



LOUISIANA DEPARTMENT OF EDUCATION

February 26, 2019

Mr. Robert Bell, Principal
Lake Forest Charter School
11110 Lake Forest Blvd.
New Orleans, LA 70128

Latessia McClellan
[REDACTED]
New Orleans, LA 70116

RE: Special Education Formal Complaint No. [REDACTED] on behalf of [REDACTED] **McClellan**

Dear Mrs. McClellan and Mr. Bell:

On **February 26, 2019**, the Louisiana Department of Education ("Department") received a *Request for Special Education Formal Complaint Investigation* from Latessia McClellan ("Parent"), the parent of a student who resides and attends school at Lake Forest Charter Elementary ("the District"). Parent requested that the Department conduct a special education investigation consistent with Louisiana Bulletin 1706 §§ 151-153.

Under federal and state law, the Department ***must and is only authorized to*** investigate written complaints that allege violations of the Individuals with Disabilities Education Act ("IDEA") and/or the Louisiana Education of Children with Exceptionalities Act. In this case, the Department has determined that even if accepted as true, the complaint allegations do not imply any violation of those laws or regulations that would authorize the Department to investigate.

In her complaint, Parent alleged that Lake Forest Charter Elementary, a public charter school in Orleans Parish, failed to provide the student the gifted and talented special education and related services outlined in the student's Individualized Education Program (IEP). Unlike the IDEA which is a federal law governing students with disabilities, any rights of gifted and talented students are created by state law, specifically La. R.S. 17:1941 (2018). One of our state laws governing public charter schools is La. R.S. 17:3996(B), and it reads:

"B. Notwithstanding any state law, rule, or regulation to the contrary and **except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:"** (emphasis added)

Approved public charter schools are exempt from mandatory compliance with the gifted and talented statutes because it is not listed as an exemption exception.

Louisiana Believes

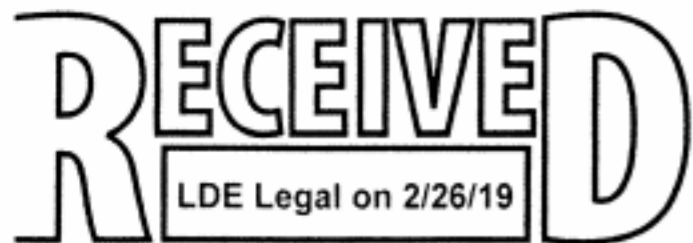
In conclusion, Parent's complaint and investigation request does not allege a violation of the Individuals with Disabilities Education Act or an actionable violation of the Louisiana Education of Children with Exceptionalities Act. As a result, this complaint investigation request is dismissed because the Department is not authorized to investigate this complaint or require the District to take any action based on these complaint allegations.

Sincerely,



Parris A. Taylor, Attorney
Office of General Counsel
Louisiana Department of Education-5th Floor
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Mrs Gina Dupart, Board President, Lake Forest Charter School (email only)
Laverne Fleming, Assistant Director, Orleans Parish School Board (email only)



REQUEST FOR SPECIAL EDUCATION FORMAL COMPLAINT INVESTIGATION

LDE Log No. [REDACTED]

You are not required to use this form to request a complaint investigation; however, all complaint investigation requests **must** be signed and **must** include all of the information required by law. A checklist is provided on the second page of this form for you to use before mailing/faxing the completed form. If your request is student-specific, you must provide the student's name and school district. If your request alleges systemic violations of special education law, skip the "Student Information" section and complete the rest of the form.

1. Student Information

Name: [REDACTED] Date of Birth: [REDACTED]

Address: [REDACTED]

City: New Orleans State: La Zip: 70116

Phone number: [REDACTED] Alternate phone number: [REDACTED]

Name of school student attends/attended: Lake Forest Charter Elementary

Male Female Grade: 5th Race: _____ Exceptionality: _____

Is student currently receiving special education services? Yes No

2. Requestor Information

Requestor Name: Markethy & Latessia McClellan Relationship to student: Parents

Address: [REDACTED]

City: New Orleans State: LA Zip: 70116

Phone number: [REDACTED] Alternate phone number: [REDACTED]

Fax number: (5 [REDACTED]) Email address: [REDACTED]

Does requestor need accommodations in order to participate in this process? Yes No

3. Complaint Information

Your complaint must allege a violation of the Individuals with Disabilities Education Act (IDEA), La. R.S. 17:1941, et seq., and/or its implementing regulations. The violation must have occurred within one year before the Department received the complaint investigation request. Describe the problem/nature of dispute. What are the relevant facts, significant people, dates, and/or events? Do you have a proposal/resolution for the stated dispute/problems(s)? Are there any documents the investigator should review that support the allegation(s)? (If so use Exhibit List)

This complaint and request for investigation is being submitted due to several violations by LAKE FOREST CHARTER ELEMETARY SCHOOL for the following reasons:

1. Lack of response from administration.
2. Annual IEP review not held by its anniversary date of 12/17
3. All required persons not present for meeting; those present were not able to remain to the conclusion of meeting.
4. Gifted servicing is not being provided as outlined in previous IEP.
5. Gifted servicing is being denied because parents did not sign an "EFFECTIVE IEP" that we thought to be insufficient/incomplete/satisfactory.
6. Denied a copy of the IEP.
7. Information requested has not been provided
8. Additional requests to have IEP concluded have gone unanswered.

****Attach pages with additional information or allegations as needed. (Additional pages 2)**

4. Notification for Complaint Investigation

By federal and state regulation, you must send a copy of the request for complaint investigation to the school district. Indicate below when and to whom you sent the copy of the complaint letter.

Date Sent: 2 / 25 / 2019

Laverne Fleming
Special Education Director or
Superintendent

3520 General DeGaulle Drive, Suite 2080, New Orleans, LA 70114

Mailing Address

Tracking # (if applicable) _____ Email address: laverne_fleming@opsb.us

5. Signature

By federal and state regulation, you must send a copy of the request for complaint investigation.

Requestor's _____

Date: 2 / 25 / 2019

Complaint Request Checklist

Before submitting your request for a formal complaint investigation, please make sure you have completed the items listed below.

- You provided the student's name, contact information, and name of the school or school district the student attends when requesting a formal complaint investigation on behalf of an individual student. (Section 1)
- You provided your name, address, email, and contact information where you can be reached. (Section 2)
- You provided detailed information about when, where, and how the alleged violation took place. (Section 3)
- You provided a proposed solution to the problem. (Section 3.e.)
- You signed your complaint. (Section 5)
- You sent a signed copy of your complaint to the school district. (Section 4)
- Only alleged violations that occurred within ONE YEAR of the date the Department receives the complaint investigation request will be considered. (Section 3.c.)

Mail, fax, or email your complaint to:

Louisiana Department of Education

Attn: Legal Division
1201 North 3rd Street
Baton Rouge, LA 70802
Fax: (225) 342-1197

Email: DisputeResolution.DOE@la.gov

RECEIVED
LDE Legal on 2/26/19

LDE Log No. _____

SUBMIT REQUEST

You **must** also send a **signed** copy of your Request for Formal Complaint Investigation to the special education director or superintendent of the school district that allegedly committed the violation.

Accessibility needs of the parent or student with a disability to participate in the investigation.

Translation Needs (Please specify): _____

Interpreter Needs (Please specify): _____

Accessibility Needs (Please specify): _____