys for the complainants allege that the district's implementation of policies regarding interventions is not consistent with the requirements of the IDEA

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and the Operating Standards. The attorneys for the complainants allege that the district's policies and district staff state that the district "employs a modified Response to Intervention (RtI) process of strengths and weaknesses profile to identify students with suspected disabilities" and the district's interventions "are not scientifically based and are not consistent" with the requirements of OAC § 3301-51-06 (H) (3) (d) (ii). The attorneys for the complainants allege that the district's failure to ensure the implementation of the intervention process resulted in students with suspected disabilities not being referred for evaluation. The attorneys for the complainants allege that the district does not refer students with suspected disabilities in the area of specific learning disabilities even when the students have not made adequate progress after interventions have been utilized. Although attorneys for the complainants allege a history of systemic violations of the requirements related to identifying, evaluating and providing interventions for the students with suspected disabilities, dating from more than three years ago to the present, per the requirements of the IDEA at 34 C.F.R. §300.153, the complaint will be limited to one year prior to the date that the complaint was received by the Ohio Department of Education, Office for Exceptional Children. Since the complaint was received in this office on June 7, 2011, the timeframe of the complaint investigation will be from June 7, 2010 through the date of the receipt of the complaint in this office.

### **Facts**

- For the purposes of this letter of findings, when referring to the signatories to the complaint as a group, the term used will be complainants. When referring to the students identified above as a group, the terms that will be used will be "students with disabilities" or for students not yet identified, "students with suspected disabilities";
- Individual students will be referred to with the designation noted per the letter of allegations, from Student A through Student O; if applicable;
- The complainants, their attorneys, the district and the district's attorney have been informed that although they allege a history of systemic violations of the requirements related to identifying, evaluating and providing interventions for the students with suspected disabilities, dating from more than three years ago to the present, per the requirements of the IDEA at 34 C.F.R. §300.153 the complaint will be limited to one year prior to the date that the complaint was received by the Ohio Department of Education, Office for Exceptional Children;
- Since the complaint was received in this office on June 7, 2011, the timeframe of the complaint investigation will be from June 7, 2010 through the date of the receipt of the complaint in this office;
- All of the parties who were signatories to this complaint have had the opportunity to be interviewed and to provide documentation regarding this issue;
- The district has had the opportunity to be interviewed and to provide documentation regarding this complaint;

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- A review of the documentation showed that although the district had policies and procedures in place regarding identifying, evaluating and providing interventions for the students with suspected disabilities, the district staff did not consistently utilize these policies and procedures;
- As discussed under the facts and findings for Issues 1 and 2, the district staff engaged in practices that unnecessarily delayed needed evaluations for these students with suspected disabilities;
- The students with suspected disabilities were subjected to interventions that were not successful, that were implemented from a period of two or more years before the students were referred for evaluations;
- When some of the teachers referred the students with suspected disabilities for evaluations, the district often used a "Differentiated Evaluation" form and process that caused parents to believe that the students had been evaluated pursuant to the requirements of the IDEA;
- The "Differentiated Evaluation" form and process were missing elements of the required evaluation process as well as not complying with the state required evaluation form;
- The use of the "Differentiated Evaluation" form and process often resulted in the students with disabilities not being determined eligible for special education services under the IDEA;
- The use of the "Differentiated Evaluation" form and process also resulted in students with suspected disabilities to be subjected to another cycle of interventions that failed to resolve concerns about the students below grade level performance;
- These students with disabilities were not referred for evaluations pursuant to the IDEA even when the student's teacher made a referral;
- A review of the evidence provided by the parties showed that some of these students with suspected disabilities struggled for a period of time from two to four years;
- As discussed above in the facts and findings for Issues 1 and 2, prior to the issuance of this letter of findings, the district proposed that the staff participate in professional development regarding the requirements of OAC at 3301-51-03 (A) (Child Find) and the IDEA and its implementing regulation at 34 C.F.R. §300.111 (Child Find);
- The district presented a corrective action plan that addresses systemic change and professional development regarding child find obligations, the evaluation process, prior written notice and on-going job-embedded professional development for the staff who serve students with disabilities and students with suspected disabilities;
- The district's professional development also includes appropriate information regarding interventions as they relate to SLD, dyslexia, Attention Deficit Disorder (ADD) and Attention Deficit Disorder associated with Hyperactivity (ADHD);
- This office has reviewed and accepted the district's corrective action plan;
- The additional corrective action required to address the violations noted per this letter of findings will be after the facts and findings for Issue 3;

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- During this complaint investigation, the parties have expressed their willingness to work together to address the educational needs of these students with disabilities;
- The parties have also provided information that supported that the complainants and the district had formed a committee to address the needs of students with disabilities as well as those with suspected disabilities; and
- The professional development that is required to effectuate these changes will assist in ensuring that appropriate services are provided to students with disabilities.

### Findings:

A review of the evidence obtained through the investigation showed that the district did not refer these students with suspected disabilities in the area of specific learning disabilities even when the students did not make adequate progress after interventions were utilized. Prior to the issuance of this letter of findings, the district acknowledged their errors related to this issue and proposed a corrective action plan to remedy the violations noted per this issue. This office has also determined that additional corrective action is necessary to address the violations noted per this issue. The district is in violation of the IDEA and its implementing regulation at 34 C.F.R. §300.301 (Initial Evaluations), OAC § 3301-51-06 (A) (1) (3) (4) (General) and OAC § 3301-51-06 (H) (2) (3) (Additional procedures for identifying children with specific learning disabilities) with respect to this issue and these students.

### Corrective Action:

1. The corrective action required to correct the violations detailed in this letter of findings will be addressed under this corrective action section.
2. This corrective action also addresses the requirements for CP-0072-2011 as it pertains to the requirements of prior written notice and developing IEPs that are consistent with the IDEA.
3. Upon receipt of this letter of findings, the district will cease using the "Differentiated Evaluation" form and process to determine eligibility for special education services under the IDEA.
4. The district will send a memorandum to all intervention specialists, school psychologists and related services staff who participate in the evaluation process and in the development, review and revision of the IEP, that informs the aforementioned staff that the district will no longer be using the "Differentiated Evaluation" form and process to determine eligibility for special education services under the IDEA.
5. The staff will indicate their receipt of the memorandum by date, signature and title. The district will forward a copy of this memorandum and documentation verifying the staff's receipt of the memorandum to this office by **September 30, 2011**.
6. The district will contact the State Support Team for their region to assist in the development and implementation of the corrective action plan that will address the correction of the deficiencies noted per this letter of findings.

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7. The corrective action plan is pursuant to the students' buildings of attendance and is to include the special education staff that evaluate and assist in the child find and referral process as well as supervise the development of the IEPs for students with disabilities.
8. At a minimum, the individuals who are required to be in attendance are one intervention specialist from each of the students' buildings of attendance, one regular education teacher from each of the students' buildings of attendance, a district representative, and a representative from the related services staff who participate in the development of the ETRs and IEPs at the students' buildings of attendance.
9. The corrective action plan will address how the deficiencies will be corrected and how, when and what professional development will be provided to address these deficiencies.
10. The district will submit the above referenced plan to this office for review and approval. The plan must detail the nature and extent of professional development (PD) and/or technical assistance (TA) to be provided by the State Support Team working individually or in concert with other regional providers.
11. The PD/TA to be provided to the staff at the students' buildings of attendance must be designed to correct the deficiencies noted by this office and must be aligned with the building's strategic plan and any other action plans being implemented, such as the CCIP plan.
12. The PD/TA to be provided must include information regarding the requirements of the OAC at 3301-51-03 (A) (Child Find), OAC § 3301-51-06 (General) and OAC § 3301-51-06 (H) (Additional procedures for identifying children with specific learning disabilities) as well as the requirements of the IDEA at 34 C.F.R. §300.111 (Child Find) and 34 C.F.R. §300.301 (Initial Evaluations).
13. The PD/TA to be provided must include written exercises such as the completion of a sample PR-01 (prior written notice), a PR-02 (parent invitation) and a completion of a sample ETR (PR-06), sample IEP (PR-07) for review and comment by the SST staff and the district staff in attendance at the training.
14. The district will forward a copy of the agenda, the training materials and a copy of the list of attendees that identifies the individuals by name, signature, title and role. The information will also include the date(s) of the training and the length of time of the training.
15. The documentation related to the aforementioned training is due in this office by **December 30, 2011**.
16. In addition, as part of the district's proposed corrective action that was reviewed and accepted by this office, the district has already scheduled professional development about the following: reading comprehension, balanced literacy, phonics instruction, information about reading disabilities and dyslexia as well as interventions that are appropriate for students with suspected specific learning disabilities.
17. After the professional development sponsored by the district is completed, the district will forward documentation that verifies that the professional development has been completed.
18. The district has already provided documentation of the materials that have been purchased to assist the district staff in identifying, locating and evaluating students with suspected specific learning disabilities.

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19. The district will also forward a list of students with suspected disabilities who have been referred for evaluation during the first quarter of the 2011-2012 school year and the results of referrals to this office by **January 13, 2012**.
20. Prior to the end of the 2011-2012 school year, a consultant from this office will contact the district to arrange an on-site records review at a mutually agreed upon date and time to verify compliance with the IDEA and the *Operating Standards for Ohio Educational Agencies Serving Children with Disabilities*.

We appreciate the cooperation of the parties in the resolution of this complaint investigation.

Please refer to the above referenced complaint number when corresponding with this office and address all correspondence to the attention of Ms. Shirley Crabtree.

Sincerely,



Wendy Stoica, Assistant Director  
Office for Exceptional Children

cc: Kerry Agins, Esq., Siegel & Agins, Co., LPA, Attorney for the Complainants  
Andrea M. Valentino, Siegel & Agins, Co., LPA, Attorney for the Complainants  
Complainants  
Melissa Gordon, Director of Special Education  
Julie Martin, Esq., Scott, Scriven & Wahoff, LLP, Attorney for the District  
Rochelle Rensch, Educational Consultant, Office for Exceptional Children