LOUISIANA DEPARTMENT OF EDUCATION

2024-25 Louisiana Special Education Formal State Complaint Decisions

This document contains a copy of the decisions of each Louisiana special education formal state complaint filed on or between July 1, 2024, and June 30, 2025. Each case filed during the relevant timeframe is included in the informational table below. If a decision has been issued, the decision will appear below. This document is updated at least monthly on the last business day of the month.

If you have any questions or concerns, please contact the Department at DisputeResolution.DOE@la.gov.

LDOE Case Number	Public Agency	Decision	Date of Decision
45-C-01	Vermillion Parish	Noncompliance	August 29, 2024
45-C-02	Allen Parish	Compliance	September 3, 2024
45-C-03	East Baton Rouge Parish	Withdrawn	August 14, 2024
45-C-04	St. John the Baptist Parish	Withdrawn	August 5, 2024
45-C-05	Rapides Parish	Withdrawn	August 16, 2024
45-C-06	Iberia Parish Schools	Withdrawn	September 6, 2024
45-C-07	Noble Minds Institute	Compliance	October 4, 2024
45-C-08	Rapides Parish	Withdrawn	September 24, 2024
45-C-09	East Baton Rouge Parish	Noncompliance	October 15, 2024
45-C-10	Lafayette Parish	Withdrawn	September 20, 2024
45-C-11	Iberia Parish	Withdrawn	October 11, 2024
45-C-12	Louisiana Key Academy	Compliance	October 23, 2024
45-C-13	Bienville Parish	Compliance	November 4, 2024
45-C-14	Zachary Community Schools	Withdrawn	October 11, 2024
45-C-15	Opportunities Academy	Compliance	November 18, 2024
45-C-16	Washington Parish	Noncompliance	November 19, 2024
45-C-17	Vernon Parish	Withdrawn	December 3, 2024
45-C-18	West Baton Rouge Parish	Withdrawn	October 7, 2024
45-C-19	NOLA Public Schools	Withdrawn	November 26, 2024
45-C-20	Bossier Parish	Pending	--
45-C-21	St. Tammany Parish	Compliance	December 13, 2024
45-C-22	Livingston Parish	Compliance	December 10, 2024
45-C-23	Ascension Parish	Withdrawn	November 12, 2024
45-C-24	St. Landry Parish	Compliance	February 5, 2025
45-C-25	Caddo Parish	Noncompliance	March 21, 2025

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45-C-26	St. Tammany Parish	Withdrawn	November 18, 2024
45-C-27	Bossier Parish	Compliance	March 3, 2025
45-C-28	St. Tammany Parish	Noncompliance	February 25, 2025
45-C-29	Lafayette Parish	Withdrawn	November 12, 2024
45-C-30	Livingston Parish	Compliance	March 27, 2025
45-C-31	Caddo Parish	Noncompliance	February 20, 2025
45-C-32	East Baton Rouge Parish	Compliance	March 21, 2025
45-C-33	St. Tammany Parish	Compliance	February 25, 2025
45-C-34	East Baton Rouge Parish	Noncompliance	January 16, 2025
45-C-35	Special School District	Noncompliance	February 27, 2025
45-C-36	NOLA Public Schools	Compliance	February 3, 2025
45-C-37	Lafayette Parish	Compliance	January 30, 2025
45-C-38	Bossier Parish	Compliance	February 25, 2025
45-C-39	Louisiana Key Academy	Withdrawn	February 19, 2025
45-C-40	Andrew H. Wilson Charter	Compliance	January 31, 2025
45-C-41	Rapides Parish	Noncompliance	May 1, 2025
45-C-42	Zachary Community Schools	Noncompliance	March 10, 2025
45-C-43	Livingston Parish	Withdrawn	February 3, 2025
45-C-44	Cameron Parish	Noncompliance	March 14, 2025
45-C-45	Ascension	Withdrawn	February 3, 2025
45-C-46	Terrebonne Parish	Noncompliance	March 18, 2025
45-C-47	Caddo Parish	Compliance	March 27, 2025
45-C-48	East Baton Rouge Parish	Noncompliance	April 10, 2025
45-C-49	Jefferson Parish	Withdrawn	February 18, 2025
45-C-50	Lafayette Parish	Noncompliance	April 25, 2025
45-C-51	Bossier Parish	Withdrawn	February 19, 2025
45-C-52	Oschner Discovery	Noncompliance	April 15, 2025
45-C-53	Calcasieu Parish	Compliance	April 21, 2025
45-C-54	Lafayette Parish	Noncompliance	April 25, 2025
45-C-55	Terrebonne Parish	Compliance	May 12, 2025
45-C-56	Lafayette Parish	Withdrawn	February 26, 2025
45-C-57	Vermillion Parish	Withdrawn	March 28, 2025
45-C-58	St. Tammany	Withdrawn	April 4, 2025
45-C-59	East Baton Rouge Parish	Withdrawn	May 8, 2025
45-C-60	Tangipahoa Parish	Withdrawn	March 25, 2025
45-C-61	Calcasieu Parish	Noncompliance	June 6, 2025
45-C-62	NOLA Public Schools	Noncompliance	June 9, 2025
45-C-63	Lafayette Parish	Withdrawn	April 15, 2025
45-C-64	East Feliciana Parish	Compliance	June 9, 2025
45-C-65	NOLA Public Schools	Withdrawn	May 23, 2025
45-C-66	Tangipahoa Parish	Withdrawn	May 15, 2025
45-C-67	Jefferson Parish	Withdrawn	May 21, 2025

45-C-68	Firstline Schools	Withdrawn	May 13, 2025
45-C-69	Lafayette Parish	Withdrawn	June 24, 2025
45-C-70	Claiborne Parish	Noncompliance	June 27, 2025
45-C-71	Lycee Francais de la Nouvelle-Orleans	Noncompliance	June 13, 2025
45-C-72	East Baton Rouge Parish	Noncompliance	July 7, 2025
45-C-73	Tangipahoa Parish	Noncompliance	June 30, 2025
45-C-74	George Washington Carver	Withdrawn	May 30, 2025
45-C-75	East Baton Rouge Parish	Withdrawn	May 30, 2025
45-C-76	Terrebonne Parish	Withdrawn	May 30, 2025
45-C-77	Calcasieu Parish	Compliance	July 14, 2025
45-C-78	Rapides Parish	Noncompliance	July 28, 2025
45-C-79	St. Tammany Parish	Compliance	October 3, 2025
45-C-80	Calcasieu Parish	Noncompliance	September 19, 2025
45-C-81	East Baton Rouge Parish	Noncompliance	September 3, 2025
45-C-82	Livingston Parish	Noncompliance	August 18. 2025
45-C-83	Calcasieu Parish	Compliance	August 18, 2025
45-C-84	Tangipahoa Parish	Withdrawn	July 22, 2025

Louisiana Special Education Complaint Investigation

45-C-01



LOUISIANA DEPARTMENT OF EDUCATION

August 29, 2024

[redacted]

Scot Hebert
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scot.hebert@vpsb.net

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-01** on behalf of [redacted]

On **July 2, 2024**, [redacted] (hereinafter referred to as the "Parent") filed a Request for Special Education Formal Complaint Investigation concerning the Vermillion Parish School System ("the District") with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the Parent's minor child [redacted] ("the Student"), the Parent alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by:

1. failing to comply with district policies and procedures for the use of physical restraint and seclusion by utilizing physical restraint and seclusion under inappropriate circumstances, using inappropriate procedures for implementing physical restraint and seclusion, and failing to provide the Parent with notice of instances of physical restraint and seclusion involving the Student;
2. failing to provide the Student with access to a free and appropriate public education by:
   - Establishing inappropriate annual goals for the Student;
   - Providing the Student with inconsistent access to speech services;
   - Failing to implement an Individualized Health Plan for the Student;
   - Providing the Student with inappropriate specially designed instruction; and,
   - Denying the Student access to appropriate instruction while the Student was removed from [redacted] educational placement;
3. failing to provide the Student with a manifestation determination review following a change of placement resulting from the student being subjected to more than ten days of disciplinary removal;
4. failing to place the Student in the least restrictive environment by denying the Student the supplementary aids and services necessary for the Student to be educated in a less restrictive environment; and,
5. failing to ensure the participation of the school nurse in meetings of the Student's Individualized Education Program ("IEP") Team.

The Parent provided a complaint form and a five-page narrative of events. The District provided an eight-

page narrative response and 22 exhibits in response to the complaint. As the Department's assigned investigator, I reviewed the complaint and all documents submitted by the parties. I also conducted phone interviews with the Parent and with representatives of the District.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 §152(C) requires that a formal complaint "shall allege a violation that occurred not more than one year prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on **July 2, 2024**. Therefore, the investigation was limited to alleged violations of law that occurred between **July 3, 2023**, and **July 2, 2024**.

II. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school. During the 2023-24 school year, the Student was enrolled in the [redacted] and was eligible for special education and related services as a student with autism. The Student's IEP team, which had previously met in February of 2023 to adopt an initial IEP for the Student, met on October 23, 2023 to review and, if necessary, revise the Student's IEP. The Parent participated in the meeting.

The October 2023 IEP included information from an evaluation of the Student which was completed in January of 2023. The evaluation indicated that the Student exhibited developmental delays in the areas of adaptive, social/emotional, cognitive skills, and expressive and receptive language skills. The evaluation also reported deficits in the areas of gross and fine motor skills, sensory processing skills, and articulation skills. The IEP stated that the Student's health needs were considered but were not a concern at the time.

The October 2023 IEP indicated that the Student's behavior at school interfered with [redacted] ability to make academic progress. The IEP noted that the school had been using breaks, time in a sensory room, and visual aids to address the Student's undesired behaviors, which included eloping, hitting, and other aggressive behavior. The October 2023 IEP included annual goals for the Student in the areas of self-help, gross motor, early language/AAC, personal responsibility, social/emotional, math readiness, and English/language arts readiness.

In support of the Student's goals, the October 2023 IEP included accommodations for the Student. Related to [redacted] social/emotional and self-help goals, the Student was provided access to a sensorimotor room. The IEP also included occupational therapy services for 30 minutes weekly, speech/language pathology services for 30 minutes weekly, adapted physical education for 30 minutes weekly, and special education instruction for 325 minutes daily. All services were to be provided in the special class setting.

Following the adoption of the October 2023 IEP, the Student continued to elope and engage in aggressive behaviors towards others. In the spring of 2024, the District initiated a reevaluation of the Student. On April 11, 2024, the District disseminated the reevaluation report. The report indicated that the evaluation was conducted, in part, to address concerns about elopement and aggression. The evaluator concluded that the Student's elopement and aggressive behaviors were impeding [redacted] ability to participate in [redacted] educational program. The evaluation report recommended that the Student be provided environmental modifications or adaptations to increase [redacted] sensory processing and sensory regulating techniques, which

the evaluation identified as contributing factors to the Student's elopement and aggressive behaviors.

On April 23, 2024, the Student's IEP Team met to review the evaluation report and, if necessary, revise the Student's IEP. The Parent participated in the IEP Team meeting. The IEP stated that the Student had been exhibiting insufficient progress towards the social/emotional goal from the October 2023 IEP, which addressed the Student's ability to follow class rules and participate in cooperative play. The IEP also identified kicking, hitting, biting, and eloping as daily behaviors. The IEP established goals for the Student in the areas of fine motor, peer interactions/sensory processing, gross motor, language, behavior, adaptive, math, and English/language arts. The Student's goals in math and English/language arts were based on the Louisiana content standards for kindergarten students.

The IEP included a number of accommodations, including some setting considerations for the Student. Specifically, the IEP stated that the Student would receive specified seating and would be provided small group instruction. The "Setting Considerations" section also stated that the Student benefited from sensory breaks and that [redacted] had access to a "'calming center' in the classroom for sensory breaks that allow the student to regulate [redacted] sensory overload in order to continue with instructional activities with [redacted] peers."

The IEP also included occupational therapy services for 30 minutes weekly, speech/language pathology services for 30 minutes twice a week, adapted physical education for 30 minutes weekly, and special education instruction for 208 minutes daily. All services were to be provided in the special class setting.

Following the April 2024 IEP Team meeting, the District staff responsible for establish the "calming center" utilized a printed copy of the Student's April 2024 IEP to guide their efforts. The printed copy of the IEP did not include the full text description of the "calming center" accommodation due to the limited size of the text box in which it was entered. As a result, District staff were unaware that the "calming center" was supposed to be in the Student's classroom and, instead, set it up in an unused classroom in nearby building.

During the remainder of the 2023-24 school year, the Student was taken to the "calming center" on a number of occasions when the Student exhibited behaviors indicating that the classroom environment was overstimulating. On each occasion, the Student was accompanied by District staff and continued to receive specially designed instruction and related services as identified in the April 2024 IEP, albeit in a different setting than the one identified in the IEP.

The District did not document any instances of physical restraint or seclusion involving the Student during the 2023-24 school year. Each of the District staff members in contact with the Student received training concerning the "Seclusion and Restraint District Policy" in August of 2023, and many of the District staff members working with the Student received training from Crisis Prevention Institute, Inc. in October of 2023 concerning de-escalation and non-violent crisis intervention techniques. Upon questioning by District administrators after the complaint was filed in this matter, staff at the Student's school reported placing a hand under the Student's arm while holding [redacted] other hand while transitioning the Student to minimize the risk of elopement or physical aggression. No District staff members reported physically restraining the Student.

The Parent filed the complaint that forms the basis of these findings and decision on July 2, 2024.

Subsequent to the filing of the complaint, the District produced a printed copy of the Student's April 2024 IEP that includes the full text addressing the "calming center." Additionally, the Student's IEP Team met and established more specific parameters for staff-student physical contact and school-to-parent communication protocols concerning the use of the "calming center."

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by:

1. failing to comply with district policies and procedures for the use of physical restraint and seclusion by utilizing physical restraint and seclusion under inappropriate circumstances, using inappropriate procedures for implementing physical restraint and seclusion, and failing to provide the Parent with notice of instances of physical restraint and seclusion involving the Student;
2. failing to provide the Student with access to a free and appropriate public education by:
    - Establishing inappropriate annual goals for the Student;
    - Providing the Student with inconsistent access to speech services;
    - Failing to implement an Individualized Health Plan for the Student;
    - Providing the Student with inappropriate specially designed instruction; and,
    - Denying the Student access to appropriate instruction while the Student was removed from [redacted] educational placement;
3. failing to provide the Student with a manifestation determination review following a change of placement resulting from the student being subjected to more than ten days of disciplinary removal;
4. failing to place the Student in the least restrictive environment by denying the Student the supplementary aids and services necessary for the Student to be educated in a less restrictive environment; or,
5. failing to ensure the participation of the school nurse in meetings of the Student's IEP Team.

While the investigation of this case determined that the District did not violate applicable law as alleged by the Parent, the evidence presented established that District did fail to implement the Student's IEP consistent with the IEP developed in April of 2024. The District's failure to provide the Student with a "calming center" within the Student's classroom is addressed in subsection B, below.

A. Restraint and Seclusion

In this case, the Parent alleges that the District failed to comply with its policies and Louisiana law concerning the use of physical restraint and seclusion. However, the record in this case does not support the conclusion that the Student was ever subject to physical restraint or seclusion by the District. Louisiana Bulletin 1706 § 540 defines "physical restraint" as:

a. bodily force used to limit a person's movement;

b. does not include:

i. consensual, solicited, or unintentional contact;

ii. momentary blocking of a student's action if said action is likely to result in harm to the student or any other person;
iii. holding of a student, by one school employee, for the purpose of calming or comforting the student, provided the student's freedom of movement or normal access to his or her body is not restricted;
iv. minimal physical contact for the purpose of safely escorting a student from one area to another; or
v. minimal physical contact for the purpose of assisting the student in completing a task or response.

The record does not contain any documentary evidence indicating that the Student was ever subject to interactions with District staff that constituted physical restraint as defined above. Additionally, no District staff were able to recall an instance in which the Student was subjected to physical restraint upon a post-complaint review by the District.

Similarly, the establish facts and relevant law do not support the conclusion that the Student was ever subjected to seclusion. Louisiana Bulletin 1706 § 540(A)(5) defines "seclusion" as "procedure that isolates and confines a student in a separate room or area until he or she is no longer an immediate danger to self or others." Applying this definition to the facts in this case, it is important to note that the Student was never alone in the "calming center." The Student was accompanied by at least one District staff member each time the "calming center" was used. Therefore, the determination of whether the use of the "calming center" constituted seclusion depends on whether the Student was "isolate[d] and confine[d] … in a separate room" while [redacted] was in the presence of District staff.

The Department's conclusion is supported by the general structure of Louisiana's regulatory scheme concerning seclusion. Louisiana Bulletin 1706 § 541(F) requires seclusion rooms to have an observation window and be free of any objects that would pose a danger to the student. Both of these requirements appear to presume that a "secluded" student will be alone in the room. Louisiana Bulletin 1706 § 541(D) refers to a student being "placed in a seclusion room" and subsection (E) requires that a school employee be able to see and hear the student at all times. Read as a whole, the body of Louisiana regulations concerning seclusion lead to the conclusion that "seclusion," as defined by Louisiana regulation, requires that a student be placed in a room without accompaniment. That was not the case in this matter; therefore, the Department concludes that the Student was not subjected to seclusion when [redacted] was relocated to the "calming center."

Because the Student was not subjected to restraint or seclusion, the District was not required to implement its procedures for the use of those interventions. The Department concludes that the allegation that the District failed to comply with applicable law concerning the use of physical restraint or seclusion is unsubstantiated.[1]

[1] The analysis of the issue in this section intentionally avoided acknowledgement of the fact that "calming center" was not being implemented consistently with the Student's IEP. The purpose of that avoidance was to allow for analysis of the allegation concerning physical restraint and seclusion without drawing focus from the actual circumstances of the District's use of the "calming center." Issues arising from the mis-implementation of the

B. Provision of Services, Manifestation Determination Review, and Least Restrictive Environment

The majority of the Parent's allegations relate to a set of circumstances occurring near the end of the 2023-24 school year. Specifically, the allegations relate to the use of the "calming center" for the Student and the Parent's contention that the use of the "calming center" constituted a disciplinary removal of the Student and, therefore, warranted the application of the disciplinary procedural safeguards. Many of these allegations fail for the same reason – because the use of the "calming center" did not constitute a disciplinary removal.

The conclusion that the District's use of the "calming center" did not constitute a disciplinary removal is based on two main considerations. Firstly, the "calming center" was identified in the Student's IEP as a setting-based, therapeutic intervention for times when the Student was experiencing difficulty regulating [redacted] behavior in primary classroom. Secondly, the District ensured that the Student continued to receive services consistent with [redacted] IEP in the "calming center."

The record in this case contains no indication that the Student's relocation to the "calming center" was a District-imposed consequence for the Student's behavior. The "calming center" was identified in the Student's IEP as a location in which the Student could experience reduced sensory stimuli. The District's use of the "calming center" between April of 2024 and the end of the 2023-24 school year were consistent with this purpose – to provide the Student with an alternative instructional environment when the classroom environment was interfering with the Student's ability to participate in educational activities.

Additionally, the record supports the conclusion that the District provided services to the Student consistent with the IEP while [redacted] was in the "calming center." The April 2024 IEP called for the full provision of services to the Student in the "calming center," and the District's delivery of services to the Student in the "calming center," with the exception of the delivery location, was consistent with the IEP.

Because the "calming center" was documented on the Student's IEP as a setting-based intervention intended to provide the Student a less sensory-stimulating environment, was not utilized as a disciplinary consequence, and did not deny the Student to access to educational services consistent with the IEP, the Department concludes that the use of the "calming center" did not constitute a disciplinary removal. Therefore, the Department must also conclude that the Parent's allegations concerning the District's failure to provide speech-language pathology and special education services and failure to convene a manifestation determination review are unsubstantiated.

The Department also concludes that the allegation that the District failed to comply with the requirements of least restrictive environment is unsubstantiated. The Department's analysis of this issue did not rely on the actual location of the services to the Student – a room located in another building from the Student's classroom. Instead, the analysis focused on the placement determination which resulted from the April 2024 IEP Team meeting. At that meeting, the team agreed that the "calming center" would be a space within the Student's classroom. Therefore, the Student receipt of services in another building was not a violation of the requirements of least restrictive environment; it was a simple failure to properly implement the educational plan developed at the April 2024 IEP Team meeting.

"calming center" are addressed in the following section.

While the misplacement of the "calming center" was not intentional, it did result in the Student receiving services in a location that was materially different than the one anticipated by the IEP Team and, consequently, noncompliance with a core tenet of special education – that students be provided services consistent with their IEPs. Corrective actions relative to this instance of unintended noncompliance are identified in Section IV, below.

C. IEP Content: Annual Goals and Individualized Health Plan

Pursuant to Louisiana Bulletin 1706 §320(A), each student's IEP is required to contain a statement of measurable annual goals that are designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum. Pursuant to Louisiana Bulletin 1706 §324(A), the IEP Team, when developing an IEP, must also consider health needs of students with disabilities to be met during the school day. In this case, the Parent alleges that the Student's annual goals were inappropriate and that [redacted] was not provided an Individualized Health Plan during the 2023-24 school year.

The Parent's allegations concerning goals are unsupported by the record. The goals in the Student's October 2023 IEP and April 2024 IEP were reasonably related to the needs of the Student as identified in District-administered evaluations and medical information provided to the District. The Parent argued that the goals identified in the Student's IEPs overemphasized social and emotional goals over academic goals. This argument is not supported by the record.

The Student's October 2023 IEP was intended to be implemented only during the Student's enrollment in a preschool program. Considering the lack of a fixed academic curriculum for preschool programs in Louisiana and the consistency of the Student's goals with the needs identified in [redacted] January 2023 evaluation, the Department concludes that the goals on the Student's October 2023 IEP, which included goals in math and English readiness, were reasonably calculated to address the needs of the Student as a preschooler.

The Department also concludes that the goals contained in the April 2024 IEP were appropriate. The April 2024 IEP, the implementation of which would extended into the Student's kindergarten enrollment, amended the academic goals of the Student to ensure that they were in line with the kindergarten curriculum and retained goals in the other areas of need identified through prior evaluation and progress monitoring of the Student. The Department concludes that those goals were reasonably calculated to provide educational benefit to the Student and that the Parent's allegation that the District failed to identify appropriate goals for the Student is unsubstantiated.

The Parent's allegation concerning an Individualized Health Plan for the Student is similarly unsupported. The Department concludes that the District acted appropriately in its efforts to identify and address the medical needs of the Student. The IEP Team's decision to forego a health goal or an Individualized Health Plan at the October 2023 IEP Team meeting was reasonable based on the information available. Neither the medical records submitted to the District in October of 2022 nor the Student's January 2023 evaluation indicated that the Student had a heightened risk of requiring medical care during the school day. At the October 2023 meeting, the Parent did not raise any particular concerns about the Student's health needs.

Based on the absence of any documented need health-based services at school and the lack of any particular parental concerns, the Department concludes that the District's failure to incorporate an Individualized Health Plan in the Student's October 2023 IEP was not a violation of the applicable laws.

New information about the Student's health was provided to the District at the time of the Student's April 2024 evaluation. The provided medical records indicated that the Student was taking medicines at home related to specific medical diagnoses. Based on that information and the lack of material change to the Student's medical needs at school, the evaluation recommended that no health plan be adopted at the time. Correspondingly, the April 2024 IEP Team reasonably determined that neither a health goal nor a health plan were required for the Student and that the Student's health needs would continue to be monitored. The Department concludes that the April 2024 IEP Team's actions were consistent with the law and that the Parent's allegation concerning the District's failure to provide an Individualized Health Plan is unsubstantiated.

D. IEP Team Composition

The Parent alleges that the District violated applicable law by failing to include a school nurse in the Student's IEP Team meetings. Louisiana Bulletin 1706 § 321 provides regulations concerning the composition of IEP Teams. Nothing in that provision specifically requires that a school nurse be present at an IEP Team meeting. However, Louisiana Bulletin 1706 § 321(A)(6) and (C) provide for school districts and parents to invite other individuals with "knowledge or special expertise regarding the student, including related service personnel as appropriate" to IEP Team meetings. In this case the Parent alleges that the absence of the school nurse at the Student's IEP Team meetings constituted a violation of law. As a potential related service provider to the Student, the nurse would need to be invited to the meeting as someone with "knowledge or special expertise regarding the student." Given the absence of any school-based medical needs by the Student and consistent evaluation recommendations that the Student's health needs at school did not require an individualized health plan, the District's failure to invite the nurse to the Student's October 2023 and April 2024 IEP Team meetings was reasonable. The Parent's allegation – that the absence of a school nurse from the Student's IEP Teams was a violation of law – is unsubstantiated.

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IV. Corrective Action Plan

The competent evidence considered during the formal complaint investigation proved that the District failed to properly implement the Student's IEP. Specifically, the District did not properly implement the Student's "calming center" accommodation due to miscommunication. In order to ensure that such noncompliance does not recur:

- By no later than **October 4, 2024**, the District shall review and, if necessary, revise its policies and/or procedures addressing how the District ensures that each individual who is responsible for the implementation of IEPs within the District is informed of his or her obligations for IEP implementation; and,

- By no later than **October 7, 2024**, the District shall submit to the Department evidence that policies and/or procedures were reviewed and, if necessary, revised to ensure that all District staff who are responsible for the implementation of IEPs within the District are informed of their related obligations, including evidence that any revised policies and/or procedures were distributed to all District staff who are responsible for the implementation of IEPs.

Sincerely,



Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Thomas Byler, Superintendent, Vermilion Parish School System (email only)

Louisiana Special Education Complaint Investigation

45-C-02



LOUISIANA DEPARTMENT OF EDUCATION

September 3, 2024

[redacted]

Dr. Scott LeJeune
Supervisor of Special Education and Pupil Appraisal Services
Allen Parish School Board
1111 West 7th Avenue
Oberlin, Louisiana 70655
Scott.LeJeune@allen.k12.la.us

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-02** on behalf of [redacted]

On **July 3, 2024,** [redacted] (hereinafter referred to as the "Parents") filed a Request for Special Education Formal Complaint Investigation concerning the Allen Parish School Board ("the District") with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the Parents' minor child [redacted] ("the Student"), the Parents alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by: 1) failing to conduct an evaluation that was completed timely and evaluated the Student in all areas of suspected disability, and 2) failing to conduct an eligibility determination within the prescribed timeline and to have all required participants at the eligibility determination.

The Parent provided a complaint request form, a five-page narrative, and 28 documentary exhibits. The District provided a five-page narrative and 17 documentary exhibits in response. As the Department's assigned investigator, I reviewed the complaint and all documents submitted by the parties. I also conducted phone interviews with the Parents and a representative of the District.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 §152(C) requires that a formal complaint "shall allege a violation that occurred not more than one year prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on **July 3, 2024**. Therefore, the investigation was limited to alleged violations of law that occurred between **July 4, 2023**, and **July 3, 2024**.

II. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school. During the 2021-22 school year, the Parents requested an evaluation of the Student to determine if [redacted] was eligible for special education and related services as a student with a disability. The District conducted the evaluation and issued the evaluation summary report in January of 2022.

The evaluation report indicated that the Student was [redacted] and was [redacted]. The Student was referred for evaluation due to parental concerns about the Student's diagnoses of Autism

Spectrum Disorder, Sensory Integration Disorder, Attention Deficit-Hyperactivity Disorder, and Seizure Disorder and concerns about the Student's social/emotional development and academic performance. The evaluation consisted of a review of screening activities, a review of cumulative records, a review of interventions, a student interview, student observations, a family interview, a teacher interview, a developmental assessment, an educational assessment, an occupational therapy assessment, a review of medical information, a behavioral assessment, the Student's present levels of functioning, and a discrepancy statement.

Screening activities indicated that the Student was at risk only in the area of health, and cognitive and achievement testing indicated that the Student was performing in the average ranges for all measured domains. Similarly, the Student's academic performance data indicated that [redacted] was performing satisfactorily in all subject areas other than reading, in which the Student was assigned a "D" grade for the second grading period of the 2021-22 school year. The Student had performed similarly during the 2020-21 school year, earning satisfactory grades in all subject areas other than reading, which [redacted] failed. The evaluation report indicated that excessive absences by the Student likely contributed to [redacted] poor academic performance in reading. An evaluation of the Student's early literacy skills indicated that she would continue to benefit from interventions in the area of reading. A classroom observation of the Student found [redacted] to be on task for 97% of the instructional time.

The January 2022 evaluation included an interview with one of the Parents in which information was provided about the Student's medical and behavioral needs. The Parents reported that the Student had not experienced any seizure activity in approximately a year and that [redacted] was administered some medications at home. The Parents also reported that the Student experienced difficulties regulating [redacted] behavior at school and that [redacted] undesired behaviors occur more frequently at home than at school. An interview with the Student's teacher confirmed that the Student's academic performance and behavior in class were consistent with that of [redacted] classmates and that [redacted] did not suspect that the Student was a student with dyslexia.

The remaining components of the evaluation also demonstrated that the Student was functioning at or above the level of [redacted] same-aged peers. The developmental assessment and occupational therapy assessment both indicated that the Student was progressing adequately in those domains. The behavioral assessment indicated a wide disparity between the Student's behavior at home and at school. The Parent interview portion of the behavioral assessment indicated that the Student exhibited a number of clinically significant behaviors, while the teacher interview portion indicated that the Student exhibited a handful of behaviors that were clinically significant or at-risk of becoming clinically significant but that she considered most of the Student's behaviors to be in the normal range.

The evaluation report indicated that the Student likely did not meet the eligibility requirements for special education and related services because the Student's educational performance was not being adversely affected by the Student's disabling conditions. The evaluation report considered the Student's eligibility under both the autism and other health impairments categories and found that the Student did not meet the requirements for either based on the lack of an adverse impact on [redacted] educational performance. On January 10, 2022, the District convened a meeting to determine the Student's eligibility for special education

and related services. One of the Parents participated in the meeting, where it was determined that the Student was not eligible for the same reasons articulated in the January 2022 evaluation report – because [redacted] disabilities did not impact the Student's ability to access the general education curriculum. The Student was also referred to the school-based 504 team to determine [redacted] eligibility for accommodations under Section 504 of the Rehabilitation Act of 1973.

Based on the outcome of the January 2022 evaluation, the Parents requested an Independent Educational Evaluation ("IEE") at District expense. The IEE was completed by evaluation staff from a neighboring public school district. The IEE summary report was disseminated in November of 2022, shortly after the Student began the second grade.

The findings of the November 2022 IEE were substantially similar to those of the January 2022 evaluation. With performance and assessment data indicating that the Student was performing in the average range of nearly all domains measured. The report indicated that the Student's academic performance remained above average, with no grade lower than a "B" in the first term of second grade. The Parents continued to report low functioning by the Student at home. Staff interviews indicated that the Student's ability to self-regulate in the classroom had improved and that the Student functioned adequately in the classroom. The IEE concluded that the Student did not "exhibit reduced efficiency in [redacted] school work related to [redacted] diagnoses," and determined that the Student was likely not eligible for special education and related services on that basis.

On November 10, 2022, a meeting was convened to determine the Student's eligibility for special education and related services under the eligibility classification of autism or other health impairment. One of the Parents participated in the meeting, where it was determined that the Student was not eligible for the same reasons articulated in the November 2022 IEE report – lack of adverse educational impact. The IEE recommended that the Student continue to receive academic interventions and accommodations pursuant to an Individualized Accommodation Plan.

In the spring semester of the 2023-24 school year, the Student was again evaluated by the District at the request of the Parents. Parental consent to evaluate the Student was granted on September 15, 2023. The evaluation summary report was disseminated on April 8, 2024, while the Student was an [redacted] enrolled in the [redacted]. The Parents specifically requested that the Student be administered a psychoeducational evaluation to address parental concerns about the impacts of the Student's medical diagnoses, which consisted of the same diagnoses identified in the January 2022 evaluation along with new diagnoses of insomnia and depression.

On November 28, 2023, the District sent the Parents a request to extend the timeline for the completion of the Student's evaluation due to complications coordinating with the independent psychological evaluator. An independent psychologist was used at the request of the Parents. The Parents consented to the extension.

The evaluation consisted of a review of screening activities, a review of previous evaluations, a review of cumulative records, a review of interventions, a student interview, student observations, a family interview, a teacher interview, an educational assessment, a review of psychological assessment, an adaptive behavior

assessment, a behavioral assessment, an autism assessment, a speech/language assessment, an occupational therapy assessment, a review of medical information, a health assessment, the Student's present levels of functioning, and a discrepancy statement.

Screening activities indicated that the Student was at risk in the areas of health, assistive technology, social/emotional/behavior, educational, and attention deficit-hyperactive disorder; each of those areas were addressed in the evaluation. Cognitive and achievement testing indicated that the Student was performing in the average ranges for all measured domains. Similarly, the Student's academic performance data indicated that [redacted] was performing satisfactorily in all subject areas, earning no grade lower than a "C" in second grade and maintaining "C" grades or better during third grade. The Student's performance on a measure of early literacy skills again showed that [redacted] was experiencing deficits and required literacy interventions, with the evaluator recommending a continuation of the Student's supported instruction. The evaluator's review of the interventions provided to the Student found that they had been implemented with fidelity, including the literacy interventions of one-to-one assistance and an additional 30 minutes of scaffolded instruction.

The findings of the psychoeducational evaluation of the Student, which was conducted by a private provider at the District's expense, was substantially similar to those of the prior evaluation and IEE. The evaluation found that the Student exhibited characteristics of autism spectrum disorder and attention deficit-hyperactive disorder. The evaluation found that the Student's cognitive abilities were in the average or high average range in all domains. The evaluation also found that the Student's academic performance was average or low average in most domains but that the Student demonstrated a relative weakness in activities related to reading.

The psychoeducational evaluator noted that the Student's reading deficits likely warranted consideration of whether the Student had a specific learning disability in basic reading skills. The evaluator also stated that the Student appeared to meet the criteria to be found eligible for special education and related services under the categories of other health impairment – related to the Student's insomnia and attention deficit-hyperactive disorder – and autism. The evaluator recommended that the Student receive small group or one-to-one interventions in reading and identified a number of other accommodations intended to mitigate the effects of the Student's disability-related skill deficits at school.

On February 26, 2024, the District contacted the Parent to schedule an eligibility determination meeting. On March 11, 2024, a meeting was held to consider the Student's eligibility for special education and related services. Prior to the meeting the Parents were provided with a copy of the evaluation summary report. The Parents attended the meeting along with an advocate. Five members of the District's pupil appraisal team also attended. The private psychologist that conducted the psychoeducational portion of the 2024 evaluation indicated that she planned to attend the meeting but was unable to be contacted at the time of the meeting. The meeting did not result in an eligibility determination, and the District agreed to make some requested amendments to the evaluation report and the schedule a follow-up meeting.

On March 28, 2024, the eligibility team met again with the same participants. The school nurse left prior to end of the meeting. The private psychologist was again unavailable to participate in the meeting, the date

of which was selected to accommodate the Parents' schedule. The team determined, over the objection of the Parents, that the Student was not eligible for special education and related services. In total, the eligibility determination meetings lasted approximately eight hours.

Following the meeting, the District provided the parent with a *Prior Notice of Proposed or Refused Action* explaining the eligibility team's reasoning. The notice identified the information reviewed by the team, which included Response to Intervention data; screening results; existing data inclusive of educational history, academic performance, and cumulative records, previously conducted evaluations; information provided by the Student and the Student's family and teachers; student observations, educational, adaptive behavior, autism, speech/language, and occupational therapy assessment results; educational evaluation results from an outside provider; and medical information. The notice stated that the team found that the Student was not eligible under the categories of autism, specific learning disability, or other health impairment because [redacted] educational performance was not adversely impacted by [redacted] disability-related needs. The notice also stated that the team had determined that the Student did not meet the category-specific requirements for eligibility under the categories of autism or specific learning disability.

The recommendations contained in the evaluation were shared with the Student's 504 Team and were incorporated into the Student's Individualized Accommodation Plan.

On July 3, 2024, the Parents filed the complaint that forms the basis of these findings and decision.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by 1) failing to conduct an evaluation that was completed timely and evaluated the Student in all areas of suspected disability, or 2) failing to conduct an eligibility determination within the prescribed timeline and to have all required participants at the eligibility determination.

Timely and Comprehensive Evaluation

The Parents allege that the District's 2024 evaluation was not completed timely and that it was not comprehensive. These allegations are not supported by the facts or law presented in this case.

Louisiana Bulletin 1706 § 302(C)(1)(a) requires school districts to complete initial evaluations within 60 business days of receiving parental consent. Approximately 110 business days passed between September 15, 2023 – the date that the Parents provided consent for the evaluation – and February 26, 2024 – the date that the District began attempting to schedule a meeting to review the evaluation and determine the Student's eligibility. However, the Parents consented to a 60-day extension of the evaluation timeline to provide sufficient time for coordination and completion of the independent psychoeducational evaluation. Taking into account that extension, the District completed the evaluation – from parental consent to provision of the evaluation report to the Parents – within the extended timeline. Therefore, the Department concludes that the allegation that the District failed to timely complete the 2024 evaluation of the Student is unsubstantiated.

Louisiana Bulletin 1706 § 305(C)(4) requires that students under evaluation be assessed in all areas related

to suspected disability. In this case, the Parents allege that the District failed to evaluate the Student in all areas of suspected disability. However, the facts of this case do not support that allegation. The most recent evaluation of the Student – the only one which took place during the relevant look-back period of this complaint – considered a wide array of information about the Student. The review included previously existing information about the student, such as screening activities, prior evaluations, cumulative records, and interventions provided to the Student, and newly gathered information about the Student, such as a student interview, student observations, a family interview, a teacher interview, an educational assessment, a review of psychological assessment, an adaptive behavior assessment, a behavioral assessment, an autism assessment, a speech/language assessment, an occupational therapy assessment, and a health assessment. The evaluators considered information about the Student relative to the legal classifications of autism, other health impairment, and specific learning disability.

Based on the information provided in connection with this complaint, the Department is unable to identify any areas of suspected disability in which the Student was not assessed during the 2023-24 evaluation. Moreover, the 2023-24 evaluation was substantially similar, in scope and in results, to the two prior evaluations of the Student. Each of those evaluations reached similar conclusions about the Student's cognitive functioning and [redacted] academic achievement and functional performance. Considered together, the similarity of the three evaluations serves as cross-validation of the results reached therein and leads to the conclusions that the District's 2023-24 evaluation of the Student was comprehensive. Therefore, the Parents' allegation that the District failed to conduct a comprehensive evaluation of the Student is unsubstantiated.

Timely and Properly Staffed Eligibility Determination

The Parents allege that the District's March 2024 eligibility determination was not completed timely and that it was not made by a team that was properly composed. These allegations are not supported by the facts or law presented in this case. Louisiana Bulletin 1706 § 307 establishes procedures for determining whether a student is eligible for special education and related services as a student with a disability but does not establish a timeline for the completion of eligibility determinations. Louisiana Bulletin 1706 § 307(A)(1) requires that the group that determines a student's eligibility be comprised of qualified professionals and the parent of the child.

In this case, the District began making efforts to convene an eligibility determination beginning on February 26, 2024. Those efforts resulted in multiple eligibility determination meetings being held over several weeks. The final meeting, on March 28, 2024, resulted in the determination that the Student was ineligible. In the absence of a specific timeline for the completion of eligibility determinations, the Department must evaluate the reasonableness of the District's efforts to complete the eligibility determination. Under the present facts, the Department concludes that the District's efforts to complete the eligibility determination were reasonable and did not result in any undue delay. Therefore, the Parents' allegation that the District failed to conduct a timely eligibility determination for the Student is unsubstantiated.

The Parents also allege that the District failed to have appropriate staff at the eligibility determination meetings. Specifically, the Parents allege that the District erred by failing to include the private evaluator

and the school nurse in the eligibility determination. As described in Louisiana Bulletin 1706 § 307(A)(1), the group of professionals conducting an eligibility determination should possess the relevant information and expertise to determine the student's eligibility and the educational needs of the student. In this case, the Student's eligibility determination meetings were attended by a group of five members of the District's pupil appraisal team that had participated in the Student's evaluation. One of those members, the school nurse, left the third meeting of the team prior to the end of the meeting. Nonetheless, the Department concludes that the team that considered the Student's eligibility was properly composed. Specifically, the Department concludes that the presence of the private evaluator was not necessary due to the comprehensive nature of her evaluation report, which provided sufficient information for the eligibility team to make the relevant determination without the private evaluator's in-person participation in the meetings. Similarly, the Department concludes that the school nurse's absence from a portion of the eligibility determination process did not adversely impact the eligibility determination team's ability to address the issues before it, particularly because the Student's educational performance was the key consideration in determining that the Student was not eligible. Therefore, the Department finds Parents' allegation that the District failed to properly staff the Student's eligibility determination meeting is unsubstantiated.

IV. Corrective Action Plan

The Department has determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Therefore, this investigation is hereby closed and no additional action is required by the Parent or the District.

Sincerely,



Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Brad Soileau, Superintendent, Allen Parish School Board (email only)

Louisiana Special Education Complaint Investigation

45-C-03



LOUISIANA DEPARTMENT OF EDUCATION

August 14, 2024

[redacted]

Dr. Janet Harris
Director of Special Education
East Baton Rouge Parish School System
1050 South Foster Drive
Baton Rouge, LA 70806
janetharris@ebrschools.com

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-03**

Dear [redacted] and Dr. Harris:

On August 14, 2024, the Louisiana Department of Education received a copy of a Notice to LDOE of Formal ERP Status Form, which indicated that the parties to this formal complaint reached a mutually agreeable settlement and that the complainant wished to withdraw the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-03**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: LaMont Cole, Superintendent, East Baton Rouge Parish School System (email only)

Louisiana Special Education Complaint Investigation

45-C-04



LOUISIANA DEPARTMENT OF EDUCATION

August 5, 2024

[redacted]

Drenean Brown
Director of Special Education
St. John the Baptist Parish Public Schools
118 West 10th Street
Reserve, La 70084
drbrown@stjohn.k12.la.us

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **43-C-04**

Dear [redacted] and Director Brown:

On August 5, 2024, the Louisiana Department of Education received a copy of a Notice to LDOE of Formal ERP Status Form, which confirmed that the parties to this formal complaint reached a mutually agreeable resolution and that the complainant officially withdrew the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-04**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Dr. Cleo Perry Jr., Superintendent, St. John the Baptist Parish Public Schools (email only)
Dr. Stacy Spies, Director of Compliance and Special Services, St. John the Baptist Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-05



LOUISIANA DEPARTMENT OF EDUCATION

August 16, 2024

Via email only:

[redacted]

Dr. Susan Dewees
Special Education Director
Rapides Parish School Board
4515 Eddie Williams Avenue
Alexandria, La 71302
susan.dewees@rpsb.us

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-05**

Dear [redacted] and Dr. Dewees:

On August 16, 2024, the Louisiana Department of Education received a copy of a Notice to LDOE of Formal ERP Status Form, which indicated that the parties to this formal complaint reached a mutually agreeable settlement and that the complainant wished to withdraw the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-05**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Jeff Powell, Superintendent, Rapides Parish School Board
Teresa Green, Gifted/Talented Coordinator, Rapides Parish School Board

Louisiana Special Education Complaint Investigation

45-C-06



LOUISIANA DEPARTMENT OF EDUCATION

September 6, 2024

[redacted]

Falin Key
Director of Special Education
Iberia Parish School District
1100 LeMaire Street
New Iberia, La 70560
falkey@iberiaschools.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-06**

Dear [redacted] and Director Key:

On September 6, 2024, the Louisiana Department of Education received a copy of a Notice to LDOE of Formal ERP Status Form, which confirmed that the parties to this formal complaint reached a mutually agreeable resolution and that the complainant officially withdrew the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-06**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Heath Hulin, Superintendent, Iberia Parish School District

Louisiana Special Education Complaint Investigation

45-C-07



LOUISIANA DEPARTMENT OF EDUCATION

October 4, 2024

[redacted]

Tiomba Williams
Special Education Coordinator
Noble Minds Institute
1333 S. Carrollton Avenue
New Orleans, La 70118
twilliams@nobleminds.org

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-07** on behalf of [redacted]

On **August 14, 2024,** [redacted] (hereinafter referred to as the "Parent") filed a Request for Special Education Formal Complaint Investigation concerning the Noble Minds Institute for Whole Child Learning ("the District") with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the Parent's minor child [redacted] ("the Student"), the Parent alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 (1) by failing to provide the Student with access to a one-to-one paraprofessional for support and (2) by failing to provide the Student with assistance related to his toileting needs and dietary restrictions.

The Parent provided a complaint form and seven exhibits, consisting of two photographs and five screenshots of correspondence with District staff. The District provided a four-page narrative response and three exhibits in response to the complaint. As the Department's assigned investigator, I reviewed the complaint and all documents submitted by the parties. I also conducted phone interviews with the Parent and with representatives of the District.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 §152(C) requires that a formal complaint "shall allege a violation that occurred not more than one year prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on **August 14, 2024**. Therefore, the investigation was limited to alleged violations of law that occurred between **August 15, 2023**, and **August 14, 2024**.

II. Findings of Fact

The Student was enrolled in a [redacted] at a public school outside of the District for the 2023-24 school year. The Student has been identified as a student with a disability in 2022, and he received services pursuant to an Individualized Education Program ("IEP"). An IEP was developed for the Student on April 4, 2024 (referred to hereinafter as "the April 2024 IEP").

The April 2024 IEP included information about the Parent's concerns. The IEP stated that the Parent was concerned about the Student's toileting skills, including the school's "lack of support for potty training." The IEP also stated that the Student's most recent evaluation, which was completed on February 29, 2024,

indicated that the Student required assistance with completing self-care tasks independently. The IEP included an objective for the Student in the area of self-care, grooming, and hygiene skills.

The April 2024 IEP indicated that the Student exhibited a number of disruptive behaviors, including elopement and physical aggression, at school in order to avoid unwanted tasks. The IEP stated that the Student received accommodations, individualized behavior interventions, and one-to-one paraprofessional support to address his behavioral needs.

The April 2024 IEP stated that the Student was performing comparably to same-aged peers in academic subjects. The IEP indicated that the Student spent most of his academic day in the general education classroom and that he was pulled out of the classroom to receive special education instruction and related services. The Student received special education instruction in a special classroom setting for 30 minutes twice a week and was supported in all settings by a one-to-one paraprofessional. The IEP also indicated that the Student was provided a number of classroom accommodations and that the Student's assignments were modified.

At the end of the 2023-24 school year, the Student was admitted to the District as a kindergarten student for the 2024-25 school year through the local school board's centralized enrollment process. On August 5, 2024, the Student's prior school district released jurisdiction of the Student in the Department's centralized special education record-keeping system. On August 7, 2024, the Parent attended an open house at the District and informed District staff that the Student required toileting assistance and had a restricted diet. On August 8, 2024, the District obtained jurisdiction of the Student through the Department's centralized special education record-keeping system.

On August 9, 2024, the Parent communicated with District staff concerning the availability of a one-to-one paraprofessional for the Student. The District informed the Parent that the Student would be assigned to a resource classroom which was staffed with three teachers and included approximately six students. The District indicated that the level of supervision in that setting would be appropriate for the Student.

On the morning of August 12, 2024, the Parent communicated to the resource room teacher that the Student would arrive to school with lactose-free milk and that he would be wearing a diaper and had five additional diapers in his book bag. The administrator confirmed that the Student's milk would be refrigerated and expressed gratitude for the information about the Student's diapers.

On August 12, 2024, the Student attended school in the resource room. Throughout the day, the Student was observed by the District's special education coordinator to determine the appropriateness of the setting. The coordinator observed that the Student was able to complete grade-level assignments with support, that his social interactions and behavior in class were appropriate, and that he accessed classroom facilities – including the restroom – independently. Based on these observations, the coordinator recommended that the Student be observed in a regular education setting on the next school day.

On August 13, 2024, the Student attended school in the general kindergarten classroom. The Student was again observed behaving, socializing, and using classroom facilities appropriately. The Student was

recognized at the end of the day for exemplary behavior and task completion. Based on these observations, the District determined that additional evaluation data was needed to identify the Student's current levels of performance.

Following the end of the school day on August 13, 2024, the Parent emailed District staff stating that the Student had experienced behavior incidents at school and on the school bus and that he arrived home from school in a soiled diaper. District staff informed the Parent that staff in the general education classroom were unaware of the Student's need for assistance with toileting, that the Student was observed accessing the restroom appropriately, and that the Student did not inform anyone of a soiled diaper. District staff also stated that current District staffing was not sufficient to assist the Student with diaper changing; specifically, that the District would need to make arrangements to obtain properly-trained staff to provide toileting assistance. District staff also requested that the Parent provide medical documentation of the Student's need for toileting assistance and indicated that the District planned to consult with the Louisiana Department of Children and Family Services about the appropriate procedures for providing assistance to the Student. The Parent agreed to provide medical documentation.

Later on August 13, 2024, the Parent informed the District that the Student was unenrolled from the District.

The Parent filed the complaint that forms the basis of these findings and decision on August 14, 2024.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 (1) by failing to provide the Student with access to a one-to-one paraprofessional for support or (2) by failing to provide the Student with assistance related to his toileting needs and dietary restrictions.

In this case, the Student was newly admitted to the District and had attended a public school under the jurisdiction of another public agency during the 2023-24 school year. Louisiana Bulletin 1706 § 323 states that "[a]t the beginning of each school year, each public agency shall have in effect, for each student with a disability within its jurisdiction, an IEP." The Parent alleges that the District failed to comply with this provision by failing to provide the Student with access to a one-to-one paraprofessional and support for his toileting and dietary needs.

While the record in this case contains evidence that the District was uncertain of how best to support the Student, the evidence does not support a finding of noncompliance. The District first received information about the Student's disability-related needs on August 8, 2024, when the District received the Student's April 2024 IEP. The IEP indicated that the Student required one-to-one support at all times and that the Student required unspecified assistance with toileting. The IEP contained no indication that the Student's diet was restricted. On August 12, 2024, the first day of school, the District learned of the Student's dietary restrictions when the Parent notified District staff that the Student had brought lactose free milk to school.

Based on this information, the District placed the Student in an age-appropriate resource room on the first day of school to ensure that the Student received sufficient one-to-one support. While the resource room

was not staffed with a paraprofessional that was dedicated to the Student, the setting provided sufficient supervision with three adults supervising only six students. The resource room teachers were aware of the Student's dietary needs and that the Student was wearing a diaper, and the Student was observed attending to self-care needs appropriately throughout the day. Given the limited information available to the District and the short time-frame available to adjust staffing levels, the Department concludes that the District's placement and provision of services to the Student on August 12, 2024, were appropriate diagnostic measures that did not deny the Student access to a free and appropriate public education.

Based on the Student's exemplary performance on the first day of school, the District chose to observe the Student in a general educational setting on the second day of school. While the supervision level was reduced in the general education classroom, the Student again functioned appropriately, attending to his self-care needs independently. The Student did experience a toileting accident on the afternoon bus ride. For reasons similar to those stated above, the Department concludes that the placement and services provided to the Student on August 13, 2024, were appropriate.

On August 13, 2024, the District was confronted with conflicting information about the Student's functional performance. The April 2024 IEP indicated that the Student required significant supervision in order to perform in a general education setting; however, the District's observation of the Student on the first day of school indicated that the Student could perform adequately in a general education classroom with lower levels of support than indicated in his IEP. His placement on August 13, 2024, like the August 12 placement, was diagnostic in nature, and was substantially similar to the placement identified in the April 2024. Moreover, the record indicates that the Student was able to access the general education curriculum in the general education setting with the supports provided.

Furthermore, the record does not support the conclusion that the District's failed to adequately address the Student's dietary and toileting needs. The record contains no indication that the District failed to address the Student's dietary needs. The District was first made aware of the dietary restrictions on August 12, 2024, and the District's response indicated that the District intended to support the Student's dietary needs. Also, the record contains no evidence that the Student ingested any restricted items while at school.

The Student did experience a toileting accident at school; however, the Department concludes that the accident was not the result of noncompliance on the District's part. While the Student's IEP included several indications that the Student required toileting assistance and the Parent contacted the District on the first day concerning the Student's use of diapers, the District was unaware that the Student required assistance with diaper changing until the Parent emailed the District following the school day on August 13, 2024. Correspondence between the District and the Parent on the evening of August 13, 2024, indicated that the District would make arrangements to provide for the Student's newly-understood toileting needs. However, the Student was unenrolled before any such arrangements could be made.

Considered as a whole, it is clear that the placement and services provided to the Student by the District were not identical to the services that the Student was receiving at his prior school. The Student was not provided with access to a one-to-one paraprofessional and did not receive assistance with a toileting accident on the bus. However, the Department concludes that the actions taken by the District between

August 8, 2024, and August 13, 2024, reflect a reasonable course of actions given the relatively short notice and limited information available to the District.

Because the District provided the Student with services that were substantially similar to those in the April 2024 IEP and those services were reasonably calculated to provide educational benefit to the Student, the Department concludes that the allegations that the District violated applicable laws by failing to provide the Student with access to a one-to-one paraprofessional for support and by failing to provide the Student with assistance related to his toileting needs and dietary restrictions are unsubstantiated.

IV. Corrective Action Plan

The Department determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Therefore, this investigation is hereby terminated and no additional action is required by the Complainant or the District.

Sincerely,



Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Dr. Vera Triplett, Chief Executive Officer, Noble Minds Institute (email only)

Louisiana Special Education Complaint Investigation

45-C-08



September 24, 2024

[redacted]

Dr. Susan Dewees
Director of Special Education
Rapides Parish School Board
4515 Eddie Williams Ave.
Alexandria, LA 71302
susan.dewees@rpsb.us

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **43-C-08**

Dear [redacted] and Dr. Dewees:

On September 24, 2024, the Louisiana Department of Education received a copy of a Notice to LDOE of Formal ERP Status Form, which confirmed that the parties to this formal complaint reached a mutually agreeable resolution and that the complainant officially withdrew the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-08**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Jeff Powell, Superintendent, Rapides Parish Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-09



LOUISIANA DEPARTMENT OF EDUCATION

October 15, 2024

[redacted]

Janet Harris
Director of Special Education
East Baton Rouge Parish School System
1050 South Foster Drive
Baton Rouge, LA 70806
janetharris@ebrschools.org

Re: Findings-Decision in State Special Education Formal Complaint No. **45-C-09** on behalf of [redacted]

On **August 22, 2024**, [redacted] (hereinafter referred to collectively as the "Parent") filed a Request for Special Education Formal Complaint Investigation concerning the East Baton Rouge Parish School System ("the District") with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the Parent's minor child [redacted] ("the Student"), the Parent alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by failing to provide the Student with required transportation services from August 9, 2024, through August 20, 2024.

The Parent provided a two-page complaint form. The District provided a two-page narrative response and six documentary exhibits. As the Department's assigned investigator, I reviewed the complaint, the District's response, and all materials submitted by the parties. I also conducted a phone interview with a representative of the District.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 § 152(C) requires that a formal complaint "shall allege a violation that occurred not more than one year prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on **August 22, 2024**. Therefore, the investigation was limited to alleged violations of law that occurred between **August 23, 2023**, and **August 22, 2024**.

II. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school and was eligible for special transportation services pursuant to an Individualized Education Program ("IEP").

The 2024-25 school year began on August 8, 2024. On August 15, 2024, the Parent contacted the Department to report that the Student had not received transportation services from the District

during the 2024-25 school year. The matter was referred to the District. On that same date, a representative of the District attempted to speak with the Parent. The Parent informed the District that the Student was not receiving special transportation services, and the District undertook actions to establish special transportation for the Student.

On August 20, 2024, the District began providing transportation services to the Student.

After the filing of the complaint, the District made unsuccessful efforts to contact the Parent to discuss the resolution of the complaint. The District also sought to establish a timeline with the Parent for the delivery of compensatory education services related to the Student's absences from August 8, 2024, through August 20, 2024. The District also determined that the failure to provide transportation services for the Student resulted from an administrative error related to a school transfer, and the District established processes to ensure that similar errors did not recur.

III. Conclusions of Law

Upon review of the information provided, the Department concludes that the District failed to comply with the requirements of Louisiana Bulletin 1706 by failing to provide the Student with required transportation services from August 8, 2024, through August 20, 2024.

Louisiana Bulletin 1706 § 323 requires school districts to ensure that all students with disabilities are provided services pursuant to an IEP at the beginning of each school year. In this case, the District did not provide the Student with transportation services from August 8, 2024, through August 20, 2024. Therefore, the Department finds that the allegation that the District violated applicable law by failing to provide transportation services to the Student is substantiated.

IV. Conclusion

The Department determined that the District failed to comply with applicable law concerning the delivery of services pursuant to an IEP. The District first identified the noncompliance on August 15, 2024, and promptly took action to initiate transportation services and to ensure that the administrative error did not recur. Additionally, the District has attempted to coordinate the delivery of compensatory services to the Student.

In order to ensure full correction this noncompliance, the District shall implement the following corrective actions:

1. On or before **October 25, 2024**, the District and the Parent shall meet to develop a plan of compensatory services to be provided to the Student. The plan shall provide for the delivery of all services prior to January 10, 2025.
2. On or before **October 28, 2024**, the District shall submit to the Department a plan of corrective actions that has been approved by the Parent. If the Parent and the District are

unable to agree on a plan, the District shall submit a proposed plan of corrective action for approval or amendment by the Department.

3. Upon completion of the delivery of services pursuant to the plan of corrective action and by no later than **January 10, 2025**, the District shall provide evidence of completion, such as service logs, to the Department.

Sincerely,



Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: LaMont Cole, Superintendent, East Baton Rouge Parish School System

Louisiana Special Education Complaint Investigation

45-C-10



LOUISIANA DEPARTMENT OF EDUCATION

September 20, 2024

[redacted]

Holly Ortego
Director of Special Education
Lafayette Parish School System
P.O. Drawer 2158
Lafayette, LA 70502
hcortego@lpssonline.com

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-10**

Dear [redacted] and Director Ortego:

On September 20, 2024, the Louisiana Department of Education received a copy of a Notice to LDOE of Formal ERP Status Form, which confirmed that the parties to this formal complaint reached a mutually agreeable resolution and that the complainant officially withdrew the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-10**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Francis Touchet, Superintendent, Lafayette Parish School System

Louisiana Special Education Complaint Investigation

45-C-11



LOUISIANA DEPARTMENT OF EDUCATION

October 11, 2024

[redacted]

Falin Key
Director of Special Education
Iberia Parish School District
1100 LeMaire Street
New Iberia, LA 70560
fakey@iberiaschools.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-11**

Dear [redacted] and Falin Key:

On October 11, 2024, the Louisiana Department of Education received a copy of a Mediation Status Form, which indicated that the parties to this formal complaint reached a mutually agreeable settlement and that the complainant wished to withdraw the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-11**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Health Hulin, Superintendent, Iberia Parish School District (email only)

Louisiana Special Education Complaint Investigation

45-C-12



LOUISIANA DEPARTMENT OF EDUCATION

October 23, 2024

[redacted]

Kody Smith
Regional Special Education Director
Louisiana Key Academy
Baton Rouge Campus
5015 Auto Plex Drive
Baton Rouge, Louisiana 70809
kody.smith@lakeyacademy.com

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-12** on behalf of [redacted]

On **August 26, 2024**, [redacted] (hereinafter referred to as the "Parent") filed a Request for Special Education Formal Complaint Investigation concerning [redacted] ("the District"), a Type 2 charter school, with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the Parent's minor child of [redacted] ("the Student"), the Parent alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by: 1) failing to properly respond to parental requests to meet to review and revise the Student's Individualized Education Program ("IEP") based on new information provided by the Parent and 2) failing to consider independent educational evaluation data provided by the Parent.

The Parent provided a complaint request form, a one-page narrative, and 35 pages of documentary exhibits. The District provided a five-page narrative and 12 documentary exhibits in response. As the Department's assigned investigator, I reviewed the complaint and all documents submitted by the parties.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 §152(C) requires that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on **August 26, 2024**. Therefore, the investigation was limited to alleged violations of law that occurred between **August 27, 2022**, and **August 26, 2024**.

II. Findings of Fact

At all times relevant to this complaint, the Student was enrolled in the District. During the 2023-24 school year, the Student was enrolled in the [redacted] and received special education and related

services pursuant to an IEP.

On May 24, 2023, the District issued an *Integrated Report of Individual Evaluation* concerning the Student. The report indicated that, over the prior eight months, the Student had been screened in the areas of vision, hearing, health, educational, speech and language/communication, gross motor, assistive technology, sensory processing, and social/emotional/behavioral. The Student was determined to be "at risk" in the areas of educational, speech and language/communication, and assistive technology. The evaluation consisted of teacher interviews, a review of academic performance, a student interview, and a 15-minute observation of the Student. The evaluation determined that the Student qualified for special education and related services as a student with a specific learning disability.

On May 24, 2023, the Student's IEP Team met to develop an IEP. The IEP included annual goals in the areas of language, mathematics, written expression, and reading. The IEP indicated that the Student would attend all academic classes in the regular setting and that [redacted] would receive 90 minutes of special education instruction daily.

During the 2023-24 school year, the Parent developed concerns about the Student's academic progress and the Student's inability to recount school activities when at home. In February of 2024, the Parent obtained a private psycho-educational evaluation of the Student. The evaluation found that the Student had difficulty learning at the pace of [redacted] peers, following instructions, and providing information about [redacted] school activities. The evaluation included measures of the Student's intellectual functioning, academic achievement, oral language skills, adaptive behavior skills, and behavior. Following administration of the measures, the evaluator determined that the Student demonstrated below average intellectual and adaptive functioning and had more trouble maintaining focus than same-aged peers. The evaluator also determined that the Student's academic performance was in line with [redacted] intellectual functioning. The evaluation recommended a number of classroom interventions related to the Student's identified needs. The Parent provided a copy of the private evaluation report to the District on March 4, 2024.

On March 12, 2024, the Parent sent a follow-up communication to the District requesting that the Student's IEP be reviewed and revised based on the information contained in the private evaluation. On April 5, 2024, the District's special education coordinator responded to the Parent and made an attempt to schedule the meeting ten days later. The District also stated a preference for scheduling the meeting before statewide testing began.

The Parent and the District met by phone on April 9, 2024, to discuss the private evaluation results. At that meeting, the parties determined that the Student's IEP Team would need to meet to incorporate changes related to the new evaluation data. A meeting was initially set for April 11, 2024, but the Parent was unable to attend on that date. The meeting was held on May 29, 2024,

and the Parent participated.

The May 29, 2024, meeting resulted in some revisions to the Student's IEP. The Student's IEP was amended to update the present levels of academic achievement and functional performance. No changes were made to the accommodations or services provided to the Student.

On June 6, 2024, the Parent withdrew the Student from the District.

On August 26, 2024, the Parent filed the complaint that forms the basis of these findings and decision.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by 1) failing to properly respond to parental requests to meet to review and revise the Student's IEP based on new information provided by the Parent or 2) failing to consider independent educational evaluation data provided by the Parent. Specifically, the Parent alleges that the District did not properly respond to [redacted] requests to consider amending the Student's IEP following the provision of an independent educational evaluation to the District.

Louisiana Bulletin 1706 § 503(C) requires school districts to consider independent educational evaluation data provided by parents. Additionally, Louisiana Bulletin 1706 § 324(B)(1)(b) requires school districts to review and, if necessary, revise the IEP of a student to address information about the student provided by the parents.

In this case, the Parent provided the District with independent evaluation data on March 4, 2024, and requested that the District consider amending the Student's IEP on March 12, 2024. An IEP Team meeting was held to review the independent evaluation and, if necessary, amend the IEP. At that meeting, the District made changes to the IEP based on information contained in the evaluation data provided be the Parent. Therefore, the Department finds that the District did consider the independent evaluation data provided by the Parent.

While the record demonstrates that the District did consider the information provided by the Parent, the Department must also consider whether the delay between the Parent's March 12, 2024, request for an IEP Team meeting and the May 29, 2024, IEP Team meeting was reasonable. The Department concludes that the delay, while lengthy, was reasonable under the circumstances. Specifically, the Department finds that the 78-day delay was the result of attempts to find a mutually agreeable time that did not interfere with statewide testing and that the impact of the delay was minimal because the new IEP was unlikely to be implemented during the waning weeks of the 2023-24 school year.

Based on the information provided in connection with this complaint, the Department is unable to conclude that the District's actions surrounding the Parent's provision of a private evaluation were inappropriate. As stated above, the District undertook reasonable efforts to review the private evaluation and, eventually, to incorporate the data from that evaluation into the Student's educational program. Therefore, the Parent's allegations – that the District failed to properly respond to parental requests to meet to review and revise the Student's IEP and failed to consider independent educational evaluation data provided by the Parent –are unsubstantiated.

IV. Corrective Action Plan

The Department has determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Therefore, this investigation is hereby closed and no additional action is required by the Parent or the District.

Sincerely,



Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Andromeda Cartwright, Chief Academic Officer, Louisiana Key Academy (email only)
Ashley B. Jackson, Legal Counsel, Louisiana Key Academy

Louisiana Special Education Complaint Investigation

45-C-13



DR. CADE BRUMLEY
STATE SUPERINTENDENT

CLAIBORNE BUILDING
1201 N 3RD ST.
BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

November 4, 2024

[redacted]

Dr. Mary Riley
Director of Special Education
Bienville Parish School Board
1956 First Street
Post Office Box 418
Arcadia, Louisiana 71001
mary.riley@bpsb.us

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-13** on behalf of **all students with disabilities attending the "Life Skills" program at** [redacted]

On **September 4, 2024**, [redacted] (hereinafter referred to as the "Complainant") filed a Request for Special Education Formal Complaint Investigation on behalf of all students with disabilities attending the "Life Skills" program at [redacted] ("the Students") with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, the Complainant alleged that the Bienville Parish School Board ("the District") violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 (1) by failing to ensure that placement decisions were made by a group of persons including the parents and other persons knowledgeable about the student, the meaning of the evaluation date, and the placement options, (2) by failing to ensure that placement decisions were made in conformity with the least restrictive requirement provisions, and (3) by failing to ensure that students were reevaluated before being placed in a more restrictive environment.

The Complainant provided a complaint form, a five-page narrative, and three exhibits. The District provided a five-page narrative response and eight exhibits in response to the complaint. As the Department's assigned investigator, I reviewed the complaint and all documents submitted by the parties.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 §152(C) requires that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on **September 4, 2024**. Therefore, the investigation was limited to alleged violations of law that occurred between **September 5, 2022**, and **September 4, 2024**.

II. Findings of Fact

The District began operating the Life Skills Program ("the Program") at the beginning of the 2024-25 school

year. The Program was an academic-focused program designed to educate older students who were at risk of withdrawing from school and did not need significant assistance with tasks of daily living. The Program was designed to provide these students with access to academic instruction, along with supplementary aids and services, outside of a traditional school setting. The students enrolled in the Program received instruction at their individualized level through instructional software, and they were supported by a special education teacher. The Program was located at [redacted]; no other programs for school-aged students were located at the [redacted] campus. At the beginning of the 2024-25 school year, the Program served three students, who shall be identified herein by their initials.

Student [redacted]

At all times relevant to this complaint, [redacted] was eligible for special education and related services as a student with an emotional disturbance. [redacted] was placed in a home instruction program, utilizing instructional software, as a student in the [redacted] grade during the 2023-24 school year. Prior to the beginning of the 2024-25 school year, [redacted] reached the age of majority. [redacted] postsecondary goal was to work in pet care or gardening, and [redacted] Individualized Education Program ("IEP") included a goal related to the preferred vocations and a goal related to behavior, which targeted work avoidance and inappropriate statements.

On August 30, 2024, [redacted] IEP team met. The District provided notice of the meeting, and [redacted] and [redacted] participated in the meeting. The IEP team determined that [redacted] would be allowed to meet graduation requirements through means other than statewide assessment. The IEP team determined that [redacted] required instruction in the core curriculum and counseling services. Finally, the IEP team determined that the appropriate placement for [redacted] would be the Program. All members of the IEP team were in agreement with the proposed services and placement.

Student [redacted]

At all times relevant to this complaint, [redacted] was eligible for special education and related services as a student with a moderate intellectual disability. [redacted] participated in the LEAP Connect curriculum. [redacted] reached the age of majority and completed a Certificate of Achievement in 2021. [redacted] did not attend school during the 2023-24 school year. [redacted] reenrolled in the District for the 2024-25 school year. On August 22, 2024, [redacted] provided consent for a special education evaluation. [redacted] was previously evaluated in 2020, during his prior enrollment in the District.

On August 30, 2024, [redacted] IEP team met. The District provided notice of the meeting, and [redacted] and [redacted] legal guardian participated in the meeting. The IEP team developed an IEP for the Student. [redacted] postsecondary goal was to work in automobile detailing or health care support, and his IEP included a goal related to the preferred vocations and goals related to each of the core academic subjects. The IEP team also determined that the appropriate placement for [redacted] would be the Program. All members of the IEP team were in agreement with the placement. On September 27, 2024, [redacted] evaluation was completed.

Student [redacted]

At all times relevant to this complaint, [redacted] was a minor child and was eligible for special education and

related services as a student with other health impairments. [redacted] was last evaluated in 2022. [redacted] was diagnosed with a number of medical conditions which impacted his school performance, including Attention Deficit Hyperactivity Disorder, Mood Disorder, Adjustment Disorder, Trichotillomania, Anxiety, and Asthma. [redacted] will reach the age of majority before the beginning of the 2025-26 school year.

[redacted] was enrolled in eighth grade at his home-based school during the 2023-24 school year and spent most of the day in the regular education classroom. [redacted] was pursuing a regular diploma. [redacted] exhibited a number of behaviors at school which adversely impacted his ability to make progress in the regular education curriculum. [redacted] performed slightly below the basic standard in the core content areas during the most-recent administration of statewide assessments. [redacted] IEP included a goal related to behavior and goals related to [redacted] academic needs in English/language arts and mathematics.

On August 30, 2024, [redacted] IEP team met. The District provided notice of the meeting, and [redacted] and [redacted] mother participated in the meeting. The IEP team determined that [redacted] required instruction in the core curriculum and counseling services. The IEP team also team determined that the appropriate placement for [redacted] would be the Program. All members of the IEP team were in agreement with the proposed services and placement.

Near the end of September of 2024, the Program was discontinued and [redacted] returned to his home-based school. In October of 2024, the District initiated a reevaluation of [redacted]

The Complainant filed the complaint that forms the basis of these findings and decision on September 4, 2024.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 (1) by failing to ensure that placement decisions were made by a group of persons including the parents and other persons knowledgeable about the student, the meaning of the evaluation date, and the placement options, (2) by failing to ensure that placement decisions were made in conformity with the least restrictive requirement provisions, or (3) by failing to ensure that students were reevaluated before being placed in a more restrictive environment.

Staffing of Placement Determinations

Louisiana Bulletin 1706 § 116(A)(1)(a) requires that placement decisions be "made by a group of persons including the parents and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options." Louisiana Bulletin 1706 § 520(A)(1)(b) states that the parental rights identified in the IDEA transfer to students when they reach the age of majority. In each instance in which a student was placed in the Program, the placement determination was made by the IEP team following an IEP team meeting. The IEP teams were comprised of individuals who could reasonably address the issues presented by a placement decision. In each instance, the IEP team meeting was attended by the parent or adult student who had received notice of the meeting and did not object to the placement decision. Based on this evidence, the Department concludes that the allegation that the placement decisions for students placed in the Program were not properly staffed is unsubstantiated.

Least Restrictive Environment

Louisiana Bulletin 1706 §116(A)(1)(b) requires school districts to comply with the least restrictive environment provisions; most notably, the requirement that that each student with a disability be educated in the school that he or she would attend if non-disabled unless the student's IEP requires a more restrictive setting. Louisiana Bulletin 1706 §114 more specifically identifies the requirements of least restrictive environment, including that students with disabilities be educated with students who are non-disabled to the maximum extent possible and that special classes and other removal of student with disabilities from the regular education setting occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The three students placed in the Program were enrolled in different educational programs, were pursuing different objectives, and were receiving individualized curricular modifications affecting instruction or assessment. The key similarities between the three students was their difficulty sustaining academic success in a traditional setting and their susceptibility to withdrawing from an educational program. Two of the three students were beyond Louisiana's age of compulsory education at the time of their placement in the Program. One of those students had been in a home-based program and the other had been unenrolled. The third student was in the final year of compulsory attendance and would be able to unilaterally withdraw from school after reaching the age of majority following the completion of the ninth grade.

Considering the intent of the Program and the students enrolled therein, the Department concludes that – for each of the affected students – the Program provided services that were chronologically age-appropriate for the students and granted the students access to all required services. While the placement did remove the students from interactions with peers, the three students each presented circumstances under which the team determining placement could have reasonably determined that the benefits of increased academic performance in a less distracting environment outweighed the harm of reduced peer interactions. Based on these considerations, the Department concludes that the allegation that the District violated the least restrictive environment provisions is unsubstantiated.

Evaluation Prior to Placement Change

Louisiana Bulletin 1508 § 1101(A)(3) requires local educational agencies to conduct an evaluation "when a significant change in placement is proposed, which means moving the student to a more restrictive environment where the student will be in the regular class less than 40 percent of the day." In this case, only one of the students, [redacted], experienced a "significant change in placement" when placed in the Program. [redacted] was placed in a home instruction prior to placement in the Program. Placement in the Program provided [redacted] with more exposure to peers and constituted a less restrictive placement than the home-based setting. [redacted] was not enrolled in an educational program prior to placement at the Program; therefore, [redacted] placement in the Program constituted an initial placement rather than a change of placement.

The District admitted in its response that [redacted] was not evaluated prior to being placed in the Program.

However, [redacted] has since returned to the home-based school and is currently being evaluation. Given that the placement in the Program lasted for only a few weeks, [redacted] was returned to his initial placement, and a triennial reevaluation of [redacted] is underway, the Department concludes that the District has taken adequate measures to address the failure to evaluate [redacted] prior to this placement in the Program. The Department also concludes that, given the novel circumstances presented herein, this instance of noncompliance is unlikely to recur. Therefore, the Department concludes that this allegation – that the District failed to evaluate students prior to placement in the Program – is unsubstantiated due to prior correction of any noncompliance.

IV. Corrective Action Plan

The Department determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Therefore, this investigation is hereby terminated and no additional action is required by the Complainant or the District.

Sincerely,

Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Dr. Byron Lyons, Superintendent, Bienville Parish School Board (email only)

Louisiana Special Education Complaint Investigation

45-C-14



LOUISIANA DEPARTMENT OF EDUCATION

October 11, 2024

[redacted]

Aeneid Mason
Director of Student Support Services
Zachary Community School District
3755 Church Street
Zachary, LA 70791
Aeneid.mason@zacharyschools.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-14**

Dear [redacted] and Aeneid Mason:

On October 11, 2024, the Louisiana Department of Education received a copy of a Mediation Status Form, which indicated that the parties to this formal complaint reached a mutually agreeable settlement and that the complainant wished to withdraw the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-14**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Ben Necaise, Superintendent, Zachary Community School District (email only)

Louisiana Special Education Complaint Investigation

45-C-15



LOUISIANA DEPARTMENT OF EDUCATION

November 18, 2024

[redacted]

Dr. Shayla Guidry Hilaire
Chief Student and School Support Officer
NOLA Public Schools
2401 Westbend Parkway
New Orleans, LA 70114
sguidry@nolapublicschools.com

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-15** on behalf of [redacted]

On **September 19, 2024**, [redacted] (hereinafter referred to as the "Parent") filed a Request for Special Education Formal Complaint Investigation concerning [redacted], a charter school under the jurisdiction of NOLA Public Schools ("the District"), with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the [redacted] ("the Student"), who is the Parent's adult child, the Parent alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by: 1) failing to implement the Student's Individualized Education Program (IEP), and 2) failing to comply with District policies and procedures for the use of physical restraint.

The Parent provided a complaint request form, a one-page narrative, and several images depicting the Student's daily reporting form and the Student during the school day. The District provided a six-page narrative and 16 documentary exhibits in response. As the Department's assigned investigator, I reviewed the complaint and all documents submitted by the parties.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 §152(C) requires that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on **September 19, 2024**. Therefore, the investigation was limited to alleged violations of law that occurred between **September 20, 2022**, and **September 19, 2024**.

II. Findings of Fact

During the 2023-24 school year, the Student was enrolled in the [redacted] and received special education and related services pursuant to an IEP. On March 21, 2024, the Student's IEP Team met to review the document and consider revisions. The March 2024 IEP indicated that the Student was participating in the LEAP Connect alternative curriculum, that most instruction was provided in the

Essential Skills Classroom, and that the Student was accompanied by a one-to-one paraprofessional throughout the school day. The IEP stated that the Student utilized minimal oral communications and that the Student primarily communicated through hand signs and an assistive technology device.

The IEP also indicated that the Student had exhibited inappropriate behaviors, including some aggressive behaviors, at school and that the inappropriate behaviors typically took place in the morning as the Student traveled to school by bus. The IEP stated that a functional behavioral assessment had been conducted, but the March 2024 IEP did not include a behavioral goal or a behavior intervention plan. The IEP also stated that the Student would be attending a different school during the 2024-25 school year and that the Parent had some concerns about the Student's transition to the new school. The IEP stated that the Student would receive door-to-door transportation services on a bus with an attendant.

At the end of July 2024, the Parent communicated concerns about the Student's transfer to a new school – specifically, the Student's behavior on a longer bus ride – to District staff. District staff responded to the Parent's concerns and indicated that the Student's IEP would be implemented when the Student began attending the new school. Based on concerns about the Student's transition, the District conducted an interim functional behavioral assessment and adopted an interim behavior intervention plan. The interim plan addressed strategies for supporting the Student's behavior throughout the day and a crisis plan for circumstances where the Student was at-risk of or was actively engaging in inappropriate behaviors. The crisis plan required the implementation of Therapeutic Crisis Intervention in Schools ("TCIS") de-escalation strategies and authorized the use of TCIS physical interventions in circumstances where the Student's behavior presented a risk of physical harm to the Student or others.

The first day of the 2024-25 school year for the Student was August 5, 2024. On that day, the bus arrived late to pick the Student up from home. The Student arrived at school without incident and entered the cafeteria, where [redacted] was supervised by a paraprofessional. While in the cafeteria, the Student became upset about some difficulties with a technology device. As District staff attempted to escort the Student from the cafeteria to a less populated area of the school, the Student became impatient and began hitting and attempting to pull staff to the ground.

In response to the Student's aggressive behavior, District staff placed the Student in a seated hold for approximately 20 minutes. Six District staff, each of whom had received TCIS training in the use of de-escalation strategies and physical restraint, took turns restraining the Student until the risk of physical harm had subsided. The Parent was contacted by videoconference during the time that the Student was being restrained. After the Student was calmed, the Student was able to participate in the remainder of the school day. The Parent came to pick the Student up at the end

of the day, and the District agreed to shorten the Student's bus ride and provide additional adult support on the bus. A *Notice and Documentation of Seclusion and /or Restraint* form was completed and indicated the circumstances surrounding the use of physical restraint.

The Student attended school on August 6 and 7 under the new transportation procedures. The Student exhibited some noncompliant behavior when exiting the bus at [redacted] home, and the situation was resolved verbally with the assistance of the Parent.

On August 8, 2024, the Student attended school. On the bus ride home from school, the Student became agitated and grabbed a staff member by the hair. The Student was physically restrained by two trained staff members for approximately 15 minutes and was released when the risk of harm had subsided. A *Notice and Documentation of Seclusion and /or Restraint* form was completed and indicated the circumstances surrounding the use of physical restraint.

On August 9, 2024, the Student was suspended for two days as a result of aggressive behavior toward District staff. The Parent was notified of the suspension by telephone on the morning of August 9, and a *Louisiana Department of Education School Behavior Report* form was completed to document the suspension.

An IEP Team meeting was held on August 13, 2024, to address the inappropriate behaviors that had been observed from the Student during the prior week. The IEP Team amended the Student's education program to state that the Student would be transported to school without other students present, ensure that the Student did not spend extended periods in public areas of the school, and to shorten the Student's school day. The Parent participated in the IEP Team meeting.

The District conducted an internal investigation of the circumstances surrounding the Student's first week of school. The District concluded that its actions concerning the Student has been appropriate and consistent with District policies and procedures.

The IEP Team met again on September 19, 2024, and amended the Student's IEP to address additional goals and services and to update the IEP with baseline data from the District's 2024-25 observations of the Student.

On September 19, 2024, the Parent filed the complaint that forms the basis of these findings and decision.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by 1) failing to implement the Student's IEP, or 2) failing to comply with District policies and procedures for the use of physical restraint.

IEP Implementation

Louisiana Bulletin 1706 § 323(C) requires local educational agencies to have an IEP in effect for each student with a disability at the beginning of each school year. In this case, it is clear that the Student experienced some difficulties during [redacted] first week of the 2024-25 school year. However, the record in this case does not support the conclusion that those difficulties were the result of the District's failure to implement the Student's IEP.

While the complaint included a broad claim that the District failed to implement the Student's IEP, the complaint focuses on the District's actions surrounding the Student's aggressive behaviors. However, the complaint contains no indication of how the District's actions failed to comply with the requirements of the Student's IEP.

At all times relevant to this complaint, the Student was accompanied by a one-to-one paraprofessional and was allowed access to the services, accommodations, and supplementary aids identified in [redacted] IEP. Furthermore, the District made efforts to ensure that those services were adapted – adopting an interim behavior intervention plan and amending the IEP as needed – as it became apparent that the Student's behavioral deficits would be a substantial impediment to a successful transition to the new school.

Based on the information provided in connection with this complaint, the Department is unable to conclude that the District failed to implement the Student's IEP during the 2024-25 school year. As stated above, the challenges experienced by the Student upon enrollment in a new school were unfortunate, but they were not the result of noncompliance by the District. Therefore, the Parent's allegations – that the District failed to implement the Student's IEP – is unsubstantiated.

Restraint and Seclusion

Louisiana Bulletin 1706 §§ 540 - 543 establishes requirements for the use of physical restraint and seclusion by local educational agencies. Pursuant to those provisions, educational agencies must ensure that physical restraint is only implemented by individuals who are trained in the application of physical restraints. Agencies must also ensure that physical restraint is only used in response to an immediate and impending threat of a person causing substantial injury to the self or others and must document each instance in which physical restraint is applied.

In this case, the Student was physically restrained by District staff on two dates – August 5, 2024, and August 8, 2024. On both occasions, the physical restraints were: (1) implemented when the Student's conduct presented an imminent risk of harm to District staff, (2) applied by individuals who had received TCIS training, and (3) timely documented on a physical restraint and seclusion reporting form. In each instance, the record demonstrated that the physical restraints did not result in physical harm to the Student and that the restraints were only applied to the extent necessary

to address the Student's dangerous behavior. Therefore, the Department concludes that the allegation that the District failed to comply with the requirements of law concerning the application of physical restraint is unsubstantiated.

IV. Corrective Action Plan

The Department has determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. This investigation is hereby closed, and no additional action is required by the Parent or the District.

Sincerely,



Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Dr. Fateama Fulmore, Interim Superintendent, NOLA Public Schools (email only)
Stacy R. Martin, President/Chief External Affairs Officer, Opportunities Academy (email only)
Francesca Antonucci, Executive Director, Opportunities Academy (email only)
Ashley B. Jackson, Legal Counsel, Opportunities Academy (email only)

Louisiana Special Education Complaint Investigation

45-C-16



LOUISIANA DEPARTMENT OF EDUCATION

November 19, 2024

[redacted]

Tricia Smith
Special Education Director
Washington Parish School System
800 Main Street
Franklinton, LA 70438
tricia.smith@wpsb.info

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-16** on behalf of [redacted]

On **September 20, 2024**, [redacted] (hereinafter referred to as the "Parent") filed a Request for Special Education Formal Complaint Investigation concerning the Washington Parish School System ("the District") with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the [redacted] ("the Student"), who is the Parent's minor child, the Parent alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by failing to provide the Student with an appropriate placement; specifically, the parent alleges that the District's decision to promote the Student has denied the student sufficient access to the general education curriculum.

The Parent provided a complaint request form, a three-page narrative, and several documentary exhibits. The District provided a narrative and eight documentary exhibits in response. As the Department's assigned investigator, I reviewed the complaint and all documents submitted by the parties and interviewed the Parent and a District staff member.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 §152(C) requires that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on **September 20, 2024**. Therefore, the investigation was limited to alleged violations of law that occurred between **September 21, 2022**, and **September 20, 2024**.

II. Findings of Fact

At all times relevant to this complaint, the Student was enrolled in the District and received special education and related services pursuant to an IEP. In April of 2022, the District completed an initial evaluation of the Student, who was enrolled in [redacted] at the time. An assessment of the Student's early academic and language skills indicated that the Student performed in the "Below Average" to "Average" range in all domains. The evaluation also determined that the Student

exhibited a language disorder and was at-risk for an articulation disorder. The evaluation also identified deficits affecting the Student's gross motor, fine motor, visual motor, prewriting, and self-care skills. Based on the results of the evaluation, the Student was determined eligible for special education and related services as a student with a developmental delay.

During the 2022-23 school year, the Student was enrolled in [redacted]. The Student received one hour of special education instruction in the regular education setting and one hour of special education instruction in the resource setting daily. The Student also received speech therapy, occupational therapy, and adapted physical education services. During the course of the school year, the Student struggled in the core academic subjects and finished the year with "Unsatisfactory" scores in mathematics and English/language arts. A reading screener used throughout the school year indicated that the Student required intensive assistance with reading instruction. Although the Student did not meet the District's performance criteria for promotion to [redacted], the School Building Level Committee ("SBLC") promoted the Student following the District's alternate promotional criteria for individuals with disabilities.

During the 2023-24 school year, the Student was enrolled in [redacted]. The Student received seventy minutes of special education instruction in the regular education setting four days a week. The Student also received speech therapy, occupational therapy, and adapted physical education services. During the course of the school year, the Student struggled in the core academic subjects and finished the year with an "F" in mathematics and a "D" in English/language arts. A reading screener used throughout the school year indicated that the Student required intensive assistance with reading instruction.

The Student's IEP Team met on April 16, 2024. At the meeting, the Parent expressed concerns about the Student's educational progress and stated a preference that the Student be retained in the [redacted] for the 2024-25 school year. The IEP Team amended the Student's IEP to increase the amount of special education instruction to 75 minutes daily. On May 14, 2024, the SBLC team met to consider the Student for promotion. The SBLC team meeting did not include the Parent, and the Parent was not provided notice of the meeting. The team determined that the Student would be promoted to the [redacted] for the 2024-25 school year and recommended that the Student's IEP be amended to increase the level of academic support.

Following the conclusion of the 2023-24 school year, the Parent received the Student's final report card, which indicated that the Student had been promoted to the [redacted]. The Parent communicated concerns about the Student's promotion to District staff on multiple occasions. On August 29, 2024, the Student's IEP Team met. The Parent again requested that the Student be placed in [redacted]. The IEP Team increased the Student's special education minutes, reinstating the provision of special education instruction in core subjects in the resource setting.

On September 18, 2024, District staff met with the Parent to discuss her concerns about the Student's placement. The Parent again renewed her request for the Student to be placed in [redacted]. On September 19, 2024, the District sent a *Written Notice of Proposed or Refused Action* form to the Parent. The notice indicated that the decision to promote the Student was made by the SBLC based on concerns that retaining the Student in [redacted] would not meaningfully benefit the Student's progress in reading and language. The notice indicated that the SBLC determined that increased special education support in the [redacted] would provide the Student with a reasonable opportunity to make progress in the general education curriculum.

On September 20, 2024, the Parent filed the complaint that forms the basis of these findings and decision.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District failed to comply with the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by failing to provide the Student with an appropriate placement; specifically, the parent alleges that the District's decision to promote the Student has denied the student sufficient access to the general education curriculum.

Louisiana Bulletin 1706 §§ 114-120 contain a number of provisions governing the placement of students with disabilities. Relevant to this case, Louisiana Bulletin 1706 § 116(A)(1)(a) requires that placement decision be made by a group that includes the parents of a student and Louisiana Bulletin 1706 § 116(A)(5) prohibits a student with a disability from being "removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum." Based on the record in this case, the Department concludes that the District failed to comply with the parental participation requirement but is unable to conclude that the placement determination was inconsistent with the least restrictive environment provisions.

Louisiana law authorizes SBLCs to determine the promotion or retention of students with disabilities under certain circumstances. In order to comply with the requirement that parents participate in placement decisions, Louisiana Bulletin 1508 § 303 requires the parents of a student with a disability to participate in any SBLC meetings where a specific child is being considered. On May 14, 2024, the SBLC team met and promoted the Student to [redacted] without the participation of the Parent. Therefore, the Department concludes that the allegation that the District's decision to promote the Student was not compliant with the requirement of law is substantiated.

Despite the procedural defects in the District's May 14, 2024, placement determination, the Department is unable to conclude that the decision to promote the Student to the [redacted] was inconsistent with the requirements of least restrictive environment. Among those

requirements is a requirement that students with disabilities be educated in age-appropriate regular classrooms to the maximum extent appropriate. In this case, the record clearly indicated that the Student was struggling to maintain pace with the regular education curriculum; however the District's decision to address the Student's deficits through increased special education services rather than retaining the Student reflects a reasonable application of the requirements of least restrictive environment to the difficult circumstances presented in this case.

To be clear, the District's placement decision is defective on the basis that the Parent was denied meaningful participation in the SBLC process. However, the Department is unable to conclude that, based on the information available to the District at the time, the placement decision violated the requirements of least restrictive environment or otherwise denied that Student access to a free and appropriate public education. Therefore, the Department concludes that the allegation that the District's placement of the Student violated the requirements of least restrictive environment is unsubstantiated.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IV. Corrective Action Plan

The competent evidence considered during the formal complaint investigation proved that the District failed to ensure that the Parent participate in a placement determination concerning the Student. In order to remedy the noncompliance and ensure that such noncompliance does not recur:

- By no later than **January 17, 2025**, the District shall convene an SBLC meeting to reconsider the promotion of the Student to [redacted] for the current school year and, if necessary, establish any alternative criteria that will be used to determine the Student's promotion or retention at the end of the current school year;
- Based on the outcome of the SBLC meeting, provide the Parent with a *Written Notice of Proposed or Refused Action* describing the outcome of the meeting, the information considered in reaching the decision, and the rationale for the decision **within one week of the SBLC meeting**;
- By no later than **January 17, 2025**, the District shall provide written guidance to the chairpersons for each SBLC in the District concerning the requirement that parents participate in SBLC meetings in which a specific child is considered; and,
- By no later than **January 24, 2025**, the District shall submit to the Department evidence that the SBLC meeting was held with the Parent, that the *Written Notice of Proposed or Refused Action* was sent, and that the written guidance was sent to all relevant District staff.

Sincerely,

Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Jennifer Thomas, Superintendent, Washington Parish School System (email only)

Louisiana Special Education Complaint Investigation

45-C-17



LOUISIANA DEPARTMENT OF EDUCATION

December 3, 2024

[redacted]

Leslie Ortiz
Special Education Director
Vernon Parish School Board
201 Belview Road
Leesville, LA 71446
Leslie.ortiz@vpsb.us

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-17**

Dear [redacted] and Director Ortiz:

On November 22, 2024, the Louisiana Department of Education received notice from [redacted], indicating that the parties to this formal complaint reached a mutually agreeable settlement and that the complainant wished to withdraw the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-17**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: James Williams, Superintendent, Vernon Parish School Board (email only)

Louisiana Special Education Complaint Investigation

45-C-18



LOUISIANA DEPARTMENT OF EDUCATION

October 7, 2024

[redacted]

Hope Supple
Director of Student Services
West Baton Rouge Parish Schools
3761 Rosedale Road
Port Allen, LA 70767
hope.supple@wbrschools.net

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-18**

Dear [redacted] and Ms. Supple:

On October 4, 2024, the Louisiana Department of Education received a copy of a Notice to LDOE of Formal ERP Status Form, which indicated that the parties to this formal complaint reached a mutually agreeable settlement and that the complainant wished to withdraw the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-18**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Chandler Smith, Superintendent, West Baton Rouge Parish School Board (email only)

Louisiana Special Education Complaint Investigation

45-C-19



LOUISIANA DEPARTMENT OF EDUCATION

November 26, 2024

[redacted]

Dr. Shayla Guidry Hilaire
Chief Student and School Support Officer
NOLA Public Schools
2401 Westbend Parkway
New Orleans, LA 70114
sguidry@nolapublicschools.com

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-19**

Dear [redacted] and Dr. Hilaire:

On November 26, 2024, the Louisiana Department of Education received notice from [redacted], indicating that the parties to this formal complaint reached a mutually agreeable settlement and that the complainant wished to withdraw the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-19**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Dr. Avis Williams, Superintendent, NOLA Public Schools (email only)
Antigua Wilbern, Chief Executive Officer, Bricolage Academy (email only)

Louisiana Special Education Complaint Investigation

45-C-20



Louisiana Special Education Complaint Investigation

45-C-21



LOUISIANA DEPARTMENT OF EDUCATION

December 13, 2024

[redacted]

Kerri Soo
Supervisor – Special Education Department
St. Tammany Parish Public Schools
706 West 28th Street
Covington, LA 70433
kerri.soo@stpsb.org

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-21** on behalf of [redacted]

On **September 30, 2024**, [redacted] (hereinafter referred to as the "Parent") filed a Request for Special Education Formal Complaint Investigation concerning the St. Tammany Parish School Board ("the District") with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the Parent's minor child [redacted] ("the Student"), the Parent alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by:

1. failing to convene an Individualized Education Program ("IEP") team meeting to discuss the Student's lack of expected progress;
2. failing to install cameras in the Student's self-contained classroom;
3. failing to adequately respond to a parental request for the re-evaluation of the Student;
4. failing to provide appropriate supports and services related to the Student's behavioral needs at school; and,
5. failing to provide the Student with an adequate placement; specifically, providing insufficient space and supervision for the Student in [redacted] assigned classroom.

At the time of filing the complaint, the Parent provided a complaint request form, a complaint cover letter, a supplemental narrative, and 27 images. As the Department's assigned investigator, I reviewed the complaint, the supplemental materials submitted by the Parent, and the Student's special education records from the 2022-2023 through 2024-2025 school years.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 §152(C) requires that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on **September 30, 2024**. Therefore, the investigation was limited to alleged violations of law that occurred between **October 1, 2022**, and **September 30, 2024**.

II. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school, was receiving special education and related services as a student with autism, and was making adequate progress in the general

education curriculum. The Student was evaluated during the 2021-2022 school year, and the evaluation report was issued on May 19, 2022. A Behavior Intervention Plan ("BIP") was developed during the 2022-2023 school year to address the Student's conduct at school. The Student's performance on 2022-2023 standardized test indicated that [redacted] was performing at the "Unsatisfactory" level in English/language arts, social studies, and science and performing at the "Approaching Basic" level in mathematics. During the first nine week period of the 2023-2024 school year, the Student maintained "A" and "B" grades in all academic subjects.

The Student's IEP Team met to review and revise the Student's IEP on October 26, 2023, when the Student was in the [redacted]. The Parent participated in the IEP Team meeting and raised concerns about the Student's self-harm and the use of cameras in the Student's classroom. The General Student Information section of the IEP indicated that the Student had a history of engaging in self-harm and aggressive behaviors toward others. The IEP indicated that the Student engaged in inappropriate behaviors in order to avoid academic tasks and that the inappropriate behaviors had been increasing in recent weeks. The IEP included goals in the areas of communication/language, gross motor/Adapted Physical Education, behavior, social studies, science, mathematics, and English/language arts. The IEP indicated that the Student would receive instruction in the Reduced Numbers Classroom ("RNC"), a self-contained classroom, and would receive Adapted Physical Education, Occupational Therapy, and Speech-Language services. The team also reviewed the Student's BIP and maintained its focus on task-refusal and aggression while adding additional reinforcements based on the Student's interests.

On August 27, 2024, shortly after the beginning of the Student's [redacted] year, the Student exhibited an incident of aggressive behavior and was detained by a law enforcement officer during the school day.

The Student's IEP Team met on August 29, 2024, to review and revise the Student's IEP and BIP. The Student's IEP goals and services remained substantially similar to the prior IEP. The Student's BIP was amended to indicate that the School Resource Officer would not participate in the implementation of the Student's behavioral interventions. The IEP Team met on September 3, 2024, and added transportation services to the IEP. The IEP Team convened again on September 17, 2024, for the annual IEP review meeting.

On September 23, 2024, the Parent granted consent for a reevaluation of the Student.

On September 30, 2024, the Parent filed the complaint that formed the basis of the Department's investigation.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by: failing to convene an Individualized Education Program ("IEP") team meeting to discuss the Student's lack of expected progress; failing to install cameras in the Student's self-contained classroom; failing to adequately respond to a parental request for the re-evaluation of the Student; failing to provide appropriate supports and services related to the Student's behavioral needs at school; or, failing to provide the Student with an adequate placement; specifically, providing insufficient space and supervision for the Student in [redacted] assigned classroom.

1. Review and Revision of IEP

Louisiana Bulletin 1706 § 324(B) requires that each school district in Louisiana ensure that each student's IEP Team meet to review and, if necessary, revise the student's IEP in instances where the student is not making expected progress towards IEP goals or to address new evaluation data provided by the student's parent. During the 2023-2024 school year, the Student was making adequate progress in the regular education curriculum as evidenced by [redacted] above-average classroom grades and consistent, albeit comparatively low, standardized test scores. When the Student's inappropriate behaviors escalated at the beginning of the current school year, the District quickly convened an IEP Team meeting to revise strategies for addressing the Student's aggressive behaviors.

Based on the Student's maintenance of expected progress during the 2023-24 school year and the IEP Team's responsiveness to the disciplinary incident which took place on August 27, 2024, the Department finds that the District's actions were in compliance with the requirement that an IEP Team meeting be convened to consider a lack of expected progress by the Student. Additionally, the evidence presented in this matter does not support the conclusion that the Parent requested that the IEP Team meet to consider new evaluation information about the Student at any time during the 2023-2024 or 2024-2025 school years. Therefore, the Department concludes that the Parent's allegation that the District failed to comply with relevant law by failing to convene an IEP Team meeting is unsubstantiated.

2. Cameras in Self-Contained Classroom

Louisiana Revised Statutes 17:1948 requires that each school district in Louisiana install cameras in certain special education classrooms within 90 days of a parental request. While the Parent raised concerns about the operability of the camera that had been installed in the Student's classroom prior to the October 2023 IEP Team meeting, the evidence does not indicate that the Parent requested the installation of the camera. In the absence of a Parental request for the installation of a camera in the Student's classroom, the Department is unable to conclude that the District violated the requirements of R.S. 17:1948; therefore, the Parent's allegation that the District failed to comply with relevant law by failing to install cameras in the Reduced Numbers Classroom is unsubstantiated.

3. Re-evaluation

Louisiana Bulletin 1706 § 304(A) requires that each school district in Louisiana conduct a reevaluation of each student with a disability if the district determines that a reevaluation is necessary to determine appropriate services for the student or if the student's parent requests a reevaluation. In this case, the Student was evaluated in May of 2022. As discussed above, the Student demonstrated expected progress during the 2023-2024 school year, and the District initiated a reevaluation of the Student after obtaining parental consent on September 23, 2024, following an escalation in aggressive behavior by the Student at school. Additionally, the evidence presented in this matter does not support the conclusion that the Parent requested that the District conduct a reevaluation of the Student at any time during the 2023-2024 or 2024-2025 school years. Therefore, the Department concludes that the Parent's allegation that the District failed to comply with relevant law by failing to convene and IEP Team meeting is unsubstantiated.

4. Behavioral Supports

Louisiana Bulletin 1706 § 324(A)(2) requires that each school district in Louisiana consider the use of positive behavioral interventions and supports and other strategies to address students whose behavior impedes their own learning or the learning or others. At all times relevant to this complaint, the Student received behavioral interventions pursuant to a BIP, and the Student's IEP included a behavior goal addressing the Student's task avoidance and aggressive behavior. While the Student did experience a significant disciplinary incident near the beginning of the 2024-2025 school year, the IEP Team quickly responded by amending the Student's IEP and BIP to include additional services and revised interventions. The Department finds that the District's efforts to address the Student's behavior were appropriate and concludes that the Parent's allegation that the District failed to comply with relevant law by failing to provide the Student with appropriate behavioral support is unsubstantiated.

5. Placement

Louisiana Bulletin 1706 § 116 requires that each school district in Louisiana provide each student with a disability with an educational placement that conforms to the requirements of the least restrictive environment provisions. In this case, the Parent alleges that classroom to which the Student was assigned, the RNC, lacked adequate physical space and that the students in the RNC lacked adequate supervision.

The Department lacks legal authority to evaluate the physical capacity of classrooms and defers to local fire officials concerning the appropriate use of physical spaces within the school. Additionally, the Department finds that the staffing in the RNC, a 1:1 adult-to-student ratio, was sufficient to address the needs of the students enrolled therein. During the timeframe relevant to this complaint, the RNC consisted of four students who were supervised by four adults. Based on these findings, the Department concludes that the Parent's allegation that the District failed to provide the Student with an adequate placement is unsubstantiated.

IV. Corrective Action Plan

The Department has determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Therefore, this investigation is hereby closed and no additional action is required by the Parent or the District.

Sincerely,



Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Frank Jabbia, Superintendent, St. Tammany Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-22



LOUISIANA DEPARTMENT OF EDUCATION

December 10, 2024

[redacted]

Dr. Eric Penalber
Director of Special Education
Livingston Parish Public Schools
P.O. Box 1130
Livingston, LA 70754-1130
eric.penalber@lpsb.org

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-22** on behalf of [redacted]

On **October 2, 2024**, [redacted] (hereinafter referred to as the "Parent") filed a Request for Special Education Formal Complaint Investigation concerning the Livingston Parish School Board ("the District") with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the Parent's minor child [redacted] ("the Student"), the Parent alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by failing to timely evaluate and identify the Student as a student with a disability.

At the time of filing the complaint, the Parent provided a complaint request form and 19 exhibits. The District provided a narrative response. The Parent then submitted seven additional exhibits. As the Department's assigned investigator, I reviewed the complaint and all exhibits submitted by the parties.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 §152(C) requires that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on **October 2, 2024**. Therefore, the investigation was limited to alleged violations of law that occurred between **October 3, 2022**, and **October 2, 2024**.

II. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school. The Student has been diagnosed with Attention Deficit Hyperactivity Disorder. During [redacted] enrollment in the District, the Student has demonstrated difficulties with academic tasks and has engaged in inappropriate behaviors at school. As a result of academic concerns for the Student, [redacted] began receiving services pursuant to the District's Response to Intervention program in January of 2020, when the Student was in the [redacted].

From January of 2020 through October of 2023, the District's School Building Level Committee ("SBLC") monitored the Student's academic achievement and functional performance at school, and the Student continued to receive Tier 1 interventions in the areas of reading, writing, and mathematics. The Student made adequate progress in the general education curriculum during this time period. The SBLC met in December of 2021 and November of 2022 to review academic and behavioral data concerning the Student,

and the SBLC did not elect to implement behavioral interventions through the Response to Intervention program at those times.

During the 2023-2024 school year, when the Student was in [redacted], instances of inappropriate behavior became more frequent, and the Student continued to exhibit difficulty when engaging in academic tasks. In October of 2023, the SBLC met to review information about the Student's school performance. The SBLC took note of the Student's continuing academic difficulties and began providing the Student with academic interventions in reading and mathematics under Tier 2 of the Response to Intervention program.

In November of 2023, the Parent provided the District with a letter from the Student's physician stating that the Student had been diagnosed with Attention Deficit Hyperactivity Disorder. The letter indicated that the Student had been prescribed medication related to the diagnosis. The letter also recommended a number of accommodations that may benefit the Student in the educational setting. The accommodations included: preferential seating, simplified instructions, small group instruction, assistance with organization, additional time for testing, quiet environment for testing, frequent school-parent communication, daily homework checks, positive reinforcements, and adequate opportunities for physical activity. A similar letter had been provided by the physician in December of 2022.

The SBLC met and considered the Student in January and April of 2024; again, the meetings focused on the Student's academic and behavioral difficulties. At the April meeting, the SBLC discontinued the Student's academic interventions and began implementing Tier 2 behavioral interventions for the Student. The SBLC also planned to reconvene in the fall of the 2024-2025 school year to assess the Student's behavioral interventions and review updated academic data.

The Student participated in statewide standardized testing during the 2023-2024 school year. The Student achieved the "Basic" performance level in mathematics and English/language arts. The Student achieved the "Approaching Basic" performance level in science. The Student also completed a reading assessment, which indicated that the Student was at or approaching grade-level in most of the domains tested. The Student demonstrated a weakness in domains related to reading comprehension.

The SBLC met in August of 2024 to consider the Student's academic and functional performance. The SBLC determined that academic interventions were not appropriate and maintained the Tier 2 behavioral interventions that had been implemented at the end of the prior school year. A few days after the meeting, the Parent requested that the Student be considered for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") and provided consent for an evaluation. The District initiated an evaluation of the Student pursuant to Section 504.

On August 26, 2024, the SBLC met to consider the Student. The SBLC implemented Tier 3 academic and behavioral interventions in response to concerns about the Student's behavior and academic performance.

The Parent obtained a private psychological evaluation of the Student. A report dated August 27, 2024, described the results of that evaluation. The evaluator acknowledged the Student's diagnosis of Attention Deficit Hyperactivity Disorder and history of behavioral difficulties at school. The evaluator reported that the Student exhibited overall cognitive abilities in the average range. The evaluator also reported that the

Student exhibited behavioral characteristics of Attention Deficit Hyperactivity Disorder, such as difficulties sustaining attention, organizing work, and managing behavior in the classroom, which would likely impact [redacted] ability to complete academic tasks. The evaluator recommended a number of accommodations to address the impacts of the Student's disability in the school setting; the accommodations included, structured routine, task breakdowns, visual aids, positive reinforcement, frequent breaks, quiet work environment, behavioral interventions, social skill training, teacher collaboration, and routine monitoring.

On October 2, 2024, the Parent filed the complaint that formed the basis of the Department's investigation.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by failing to timely consider the Student as a student with a disability.

Louisiana Bulletin 1706 § 101 requires that each school district in Louisiana ensure that all students with disabilities be identified, located, and evaluated. Louisiana Bulletin 1706 § 905 defines a "student with a disability" as a student who exhibits the characteristics of one of the categories of disability listed therein and who, by virtue of those characteristics, needs special education and related services. The resolution of this matter relies on the application of the second criteria – that a student, because of the effects of a disabling condition, requires special education and related services. Louisiana Bulletin 1706 § 905 defines a "special education" as instruction that is specially designed to meet the unique, disability-related needs of a student. Louisiana Bulletin 1706 § 905 defines a "related services" as "developmental, corrective, and other supportive services as are required to assist a student with a disability to benefit from special education."

The record in this investigation supports the conclusion that the Student had been medically diagnosed with Attention Deficit Hyperactivity Disorder, that the Student was receiving medical treatment related to that diagnosis, and that the Student demonstrated behaviors consistent with that diagnosis during the school day. However, the record does not support the conclusion that the Student required special education and related services in order to access the general education curriculum.

From the Student's initial consideration by the SBLC until the filing of this complaint, efforts to assist the Student at school focused on providing the Student with access to accommodations and other supportive interventions. Each of the stakeholders involved in educational decision-making for the Student, which included the Parent, the District, the Student's physician, and the Student's private evaluator, recognized that the Student's behaviors were consistent with the diagnosis of Attention Deficit Hyperactivity Disorder and that the behaviors were interfering with his ability to make expected progress in the general education curriculum. However, none of those stakeholders suggested that the Student's disability impeded his ability to access the general education curriculum in such a way that specially designed instruction or related services were required.

The Student's physician, in 2022 and 2023, recommended that the District implement a number of instructional and behavioral accommodations to address the Student's deficits. The Student's private evaluator similarly suggested a number of accommodations in August of 2024. Additionally, neither the Parents nor District staff indicated a belief that the Student required special education and related services

over the nearly five years that the Student has been participating in the District's Response to Intervention program.

The Department concludes that the District acted in accordance with the IDEA, the Louisiana Children with Exceptionalities Act, and Louisiana's implementing regulations in its actions concerning the Student. From the 2019-2020 school year through the 2022-2023, the impacts of the Student's disability were adequately addressed through the Response to Intervention program. As the Student's began exhibiting more difficulty during the 2023-2024 school year, the District implemented changes to the Student's education program through the Response to Intervention program. Finally, during the 2023-2024 school year, when the use of more intensive behavioral interventions proved ineffective and the District determined that individualized interventions were likely needed, the District initiated an evaluation under Section 504 to determine if the Student has a disabling condition that affects one or more major life activity.

Based on the information presented, the Department concludes that the Student's academic achievement and functional performance did not support a reasonable belief that [redacted] was a student with a disability as defined in Louisiana Bulletin 1706 § 905. Therefore, the Department concludes that the allegation that the District failed to timely identify and evaluate the Student is unsubstantiated.

IV. Corrective Action Plan

The Department has determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Therefore, this investigation is hereby closed and no additional action is required by the Parent or the District.

Sincerely,

Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Jody W. Purvis, Superintendent, Livingston Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-23



LOUISIANA DEPARTMENT OF EDUCATION

November 12, 2024

[redacted]

Dr. Adrina Million, Special Education Supervisor
Ascension Parish School Board
LeBlanc Special Services Center
611 N. Burnside Avenue
Gonzales, LA 70737
Adrina.million@apsb.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-23**

Dear [redacted] and Dr. Million:

On November 7, 2024, the Louisiana Department of Education received a copy of a mediation settlement agreement, which confirmed that the parties to this formal complaint reached a mutually agreeable resolution and that the complainant officially withdrew the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-23**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Dr. Edith Walker, Superintendent, Ascension Public Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-24



LOUISIANA DEPARTMENT OF EDUCATION

February 5, 2025

[redacted]

Alvado Willis
Director of Special Education
St. Landry Parish Schools
127 Blair Street
Opelousas, LA 70570
awillis@slpsb.org

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-24** on behalf of [redacted]

On **October 8, 2024**, [redacted] (hereinafter referred to as the "Parent") filed a Request for Special Education Formal Complaint Investigation concerning her two minor children (the Students) who were attending a public school under the jurisdiction of St. Landry Parish Schools ("the District") with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the Parent's children [redacted] ("the Student"), the Parent alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by: 1) failing to provide parent with prior written notice of an August 12, 2024 meeting and 2) failing to provide the students with services in the least restrictive environment.

At the time of filing the complaint, the Parent provided a complaint request, a narrative complaint, and six pages of documentary exhibits. The District provided a narrative response and documentary exhibits labeled Exhibits A through N. As the Department's assigned investigator, I reviewed the complaint, the District's response, and the supplemental materials submitted by the parties.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 §152(C) requires that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on **October 8, 2024**. Therefore, the investigation was limited to alleged violations of law that occurred between October 9, 2022, and October 8, 2024.

II. Findings of Fact

At all times relevant to this complaint, each of the Students was enrolled at a District school and was eligible to receive special education and related services as a student with a disability.

During the 2023-34 school year, the District and the Parent had disputed the Parent's use of a wireless transmitter during the school day. The dispute involved the use of a multifunction wireless transmitter that the Parent affixed to one of the Students each day. The transmitter allowed the Parent to track the device's location and to send and receive audio using the device. The District requested that the Parent complete an agreement setting parameters for the use of the device at school. Specifically, the agreement prohibited the use of the device by the Parent to receive audio transmissions from the device during the Students' school day. The agreement included exceptions for circumstances involving health or safety risks, including the

unexpected removal of the device from the school's campus. The Parent refused to sign the agreement or provide other assurances to the District that the device would not be used to listen to conversations between third parties, including students and staff, during the school day.

On August 2, 2024, the District contacted the Parent to discuss the use of the transmission device during the 2024-25 school year. The 2024-25 school year began for students on Thursday, August 8, 2024. The Students did not attend school on August 8, 2024. On August 9, 2024, the District sent the Parent a notice indicating that the District required assurances that the device's use would not be used to transmit audio during the Students' school day to protect the confidentiality of third parties. On Saturday, August 10, 2024, the Parent informed District staff that the Students would begin attending school on Monday, August 12, 2024.

On August 12, 2024, the Parent and the Students went to the Students' school. District staff members met with the Parent to discuss the use of the transmitter device. The District again requested that the Parent agree not to transmit audio during the Students' school day and provided exceptions for health and safety concerns. The Parent refused to sign the agreement or provide other assurances to the District that the device would not be used to listen to conversations between third parties, including students and staff, during the school day. The Parent removed the Students from school on August 12, 2024.

On August 16, 2024, the District contacted the Parent to request a meeting to discuss the use of the transmission devices at school. For the next several weeks, the District made several attempts to meet with the Parent to resolve the matter. The later communication included warnings that the Students' prolonged absences from attending school would be referred to the District's child welfare and attendance office. On October 1, 2024, the District referred the Students to the Supervisor of Child Welfare and Attendance as a result of each student having been absent for 26 days from August 12, 2024, through September 25, 2024.

On October 8, 2024, the Parent filed the complaint that formed the basis of the Department's investigation.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by:

1. failing to provide the Parent with prior written notice of an August 12, 2024 meeting; and,
2. failing to provide the Students with services in the least restrictive environment closest to their home.

Meeting Notice

Louisiana Bulletin 1706 § 322 requires that each school district in Louisiana "ensure that one or both of the parents of [a] student with a disability are present at each IEP Team meeting or are afforded the opportunity to participate." That provision also states that school districts shall provide parents notice of such meetings.

In this case, the District had requested before the school year began that the Parent contact District staff to discuss the use of wireless transmitters to track the Students' location throughout the day. In correspondence, the Parent did not respond to the request to discuss the transmitters and indicated that the Students would begin attending school on August 12, 2024.

On the Students' first day of school, several members of the District's staff were present to ensure that appropriate procedures were in place for the use of the transmitter during the school day. The District staff

met with the Parent when she arrived at school with the Students to discuss the use of the transmitter. The Parent contends that the District did not provide sufficient notice of the August 12, 2024, meeting. However, this argument misconstrues the requirements of law concerning parental participation in meetings concerning students with disabilities.

The parental participation requirements contained in the IDEA and Louisiana law apply to specific meetings – such as Individualized Education Program ("IEP") team or placement meetings – and create a general requirement that school districts take reasonable efforts to ensure that parents are reasonably informed of circumstances that impact the education of their children. The Parent's interactions with District staff on August 12, 2024, were not meetings related to the development of the Students' IEPs or their educational placements. Therefore, the specific notice requirements for those types of meetings are inapplicable in this case, and the relevant question becomes whether the District's efforts to communicate with the Parent about the use of transmitters on August 12, 2024, provided the Parent with a reasonable opportunity to participate.

The District did provide the Parent with an adequate opportunity to participate in the conversation which took place on August 12, 2024. At the time of the conversation, the Parent and the District has been in communication for nearly six months concerning the use of wireless transmitters at school. Additionally, the District had communicated with the Parent prior to the school year to request a meeting to address unresolved issues concerning the use of the transmitter. When the Parent arrived at the school on August 12, 2024, the Parent should have been aware of the need to discuss the use of the transmitter and of the District's position on the use of the transmitter, which had been consistently communicated to the Parent in a number of letters since March of 2024.

Considering the District's repeated efforts to resolve this matter with the Parent and the substantial efforts of the District to inform the Parent of the District's position on the matter, the Department concludes that the District's actions were reasonable and consistent with the requirements of law concerning parental participation. Therefore, the Department concludes that the Parent's allegation – that the District failed to comply with the requirement to provide reasonable opportunities for parental participation – is unsubstantiated.

Least Restrictive Environment

Louisiana Bulletin 1706 § 116 requires that each school district in Louisiana ensure that each student with a disability is educated in the least restrictive environment. In this case, the Parent alleges that the Students' placement was not in the least restrictive environment; however, the Parent has provided no evidence in support of the claim that the Students' placements failed to comply with the mandates of least restrictive environment. Additionally, the record in this case indicates that the Students were enrolled in a traditional school pursuant to in-district transfers that were requested by the Parent and granted by the District, and that the Students had not attended a District school for several months at the time of the filing of this complaint. Based on this information, the Department concludes that the Parent's allegation – that the District failed to place the Students in the least restrictive environment – is unsubstantiated.

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IV. Corrective Action Plan

The Department has determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Therefore, this investigation is hereby closed and no additional action is required by the Parent or the District.

Sincerely,



Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Milton Batiste, Superintendent, St. Landry Parish Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-25



LOUISIANA DEPARTMENT OF EDUCATION

February 26, 2025

[redacted]

Dr. Shelia Lockett
Executive Director of Exceptional Children
Caddo Parish Public Schools
1961 Midway Avenue
Shreveport, LA 71108
smlockett@caddoschools.org

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-25** on behalf of [redacted]

On October 21, 2024, [redacted] ("Parent"), acting on behalf of her minor child ("Student"), filed a formal complaint with the Louisiana Department of Education ("Department") against Caddo Parish Public Schools ("District"), pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, the Parent alleges that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Specifically, the Parent alleges that the School District violated the applicable laws by:

1. Failing to respond to the Parent's request for an Independent Educational Evaluation (IEE);
2. Failing to install cameras in the areas where the Student receives services; and
3. Failing to provide the Parent with access to education records relevant to the Student, specifically information regarding an incident that occurred on October 3, 2024, and the qualifications of the Student's teachers.

The Parent submitted a formal complaint form, accompanied by a two-page narrative and one exhibit in support of her allegations. In response, the District submitted a four-page narrative statement and twelve exhibits, generally and specifically denying the allegations in the Parent's complaint.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 § 152(C) requires that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on October 21, 2024. Therefore, the investigation was limited to alleged violations of law that occurred between October 22, 2022, and October 21, 2024.

II. Findings of Fact

At all times relevant to this complaint, the Student was enrolled in a school operated by the District. During the 2024-2025 school year, the Student received special education and related services as a student with a disability. The District's first day of school for students was August 8, 2024.

A. Request for Independent Educational Evaluation

On May 1, 2024, the Parent submitted written correspondence to the District formally requesting an IEE

at public expense. The District responded on June 24, 2024, stating that the evaluation would occur during the fall of the 2024–2025 academic year. Dissatisfied with the delay, the Parent sent a follow-up email on July 26, 2024, expressing frustration regarding the District's failure to promptly provide the requested IEE.

The District contends that it removed itself from the evaluation process, asserting that it fulfilled its obligation by referring the matter to Bossier Parish Pupil Appraisal Services and was not responsible for "directly addressing" the independent evaluation. On August 30, 2024, Bossier Parish Pupil Appraisal Services agreed to conduct the IEE, and the District provided the examiner with the Student's demographic information on September 4, 2024.

On September 20, 2024, Bossier Parish Pupil Appraisal Services issued a Notice of Proposed or Refused Action ("NRPA") to the Parent, declining to conduct the IEE. The NRPA cited Louisiana Bulletin 1706 § 503(B)(1), asserting that the Parent's concerns pertained to the development and implementation of the Student's Individualized Education Program ("IEP"), rather than a disagreement with the District's evaluation, and that such concerns did not constitute grounds for an IEE.

B. Request for Camera Installation in Special Education Classroom

On August 13, 2024, the Parent submitted a request for the installation of cameras in all areas where the Student received special education services, pursuant to Louisiana Revised Statutes 17:1948. The District received the request on August 14, 2024, and acknowledged receipt the same day.

On August 26, 2024, the District sent the Parent a Request for Audio/Video Recording Eligibility Decision, accompanied by a letter outlining the next procedural steps. The District conducted a special education camera in-service at the Student's school on September 30, 2024, providing the Parent and each student attending classes in the affected areas with a notice of installation and operation of audio and video recording equipment.

The District completed the installation and activation of the cameras on October 15, 2024, within sixty-two (62) calendar days of the request.

C. October 3, 2024 Incident

On October 3, 2024, the Student sustained a scrape to the elbow and multiple scratches during an incident on the playground. A paraprofessional escorted the Student to the school nurse's office for treatment, where a bandage was applied before the Student returned to the playground. The District attempted to contact the Parent regarding the incident and successfully informed the Student's grandmother the same day.

The District conducted an internal investigation and communicated its findings to the Parent via email on October 16, 2024. The District's review of surveillance footage allegedly confirmed that the Student entered the playground, began running with other children, and fell behind play equipment.

D. Request for Certified Personnel Information

The Parent requested information regarding the qualifications of personnel assigned to the Student's education and support but did not specify the date of the request. On October 16, 2024, after the complaint had been filed, the District provided a written response outlining the qualifications and certifications of the personnel working with the Student.

On October 8, 2024, the Parent filed the complaint forming the basis of this investigation, asserting that the District's actions constituted violations of IDEA and applicable state laws and regulations.

III. Conclusions of Law

Upon consideration of the relevant facts and applicable law, the undersigned finds that the District **violated** the Individuals with Disabilities Education Act (IDEA), the Louisiana Children with Exceptionalities Act, and/or the Department's implementing regulations as set forth in Louisiana Bulletin 1706 by failing to provide an Independent Educational Evaluation within the legally prescribed timeframe. However, the District did **not violate** applicable regulations by failing to install cameras in the areas where the Student receives services, nor did it deny the Parent access to educational records relevant to the Student, including information regarding the incident that occurred on October 3, 2024, and the qualifications of the Student's teachers.

Accordingly, while the allegation regarding the untimely Independent Educational Evaluation is substantiated, the remaining allegations are unsubstantiated.

A. Independent Educational Evaluation

Pursuant to Louisiana Bulletin 1706 § 503(B)(1), a parent is entitled to request an independent educational evaluation if they disagree with an evaluation conducted by the public agency responsible for their child's education. Upon receiving such a request, the District is required, within fifteen (15) business days, to either (1) initiate a due process hearing to establish the appropriateness of its evaluation or (2) provide the IEE at public expense, as mandated by § 503(B)(2).

In the present matter, the Parent formally requested an IEE on May 1, 2024. However, the District failed to issue a timely response, waiting until June 24, 2024, at which time it merely provided an update stating that the IEE would occur at an unspecified point in the fall of 2024. The District further failed to initiate a due process hearing to defend the adequacy of its evaluation, as required under Louisiana Bulletin 1706 § 503(B)(2).

The District's failure to act within the prescribed timeframe, coupled with its unilateral and indefinite postponement of the IEE, constitutes an unreasonable delay in direct contravention of Louisiana Bulletin 1706 §503. Moreover, the examiner's subsequent denial of the Parent's IEE request on September 20, 2024—on the grounds that the Parent's concerns related to the Student's IEP rather than the District's evaluation—is inconsistent with § 503(B)(1) and does not provide a legally sufficient basis for denial.

Accordingly, the District's actions, or lack thereof, resulted in a procedural violation of the Parent's rights under the Individuals with Disabilities Education Act (IDEA). Based on the foregoing, the Parent's allegation is substantiated.

B. Finding No. 2: Request for Camera Installation in Special Education Classroom

Louisiana Revised Statutes 17:1948 prescribes the statutory framework governing the installation and operation of video and audio recording cameras in self-contained special education classrooms. Under La. R.S. 17:1948(G), a public school governing authority is required to install cameras within ninety (90) calendar days of receiving a valid parental request. Further, La. R.S. 17:1948(C) mandates that school districts adopt policies regulating the procedures for camera installation requests, the approval or denial of such requests, notification of individuals within the recorded area, the storage and retention of recordings, and the process for reviewing video footage, including any applicable limitations.

In this case, the Parent submitted a written request for camera installation on August 14, 2024, pursuant to La. R.S. 17:1948. The District completed installation and activation of the cameras on October 15, 2024. The Parent asserts that the District failed to comply with the statutorily prescribed timeline and further alleges a violation of District policy due to improper delay.

The District's camera policy, titled *Procedures Implementing Cameras in Special Education Classrooms/Settings*, provides in relevant part that "[t]he assessment, purchase, installation, and operation of the video/audio recording equipment will generally take place within 30 School Business days after the request is determined to be valid (unless an extension of time is needed to obtain additional information, secure equipment, arrange for installation, Acts of God, or other issues outside of district control that impede the process). The requestor will be notified of extraordinary delays exceeding 45 days from the date of request." This internal policy establishes a discretionary rather than a mandatory timeline, affording the District flexibility in the installation process where warranted.

While La. R.S. 17:1948 requires school districts to promulgate policies addressing camera installation procedures, it does not impose an obligation upon the District to adhere to a specific internal timeline beyond the statutory ninety-day requirement. Accordingly, as long as installation is completed within the ninety-day period prescribed by law, the District remains in compliance with its statutory duty.

Here, the District installed and activated the cameras within the statutorily required timeframe. Although the District's internal policy contemplates a shorter timeframe, it does not create a legal mandate beyond what is required under state law.

Accordingly, based on the evidence presented, the District is not in violation of La. R.S. 17:1948. The Parent's allegation that the District improperly delayed installation beyond the legally prescribed timeframe and in violation of District policy is without merit.

C. Finding No. 3: Access to Records

Louisiana Bulletin 1706 § 613(A) establishes a parent's right to inspect and review education records that are collected, maintained, or used by a public agency concerning their child. Such records must be made available without unnecessary delay and, in any event, no later than forty-five (45) days after a request is made. Additionally, § 613(B) extends the parent's rights to request explanations or interpretations of education records, obtain copies of records when failure to provide them would prevent meaningful access, and authorize a representative to inspect and review the records on their behalf.

Louisiana Bulletin 1706 §611 adopts the definition of education records set forth in the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. §1232g and 34 C.F.R. §99.3. Under FERPA, education records include all records directly related to a student and maintained by an educational agency, but exclude records related solely to individuals employed by the agency, such as personnel files.

i. October 3, 2024 Incident

The Parent asserts that the District failed to provide a sufficient explanation regarding the Student's injuries sustained on October 3, 2024, and inadequately documented the incident. The District conducted an internal investigation and provided a summary of its findings to the Parent via email on October 16, 2024, including a general explanation of what was observed in surveillance footage and

paraprofessional reports.

Louisiana Bulletin 1706 § 613(B)(1) requires a public agency to respond to reasonable requests for explanations or interpretations of education records. If a parent expresses dissatisfaction with a school's account of an incident, the school should reasonably clarify whether the parent is requesting access to specific records or merely seeking a more detailed explanation. While the Parent did not explicitly request access to records related to the October 3, 2024 incident, a general assertion that an explanation is "insufficient" may reasonably be interpreted as a request under § 613(B)(1).

However, in this case, there is no documented request from the Parent seeking specific records regarding the incident. Louisiana Bulletin 1706 §613(A) mandates compliance only when a request is made. As no such request is documented in this instance, the District is not found to be in violation of Louisiana Bulletin 1706 § 613 regarding the October 3, 2024 incident.

ii. Request for Certified Personnel Records

The Parent further asserts that she requested documentation regarding the qualifications of personnel assigned to the Student but did not receive a response. The District provided a written response on October 16, 2024, after the Parent filed the complaint underlying this decision. This response detailed the qualifications and certifications of the relevant personnel.

FERPA defines education records as records that are directly related to a student and maintained by an educational agency. Such records typically include grades, disciplinary records, special education evaluations, and IEP documents. However, personnel records—including a teacher's or staff member's qualifications, licensure, or credentials—are not considered education records under FERPA and therefore are not subject to parental access rights under Louisiana Bulletin 1706 § 613.

As the information requested by the Parent pertains to employee qualifications rather than specific records related to the Student, the District was not required to provide such records under §613. Although the District ultimately provided the requested information, the Parent was not legally entitled to access it under FERPA or Louisiana Bulletin 1706.

IV. Corrective Actions

In light of the District's failure to comply with its obligations under Louisiana Bulletin 1706 § 503, the District shall:

- Within fifteen (15) calendar days of this determination, provide the Parent with written authorization for an IEE at public expense, in accordance legal requirements. The District shall not impose any unreasonable restrictions or delays in facilitating the evaluation.
    - If the Parent has obtained an IEE at their own expense due to the District's failure to provide one timely, the District shall fully reimburse the Parent for all costs associated with the evaluation within thirty (30) calendar days of receiving appropriate documentation of expenses.
- Convene an IEP meeting within thirty (30) calendar days to determine whether compensatory educational services are warranted due to the delay in providing an IEE and, if so, to develop a plan for the timely provision such services.
- Review its policies and procedures concerning responses to IEE requests to ensure full compliance with Louisiana Bulletin 1706, and train relevant staff members on the legal

requirements and procedural safeguards set forth in Louisiana Bulletin 1706 § 503.

- As soon as possible and no later than May 23, 2025, the District shall submit documentation to the Department verifying compliance with the above corrective actions. The documentation include, but is not limited to, the following:
    - Evidence of the provision of the IEE at public expense or reimbursement for a privately obtained IEE.
    - Copies of revised policies and procedures regarding IEE requests.
    - Documentation of staff training sessions, including sign-in sheets and training materials.
    - A copy of the IEP team's determination regarding compensatory education.

The Department will issue a letter of closure in this complaint upon the District's satisfactory completion of the required corrective action.

Sincerely,

Domonique Dickerson

Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/ (225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Keith Burton, Superintendent, Caddo Parish Public Schools (email only)

DR. CADE BRUMLEY
STATE SUPERINTENDENT

CLAIBORNE BUILDING
1201 N 3RD ST.
BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

March 21, 2025

[redacted]

Dr. Shelia Lockett
Executive Director of Exceptional Children
Caddo Parish Public Schools
1961 Midway Avenue
Shreveport, LA 71108
smlockett@caddoschools.org

Re: Corrected Findings-Decision on Reconsideration of Complaint No. **45-C-25** on behalf of [redacted]

On February 26, 2025, the Louisiana Department of Education ("the Department") issued a Findings-Decision Letter regarding the Special Education Formal Complaint Investigation Request referenced above that was filed against Caddo Parish Public Schools ("the District") by [redacted] ("the Parent") on behalf of her minor child, [redacted] ("the Student"). On March 3, 2025, the Parent sent the Department a request for reconsideration ("Request") asking that the Department reconsider the complaint investigator's findings and/or conclusions. The Parent asserted that the complaint investigator erred by 1) concluding that the Parent did not formally request records from the District, 2) concluding that the District adequately responded to the Parent's request for information about an incident involving the Student, and 3) concluding that the District's failure to provide the Parent with access to a video recording of the incident was not a violation of the applicable laws.

A party who files a request for reconsideration is required by Bulletin 1706 § 153(I) to prove that the complaint investigator erred in a finding of fact and/or clearly misapplied the law. A request for reconsideration is an administrative review by the Department of the complaint investigator's factual findings and conclusions of law to determine whether those findings and conclusions can be reasonably supported by the information submitted during the complaint investigation. Upon reconsideration, the panel has determined that the findings of fact and conclusions of law alleged by the Parent to be in error are reasonably supported by the record of this investigation and the applicable law.

Alleged Errors 1 and 2: Request for educational records and information about October 2, 2024, incident

In resolution of the Parent's allegations that the District failed to provide the Parent with access to requested educational records and information about an October 2, 2024[1], incident, the complaint investigator determined that the District adequately responded to the Parent's request for additional information by email messages on October 15, 2024, and October 16, 2024. The investigator's conclusion was supported by the record of the investigation.

Specifically, the record demonstrates that the Parent was provided with information about the incident by

[1] The February 26, 2025, decision erroneously identifies October 3, 2024, as the date of the incident.

email on October 15, 2024, that the Parent expressed dissatisfaction with the District's handling of the initial incident and the content of the October 15, 2024, email, and that the District responded to the Parent's October 15, 2024, concerns with additional information by reply email on October 16, 2024. While the Parent did request information about the statements of District staff who were present during the incident, the record provides no indication that written statements were created and the Request for Reconsideration points to no such evidence. The Parent also fails to identify any other communications with the District which could reasonably be construed as a request to access educational records of the Student.

Furthermore, the record does not support the Parent's contention that the District failed to adequately respond to the October 15, 2024, request for additional information about the incident. The District's October 15, 2024, and October 16, 2024, emails to the Parent provided information concerning the observations of District staff. As with the prior alleged error, the Parent fails to provide any evidence supporting the contention that the District's responses were incomplete or failed to include information to which the Parent was legally entitled.

The Parent's dispute with the District concerning the incident which occurred on October 2, 2024, arises from the Parent's belief that the District failed to adequately supervise the Student and to properly document injuries that the Student sustained as a result of the incident. Most notably, the Parent's October 15, 2024, email stated that she believed that the District lacked proper documentation of the incident. However, that belief is inconsistent with the Parent's argument herein – that the District is withholding additional information or records concerning the incident.

The record in this matter supports, in part, the Parent's initial contention, that the District did not create and maintain educational records concerning the October 2, 2024, incident. Moreover, the record is devoid of any evidence that the Parent requested access to education records of the Student. Therefore, the Parent's allegation that the investigator erred by finding that the District had not failed to provide her with access to the Student's educational records is not supported by the record.

Similarly, the investigator's conclusion that, to the extent the Parent's communications with the District constituted a request for an explanation of educational records under Louisiana Bulletin §613(B), the District complied with applicable law by providing a reasonable explanation of the incident by email on October 15, 2024, and October 16, 2024. Again, the Parent's contention relies on her unsupported belief that the District was in possession of additional information about the incident that the District withheld from the Parent. However, the record contains no support for that contention; instead, the Parent's October 15, 2024, correspondence indicates that the Parent doubts the existence of documentation concerning the incident. Therefore, the Department affirms the conclusions of the complaint investigator that the District did not violate the provisions of Louisiana Bulletin 1706 by failing to provide the Parent with access to educational records or a reasonable explanation of those records in response to the Parent's communications concerning the October 2, 2024, incident.

Alleged Error 3: Request for access video recordings

The complaint investigator did not make explicit findings concerning the Parent's allegation that the District failed to provide the Parent with access to surveillance video footage of the October 2, 2024, incident. However, the issue is being considered herein as a reasonable extension of the Parent's allegations concerning the District's failure to provide access to educational records. As with the prior alleged errors,

the Parent again relies primarily on her October 15, 2025, email to the District. However, this contention fails for the same reason as the prior two – because the record demonstrates that the Parent did not – whether directly or by inference – make a cognizable request to access education records of the Student, including video footage of the October 2, 2024, incident.

Additionally, the applicable law[2] does not support the conclusion that the District would have been required to provide access to a video recording of the incident even if the Parent had made a valid request for access. Specifically, Louisiana Bulletin 1706 §613 provides for parental access to "educational records" and defines that term as records that are "directly related to a student" and "maintained by an educational agency." While the record in this matter demonstrates that a District staff member reviewed the video footage in order to provide additional information to the Parent, the record does not establish that the video footage was considered as part of the educational decision-making process concerning the Student or that the video footage was maintained by the educational agency.

In the absence of evidence indicating that the Parent requested access to the video recording or that the Parent would have been entitled to such access had a request been made, the Department determines that the conclusion of the investigator – that the District did not violate Louisiana Bulletin 1706 by failing to provide the Parent with access to the video recording – is affirmed.

Conclusion

Upon reconsideration of the February 26, 2025, decision, the panel has determined that the findings of fact and conclusions of law were reasonably supported by the information submitted during the complaint investigation. Therefore, the reconsideration panel affirms the February 26, 2025, decision of the complaint investigator.

Sincerely,

Tyrell T. Manieri III
Attorney

R. Christopher Fruge
Attorney

Theodore Knatt
Attorney

Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Keith Burton, Superintendent, Caddo Parish Public Schools (email only)

[2] The decision in this matter addressed an allegation concerning the implementation of R.S. 17:1948 concerning the installation of cameras in special education classrooms. While that provision does address parental access to video recordings, the applicability of the law (and the District's corresponding policy) is limited to cameras located in special education classrooms. The video recording at issue in this matter was taken by a camera outside of a special education classroom; therefore, the provisions of R.S. 17:1948 and the District's policy are inapplicable in this case.

Louisiana Special Education Complaint Investigation

45-C-26



LOUISIANA DEPARTMENT OF EDUCATION

November 18, 2024

[redacted]

Kerri Soo
Director of Students with Exceptionalities
St. Tammany Parish Public Schools
706 West 28th Street
Covington, LA 70433
Kerri.soo@stpsb.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-26**

Dear [redacted] and Kerri Soo:

On November 15, 2024, the Louisiana Department of Education received a copy of a Notice to LDOE of Formal ERP Status Form, which indicated that the parties to this formal complaint reached a mutually agreeable settlement and that the complainant wished to withdraw the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-26.** No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Frank Jabbia, Superintendent, St. Tammany Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-27



LOUISIANA DEPARTMENT OF EDUCATION

March 3, 2025

[redacted]

Dr. Vicki Younger
Supervisor of Special Education
Bossier Parish Schools
410 Sibley Street
Benton, LA 71006
vicki.younger@bossierschools.org

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-27** on behalf of [redacted]

On **October 14, 2024**, [redacted] (hereinafter referred to as the "Parent") filed a Request for Special Education Formal Complaint Investigation concerning her minor child (the Students), who was attending a public school under the jurisdiction of Bossier Parish Schools ("the District"), with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the Parent's child, [redacted] ("the Student"), the Parent alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, and the Department's implementing regulations published in Louisiana Bulletin 1706 by: 1) failing to implement the Student's Individualized Education Program ("IEP") and Behavior Intervention Plan ("BIP"); 2) failing to provide appropriate supports and services related to the Student's behavioral needs at school; and, 3) failing to provide the Student with a placement consistent with the requirements of least restrictive environment.

At the time of filing the complaint, the Parent provided a complaint request and a two-page narrative complaint. The District provided a narrative response and 38 documentary exhibits. As the Department's assigned investigator, I reviewed the complaint, the District's response, and the supplemental materials submitted by the parties.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 §152(C) requires that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on **October 14, 2024**. Therefore, the investigation was limited to alleged violations of law that occurred between October 15, 2022, and October 14, 2024.

II. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school and was eligible to receive special education and related services as a student with a disability. The Student was initially determined eligible for special education and related services under the classification of autism by another school district in Louisiana.

The Student was enrolled in the District during the 2023-24 school year. During that school year, the Student's IEP team met to revise the Student's IEP on six occasions. At the conclusion of the 2023-24 school year, the Student was placed in an off-site, virtual education program as a result of concerns about disruptive

behaviors while receiving in-person educational services. The Student was evaluated by the District on February 8, 2024, before [redacted] placement in the virtual education program.

The Student began the 2024-25 school year enrolled in the [redacted] at a District school, attending school on a reduced schedule, and receiving services pursuant to an IEP that had been adopted on August 1, 2024. The IEP included annual goals in the areas of self-help, communication, behavior, fine motor, mathematics, and reading. The IEP indicated that the Student had exhibited aggressive behaviors toward students and staff when asked to perform non-preferred tasks at school. On August 1, 2024, the IEP team also determined that the Student's placement would be changed to an in-person, 150-minute school day with all services provided in the special education setting.

The Parent participated in the August 1, 2024, IEP team meeting and the team's development of a BIP to address the Student's physical aggression, tantrums, and general noncompliance. The BIP identified a number of interventions for use by District staff, including the use of social stories and a cool down area. The District requested and the Parent provided consent for the completion of a functional behavior assessment of the Student at the August 1, 2024, meeting.

During the 2023-24 school year, the Student exhibited a pattern of aggressive behavior, which was documented on *Louisiana Department of Education School Behavior Report* forms as follows:

- On August 20, 2024, the Student refused to participate in a number of activities, ran around the classroom during instruction, and struck a staff member.
- On August 22, 2024, the Student refused to participate in classroom activities, threw objects at students and staff members, climbed on classroom furniture, ran around the classroom, and dumped out classroom toys. The Student was sent to the time out room for 30 minutes.
- On August 26, 2024, the Student grabbed and squeezed the genital area of a District staff member and made a comment about the staff member urinating. The Student was referred to the school counselor.
- On August 27, 2024, the Student eloped, dumped the books from a bookshelf, threw items at District staff, stood on classroom furniture, screamed, stated that [redacted] would "destroy every teacher" and struck, bit, and pulled the hair of District staff. The Student's father met with the school principal concerning the incidents. The District reported bite-related injuries to two staff members as a result of the Student's actions.
- On August 30, 2024, the Student eloped three times, threw crumpled paper, knocked over chairs, climbed on classroom furniture, bit a District staff member, and threw a computer across the classroom. The Student participated in a social story activity.
- On September 5, 2024, the Student eloped three times, refused to participate in classroom activities, bit two District staff members, and threw toys that struck a student and a District staff member. The Student was sent to the time out room for 30 minutes.
- On September 6, 2024, the Student eloped, slammed computers shut, attempted to tackle District staff members, climbed on furniture, and bit and struck District staff members. The Student was sent to the time out room for 30 minutes. The District reported bite-related injuries to two staff

members as a result of the Student's actions.

- On September 9, 2024, the Student refused classroom activities and threw and climbed on classroom furniture. The Student was sent to the time out room for approximately 30 minutes.
- On September 10, 2024, the Student eloped, bit three District staff members, climbed on furniture, blew [redacted] nose on the floor, refused to participate in classroom activities, and pinched and struck several District staff members. The Student was sent to the time out room on two occasions for approximately 30 minutes each time. The District reported injuries to two staff members as a result of the Student's actions.
- On September 12, 2024, the Student eloped four times, climbed on furniture, struck a student with a book, threw toys and other items at District staff members, stepped on a student, threw a computer, and removed papers from the classroom wall and threatened to eat them. The Student was sent to the time out room on two occasions for approximately 15 minutes each time and served one day of in-school suspension on September 13, 2024. The District reported an injury to a student as a result of the Student's actions.
- On September 16, 2024, the Student eloped, climbed on furniture, threw furniture and computers, and attempted to kick a District staff member in the face. The Student was sent to the time out room for approximately 90 minutes.
- On September 20, 2024, the Student eloped, tried to rip the buttons from a District staff member's clothes, and struck and bit several District staff members. The Student served one day of in-school suspension on September 23, 2024. The District reported a bite-related injury to a staff member as a result of the Student's actions.
- On September 23, 2024, the Student refused to participate in in-school suspension activities, threw blocks, threw classroom furniture, and stated a desire for school staff to die. The Student was required to serve the one-day, in-school suspension again on September 24, 2024.
- On September 26, 2024, the Student eloped, refused to participate in classroom activities, struck District staff members, climbed on classroom furniture, threw objects, and struck, pushed, and attempted to bite a District staff member. The Student served one day of in-school suspension on September 27, 2024.
- On September 27, 2024, the Student refused to participate in in-school suspension activities, threw a computer twice, threw classroom furniture, and struck, pushed, and attempted to bite a District staff member. The Student was required to serve the one-day, in-school suspension again on September 30, 2024. The District reported an injury to a staff member as a result of the Student's actions.
- On October 2, 2024, the Student eloped, refused to participate in classroom activities, threw and climbed on classroom furniture, damaged a computer, struck and bit District staff members, struck [redacted] head on the floor, and stated a hatred for school staff. The Student served a 90-minute, in-school suspension on October 3, 2024.
- On October 4, 2024, the Student eloped six times, took items from another student, struck another

student with objects, struck a District staff member, and threw rocks on the playground. The Student served a 90-minute, in-school suspension on October 4, 2024.

The District provided the Parent with daily behavior reports concerning the Student from the beginning of the 2024-25 school year through the filing of the complaint that forms the basis of the Department's investigation. The reports indicate that the District was implementing the interventions identified in the Student's BIP and that the Student was exhibiting disruptive and aggressive behaviors that negatively impact the ability of the Student and other students to access the educational services being provided.

During the relevant time period, the Student's IEP was amended on August 29, 2024, to adjust the accommodations being implemented relative to the Student's transition from task to task. The IEP team also determined that the Student would remain on a reduced school day and that the placement would be reconsidered in the future.

On October 14, 2024, the Parent filed the complaint that formed the basis of the Department's investigation.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by:

1) failing to implement the Student's IEP and BIP;
2) failing to provide appropriate supports and services related to the Student's behavioral needs at school; or,
3) failing to provide the Student with a placement consistent with the requirements of least restrictive environment.

While this case involves three allegations of noncompliance, the three allegations each stem from the Parent's dissatisfaction with the District's efforts to address the Student's behavioral needs. Therefore, the three allegations will be discussed collectively herein.

Louisiana Bulletin 1706 § 324(A)(2) requires that each public agency, "in the case of a student whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior." Additionally, Louisiana Bulletin 1706 § 114 requires that "unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if non-disabled."

In this case, the Student exhibited behaviors that impeded both [redacted] learning and the learning of other students in the educational setting. The District was aware of the Student's behaviors and met on several occasions during the 2023-24 school year to amend the Student's educational program in an effort to address the behaviors that were being exhibited at school. Eventually, the Student's IEP team placed the Student in a virtual education program during the 2023-24 school year as a result of aggressive behaviors at school.

The Student's IEP team also met before the start of the 2024-25 school year to ensure that proper supports were in place to support the Student's return to a less restrictive environment – a in-person, reduced-day schedule. The supports contained in the Student's August 1, 2024, IEP and BIP were reasonably calculated to address the Student's aggressive behaviors. As the District became aware that those supports were not resulting in a meaningful reduction in the instances of disruptive behavior by the Student, the District reconvened the IEP team approximately one month into the 2024-25 school year to adjust the Student's

educational program.

Considered as a whole, the District's actions regarding the Student's educational program during the 2023-24 and 2024-25 school years were reasonably calculated to provide the Student with educational benefit and were provided in conformity with the Student's IEP and BIP. The record in this case demonstrates that the District was continually seeking new information about the Student and new strategies for addressing [redacted] challenging behaviors at school. While the District's efforts have not shown the results sought by the Parent, the District's actions at each stage demonstrated an interest in addressing the Student's behaviors and a commitment to increasing the Student's exposure to the general education curriculum in the general educational setting.

The record also demonstrates the Parent's dissatisfaction with the general restrictiveness of the Student's placement during the 2024-25 school year. In this case, the District's efforts to educate the Student in the general educational setting – like its efforts to mitigate the Student's aggressive behaviors – have been less successful than the Parent would like. Nonetheless, the Department concludes that the Student's placement during the 2024-25 school year has been consistent with the requirements of least restrictive environments. The record clearly demonstrates that the Student's presence at school – even while receiving intensive supports in a restrictive placement – serves as an impediment to the Student's learning and the learning of other students. Therefore, the Department concludes that the placement of the Student on a reduced school day was appropriate.

Based on the findings of fact and conclusions of law contained herein, the Department concludes that the Parent's allegations – that the District failed 1) to implement the Student's IEP and BIP; 2) to provide appropriate supports and services related to the Student's behavioral needs at school; and, 3) to provide the Student with a placement consistent with the requirements of least restrictive environment – are unsubstantiated.

IV. Corrective Action Plan

The Department has determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Therefore, this investigation is hereby closed and no additional action is required by the Parent or the District.

Sincerely,

Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Jason Rowland, Superintendent, Bossier Parish Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-28



LOUISIANA DEPARTMENT OF EDUCATION

February 25, 2025

[redacted]

Kerri Soo
Supervisor – Special Education Department
St. Tammany Parish Public Schools
706 West 28th Street
Covington, LA 70433
kerri.soo@stpsb.org

Re: Findings-Decision in State Special Education Formal Complaint No. 45-C-28 on behalf of [redacted]

On October 21, 2024, [redacted] ("Complainant"), acting on behalf of [redacted], the parent of the minor child who is the subject of this complaint ("Student"), filed a formal complaint with the Louisiana Department of Education ("Department") against St. Tammany Parish Public Schools ("District"). The complaint was submitted in accordance with Louisiana Bulletin 1706, §§151-153.

I. Statement of the Case

In the complaint, the Complainant alleges that the District violated the Individuals with Disabilities Education Act ("IDEA"), the Louisiana Children with Exceptionalities Act, and the Department's implementing regulations set forth in Louisiana Bulletin 1706. Specifically, the Complainant contends that the School District denied the Student a Free Appropriate Public Education ("FAPE") by failing to enroll the Student in a district school.

The Complainant submitted a formal complaint form, a two-page narrative, and four supporting exhibits to substantiate their allegations. In response, the District voluntarily submitted a corrective action plan to address the alleged violations.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the applicable legal provisions. Louisiana Bulletin 1706 § 152(C) requires that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §151 - 153." The Department received the complaint on October 21, 2024. Accordingly, the investigation was limited to alleged violations of law that occurred between October 22, 2022 and October 21, 2024.

II. Stipulated Corrective Actions

The District submitted a proposed corrective action plan to the Department addressing the allegations outlined in the complaint. A copy of this plan is attached. Upon review, the Department determined that the District's proposed corrective actions adequately address the allegations and are substantially equivalent to any corrective action that would have been ordered had the allegations been substantiated.

As the District has voluntarily agreed to undertake corrective actions sufficient to remedy the concerns raised in the complaint, the Department will not issue formal findings or conclusions of law. Instead, the District

must provide evidence demonstrating its compliance with the corrective actions, as detailed in Section III. The District's willingness to engage in these corrective actions and its agreement to report its progress to the Department do not constitute a finding of noncompliance by the Department.

III. Required Actions

To comply with its February 14, 2025, corrective action plan, the District shall:

1. Promptly enroll the Student in the appropriate District school, implement the Student's Individualized Education Plan, and provide compensatory educational services to address any learning deficits resulting from missed instructional days.
2. Ensure the delivery of compensatory services, including conferring with the Parent regarding the time and location of such services.
3. Submit documentation to the Department as soon as possible, but no later than May 23, 2025, including:
    a. Evidence that the Student has received compensatory services in conformity with the February 14, 2025, corrective action plan.
    b. Progress monitoring reports provided to the Parent detailing the Student's receipt of compensatory services in accordance with the District's corrective action plan.

Upon the District's satisfactory completion of the required actions, the Department will issue a formal letter of closure regarding this complaint.

Sincerely,

Domonique Dickerson

Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

Voluntary Corrective Action Plan Related to 45-C-28 Complaint Investigation

- Confirmation that the student has been, or will be, promptly enrolled in the appropriate District school.
    - Kerri Soo, Director of STPPS Students with Exceptionalities, Susan Munster, Assistant Director, and, parent, [redacted] met on November 8, 2024, for an Early Resolution Meeting. The student returned to [redacted] on November 14, 2024.
    - All absences between the dates of October 8, 2024 and November 13, 2024 are excused.
- Assurance that the student's IEP has been reviewed and is being implemented to ensure compliance with educational needs.
    - An IEP meeting was conducted on October 7, 2024. This plan is being followed with fidelity and has been reviewed with personnel providing support and instruction to ensure compliance with educational and behavioral needs.
- A plan for providing compensatory educational services to address any learning deficits resulting from missed instructional days.
    - The initial plan provided the student access to additional educational services through multiple opportunities to meet [redacted] academic needs. Certified teachers worked with the student to provide instruction during the daily App period throughout the week of semester exams, on Saturdays and after school.
    - The student has been offered the opportunity for additional instruction during summer through the Extended School Year program.
    - The parent, principal, assistant principal, assistant SWE director and all the student's teachers met on Thursday, February 13, 2025, to discuss progress, update grades and update the initial plan. All parties present agreed that the student will be fully caught up by the end of the third quarter. [redacted] will continue to be afforded opportunities for additional instruction and support throughout the remainder of the school year during the APP period, after school on Fridays and during Saturday morning sessions. The student will also have the opportunity to access additional support during the summer through the Extended School Year program.

Please see the latest plan update (sent via email to the parent) to complete the remainder of instruction and assignments following 2/13/25 meeting:



Louisiana Special Education Complaint Investigation

45-C-29



LOUISIANA DEPARTMENT OF EDUCATION

November 12, 2024

[redacted]

Holly Ortego
Director of Special Education
Lafayette Parish School System
P.O. Drawer 2158
Lafayette, LA 70502
hcortego@lpssonline.com

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-29**

Dear [redacted] and Director Ortego:

On November 6, 2024, the Louisiana Department of Education received a copy of a Notice to LDOE of Formal ERP Status Form, which confirmed that the parties to this formal complaint reached a mutually agreeable resolution and that the complainant officially withdrew the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-29**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Francis Touchet, Superintendent, Lafayette Parish School System (email only)

Louisiana Special Education Complaint Investigation

45-C-30



LOUISIANA DEPARTMENT OF EDUCATION

March 27, 2025

[redacted]

Dr. Eric Penalber
Director of Special Education
Livingston Parish Public Schools
P.O. Box 1130
Livingston, LA 70754-1130
eric.penalber@lpsb.org

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-30** on behalf of [redacted]

On **October 22, 2024**, [redacted] (hereinafter referred to as the "Parent") filed a Request for Special Education Formal Complaint Investigation concerning the Livingston Parish Public Schools ("the District") with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the Parent's minor child [redacted] ("the Student"), the Parent alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by 1) failing to provide the Parent with records concerning physical injuries sustained by the Student at school; and 2) failing to implement the Student's Individualized Education Program concerning the Student's medical condition related to exposure to excessive heat.

The Parent provided a complaint request form, several hundred pages of documents, and 133 photographs, which were provided in hard copy and on a flash drive. The District provided a narrative response and a copy of the Student's January 14, 2023, Individualized Education Program ("IEP"). The Parent then submitted seven additional exhibits. As the Department's assigned investigator, I reviewed the complaint and all exhibits submitted by the parties.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 §152(C) requires that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on **October 22, 2024**. Therefore, the investigation was limited to alleged violations of law that occurred between **October 23, 2022**, and **October 22, 2024**.

II. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school and was eligible to receive special education and related services as a student with a developmental delay. The student initially enrolled in the District as a [redacted] student for the 2023-24 school year.

An interim IEP was adopted for the Student on September 6, 2023. The Parent participated in the IEP team meeting. The IEP indicated that the Student was "heat-sensitive" and that the Parent raised concerns about excessive heat during the Student's bus rides. The IEP also indicated that the Student would receive health

services pursuant to an Individualized Health Services Plan which was developed on September 14, 2023. The health service plan indicated that the Student had been diagnosed with [redacted] Neither the IEP nor the health plan included any emergency procedures or any services related to the Student's heat sensitivity.

During the 2023-24 school year, the Student's class attended physical education in an air-conditioned gymnasium and recess was held indoors during periods of excessive hot or cold weather. A District employee conducted wellness checks of the Student several times per day – in the morning, during diaper changes, and in the afternoon. The wellness checks included visual inspections of the Student's body to identify any scratches, bruises, or other injuries to the Student.

The wellness check which was conducted on October 23, 2023, did not identify any new injuries to the Student. On October 24, 2023, the Parent sent an electronic mail message to the District concerning a scratch on the Student's chest. A District employee questioned the Student's teachers and paraeducators and determined that District employee's had not observed any injuries to the Student on October 23, 2023. The District did not create an incident report concerning the Parent's claim.

On October 27, 2023, the Student attended a non-academic gathering at school. The Parent also attended the gathering and interacted with District staff. At the end of the gathering, the Parent checked the Student out of school. District staff did not observe any injuries to the Student when the Parent checked the Student out. On October 29, 2023, a Sunday, the Parent sent District staff an electronic image depicting bruising on the Student's body. The Parent claimed that the bruising had occurred on October 27, 2023, and removed the Student from school from October 30, 2023, through November 20, 2023.

An initial IEP was adopted for the Student on December 14, 2023. The Parent participated in the IEP team meeting. The IEP indicated that the Student was "heat-sensitive" and indicated that the Student would continue to receive health services pursuant to the Individualized Health Services Plan that was developed on September 14, 2023. The IEP did not contain any specific procedures to be followed in connection with the Student's heat sensitivity.

On March 14, 2024, the Student's afternoon wellness check did not identify any injuries to the Student. After school, the Parent reported to District staff that the Student had a bruise on his back. A District employee investigated that Parent's claim and found no evidence that the injury occurred at school.

On October 22, 2024, the Parent filed the complaint that formed the basis of the Department's investigation.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by 1) failing to provide the Parent with records concerning physical injuries sustained by the Student at school; and 2) failing to implement the Student's IEP concerning the Student's medical condition related to exposure to excessive heat.

1. Access to Records

Louisiana Bulletin 1706 § 613(A) establishes a parent's right to inspect and review education records that are

collected, maintained, or used by a public agency concerning their child. Such records must be made available without unnecessary delay and, in any event, no later than forty-five (45) days after a request is made. Additionally, § 613(B) extends the parent's rights to request explanations or interpretations of education records, obtain copies of records when failure to provide them would prevent meaningful access, and authorize a representative to inspect and review the records on their behalf.

Louisiana Bulletin 1706 §611 adopts the definition of education records set forth in the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. §1232g and 34 C.F.R. §99.3. Under FERPA, education records include all records directly related to a student and maintained by an educational agency, but exclude records related solely to individuals employed by the agency, such as personnel files.

The Parent asserts that the District failed to provide a sufficient explanation regarding injuries to the Student which were discovered by the Parent on October 24, 2023, October 29, 2023, and March 14, 2024. In each instance, the District conducted an internal investigation and determined that the injuries to the Student were not observed at school.

In each case, the District's investigation was appropriate and reached the reasonable conclusion that the Student's injuries were not observed by District staff. The October 24, 2023, bruising was not observed by District staff at the prior end-of-day wellness check. The October 29, 2023, bruising allegedly occurred during a school day in which the Parent was present at school, and no bruising was observed during the end-of-day wellness check. Additionally, the October 29, 2023, bruising was not reported to the District by the Parent for two days after the bruising allegedly occurred at school. The March 14, 2024, injury was also not observed by District staff during the prior end-of-day wellness check.

Considering the evidence as a whole, the Department determines that the District reasonably concluded that the injuries to the Student did not occur at school. Therefore, the District was under no obligation to create records of the non-occurrence of the incidents alleged by the Parent. In the absence of such records, the District could not have violated the Parent's right to access educational records of the Student.

Louisiana Bulletin 1706 § 613(B}(1) also requires a public agency to respond to reasonable requests for explanations or interpretations of education records. If a parent expresses dissatisfaction with a school's account of an incident, the school should reasonably clarify whether the parent is requesting access to specific records or merely seeking a more detailed explanation. The Department also finds that the District's actions complied with the requirements of law concerning reasonable requests for explanations. In each instance in which the Parent alleged that the Student had been injured at school, the District conducted a reasonable review of the circumstances and provided a full accounting of the information possessed by the District.

Based on the information presented, the Department concludes that the District complied with the relevant provisions Louisiana Bulletin 1706 in its responses to parental allegations of school-based injuries. Therefore, the Department concludes that the allegation that the District failed to provide the Parent with access to educational records of the Student is unsubstantiated.

2. Heat Sensitivity

Louisiana Bulletin 1706 § 324(A)(2)(f) requires school districts to "consider the health needs of students with disabilities to be met during the school day based on a health assessment." Furthermore, paragraph (B)(1) requires that the IEP of each student be revised to address a lack of expected progress or new information provided by the parents.

In this case, the Student's heat sensitivity was acknowledged in the Student's interim and initial IEPs and in the Student's September 14, 2023, Individualized Health Services Plan. The Parent participated in the development of each of the IEPs and did not voice any specific concerns or present and specific measures to be implemented to avoid issues with the Student's heat sensitivity. Additionally, the record contains no indication that the Parent had informed the District that the Parent believed that the Student was suffering the ill effects of heat exposure at school prior to the filing of the complaint in this matter.

Based on the information submitted in this matter, the Department concludes that the District adequately addressed the Student's heat sensitivity based on the information available to the IEP Team. Specifically, the Department bases its conclusion on the facts that 1) the IEP team had no specific information concerning the Student's needs related to heat sensitivity, 2) the Parent participated in the development of the Student's IEPs and did not voice concerns about the lack of specific heat-sensitivity protocols therein, and 3) the Parent did not inform the District that the Student had experienced the ill effects of heat exposure at school prior to the filing of this complaint. These conclusions lead to the ultimate determination that the Student's IEP appropriately addressed the Student's needs related to heat sensitivity and that the Parent's allegation – that the District failed to properly accommodate the Student's needs related to heat-sensitivity – is unsubstantiated.

IV. Corrective Action Plan

The Department has determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Therefore, this investigation is hereby closed and no additional action is required by the Parent or the District.

Sincerely,



Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
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CC: Jody W. Purvis, Superintendent, Livingston Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-31



LOUISIANA DEPARTMENT OF EDUCATION

February 20, 2025

[redacted]

Dr. Shelia Lockett
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Re: Findings-Decision in State Special Education Formal Complaint No. **34-C-31** on behalf of [redacted]

On **October 22, 2024**, [redacted] (hereinafter referred to as the "Parent") filed a Request for Special Education Formal Complaint Investigation concerning Caddo Parish Public Schools ("the District") with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the Parent's minor child [redacted] ("the Student"), the Parent alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by: 1) failing to provide the Student with an appropriate placement to allow the Student access to a free, appropriate, public education, and 2) failing to review and, if necessary, revise the Student's Individualized Education Program ("IEP") to address the Student's lack of expected progress in the general education curriculum.

The Parent provided a complaint form containing a narrative of events. The District provided eight exhibits in response to the complaint. As the Department's assigned investigator, I reviewed the complaint and all documents submitted by the parties. I also conducted a phone interview with the Parent.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 § 152(C) states that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on October 22, 2024. Therefore, the investigation was limited to alleged violations of law that occurred between October 23, 2022, and October 22, 2024.

II. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school. During the 2023-24 school year, the Student was enrolled in the [redacted] and was eligible for special education and related services as a student with autism. For the majority of the 2023-24 school year the Student was receiving services pursuant to an IEP that provided for special education instruction in the general education setting for 60 minutes each week and special education instruction in the special education setting for 60 minutes each week. The IEP noted that the Student was making "insufficient progress in the general education setting" and that the Student was not obtaining passing grades in [redacted] biology, business applications, or art courses. The Student's IEP included goals in the areas of communication, social/emotional, motor/adapted

physical education, science, English, and mathematics. The IEP also stated that the Student wanted to pursue employment in the food industry after secondary school and that the Student would utilize alternative criteria to demonstrate proficiency in courses with associated statewide testing requirements.

During the 2023-24 school year, the Student participated in statewide testing in English/language arts, mathematics, science, and social studies. The Student performed in the "Unsatisfactory" range on each of the tests.

The Student began the 2024-25 school year as a [redacted] enrolled in Principals of Business, Algebra I, Speech I, Physical Education, English II, and Physical Science. On September 9, 2024, the IEP Team reconvened and amended the Student's IEP. The team addressed parental concerns about the Student's placement – specifically, the Parent's requests to provide the Student with more instruction in a special setting and to reevaluate the Student. At the time of the meeting, the Student maintained failing grades in [redacted] mathematics, English/language arts, physical science, and speech courses and was maintaining a "D" grade in [redacted] business course.

The Parent filed the complaint that forms the basis of these findings and decision on October 22, 2024.

The District conducted a number of observations of the Student in November of 2024. Each observation was conducted while the Student was receiving specially designed instruction. The observers generally found the Student to be on-task and making progress on course activities.

The Student's IEP Team met again on December 2, 2024, to review the results of the Student's reevaluation, which had been conducted on November 6, 2024. The results were largely consistent with the results of the Student's prior evaluation, finding that the Student exhibited autistic behaviors and characteristics, moderately impaired adaptive behavior, a language disorder, sensorimotor deficit, gross motor deficits, and deficits in reading fluency, mathematics calculations, and written communication.

The Student's IEP Team met for a third time during the 2024-25 school year on January 13, 2024. The team added an annual goal for the Student concerning English I, which the Student was repeating after failing the course during the prior school year. The team also increased the Student's specially designed instruction, amending the service plan to provide for 50 minutes per day of specially designed instruction in the special education setting and discontinuing the provision of special education instruction in the general education setting.

At the conclusion of the fall semester of the 2024-25 school year, the Student continued to make minimal progress in [redacted] general education coursework.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District failed to comply with the IDEA, the Louisiana Children with Exceptionalities Act, and the Department's implementing regulations published in Louisiana Bulletin 1706 by failing to provide the Student with an appropriate placement which would allow the Student access to a free, appropriate, public education and by failing to review and, if necessary, revise the Student's IEP to address the Student's lack of expected progress in the general education curriculum.

The Parent's complaint alleged two defects in the District's actions concerning the Student – that the District failed to make adequate adjustments to the Student's educational plan and placement in response to the Student's lack of expected progress in the general education curriculum. Because of the interrelated nature of educational programs and the placement in which those programs are delivered, the issues are addressed collectively herein.

Concerning the Student's academic performance, Louisiana Bulletin 1706 § 324(B) requires each public agency to revise, as appropriate, the IEP of students who demonstrate a lack of expected progress in the general education curriculum. Concerning the Student's placement, Louisiana Bulletin 1706 § 115 requires each public agency to maintain a continuum of alternative education placements sufficient to meet the needs of students with disabilities for special education and related services. Additionally, Louisiana Bulletin 1706 § 114 states that students should be placed in special classes, separate schooling, or otherwise removed from the regular educational environment only when the use of supplementary aids and services in the regular education environment is insufficient to provide the student with reasonable access to a free and appropriate public education.

In this case, the Student has demonstrated consistent difficulties making progress in the general education curriculum. These difficulties are demonstrated in the Student's performance in core courses and on statewide assessments and warrant re-consideration and, if necessary, revision of the Student's educational program.

While the Student's IEP Team did meet on three occasions during the current school year, the only substantive changes were an increase in special education services from two hours per week to approximately five hours per week and the provision of all special education instruction in the special education setting. However, it is unlikely that the modest increase in special education instruction reflected in the Student's most-recent IEP will allow the Student to make meaningful progress in the [redacted] general education curriculum as [redacted] also attempts to recover credits that were not completed during the prior school year.

Though the record in this investigation is insufficient to determine an appropriate educational program for the Student, the record does support the determination that the Student's current educational program is not reasonably calculated to provide the Student a meaningful opportunity to obtain a high school diploma. Therefore, the corrective actions required herein include consideration of the Student's transition plan, including the Student's post-secondary goals and individual graduation plan.

On the basis of these findings, the Department concludes that the Parent's allegations – that the District failed to comply with applicable law by failing to provide the Student with an appropriate placement and failing to review and, if necessary, revise the Student's IEP to address the Student's lack of expected progress in the general education curriculum – are substantiated.

IV. Corrective Action Plan

The Department determined that the District failed to comply with applicable law concerning the provision of a free and appropriate public education in the least restrictive environment. In order to address this noncompliance and to ensure the continued provision of a free and appropriate public education to the

Student, the District shall implement the following corrective actions:

1. On or before **March 14, 2025**, the District shall convene a meeting with the Parent and appropriate members of the Student's IEP Team to 1) consider the Student's post-secondary goals and revise the Student's individual graduation plan accordingly, 2) adopt an IEP that is reasonably calculated to enable the Student to make meaningful progress according to the individual graduation plan, and 3) select a placement for the Student that will support the Student's efforts to achieve [redacted] annual and long-term academic goals.

    a. If the Student will continue to pursue completion of a Louisiana diploma under alternative proficiency criteria, the District shall, within 30 days of the start of the next school year or course, establish minimum performance requirements in the student's IEP relevant to graduation requirements.

2. The District shall implement the revised IEP without undue delay. By **April 4, 2025**, the District shall provide documentation, including the revised IEP, meeting sign-in sheets, and service logs or observations of the Student, demonstrating that the corrective actions have been completed.

Sincerely,



Tyrell T. Manieri III
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CC: Keith Burton, Superintendent, Caddo Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-32



LOUISIANA DEPARTMENT OF EDUCATION

February 28, 2025

[redacted]

Dr. Janet Harris
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Re: Findings-Decision in Special Education Formal Complaint No. **45-C-32** on behalf of [redacted]

On October 22, 2024, [redacted] ("Parent"), acting on behalf of her minor child ("Student"), filed a formal complaint with the Louisiana Department of Education ("Department") against East Baton Rouge Parish Schools ("District"), pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, the Parent alleges that the District violated the Individuals with Disabilities Education Act ("IDEA"), and Louisiana Children's Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Specifically, Parent alleges that the District violated the applicable laws and regulations by:

- Failing to timely disseminate the results of a comprehensive evaluation conducted on February 21, 2024.

Pursuant to Bulletin 1706 §§ 151-153, the Department conducted a review of the record, which includes the Parent's complaint narrative and exhibits, the District's response and exhibits, and email correspondence between the Parent and the District.

The findings of fact and conclusions of law contained herein are based upon a review of the evidentiary record and the relevant legal provisions. Louisiana Bulletin 1706 § 152(C) requires that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on October 22, 2024. Therefore, the investigation was limited to alleged violations of law that occurred between October 23, 2022, and October 22, 2024.

II. Findings of Fact

At all times relevant to this complaint, the Student, [redacted], was enrolled in a school operated by the District and received special education and related services as a student with a disability.

A. <u>Request for Reevaluation</u>

On February 21, 2024, during an IEP meeting, the Parent requested a full comprehensive reevaluation of the student to establish current baseline data. In response, the District provided the Parent with a Prior Written

Notice on February 26, 2024, seeking consent to proceed with the reevaluation. The Parent electronically signed this notice and, on the same date, submitted a letter through her attorney, affirming consent for the reevaluation.

B. Parent's Participation in Reevaluation Process

The District provided the Parent with assessment instruments necessary for completing the reevaluation, including the Sensory Processing Measure assessment, which was sent home on May 10, 2024, and the Developmental Profile 4 (DP4) Parent Questionnaire, which was also sent on May 10, 2024. Despite receiving these materials, the Parent did not return the DP4 questionnaire. The District issued multiple requests for the completed assessment, including email reminders on May 31, 2024, June 3, 2024, and June 25, 2024. On May 31, 2024, the Parent formally requested the evaluation results and raw data, to which the District responded the same day, explaining that the evaluation could not be completed without the outstanding Parent-completed assessments.

C. District's Communications and Attempts to Complete the Reevaluation

The record reflects consistent efforts by the District to obtain the Parent's cooperation in completing the reevaluation. The District initially requested the completion of assessment materials on May 10, 2024, and followed up on May 17, 2024. On May 31, 2024, the District reiterated that the evaluation remained incomplete due to the Parent's failure to return the necessary assessments. On June 3, 2024, the District clarified that the Vineland Adaptive Behavior assessment was no longer required, as its components had been addressed through a Parent interview, but the DP4 Parent Questionnaire was still outstanding. Despite these repeated requests, the Parent did not submit the DP4 questionnaire. On June 25, 2024, the District formally requested a Parentally Approved Evaluation Extension, citing the lack of the completed DP4 form as the primary impediment to finalizing the reevaluation.

D. Parent's Availability for Meetings and Requests for Accommodations

On June 4, 2024, the Parent informed the District that she was only available on Fridays and could not attend in-person meetings on District property. In response, the District explained that its summer work schedule operated Monday through Thursday and provided virtual meeting options to accommodate the Parent's availability. Despite these accommodations, the Parent continued to request meetings on Fridays, which conflicted with the District's established work schedule.

E. Request for Evaluation Report and Raw Data

The Parent submitted multiple requests for evaluation results, including on May 31, 2024, June 5, 2024, and October 3, 2024. In response, the District consistently explained that the evaluation could not be completed without the Parent's input in the form of the DP4 Parent Questionnaire. Given that the evaluation was still in progress and could not be finalized due to missing Parent-provided information, the District was unable to provide a completed evaluation report or raw data.

On October 22, 2024, the Parent filed the complaint forming the basis of this investigation, asserting that the District's actions constituted violations of IDEA and applicable state laws and regulations.

III. Conclusions of Law

A. Finding No. 1: Reevaluation

Pursuant to Bulletin 1706 § 304(A), a reevaluation must be conducted if a parent or teacher requests it or if the public agency determines that the student's educational or related services needs warrant it. Once a reevaluation is initiated, the public agency must follow the prescribed procedures under Bulletin §§ 305-307, ensuring that the evaluation is comprehensive, uses a variety of assessment tools, and provides meaningful data for educational decision-making. The public agency must also comply with Bulletin § 305(A) by issuing prior notice describing the proposed evaluation procedures. Additionally, the public agency must administer the necessary assessments and ensure that all evaluation components are completed in accordance with Bulletin § 306(C).

In this case, the Parent requested a full comprehensive reevaluation on February 21, 2024, and subsequently provided written consent on February 26, 2024, thereby initiating the evaluation process. In compliance with Bulletin § 305(A), the District provided prior written notice and detailed the evaluation procedures. The District also complied with § 305(B) by selecting a variety of assessment tools, including parent-completed measures such as the Developmental Profile 4 (DP4) Parent Questionnaire. Pursuant to § 305(C), a reevaluation must be sufficiently comprehensive to assess all areas of suspected disability, and input from parents is a required component. Despite multiple requests from the District, the Parent failed to return the DP4 Parent Questionnaire, which was an essential element of the reevaluation.

The applicable regulations recognize that evaluations require parental cooperation. Under Bulletin § 306(A)(2), the IEP Team must review existing data and identify what additional assessments are needed to complete the reevaluation. Here, the missing DP4 questionnaire prevented the District from finalizing the reevaluation. Moreover, under § 306(D)(1), if no additional data is needed, the public agency must notify the parent and explain why, but in this case, the missing questionnaire constituted necessary data, making the reevaluation incomplete.

Additionally, the District's obligation under Bulletin § 307(A) to provide a completed evaluation report arises only when the assessment process is concluded. Since the evaluation remained incomplete due to missing Parent input, the District was not required to issue an incomplete report. Based on the evidence, the District made diligent efforts to complete the reevaluation and communicated repeatedly with the Parent regarding the need for the outstanding materials. The delay in completion was attributable to the Parent's failure to provide necessary data, and not to any noncompliance by the District. Accordingly, there is no violation.

B. Finding No. 2: Parental Participation in Meetings and Evaluations

Pursuant to Bulletin 1706 § 502(B)(1), parents must be afforded an opportunity to participate in meetings regarding their child's evaluation, placement, and educational programming. The record reflects that the District made multiple attempts to schedule meetings and obtain the Parent's participation. The Parent, however, imposed unilateral restrictions on her availability, stating that she was only available on Fridays and refusing to attend meetings on District property. The District, in an effort to accommodate, offered virtual meeting options. The regulatory requirement is for the District to provide a reasonable opportunity

for participation, which was satisfied through these efforts. The Parent's unwillingness to accept alternative meeting options does not render the District noncompliant with § 502. Accordingly, there is no violation.

C. Finding No. 3: Access to Educational Records

Under Bulletin 1706 § 613(A), parents have the right to inspect and review their child's educational records, with the District required to comply within 45 days of a request. Here, the Parent made multiple requests for the evaluation report and raw data, including on May 31, 2024, June 5, 2024, and October 3, 2024. The District responded promptly, explaining that the evaluation was incomplete due to the Parent's failure to submit the DP4 Parent Questionnaire. The right to access educational records applies to completed documents and does not extend to unfinished evaluations. Because the District was unable to finalize the evaluation without the necessary parent-provided information, it was not required to produce an incomplete report. As such, the District complied with § 613, and no violation occurred.

IV. Conclusion

Based on the foregoing that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Therefore, this investigation is hereby closed and no additional action is required.

Sincerely,



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CC: LaMont Cole, Superintendent, East Baton Rouge Parish Schools (email only)

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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LOUISIANA DEPARTMENT OF EDUCATION

March 21, 2025

[redacted]

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Re: Findings-Decision on Reconsideration of Complaint No. 45-C-32 on behalf of [redacted]

On February 28, 2025, the Louisiana Department of Education ("the Department") issued a Findings-Decision Letter regarding the Special Education Formal Complaint Investigation Request referenced above that was filed against East Baton Rouge Parish Schools ("the District") by [redacted] ("the Parent") as the parent of [redacted] ("the Student"). On March 10, 2025, the Parent sent the Department a Request for Reconsideration, asking it to reconsider the complaint investigator's findings and/or conclusions. The Parent asserts that the complaint investigator erred by concluding that the District complied with Louisiana Bulletin 1706 in its response to a parental request for reevaluation. In particular, the Parent claims that the District failed to comply with various provisions of Bulletin 1706 by failing to complete a timely and comprehensive evaluation of the Student and by failing to provide the Parent with records concerning the reevaluation results.

A party who files a request for reconsideration is required by Bulletin 1706 § 153(I) to prove that the complaint investigator erred in a finding of fact and/or clearly misapplied the law. A request for reconsideration is an administrative review by the Department of the complaint investigator's factual findings and conclusions of law to determine whether those findings and conclusions can be reasonably supported by the information submitted during the complaint investigation. The Department has determined that the decision in this matter was reasonably supported by the information provided therein.

In resolution of the Parent's allegations, the complaint investigator relied primarily on the finding that the District's failure to complete the reevaluation was caused by the District's inability to obtain necessary evaluation data – the Developmental Profile 4 Parent Questionnaire – from the Parent. The Request for Reconsideration provides no factual or legal basis which undermines that finding.

In support of the contention that the reevaluation has exceeded applicable timelines, the Parent cites to Louisiana Bulletin 1706 §§ 305 and 306. However, neither of those provisions contain a timeline for the completion of a reevaluation. The only provision of Louisiana Bulletin 1706 which identifies a timeline for the completion of an evaluation is Louisiana Bulletin 1706 § 302(C), which applies only to initial evaluations. Additionally, Subsection D of that provision contains an exception to the timelines in circumstances where "the parent of a student repeatedly fails or refuses to produce the student for the evaluation."

Considering the lack of an identified timeline for the completion of a revaluation and the exception for parental nonparticipation contained in the provisions concerning initial evaluations, the reconsideration panel determines that the investigator's conclusion that the District's failure to complete the evaluation was

not a violation of applicable law can be reasonably supported by the information submitted during the complaint investigation. Specifically, the reconsideration panel affirms the finding that the Parent's failure to complete a required component of the reevaluation was the sole cause of the delays in the reevaluation process and that the District undertook reasonable, but ultimately unsuccessful, efforts to obtain the required evaluation data from the Parent.

The Parent's remaining alleged errors – that the evaluation was not comprehensive and that she has been denied access to the evaluation report – are derivative of the previously discussed alleged error and fail for similar reasoning. As discussed above, the complaint investigator determined that District's inability to complete the reevaluation and the resultant lack of a reevaluation report were caused by Parent's persistent failure to provide required evaluation data. The Request for Reconsideration identifies no basis for upsetting those findings of fact and conclusions of law provided by the investigator and simply restated those allegations in substantially the same form in which they appear in the Parent's initial investigation request. Therefore, for the reasons stated above, the reconsideration panel concurs with the reasoning of the complaint investigator and affirms the conclusion that the District reasonably fulfilled its obligations to reevaluate the Student in response to the Parent's February 21, 2024, request for reevaluation.

The reconsideration panel notes that the Request for Reconsideration fails to acknowledge those portions of the February 28, 2025, decision which addressed the effects of the Parent's failure to participate in the reevaluation of the Student. The omission is notable given the investigator's primary reliance on the finding that Parent failed to complete required reevaluation activities in reaching the conclusions of law to which the Parent objects. The Parent similarly omitted any mention of the District's multiple requests for her participation in the reevaluation process and the measures taken by the District to obtain her participation in her initial complaint of October 22, 2024. The Parent's omissions obscured the facts surrounding this dispute and complicated the Department's efforts to reach findings of fact and conclusions of law in this matter. Nonetheless, the complete record in this matter clearly supports the complaint investigator's findings of fact and conclusions of law concerning the District's reevaluation of the Student following the Parent's February 21, 2024, request.

Sincerely,

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Attorney

R. Christopher Fruge
Attorney

Theodore Knatt
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Louisiana Special Education Complaint Investigation

45-C-33



LOUISIANA DEPARTMENT OF EDUCATION

February 25, 2025

[redacted]

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Re: Findings-Decision in Special Education Formal Complaint No. **45-C-33** on behalf of [redacted]

On **October 28, 2024**, [redacted] (hereinafter referred to as the "Parent") filed a Request for Special Education Formal Complaint Investigation concerning her minor child, who was enrolled in a public school under the jurisdiction of St. Tammany Parish Public Schools ("the District") with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of [redacted] ("the Student"), the Parent alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by failing to implement the student's Individualized Education Program (IEP) by failing to provide the Student with accommodations and modifications identified therein.

At the time of filing the complaint, the Parent provided a complaint request, a narrative complaint, and 29 exhibits – 19 documentary exhibits and 11 audio-video recordings. Following attempts to resolve this matter through the Early Resolution Process, the District provided a narrative response and six documentary exhibits labeled 1 through 6. As the Department's assigned investigator, I reviewed the complaint, the District's response, and the supplemental materials submitted by the parties.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 § 152(C) requires that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on **October 28, 2024**. Therefore, the investigation was limited to alleged violations of law that occurred between October 29, 2022, and October 28, 2024.

II. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school and was eligible to receive special education and related services as a student with a traumatic brain injury.

The Student completed [redacted] during the 2023-24 school year and earned "A" or "B" grades in core courses.

The Student began the 2024-25 school year in the [redacted] with an IEP that had been adopted on April 19, 2023. The IEP identified a number of accommodations, including: modify/repeat/model directions; provide word bank/word assistance; provide printed copy of teacher notes; use of post-it notes, flags,

highlighters, etc. to identify important information and/or directions in [redacted] coursework; printed weekly list of projected assignments and/or coursework to student and parent; extended time for assignments and tests; extra time for written work; and, breaks during work periods, between tasks, and during testing. On September 24, 2024, each of the Student's teachers was provided with information concerning the implementation of the Student's accommodations and modifications and procedures for providing the Student with classwork missed during medical absences.

During the time period relevant to this complaint, the District posted the Student's upcoming assignments to an electronic document which was updated at least weekly. The Parent and the Student were able to access the document electronically, and a paper copy of the calendar was provided to the Student on a weekly basis. Beginning in September of 2024, the document was amended to add a "Next Week" column, in which information was included about future assignments.

Between April and October of 2024, the Parent regularly communicated with the District via electronic mail. On a number of occasions, the Parent raised concerns about the implementation of the Student's accommodations. In each instance, the District responded to the Parent addressing the concerns raised.

During the relevant time period, the Student met weekly with a special education teacher to receive a weekly assignment list and discuss any issues arising in the Student's education. The Student did not report any difficulty receiving accommodations or assistance with missed assignments during the weekly meetings, and [redacted] achieved a 4.57 grade point average in the first grading period.

On October 28, 2024, the Parent filed the complaint that formed the basis of the Department's investigation.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by failing to provide the Student with accommodations and modifications identified in the Student's IEP.

Louisiana Bulletin 1706 § 230 requires each local educational agency in Louisiana to provide "a free appropriate public education to each eligible student with a disability." A free appropriate public education includes special education and related services that are "provided in conformity with an Individualized Education Program (IEP)." Louisiana Bulletin § 905.

In this case, the Parent alleges that the District failed to provide the Student with accommodations contained in the Student's IEP. During the 2024-25 school year, the Student's IEP included a number of accommodations, including the use of post-it notes, flags, highlighters, or other methods to identify important information or directions in [redacted] coursework and a printed weekly list of projected assignments and coursework to student and parent. The Parent's allegation focuses primarily on the details of the implementation of these notetaking and coursework planning accommodations; however, the evidence presented in this case does not support the conclusion that the District's actions were noncompliant with applicable law.

In support of the allegation that accommodations and modifications were not provided, the Parent provided a number of exhibits – primarily electronic mail messages – in support of the allegation that the District failed to provide accommodations. However, that evidence demonstrated that the District was providing accommodations related to the Student's notetaking and planning skills and that the Parent had concerns

about the District's implementation. The Parent did not provide any evidence substantiating the District's alleged failure to provide the Student with required modifications on assignments and tests.

In response to the complaint, the District submitted exhibits demonstrating that relevant District staff had received timely training concerning IEP implementation, that the Student did not report a lack of accommodations, and that the Student was making meaningful progress in the general education curriculum. Furthermore, the Parent's communications with the District supported the conclusion that each of the Student's teachers was aware of the IEP accommodations and was in regular communication with the Student and the Parent about the implementation of the accommodations.

Based on the information provided, the Department concludes that the Parent's allegation – that the District failed to provide the Student with accommodations and modifications as stated in the IEP – is unsubstantiated.

IV. Corrective Action Plan

The Department has determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Therefore, this investigation is hereby closed and no additional action is required by the Parent or the District.

Sincerely,



Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Frank Jabbia, Superintendent, St. Tammany Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-34



LOUISIANA DEPARTMENT OF EDUCATION

January 16, 2025

Dr. Janet Harris
Director of Exceptional Student Services
East Baton Rouge Parish Schools
6550 Sevenoaks Avenue
Baton Rouge, LA 70806
janetharris@ebrschools.org

[redacted]

Re: Findings-Decision in State Special Education Formal Complaint No. **45-C-34** on behalf of [redacted]

On November 15, 2024, [redacted] (hereinafter referred to as the "Complainant") filed a Request for Special Education Formal Complaint Investigation concerning the East Baton Rouge Parish School System ("the District") with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of a minor child ("the Student"), the Complainant alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by: 1) failing to implement the student's Individualized Education Program ("IEP") and Behavior Intervention Plan ("BIP") as written.

The Complainant provided a complaint form, a four-page narrative, and four exhibits. The District failed to provide a written response to the complaint. As the Department's assigned investigator, I reviewed the complaint and all documents submitted by the parties.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 § 152(C) requires that a formal complaint "shall allege a violation that occurred not more than one year prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on November 15, 2024. Therefore, the investigation was limited to alleged violations of law that occurred between **November 16, 2022**, and **November 15, 2024**.

II. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school and was eligible to receive special education and related services as a student with disability pursuant to an IEP. The 2024-25 school year began on August 8, 2024.

The Complainant submitted an IEP for the Student dated May 22, 2024. The May 2024 IEP indicated that the Student's [redacted] due to concerns regarding the Student's behavior.

The May 2024 IEP reported that the Student exhibited disruptive behaviors during the 2023-24 school year, which included [redacted]."
The IEP also indicated that a BIP was developed with specific goals and interventions to address the Student's

behavior.

On November 18, 2024, the Student was disciplined for disruptive behavior, culminating in the Student's [redacted] and [redacted] behavioral infractions.

The Complainant filed the complaint that forms the basis of this decision on November 15, 2024.

The District failed to submit a written, narrative response to the allegations in the complaint.

III. Conclusions

When a formal complaint investigation commences, Louisiana Bulletin §153(A) mandates that the Department issue a written notice to the local educational agency ("LEA") outlining: (1) the specific information needed by the Department to conduct an independent investigation of the complaint; (2) the reasonable timelines for submitting the requested information; (3) and the LEA's the opportunity to respond to the complaint, including, at its discretion, the opportunity to propose a resolution.

In this case, on November 19, 2024, the Department provided written notice to the District outlining: (1) the allegation asserted by the Complainant and to be investigated; (2) the timeline for submitting a written, narrative response to the allegation in the complaint; (3) the timeline for submitting proposed corrective action plan to resolve the complaint; and (4) the relevant documentation needed by the Department to conduct its investigation. Finally, the written notice issued by the Department stated that failure to provide a response may result in a negative inference.

The District neither denied nor disputed the allegation, nor did it submit any evidence to verify that the Student received services pursuant to the Student's IEP and BIP as written. Consequently, a negative inference was drawn leading to the acceptance of the Complainant's allegation as fact.

IV. Corrective Actions

In order to correct this noncompliance, the District shall implement the following corrective actions:

1. On or before **February 21, 2025**, the District shall convene a meeting with the Parents and appropriate members of the Student's IEP Team to 1) identify the amount of services that should have been provided to the Student but were not due to behavioral infractions and 2) develop a plan to provide the Student with compensatory services that are reasonably calculated to provide the Student with the educational benefit that was denied as a result of services.
2. If the District and the Parents are able to agree to a compensatory service plan, the District shall provide the Department with a copy of the plan by **February 28, 2025**, and shall implement the plan as soon as possible. If the District and the Parent are unable to agree to a compensatory service plan, the District shall submit a proposed plan to the Department for approval by **March 7, 2025**. The Department will review the proposed plan and determine its sufficiency within two business days of receipt from the District; the Department may amend the plan as necessary to ensure compliance with State and federal law.
3. The District shall implement the compensatory services plan. By **May 27, 2025**, the District shall provide service logs demonstrating compliance with the compensatory services plan.
4. The District shall provide training to all District staff that have regular contact with the Student addressing the legal requirements concerning FAPE and IEP, including BIP, implementation. As soon as possible and no later than **May 27, 2025**, the District shall submit:
    a. a copy of sign-in sheets and training materials documenting the District's provision of

training to relevant staff addressing the legal requirements concerning FAPE and IEP, including BIP, implementation.

The Department will issue a letter of closure in this complaint upon the District's satisfactory completion of the required actions.

Sincerely,



Domonique Dickerson
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Louisiana Special Education Complaint Investigation

45-C-35



LOUISIANA DEPARTMENT OF EDUCATION

February 27, 2025

[redacted]

Kristen Willis
Director, Exceptional Student Services
Louisiana Special School District
2888 Brightside Drive
Baton Rouge, LA 70820
kristen.willis2@la.gov

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-35** on behalf of [redacted]

On **November 27, 2024**, [redacted] (hereinafter referred to as the "Parent") filed a Request for Special Education Formal Complaint Investigation concerning [redacted], her minor child (the Student) who was attending a public school under the jurisdiction of the Special School District ("the District"), with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 § 152(C) requires that a formal complaint "shall allege a violation that occurred not more than one year prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on November 27, 2024. Therefore, the investigation was limited to alleged violations of law that occurred between November 28, 2022, and November 27, 2024.

I. Statement of the Case

In the complaint, filed on behalf of the Parent's child, [redacted] ("the Student"), the Parent alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by: 1) failing to address the Student's mental health needs and (2) failing to provide the Student with services after October 17, 2024.

At the time of filing the complaint, the Parent provided a complaint request form. The District provided a narrative response, documentary exhibits labeled Exhibits 1 through 7, and proposed corrective actions addressing the Parent's allegations. As the Department's assigned investigator, I reviewed the complaint, the District's response, and the supplemental materials submitted by the parties and conducted telephone interviews with each of the parties.

II. Findings of Fact

After reviewing that proposed corrective action plan submitted by the District, the Department has determined that the District's proposal for addressing the Parent's allegations is consistent with and substantially equivalent to any corrective actions that would have been ordered had the Department determined that the allegation was substantiated.

As a result of the District's agreement to undertake actions sufficient to address the Parent's allegation, the Department will make no findings of fact or conclusions of law with regard to the allegations. Alternatively,

the Department shall require the District to provide evidence that the stipulated actions were completed as detailed in Section III. The District's offer to engage in these actions and their reporting of the actions to the Department does not constitute findings of noncompliance by the Department.

III. Corrective Action Plan

1. The District shall provide the Student with compensatory services addressing educational and related services which were not provided to the Student during the fall semester of the 2024-25 school year.

    a. The compensatory services shall include 48 hours of instructional services. The student did not qualify for School Counseling Services per [redacted] Bulletin 1508 Evaluation. [redacted] will be offered six (6) hours per week for a total of eight (8) weeks. Classes offered will be those in which [redacted] was enrolled in October of 2024: AgScience, Math Elective I, English Elective I and Environmental Science.

    b. The compensatory services shall be provided by qualified service providers who meet relevant Louisiana standards for the provisions of the services being offered.

    c. The compensatory services shall be provided to the Student remotely using instructional technology provided by the SSD and shall be delivered after school hours on weekdays.

2. The District shall implement the compensatory services plan without undue delay. By May 27, 2025, the District shall provide service logs demonstrating compliance with the compensatory services plan.

3. The District shall provide training to all school- and district-level staff with responsibilities related to the admission of students. The training shall address the requirements of state and federal law concerning the enrollment of students with disabilities experiencing homelessness. As soon as possible and no later than May 27, 2025, the District shall submit a copy of sign-in sheets (or other, signed proof of staff attendance) and training materials documenting the District's provision of training to relevant staff.

Sincerely,



Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Dr. David Martin, Superintendent, Special School District (email only)

Louisiana Special Education Complaint Investigation

45-C-36



LOUISIANA DEPARTMENT OF EDUCATION

Feburary 3, 2025

[redacted]

Dr. Shayla Guidry Hilaire
Chief Student and School Support Officer
NOLA Public Schools
2401 Westbend Parkway
New Orleans, LA 70114
sguidry@nolapublicschools.com

Re: Findings-Decision in Special Education Formal Complaint No. 45-C-36 on behalf of [redacted]

On December 2, 2024, [redacted] on behalf of her minor child, filed a Request for Special Education Formal Complaint Investigation regarding [redacted], a charter school under the jurisdiction of NOLA Public Schools ("the District"), with the Louisiana Department of Education ("Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the Parent's minor child ("the Student"), the Parent alleges that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by failing to comply with the regulations governing the use of physical restraint.

The Parent submitted a formal complaint form, accompanied by a two-page narrative detailing the events in question, along with one exhibit in support of the allegations. In response, the Department provided a narrative statement from the staff member involved in the incident, as well as from the special education coordinator, early programs director, and chief of support services. The District's submission totaled six pages, along with one exhibit, addressing the claims set forth in the complaint.

The findings of fact and conclusions of law contained herein are based upon consideration of the relevant facts and legal provisions. Louisiana Bulletin 1706 § 152(C) requires that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on December 2, 2024. Therefore, the investigation was limited to alleged violations of law that occurred between December 3, 2022, and December 2, 2024.

II. Findings of Fact

At all times relevant to this Complaint, the Student was enrolled in a school operated by the District. On September 26, 2024, the Student's Individualized Education Program ("IEP") team convened to develop and implement the Student's initial IEP. The Parent participated in this meeting. During the 2024-2025 school year, the Student received services through the District's [redacted] and was deemed eligible for special education and related services as a student with a disability.

The September 2024 IEP was informed by an evaluation of the Student, the results of which were disseminated on September 3, 2024 The IEP determined that the Student's exceptionality of autism

significantly impacted [redacted] ability to progress within the general education setting due to academic and cognitive deficits. Specifically, the Student exhibited difficulty with foundational academic skills, including counting, answering questions, sorting objects, and recognizing shapes. However, the IEP noted that with the implementation of appropriate instructional strategies, environmental modifications, and early interventions, the Student was expected to make progress within the general education curriculum.

Additionally, the September 2024 IEP documented the Student's challenges with sensory integration, which adversely affected [redacted] ability to engage in independent functional activities within the educational environment. The IEP identified the Student's sensorimotor deficits as contributing to difficulties in transitioning between activities and individuals, sustaining attention, and regulating emotional responses. The Student demonstrated significant difficulty following verbal instructions and frequently required prompts and redirection to complete assigned tasks. When experiencing distress, the Student engaged in maladaptive behaviors, including screaming, crying, throwing objects, head banging, and physical aggression toward himself and others. While the IEP acknowledged the Student's hypersensitivity to tactile stimuli, specifically the presence of messy substances on [redacted] hands, it did not identify physical touch as a potential trigger for distress.

According to the evaluation referenced in the September 2024 IEP, the Student's total language score fell more than 1.5 standard deviations below the mean, indicating below-average language abilities for [redacted] age. Specifically, the Student's receptive language score was 67, and [redacted] expressive language score was 77. The IEP concluded that the Student's disability, compounded by deficits in both expressive and receptive language, significantly impaired [redacted] ability to process and respond to verbal communication and to adequately express [redacted] needs, thoughts, and ideas. As a result, the Student's communication challenges further impeded [redacted] social functioning.

The IEP established six annual goals in the following domains: adapted physical education, motor/physical therapy, communication/language, motor/occupational therapy, social/emotional development, and academic/cognitive skills. To support the Student's progress toward these goals, the IEP provided for specific accommodations, including but not limited to: modified instructions with repetition as needed, cues and prompts to facilitate transitions between activities, visual and picture schedules, small-group and individualized instruction, access to a separate or alternative instructional and testing environment, a designated seating arrangement, the use of manipulatives, and extended time for task completion, as necessary.

Furthermore, the September 2024 IEP prescribed the following special education and related services: adapted physical education for 30 minutes per week, occupational therapy for 30 minutes per month, physical therapy for 30 minutes per week, special education instruction for 30 minutes per week, and speech/language pathology services for 30 minutes per week. Each of these services was to be delivered in the special education classroom setting.

On October 16, 2024, the Parent attended and observed a classroom session within the Student's early intervention program. During the observation, the Student was seated in a small chair at a child-sized work table when a District staff member attempted to engage [redacted] in a pop-up alphabet book activity. The Student

declined to participate. In response, the staff member positioned themselves in a chair behind the Student, thereby situating the Student between the table and the staff member. The staff member then placed their hands over the Student's hands to provide hand-over-hand assistance in guiding the Student through the activity. The Student withdrew [redacted] hands and engaged in physical aggression toward the staff member by striking them multiple times. In response, the staff member held the Student's hands to prevent further aggression. At that time, the Parent advised the staff member that she was uncomfortable with the use of hand-over-hand assistance, as she felt it restricted the Student's bodily movements and induced distress.

Subsequently, on December 2, 2024, the Parent filed the Complaint that forms the basis of this decision.

III. Conclusions of Law

Upon consideration of the relevant facts and applicable law, the undersigned finds that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, and/or the Department's implementing regulations published in Louisiana Bulletin 1706 by failing to comply with the regulations governing the use of physical restraint.

In the present matter, the Parent alleges that the District failed to comply with the legal and regulatory standards governing the use of physical restraint. Specifically, the Parent contends that the hand-over-hand assistance employed by the District exceeded the permissible threshold for minimal physical contact and unlawfully restricted some or all of the Student's freedom of movement, thereby constituting an impermissible use of restraint. During the incident on October 16, 2024, the Parent identifies two distinct occurrences as constituting physical restraint: (1) the use of hand-over-hand assistance and (2) the hold implemented during the course of hand-over-hand assistance after the Student began striking the District staff member. Given the legal distinctions governing physical restraint, each occurrence must be examined independently to determine whether it meets the statutory definition of restraint under the applicable legal framework.

A. Legal and Regulatory Framework Governing Physical Restraint

Pursuant Louisiana Bulletin 1706 § 540(A)(3), "physical restraint" is defined as the application of bodily force to limit a person's movement. However, the definition of physical restraint expressly excludes the following:

- Consensual, solicited, or unintentional contact;
- Momentary blocking of a student's action when such action is likely to result in harm to the student or another individual;
- Holding a student by a single school employee for the purpose of calming or comforting the student, provided that the student's freedom of movement or normal access to their body is not restricted;
- Minimal physical contact necessary to safely escort a student from one area to another; and
- Minimal physical contact required to assist a student in completing a task or response.

Pursuant Bulletin 1706 § 542, the use of physical restraint is permissible only in situations where a student's behavior presents an imminent risk of harm to themselves or others and may be employed solely as a last resort to prevent injury and ensure safety. In such circumstances, the application of physical restraint must

be limited to the least restrictive degree necessary to effectively mitigate the immediate threat. Moreover, any use of physical restraint must be implemented in a manner that does not cause physical injury to the student, minimizes discomfort, and ensures that the student's respiratory function and ability to communicate remain unobstructed at all times.

Finally, pursuant to Bulletin 1706 § 543, the use of physical restraint is subject to strict limitations designed to ensure that such interventions are employed only when absolutely necessary and in compliance with established legal and safety standards. The use of physical restraint is expressly prohibited as a means of discipline, punishment, coercion, intimidation, staff convenience, or to compel compliance. Any application of physical restraint must be reasonable and necessary under the specific circumstances, and students may not be subjected to restraint that is deemed unreasonable, unsafe, or unwarranted under the given conditions. Furthermore, physical restraint shall not be employed when a student has a known medical, psychological, or other condition that contraindicates its use. When restraint is utilized, continuous monitoring is required to safeguard the student's well-being, and such monitoring must be documented at intervals not to exceed fifteen minutes. The application of physical restraint must cease immediately upon resolution of the circumstances necessitating its use.

Collectively, the legal and regulatory framework governing the use of physical restraint is designed to prevent misuse, overreach, and unnecessary harm. These provisions reinforce the principle that physical interventions should only be employed when absolutely necessary to prevent imminent risk of harm, with a primary emphasis on student safety, proportionality, and the protection of student rights. The overarching intent of these regulations is to strike a balance between addressing immediate safety concerns and safeguarding the autonomy and well-being of students, in full compliance with applicable legal and educational standards.

B. Finding No. 1: Hand-Over-Hand Assistance Does Not Constitute Physical Restraint

Upon review of the record, including the facts set forth in the Findings of Facts and the applicable legal framework, the hand-over-hand assistance provided by District staff does not meet the legal definition of physical restraint as set forth in Louisiana Bulletin 1706 § 540(A)(3).

The legal definition of physical restraint requires the application of bodily force to limit a person's movement. However, Louisiana Bulletin 1706 § 540(A)(3) explicitly excludes "minimal physical contact for the purpose of assisting a student in completing a task or response" from this definition. In the present case, District staff employed hand-over-hand assistance in an attempt to guide the Student through an academic activity using a pop-up alphabet book. The staff member's placement of his hands over the Student's hands was intended to facilitate task completion rather than to restrict the Student's movement in any punitive or coercive manner.

Further, there is no evidence indicating that the physical contact applied by the staff member was excessive, restrictive, or beyond what was minimally necessary to assist the Student in engaging with the instructional task. The Student retained the ability to withdraw from the activity, as evidenced by the fact that [redacted] successfully pulled [redacted] hands away when [redacted] chose not to participate. This further supports the conclusion that the physical contact was not restrictive in nature.

Accordingly, because the hand-over-hand assistance was (1) minimal in nature, (2) directly related to assisting the Student in completing an instructional task, and (3) expressly excluded from the definition of physical restraint under Louisiana Bulletin 1706 § 540(A)(3), it does not constitute physical restraint under the applicable legal standard. The Department concludes that the allegation asserting the District's failure to comply with applicable laws governing the use of physical restraint, specifically concerning the use of hand-over-hand assistance, is unsubstantiated.

C. Finding No. 2: The Hold Employed by District Staff to Prevent Aggression Does Not Constitute Physical Restraint

Upon consideration of the relevant facts and applicable law, the hold employed by District staff to prevent the Student from continuing to strike them does not meet the legal definition of physical restraint under Louisiana Bulletin 1706 § 540(A)(3).

Pursuant to Louisiana Bulletin 1706 § 540(A)(3), the term "physical restraint" specifically excludes "momentary blocking of a student's action if said action is likely to result in harm to the student or any other person." In the present matter, the Student engaged in physical aggression by striking the District staff member multiple times after withdrawing from the hand-over-hand assistance. In response, the staff member held the Student's hands to prevent further aggressive behavior and mitigate the risk of harm.

The nature and purpose of the staff member's action are directly aligned with the exception set forth in Louisiana Bulletin 1706 § 540(A)(3). The intervention was:

- Momentary in duration—The record does not indicate that the Student was restrained beyond what was necessary to prevent further striking.
- Directly related to blocking the Student's action—The hold was employed only after the Student struck the staff member multiple times and was specifically intended to prevent further aggression.
- Implemented to prevent harm—Given that the Student was actively striking the staff member, the intervention was necessary to mitigate an immediate risk of harm to another individual.

Moreover, the hold did not involve excessive force, prolonged restriction, or any coercive intent. The intervention was proportionate to the immediate threat posed by the Student's aggressive behavior, and there is no evidence that it was employed for punitive, disciplinary, or non-safety-related purposes.

Accordingly, because the staff member's actions (1) constituted a momentary blocking of the Student's action, (2) were necessary to prevent harm, and (3) fall within an explicit exclusion from the definition of physical restraint under Louisiana Bulletin 1706 § 540(A)(3), the hold does not meet the legal definition of physical restraint. The Department concludes that the allegation asserting the District's failure to comply with applicable laws governing the use of physical restraint, specifically concerning the hold implemented to prevent harm, is unsubstantiated.

IV. Conclusion

The Department has determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706.

Therefore, this investigation is hereby closed and no additional action is required by the Complainant or the District.

Sincerely,



Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/ (225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Dr. Fateama Fulmore, Interim Superintendent, NOLA Public Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-37



LOUISIANA DEPARTMENT OF EDUCATION

January 30, 2025

[redacted]

Holly Ortego
Director of Special Education
Lafayette Parish School System
P.O. Drawer 2158
Lafayette, LA 70502
hcortego@lpssonline.com

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-37** on behalf of [redacted]

On **December 2, 2024**, [redacted] (hereinafter referred to as the "Parent") filed a Request for Special Education Formal Complaint Investigation concerning the Lafayette Parish School System ("the District") with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the Parent's child [redacted] ("the Student"), the Parent alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by failing to provide the Parent with access to the Student's educational records, including video recordings of an incident involving the Student, which occurred on or about October 28-29, 2023.

At the time of filing the complaint, the Parent provided a complaint request and a three-page supporting document. The District provided a written response to the complaint. As the Department's assigned investigator, I reviewed the complaint, the supplemental materials submitted by the Parent, and the District's response.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 §152(C) requires that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on **December 2, 2024**. Therefore, the investigation was limited to alleged violations of law that occurred between December 3, 2022, and December 2, 2024.

II. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school, was receiving special education and related services as a student with a disability.

Between October 29, 2024, and November 7, 2024, the Parent sent a number of electronic mail messages to District staff requesting records concerning the Student. The requests included requests for copies of documentary and video records concerning the Student.

On December 2, 2024, the Parent filed the complaint that formed the basis of the Department's investigation. On December 4, 2024, the District informed the Parent that the records, which had been edited to remove identifying information about other students, were available to be picked up. The records totaled approximately four thousand ($4,000) pages, along with electronic media containing recordings. The

Parent retrieved the records on December 11, 2024.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by failing to provide the Parent with timely access to the Student's educational records.

Louisiana Bulletin 1706 § 614 requires that each school district in Louisiana "permit parents to inspect and review any education records relating to their children." That provision also states that school districts "shall comply with all requests without unnecessary delay … and in no case more than 45 days after the request has been made.[1]

In this case, the Parent sent multiple requests to the District for copies of educational records, including documents and video recordings, between October 29, 2024, and November 7, 2024. The District notified the Parent that the records were available to be retrieved on December 4, 2024, 36 days after the Parent's initial request was made. Considering that the Parent's request required the collection of a significant amount of material and the review of that material to ensure the protection of confidential information, the production of the records within 36 days of the Parent's earliest request demonstrates that the District acted without unnecessary delay in addressing the Parent's requests.

Therefore, the Department concludes that the Parent's allegation – that the District failed to comply with the requirement to provide the Parent with timely access to the Student's educational records – is unsubstantiated.

IV. Corrective Action Plan

The Department has determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Therefore, this investigation is hereby closed and no additional action is required by the Parent or the District.

Sincerely,



Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Francis Touchet, Superintendent, Lafayette Parish School System (email only)

[1] The Parent cited Louisiana Revised Statutes 17:406.9 in the initial complaint. That statute does address the provision of records to the parents of Louisiana public school students, but it does not provide for the enforcement of the rights established therein. Therefore, the Parent's allegation is being addressed pursuant to the substantive and procedural law governing this investigation and contained in Louisiana Bulletin 1706.

Louisiana Special Education Complaint Investigation

45-C-38



LOUISIANA DEPARTMENT OF EDUCATION

February 25, 2025

[redacted]

Dr. Vicki Younger
Supervisor of Special Education
Bossier Parish Schools
410 Sibley Street
Benton, LA 71006
Vicki.younger@bossierschools.org

Re: Findings-Decision in Special Education Formal Complaint No. 45-C-38 on behalf of [redacted]

On October 8, 2024, [redacted] ("Parent"), acting on behalf of her minor child ("Student"), filed a formal complaint with the Louisiana Department of Education ("Department") against Bossier Parish School Board ("District"), pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, the Parent alleges that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Specifically, the Parent alleges that the School District failed to:

- Provide the Student with appropriate occupational therapy and physical therapy services;
- Deliver sufficient special education instruction;
- Provide the Student with Extended School Year ("ESY") services;
- Ensure appropriate placement for the Student; and
- Ensure that the placement decision was made by a properly constituted team that included the Parent.

The Parent submitted a formal complaint form, a nine-page narrative, a fourteen-page supplemental narrative, a sixteen-page counter-response to the School District's narrative, and nine exhibits in support of her allegations. In response, the District submitted a ten-page narrative and eight exhibits in which it disability generally and specifically denied the allegations stated in the Parent's complaint.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 § 152(C) requires that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on October 8, 2024. Therefore, the investigation was limited to alleged violations of law that occurred between October 9, 2022, and October 8, 2024.

II. Findings of Fact

At all relevant times, the Student was enrolled in a [redacted] operated by the School District and was determined eligible for special education and related services under IDEA as a child with a qualifying disability.

A. Initial IEP

On August 3, 2023, the Student's Individualized Education Program ("IEP") team convened for the initial development of the Student's IEP. Attendees included the Student's Parent, Adaptive Physical Education Teacher, Regular Education Teacher, Physical Therapist, Occupational Therapist, Special Education Teacher,

Speech-Language Pathologist, two Special Education Coordinators, Orientation and Mobility representative, and an officially designated representative of the School District.

The August 2023 IEP was informed by an initial evaluation conducted on July 10, 2023, which classified the Student's primary disability as Developmental Delay. The evaluation further determined that the Student's neurophysiological profile significantly interfered with [redacted] ability to function in the educational setting. The IEP identified deficits across multiple domains, including severe deficits in gross motor skills, moderate impairment in language, a moderate delay in pre-academic skills, mild impairment in adaptive behavior skills, moderate impairment in fine/visual motor skills, and mild impairment in sensory processing skills. The Student's medical diagnoses, including visual impairment, hydrocephalus, nystagmus, developmental delay, a history of seizures, and an intraventricular hemorrhage, were also documented.

To address these deficits, the August 2023 IEP established annual goals in the areas of gross motor skills, communication and language, self-help and orientation and mobility, fine/visual/sensory motor skills, and academic/pre-academic skills. The IEP determined that the Least Restrictive Environment ("LRE") for the Student was the home-based setting, where all special education and related services would be provided. The specified services included:

- Adapted Physical Education – one session per week for 30 minutes
- Occupational Therapy – one session per week for 6 minutes
- Orientation and Mobility – one session per week for 3 minutes
- Physical Therapy – one session per week for 6 minutes
- Special Education Instruction – one session per week for 30 minutes
- Speech-Language Pathology – one session per week for 30 minutes

The IEP also included provisions for occupational therapy and physical therapy services to be delivered on a consultative basis.

B. May 2024 IEP

On May 9, 2024, the Student's IEP team convened to review and revise the August 2023 IEP. Attendees included the Student's Parent, Adaptive Physical Education Teacher, Occupational Therapist, an officially designated representative of the School District, Physical Therapist, Regular Education Teacher, Special Education Teacher, Teacher for the Visually Impaired, Orientation and Mobility representative, Speech-Language Pathologist, Special Education Coordinator, and Special Education Program Manager.

The May 2024 IEP maintained the same annual goals as the August 2023 IEP and identified the same deficits in the Student's academic and functional performance. The IEP maintained the home-based placement but introduced Assistive Technology services and slightly adjusted the provision of services. Adapted Physical Education was increased to four times per month instead of weekly. Additionally, Special Education Instruction was expanded to include an additional monthly session of 15 minutes, supplementing the existing weekly session.

The IEP continued to specify that Occupational Therapy and Physical Therapy services would be provided on a consultative basis, with flexibility in delivery throughout the IEP year.

C. August 2024 IEP

On August 9, 2024, the IEP Team convened for an annual review of the Student's IEP. Attendees included the Student's Parent, Adaptive Physical Education Teacher, Occupational Therapist, an officially designated representative of the School District, Special Education Program Director, Special Education Program

Manager, Orientation and Mobility representative, Physical Therapist, Regular Education Teacher, Special Education Teacher, Teacher for the Visually Impaired, Speech-Language Pathologist, and Special Education Coordinator. However, the meeting concluded before the IEP was finalized, necessitating a continuation. The IEP Team subsequently reconvened on August 21, 2024, to complete the review and finalize the Student's IEP.

The School District provided the Parent with a Notice of Proposed or Refused Action ("NRPA"), outlining modifications to the Student's service delivery model, along with the revised IEP and an IEP Amendment Consent Form. The Parent signed the consent form, thereby approving the changes. The IEP became effective on August 22, 2024, the first full day of the academic year.

The IEP Team re-evaluated service delivery and implemented a partial transition to the school environment. Prior to finalizing the modifications, the team considered multiple alternative service delivery models, including full-day placement in an [redacted] class, a modified [redacted] schedule, school-site services with provider support, a rotational model alternating between home and school environments, exclusive home-based services at the Parent's request, services at a neutral community location such as a public library, and hospital-homebound placement contingent upon medical documentation.

The Parent expressed a preference for maintaining services in the home environment, asserting that it provided the safest and most productive setting for the Student. In response, the IEP Team agreed to a limited transition, modifying the IEP to relocate Adapted Physical Education and Physical Therapy to the school setting, while remaining services continued to be delivered in the home setting. Additionally, Orientation and Mobility services were increased in duration from 3 minutes to 15 minutes per session in the home setting. Special Education Instruction was adjusted to two sessions per week of 20 minutes each, along with an additional weekly 15-minute session. Speech-Language Pathology services were reduced in frequency but extended in duration to one session per month for 45 minutes instead of weekly 30-minute sessions.

The IEP continued to specify that Occupational Therapy and Physical Therapy services would be provided on a consultative basis and could be delivered through co-treatment, collaboration, consultation, or facilitation of adaptive equipment.

D. November 2024 IEP

On November 1, 2024, the Parent requested an amendment to the August 2024 IEP to modify the scheduling of Special Education Instruction. The Parent sought to reduce the number of instructional sessions while maintaining the total instructional minutes. The IEP team reviewed the request and approved the amendment, consolidating Special Education Instruction into one weekly session of forty minutes, replacing the prior structure of two weekly sessions of twenty minutes each. No other services or supports were modified. The amendment was formally implemented on November 11, 2024, and the IEP was thereafter designated as the November 2024 IEP.

III. Conclusions of Law

Upon consideration of the relevant facts and applicable law, the undersigned finds that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, and/or the Department's implementing regulations published in Louisiana Bulletin 1706.

A. Finding No. 1: Occupational Therapy and Physical Therapy Services

The Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., and Louisiana Bulletin 1706 §101 mandate that each eligible student with a disability receive a free appropriate public education in conformity with an IEP. Related services, including occupational therapy, must be provided as specified in the IEP and implemented to support the student's educational progress. See Louisiana Bulletin 1706 §324.

The Parent alleges that the assigned Occupational Therapist failed to provide direct services as required by the Student's IEP and falsified progress reports. However, the District maintains that services were delivered through a consultative model, with the ECSE teacher or other providers implementing therapy goals. The record further reflects that the Occupational Therapist offered to meet with the Parent to discuss concerns, but the Parent declined the proposed meeting.

Louisiana Bulletin 1508 §1503(C)(4) and the Reference Handbook for Occupational Therapy and Physical Therapy in Louisiana Schools recognize the use of consultative occupational therapy services as a valid means of service delivery. Neither the IDEA nor applicable state regulations mandate direct, one-on-one therapy if a consultative approach is appropriate to meet the Student's needs. Given that the Students IEPs explicitly provided for consultative occupational therapy and physical therapy services, the claim that the District failed to provide these services in accordance with the IEP is not substantiated. Accordingly, the Parent's request for compensatory education lacks sufficient evidentiary support. There is no finding of a violation, and the Parent's allegation is unsubstantiated.

B. Finding No. 2: Delivery of Special Education Instruction and Related Services

Pursuant to Louisiana Bulletin 1706 §101, a local education agency is legally obligated to ensure the timely and consistent provision of special education and related services as specified in a student's IEP. In this matter, the Parent alleges that the District failed to provide the Student with adequate special education instruction and related services, including occupational and physical therapy services.

The evidentiary record establishes that the Student's IEP was revised multiple times between July 2023 and November 2024, reflecting service adjustments based on parental input. The record further reflects that the Parent cancelled and declined to reschedule service sessions across several disciplines, including two special education instructional sessions, two physical therapy sessions, four adapted physical education sessions – despite three rescheduling attempts – seven speech therapy sessions, eight occupational therapy sessions, and two orientation and mobility sessions. The District acknowledges the cancellation of four speech therapy sessions and attempted to reschedule two, but the Parent either declined or failed to respond.

Pursuant to Louisiana Bulletin 1706 §323, a public agency must ensure timely implementation of a student's IEP; however, neither the IDEA nor its implementing regulations mandate that a local education agency ("LEA") provide compensatory services for missed sessions unless the failure to deliver services is attributable to the District's actions rather than parental unavailability or cancellation. Louisiana Bulletin 1706 §323 further underscores that a LEA must make a good faith effort to assist a student in achieving IEP goals, but the law does not hold an LEA accountable for services that could not be provided due to parental noncooperation or refusal.

Here, the District made reasonable and repeated efforts to provide the required services and to engage the

Parent in discussions regarding service implementation. While some sessions were cancelled by the District, the record demonstrates that efforts were made to reschedule, which the Parent declined or ignored. Moreover, the District proactively sought to address concerns regarding service delivery by offering to convene IEP team meetings, which the Parent requested to be cancelled or rescheduled.

Given the documented record of Parent-initiated cancellations and the District's efforts to reschedule, the evidence does not establish that the District failed to make a good faith effort to deliver services outlined in the Student's IEP. Accordingly, there is no finding of a violation, and the Parent's allegation is unsubstantiated.

C. Finding No. 3: Extended School Year Services

Pursuant to Louisiana Bulletin 1706 §106(A), Extended School Year services must be provided only if the student's IEP Team determines that such services are necessary to ensure FAPE. The ESY eligibility determination must be based on one or more of the following criteria: (1) Regression-Recoupment; (2) Critical Point of Instruction; or (3) Special Circumstances.

The Parent alleges that the District wrongfully denied ESY services based on falsified progress reports. The District maintains that ESY eligibility was reviewed under the Regression-Recoupment criteria, as well as the Critical Point 1 and 2 criteria, and determined that the Student did not qualify.

The IDEA does not mandate ESY services unless the Student meets specific eligibility criteria. Here, the IEP Team reviewed relevant data and determined that the Student did not demonstrate regression warranting ESY services. The Parent has not provided sufficient evidence to establish that the ESY eligibility decision was made improperly or contrary to state and federal regulations. Accordingly, there is no finding of a violation, and the Parent's allegation is unsubstantiated.

D. Finding No. 4: Appropriate Placement

Louisiana Bulletin 1706 §§114-117 mandates that students with disabilities be educated with non-disabled peers to the maximum extent appropriate. See also 34 C.F.R. §§ 300.114-300.117. Placement decisions must be made by the IEP Team based on the Student's unique needs, ensuring that the Least Restrictive Environment determination aligns with both the Student's educational and developmental requirements.

The Parent challenges the decision to relocate physical therapy and adaptive physical education services from the home environment to a school-based setting, asserting that the change was driven by administrative policy rather than the Student's individualized needs. Conversely, the District contends that the IEP Team conducted a thorough review of placement alternatives – including home-based services, hybrid models, and full school-based placement – before determining that the Student would benefit from receiving certain services at school while continuing all other services at home.

An analysis of the Student's four IEPs and amendments reflects a consistent determination that the Student's LRE is the home environment, with services tailored to [redacted] unique needs. The August 2023 and May 2024 IEPs were substantively identical in terms of placement and service provision, with minor adjustments in service frequency and instructional time. The August 2024 IEP relocated two services to the school setting while maintaining all other services in the home. However, this modification did not constitute a fundamental change in placement, as the overall service structure of the Student's educational program remained the same; rather, this adjustment reflected a modification to the location of services within the existing LRE determination. The November 2024 amendment made only a procedural change to the structure of Special Education Instruction without altering the Student's placement or the overall framework of service delivery.

The IEP Team considered multiple placement options, documented the rationale for relocating select services to the school setting, and implemented a gradual approach to school-based services while preserving the home-based LRE. Accordingly, there is no finding of a violation, and the Parent's allegation is unsubstantiated.

E. Finding No. 5: Properly Constituted IEP Team

Louisiana Bulletin 1706 §321 mandates that an IEP Team must include the student's parents, at least one regular education teacher, at least one special education teacher or provider, a representative of the public agency, and an individual who can interpret evaluation results. See also 34 C.F.R. § 300.321. The Parent asserts that the August 9, 2024, IEP meeting was improperly constituted due to administrative reassignments that resulted in two new team members participating without prior notice.

Neither IDEA nor Louisiana Bulletin 1706 §321 requires advance notice of personnel changes within the IEP Team, provided that all mandatory members are present and able to contribute meaningfully to the discussion. The evidentiary record reflects that all required IEP Team members, including the Parent, were in attendance and actively engaged in extensive discussions regarding service delivery options. These discussions sought to address the Parent's concerns while ensuring that the Student's educational programming remained responsive to [redacted] evolving needs. The placement and location decisions were made by a properly constituted IEP Team in full compliance with legal requirements.

Accordingly, there is no finding of a violation, and the Parent's allegations are unsubstantiated.

IV. Conclusion

The Department has determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Therefore, this investigation is hereby closed and no additional action is required by the Complainant or the District.

Sincerely,

Domonique Dickerson

Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/ (225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Jason Rowland, Superintendent, Bossier Parish Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-39



LOUISIANA DEPARTMENT OF EDUCATION

February 19, 2025

[redacted]

Kody Smith
Regional Special Education Director
Louisiana Key Academy
5015 Auto Plex Drive
Baton Rouge, LA 70809
kody.smith@lakeyacademy.com

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-39**

Dear [redacted] and Kody Smith:

On February 19, 2025, the Louisiana Department of Education received a copy of a Notice to LDOE of Formal ERP Status Form, which confirmed that the parties to this formal complaint reached a mutually agreeable resolution and that the complainant officially withdrew the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-39**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Andromeda Cartwright, Chief Academic Officer, Louisiana Key Academy (email only)

Louisiana Special Education Complaint Investigation

45-C-40



LOUISIANA DEPARTMENT OF EDUCATION

January 31, 2025

[redacted]

Dianne Lewis, Executive Director
Exceptional Student Services
Inspire NOLA Charter Schools
2401 Westbend Pkwy
New Orleans, LA 70114
dianne.lewis@inspirenolaschools.org

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-40** on behalf of [redacted]

On **December 11, 2024**, [redacted] (hereinafter referred to as the "Parent") filed a Request for Special Education Formal Complaint Investigation concerning a student attending [redacted], a public charter school under the jurisdiction of Inspire NOLA Charter Schools ("the District") with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the Parent's child [redacted] ("the Student"), the Parent alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by failing to provide the Parent with access to the Student's educational records.

At the time of filing the complaint, the Parent provided a complaint request. The Parent also submitted two electronic mail exchanges on January 6, 2025. The District provided a written response to the complaint along with six documentary exhibits. As the Department's assigned investigator, I reviewed the complaint, the District's response, and the supplemental materials submitted by the parties.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 §152(C) requires that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on **December 11, 2024**. Therefore, the investigation was limited to alleged violations of law that occurred between December 12, 2022, and December 11, 2024.

II. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school and was receiving special education and related services as a student with a disability.

During the fall semester of the 2023-24 school year, the Student's mother removed the Parent's name from the Student's educational records. At some point later in the semester, the Parent requested specific educational records concerning the Student and was informed that the school did not have current records establishing the Parent's paternity of the Student. Specifically, the District informed the Parent that he was not listed as a parent in the information provided by the Student's mother and that his name was not listed as the father of the Student on the Student's birth certificate.

The Parent provided the District with a copy of a *Petition to Establish Paternity and Support Obligations*

which had been file by the State of Louisiana against the Parent during the summer of 2023. On December 9, 2024, the District informed the Parent that the documents were insufficient to establish paternity of the Student and that state and federal law prohibited the release of student educational records to individuals who are not the child's parent or a designee of the child's parent. On December 10, 2024, the Student's mother submitted updated student information which identified the Parent as the Student's father.

On December 11, 2024, the Parent filed the complaint that formed the basis of the Department's investigation.

On December 16, 2024, the District communicated with the Parent concerning the updated information and provided the Parent with the requested records by electronic mail.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by failing to provide the Parent with access to the Student's educational records.

Louisiana Bulletin 1706 § 613(A) requires that each school district in Louisiana "permit parents to inspect and review any education records relating to their children." That provision also states that school districts "shall comply with all requests without unnecessary delay … and in no case more than 45 days after the request has been made.

In this case, the Parent made his initial request for documents during a period of time in which the District did not have records establishing that the Student was a child of the Parent or that the Parent was a designee of the child's mother for the purposes of receiving educational records. Therefore, the District's refusal to provide records to the Parent at the time of the initial request was appropriate and the basis for the refusal was clearly communicated to the Parent.

Once the District received suitable documentation that the Parent was the father of the Student on December 10, 2024, the District contacted the Parent and provided the requested records within four business days.

Considering the District's concerns about the legal status of Parent, the Department concludes that the District's actions were reasonable and consistent with the requirements of law concerning the release of student educational records. Therefore, the Department concludes that the Parent's allegation – that the District failed to comply with the requirement to provide the Parent with access to the Student's educational records – is unsubstantiated.

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IV. Corrective Action Plan

The Department has determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Therefore, this investigation is hereby closed and no additional action is required by the Parent or the District.

Sincerely,



Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Jamar McKneely, Chief Executive Officer, Inspire NOLA Charter Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-41



LOUISIANA DEPARTMENT OF EDUCATION

March 10, 2025

[redacted]

Dr. Susan Dewees
Director of Special Education
Rapides Parish School Board
4515 Eddie Williams Ave.
Alexandria, LA 71302
susan.dewees@rpsb.us

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-41** on behalf of [redacted]

On **January 7, 2025**, [redacted] (hereinafter referred to as the "Parent") filed a Request for Special Education Formal Complaint Investigation concerning her minor child (the Student), who was attending a public school under the jurisdiction of Rapides Parish School Board ("the District"), with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the Parent's minor child, [redacted] ("the Student"), the Parent alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, and the Department's implementing regulations published in Louisiana Bulletin 1706 by: 1) failing to provide the Student with special education instruction as identified in the Student's Individualized Education Program ("IEP"); 2) failing to provide the Parent with a notice of proposed or refused actions concerning the placement of the Student in an alternative educational placement; 3) failing to provide the Parent with a notice of proposed or refused actions addressing parental concerns about the Student's evaluation in April of 2024; 4) failing to provide the Parent with timely information about the Student's eligibility for extended school year services and proper notice that extended school year services would be discussed at the Student's May 30, 2024, IEP team meeting; 5) failing to provide the Parent with a reasonable opportunity to participate in decisions concerning the Student's graduation pathway; 6) failing to provide the Parent with a reasonable opportunity to participate in September 27, 2024, amendments to the Student's IEP; and, 7) failing to provide the Parent with a reasonable opportunity to participate in September 27, 2024, amendments to the Student's Individualized Healthcare Plan.

At the time of filing the complaint, the Parent provided a complaint request, a 19-page narrative complaint, and 17 numbered exhibits. The District provided a 24-page narrative response and 20 numbered exhibits. As the Department's assigned investigator, I reviewed the complaint, the District's response, and the supplemental materials submitted by the parties.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 § 152(C) requires that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on **January 7, 2025**. Therefore, the investigation was limited to alleged violations of law that occurred between January 8, 2023, and January 7, 2025.

II. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school and was eligible to receive special education and related services as a student with a specific learning disability. In November of 2023, the Student was enrolled in the [redacted] and assigned to an alternative educational setting as the result of a disciplinary removal. The circumstances of the disciplinary removal, including the manifestation determination review and IEP Team meetings which took place on November 13, 2023, were the subject of a due process hearing in which the hearing officer found that the Parent's allegations of procedural noncompliance by the District concerning notice of changes to the Student's IEP were unsubstantiated. While in the alternative setting, the Student received 45 minutes per day of specially designed instruction in the regular education setting according to the IEP developed on November 13, 2023. In the Student's placement prior to the alternative setting, the Student received 55 minutes per day of specially designed instruction in the regular education setting and 15 minutes per week in the special education setting.

The Student returned to a traditional school setting in the third quarter of the 2023-24 school year following the disciplinary removal. Shortly thereafter, the District conducted an evaluation of the Student. The evaluation was completed and the report disseminated on March 27, 2024. The evaluation contained educational recommendations in the areas of task attention, impulsivity, academic, occupational therapy, behavior, and organization. The evaluation also recommended that the Student receive approximately an hour of specially designed instruction per day to supplement the Student's regular education instruction. The results of the evaluation indicated that the Student did not require school health services or assistive technology devices beyond those in general use by students at the school.

The evaluation report and a Notice of Proposed or Refused Action were provided to the Parent on March 27, 2024. The documents described the evaluation results – including the Student's lack of demonstrated need for assistive technology or school health services – and the information that was considered as part of the evaluation.

The evaluation was considered as part of the Student's eligibility determination, and the Student was found to be eligible for special education and related services as a student with a specific learning disability and other health impairments.

Near the end of the 2023-24 school year, the District sent written notice to the Parent indicating that the Student was not eligible for extended school year ("ESY") services. Upon request of the Parent, a meeting was held with District staff to discuss the ESY eligibility process. At the end of the 2023-24 school year, the Student was promoted to the [redacted].

On August 8, 2024, District staff met with the Parent to discuss the Student's graduation plans. At the time of the meeting, the Student was beginning [redacted] year and had made minimal progress in the general education high school curriculum. The meeting participants determined that the Student would pursue a Jump Start Business Management pathway. A second meeting was held by phone with the Parent on August 22, 2024. The participants discussed the TOPS University and Jump Start Business Management pathways and again determined that the Student would pursue the Jump Start Business Management pathway and seek to complete the program on pace with [redacted] peer group. The Parent met with District staff again on November 8, 2024, and November 21, 2024, to discuss graduation pathways. No changes were made at either of the meetings in November of 2024.

On January 7, 2025, the Parent filed the complaint that formed the basis of the Department's investigation.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by:

1) failing to provide the Student with special education instruction as identified in the Student's IEP;
2) failing to provide the Parent with a notice of proposed or refused actions concerning the placement of the Student in an alternative educational setting;
3) failing to provide the Parent with a notice of proposed or refused actions addressing parental concerns about the Student's evaluation in April of 2024;
4) failing to provide the Parent with timely information about the Student's eligibility for extended school year services and proper notice that extended school year services would be discussed at the Student's May 30, 2024, IEP team meeting;
5) failing to provide the Parent with a reasonable opportunity to participate in decisions concerning the Student's graduation pathway;
6) failing to provide the Parent with a reasonable opportunity to participate in September 27, 2024, amendments to the Student's IEP; and,
7) failing to provide the Parent with a reasonable opportunity to participate in September 27, 2024, amendments to the Student's Individualized Healthcare Plan.

Special Education Instruction and Placement in Alternative Educational Setting

Louisiana Bulletin 1706 § 530(D)(1)(a) requires that each student with a disability who is subject to a disciplinary removal of over ten days, "continue to receive educational services . . . so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP." Additionally, Louisiana Bulletin 1706 § 530(D)(5) requires that "the student's IEP Team determines appropriate services."

The Parent provided no evidence supporting the conclusion that the ten-minutes-per-day reduction of special education instruction to the Student during the Student's assignment to the alternative educational setting resulted in a denial of a free and appropriate public education. Specifically, the evidence did not demonstrate that the District either failed to provide the services identified on the Student's November 13, 2023, IEP or that those services were not reasonably calculated to provide educational benefit.

Similarly, the Parent has not provided support for the allegation that the District failed to provide proper notice of the changes which accompanied the Student's disciplinary placement in November of 2023. In this case, the Student was placed in an alternative educational setting as a result of a disciplinary removal. The Parent participated in each of the meetings concerning the underlying disciplinary action, the manifestation determination review, and the IEP Team's determination of appropriate services for the Student. Furthermore, the Parent was sent notice of the changes proposed at the IEP team meeting on November 13, 2024, and the provision of that notice was addressed in a due process hearing, which found that the Parent was properly notified of the actions taken concerning the Student's disciplinary removal.

The record in this investigation supports the conclusion that the District's actions regarding the Student's November 2023 disciplinary removal were compliant with the substantive and procedural requirements concerning the provision of services to students who are subject to extended disciplinary removals. Based

on the findings of fact and conclusions of law contained herein, the Department concludes that the Parent's allegations – that the District failed 1) to provide the Student with special education instruction as identified in the Student's IEP; and, 2) to provide the Parent with a notice of proposed or refused actions concerning the placement of the Student in an alternative educational setting– are unsubstantiated.

Parental Participation and Notices of Proposed or Refused Actions

Louisiana Bulletin 1706 contains a number of provisions which support the participation of parents in the educational decision-making process. Bulletin 1706 § 504 requires public agencies to provide parents with notice before the agency proposes or refuses "to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student." Bulletin 1706 § 322 requires public agencies to take steps, including the provision of meeting notices, to ensure that parents participate in IEP team meetings.

In this case, the Parent alleges that, between April and September of 2024, she was denied an opportunity to meaningfully participate in educational decisions concerning the Student and that the District did not properly provide the Parent with notices of proposed or refused changes to the Student's educational program. However, the record in this case demonstrates that the District and the Parent met consistently to address changes to the Student's educational program and that the District consistently provided notice of proposed or refused changes to the Parent.

The record also demonstrates a clear pattern whereby, after participating in the educational decision-making process, the Parent disagrees with changes made to the Student's educational program and alleges that the processes surrounding those changes were deficient. The Parent's complaint narrative depicts a school district with little regard for parental input or procedural compliance. However, the record developed in this investigation, including the evidence submitted by the Parent, indicates that the District appropriately engaged with the Parent in all decisions concerning the Student's educational program.

Based on the findings of fact and conclusions of law contained herein, the Department concludes that the Parent's allegations – that the District failed 3) to provide the Parent with a notice of proposed or refused actions addressing parental concerns about the Student's evaluation in April of 2024; 4) to provide the Parent with timely information about the Student's eligibility for extended school year services and proper notice that extended school year services would be discussed at the Student's May 30, 2024, IEP team meeting; 5) to provide the Parent with a reasonable opportunity to participate in decisions concerning the Student's graduation pathway; 6) failing to provide the Parent with a reasonable opportunity to participate in September 27, 2024, amendments to the Student's IEP; and, 7) failing to provide the Parent with a reasonable opportunity to participate in September 27, 2024, amendments to the Student's Individualized Healthcare Plan – are unsubstantiated.

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IV. Conclusion

The Department has determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Therefore, this investigation is hereby closed and no additional action is required by the Parent or the District.

Sincerely,



Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Jeff Powell, Superintendent, Rapides Parish Schools (email only)

LOUISIANA DEPARTMENT OF EDUCATION

May 1, 2025

[redacted]

Dr. Susan Dewees
Director of Special Education
Rapides Parish School Board
4515 Eddie Williams Ave.
Alexandria, LA 71302
susan.dewees@rpsb.us

Re: Findings-Decision in State Special Education Formal Complaint No. **45-C-41** on behalf of [redacted]

On March 10, 2025, the Louisiana Department of Education ("the Department") issued a Findings and Decision Letter in response to a Special Education Formal Complaint Investigation Request filed by [redacted] ("Complainant") against the Rapides Parish School Board ("District") on behalf of her minor child ("Student").

On March 20, 2025, the Complainant submitted a Request for Reconsideration, alleging that the complaint investigator erred in certain findings of fact and/or conclusions of law. Specifically, the Complainant contends the investigator erred by: 1) mischaracterizing the November 13, 2023, proceeding as an IEP Team meeting rather than solely a manifestation determination review (MDR); 2) failing to find that the parent was denied meaningful participation across multiple educational processes; 3) concluding that the District provided timely prior written notice of the student's ineligibility for Extended School Year (ESY) services; and 4) failing to find that the District's assignment of an uncertified individual to deliver specially designed instruction (SDI) constituted a denial of a free appropriate public education (FAPE).

Pursuant to Louisiana Bulletin 1706 §153(I), a request for reconsideration constitutes an administrative review to determine whether the complaint investigator's findings of fact or legal conclusions can be reasonably supported by the evidence submitted during the initial complaint investigation. The reconsideration panel is not empowered to accept new evidence or reweigh facts but must assess whether the original decision contains a clear factual error or misapplication of legal standards. Based on a full review of the original evidentiary record, the Department issues the following decision:

I. November 13, 2023 – IEP Amendment and Manifestation Determination Review

The Complainant contends that the Department erred in identifying the November 13, 2023, proceeding as an IEP meeting, arguing it was solely a manifestation determination review (MDR). However, this matter was previously adjudicated in a due process decision issued on November 4, 2024, where the administrative law judge expressly found that an IEP amendment occurred on that date in conjunction with the MDR. Pursuant to Bulletin 1706 §153, this issue is barred from further review. The Department is precluded from revisiting findings made in the due process proceeding,

and no error is found in the original decision's reference to the events of November 13, 2023.

II. Extended School Year (ESY) Notice Timing

The Complainant contends that the Department erred in determining that the District provided timely notice of the student's ineligibility for Extended School Year (ESY) services. Under applicable regulations, Local Educational Agencies (LEAs) must issue written notice regarding ESY eligibility decisions in a timely and comprehensible manner.

The notice of ineligibility is dated May 2, 2024; however, the record lacks evidence confirming the date of mailing, emailing, or physical delivery. A parent email dated May 20, 2024, indicates that the notice was sent home with the student and received on that same day. The Department's original decision deemed May 20 as "near the end of the school year" and found the delivery to be timely. In the absence of definitive evidence to the contrary, and applying the deferential standard required under Bulletin 1706 §153(I), the Department cannot conclude that the original finding—that notice was timely—is clearly erroneous.

III. Parental Participation in Educational Processes

The Complainant asserts that the Department failed to identify procedural violations regarding parental participation in the student's March 2024 reevaluation, individualized health planning, and development of the Individual Graduation Plan (IGP) and diploma pathway.

The record shows the parent's active involvement in the March 2024 reevaluation, including contributions to health history and behavioral assessments, as well as documented disagreement with the eligibility decision. Similarly, records from September and October 2024 reflect the parent's input during health planning, as well as disagreement with the District's implementation of an Emergency Care Plan. Regarding the IGP, meeting notes from November 2024 confirm the parent's participation in discussions about graduation planning and transition goals, including responsive engagement from the District.

Accordingly, the Department finds no legal or factual error in the original decision as it relates to parental participation requirements.

IV. Personnel Qualifications and Delivery of Specially Designed Instruction

Among the allegations raised in the original complaint, the Complainant asserted that the Student, during placement at an alternative education setting from November 15, 2023, through February 5, 2024, received specially designed instruction (SDI) from an individual who lacked valid Louisiana teacher certification. In the reconsideration request, the Complainant asserts that the original investigation erred by failing to conclude that the delivery of specially designed instruction by an uncertified teacher constituted a denial of a free appropriate public education.

In its formal response—part of the original investigative record—the District acknowledged that the assigned individual: 1) did not hold a valid Louisiana teaching certificate, license, or permit during the relevant period; and 2) did not obtain a Temporary Authority to Teach (TAT) or enroll in any BESE-approved alternate certification pathway until the following school year in August 2024.

The investigator's original decision did not independently assess or issue findings regarding the certification or licensure status of the individual providing specially designed instruction (SDI). Instead, the analysis focused solely on whether the SDI minutes specified in the student's IEP were delivered, without evaluating whether those services were provided by a legally qualified professional.

Pursuant to Bulletin 1706 § 156(A), "The LDE shall establish and maintain qualifications through Bulletin 746—Louisiana Standards for State Certification of School Personnel, to ensure that personnel necessary to carry out the purposes of these regulations are appropriately and adequately prepared and trained…." In addition, Bulletin 1706 § 156(C) provides that "Each person employed as a public school special education teacher in the state who teaches in an elementary school, middle school, or secondary school is highly qualified as a special education teacher." Further, Bulletin 746 and Bulletin 741 §505(A) further require that teaching staff either hold valid certification or be actively enrolled in an alternate route program under formal mentorship. In this case, the assigned individual met none of these requirements during the period in question. Personnel delivering special education services—including SDI—must be appropriately certified or licensed. The individual assigned was neither qualified nor credentialed to deliver such instruction as the District acknowledged in its original response.

Pursuant to Bulletin 1706 §153(I), reconsideration is confined to the evidence contained within the original complaint record; the panel may neither supplement the record nor request additional information to expand it. Consequently, the District's assignment of an uncertified individual to deliver specially designed instruction constitutes a compliance violation requiring corrective action. However, the absence of documentation in the original record demonstrating a resulting loss of educational benefit precludes the panel from finding a denial of a free appropriate public education.

Accordingly, reconsideration is granted in part as to this issue. The Department amends its prior decision to include a finding of a noncompliance regarding personnel qualifications but does not find a denial of FAPE based on the original record.

V. Corrective Action – Personnel Qualifications Compliance Violation

To address the compliance violation, the District must complete the following actions:

1. Within 90 calendar days, the District shall submit updated internal policies and procedures addressing:

a. Pre-employment credential verification;
b. Assignment of special education personnel;
c. Ongoing certification monitoring; and
d. Supervisory accountability for certification compliance.

2. Within 120 calendar days, the District shall conduct targeted professional development for relevant staff on:
    a. Certification pathways and credentialing requirements under Bulletin 746 and Bulletin 1706;
    b. Mentorship obligations for nonstandard credential holders; and
    c. Documentation of training, including agendas and attendance, shall be submitted to the Department within 10 days of completion.

Sincerely,



Domonique Dickerson
Attorney



R. Christopher Fruge
Attorney

On behalf of: G.M. Millet, Jr.



Domonique Dickerson
Attorney

Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Jeff Powell, Superintendent, Rapides Parish Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-42



LOUISIANA DEPARTMENT OF EDUCATION

March 10, 2025

[redacted]

Aeneid Mason
Director of Student Support Services
Zachary Community School District
3755 Church Street
Zachary, LA 70791
aeneid.mason@zacharyschools.org

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-42** on behalf of [redacted]

On January 9, 2025, [redacted] (hereinafter referred to as the "Parent"), acting on behalf of her minor child ("the Student"), filed a formal complaint with the Louisiana Department of Education ("the Department") against of Zachary Community School District ("District"), pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, the Parent alleges that the District violated the Individuals with Disabilities Education Act ("IDEA"), and Louisiana Children's Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Specifically, the Parent alleges that the District violated the applicable laws and regulations by: 1) failing to provide the Parent with educational records of the Student; and, 2) failing to provide the Student with speech language therapy sessions as required by the Student's Individualized Education Program ("IEP").

The Parent submitted a formal complaint form, a two-page narrative, a five-page supplemental narrative, and multiple exhibits in support of her allegations. In response, the District submitted a two-page narrative and four exhibits addressing the allegations set forth in the complaint.

The Findings of Fact and Conclusions of Law contained herein are based on a review of the materials submitted and the relevant legal provisions. Pursuant to Louisiana Bulletin 1706 § 152(C), a formal complaint must allege a violation that occurred no more than two years prior to the date of the complaint's receipt. The Department received the complaint on January 9, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between January 10, 2023, and January 9, 2025.

II. Findings of Fact

At all times relevant to this complaint, the Student was enrolled in school operated by the District and was eligible for special education and related services under the IDEA as a student with a qualifying disability.

A. Failing to Provide Educational Records

On October 9, 2024, the Parent and the District entered into a Mediated Settlement Agreement, under which the District agreed to provide copies of the Student's service logs, documentation of accommodations, discipline records, IEP progress reports, and evaluation report within 30 days. The record does not establish that the Parent made prior requests for these documents before the agreement was executed. Accordingly,

October 9, 2024, serves as the first documented request for the records for purposes of compliance with IDEA's records access requirements.

On January 16, 2025, the Parent met with the District and reiterated her prior request for the same records. The District provided some records on January 27, 2025, and additional documents on January 31, 2025.

The Parent, in a February 7, 2025, supplemental complaint narrative, alleged that the service logs provided by the District were fabricated or altered, citing handwriting similarities, ink color variations, and the absence of official letterhead.

B. Service Log Accuracy and Alleged Alterations

Upon receiving the records on January 27, 2025, the Parent immediately expressed concerns regarding their clarity and completeness. The following day, on January 28, 2025, the Parent clarified her request, seeking complete service logs with detailed session information. Additionally, she requested the visitor sign-in notebook to verify the presence of personnel on campus. In response, the District reformatted the logs, included an explanation of service codes, and made the revised logs available for pickup on January 31, 2025. The District asserts that the reformatting was conducted in response to the Parent's request for clarity and that the records remained substantively unchanged.

C. Failure to Provide Speech Language Therapy Sessions

The District admits, and the speech therapy logs confirm, that the Student did not receive any speech-language therapy services in August 2024 and received only two sessions in September 2024 due to a lack of available speech-language therapists. The District hired a new full-time speech therapist in October 2024, and services resumed.

In the October 2024 Mediated Settlement Agreement, the District agreed to develop a compensatory speech therapy plan scheduling eight make-up sessions between January and May 2025 to remedy the failure to provide services in August and September 2024. The failure to provide services to the Student was also identified in during Department's monitoring of the District. The District is required to submit a corrective action plan in response to monitoring findings by May 31, 2025.

III. Conclusions of Law

Upon consideration of the relevant facts and applicable law, the undersigned finds that the District violated the Individuals with Disabilities Education Act, the Louisiana Children with Exceptionalities Act, and/or the Department's implementing regulations as set forth in Louisiana Bulletin 1706 by failing to provide the Parent with timely access to the Student's educational records. The Parent's first documented request for records was made on October 9, 2024. The District provided an initial set of records on January 27, 2025, followed by additional records on January 31, 2025. As these dates exceed the 45-day regulatory deadline prescribed under Louisiana Bulletin 1706 § 613(A), the District failed to comply with the statutory timeframe for providing access to educational records.

Additionally, the District's failure to provide speech language therapy services as required by the Student's IEP constitutes a denial of a Free Appropriate Public Education ("FAPE") in violation of Louisiana Bulletin 1706 § 101(A).

However, the record does not contain corroborating evidence to substantiate the assertion that the District fabricated or improperly altered the service logs. Instead, the evidence demonstrates that the District reformatted the logs in response to the Parent's request for clarification and provided additional explanatory details to facilitate the Parent's review. Furthermore, the visitor sign-in logs requested by the Parent are not considered "educational records" and, therefore, the District was not required to provide them under the laws applicable to this complaint investigation.

IV. Required Corrective Actions

To address the District's failure to provide timely educational records, the District shall:

- Revise its policies and procedures to ensure future compliance with IDEA's 45-day records access requirement.
- Provide training to relevant personnel regarding records access as set forth in Louisiana Bulletin 1706 § 613.
- Submit the following to the Department as soon as possible and no later than May 31, 2025:
    - A copy of the revised policies and procedures.
    - Copies of sign-in sheets and training materials documenting the District's provision of training to relevant staff addressing the content described above.

To address the District's failure to provide speech-language therapy services in August and September 2024, the District shall:

- Continue implementing compensatory speech therapy services as required by the Department's September 2024 directive.

The District's full compliance with the existing compensatory education monitoring plan will remedy the denial of FAPE. However, if the District fails to adhere to the corrective actions outlined in this decision, additional enforcement measures may be imposed.

Sincerely,



Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/ (225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Ben Necaise, Superintendent, Zachary Community School District (email only)

Louisiana Special Education Complaint Investigation

45-C-43



LOUISIANA DEPARTMENT OF EDUCATION

February 3, 2025

[redacted]

Dr. Eric Penalber
Director of Special Education
Livingston Parish Public School
P.O. Box 1130
Livingston, LA 70754
eric.penalber@lpsb.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-43**

Dear [redacted], and Dr. Eric Penalber:

On January 30, 2025, the Louisiana Department of Education received a copy of a Notice to LDOE of Formal ERP Status Form, which indicated that the parties to this formal complaint reached a mutually agreeable settlement and that the complainant wished to withdraw the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-43**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Jody W. Purvis, Superintendent, Livingston Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-44



LOUISIANA DEPARTMENT OF EDUCATION

March 14, 2024

[redacted]

Courtnie King
Supervisor of Special Services Department
Cameron Parish School District
510 Marshall Street
Cameron, LA 70631
courtnie_king@camsch.org

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-44** on behalf of [redacted]

On **January 14**, **2025**, [redacted] (hereinafter referred to as the "Parent"), acting on behalf of his minor child (hereinafter referred to as "the Student"), filed a formal complaint with the Louisiana Department of Education ("the Department") against Cameron Parish School District ("District"), pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, the Parent alleges that the District violated the Individuals with Disabilities Education Act ("IDEA"), and Louisiana Children's Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Specifically, the Parent alleges that the District violated the applicable laws and regulations by: 1) failing to timely evaluate the student to consider his eligibility for special education and related services.

The Parent submitted a formal complaint form, a two-page narrative, and fifty-one (51) pages of documentary exhibits in support of the allegations. In response, the District submitted a two-page narrative along with two hundred ninety-five (295) pages of documentary exhibits addressing the allegations set forth in the complaint.

The Findings of Fact and Conclusions of Law contained herein are based on a review of the materials submitted and the relevant legal provisions. Pursuant to Louisiana Bulletin 1706 § 152(C), a formal complaint must allege a violation that occurred no more than two years prior to the date of the complaint's receipt. The Department received the complaint on January 14, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between January 15, 2023, and January 14, 2025.

II. Findings of Fact

The Student, hereinafter referred to as "the Student," was enrolled at District School on October 16, 2023, for [redacted]. Shortly after enrollment, the Student exhibited significant behavioral disturbances, resulting in repeated disciplinary actions, removals from the classroom, and interventions by school personnel, external agencies, and law enforcement.

On October 18, 2023, within two days of enrollment, the Student was referred to the principal's office for willful disobedience. The incident resulted in a conference with the principal, and the Student was returned to class. The following day, on October 19, 2023, the Student engaged in severe behavioral dysregulation, physically assaulting a teacher by kicking. As a result, [redacted] was removed from the classroom and placed in the

calming room. On October 23, 2023, the Student escalated his behavior, striking and punching a teacher. This conduct led to a two-day out-of-school suspension, from October 23 to October 24, 2023, and the incident was reported to the Child Welfare and Attendance Office.

The Student's behavioral episodes intensified in November 2023. On November 14, 2023, [redacted] was removed from the classroom after attempting to slap a paraprofessional and refusing directives. The principal intervened and escorted the Student to the administrative office. While in the presence of the School Resource Officer (SRO), the Student stated that [redacted] wanted to "kill kids [redacted] age because that is what [redacted] head was telling [redacted] to do." This statement prompted a threat assessment conducted by a Licensed Professional Counselor (LPC), who determined that the threat was minor. However, the Student was suspended out of school for an undisclosed duration. On November 28, 2023, the LPC responded to an inquiry from the Principal, confirming that the Student's prior threat was assessed as minor. However, the LPC recommended that the Student be referred to Families in Need of Services (FINS) due to escalating behavioral concerns.

On December 6, 2023, the Student engaged in battery against a paraprofessional, leaving a visible bruise. The District filed a formal report with the Cameron Parish Sheriff's Office, and photographic documentation of the injuries was taken. On December 13, 2023, the District convened a meeting attended by the Parent, representatives from the Human Services Authority, the principal, assistant principal, school counselor, and the Student's teacher. Despite acknowledging the Student's continued behavioral difficulties, the District did not initiate an evaluation or implement a structured behavioral intervention plan.

On December 18, 2023, the Student's mother withdrew [redacted] from school, and the Student was officially unenrolled on December 19, 2023. However, [redacted] was reenrolled at the same school by the Parent on January 22, 2024. The Student's behavioral concerns continued unabated. On January 23, 2024, [redacted] engaged in another act of physical aggression, leaving visible bruising on a paraprofessional and kicking [redacted] teacher in the leg. This incident resulted in a referral to FINS.

On February 8, 2024, the Student was referred to the office for assault of a school employee, willful disobedience, and treating authority with disrespect, resulting in a one-day out-of-school suspension. On February 20, 2024, [redacted] threw chairs and attempted to overturn a table, necessitating direct intervention by school administrators. Two days later, on February 22, 2024, the Student engaged in multiple behavioral disturbances throughout the school day, including a physical altercation in physical education class, throwing a bucket of classroom materials, and screaming uncontrollably while climbing onto his desk.

On February 26, 2024, the school counselor met with members of the Human Services Authority to discuss the Student's behaviors, including concerns regarding [redacted] potential for self-harm and the possibility of contacting a crisis hotline. The discussion included whether a special education evaluation should be conducted and whether an IEP should be implemented.

On February 27, 2024, the Student engaged in physical aggression against multiple school employees, kicking them, which resulted in a two-day out-of-school suspension, from February 27 to February 28, 2024. Given the severity and frequency of the Student's behavioral outbursts, the Superintendent verbally recommended that the Parent obtain a psychological evaluation, offering to cover the cost if necessary. Additionally, a formal report was filed with the Cameron Parish Sheriff's Office.

On March 19, 2024, a School Building Level Committee (SBLC) meeting was convened at the request of the Superintendent. The meeting was attended by the Parent, the Social/Emotional Learning Coordinator (SEL), the Educational Diagnostician, the principal, assistant principal, school counselor, and the Student's teacher. At this meeting, the Parent signed formal consent for evaluation, triggering the District's obligation to complete the evaluation within 60 days. However, rather than completing the evaluation, the District extended the process for months, citing a "summer extension of timelines" and attributing delays to the Student's absences and the Parent's failure to provide necessary documentation.

The Student's evaluation noted that behavior charting and interventions were requested prior to the March 2024 SBLC meeting, yet no data had been collected to assess intervention effectiveness. The evaluation stated:

> *"Typically, when a student exhibits behaviors of extreme concern, such as physical assault, a Functional Behavior Analysis (FBA) is completed to determine the triggers for the behavior, the setting, the time of occurrence, and the function of the behavior. No documentation of completed FBAs was indicated or received. Additionally, the SEL (Social/Emotional Learning) Coordinator had made repeated visits to the school offering behavior strategies to implement, explaining how to modify behaviors, and how to effectively track progress; she also sent an email 11/14/23 to the principal and school counselor with detailed strategies"*

On March 25, 2024, the Educational Diagnostician conducted an in-class observation lasting 2 hours and 40 minutes. Following this observation, an FBA was completed, and the Diagnostician recommended a Section 504 Plan and a Behavior Intervention Plan (BIP), rather than an IEP.

On April 24, 2024, a Behavioral Assessment System for Children (BASC-3) rating scale was administered to both the Parent and the Student's teacher. The results indicated clinically significant behavioral challenges across multiple domains, including suicidal ideation, threats of violence, extreme aggression, and emotional dysregulation. The Student frequently expressed suicidal ideation ("I want to die" or "I wish I was dead"), made threats to harm others, lost control when angry, and engaged in self-injurious behaviors. The school psychologist summarized that the assessment information indicated that the Student exhibited significant behavioral difficulties within and outside of the school setting, with significant concerns reported in the areas of hyperactivity, aggression, conduct problems, anxiety, depression, atypicality, withdrawal, and adaptability, which suggests an unusually high level of maladaptive behavior in these areas, noting that Student's behavior should be closely monitored and appropriate behavioral interventions should be implemented.

Despite this April 24, 2024 behavioral evaluation confirming the Student exhibited severe emotional and behavioral challenges, the District failed to complete the IDEA eligibility process in a timely manner. The final evaluation results, confirming eligibility under Emotional Disturbance (ED) under IDEA, were not formally disseminated until January 15, 2025—nine months after parental consent was obtained.

The Student continued to experience escalating behavioral concerns into the 2024–2025 school year. On August 21, 2024, the school district convened a meeting with the Human Services Authority, Families Helping Families, FINS, the Department of Children and Family Services (DCFS), and the Parent, during which the BIP was reviewed and revised. Nevertheless, on August 22, 2024, the Student refused to complete work, left the classroom yelling and crying, and physically struck the teacher, resulting in a referral to the office and

placement in the intervention room. Similar incidents occurred on August 26, 2024, when the Student threatened to strike another student, on August 28, 2024, when [redacted] threw food at a peer and made concerning statements regarding his home environment, and on September 30, 2024, when [redacted] engaged in physical aggression against a school employee, kicking and pushing them, which resulted in a one-day out-of-school suspension.

On November 14, 2024, the Student attempted to flee the school building, pushed an administrator, and made statements of self-harm, prompting a response from the LPC and SRO. On November 19, 2024, the Student stated [redacted] wished [redacted] had a gun to shoot [redacted] and did not want to live [redacted] life anymore, resulting in his removal via emergency intervention to a hospital.

On December 2, 2024, the Student engaged in another behavioral incident, during which [redacted] struck a glass door, refused to comply with a metal detection screening, flipped a chair, slid a desk across the classroom, and hit [redacted] head against the wall and floor. As a result, the Parent was asked to check the Student out of school, and the Student was subsequently suspended until December 4, 2024.

On December 4, 2024, the Student was suspended from December 5 to December 16, 2024 and recommended for expulsion following another behavioral incident in which [redacted] attempted to choke another student, made a "killing remark," and expressed suicidal ideation. However, the District did not move forward with expulsion, instead conducting a Manifestation Determination Review (MDR) on December 16, 2024, under Section 504. The MDR resulted in the Student being placed on virtual homebound instruction, with the District explicitly referencing the reevaluation of placement pending the completion of the evaluation and IEP process.

In January 2025, the District finalized and disseminated the results of the Student's evaluation, determining that [redacted] met the eligibility criteria for Emotional Disturbance under the Individuals with Disabilities Education Act (IDEA). The finalized Individualized Education Program (IEP) placed the Student in a specialized setting outside the general education environment, citing the severity and frequency of [redacted] behavioral outbursts, [redacted] inability to self-regulate, and the safety risks posed to [redacted] and others in a traditional school setting. The District further stated in the IEP that, given the Student's history of aggression, suicidal ideation, and disruptive behaviors, none of which had been successfully mitigated by a prior Behavioral Intervention Plan, a more structured and intensive educational environment was necessary to provide the behavioral and academic supports required for his progress. The IEP maintained the Student on homebound instruction, initially instituted on December 16, 2024, pending the determination of a permanent educational placement.

On January 15, 2025, the Parent filed a complaint against the District alleging violations of IDEA and applicable state laws.

III. Conclusions of Law

Upon consideration of the relevant facts and applicable law, the undersigned finds that the District violated the Individuals with Disabilities Education Act, the Louisiana Children with Exceptionalities Act, and/or the Department's implementing regulations as set forth in Louisiana Bulletin 1706 by failing to timely evaluate the Student for special education eligibility, improperly relying on disciplinary removals instead of providing appropriate behavioral interventions, and ultimately placing the Student on homebound instruction in a manner inconsistent with federal and state law. Based on the foregoing, the Parent's allegations are

substantiated, and the District is found to be in violation of its obligations under IDEA and Louisiana Bulletin 1706.

A. Child Find Obligations

The Individuals with Disabilities Education Act imposes a Child Find obligation on school districts, requiring them to identify, locate, and evaluate all children with disabilities who may need special education services. This duty is reinforced in Louisiana Bulletin 1706, §111(A), which mandates that each Local Educational Agency (LEA) ensure ongoing efforts to identify and evaluate students suspected of having disabilities, regardless of the severity of the disability or whether the student is advancing from grade to grade.

The District violated its Child Find obligations under Louisiana Bulletin 1706, §111(A) by failing to initiate a timely evaluation despite overwhelming evidence of the Student's persistent and severe behavioral and emotional dysregulation. The District had sufficient reason to suspect that the Student had a disability requiring special education services no later than **November 14, 2023**, when the Student made explicit homicidal and suicidal statements, leading to a threat assessment by an LPC and an out-of-school suspension. Pursuant to Louisiana Bulletin 1706, §302(C), the District was required to complete the evaluation within 60 days, by January 19, 2024. Thereafter, an IEP meeting should have been held within 30 days, by February 18, 2024, with special education and related services beginning no later than February 19, 2024. Instead, the District delayed the evaluation for over nine months, failing to provide the Student with the services to which [redacted] was legally entitled.

Because of this delay, the Student was deprived of critical special education services for approximately 11 months (from February 19, 2024, to January 2025, when the District finally implemented an IEP). This failure constitutes a denial of a Free Appropriate Public Education (FAPE) in violation of Louisiana Bulletin 1706, §101(A).

B. Timely Evaluation Requirements

Pursuant to Louisiana Bulletin 1706, §302(C)(1)(a), once a school district receives parental consent for an initial evaluation, it must complete the evaluation within 60 business days, unless specific exceptions apply. Additionally, Bulletin 1706, §301(A) mandates that an LEA conduct a full and individual evaluation before providing special education services.

The Parent provided written consent for the Student's special education evaluation on March 19, 2024. However, rather than completing the evaluation within the required 60-day timeframe, the District delayed its completion for nearly nine months. As a result, the Student remained without IDEA protections and specialized services for an extended period, despite overwhelming evidence of a disability requiring intervention. The District argues that the Parent's failure to provide documentation and requests to reschedule a December 19, 2024, IEP meeting contributed to the delay. However, this argument is factually and legally flawed for several reasons:

1. The District recognized the need for an evaluation as early as February 26, 2024. On this date, the school counselor met with representatives from the Human Services Authority to discuss the Student's severe behaviors, including possible self-harm and crisis hotline interventions. Despite this

recognition, the District failed to act on its own concerns, further compounding the delay and its impact on the Student's access to appropriate educational supports.

2. The final evaluation itself acknowledged that the necessary behavior charting and intervention data were not collected prior to the March 2024 SBLC meeting, further contributing to delays.
3. The evaluation was already significantly overdue prior to December 2024. By the time of the December 19, 2024, IEP meeting, the District had possessed the Parent's written consent for nearly nine months, in clear violation of Louisiana Bulletin 1706, §302(C)(1)(a). The delay cannot be attributed to events occurring months after the deadline had already passed.

The District also argues that the Student's excessive absences prevented the completion of the evaluation and seeks to invoke the exception outlined in Louisiana Bulletin 1706, §302(D)(1), which applies when a parent repeatedly fails or refuses to produce the student for the evaluation. However, this exception is inapplicable to the present case.

The Student's absences were, in part, the direct result of the District's own disciplinary decisions, including removals from the educational setting due to behavioral incidents. Certainly, the District's decision to refer the Student to outside agencies, including law enforcement, in response to safety concerns, was appropriate and necessary given the consistent and alarming displays of maladaptive behavior that persisted for approximately 15 months. However, while such measures may have been justified for immediate safety and crisis intervention, they did not absolve the District of its affirmative duty to determine whether the Student's behaviors stemmed from a disability requiring specialized intervention.

The District had multiple opportunities to conduct the necessary assessments despite the Student's absences. The District's ability to document at least 21 behavioral incidents over a 15-month period underscores that it had sufficient direct interactions with the Student to proceed with assessments. Furthermore, the argument regarding the Student's absences is particularly inappropriate given its failure to collect and analyze behavioral data prior to and during the SBLC process, as noted in its own evaluation report. Had the District engaged in data collection and progress monitoring during the SBLC process, it could have obtained the necessary information for evaluation in a more structured and timely manner. Moreover, the District had alternative mechanisms available to ensure compliance with its evaluation obligations under IDEA, including reviewing existing records, conducting assessments when the Student was present, and utilizing other permissible evaluation methods.

By failing to conduct a timely evaluation, the District failed to comply with the statutory evaluation timeline set forth in Louisiana Bulletin 1706, §§301 and 302, resulting in the denial of a FAPE.

C. Manifestation Determination Review

Pursuant to Bulletin 1706 §530(F), when a student with a disability is subjected to a disciplinary removal exceeding 10 days, the school must conduct a Manifestation Determination Review to assess whether the behavior was a manifestation of the student's disability. Moreover, if a school had prior knowledge that a student had a disability, IDEA's procedural safeguards apply, even if the student had not yet been formally identified, as mandated by Bulletin 1706, §536.

Here, the December 16, 2024, MDR was procedurally flawed, as it was under Section 504 rather than IDEA despite the District's clear knowledge that the Student was undergoing an IDEA evaluation. The MDR form

listed both IDEA and Section 504, but only Section 504 was circled. However, in the "Action to be Taken" section, the District wrote: "Student will be virtual homebound until the evaluation and IEP is complete. At that time, placement will be reevaluated."

Moreover, the District's decision to place the Student on homebound instruction at that time, immediately following the Student's suspension from December 5 to December 16, 2024, and while an expulsion was pending – demonstrates that the homebound placement functioned as a de facto disciplinary measure rather than an educational intervention.

Instead of allowing the IEP Team to determine the Student's placement based on the completed evaluation, the decision imposed a significant change in placement before the evaluation was finalized, in violation of procedural safeguards.

Required Corrective Action

To remediate the District's violations of IDEA and corresponding state regulations, the following corrective actions are necessary to ensure compliance with legal obligations and to provide appropriate educational services to the Student.

1. Given the District's failure to timely evaluate the Student and its subsequent denial of FAPE, the Student is entitled to compensatory education equivalent to the special education and related services the Student should have received from February 19, 2024, through January 15, 2025. The District shall:
    a. Conduct a comprehensive IEP Team meeting within thirty (30) business days of this decision to determine to determine the specific amount and type of compensatory education services required to address the Student's educational and behavioral deficits caused by the District's failure to timely evaluate and provide services. At minimum, the compensatory services must include:
        i. Direct special education instruction equivalent to the number of instructional hours missed due to the failure to implement services timely.
        ii. Behavioral and mental health supports, including but not limited to counseling, therapeutic interventions, and social-emotional learning supports necessary to address the Student's emotional and behavioral needs.
    b. Consider whether Extended School Year (ESY) services or additional therapeutic interventions are necessary to address any academic regression resulting from the delay in providing appropriate services.
2. The District shall revise and implement policies to ensure adherence to IDEA's Child Find, evaluation, disciplinary, and placement provisions.
3. The District shall conduct mandatory training for all relevant personnel, including administrators, teachers, and special education staff, regarding:
    a. Child Find requirements
    b. School Building Level Committee/Response to Intervention activities
    c. Timelines for conducting evaluations
    d. Proper use of disciplinary measures for students with disabilities
    e. Manifestation determinations and appropriate educational placements

4. As soon as possible and no later than May 31, 2025, the District shall submit documentation to the Department verifying compliance with the above corrective actions.

All noncompliance identified above shall be corrected as soon as possible and not later than one year from the date of this decision.

Sincerely,



Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Charley Lemons, Superintendent, Cameron Parish School District (email only)

Louisiana Special Education Complaint Investigation

45-C-45



February 3, 2025

[redacted]

Dr. Adrina Million
Director of Special Education
Ascension Public Schools
611 North Burnside
Gonzales, LA 70737
adrina.million@apsb.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-45**

Dear [redacted] and Dr. Adrina Million:

On February 3, 2025, the Louisiana Department of Education received a copy of a Notice to LDOE of Formal ERP Status Form, which indicated that the parties to this formal complaint reached a mutually agreeable settlement and that the complainant wished to withdraw the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-45**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Edith Walker, Ed.D., Superintendent, Ascension Parish Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-46



LOUISIANA DEPARTMENT OF EDUCATION

March 18, 2025

[redacted]

Blaise Pellegrin, Supervisor
Special Education Department
Terrebonne Parish School District
201 Stadium Drive
Houma, LA 70360
blaisepellegrin@tpsd.org

Re: Findings-Decision in State Special Education Formal Complaint No. **45-C-46** on behalf of [redacted]

On January 17, 2025, the Louisiana Department of Education ("Department") received a formal complaint from [redacted] (hereinafter "Parent"), on behalf of a student (hereinafter "Student"), against the Terrebonne Parish School District ("District"), pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

The complaint alleges that the District violated the Individuals with Disabilities Education Act ("IDEA"), and Louisiana Children's Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Specifically, the complaint alleges that the District violated the IDEA and/or applicable state law by: 1) failing to provide the Parent with an opportunity to participate in decisions concerning the Student's educational placement; and, 2) failing to provide the Student with a placement in the least restrictive environment by refusing the Parent's requests to place the Student in an inclusion setting pursuant to the Student's IEP.

The Parent submitted a formal complaint form, a five-page narrative, and supporting exhibits, including but not limited to, correspondence between the Parent and District, the Student's [redacted] Report Card, [redacted] first and second nine weeks report cards, April 2024 IEP, and November 2024 IEP.

The District responded to the complaint on February 10, 2025, asserting that the matters raised in the complaint had been resolved through mediation and a facilitated IEP meeting. The District submitted supporting exhibits, including but not limited to, special education service provider logs from August 7, 2024, to January 15, 2025; a mediation settlement agreement executed on October 25, 2024, compensatory services tutoring records; documentation of district procedures for scheduling and conducting IEP meetings; staff training materials on IEP development and prior written notice; and portions of the District's service provider handbook.

As the Department's assigned investigator, I reviewed the complaint, the District's response, and all documents submitted by the parties. The Findings of Fact and Conclusions of Law contained herein are based on a review of the materials submitted and the relevant legal provisions. Pursuant to Louisiana Bulletin 1706 § 152(C), a formal complaint must allege a violation that occurred no more than two years prior to the date of the complaint's receipt. The Department received the complaint on January 17, 2025. Therefore, the

investigation was limited to alleged violations of law that occurred between January 18, 2023, and January 17, 2025.

II. Findings of Fact

The Student is a [redacted] student who qualifies for special education and related services under the classification of Developmental Delay.

The Student has deficits in cognitive development, communication skills, fine and gross motor abilities, social-emotional development, and sensory integration. The most recent comprehensive evaluation, conducted on May 6, 2022, confirmed impairments in language development, abstract reasoning, perceptual discrimination, categorization and sequencing, task attention, memory, and sensory processing. These impairments significantly affect the Student's ability to access and make progress in the general education curriculum without specialized instruction and related services.

On April 19, 2024, the Student's IEP Team convened to review and revise the Student's IEP, placing [redacted] in the in a general education setting for at least 80% of the school day, with the following services: 120 minutes per week of inclusion support for Mathematics and English Language Arts (ELA) within the general education classroom; 90 minutes per week of special education instruction in the resource setting, consisting of 45-minute sessions in ELA and Mathematics each three times per week; speech-language therapy for 30 minutes three times per month in a special education setting; and occupational therapy on a consultative basis, consisting of 15-minute sessions four times per year. The IEP also provided accommodations, including text-to-speech, modified tests, extended time, small-group testing, and the use of a calculator. The Student's final report card for the 2023-2024 school year reflected passing grades in both Mathematics (C) and ELA (C).

At the start of the 2024-2025 school year, the Student began attending a new school within the District on August 5, 2024. The Parent alleges that the District unilaterally changed the Student's placement without an IEP meeting or prior written notice, removing the inclusion services and instead implementing a "clinic model," which involved the provision of special education instruction for ELA and Mathematics in a resource setting rather than in the general education classroom as required by the April 2024 IEP.

The Parent requested an IEP meeting, which was held on September 4, 2024. According to the Parent, District staff informed her that the inclusion model was no longer an option and that the school had adopted a clinic model, which delivered services in a pull-out setting rather than through co-teaching within the general education classroom. The Parent objected to the change, asserting that the removal of inclusion services was inconsistent with the Student's IEP and that the District had violated the requirement to educate the Student in the least restrictive environment (LRE). The Parent filed a due process complaint on September 27, 2024, challenging the placement change. Service logs from August 2024 indicate that the term "clinic" was used to describe certain instructional sessions. Whereas, by November 2024, the phrases "ELA Inclusion Notes," "ELA inclusion setting," began appearing in a limited number of instructional entries.

On October 25, 2024, the parties entered into a mediation settlement agreement, in which the District agreed to reinstate the Student's inclusion services for 120 minutes daily, provide compensatory tutoring for lost instructional time, and notify the Parent before making any future changes to the IEP or placement. However, at the November 11, 2024, facilitated IEP meeting, the IEP Team formally revised the Student's

placement to increase the time spent in the resource setting, citing the Student's below-grade-level performance during the school year as justification for the change. Under the November 2024 IEP, the Student was placed in the general education setting for 40-79% of the school day, receiving 145 minutes per day in a resource setting (100 minutes for ELA and 45 minutes for Mathematics), and 45 minutes per day in a general education setting for Mathematics. The Parent, although agreeing to the placement, asserted that the Student's academic regression was a direct result of the District's failure to implement the April 2024 IEP, and that the Student's declining grades demonstrated the denial of FAPE. The Student's anxiety reportedly increased and report card reflected failing grades in Mathematics (F) and a decline in ELA (C/D).

The Parent contacted the District in November and December 2024 to request confirmation that the Student was receiving inclusion services and express concerns regarding what she viewed as a pattern of conduct marks.

A review of the District's service provider logs from August 7, 2024, to January 15, 2025, reveals inconsistencies in the documentation and provision of special education services. On September 4, 2024, a single 30-minute session (7:00 AM – 7:30 AM) was recorded as covering both Math and ELA, rather than separate instructional periods. Similarly, entries on November 21, 2024, and December 5, 2024, also document a single 30-minute block in which the Student allegedly received instruction for both subjects simultaneously. Other entries on September 25, 2024; October 23, 2024; November 20, 2024; and December 4, 2024, document separate service logs for Math and ELA occurring at the same time (e.g., 2:30 PM - 3:00 PM) and provided by the same service provider.

The District's response to the complaint does not substantively dispute the Parent's allegations. Instead, the District relies on the mediation settlement agreement as a defense, asserting that the agreement addressed the complaint allegation

The Parent withdrew the Student from the District school on January 15, 2025, and the Department received a formal complaint of this decision on January 17, 2025.

III. Conclusions of Law

Upon consideration of the relevant facts and applicable law, the undersigned finds that the District violated the Individuals with Disabilities Education Act, the Louisiana Children with Exceptionalities Act, and/or the Department's implementing regulations as set forth in Louisiana Bulletin 1706 law by: 1) failing to provide the Parent with an opportunity to participate in decisions concerning the Student's educational placement; and, 2) failing to provide the Student with a placement in the least restrictive environment by refusing the Parent's requests to place the Student in an inclusion setting pursuant to the Student's IEP.

Pursuant to Bulletin 1706, § 114(A)(2)(b), students with disabilities must be educated in the least restrictive environment (LRE) to the maximum extent appropriate. Special classes or removal from the general education environment may only occur if the nature or severity of the disability is such that education in regular classes cannot be satisfactorily achieved with the use of supplementary aids and services. The April 2024 IEP placed the Student in an inclusion setting for Math and ELA with co-teaching and push-in support. However, at the beginning of the 2024-2025 school year, the District removed the inclusion setting and placed the Student in a more restrictive clinic/resource model without an IEP meeting or parental input. This

unilateral placement change violated Bulletin 1706, § 114. The Parent's objection to the placement change was documented in the September 4, 2024 IEP meeting, yet the Student continued to be served in the resource setting without inclusion services. Although the parties entered into a mediation settlement agreement on October 25, 2024, requiring the District to reinstate inclusion services, service logs after this date do not conclusively establish that the inclusion services were consistently implemented. The logs contain continued discrepancies and irregular record-keeping patterns, further supporting the Parent's assertion that special education services were not provided in accordance with the IEP. Additionally, at the November 11, 2024, IEP meeting, the IEP Team formally changed the Student's placement to reflect increased time in the special education/resource setting, citing the Student's below-grade-level performance as justification for the change. This decision was based, in part, on academic struggles that occurred while the District was not fully implementing the Student's April 2024 IEP. The District's failure to properly implement the IEP and its reliance on the Student's resulting below-grade-level performance as a basis for a more restrictive placement in the special education setting further exacerbates the LRE violation.

Pursuant to Bulletin 1706, § 101(A)(1) a free appropriate public education (FAPE) must be made available to all eligible students with disabilities in accordance with their IEPs. The failure to fully implement an IEP constitutes a denial of FAPE. A review of the District's service provider logs from August 7, 2024, to January 15, 2025, reveals inconsistencies in the documentation and provision of special education instructional services. The entries demonstrate overlapping service times, potentially duplicative log records, and irregular recordation of special education minutes. The logs provided by the District do not demonstrate that the Student consistently received the instructional minutes required under either the April 2024 or November 2024 IEPs. The Parent's concerns regarding IEP implementation, raised both before and after the mediation settlement agreement, are supported by these documented inconsistencies in the service logs. As such, the District failed to fully implement the Student's IEP, resulting in a denial of FAPE.

Pursuant to Bulletin 1706, § 504(A), the District was required to provide Prior Written Notice (PWN) within a reasonable amount of time and, in any event, no later than 15 days before making any changes to the Student's placement or the provision of services. The Parent asserts—and the record supports—that the District did not provide PWN before modifying the Student's instructional setting at the beginning of the school year. PWN must include a description of the proposed action, the rationale for the action, the data used as a basis to support the decision, and a statement regarding the parent's procedural safeguards. The absence of PWN prior to the implementation of the clinic/resource model in August 2024 constitutes a procedural violation that significantly impeded the Parent's opportunity to participate in decision-making regarding the Student's education.

Finally, the District's reliance on the mediation settlement agreement as a defense to the allegations is unavailing. Participation in alternative dispute resolution does not preclude a Parent from filing a complaint, nor does it absolve the District of its legal responsibility to fully implement an IEP or comply with IDEA's procedural safeguards. Here, the Parent's complaint extends beyond the scope of the mediation settlement agreement, as the allegations encompass issues occurring both before and after mediation, including ongoing failures in IEP implementation. The District's response to the formal complaint did not substantively address or refute the allegations contained therein, further supporting the finding that violations occurred.

Based on the foregoing, the Parent's allegations are substantiated, and the District is found to be in violation of its obligations under IDEA and Louisiana Bulletin 1706.

IV. Corrective Action

To remediate the District's violations of the IDEA and corresponding state regulations, the District shall:

1. Convene an IEP Team meeting and develop a compensatory services plan in collaboration with the Parent, within thirty (30) business days of this decision, to address any instructional minutes not provided in Math and ELA between August 2024 and January 2025. The plan must:
    a. Allow the Parent to meaningfully participate in determining when and where compensatory services will be provided.
    b. Include specific details regarding the amount, frequency, and duration of compensatory instruction, ensuring that services are equivalent to the time the Student was deprived of FAPE.
2. As soon as possible and no later than May 31, 2025, the District shall submit the compensatory services plan to the Department for review and approval.

All noncompliance identified above shall be corrected as soon as possible and not later than one year from the date of this decision.

Sincerely,



Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Aubrey "Bubby" Orgeron, Jr., Superintendent, Terrebonne Parish School District (email only)

Louisiana Special Education Complaint Investigation

45-C-47



DR. CADE BRUMLEY
STATE SUPERINTENDENT

CLAIBORNE BUILDING
1201 N 3RD ST.
BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

March 27, 2025

[redacted]

Dr. Shelia Lockett
Exec. Dir. – Dept. of Exceptional Children
Caddo Parish Public Schools
1961 Midway Avenue
Shreveport, LA 71108
SMLOCKETT@caddoschools.org

Re: Findings-Decision in State Special Education Formal Complaint No. **45-C-47** on behalf of [redacted]

On **January 17, 2025**, [redacted] (hereinafter referred to as the "Parent") filed a Request for Special Education Formal Complaint Investigation concerning Caddo Parish Public Schools ("the District") with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the Parent's minor child [redacted] ("the Student"), the Parent alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by failing to provide Parent with prior written notice of actions proposed and/or refused at the November 21, 2024, Individualized Education Program ("IEP") team meeting for the Student.

The Parent provided a complaint form, a written narrative, and three exhibits. The District provided a narrative response and 11 exhibits. As the Department's assigned investigator, I reviewed the complaint and all documents submitted by the parties.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 § 152(C) states that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on January 17, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between January 18, 2023, and January 17, 2025.

II. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school and was eligible for special education and related services as a student with a disability. On November 12, 2024, the Parent requested a meeting of the Student's IEP Team to address some areas of parental concern. The District coordinated a meeting on November 21, 2024; however, the meeting was not held due to the unavailability of the Parent. Over the next several weeks, the Parent and the District engaged in several unsuccessful attempts to schedule an IEP Team meeting at a mutually available time.

On December 9, 2024, the Parent filed a Bullying Report Form with the District alleging bullying of the Student. On December 10, 2024, the Parent submitted a formal request for the District to install cameras

in the Student's classroom.

On December 19, 2024, an IEP Team meeting was held concerning the Student. The Parent participated in the meeting, which included discussion of parental concerns about classroom accommodations and quantity of services. The meeting also addressed the outcomes of the Parent-requested bullying investigation and camera installation.

Following the meeting, the District provided the Parent with a *Notice of Proposed or Refused Action by the Local Educational Agency*. The notice provided information about each of the areas of concerns that were discussed at the meeting, and indicated that the District added an accommodation – modified assignments – to the Student's IEP. The notice also addressed the resolution of the Parent's bullying complaint and camera request. Also on December 19, 2024, the District sent the Parent a *Form F-2A Denial of Request for SPED Camera Installation* providing additional information about the District refusal to install a camera in the Student's resource classroom.

On January 17, 2025, the Parent filed the complaint that forms the basis of the current complaint.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District did not fail to comply with the IDEA, the Louisiana Children with Exceptionalities Act, and the Department's implementing regulations published in Louisiana Bulletin 1706 by failing to provide Parent with prior written notice of actions proposed and/or refused at the November 21, 2024, IEP team meeting for the Student. Louisiana Bulletin 1706 §504 requires that written notice be provided to the parents of students with disabilities within ten days before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the student.

In this case, the Parent claims that the required notice was not sent in connection with an IEP Team meeting which occurred on November 21, 2024; however, no such meeting occurred due to the Parent's unavailability. The Student's IEP eventually met to address the Parent's concerns on December 19, 2024. Following that meeting, the District provided the Parent with a notice of proposed or refused action which addressed each of the issues discussed in the meeting and with a separate notice concerning the Parent's request for the installation of cameras in the classroom.

On the basis of these findings, the Department concludes that the Parent's allegation – that the District failed to comply with applicable law by <u>failing to provide Parent with prior written notice of actions proposed and/or refused at the November 21, 2024, IEP team meeting for the Student</u> – is <u>unsubstantiated</u>.

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IV. Corrective Action Plan

The Department has determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Therefore, this investigation is hereby closed and no additional action is required by the Parent or the District.

Sincerely,



Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Keith Burton, Superintendent, Caddo Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-48



DR. CADE BRUMLEY
STATE SUPERINTENDENT

CLAIBORNE BUILDING
1201 N 3RD ST.
BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

April 10, 2025

[redacted]

Dr. Janet Harris
Director of Exceptional Student Services
East Baton Rouge Parish Schools
6550 Sevenoaks Avenue
Baton Rouge, LA 70806
janetharris@ebrschools.org

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-48** on behalf of **all students with disabilities requiring special transportation services**

On **January 17, 2025**, [redacted] (hereinafter referred to as the "Complainant") filed a Request for Special Education Formal Complaint Investigation on behalf of all students with disabilities requiring special transportation services in East Baton Rouge Parish Schools ("the District") with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, the Complainant alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by failing to provide transportation services to students with disabilities who require specialized transportation in order to access special education and related services.

The Complainant provided a complaint form, two narrative documents, and eleven exhibits. The District did not provide a response to the complaint. As the Department's assigned investigator, I reviewed the complaint and all documents submitted by the complainant.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 §152(C) requires that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on **January 17, 2025**. Therefore, the investigation was limited to alleged violations of law that occurred between **January 18, 2023**, and **January 17, 2025**.

II. Findings of Fact

The District experienced lapses in bus transportation services during the 2023-24 and 2024-25 school years. Those lapses were acknowledged by the District and widely reported on by local media outlets. The District also acknowledged that lapses in bus transportation had caused students to experience lost instructional time and, during the 2023-24 school year, the District altered school dismissal times – reducing the length of the instructional day for a portion of the school year – for some students due to a shortage of transportation staff.

The District's lapses in bus transportation during the 2023-24 and 2024-25 school years resulted in some students with disabilities failing to receive transportation services that were identified in the students' Individualized Education Programs.

The Complainant filed the complaint that forms the basis of these findings and decision on January 17, 2025.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District violated the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by failing to provide transportation services to students with disabilities who require specialized transportation in order to access special education and related services.

Louisiana Bulletin 1706 § 107 requires school districts to "take steps, including the provision of supplementary aids and services determined appropriate and necessary by the student's [Individualized Education Program] Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities an equal opportunity for participation in those services and activities." That section also states that "nonacademic and extracurricular services" may include transportation. Louisiana Bulletin 1706 § 101 requires that a free and appropriate public education, including services provided in conformity with a student's Individualized Education Program ("IEP"), be provided to every student with a disability in Louisiana.

In this case, the evidence presented shows that the District was unable to provide adequate transportation services during portions of the 2023-24 and 2024-25 school years. While the District's difficulties with maintaining adequate transportation services affected all students, the record indicates that, at least in some instances, the District's difficulties resulted in students with disabilities being denied appropriate transportation services and likely missing instructional opportunities as a result of interruptions in special transportation.

Based on this evidence, the Department concludes that the allegation that the District failed to provide transportation services to students with disabilities who require specialized transportation in order to access special education and related services is substantiated with regard to the 2023-24 and 2024-25 school years.

IV. Corrective Action Plan

The Department determined that the District failed to comply with applicable law concerning the provision of transportation services to students with disabilities. On the basis of this finding of noncompliance, the Department is required: (1) to ensure that the District has in place policies and procedures to ensure the implementation of special transportation services for students with disabilities without interruption and (2) to ensure the provision of a free and appropriate public education to students with disabilities who were not provided transportation services in conformity with their IEPs during the 2023-24 and 2024-25 school years.

While the record in this matter supports the conclusion that the District had experienced systemic lapses in providing transportation services to students – including students with disabilities – during the 2023-24 and 2024-25 school years, the record does not contain sufficient information to determine the scope of the lapses and the impact of those lapses on individual students with disabilities. Therefore, the Department

authorizes the currently-assigned special master to the District to further investigate this matter and to develop, in consultation with the District and the Department, a corrective action plan which addresses the loss of opportunity to students with disabilities during the relevant timeframe and the future provision of transportation for students with disabilities who require such services.

In order to address this noncompliance and to ensure the continued provision of a free and appropriate public education to the Student, the District shall implement the following corrective actions:

1. The District shall provide to the special master, upon request and within a reasonable timeframe, any documents in the possession of the District which are relevant to the development of a corrective action plan and requested by the special master.
2. The special master will, in consultation with the District and the Department, develop a corrective action plan that is designed: (1) to ensure that the District has in place policies and procedures to ensure the implementation of special transportation services for students with disabilities and (2) to ensure the provision of compensatory services to students with disabilities who were denied special education or related services in conformity with their IEPs as a result of lapses in District transportation services during the 2023-24 and 2024-25 school years.
3. On or before **May 30, 2025**, the special master will submit to the Department a corrective action plan. The plan shall include timelines for the submission of evidence of implementation of the plan and shall provide for the completion of all corrective actions no later than April 10, 2026.

Sincerely,



Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: LaMont Cole, Superintendent, East Baton Rouge Parish Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-49



February 18, 2025

[redacted]

Dr. Emily Davis
Director of IDEA
Jefferson Parish Schools
501 Manhattan Boulevard
Harvey, LA 70058
emily.davis@jpschools.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-49**

Dear [redacted] and Dr. Davis:

On February 14, 2025, the Louisiana Department of Education received a copy of a Notice to LDOE of Formal ERP Status Form, which confirmed that the parties to this formal complaint reached a mutually agreeable resolution and that the complainant officially withdrew the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-49**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Dr. James Gray, Superintendent, Jefferson Parish Schools (email only)
Paulette Fairchild, Executive Director of Compliance and Pupil Appraisal (email only)

Louisiana Special Education Complaint Investigation

45-C-50



LOUISIANA DEPARTMENT OF EDUCATION

April 4, 2025

[redacted]

Holly Ortego
Director of Special Education
Lafayette Parish School System
127 Blair Street
Lafayette, LA 70502
hcortego@lpssonline.com

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-50** on behalf of [redacted]

On **February 4, 2025,** [redacted] (hereinafter "the Parent") filed a Request for Special Education Formal Complaint Investigation concerning her child (hereinafter "the Student"), who is attending a public school under the jurisdiction of Lafayette Parish School System ("the District"), with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint filed on behalf of the Student, the Parent alleged that the District violated the Individuals with Disabilities Education Act (IDEA), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by: 1) failing to comply with requirements concerning an Independent Educational Evaluation (IEE).

The Parent submitted a complaint form, a narrative, and documentary exhibits labeled A through J. The District responded with a narrative and documentary exhibits labeled A through E. As the Department's assigned investigator, I reviewed the complaint, the District's response, and all supplemental materials submitted by both parties.

The findings of fact and conclusions of law herein are based on review of the submitted materials and applicable legal provisions. Under Louisiana Bulletin 1706 §152(C), a formal complaint must allege a violation that occurred within two years of the date the complaint is received. The Department received the complaint on February 4, 2025; accordingly, this investigation is limited to alleged violations occurring between February 5, 2023, and February 4, 2025.

II. Findings of Fact

At all relevant times, the Student was eligible for special education and related services as a student with a disability under the Individuals with Disabilities Education Act.

<u>April 2024 IEP</u>

The April 8, 2024 IEP identifies the Student as having Multiple Disabilities, including Moderate Intellectual Disability, Autism, and Other Health Impairment. The IEP is based on the District's most recent evaluation, dated December 11, 2023, which confirmed continued eligibility under Bulletin 1508 for adapted physical education (APE), assistive technology (AT), and speech therapy.

The evaluation noted ongoing needs across academic, behavioral, social, communication, and motor domains, and recommended inclusion of functional life skills and social skills training. The occupational therapy (OT) section concluded that direct school-based OT services were no longer necessary to meet the Student's IEP goals — a recommendation adopted by the IEP Team over the Parent's objection. During the

state-facilitated IEP meeting on April 8, 2024, the Team agreed to continue OT on a consultative basis, contingent on receipt of a signed physician referral.

The IEP includes goals in gross motor skills, reading, math, behavior, communication including assistive technology, and social-emotional development. It documents the Student's need for paraprofessional support in all academic areas, moderate assistance with written tasks, and adult modeling and support for [redacted] It also provides for special transportation as a single rider due to safety and behavioral concerns, structured transition supports, a crisis plan, and staff trained in CPI and familiar with the Student's behavior intervention plan.

Procedural History of Parent's Request of IEE

At the April 8, 2024 IEP meeting, the Parent formally requested an Independent Educational Evaluation (IEE) at public expense, objecting to the District's evaluation and the decision to discontinue direct school-based OT. That same day, the District approved the request in writing and, on or about April 11, mailed the written approval—identifying St. Landry Parish Schools and Iberia Parish School District as potential providers—along with a copy of its *Criteria and Guidelines for Independent Educational Evaluations*. The letter indicated that any alternate provider selected by the Parent must meet both Bulletin 1508 and District criteria, and directed the Parent to contact the District to confirm approval if choosing a provider not listed.

The District's IEE criteria, as provided to the Parent, largely reflect the standards outlined in Bulletin 1706 §305 and Bulletin 1508 §507, requiring that the evaluation be sufficiently comprehensive, include a review of existing records, use current and reliable assessment tools, and address the Student's needs across multiple areas, including those not commonly linked to the identified exceptionality.

Between April 2024 and January 2025, the parties participated in mediation to attempt resolution. According to the Parent, [redacted] temporarily paused further action on the IEE during this time in order to participate in mediation at the District's request.

On January 15, 2025, the Parent renewed her IEE request and identified a proposed independent evaluator not among the District's suggested providers. [redacted] also requested prepayment due to financial hardship and asked the District to provide transportation and paraprofessional support for the evaluation. On January 16, 2025, the District responded that it had approved a comprehensive IEE, not one limited to related services, and declined to authorize prepayment. It stated payment would be made only after reviewing the completed evaluation and denied the transportation request, without addressing the paraprofessional support.

Between February 20 and 27, 2025, the Parent sought clarification as to whether the proposed evaluator met District criteria. In a series of emails, the District cited Bulletin 1508's requirement for at least two qualified professionals from different disciplines, and stated that evaluations conducted by a single provider or from the same discipline would not comply. The District asserted it was not preemptively denying the IEE, stating that the proposed provider was "neither approved or not approved." In response, the Parent stated that the proposed provider would use licensed professionals from different disciplines, each governed by separate licensing boards, and requested clarification on the specific criteria allegedly unmet.

On February 27, the District reiterated its refusal to authorize prepayment, stating that payment would be issued only after it had reviewed the completed evaluation, and again referred the Parent to the two public school systems previously identified as potential providers.

On February 4, 2025, the Parent filed the complaint that forms the basis of these findings and decision.

III. Conclusions of Law

Upon review of the record, the undersigned finds that the District failed to comply with the Individuals with Disabilities Education Act, the Louisiana Children with Exceptionalities Act, and/or the Department's implementing regulations published in Louisiana Bulletin 1706, specifically by failing to fulfill its procedural

obligations following the Parent's January 15, 2025 renewed request for an Independent Educational Evaluation, including the submission of a proposed independent evaluator.

Two procedural periods are relevant to this analysis. On April 8, 2024, the Parent requested an IEE during a state-facilitated IEP meeting. The District approved that request the same day and provided a written response identifying two public school systems as potential providers. By doing so, the District met its obligation under Bulletin 1706 §503(B)(2) – to either initiate a due process hearing or ensure that an IEE is provided at public expense. Because the Parent did not select a provider at that time, opting instead to engage in mediation in an effort to resolve the matter, no further action was required by the District during this period.

However, on January 15, 2025, the Parent renewed her request for an IEE and identified a specific proposed independent evaluator to conduct the assessment. [redacted] also requested advance payment due to financial hardship, as well as transportation and paraprofessional support to enable the Student to safely attend the evaluation. At that point, the District's procedural obligation was re-engaged. Pursuant to Bulletin 1706 §503(B)(2), the District was required, within 15 business days, to either approve the Parent's request and ensure the IEE was provided at public expense, or to initiate a due process hearing to defend the appropriateness of its own evaluation. The District did neither.

Over a period of six weeks, the District neither approved nor denied the Parent's proposed independent evaluator, failed to initiate a due process hearing, did not identify any specific criteria the provider allegedly failed to meet, and imposed a condition that approval and payment would be contingent upon its post-evaluation review. The record reflects a consistent pattern in which the District engaged in vague and noncommittal communications – referencing general evaluation requirements without identifying any concrete deficiency in the proposed evaluator's qualifications.

Despite the Parent's clarification that the provider would employ licensed professionals from multiple disciplines and adhere to applicable standards, including reviewing existing data, the District maintained that the evaluator was "neither approved or not approved" and refused to authorize prepayment. This position effectively imposed both financial and procedural barriers to the Parent's access to an IEE at public expense, contrary to §503(A)(3)(b).

Moreover, the District failed to substantively respond to the Parent's request for transportation and paraprofessional support – both of which were documented in the April 8, 2024 IEP as necessary for the Student's access to the educational environment. The IEP provides for special transportation as a single rider due to safety and behavioral concerns, paraprofessional support across all academic areas, and adult assistance/modeling with hygiene-related tasks when using the restroom. While transportation and support personnel are not automatically required for IEEs, when such supports are already identified as necessary in the IEP and when the Parent demonstrates financial hardship, the District must consider whether lack of such supports would impede access to the evaluation.

Taken together, the District's failure to clearly approve or deny the proposed evaluator, its refusal to authorize prepayment, and its lack of response regarding necessary supports constitute a procedural violation of Bulletin 1706 §503 and a constructive denial of the Parent's right to an IEE at public expense.

Accordingly, the Parent's allegation that the District failed to meet its procedural obligations following the January 15, 2025 renewed request for an Independent Educational Evaluation is substantiated.

IV. Corrective Action Plan

The competent evidence supports a finding that the District failed to meet its procedural obligations regarding the Parent's request for an IEE. To address this noncompliance and prevent recurrence:

1. Within 15 business days of this order, the District shall authorize and fund an Independent

Educational Evaluation to be conducted by the proposed independent evaluator identified by the Parent on January 15, 2025, or by another qualified provider selected by the Parent. The District shall make arrangements for advance payment sufficient to allow the evaluation to proceed without financial burden to the Parent. Documentation of compliance – including written authorization issued to the Parent and evaluator, confirmation of advance payment or pre-authorization arrangements, and the scheduled evaluation date, if known – shall be submitted to the Department no later than 20 business days from the date of this order.

2. Based on support needs identified in the April 8, 2024 IEP, the District shall provide transportation and assign a paraprofessional to accompany the Student to and from the evaluation. These supports shall be arranged in coordination with the Parent and the evaluator and shall not be subject to further eligibility determinations. Confirmation of these arrangements, including communication to the Parent, must be submitted to the Department within 20 business days or prior to the evaluation date, whichever is earlier.
3. The District shall ensure that all personnel responsible for responding to parent requests for evaluations complete training on IEEs under Bulletin 1706. The training shall cover: (1) procedural safeguards and parental rights; (2) the 15-business-day timeline under §503(B)(2); and (3) permissible agency criteria under §503(E), including prohibitions against imposing additional conditions. Training must be completed by June 3, 2025. Documentation – including attendance logs, training materials, and presenter credentials – shall be submitted to the Department by June 17, 2025.
4. The District shall conduct a review of all internal policies, procedures, and guidance documents related to Independent Educational Evaluations to ensure compliance with Bulletin 1706, including but not limited to the timelines, approval processes, evaluation criteria, and parental rights under §503. The District shall revise any noncompliant policies and submit copies of the revised documents, along with a summary of the review process, to the Department no later than June 17, 2025.

Sincerely,



Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Francis Touchet, Superintendent, Lafayette Parish School System (email only)

DR. CADE BRUMLEY
STATE SUPERINTENDENT

CLAIBORNE BUILDING
1201 N 3RD ST.
BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

April 25, 2025

[redacted]

Holly Ortego
Director of Special Education
Lafayette Parish School System
P.O. Drawer 2158
Lafayette, LA 70502
hcortego@lpssonline.com

Re: Findings-Decision on Reconsideration of Complaint No. **45-C-50** on behalf of [redacted]

On April 4, 2025, the Louisiana Department of Education ("the Department") issued a Findings-Decision Letter regarding the Special Education Formal Complaint Investigation Request referenced above that was filed against Lafayette Parish School System ("the District") by [redacted] ("the Parent") on behalf of her minor child, [redacted] ("the Student"). On April 9, 2025, the District sent the Department a request for reconsideration ("Request") asking that the Department reconsider the complaint investigator's findings and/or conclusions. The District asserted that the complaint investigator erred by concluding that the District was required to provide advanced payment for an Independent Educational Evaluation ("IEE") of the Student, including payment for transportation services and one-to-one assistance for the Student during the IEE.

A party who files a request for reconsideration is required by Bulletin 1706 § 153(I) to prove that the complaint investigator erred in a finding of fact and/or clearly misapplied the law. A request for reconsideration is an administrative review by the Department of the complaint investigator's factual findings and conclusions of law to determine whether those findings and conclusions can be reasonably supported by the information submitted during the complaint investigation. Upon reconsideration, the panel has determined that the complaint investigator's findings of fact and conclusions of law are erroneous in part and not reasonably supported by the record of this investigation and the applicable law.

Alleged Error: Advanced Payment for Independent Educational Evaluation Service

In resolution of the Parent's allegation that the District failed to comply with applicable law by failing to provide advanced payment for a publicly-funded IEE requested by the Parent, the complaint investigator determined that the District was required to provide advanced payment for the IEE and to provide transportation services and a one-to-one aide for the Student in connection with the IEE. However, some of the investigator's legal conclusions, and the resulting order of corrective actions, were not supported by the law and the record of the investigation.

The investigator reasonably concluded that the applicable laws require advanced payment for IEEs in circumstances where the failure of a school district to advance payment would effectively deny a parent access to an IEE. The rationale for this conclusion is set forth by the United States Department of Education's

Office of Special Programs' *Letter to Heldman*, 20 IDELR 621 (OSEP July 1, 1993)[1]. The letter acknowledges that the relevant regulation does not address the issue of whether a district should provide advance payment or require reimbursement when a parent or adult student requests an IEE at public expense. The letter also states that the practice of requiring the requestors of IEEs to advance the costs of an IEE is allowable as long as the requirement does not effectively deny the requestor the right to a publicly-funded IEE. In other words, the District may adopt a general practice of requiring parents to request reimbursement after incurring expenses for an IEE as long as the District's practice allows the District to pay IEE costs in advance when the denial of such funding would effectively deny a parent or adult student the right to a publicly-funded IEE.

In this case, the District's *Criteria and Guidelines for Independent Educational Evaluations* does not address the issue of advanced payment for an IEE. However, the District's communications to the Parent and its submissions to the Department in connection with this matter indicate that the District's current practices do not allow for the advanced payment of IEE expenses by the District. This practice is inconsistent with the requirement of Louisiana Bulletin 1706 §503 – that the District "ensure that an independent educational evaluation is provided at public expense." Therefore, the reconsideration panel affirms the conclusions of the complaint investigator to the extent that the investigator determined that the District's practices lacked appropriate safeguards to ensure that parental financial hardships did not effectively deny any parent reasonable access to a publicly-funded IEE.

The Department's reconsideration panel also affirms the complaint investigator's conclusion that the District's practices concerning IEEs did not provide for adequate consideration of whether the District would provide for travel costs associated with the IEE. *Letter to Heldman*, 20 IDELR 621, provides that the issue of ancillary IEE costs – in this case, travel costs – should be addressed similarly to the issue of advanced payment. Specifically, school districts may maintain IEE criteria relating to the location of the IEE but must also provide for reasonable exceptions to those criteria when one is warranted by the unique circumstances of the IEE.

The reconsideration panel does not maintain the complaint investigator's conclusion that the District is obligated to provide the Student with transportation services and paraprofessional support in connection with the currently-requested IEE. The investigator's conclusion was based on the inclusion of transportation services and paraprofessional support in the Student's Individualized Education Program. However, the Department finds no legal support for the conclusion that services identified in a student's Individualized Education Program are required to be provided, and publicly funded, as part of an IEE. This position – that school district staff are required to participate in an IEE – undermines the independent nature of the IEE and usurps the independent evaluator's authority to determine how and by whom the IEE will be conducted. Therefore, the reconsideration panel rejects the investigator's finding that the District was required to provide the Student with publicly-funded transportation services and paraprofessional support for an IEE simply because those services were identified in the Student's Individualized Education Program.

The reconsideration panel also does not maintain the complaint investigator's finding that the Parent is entitled to the advanced payment of IEE expenses because the District's failure to provide advanced funding would effectively deny the Parent reasonable access to a publicly-funded IEE. This finding is supported only

[1] The federal regulation concerning IEEs in place at the time of the letter is identical to the current Louisiana IEE regulation in all pertinent parts. *Compare* 34 CFR § 300.503 (1993) and Louisiana Bulletin 1706 § 502 (2025).

by the Parent's contention that she was experiencing financial hardship. However, the record in this matter contained no evidence supporting that contention. Specifically, the record contained no evidence of the estimated cost of the IEE, a requirement that payment be rendered to the independent evaluator prior to the completion of the evaluation, or the Parent's financial circumstances that rendered her unable to provide advanced payment. In the absence of such evidence, the investigator was unable to support the finding that the District's refusal to provide advanced payment for the IEE denied the Parent reasonable access to a publicly-funded IEE.

In conclusion, the Department finds that the District's practices regarding payment for publicly-funded IEEs does not adequately protect the rights of parents and adult students in circumstances where the District's current criteria would, without allowing for reasonable exceptions, effectively deny an individual the right to a publicly-funded IEE. However, the Department also finds that the record in this matter does not support the conclusion that the District's deficient practices impaired the Parent's ability to obtain a publicly-funded IEE. Therefore, the Department rescinds the corrective actions ordered in the Department's April 4, 2025, decision in this matter and replaces those corrective actions with the actions identified below.

Corrective Action Plan

In order to address the above-identified noncompliance and to ensure the continued provision of a free and appropriate public education to all students with disabilities, the District shall implement the following corrective actions:

1. As soon as possible and no later than **May 16, 2025**, the District shall review and revise its policies, procedures, and practices concerning publicly-funded IEEs, including the funding of transportation services for IEEs, in circumstances where the District's current policies, procedures, and practices would otherwise deny parents or adult students reasonable access to a publicly-funded IEE.
2. As soon as possible and no later than **May 16, 2025**, the District shall collect information from the Parent concerning the estimated cost of the IEE and the basis for the Parent's contention that she will effectively be denied her right to an IEE if the District does not advance payment for the IEE.
3. As soon as possible and no later than **May 16, 2025**, the District shall – based on the information provided by the Parent and the District's revised policies, procedures, and practices – determine if the Parent will be denied her right to an IEE if the District does not advance payment for the IEE, including the costs of transportation associated with the IEE.
    - If, after reviewing the relevant information, the District determines that the Parent's request for an IEE does not comply with Louisiana's requirements for IEEs or that the circumstances do not warrant advanced payment of the IEE costs, the District shall, without undue delay, file a request for a due process hearing seeking a hearing officer's determination on the appropriateness of the Parent's IEE request.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

4. On or before **May 19, 2025**, the District shall submit to the Department evidence demonstrating that 1) the District's policies, procedures, and practices concerning publicly-funded IEEs are consistent with the requirements identified herein and 2) that the District has considered the Parent's IEE request consistent with the revised policies, procedures, and practices and taken appropriate action pursuant to those policies, procedures, and practices and the corrective actions identified herein.

Sincerely,

Tyrell T. Manieri III
Attorney

R. Christopher Fruge
Attorney

Theodore Knatt
Attorney

Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Francis Touchet, Superintendent, Lafayette Parish School System (email only)

Louisiana Special Education Complaint Investigation

45-C-51



LOUISIANA DEPARTMENT OF EDUCATION

February 19, 2025

[redacted]

Dr. Vicki Younger
Supervisor of Special Education
Bossier Parish Schools
410 Sibley Street
Benton, LA 71006
Vicki.younger@bossierschools.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-51**

Dear [redacted] and Dr. Younger:

On February 19, 2025, the Louisiana Department of Education received a copy of a Notice to LDOE of Formal ERP Status Form, which confirmed that the parties to this formal complaint reached a mutually agreeable resolution and that the complainant officially withdrew the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-51**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Jason Rowland, Superintendent, Bossier Parish Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-52



DR. CADE BRUMLEY
STATE SUPERINTENDENT

CLAIBORNE BUILDING
1201 N 3RD ST.
BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

April 15, 2025

[redacted]

Stacey Stemke
Director of Special Education
Discovery Schools
17255 S. Harrells Ferry Road
Baton Rouge, LA 70816
stacey.stemke@discoveryhsf.org

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-52** on behalf of [redacted]

On **February 14, 2025**, [redacted] (hereinafter referred to as the "Complainant") filed a Request for Special Education Formal Complaint Investigation concerning the Baton Rouge Ochsner Discovery School ("the District"), a Type 2 charter school, with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the minor child [redacted] ("the Student"), the Complainant alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by 1) failing to timely hold the student's Individualized Education Program (IEP) team meeting; 2) failing to have the appropriate team members present at the November 22, 2024, IEP team meeting; and, 3) failing to timely disseminate the results of a comprehensive evaluation.

The Complainant provided a completed complaint request form. The District provided a narrative response and four documentary exhibits. As the Department's assigned investigator, I reviewed the complaint, the response, and all exhibits submitted by the District.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 §152(C) requires that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on **February 14, 2025**. Therefore, the investigation was limited to alleged violations of law that occurred between **February 15, 2023**, and **February 14, 2025**.

II. Findings of Fact

The Student was evaluated prior to [redacted] enrollment in the District; the prior evaluation was completed on December 21, 2021, by the Student's local educational agency of residence. During the 2023-24 school year the Student was enrolled in another school district, and the Student's IEP Team met on November 17, 2023, to develop the Student's IEP. The Student enrolled in the District for the 2024-25 school year. At all times relevant to the allegations presented in this complaint, the Student was enrolled at a District school and was

eligible to receive special education and related services as a student with a developmental delay.

On November 14, 2024, the District provided the Student's parent with a draft IEP in preparation for an annual IEP Team meeting scheduled for November 15, 2024. The November 15, 2024, meeting was postponed until November 22, 2024, due to the unavailability of the District's special education coordinator.

The Student's IEP Team met on November 22, 2024, to review and revise the Student's IEP. The meeting was attended by District's director of special education, a District special education coordinator, and a regular education teacher of the Student. The meeting was also attended by the Student's parents and the Complainant, an educational advocate for the Student. A District speech/language pathologist provided information in advance of the meeting but did not attend.

On December 11, 2024, the District provided the Student's parents a copy of the IEP that had been developed at the November 22, 2024, meeting.

On December 21, 2024, the District completed an evaluation report for the Student's triennial reevaluation. On January 14, 2025, the District met with the Student's parents and provided the parents a copy of the evaluation report. The Student's parent signed the evaluation report on January 14, 2025.

On February 14, 2025, the Complainant filed the complaint that formed the basis of the Department's investigation.

On February 26, 2025, the District's special education coordinator, speech/language pathologist, and occupational therapist electronically signed the evaluation report.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District failed to comply with the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by failing to timely hold the Student's IEP team meeting and failing to timely disseminate the results of a comprehensive evaluation. The undersigned additionally finds that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by failing to have the appropriate team members present at the November 22, 2024, IEP team meeting.

1. Timeliness of IEP Team Meeting

Louisiana Bulletin 1706 § 324(B)(1) requires local educational agencies to ensure that the IEP of each student reviews and, if necessary, revises the student's IEP at least annually. In this case, the Student began the 2024-25 school year receiving services pursuant to an IEP that had been developed on November 17, 2023. The IEP Team did not review and revise the Student's IEP until November 22, 2024, more than one year after the development of the prior IEP. Therefore, the Department concludes that the allegation that the District failed to timely hold the Student's IEP team meeting is substantiated.

2. IEP Team Composition

Louisiana Bulletin 1706 § 321(A) states that an IEP Team shall consist of one or both parents of the student, at least one regular education teacher of the student, at least one special education teacher or service provider of the student, an official representative of the local educational agency, an individual who can interpret evaluation results, others who are invited at the discretion of the parent or local educational

agency, and the student when appropriate. The Student's parents, an educational advocate, the District's director of special education, a District special education coordinator, and a regular education teacher of the Student participated in the Student's November 22, 2024, IEP Team meeting. Additionally, a speech/language pathologist provided information to the IEP Team in advance of the meeting.

The Department concludes that the staffing of the Student's November 22, 2024, IEP Team meeting complied with the requirements Louisiana Bulletin 1706 § 321(A). Specifically, a regular education teacher, a special education teacher, and an official district representative participated in-person in the meeting. The Department also concludes that the participation of the District's special education supervisor and a special education coordinator, who was also a special education teacher, provided sufficient expertise in the interpretation of evaluation results to satisfy the requirement that such an individual be present at the meeting. Therefore, the Department concludes that the allegation that the District failed to have appropriate team members present at the Student's November 22, 2024 IEP, team meeting is unsubstantiated.

3. Timeliness of Reevaluation

Louisiana Bulletin 1706 § 304 requires local educational agencies to ensure that each student with a disability is reevaluated at least once every three years. In this case, the Student had been evaluated on December 21, 2021, prior to [redacted] enrollment in the District. While it appears that the District developed an evaluation report on December 21, 2024, the reevaluation was not completed until at least January 14, 2025, when the evaluation report was first presented to the Student's parents. As such, the Department finds that over three years elapsed between the Student's 2021 evaluation and the District's 2025 reevaluation. Therefore, the Department concludes that the allegation that the District failed to timely disseminate the results of a comprehensive evaluation of the Student is substantiated.

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IV. Corrective Action Plan

The Department determined that the District failed to comply with applicable law concerning the procedures for conducting IEP Team meetings and reevaluations. In order to address this noncompliance and to ensure the continued provision of a free and appropriate public education to the Student, the District shall implement the following corrective actions:

1. On or before **May 30, 2025**, the District shall review and, if necessary, revise its policies and procedures concerning the scheduling of IEP Team meetings and reevaluations to ensure that those activities are completed within the applicable timelines.
2. On or before **August 29, 2025**, the District shall provide training to all District staff responsible for the scheduling of IEP Team meetings and reevaluations concerning the requirements of law and District policies and procedures applicable to those activities.
3. The District shall implement the corrective actions without undue delay. By **September 1, 2025**, the District shall provide documentation, including the revised policies or procedures, training sign-in sheets, and training materials, demonstrating that the corrective actions have been completed.

Sincerely,



Tyrell T. Manieri III
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Patty Glaser, Chief Executive Officer, Discovery Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-53



DR. CADE BRUMLEY
STATE SUPERINTENDENT

CLAIBORNE BUILDING
1201 N 3RD ST.
BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

April 21, 2025

[redacted]

Wendy Hill
Administrative Director of Special Education
Calcasieu Parish School Board
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Re: Findings-Decision in State Special Education Formal Complaint No. **45-C-53** on behalf of [redacted]

On **February 18, 2025**, [redacted] (hereinafter referred to as the "Parent") filed a Request for Special Education Formal Complaint Investigation concerning Calcasieu Parish Schools ("the District") with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the Parent's minor child [redacted] ("the Student"), the Parent alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by 1) failing to provide the Student with appropriate special education and related services relative to the Student's academic and behavioral needs; 2) failing to revise, as appropriate, the Student's Individualized Education Program ("IEP") to address the Student's lack of expected progress in the general education curriculum; 3) failing to ensure that the Student received special education and related service provided by qualified staff; 4) failing to provide the Parent with prior written notice of proposed or refused actions; 5) failing to provide the Parent with timely and regular progress reports; 6) failing to provide the Parent with timely access to accurate educational records concerning the Student; and, 7) failing to provide the Student with special education and related services in the least restrictive environment.

The Parent provided a complaint form, a 35-page written narrative, and 37 exhibits. The District provided a narrative response and ten exhibits. As the Department's assigned investigator, I reviewed the complaint and all documents submitted by the parties.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Louisiana Bulletin 1706 § 152(C) states that a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on February 18, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between February 19, 2023, and February 18, 2025.

II. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school and was eligible for special education and related services as a student with a developmental delay. During the 2022-2023 school year, the Student was enrolled in the first grade. The Student was evaluated in February of 2023. The Student's IEP Team met on March 2, 2023, to review and revise the Student's IEP. The Parent participated in the meeting and expressed concerns about the Student's written language skills.

The Student's March 2, 2023, IEP stated that the Student was failing English/language arts and was performing satisfactorily in all other academic areas. The IEP Team reported that the Student was experiencing difficulty with task completion and in the academic areas of English/language arts and mathematics. The IEP Team established goals for the Student in the areas of communication-speech language; communication-speech/articulation; social/emotional – behavior; academic – fluency; academic – math; academic – English/language arts/phonics; and motor – adapted physical education. The IEP also included a number of accommodations and modifications related to the Student's task attention and academic deficits, a one-to-one paraprofessional for support, and special transportation services. The IEP stated that the Student received 195 minutes per day of specially designed instruction, 20 minutes weekly of adapted physical education services, and 30 minutes twice a week of speech-language therapy services.

At the conclusion of the March 2, 2023, IEP Team meeting, the Parent was provided with a copy of the amended IEP and a notice of proposed actions concerning the changes made to the Student's educational program.

The Student's IEP Team met again on May 22, 2023. The IEP reviewed the Student's academic and functional progress during the 2022-2023 school year. The Student had not made sufficient progress in the grade-level standards to warrant promotion to the second grade. However, the Student was promoted on the basis of [redacted] progress toward grade-level standards and [redacted] attainment of IEP goals. The Parent agreed with the promotion decision and was provided a notice of proposed action and a copy of the Student's IEP at the conclusion of the meeting.

The Student was enrolled in the second grade for the 2023-2024 school year. The Student's IEP Team met on October 16, 2023, to review and revise the Student's IEP. The meeting focused on a proposal by the District to reduce the amount of support that the Student received from a one-to-one paraprofessional. The Parent expressed concern that the reduction in support would negatively affect the Student's functional performance at school. At the conclusion of the meeting, the Parent was provided with a copy of the amended IEP and a notice of proposed action that the Student would no longer receive one-to-one paraprofessional support during the lunch period.

The Student's IEP Team met again on February 6, 2024, to review and revise the Student's IEP. The Parent expressed concerns about the Student's performance in mathematics and English courses and concerns about bullying at school. The IEP Team reported that the Student was continuing to experience difficulty with task completion and in the academic areas of English/language arts and mathematics. The IEP Team established goals for the Student in the areas of motor – adapted physical education; communication – articulation/language; social/emotional – behavior/task completion; academic – math; academic – phonics/fluency; and, academic – English/language comprehension. The IEP also included a number of accommodations and modifications related to the Student's task attention and academic deficits, a one-to-

one paraprofessional for support during portions of the school day, and special transportation services. The IEP stated that the Student received 195 minutes per day of specially designed instruction, 20 minutes weekly of adapted physical education services, and 30 minutes twice a week of speech-language therapy services. At the conclusion of the meeting, the Parent was provided with a copy of the amended IEP and a notice of proposed actions concerning the changes made to the Student's educational program.

On April 25, 2024, the Student's IEP team met and determined that the Student had not made sufficient progress in the grade-level standards to warrant promotion to the third grade. The IEP Team determined that the Student would be retained in the second grade for the 2024-2025 school year. At the conclusion of the meeting, the Parent was provided with a copy of the amended IEP and a notice of proposed action concerning retention of the Student in the second grade.

The Student completed the 2023-2024 school year with a "D" in language arts and an "F" in mathematics. The Student passed all other courses.

At the time of the filing of the complaint in this matter, the Student was earning above average grades for the third quarter and had maintained passing grades for the entire year. Progress reports from the 2024-2025 indicate that the Student was making consistent progress on each of the goals from the Student's February 6, 2024, IEP.

IEP Progress reports indicate that the Student was receiving adapted physical education services consistently during the 2024-2025 school year. Similarly, service logs demonstrate that the Student received speech-language pathology services twice a week during the 2024-2025 school year.

Between March of 2023 and March of 2025, the Parent or his designee accessed the District's online informational portal – the Student Progress Center – to view information about the Student's educational progress on approximately 40 occasions.

On February 18, 2025, the Parent filed the complaint that formed the basis of the Department's investigation.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District did not fail to comply with the IDEA, the Louisiana Children with Exceptionalities Act, and the Department's implementing regulations published in Louisiana Bulletin 1706 by 1) failing to provide the Student with appropriate special education and related services relative to the Student's academic and behavioral needs; 2) failing to revise, as appropriate, the Student's Individualized Education Program ("IEP") to address the Student's lack of expected progress in the general education curriculum; 3) failing to ensure that the Student received special education and related service provided by qualified staff; 4) failing to provide the Parent with prior written notice of proposed or refused actions; 5) failing to provide the Parent with timely and regular progress reports; 6) failing to provide the Parent with timely access to accurate educational records concerning the Student; and, 7) failing to provide the Student with special education and related services in the least restrictive environment.

In this case, the Parent's claims can be organized into two general categories: claims that the Student was not receiving appropriate services (1, 2, 3, and 7) and claims that the Parent was denied a meaningful opportunity to participate in the Student's educational decision-making process (4, 5, and 6).

Services to Student

The Parent alleges that the District denied the Student access to appropriate special education and related services, failed to adapt the Student's IEP to address the Student's lack of expected progress, failed to provide qualified staff, and failed to educate the Student in the least restrictive environment. However, the record developed in this investigation does not support the Parent's conclusions.

Upon consideration of the evidence presented herein, the Department concludes that the District's actions during the 2023-2024 and 2024-2025 school years ensured that the Student's educational program was reasonably calculated to provide the Student with educational benefit and that the Student received those services in the least restrictive environment.

Concerning the appropriateness of the Student's educational program, the Department concludes that the Student showed consistent, albeit slow, progress toward each of this IEP goals during the relevant timeframe, that the Student's services, accommodations, and modifications were reasonably related to [redacted] disability related needs, and that the District convened IEP Team meetings as needed to address concerns about the Student's academic or functional progress.

Concerning the appropriateness of the Student's educational placement, the Department concludes that the Student's receipt of special services outside of the regular classroom setting was appropriate given the Student's difficulty in certain academic subjects and need for adapted physical education and speech-language therapy services. Additionally, the Department finds that the District took reasonable steps, including the implementation of numerous accommodations and the assignment of a one-to-one paraprofessional, to support the Student in the regular education setting to the extent possible.

Concerning the qualifications of District staff, the record contains no support for the Parent's contention that the Student's service providers were unqualified. Based upon a review of the complaint, it appears as though this allegation is based primarily on the Parent's subjective assessment of the skill level of the Student's service providers. However, the Parent provided no evidence to support his belief that the Student's service providers lacked proper qualifications.

On the basis of these findings, the Department concludes that the Parent's allegations concerning services to the Student – that the District failed to comply with applicable law by 1) failing to provide the Student with appropriate special education and related services relative to the Student's academic and behavioral needs; 2) failure to revise, as appropriate, the Student's Individualized Education Program ("IEP") to address the Student's lack of expected progress in the general education curriculum; 3) failure to ensure that the Student received special education and related service provided by qualified staff; and, 7) failing to provide the Student with special education and related services in the least restrictive environment – are unsubstantiated.

Parental Participation

The Parent alleges that the District failed to provide the Parent with prior notices of proposed actions, progress reports, and access to the Student's education records. However, the record developed in this investigation does not support the Parent's conclusions.

The Parent's allegations concerning parental communications are repeated throughout the initial complaint, but the Parent does not provide any evidence in support of the allegations and provides only

imprecise details about the circumstances under which the District allegedly failed to provide the Parent with required communications. In its response to the complaint, the District demonstrated – through the provision of documentary exhibits – that the Parent participated in each of the Student's IEP Team meetings and was provided a notice of proposed actions following each meeting. Additionally, the District demonstrated that the Parent received academic and functional progress reports from the District and had unrestricted access to an online portal for tracking the Student's academic progress.

In the absence of any evidence that the District failed to provide information to the Parent under circumstances where the District was required to do so, the Department is unable to substantiate the Parent's allegations. Therefore, the Department concludes that the Parent's allegations concerning parental communication – that the District failed to comply with applicable law by 3) failing to ensure that the Student received special education and related service provided by qualified staff; 4) failing to provide the Parent with prior written notice of proposed or refused actions; and, 5) failing to provide the Parent with timely and regular progress reports – are unsubstantiated.

IV. Corrective Action Plan

The Department has determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Therefore, this investigation is hereby closed and no additional action is required by the Parent or the District.

Sincerely,



Tyrell T. Manieri III
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CC: Dr. Jason VanMetre, Superintendent, Calcasieu Parish School Board (email only)

Louisiana Special Education Complaint Investigation

45-C-54



LOUISIANA DEPARTMENT OF EDUCATION

April 25, 2025

[redacted]

Holly Ortego
Director of Special Education
Lafayette Parish School System
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hcortego@lpssonline.com

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-54** on behalf of [redacted]

On **February 20, 2025**, [redacted], (hereinafter referred to as the "Complainant") filed a Request for Special Education Formal Complaint Investigation concerning the Lafayette Parish School System ("the District") with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of a minor child ("the Student"), the Complainant alleged that the District violated the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 by:

1. Failing to provide the student with special education, social work, and transportations services and behavior supports that were reasonably calculated to provide the student with a free and appropriate public education (FAPE);
2. Failing to provide the student with a placement in the least restrictive environment (LRE);
3. Failing to provide the complainant with timely access to the student's educational records;
4. Failing to ensure that the student was afforded disciplinary procedural safeguards prior following disciplinary changes to the Student's placement;
5. Failing to conduct a timely evaluation of the student; and,
6. Failing to conduct a comprehensive evaluation of the student.

The Complainant provided an eight-page narrative, and several documentary exhibits. The District provided several narratives and twenty-three documentary exhibits in response. As the Department's assigned investigator, I reviewed the complaint, the District's response, and all documents submitted by the parties.

The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions. Pursuant to Louisiana Bulletin 1706 § 152(C), a formal complaint must allege a violation that occurred no more than two years prior to the date that the complaint is received. The Department received the complaint on **February 20, 2025**. Therefore, the investigation was limited to alleged violations of law that occurred between **February 21, 2023**, and **February 20, 2025**.

II. Findings of Fact

The Student is a first grade student eligible for special education and related services under the classification of Emotional Disturbance and Other Health Impairment.

The Student's IEPs and amendments—dated April 20, 2023; February 8, 2024; February 21, 2024; April 12, 2024; May 9, 2024; August 30, 2024; October 28, 2024; and January 10, 2025—identified academic, behavioral, and social-emotional goals, and provided for services including social work, daily special education instruction, and behavioral interventions overseen. During the relevant period, the Student exhibited ongoing behavioral challenges that necessitated frequent intervention, disciplinary measures, and changes in service delivery, culminating in a transition from a self-contained classroom to an Applied Behavior Analysis program.

The District developed a Behavioral Intervention Plan (BIP) on April 20, 2023, with a scheduled review date of August 29, 2023. However, the record contains no evidence that the BIP was reviewed or revised at any point during the 2023–2024 school year prior to its next documented update in January 2025. In its response, the District affirmatively acknowledged that no IEP progress reports were completed, no BIP review occurred, and no amendments to the IEP were made between April 20, 2023, and February 8, 2024—a span of nearly ten months encompassing the start of the 2023–2024 academic year.

A Reevaluation Data Review (RDR) was conducted on May 9, 2024. The District confirmed that the review was limited to existing data and did not include updated assessments. At the time of the review, the Student's behavioral and adaptive needs had escalated significantly.

On August 30, 2024, following a series of disciplinary incidents, the District convened a Manifestation Determination Review (MDR) and determined that the Student's behavior was a manifestation of the disability. A written notice dated August 28, 2024, was issued and reviewed by the Parent. An IEP amendment executed on August 30, 2024, documented changes to the Student's daily instructional schedule, which were made with parental agreement. As a result, the Student's instructional day was reduced from 385 minutes to 210 minutes.

A Functional Behavioral Assessment (FBA) completed in the fall of 2024 was reviewed by the IEP team but lacked a signature at the time of finalization. The District attributed the omission to clerical error.

The Student's educational records were requested on February 14, 2025, and produced by the District on February 17, 2025.

The Complainant filed the complaint giving rise to this investigation on February 20, 2025. In its response to the Complainant's allegations, the District proposed several remedial actions, including the Student's continued placement in an Applied Behavior Analysis program with services provided by certified special education staff. The District further indicated its intent to conduct a full comprehensive evaluation through pupil appraisal staff to address. Additionally, the District proposed the provision of compensatory instructional services during the 2025 Extended School Year (ESY), the continuation of behavioral consultation services, and ongoing staff training in behavior intervention and de-escalation strategies.

III. Conclusions of Law

Pursuant to the Individuals with Disabilities Education Act and Louisiana Bulletin 1706, Students with disabilities are entitled to a free appropriate public education in the least restrictive environment, provided in conformity with an appropriately developed IEP.

Special Education and Related Services

With respect to the allegation that the District failed to provide the Student with special education, related services, and behavioral supports reasonably calculated to confer educational benefit, the evidence demonstrates that the District developed and implemented IEPs and amendments throughout the relevant period. However, the District's own admission confirms that between April 20, 2023, and February 8, 2024, there is no evidence that IEP progress reports were completed, that the BIP was reviewed, or that the IEP was amended, despite a scheduled BIP review date of August 29, 2023. These omissions are inconsistent with the requirements of Bulletin 1706 § 320, which mandates that an IEP include measurable annual goals and a method for monitoring progress, and Bulletin 1706 § 324, which requires that IEPs be reviewed periodically, but not less than annually, to address any lack of expected progress. The failure to review and revise the behavioral supports in accordance with the Student's evolving needs, and to document implementation with fidelity, contributed to a denial of a free appropriate public education under the IDEA and corresponding state regulations.

Least Restrictive Environment

With regard to the allegation that the Student was not placed in the least restrictive environment, the IDEA and Bulletin 1706 § 114 and § 116 require that placement decisions be made based on the Student's individual needs and occur in settings that allow the Student to be educated with nondisabled peers to the maximum extent appropriate. The Student's progression from a self-contained classroom to an ABA program was supported by behavioral data, team decisions, and parental consent. While the Student was not placed in a general education classroom, the record reflects that the placement decisions were data-driven and individualized. Accordingly, there is insufficient evidence to conclude that the District violated LRE requirements.

Educational Records

Concerning the allegation that the District failed to provide timely access to educational records, Bulletin 1706 §613 requires that records be provided without unnecessary delay. The Complainant's request was submitted on February 14, 2025, and the District produced the requested documents on February 17, 2025. The timeline for production falls within regulatory parameters. Therefore, no violation is found with respect to access rights.

Manifestation Determination Review

Regarding the allegation that the District failed to afford disciplinary procedural safeguards, Bulletin 1706 § 530 requires a manifestation determination prior to a change in placement due to disciplinary reasons. The Student's school day was reduced following an MDR held on August 30, 2024. The reduction was reflected in an IEP amendment with parental participation, and the corresponding written notice was issued on August 28, 2024. Although a new evaluation was not conducted, the procedural safeguards related to parental notice and participation were followed. Therefore, the District satisfied procedural requirements in this instance.

Timeliness of Evaluation

As to the allegation concerning the timeliness of the reevaluation, Bulletin 1706 § 302 requires that reevaluations be conducted at least once every three years. The District conducted a reevaluation data

review on May 9, 2024, within three years of the initial evaluation. While no new assessments were conducted, the timing of the reevaluation did not violate regulatory requirements.

Comprehensive Evaluation

With respect to the allegation that the District failed to conduct a comprehensive reevaluation, Bulletin 1706 § 305 requires that evaluations utilize a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, while Bulletin 1706 § 306 mandates that reevaluations be sufficiently comprehensive to identify all of the child's educational needs. The May 2024 reevaluation relied solely on a review of existing data despite evidence of escalating behavioral concerns and a substantial reduction in the Student's instructional time. The absence of updated assessments in critical areas, including behavior, emotional functioning, and adaptive skills, rendered the reevaluation insufficiently comprehensive to satisfy the requirements set forth under the IDEA and applicable state regulations.

Accordingly, the District complied with its obligations regarding placement in the least restrictive environment (LRE), access to educational records, and the provision of procedural safeguards in connection with disciplinary changes in placement. Thus, the allegations concerning LRE, access to records, and disciplinary procedures are **unsubstantiated**.

However, the allegations regarding the failure to maintain documentation of behavioral progress, to timely review and revise the Behavioral Intervention Plan, and to conduct a sufficiently comprehensive evaluation in light of the Student's escalating behavioral incidents are **substantiated**.

IV. Corrective Action Plan

In order to remedy the noncompliance and ensure that such noncompliance does not recur:

- Within 60 business days of the date of this decision, the District shall complete a comprehensive reevaluation of the Student through its pupil appraisal staff. Within 30 calendar days of the completion of the reevaluation, the District shall convene an IEP team meeting, with participation from the Parent, to develop a compensatory education plan. The plan shall be based on the student's documented loss of educational benefit resulting from the District's failure to implement the BIP with fidelity, to conduct required progress monitoring, and to perform a comprehensive reevaluation. Compensatory services may be provided upon a schedule agreed by the Parent and the District.
- Within 90 calendar days of the date of this decision, the District shall conduct a comprehensive review of its policies, procedures, and practices related to the development, review, and implementation of IEPs, BIPs, progress monitoring, and evaluations. Following this review, the District shall revise any policies and procedures as necessary to full compliance with the requirements of Louisiana Bulletin 1706.
- Within 120 calendar days of the date of this decision, the District shall provide training and professional development to all staff responsible for the development, implementation, and monitoring of IEPs, BIPs, and reevaluations. The training shall address behavioral intervention planning, progress monitoring, and discipline procedures consistent with Louisiana Bulletin 1706. The District shall submit documentation of training content, attendance rosters, and sign-in sheets

within 5 calendar days following the training.

If any of the required corrective actions have already been completed, the District shall submit documentation evidencing completion to the Department within 10 business days of the date of this decision for review and verification.

Sincerely,



Domonique Dickerson
Investigating Attorney
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Louisiana Department of Education
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CC: Francis Touchet, Superintendent, Lafayette Parish School System (email only)

Louisiana Special Education Complaint Investigation

45-C-55



DR. CADE BRUMLEY
STATE SUPERINTENDENT

CLAIBORNE BUILDING
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LOUISIANA DEPARTMENT OF EDUCATION

May 12, 2025

[redacted]

Blaise Pellegrin, Supervisor
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Re: Findings-Decision in Special Education Formal Complaint No. **45-C-55** on behalf of [redacted]

On February 20, 2025, the complainant (hereinafter "the Parent") filed a Request for Special Education Formal Complaint Investigation with the Louisiana Department of Education (hereinafter "the Department") concerning her child (hereinafter "the Student"), who attends a public school under the jurisdiction of Terrebonne Parish School District, the local educational agency (LEA), (hereinafter "the District"), pursuant to Louisiana Bulletin 1706 §§ 151–153. The Parent subsequently submitted a supplemental complaint on March 1, 2025, followed by a second supplemental complaint on April 2, 2025.

I. Statement of the Case

In the complaints submitted on behalf of the Student, the Parent alleges that the District violated the Individuals with Disabilities Education Act (IDEA), the Louisiana Children with Exceptionalities Act, and the Department's implementing regulations set forth in Louisiana Bulletin 1706, by:

1. Failing to evaluate the Student in all areas of suspected disability; specifically, failing to adequately consider the Student's social-emotional and behavioral needs during the evaluation process;
2. Failing to ensure the presence of all required team members at the eligibility determination meeting and to provide the Parent a meaningful opportunity to participate in the eligibility determination;
3. Failing to ensure that the Parent was able to meaningfully participate in the Student's eligibility determination by predetermining the Student's eligibility status prior to the dissemination of the final evaluation; and
4. Failing to provide the Student with a free appropriate public education (FAPE).

As the Department's assigned investigator, I reviewed the original complaint, the District's written response, both supplemental complaints, and all documentation and evidence submitted by the parties. The findings of fact and conclusions of law set forth below are based on a thorough examination of the submitted materials and applicable legal provisions.

Pursuant to Louisiana Bulletin 1706 § 152(C), a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." In accordance with both federal and state requirements, the Department is obligated to issue a written

decision within sixty calendar days of receipt of the original complaint, unless the timeline is extended due to exceptional circumstances or by mutual written agreement of the parties to engage in early resolution, mediation, or another form of alternative dispute resolution.

Although the original complaint was received on February 20, 2025, the Department accepted the supplemental complaints submitted thereafter and extended the investigative timeline consistent with applicable procedural authority.

II. Findings of Fact

1. During the 2024–2025 school year, the Student was enrolled in a public elementary school under jurisdiction of the District.
2. On or about September 18, 2024, the Parent provided written consent for an initial evaluation to determine the Student's eligibility for special education services under IDEA. The Parent requested assessments addressing cognitive functioning, executive functioning, attention, social-emotional regulation, and academic performance. The Parent also raised concerns regarding possible "twice-exceptionality."
3. The District initiated a multidisciplinary evaluation which included a review of the Student's educational records; interviews with the Parent and the Student's classroom teacher; administration of the Wechsler Individual Achievement Test, Fourth Edition (WIAT-4) and the Wechsler Intelligence Scale for Children, Fifth Edition (WISC-V); behavior rating scales, including the Behavior Assessment System for Children, Third Edition (BASC-3), and the Conners 3, which assesses characteristics associated with Attention-Deficit/Hyperactivity Disorder (ADHD); structured classroom observations; a psychological assessment addressing social, emotional, and behavioral functioning in response to parental concerns; and a functional behavior assessment (FBA).
4. The evaluation concluded that the Student demonstrated academic and cognitive performance within the average to above-average range, with no identified deficits that substantially interfered with the Student's ability to access the general education curriculum. In terms of behavior, the Student displayed intermittent off-task conduct, impulsivity, attention-seeking behavior, and occasional peer conflict; however, these behaviors were described as manageable within the classroom setting. At the time of the evaluation, the Student was receiving Tier I behavioral supports, including Positive Behavior Intervention and Supports (PBIS), general classroom expectations, and the use of reflection sheets and student-teacher conferences based on restorative practices. These strategies were implemented following behavioral infractions and were intended to promote self-regulation. While concerns related to executive functioning and behavior were acknowledged, the evaluation team determined that the behaviors did not adversely impact educational performance to a degree warranting additional services or specialized interventions.
5. An eligibility determination meeting was held on December 11, 2024. The Parent participated via teleconference. A school psychologist and educational diagnostician were present. Although no general education teacher attended, documentation reflects that the general education teacher later reviewed the evaluation report and signed a verification form acknowledging explanation of the findings.

6. The team concluded that the Student did not meet the criteria for eligibility under any IDEA disability category, including Other Health Impairment (OHI), and therefore was not eligible for special education services. The final evaluation report was provided to the Parent on December 17, 2024.
7. The record reflects consistent communication between the Parent and the District regarding the evaluation timeline, meeting scheduling, and assessment procedures. A prior written notice dated December 10, 2024, confirms that the eligibility meeting was rescheduled at the Parent's request. Additional documentation confirms that the Parent was invited to and participated in the meeting, provided input, and was offered the opportunity to request additional assessments.
8. The Parent filed the initial complaint on February 20, 2025, and submitted supplemental complaints on March 1, 2025, and April 2, 2025.

III. Conclusions of Law

Upon review of the record and applicable legal standards, the Department finds that the District complied with its obligations under the IDEA, the Louisiana Children with Exceptionalities Act, and the implementing regulations set forth in Louisiana Bulletin 1706.

Evaluation of Social-Emotional and Behavioral Needs

Pursuant to Louisiana Bulletin 1706 § 302(A), a local educational agency must conduct a full and individual initial evaluation prior to determining a student's eligibility for special education services. This evaluation must be sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not commonly linked to a suspected disability category. It must utilize a variety of assessment tools and strategies, incorporate information from multiple sources—including parental input—and avoid reliance on any single measure or score. Evaluations must also employ technically sound instruments capable of assessing cognitive, behavioral, and other contributing factors. See Bulletin 1706 § 305; 34 C.F.R. § 300.304.

In the present case, the District's evaluation addressed all areas of suspected disability, including cognitive, academic, social-emotional, behavioral, and executive functioning. The evaluators employed a range of validated assessment tools, conducted structured and unstructured observations, reviewed existing records, and gathered data from individuals familiar with the Student, including the Parent and the Student's general education teacher. The evaluation also included specific tools to assess social-emotional concerns and behavioral functioning. The process complied with procedural requirements and used multiple sources of data to ensure that the evaluation was comprehensive and tailored to the Student's individual needs.

Team Composition at Eligibility Determination Meeting

Under Bulletin 1706 § 307(A), the determination of eligibility must be made by a team of qualified professionals and the parent. While an IEP team requires the presence of a general education teacher, an eligibility determination team is not held to the same specific composition, provided qualified professionals relevant to the evaluation are present and parental participation is facilitated. See also 34 C.F.R. § 300.306(a)(1).

Here, the meeting held on December 11, 2024, included the school psychologist, educational diagnostician, and the Parent, who participated via teleconference. Although a general education teacher was not present during the meeting, documentation reflects that the Student's teacher reviewed the evaluation results

afterward and acknowledged receipt and understanding of the findings. The Parent's participation was documented, and the record includes evidence that she was given meaningful opportunities to engage in the process. Accordingly, the composition of the team and the Parent's involvement were sufficient to satisfy legal requirements.

Predetermination and Timing of Eligibility Determination

Bulletin 1706 § 307 requires that eligibility decisions be based on the results of the evaluation and determined by a group of qualified individuals, including the parent, following review and discussion of the data. A district may not engage in predetermination—that is, making a decision before the eligibility meeting or without due consideration of parental input.

The evidence does not support the Parent's claim that the District predetermined the outcome. The eligibility meeting occurred after the completion of the evaluation. There is no indication that the decision was made prior to the meeting or without meaningful discussion of the data. The Parent participated in the meeting, and there is no evidence that her concerns were disregarded. The timeline and process were consistent with regulatory expectations.

Provision of a Free Appropriate Public Education (FAPE)

Pursuant to Bulletin 1706 § 101(A), each public agency is required to make FAPE available to all students with disabilities who are determined eligible under the IDEA. If a student is found ineligible following a legally sufficient evaluation, the obligation to provide FAPE through an IEP is not triggered. In this case, because the Student was found ineligible for special education and related services based on a comprehensive and procedurally compliant evaluation in December 2024, the District had no obligation to develop or implement an IEP. Nonetheless, the District responded to the Parent's concerns and provided behavioral supports through Tier I interventions. The Department finds no violation of the requirement to provide FAPE.

IV. Conclusion

Based on the foregoing, the Department finds that the District complied with all applicable provisions of the IDEA, the Louisiana Children with Exceptionalities Act, and Louisiana Bulletin 1706. The evaluation was comprehensive, procedurally sound, and informed by multiple sources of data. The Parent was afforded meaningful participation throughout the process, and the Student's eligibility determination was substantively supported the evidentiary record. Accordingly, the Parent's allegations are unsubstantiated.

This investigation is hereby closed.

Sincerely,



Domonique Dickerson, Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Aubrey "Bubby" Orgeron, Jr., Superintendent, Terrebonne Parish School District (email only)

Louisiana Special Education Complaint Investigation

45-C-56



LOUISIANA DEPARTMENT OF EDUCATION

February 26, 2025

[redacted]

Holly Ortego
Director of Special Education
Lafayette Parish School System
P.O. Drawer 2158
Lafayette, LA 70502
hcortego@lpssonline.com

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-56**

Dear [redacted] and Holly Ortego:

On February 25, 2025, the Louisiana Department of Education received email correspondence from parties, which confirmed that the parties to this formal complaint reached a mutually agreeable resolution and that the complainant officially withdrew the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-56**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Francis Touchet, Superintendent, Lafayette Parish School System (email only)

Louisiana Special Education Complaint Investigation

45-C-57



March 28, 2025

[redacted]

Scot Hebert
Coordinating Supervisor of Special Education
Vermillion Parish School System
220 South Jefferson Street
Abbeville, LA 70510
Scot.hebert@vpsb.net

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-57**

Dear [redacted] and Scot Hebert:

On March 28, 2025, the Louisiana Department of Education received a copy of a Notice to LDOE of Formal ERP Status Form, which confirmed that the parties to this formal complaint reached a mutually agreeable resolution and that the complainant officially withdrew the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-57**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Thomas Byler, Superintendent, Vermillion Parish School System (email only)

Louisiana Special Education Complaint Investigation

45-C-58



LOUISIANA DEPARTMENT OF EDUCATION

April 4, 2025

[redacted]

Kerri Soo
Supervisor-Special Education Department
St. Tammany Parish Schools
706 West 28th Street
Covington, LA 70433
Kerri.soo@stpsb.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-58**

Dear [redacted] and Kerri Soo:

On April 4, 2025, the Louisiana Department of Education received a copy of a Mediation Status Form, which indicated that the parties to this formal complaint reached a mutually agreeable settlement and that the complainant wished to withdraw the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-58**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Frank Jabbia, Superintendent, St. Tammany Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-59



May 8, 2025

[redacted]

Dr. Janet Harris
Director of Exceptional Student Services
East Baton Rouge Parish Schools
6550 Sevenoaks Avenue
Baton Rouge, LA 70806
janetharris@ebrschools.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-59**

Dear [redacted] and Dr. Janet Harris:

On May 8, 2025, the Louisiana Department of Education received a copy of a Notice to LDOE OF Formal ERP Status Form, which indicated that the parties to this formal complaint reached a mutually agreeable resolution and that the complainant wished to withdraw the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-59**. No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: LaMont Cole, Superintendent, East Baton Rouge Parish Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-60



March 25, 2025

[redacted]

Rachel DiBenedetto
Special Education Coordinator
Tangipahoa Parish School System
59656 Puleston Road
Amite, LA 70422
Rachel.dibenedetto@tangischools.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-60**

Dear [redacted] and Rachel DiBenedetto:

On March 25, 2025, the Louisiana Department of Education received a copy of a Notice to LDOE of Formal ERP Status Form, which confirmed that the parties to this formal complaint reached a mutually agreeable resolution and that the complainant officially withdrew the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-60**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Melissa Stilley, Superintendent, Tangipahoa Parish School System (email only)

Louisiana Special Education Complaint Investigation

45-C-61



LOUISIANA DEPARTMENT OF EDUCATION

June 6, 2025

[redacted]

Wendy Hill
Administrative Director of Special Education
Calcasieu Parish School Board
1618 Mill Street
Lake Charles, LA 70601
wendy.hill@cpsb.org

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-61** on behalf of [redacted]

On **April 8, 2024**, [redacted] (hereinafter referred to as the "Parent") filed a Request for Special Education Formal Complaint Investigation against the Calcasieu Parish School Board ("the District") with the Louisiana Department of Education ("the Department") pursuant to Louisiana Bulletin 1706 §§ 151 through 153.

I. Statement of the Case

In the complaint, filed on behalf of the Parent's minor child ("the Student"), the Parent alleged that the District violated: 1) the Individuals with Disabilities Education Act ("the IDEA"), the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706 and 2) La. R.S. 17:173 and the Department's implementing regulations published in Louisiana Bulletin. Specifically, the Parent alleges the following:

1. Failure to provide the student with appropriate special education and related services relative to the Student's behavioral needs;
2. Failure to revise, as appropriate, the student's Individualized Education Program ("IEP") to address the student's lack of expected progress toward behavioral goals;
3. Failure to allow the student's private behavioral therapist to observe the student during the school day;
4. Failure to comply with the requirements of R.S. 17:173 concerning the provision of private behavioral health services during the school day; and,
5. Failure to provide the student with access to supplementary aids and services necessary to allow the student to be educated in the least restrictive environment.

The Parent provided a complaint request form, supplement narrative, and twenty exhibits. The District provided a narrative response and eight exhibits in response to the complaint. The Parent then submitted seven additional exhibits. As the Department's assigned investigator, I reviewed the complaint and all exhibits submitted by the parties.

The Department received the complaint on April 8, 2025. Louisiana Bulletin 1706 § 152(C) states a complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§ 151 through 153." Therefore, only alleged violations of the IDEA, the Louisiana Children with Exceptionalities Education Act, or Bulletin 1706 occurring during the time period from April 9, 2023, through April 8, 2025, are legally actionable. Louisiana Bulletin 135 § 705(C) states a complaint "shall

allege a violation that occurred not more than one year prior to the date that the complaint is received." Therefore, only alleged violations of R.S. 17:173 or Louisiana Bulletin 135 §§ 701-705 occurring during the time period from April 9, 2024, through April 8, 2025, are legally actionable. The findings of fact and conclusions of law contained herein are based on a review of the materials submitted and the relevant legal provisions.

II. Findings of Fact

- The Student is an [redacted] with multiple disabilities, including a [redacted] and a special education eligibility classification of Moderate Intellectual Disability. The Student is nonverbal and requires substantial adult assistance to access the general education curriculum. [redacted] receives services through the District under an Individualized Education Program (IEP).
- During the review period, the Student's educational programming was governed by IEPs dated March 21, 2024 (as amended on November 12, 2024, to incorporate a parental letter of concern), and February 26, 2025. Both IEPs documented placement in a self-contained setting, with participation in general education for less than 40 percent of the school day. The IEP Teams justified this restrictive placement on the basis of the Student's significant cognitive delays, stating that the general education environment was not appropriate for academic instruction. Nevertheless, each IEP stated that daily efforts would be made to facilitate peer interaction through non-instructional activities such as lunch and recess.
- Throughout the relevant period, the Student exhibited persistent behaviors that interfered with learning, including hair-pulling, scratching, pinching, and hitting. These behaviors were attributed to the Student's limited communication skills and associated frustration. Although the District engaged in Antecedent-Behavior-Consequence (ABC) data collection, the IEPs did not reflect the completion of a Functional Behavioral Assessment (FBA) or the development of a Behavior Intervention Plan (BIP).
- The IEPs described the Student as significantly delayed in comparison to same-age peers and indicated a need for a modified curriculum, hand-over-hand instruction, and the use of multiple assistive technology tools. These included a PECS communication booklet, dual voice output devices, and the Proloquo2Go application on an iPad.
- Despite the recurrence of challenging behaviors, the IEPs contained only a single behavioral goal centered on "listening skills." That goal targeted the Student's ability to respond to adult directives (e.g., responding to his name or complying with verbal prompts) within performance targets, such as responding to prompts with "less than 3" or "2 or fewer" prompts on 4 out of 5 trials at 80% accuracy. These goals remained substantially similar across both IEPs and did not directly address the aggressive behaviors.
- In September 2023, the Parent requested that the District conduct an FBA to address the Student's ongoing behavioral challenges. The Parent followed up via email on October 30, 2023, regarding the status of her request, and in response, the District acknowledged the FBA had not yet been initiated and that the Student's teacher, not a behavior analyst, would conduct the requested assessment.

On November 7, 2023, the Parent withdrew the request, citing concerns about overburdening the teacher and uncertainty about the District's process. The District continued to use ABC charting to document the Student's behaviors.

- The District's 2025–26 Communication Plan indicated that the Student's behavioral challenges were linked to both expressive and receptive communication impairments and emphasized the need for individualized interpretation of each behavioral incident.
- In August 2023, the Parent submitted a formal request for in-class applied behavior analysis (ABA) services to be delivered by a private Board-Certified Behavior Analyst (BCBA) licensed by the Louisiana Behavior Analyst Board. The Parent and provider submitted all required documentation, including a behavioral health evaluation, an individualized treatment plan, proof of licensure, background clearance, liability insurance coverage, and signed parental consent. On October 17, 2023, the District conditionally approved the request, subject to procedural restrictions such as no observations during group instruction and a ten-day advance notice requirement prior to the delivery of services.
- Following the enactment of Act No. 745 (2024), which amended La. R.S. § 17:173 to prohibit public school governing authorities from denying medically necessary services during instructional time, the Parent renewed her request for in-class ABA services in September 2024. In a written response dated October 2, 2024, the District denied the renewed request, stating that although the revised statute permitted students to receive services during "any part of the school day," it did not require delivery of those services within the classroom setting during academic instruction. The District further indicated it would await additional guidance from the Louisiana Board of Elementary and Secondary Education (BESE) before modifying its policy.
- The District maintained this position through early 2025, including after the promulgation of Bulletin 135, Chapter 7 in January 2025. That bulletin implemented the requirements of Act No. 745 and reaffirmed that public agencies must not prohibit access to behavioral health services when all statutory prerequisites are met.
- In February 2025, the Parent requested clarification from the District regarding the apparent discrepancy in permitting its own internal behavior analyst to observe students while denying the same access to the licensed private provider.
- On April 8, 2025, the Parent filed the complaint that formed the basis of the Department's investigation.

III. Conclusions of Law

Upon review of the information provided, the undersigned finds that the District violated 1) the IDEA, the Louisiana Children with Exceptionalities Act, and the Department's implementing regulations published in Louisiana Bulletin 1706 and 2) La. R.S. 17:173 and the Department's implementing regulations published in Louisiana Bulletin 135. Specifically, the District failed to: 1) provide the student with appropriate special education and related services relative to the Student's behavioral needs; 2) revise, as appropriate, the student's Individualized Education Program ("IEP") to address the student's lack of expected progress toward behavioral goals; 3) allow the student's private behavioral therapist to observe the student during the school

day; 4) comply with the requirements of R.S. 17:173 concerning the provision of private behavioral health services during the school day; and, 5) provide the student with access to supplementary aids and services necessary to allow the student to be educated in the least restrictive environment.

A. Allegations 1 and 2: Failure to Provide Appropriate Behavioral Supports and Revise the IEP to Address Lack of Progress

Pursuant to Bulletin 1706 § 324(A)(2)(a), when a student's behavior interferes with learning, the IEP Team is required to consider the use of positive behavioral interventions and supports to address the behavior. In addition, Bulletin 1706 § 324(B)(1)(b) mandates that the IEP Team revise the IEP, as appropriate, to address any lack of expected progress toward annual goals, including those addressing behavior. Furthermore, under Bulletin 1706 § 320(A)(2), each IEP must contain measurable annual goals designed to meet the student's disability-related needs and to facilitate progress in the general education curriculum. These provisions impose affirmative and nondiscretionary obligations on public agencies.

i. Application to Present Case

The Student's IEPs consistently documented persistent interfering behaviors—including hair-pulling, hitting, grabbing, and scratching—which the District attributed to frustration and communication deficits. Despite these documented behaviors, the IEPs contained only a single behavioral goal focused on compliance-based "listening skills." Although minor improvements were noted in the Student's present levels of performance, the IEP goals and services were not revised to reflect or respond to the continued and significant behavioral challenges.

The District acknowledged in its complaint response:

> The Student does have a behavioral goal to address listening skills. However, there are no behavioral goals that address undesired behaviors that impede the Student's academic, social or behavioral progress in school.

This admission confirms that the Student's behaviors were interfering with educational access and the District failed to include targeted goals addressing those behaviors. While the District cited collaboration with a speech-language pathologist to support communication development, this does not satisfy the District's separate and affirmative obligation to assess and address interfering behaviors through the IEP process. Under Bulletin 1706 § 324, the cause of the behavior is not determinative; rather, any behavior that impedes learning must be addressed through individualized supports embedded within the IEP.

Although the IEPs incorporated communication goals and tools such as PECS, Proloquo2Go, and voice-output devices these measures did not substitute for behavioral interventions. Over a span of two school years, these supports failed to mitigate or replace the interfering behaviors with functional alternatives. The District's own 2025–26 Communication Plan corroborates this conclusion, stating:

> There are behavioral challenges with this student due to receptive and expressive language skills. [redacted] is known to pinch, hit, pull hair or kick in order to communicate a need or want. In addressing those unwanted behaviors, it helps to know the student, run through a mental checklist, and try to determine the cause of the behaviors.

The reliance on staff "mental checklists" and informal interpretation falls short of IDEA requirements for proactive, evidence-based behavioral planning. Instead of implementing structured, evidence-based interventions, such as a FBA and BIP, the District deferred to an informal reactive approach to behavioral interventions. This lack of formal, data-driven planning fails to meet the standards of the IDEA and Bulletin 1706, which require behavioral interventions to be proactive, evidence-based, and integrated within the IEP framework.

In September 2023, the Parent requested an FBA but later withdrew the request, citing concerns about overburdening the teacher and a lack of clarity regarding the District's process. This withdrawal did not reflect an informed decision that an FBA was unnecessary; rather, it resulted from the District's failure to provide procedural support. A parent's withdrawal under such conditions does not relieve the District of its continuing obligations under IDEA and Bulletin 1706. Under Bulletin 1706 § 304(A), the District had an independent duty to initiate reevaluation when the Student's interfering behaviors indicated a need for reassessment. Despite clear evidence of ongoing behavioral challenges, the District failed to conduct an FBA, develop a BIP, or revise the IEP to include appropriate behavioral goals and supports.

The record confirms that the Student exhibited persistent behaviors that interfered with learning. Nonetheless, the IEP Team failed to develop targeted behavioral goals, conduct an FBA, or revise the IEP to reflect behavioral progress or lack thereof. Communication and cognitive delays do not excuse the District's obligation to assess and address behaviors that impede access to education. Based on the evidence, the Department finds Allegations 1 and 2 substantiated.

B. Allegations 3 and 4: Denial of In-Class Behavioral Health Services

La. R.S. § 17:173, as originally enacted by Act No. 696 (2018), granted public school governing authorities discretion in determining when behavioral health services could be delivered during instructional time. The statute permitted such services "during instructional time in English, reading, mathematics, and science if the public school governing authority and the behavioral health provider agree it is in the best interest of the student." This conditional phrasing introduced ambiguity and led to inconsistent implementation across districts.

In response, the Legislature amended and reenacted R.S. § 17:173 through Act No. 745 (2024) to remove the discretionary language and impose a mandatory obligation upon public school governing authorities to permit medically necessary behavioral health services during the school day, including during instructional periods, once all statutory prerequisites have been satisfied.

La. R.S. § 17:173(A)(2)(e) provides:

> A public school governing authority shall not prohibit a behavioral health evaluation, assessment, or authorized treatment plan from being performed on school property in order to establish medical necessity or deliver medically necessary services. Behavioral health services may be provided during any part of the school day, including any and all instructional time in English, reading, mathematics, and science.

To implement this legislative mandate, BESE promulgated Bulletin 135, Chapter 7 in January 2025. Bulletin

135 § 703(B)(5) reiterates the statutory requirement that behavioral health services must be accessible during any and all instructional periods, subject only to procedural compliance—not administrative discretion.

i. Application to the Present Case

In August 2023, the Parent submitted a formal request for in-class behavioral health services, supported by a behavioral evaluation, individualized treatment plan, signed consent, and documentation verifying the provider's licensure, insurance, and background clearance. The Parent and provider also executed the District's required memorandum of understanding. On October 17, 2023, the District issued conditional approval but imposed restrictive conditions—including a ten-day advance notice requirement and a prohibition on service delivery during group instruction—that substantially limited the provider's ability to implement the treatment plan. Although issued before the enactment of Act No. 745, the District later cited this response as evidence of good faith.

Following Act No. 745's effective date in June 2024, the Parent renewed her request. In a written response dated October 2, 2024, the District denied it, asserting that although services could occur "during any part of the school day," the statute did not require in-class delivery during academic instruction. The District maintained this position into 2025, even after the January promulgation of Bulletin 135, Chapter 7, and failed to conduct any individualized review of the Student's needs or educational program.

The District's interpretation of La. R.S. § 17:173 rested on the permissive phrase "may be provided." It argued that this language afforded discretion to deny in-class services during instructional time. However, this reading is incompatible with the statute's operative clause—"shall not prohibit"—which imposes an affirmative obligation. The word "may" merely clarifies that services are permitted throughout the instructional day, including during core subjects.

Statutory context further supports this interpretation. La. R.S. § 17:173(A)(2) prohibits school districts from adopting policies that delay or deny access to services through burdensome requirements. If districts retained categorical discretion to exclude in-class services, the statute's procedural safeguards—such as mandatory collaboration and dispute resolution—would be rendered meaningless.

By refusing to allow in-class delivery and requiring pull-out services even after full compliance with all statutory prerequisites, the District imposed a de facto prohibition. Nothing in the law authorizes a blanket exclusion of external providers from instructional settings based on internal policy or administrative preference. The District's approach—restricting services to private, non-instructional environments without individualized analysis—is inconsistent with both the letter and purpose of the statute.

Accordingly, the Department finds that the District violated La. R.S. § 17:173, as amended by Act No. 745 (2024), by denying the Parent's request in October 2024. It further violated both the statute and Bulletin 135, Chapter 7, in February 2025 by continuing to deny access to medically necessary in-class behavioral services during instructional time. By enforcing a categorical policy and failing to engage in individualized review or use available dispute resolution procedures, the District imposed unlawful barriers to access. Based on the information presented, Allegations 3 and 4 are therefore substantiated.

C. Allegation 5: Failure to Provide Supplementary Aids and Services to Support Placement in the Least Restrictive Environment (LRE)

Bulletin 1706 requires that students with disabilities be educated in the least restrictive environment appropriate to their needs. Under Bulletin 1706 § 114(A), students must be educated with nondisabled peers to the maximum extent appropriate. Removal from the general education setting is allowed only when education in that environment, even with supplementary aids and services, cannot be achieved satisfactorily. Placement decisions must comply with §§ 114–116 and be based on the student's individualized needs as reflected in the IEP. Bulletin 1706 § 320(A)(4) mandates that the IEP include a statement of the supplementary aids and services to be provided to, or on behalf of, the student to support access to general education. Additionally, where a student's behavior interferes with learning, the IEP Team is required to consider the use of positive behavioral interventions and supports. To fulfill its LRE obligations, a district must maintain a continuum of placements and consider supports that could enable a student to remain in general education.

i. Application to the Present Case

The Student's IEPs placed him in a special education setting categorized under Bulletin 1530 § 117(A)(3)(a) as inside regular class less than 40 percent of the day. This restrictive placement based on the Student's developmental delays, communication needs, and need for intensive adult support. Yet, neither IEP included documentation of efforts to assess whether the Student could be educated in a less restrictive setting with the use of supplementary aids and services.

The Student's behavior, which interfered with learning, should have triggered the IEP Team's consideration of positive behavioral interventions under § 324(A)(2)(a). While both IEPs referenced inclusion in limited non-academic settings, such as lunch and recess, there is no evidence that the IEP Team considered whether individualized behavioral interventions—including those specifically requested by the Parent—could serve as supplementary aids to support access to general education environment. Instead, the IEPs' rationale for exclusion relied on disability-based limitations. Bulletin 1706 § 114(A) permits removal from the general setting only when inclusion is not feasible even with such supports.

The District consistently declined to incorporate the requested behavioral supports into the Student's program and failed to develop behavioral goals to address the interfering behaviors. This effectively operated as a blanket denial of supplementary aids that could have supported the Student in a less restrictive setting.

By maintaining a restrictive placement without documenting efforts to explore or implement behavioral supports that could reduce that restrictiveness, the District failed to comply with its obligations under Bulletin 1706.

Therefore, the Department finds that the District failed to consider or implement supplementary aids and services that could have supported the Student's participation in general education, in violation of in Bulletin 1706. Its refusal to consider the behavioral interventions requested by the Parent, without individualized analysis, reflects a policy-based decision rather than a child-specific determination. As a result, the Student

remained in a highly restrictive setting absent documented efforts to support inclusion through appropriate services. Based on the information presented, Allegation 5 is substantiated.

IV. Corrective Action Plan

Corrective Action for Allegations 1, 2, and 5: Violations of the IDEA and Bulletin 1706

1. Within 60 calendar days of the date of this decision, the District shall convene a properly constituted IEP Team meeting for the Student. The purpose of the meeting shall be to:
    - Review and revise the IEP to address interfering behaviors through appropriate, individualized goals, services, and supports;
    - Consider whether a Functional Behavioral Assessment (FBA) and/or Behavior Intervention Plan (BIP) is warranted based on current and historical behavioral data;
    - Evaluate the appropriateness of supplementary aids and services that may facilitate placement in a less restrictive environment; and
    - Determine whether compensatory education or related services are warranted as a result of the denial of a free appropriate public education (FAPE).
2. The District shall make reasonable and documented efforts to collaborate with the Parent in scheduling the IEP meeting at a mutually agreeable time. In doing so, the District shall:
    - Offer the Parent the option to participate via video or teleconference if in-person attendance is not feasible;
    - Provide at least three proposed meeting times with sufficient advance notice; and
    - Maintain written documentation of all outreach and communications related to scheduling and participation.
3. Within 60 calendar days, the District shall provide training to all district-level administrators and relevant school personnel on:
    - Requirements under Bulletin 1706 §§ 320 and 324 regarding behavioral interventions, goal development, and IEP revision obligations;
    - Legal standards governing the least restrictive environment (LRE) under Bulletins 1706 and 1530; and
    - Best practices for meaningful parent engagement in the behavioral planning process.
    - Training materials (agenda, content, sign-in sheets, and presenter credentials) and a written assurance of implementation fidelity shall be submitted to the Department within 10 calendar days of training completion.
4. In conjunction with the above, the District shall review and revise any local policies, procedures, or practices that may contribute to systemic failures in behavioral support planning or LRE determinations. A written narrative summarizing changes and compliance measures shall be submitted to the Department within 60 calendar days.

Corrective Action for Allegations 3 and 4: Violations of La. R.S. § 17:173 and Bulletin 135 (In-Class Behavioral Health Services)

1. The District shall immediately cease enforcement of any policy, practice, or procedure that

categorically restricts or prohibits the in-class delivery of medically necessary behavioral health services during instructional time. This includes:

- Categorical exclusions of external providers from instructional settings; and
- Any limitations based solely on internal scheduling preferences or non-individualized administrative constraints.

2. Within 45 calendar days, the District shall review and revise all relevant policies, procedures, and practices to ensure compliance with La. R.S. § 17:173 (as amended by Act No. 745) and Bulletin 135, Chapter 7.
    - All revised materials must eliminate barriers that delay or deny access to services once medical necessity and documentation are established.
    - The District shall submit a narrative summary detailing all policy and practice changes, as well as steps taken to ensure ongoing compliance and family collaboration.
3. Within 60 calendar days, the District shall conduct training for all district-level administrators and appropriate school personnel on:
    - Legal obligations under La. R.S. § 17:173 and Bulletin 135;
    - Procedures for integrating external behavioral health providers into school settings, including the delivery of in-class services during instructional periods; and
    - Requirements for ensuring effective collaboration with families and providers, and prohibitions against imposing procedural barriers.
    - Training documentation (agenda, materials, sign-in sheets, and presenter credentials) and a written assurance of implementation fidelity shall be submitted to the Department within 10 calendar days of completion.
4. Within 60 calendar days, the District shall coordinate with the Parent and the licensed behavioral health provider to finalize a schedule for in-class services that fully complies with La. R.S. § 17:173 and Bulletin 135.
    - Services must begin promptly and be delivered in accordance with the provider's treatment plan and applicable ethical standards.
    - The District must collaborate with the Parent throughout this process, including by offering flexibility in scheduling and facilitating implementation in good faith.

Sincerely,



Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Dr. Jason VanMetre, Superintendent, Calcasieu Parish School Board (email only)

Louisiana Special Education Complaint Investigation

45-C-62



DR. CADE BRUMLEY
STATE SUPERINTENDENT

CLAIBORNE BUILDING
1201 N 3RD ST.
BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

June 9, 2025

[redacted]

Dr. Tammi Major
Chief Executive Officer
Algiers Charter School Association
2916 General Degaulle Dr., Suite 103
New Orleans, Louisiana 70114
tammi.major@theacsa.org

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-62** on behalf of [redacted]

On February 20, 2025, the Complainant (hereinafter "the Parent") filed a Request for Special Education Formal Complaint Investigation with the Louisiana Department of Education ("Department") concerning her child (hereinafter "the Student"), attending L.B. Landry High School, a public charter school, under the jurisdiction of Algiers Charter School Association ("District"), pursuant to Louisiana Bulletin 1706 §§ 151–153.

I. Statement of the Case

In the complaint, the Parent alleges that the District violated the Individuals with Disabilities Education Act ("IDEA"), and Louisiana Children's Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Specifically, the Parent alleges that the District failed to timely identify, locate, and evaluate a student with a disability; and failed to provide the prior written notice in response to its refusal to evaluate the Student.

Pursuant to Louisiana Bulletin 1706, §152(C), a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§151 through 153." The Department received the instant complaint on April 9, 2025. Accordingly, the scope of this investigation is limited to alleged violations occurring between April 8, 2023, and April 9, 2025.

As the assigned investigator, I have conducted a comprehensive review of the complaint, the District's response, all supporting evidence and documentation, and applicable legal authority. The findings of fact and conclusions of law set forth herein are based on this review.

II. Findings of Fact

On August 18, 2023, the Parent submitted a written request for a special education evaluation, citing concerns regarding the Student's social anxiety, academic decline, and need for direct services. In response to the request, the District convened a School Building Level Committee (SBLC), referred to locally as the Student Assistance Team (SAT), on August 22, 2023. This request is documented in the District's submission titled "8.18.23 SAT Meeting-Exhibit 1". At that meeting, the District proceeded with a referral for an

evaluation under Section 504 of the Rehabilitation Act of 1973, and the Parent subsequently consented to the development of a Section 504 Individual Accommodation Plan. The SBLC form acknowledges the Parent's concerns, including the Student's social anxiety, described as the Student "shutting down" when triggered, and identifies related needs such as extended testing time and pull-out instructional support. However, the documentation does not indicate whether the District proposed or declined an evaluation in response to the Parent's request to determine if the Student was a student with a disability. In addition, the record contains no evidence that the District sought parental consent for an initial evaluation to, nor does it indicate that prior written notice or a procedural safeguards notice were issued.

On January 9, 2025, the Parent submitted a renewed written request for an evaluation, citing the Student's medical diagnoses and continuing academic concerns. In response, the District issued an "Initial Consent Evaluation-Exhibit 3" on January 14, 2025, which the Parent signed the same day. This document includes a section confirming that no prior referral had been made, indicating that this was the first documented referral for a special education evaluation initiated by the District.

A multidisciplinary evaluation was completed in April 2025, determining that the Student met criteria the criteria for eligibility as a student with a disability under the classification of Specific Learning Disability. Areas of documented concern included deficits in reading comprehension and reading fluency. An Individualized Education Program (IEP) was developed for the Student on April 16, 2025.

On April 9, 2025, the Parent filed a complaint against the District alleging violations of IDEA and applicable state laws.

III. Conclusions of Law

Upon consideration of the relevant facts and applicable law, the undersigned finds that the District violated the Individuals with Disabilities Education Act, the Louisiana Children with Exceptionalities Act, and/or the Department's implementing regulations as set forth in Louisiana Bulletin 1706 by failing to timely identify, locate, and evaluate a student with a disability; and failing to provide the prior written notice in response to its refusal to evaluate the Student.

Allegations 1 and 2

Under Louisiana Bulletin 1706 § 111 and corresponding federal regulations, each public agency is obligated to identify, locate, and evaluate all children suspected of having a disability and in need of special education and related services. This "Child Find" duty arises when a public agency has a reasonable basis to suspect a disability—not only upon confirmed diagnosis or formal eligibility.

Further, when a parent submits a written request for an initial evaluation, the agency must either obtain informed parental consent to conduct the evaluation or issue prior written notice of refusal in accordance with Bulletin 1706 § 301(A) and § 504(A). These procedural protections exist to safeguard parental rights and ensure transparency in eligibility decisions.

In this case, the Parent submitted a written request for an evaluation on August 18, 2023, triggering the District's obligations. The District convened the SBLC on August 22, 2023, and documented serious concerns, including the Student's social anxiety, shutdown behaviors, academic decline, and a need for direct instructional support. These facts met the threshold for suspecting a disability under IDEA and warranted a formal decision on referral.

Although Bulletin 1508 §303(A) authorizes the SBLC to select from a range of data-based interventions—including referral for a Section 504 evaluation—that discretion does not override the procedural requirements of Bulletin 1508 §307. When the SBLC decides not to refer a student is a student with a disability in need of special education and related services, Bulletin 1508 § 307(C) requires the agency to provide the parent with written notice that includes the decision, supporting rationale, and a copy of the procedural safeguards.

Here, the record does not indicate that the Parent was provided with written notice or procedural safeguards. The District's failure to issue prior written notice constitutes a violation of Bulletin 1706 § 504(A), which requires notice any time the agency refuses to initiate an evaluation.

This procedural failure is not cured by the District's subsequent referral for a Section 504 evaluation. While Bulletin 1508 § 303(A) permits referral for 504 as one possible intervention, pursuing that option does not eliminate the agency's obligation to formally respond to the IDEA evaluation request. The procedural protections guaranteed under Bulletin 1706 cannot be bypassed by invoking a separate regulatory framework. The District's claim that no notice was required because the parties "mutually agreed" to proceed under Section 504 lacks legal merit. Procedural safeguards are not contingent on the outcome of informal conversations—they exist to formalize agency decisions and ensure that parents are notified of their rights.

Notably, the District itself admitted in response to the complaint that "no formal refusal to evaluate was issued, as the parties mutually agreed to proceed under Section 504." This admission confirms that the District did not issue written notice as required and supports a finding that the Parent's request was, in substance, denied without compliance with required procedural safeguards.

With respect to informed parental consent, the District contends that it could not proceed with an evaluation because the Parent had not provided written consent. However, this misstates the legal sequence. Under Bulletin 1706 § 301(A), consent is required after the agency has proposed to conduct an evaluation, not before. The District cannot rely on the absence of informed consent to justify its failure where it never proposed the evaluation or provided the Parent with an opportunity to consent.

This position is further contradicted by the District's own conduct in January 2025. Following the Parent's renewed request, the District issued an "Initial Consent Evaluation-Exhibit 3" form on January 14, 2025, which the Parent signed the same day. This sequence reflects the correct legal process: the agency proposes the evaluation and then seeks consent. The District's January action demonstrates that it understood and was capable of following this sequence and confirms that the failure to evaluate in August 2023 was due to its own omission, not any refusal or delay on the part of the Parent.

Ultimately, the Student was not evaluated until January 2025 and was then found eligible under the classification of Specific Learning Disability. This confirms that the Student met IDEA criteria and that the District's failure to evaluate in 2023 resulted in a delay of more than thirteen months in eligibility determination and access to services. This delay was not due to any failure by the Parent to provide consent, but to the District's failure to follow the required procedural sequence under Bulletin 1706 and Bulletin 1508.

Therefore, the Department finds that the Parent's written request in August 2023 triggered the District's Child Find obligations under Bulletin 1706 §301. The SBLC documented significant academic and behavioral concerns but failed to document any IDEA referral decision or provide required written notice under Bulletin 1508 §307 and Bulletin 1706 §504. The District admitted it did not issue a "formal refusal," confirming that no proper prior written notice was given. The District's reliance on the Parent's agreement to a Section 504 Plan does not satisfy

IDEA's procedural requirements. The District did not request informed consent for an evaluation because it never proposed one, misrepresenting its obligations under Bulletin 1706 § 301(A). The Student was later found eligible, confirming that the failure to evaluate resulted in delayed access to FAPE. Accordingly, the Parent's allegations are substantiated and the District's actions constitute violations of Bulletin 1706.

IV. Corrective Action

To remediate the District's violations of IDEA and corresponding state regulations, the following corrective actions are necessary to ensure compliance with legal obligations and to provide appropriate educational services to the Student.

Compensatory Education Determination:

- The District shall convene the Student's IEP Team within 60 calendar days of this decision, in consultation with the Parent, to determine whether the Student requires compensatory education services as a result of the District's failure to timely evaluate and provide special education services between August 2023 and April 2025.
- The IEP Team must review available data, including grades, assessment performance, and teacher input, and document the decision, rationale, and any compensatory services to be provided.
- The District shall provide the Department with a copy of the IEP Team meeting notice, minutes, and resulting IEP (if amended), within 15 calendar days of the meeting. If the District and Parent are unable to reach an agreement regarding the applicability, nature, and scope of compensatory education within 60 calendar days of the date of this decision, the Department shall make a determination based on the available record.

Parent Notification and Safeguards:

- The District shall make reasonable and documented efforts to collaborate with the Parent in scheduling the IEP meeting at a mutually agreeable time. In doing so, the District shall:
    - Offer the Parent the option to participate via video or teleconference if in-person attendance is not feasible;
    - Provide at least three proposed meeting times with sufficient advance notice; and
    - Maintain written documentation of all outreach and communications related to scheduling and participation.

Training for District Staff:

- Within 60 calendar days, the District shall conduct mandatory training for all SBLC members, school-level administrators, and pupil appraisal personnel on:
    - Child Find obligations under *Bulletin 1706 §111*;
    - SBLC procedures and decision documentation under *Bulletin 1508 §303*;
    - Requirements for issuing prior written notice under *Bulletin 1706 §504(A)* and *Bulletin 1508 §307(C)*;
    - The lawful sequencing of IDEA evaluation proposals and parental consent under *Bulletin 1706 §301(A)*.
    - The District shall submit to the Department evidence of training completion, including the agenda, training materials, dates of delivery, and attendance rosters.

Note Regarding Section 504 Allegations

Although the complaint alleges violations arising under Section 504 of the Rehabilitation Act of 1973, the Department, in its role as the state educational agency (SEA), does not possess investigative authority over Section 504 claims. Such matters fall under the jurisdiction of the U.S. Department of Education, Office for Civil Rights (OCR), which may be contacted at https://www2.ed.gov/about/offices/list/ocr/index.html or by phone at 1-800-421-3481.

Sincerely,



Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Ms. Jennifer Campbell, Chief Academic Officer, Algiers Charter School Association

Louisiana Special Education Complaint Investigation

45-C-63



April 15, 2025

[redacted]

Holly Ortego
Director of Special Education
Lafayette Parish School System
P.O. Drawer 2158
Lafayette, LA 70502
hcortego@lpssonline.com

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-63**

Dear [redacted] and Holly Ortego:

On April 15, 2025, the Louisiana Department of Education received email correspondence from the complainant, which indicated that the parties to this formal complaint reached a resolution and that the complainant wished to withdraw the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-63**. No further action is required by either party.

Sincerely,

Tyrell T. Manieri III, Attorney/Dispute Resolution Coordinator
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Francis Touchet, Superintendent, Lafayette Parish School System (email only)

Louisiana Special Education Complaint Investigation

45-C-64



DR. CADE BRUMLEY
STATE SUPERINTENDENT

CLAIBORNE BUILDING
1201 N 3RD ST.
BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

June 9, 2025

[redacted]

Latrice Smith
Director of Exceptional Student Services
East Feliciana Public Schools
12732 Silliman Street
Clinton, Louisiana 70722
lsmith@efschools.net

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-64** on behalf of [redacted]

On April 11, 2025, [redacted], (hereinafter "Complainant") filed a Request for Special Education Formal Complaint Investigation with the Louisiana Department of Education ("Department") on behalf of a student (hereinafter "the Student"), attending East Feliciana Middle School, a school under the jurisdiction of East Feliciana Public Schools ("the District"), pursuant to Louisiana Bulletin 1706 §§ 151–153.

I. Statement of the Case

In the complaint, the Complainant alleges that the District violated the Individuals with Disabilities Education Act ("IDEA"), and Louisiana Children's Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Specifically, the Complainant alleges that the District failed to return the student to the placement from which the student was removed after the behavior which resulted in the student's removal was determined to be a manifestation of his disability.

Pursuant to Louisiana Bulletin 1706, §152(C), a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§151 through 153." The Department received the instant complaint on April 11, 2025. Accordingly, the scope of this investigation is limited to alleged violations occurring between April 10, 2023, and April 11, 2025.

As the assigned investigator, I have conducted a comprehensive review of the complaint, the District's response, all supporting evidence and documentation, and applicable legal authority. The findings of fact and conclusions of law set forth herein are based on this review.

II. Findings of Fact

The Student is an [redacted] eligible for special education services under the primary exceptionality classification of Autism. The Student has an individualized education program (IEP) that includes a behavior intervention plan (BIP) and paraprofessional support.

On April 4, 2025, the Student allegedly engaged in behavior described as lunging at a school staff member and attempting to place his hands around her neck. Following this incident, the District placed the Student on out-of-school suspension for twenty school days.

On April 9, 2025, the District convened a manifestation determination review (MDR). Participants included both parents, a third-party advocate, general and special education personnel, a licensed professional counselor, related service providers, and District administrators.

According to the MDR form completed during the meeting, the team unanimously determined that (1) the conduct in question was caused by, or had a direct and substantial relationship to, the Student's disability, and (2) the conduct was the direct result of the District's failure to implement the Student's IEP. These findings resulted in a determination that the conduct was a manifestation of the Student's disability.

Section D of the MDR form documents that the IEP team agreed to conduct or review a functional behavioral assessment, modify the Student's existing BIP, and amend the IEP. The form also reflects that the parents and the District agreed to a change of placement, placing the Student in an interim alternative educational setting (IAES) from April 7 through April 29, 2025. The MDR form was signed by both parents and District personnel. The parents were also provided prior written notice and procedural safeguards.

The Student's IEP was amended the same day to: (1) assign paraprofessional support at all times; (2) provide for a designated replacement when the assigned paraprofessional is unavailable; and (3) allow for the Student to be picked up and marked as an excused absence if no paraprofessional is available. The Student's mother signed the IEP amendment.

The complaint submitted by a third-party advocate alleges that the parents were coerced into agreeing to the change of placement and that the District failed to return the Student to his original placement as required under IDEA. However, no corroborating documentation was submitted to support the coercion allegation. The District denies any coercion occurred and asserts that the change of placement was a team-based decision supported by all required documentation.

III. Conclusions of Law

Upon consideration of the relevant facts and applicable law, the undersigned finds that the District did not violate the Individuals with Disabilities Education Act, the Louisiana Children with Exceptionalities Act, and/or the Department's implementing regulations as set forth in Louisiana Bulletin 1706 by failing to return the student to the placement from which the student was removed after the behavior which resulted in the student's removal was determined to be a manifestation of his disability.

Under the IDEA and Louisiana Bulletin 1706, students with disabilities are entitled to a Free Appropriate Public Education (FAPE) in the least restrictive environment. Pursuant to Bulletin 1706 § 530, when a student with a disability is subject to disciplinary action for violating a code of conduct, the school district must convene a manifestation determination review (MDR) if the proposed disciplinary action constitutes a change in placement. If the conduct in question is determined to be a manifestation of a student's disability, the student must be returned to the placement from which they were removed unless the parent and the public agency agree to a change of placement as part of the modification of the behavior intervention plan.

The public agency must also ensure that the parent is a member of any group that makes decisions regarding the educational placement of the student. See Bulletin 1706 § 327(A) and § 502(C). A placement change that

is not made in accordance with these requirements may constitute a procedural violation of the IDEA.

Here, the MDR team found that the Student's behavior was both caused by the Student's disability and the result of the District's failure to implement the IEP. As a result, the legal presumption is that the Student should be returned to his prior placement unless there is valid agreement otherwise.

In this case, however, the MDR documentation and the IEP amendment, both signed by the parents, reflect a mutual agreement to a temporary change in placement to an interim alternative educational setting (IAES). The change in placement was expressly linked to a BIP modification and was documented in accordance with IDEA procedural safeguards. The Department considers these documents objective evidence that the requirements of Bulletin 1706 § 530 were satisfied.

The complaint asserts that the parents felt pressured to agree to the placement. While the IDEA requires that any agreement to a change of placement be informed and voluntary, the Department does not find sufficient evidence in the record to establish that the parental agreement in this instance was invalid. The allegation of coercion, although relevant, is unsupported by any additional documentation and is contradicted by the signed MDR form and IEP amendment, which are presumed valid unless convincingly rebutted.

Based on the foregoing, the Department finds that the Student was not returned to the prior placement following the manifestation determination because both parents and the District mutually agreed to a temporary change in placement as part of a modification to the Student's behavioral intervention plan. The evidence does not indicate that the District excluded the parents from the placement decision-making process. Rather, the documentation reflects that the decision was made collaboratively and in accordance with applicable procedural requirements.

Accordingly, the Complainant's allegation is not substantiated, and no corrective action is required.

IV. Conclusion

The Department has determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations published in Louisiana Bulletin 1706. Therefore, this investigation is hereby closed and no additional action is required by the Parent or the District

Sincerely,



Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Keisha Netterville, Superintendent, East Feliciana Public Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-65



LOUISIANA DEPARTMENT OF EDUCATION

May 23, 2025

[redacted]

Dr. Shayla Guidry Hilaire
Chief Student and School Support Officer
NOLA Public Schools
2401 Westbend Parkway
New Orleans, LA 70114
sguidry@nolapublicschools.com

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-65**

Dear [redacted] and Dr. Hilaire:

On May 23, 2025, the Louisiana Department of Education received email correspondence, which confirmed that the parties to this formal complaint reached a mutually agreeable resolution and that the complainant officially withdrew the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-65**. No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Dr. Fateama Fulmore, Superintendent, NOLA Public Schools (email only)
Dr. Mary Cole-Bush, Chief of Student Support Services, ReNew Schools (email only)
Ashley B. Jackson, Counsel for ReNew Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-66



May 15, 2025

[redacted]

Rachel DiBenedetto
Special Education Coordinator
Tangipahoa Parish School System
59656 Puleston Road
Amite, LA 70422
Rachel.dibenedetto@tangischools.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-66**

Dear [redacted] and Rachel DiBenedetto:

On May 15, 2025, the Louisiana Department of Education received a copy of a Notice to LDOE of Formal ERP Status Form, which confirmed that the parties to this formal complaint reached a mutually agreeable resolution and that the complainant officially withdrew the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-66**. No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Melissa Stilley, Superintendent, Tangipahoa Parish School System (email only)

Louisiana Special Education Complaint Investigation

45-C-67



May 21, 2025

[redacted]

Dr. Emily Davis
Director of IDEA
Jefferson Parish Schools
501 Manhattan Boulevard
Harvey, LA 70058
Emily.davis@jpschools.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-67**

Dear [redacted] and Dr. Davis:

On May 21, 2025, the Louisiana Department of Education received a copy of a Notice to LDOE of Formal ERP Status Form, which confirmed that the parties to this formal complaint reached a mutually agreeable resolution and that the complainant officially withdrew the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-67**. No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Dr. James Gray, Superintendent, Jefferson Parish Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-68



May 13, 2025

[redacted]

Tiffany Willis
Director of Special Education
Firstline Schools
300 N. Broad Street, Suite 207
New Orleans, LA 70114
twillis@firstlineschools.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-68**

Dear [redacted] and Tiffany Willis:

On May 12, 2025, the Louisiana Department of Education received a copy of a Notice to LDOE OF Formal ERP Status Form, which indicated that the parties to this formal complaint reached a mutually agreeable resolution and that the complainant wished to withdraw the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-68**. No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Sandra Gentry, Chief Academic Officer, Firstline Schools (email only)

Ava Lee, School Director, Samuel J. Green Charter School (email only)

Louisiana Special Education Complaint Investigation

45-C-69



June 24, 2025

[redacted]

Holly Ortego
Director of Special Education
Lafayette Parish Schools
P.O. Drawer 2158
Lafayette, LA 70502
hcortego@lpssonline.com

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-69**

Dear [redacted] and Director Ortego:

On June 23, 2025, the Louisiana Department of Education received a copy of a Notice to LDOE of Formal ERP Status Form, which indicated that the parties to this formal complaint reached a mutually agreeable resolution through mediation and that the complainant wished to withdraw the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-69**. No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Devin Soeseno, Lafayette Parish Schools (email only)
Francis Touchet, Superintendent, Lafayette Parish Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-70



DR. CADE BRUMLEY
STATE SUPERINTENDENT

CLAIBORNE BUILDING
1201 N 3RD ST.
BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

June 27, 2025

[redacted]

[redacted]

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-70** on behalf of [redacted]

On May 1, 2025, the Complainant (hereinafter "the Parent") filed a Request for Special Education Formal Complaint Investigation with the Louisiana Department of Education ("Department") concerning her child (hereinafter "the Student"), attending a school under the jurisdiction of Claiborne Parish School Board ("District"), pursuant to Louisiana Bulletin 1706 §§ 151–153.

I. Statement of the Case

In the complaint, the Parent alleges that the District the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §1400 et seq.; the implementing federal regulations at 34 C.F.R. Part 300; the Louisiana Children with Exceptionalities Act, La. R.S. 17:1941 et seq.; and the corresponding state regulations promulgated in Bulletin 1706. Specifically, the Parent alleges that the District failed to: (1) timely identify and evaluate the student in all areas of suspected disability; (2) provide student with disciplinary protections; and (3) maintain student's placement; and (4) provide free appropriate public education (FAPE) due to the failure to timely evaluate.

Pursuant to Louisiana Bulletin 1706, §152(C), a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§151 through 153." The Department received the instant complaint on May 1, 2025. Accordingly, the scope of this investigation is limited to alleged violations occurring between May 2, 2023, and May 1, 2025.

As the assigned investigator, I have conducted a comprehensive review of the complaint, the District's response, all supporting evidence and documentation, and applicable legal authority. The findings of fact and conclusions of law set forth herein are based on this review.

II. Findings of Fact

1. At all relevant times, the Student was a preschool-aged child enrolled in a school under the jurisdiction of the District.
2. On or about October 25, 2024, the Student's teacher reportedly referred behavioral concerns to the School Building Level Committee (SBLC). Although the District's evaluation report references this

referral, no documentation was submitted to confirm that the SBLC convened, reviewed data, or implemented an instructional support plan. At that time, the Student had been enrolled for approximately four weeks.

3. In December 2024, the Student's parent verbally requested a special education evaluation due to ongoing behavioral difficulties and a recent diagnosis of Attention Deficit Hyperactivity Disorder (ADHD). The request followed repeated behavioral incidents and consultation with the Student's healthcare provider.
4. In response to the Parent's request, the SBLC formally referred the Student for a special education evaluation on January 8, 2025. The parent provided written consent for the evaluation on January 17, 2025, and the District initiated a comprehensive multidisciplinary evaluation.
5. The Student's initial evaluation was completed and disseminated on April 10, 2025. The evaluation identified deficits in cognitive, fine motor, and sensory processing domains, as well as behavioral challenges impacting access to instruction. The multidisciplinary team concluded that the Student met eligibility criteria under the classification of Developmental Delay and recommended behavioral supports and occupational therapy as related services.
6. The Student's IEP Team convened on May 6, 2025, to develop an initial IEP.
7. Prior to completion of the evaluation, on February 5, 2025, the Student was sent home following an incident involving allegedly pinching a teacher and kicking a peer. At the time of this removal, the Student's evaluation was pending, and no eligibility determination had been made.
8. Following completion of the evaluation on April 10, 2025—but prior to the IEP meeting—the Student received a one-day out-of-school suspension on April 16, 2025, after allegedly punching both a teacher and another student. At the time, the Student had been formally evaluated and determined eligible for special education and related services, though no IEP had yet been implemented.
9. On or about April 24, 2025, prior to the IEP Team's meeting, the District removed the Student from his general education preschool setting and placed him in a separate special education classroom. This change in setting was not determined by the IEP Team, and the District did not issue prior written notice or obtain parental consent. The District did not dispute that this change in setting occurred and provided no documentation of parental agreement or IEP-based justification.
10. The Student's initial IEP, developed on May 6, 2025, included a behavioral goal targeting physical aggression and noncompliance and documented the need for small group and individualized instruction.

III. Conclusions of Law

Allegation 1

Under Bulletin 1706 §111, a public agency must ensure that all students suspected of having a disability are identified, located, and evaluated in a timely manner. In accordance with Bulletin 1706, §301(A)(4), upon receipt of a written parental request for an evaluation, the District must either request parental consent or provide prior written notice of refusal. Once parental consent is obtained, the evaluation must be completed within 60 business days, as required by Bulletin 1706 §302(C)(1), unless certain exceptions apply. Further, Bulletin 1706 §§305(A) and 305(C)(6) provide that evaluations must be sufficiently comprehensive to identify all of the child's special education and related service needs.

The record indicates that the Student enrolled in Pre-K in late September 2024. The first documented referral

to the SBLC occurred on October 25, 2024, suggesting that the District had notice of behavioral concerns shortly after enrollment. Although the outcome of the SBLC meeting is not fully documented, the District initiated a formal special education evaluation in response to a parental request received in December 2024. Written parental consent was obtained on January 17, 2025, and the evaluation was completed and disseminated on April 10, 2025, within the 60-business-day timeline outlined in §302(C)(1).

While the October referral demonstrates early awareness, the period between the Student's enrollment and formal consent does not constitute an unreasonable delay, particularly given the Student's recent entry into the school system and the timeline of accumulating documentation. The District's actions following the December request appear consistent with its obligations under Bulletin 1706 §§301 and 302.

With respect to the scope of the evaluation, Bulletin 1706 §305 requires that an evaluation address all areas related to the suspected disability using a variety of technically sound assessment tools. In this case, the District's multidisciplinary team assessed cognitive, communication, adaptive, social-emotional, motor, and sensory functioning and included a Functional Behavioral Assessment, occupational therapy screening, and autism-specific evaluation (ADOS-2). This comprehensive evaluation approach satisfies the standards set forth in §305.

The evidence does not support a finding that the District failed to timely identify or comprehensively evaluate the Student. The District acted within the required timelines and conducted a procedurally adequate, multi-domain evaluation. Allegation 1 is therefore unsubstantiated.

Allegations 2

Pursuant to Bulletin 1706 §534(A), a student who has not yet been formally identified as eligible under IDEA may still be entitled to disciplinary protections if the local educational agency had knowledge that the student was a child with a disability before the behavior that precipitated the disciplinary action occurred. As outlined in Bulletin 1706 §534(B), such knowledge is established if, prior to the incident: (1) the parent expressed concern in writing to supervisory or administrative personnel; (2) the parent requested an evaluation; or (3) educational personnel expressed specific concerns about a pattern of behavior to the District's supervisory staff.

Once a student is eligible for special education services, the procedural protections in Bulletin 1706 §§530–534 apply. These include limitations on disciplinary removals, requirements for manifestation determination reviews, and the obligation to maintain services and placements through appropriate IEP Team processes.

The Student was removed from the educational setting on two occasions in the winter and spring of 2025. On February 5, 2025, the Student was sent home following behavioral incidents, including pinching and kicking. Although the District did not formally categorize this as a suspension, the nature and effect of the exclusion bring it within the scope of a disciplinary removal. At that time, the Student had not yet been found eligible; however, the SBLC had convened, and written parental consent for evaluation had been obtained on January 17, 2025. These facts support a finding that the District had knowledge of the Student's suspected disability, thereby triggering the protections under Bulletin 1706 §534.

The second disciplinary removal occurred on April 16, 2025, when the Student received an out-of-school suspension for physically aggressive conduct. By that time, the Student had been determined eligible as of April 10, 2025, and thus was entitled to the full protections of Bulletin 1706 §§530–534. Although the cumulative

removals did not exceed 10 school days to mandate a manifestation determination, the District's subsequent actions are significant. The April 16 suspension was closely followed by the student's informal removal from his regular preschool setting and reassignment to a special education classroom beginning April 24, 2025, prior to the IEP Team's placement decision. As determined in the analysis of Allegation 3, this placement change occurred without the benefit of an IEP, parental consent, or prior written notice, constituting a violation of procedural safeguards.

The improper disciplinary response, combined with the unauthorized change in placement, reflects a broader procedural failure. The District did not comply with its obligation to convene the IEP Team, issue prior written notice, or obtain parental consent before materially altering the Student's educational placement following a disciplinary incident.

Therefore, the District failed to observe procedural safeguards required under Bulletin 1706 for students both suspected of and formally determined eligible for special education. The February 5, 2025 removal triggered protections under Bulletin 1706 §534 due to the District's knowledge of a suspected disability, and the April 16, 2025 suspension and subsequent placement change violated protections owed to an eligible student under Bulletin §§530–534. Accordingly, Allegation 2 is substantiated in part.

Allegation 3

Under Bulletin 1706 §116(A)(1), educational placement decisions for a student with a disability—including a preschool student—must be made by a group of individuals, including the parent, who are knowledgeable about the student, the meaning of the evaluation data, and the placement options. Placement decisions must be based on the student's IEP and must be made in conformity with the least restrictive environment (LRE) requirements.

Before initiating or changing the identification, evaluation, or educational placement of a child with a disability, the District must issue prior written notice under Bulletin 1706 §504(A). In addition, Bulletin 1706 §301(B)(1), requires the District to obtain informed parental consent prior to the initial provision of special education and related services. These procedural safeguards are essential to ensuring parental participation in placement decisions and to protecting the student's right to a free appropriate public education.

In this case, the Student was determined eligible for special education on April 10, 2025, but the initial IEP meeting was not convened until May 6, 2025. During the intervening period, the Student was suspended on April 16, 2025, and subsequently removed from his regular education setting and placed in a special education classroom on or about April 24, 2025. This placement change occurred before an IEP was developed, without parental consent, and without issuance of the prior written notice required under Bulletin 1706 §§301(B)(1) and 504(A).

Placement decisions must be based on the student's IEP and made through the IEP Team process, as required by Bulletin 1706 §116. At the time of the April 24 placement change, no IEP had been developed and the IEP Team had not convened to determine the Student's educational setting. The Parent was not provided an opportunity to participate in the placement decision, and the District failed to obtain parental consent or provide notice as required under the applicable procedural safeguards.

The close proximity between the April 16 suspension and the April 24 placement change supports an inference that the District altered the Student's placement in response to behavioral concerns rather than through a

lawful, team-based decision-making process. By circumventing the IEP Team and excluding the Parent from the decision, the District violated the procedural protections guaranteed under Bulletin 1706 §§116, 301, and 504. Accordingly, the District's unilateral change in placement constituted a violation of procedural safeguards, and Allegation 3 is substantiated.

Allegation 4

Under Bulletin 1706 §302(C)(1), public agencies must complete an initial evaluation within 60 business days of receiving parental consent. Additionally, Bulletin 1706 §305(C)(6), requires that evaluations be sufficiently comprehensive to identify all of the child's special education and related service needs. A delay in evaluation may constitute a denial of FAPE under Bulletin 1706 §101, if it results in the failure to identify and serve a student's needs, thereby impeding the student's ability to benefit from special education services.

As analyzed in Allegation 1, the District initiated the evaluation process within a timeframe that, while not ideal, did not constitute a procedural violation. Parental consent for evaluation was obtained on January 17, 2025, and the evaluation was completed on April 10, 2025—within the 60-business-day timeline mandated under Bulletin 1706 §302(C)(1). Moreover, the Student was ultimately found eligible, and an IEP was developed in early May 2025, without unreasonable post-evaluation delay. While the District could have more proactively responded to early indicators of need, the evaluation was conducted within prescribed timelines and did not result in a denial of FAPE. Accordingly, Allegation 4 is unsubstantiated.

IV. Corrective Action

The District submitted a Voluntary Corrective Action Plan (VCAP) outlining proposed measures to improve SBLC practices, evaluation procedures, the application of disciplinary protections for students with disabilities (including those not yet identified as eligible), and adherence to placement and consent requirement. In light of the substantiated violations identified in Allegations 2 and 3, and in recognition of the District's willingness to engage in proactive compliance efforts, the Department accepts the submitted VCAP as the foundation for systemic corrective action, subject to the conditions set forth below.

The following Department-mandated corrective actions shall be completed in full and within the designated timelines to ensure implementation fidelity and ongoing compliance:

Documented Implementation of Revised Procedures

Within 120 calendar days of this decision, the District shall:

- Review and, where necessary, revise its policies and procedures governing SBLC processes, Child Find responsibilities, evaluation timelines, parental consent, disciplinary protections, and placement requirements under Bulletin 1706; and
- Submit documentation from at least three representative schools demonstrating implementation of these revised procedures. This documentation shall include anonymized SBLC referral forms, meeting minutes, parental notices, and any related correspondence that evidences compliance with updated processes.

IEP Team Reconvening

If not already completed, the District shall:

- Reconvene the Student's IEP Team within 60 calendar days of this decision to confirm that the

Student's placement, services, and LRE determination are appropriately documented, procedurally compliant, and based on current data and parental input.

Mandatory Training

Within 60 calendar days of the date of this decision, the District shall:

- Conduct mandatory training for all SBLC members, building-level and district administrators, and pupil appraisal staff on applicable regulatory requirements, including Child Find obligations, prior written notice and parental consent procedures, disciplinary safeguards of students suspected of having a disability, and IEP-based placement decisions and consent requirements.
- Submit training documentation, including materials, agendas, dates, presenter credentials, and attendance records.

Failure to fully implement the VCAP and the Department's required corrective actions may result in further enforcement actions by the Department.

Sincerely,



Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
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CC: Chris Brooks, Superintendent, Claiborne Parish Schools (email only)

Louisiana Special Education Complaint Investigation

45-C-71



DR. CADE BRUMLEY
STATE SUPERINTENDENT

CLAIBORNE BUILDING
1201 N 3RD ST.
BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

June 9, 2025

[redacted]

Faith Moses
Director of Student Services
Lycee Francais de la Nouvelle Orleans
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New Orleans, LA 70115
fmoses@lfno.org

Re: Findings-Decision in Special Education Formal Complaint No. **45-C-71** on behalf of [redacted]

On May 2, 2025, the Complainant, the Student's mother, submitted a formal Request for Special Education Complaint Investigation to the Louisiana Department of Education ("Department") on behalf of her child ("Student"). At all relevant times, the Student was enrolled in a public charter school governed by the Lycee Francais de la Nouvelle Orleans, which serves as the local educational agency ("LEA" or "District") for purposes of special education services.

I. Statement of the Case

The Complainant alleges that the District the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §1400 et seq.; the implementing federal regulations at 34 C.F.R. Part 300; the Louisiana Children with Exceptionalities Act, La. R.S. 17:1941 et seq.; and the corresponding state regulations promulgated in Bulletin 1706. Specifically, the Complainant alleges that the District: 1) failed to conduct an evaluation to determine if the Student met the criteria for classification as a student a disability and evaluate the Student in all areas of suspected disability; and 2) failed to respond to the Complainant's request to evaluate the Student and to timely complete and disseminate the evaluation.

As a remedy, the Complainant requests that the Department acknowledge procedural violations, ensure staff training, implement a 504 Plan with appropriate accommodations, and provide compensatory services. Although the complaint references claims arising under Section 504 of the Rehabilitation Act of 1973, the Department, in its capacity as the state educational agency (SEA), does not possess jurisdiction to investigate Section 504 claims. Such matters fall under the authority of the U.S. Department of Education, Office for Civil Rights (OCR), which may be contacted at https://ocrcas.ed.gov/contact-ocr or by phone at 1-800-421-3481. Accordingly, any allegations arising solely under Section 504 are not addressed in this decision.

Pursuant to Bulletin 1706 §152(C), a formal complaint must allege a violation that occurred no more than two years prior to the date the complaint is received. The Department received the complaint on April 9, 2025. Therefore, the scope of this investigation covers the period from April 8, 2023, through April 9, 2025.

As the assigned investigator, I have conducted a comprehensive review of all documentation submitted by the Complainant and the District, including emails, evaluation reports, parent communications, the District's

formal response, and relevant school records. The findings of fact and conclusions of law set forth herein are based on this review.

II. Findings of Fact

The Student is an [redacted] with a documented medical diagnosis of Attention-Deficit/Hyperactivity Disorder (ADHD).

On October 4, 2024, the Complainant emailed the District, stating that both she and the Student's Father had previously submitted a doctor's note requesting an evaluation for a Section 504 Individual Accommodation Plan and an Individualized Education Program (IEP), but had not received a response. On October 7, 2024, the Complainant uploaded a diagnostic report from a healthcare provider's portal confirming that the Student had been diagnosed with ADHD. The submission was time-stamped at 11:13 a.m.

District Exhibit 1 includes a School Building Level Committee (SBLC) meeting invitation letter, issued to the Complainant on October 7, 2024 for a meeting scheduled on October 9, 2024. The Complainant signed and returned the form the same day, indicating her intent to participate and selecting Google Meet as the preferred format. This exchange of communication constitutes the first verifiable request for a multidisciplinary evaluation.

Although the Complainant initially agreed to participate in the SBLC meeting, she subsequently advised the District that she could not attend, objected to the meeting proceeding in absence of her physical presence, and requested its cancellation. She also expressed strong opposition to [redacted]

In response, the District scheduled a second SBLC meeting on October 29, 2024, to accommodate the participation of both legal parents. At the request of the Student's Father, the meeting was rescheduled to October 30, 2024, and both legal parents attended the meeting.

District Exhibit 2 includes a document titled Parental Consent for Initial Evaluation, whish confirms that both legal parents signed the on October 30, 2024, acknowledging their receipt of procedural Safeguards, affirming their understanding of the evaluation's purpose, and providing informed written consent for the evaluation.

The evaluation commenced in November 2024. The Complainant completed the BASC-3 behavior rating scale on November 18, 2024, and participated in an interview on December 12, 2024. The Student's Father was interviewed on January 9, 2025, and completed the BASC-3 on April 14, 2025. Teacher interviews occurred in mid-February. The Student was interviewed on February 20, 2025, and a health assessment was conducted by the school nurse on March 12 and 13, 2025.

The final evaluation report was disseminated on April 16, 2025. It concluded that the Student did not meet the eligibility criteria for special education and related services under IDEA.

Throughout her complaint and supporting documentation, the Complainant references various inconsistent dates her initial request for an evaluation and for the Student's ADHD diagnosis, including October 2023, November 2023, and spring 2024. However, the record contains no contemporaneous documentation, such as time-stamped emails or formal evaluation requests, substantiating the submission of medical records or

an IDEA-related evaluation request during those earlier periods. The first verifiable request in the record occurred in a series of emails beginning on October 4, 2024.

III. Conclusions of Law

Upon review of the documentation submitted by both parties, and in consideration of the applicable provisions of the Individuals with Disabilities Education Act, its implementing regulations at 34 C.F.R. Part 300, the Louisiana Children with Exceptionalities Act, and the Department's implementing regulations promulgated in Louisiana Bulletin 1706, the undersigned issues the following conclusions of law.

Allegations 1: Whether the District failed to conduct an evaluation to determine if the Student met the criteria for classification as a student a disability and evaluate the Student in all areas of suspected disability

Pursuant to Bulletin 1706 §§ 305 and 306, an initial evaluation must be sufficiently comprehensive to identify all of a student's special education and related service needs, regardless of whether those needs are commonly linked to the student's suspected exceptionality classification. To meet this standard, the evaluation must address all areas related to the suspected disability, including but not limited to academic performance, health, vision and hearing, communication status, emotional and behavioral functioning, and adaptive behavior.

In the present matter, the Student was referred for evaluation based on concerns related to ADHD, including difficulties with executive functioning, emotional regulation, inattention, and impulsivity. In response, the District conducted a multidisciplinary evaluation that included the following components:

- An educational diagnostic evaluation (WJ-IV)
- Behavioral rating scales completed by both parents and the teacher (BASC-3)
- Interviews with the Student, teachers, and both parents
- Vision and hearing screenings
- A health assessment conducted by the school nurse
- A review of medical documentation submitted by the Complainant

The record reflects that the Student was evaluated across all domains related to the concerns identified by the Complainant and known to the District. These included core features of ADHD such as attention regulation, emotional and behavioral control, and executive functioning. The evaluation incorporated a range of tools and data sources aligned with state and federal standards for comprehensive assessments.

While the Complainant expressed disagreement with the conclusions reached in the evaluation, there is no indication that the District failed to use appropriate, validated instruments or that it overlooked any relevant area of suspected disability. The multidisciplinary team's approach and the scope of assessment were legally sufficient and procedurally compliant.

Based on the totality of the evidence and the applicable legal standards, the Department finds that with respect to Allegation 1, the District fulfilled its obligations under Bulletin 1706 §§ 305 and 306, as well as supporting provisions in Bulletin 1508. The District conducted a comprehensive, multidisciplinary evaluation that addressed all areas of suspected disability known at the time. Accordingly, this allegation is unsubstantiated.

Allegations 2: Whether the District failed to respond to the Complainant's request to evaluate the Student and to timely complete and disseminate the evaluation

Pursuant to Bulletin 1706 § 302(B), either a parent or a public agency may initiate a request for an initial

evaluation. Once informed written consent is obtained, the public agency is required to complete the evaluation within 60 business days, as mandated by Bulletin 1706 § 302(C)(1)(a) and reinforced by Bulletin 1508 §511(A). These timelines may be extended only under the limited exceptions, including situations in which a parent repeatedly fails to make the student available for evaluation or where the parent and the LEA agree to a specific extension while the LEA is making sufficient progress.

In the present matter, the Complainant alleges that the District failed to respond promptly to her evaluation request. As detailed in the Findings of Fact, the first verifiable request occurred between October 4 and October 7, 2024. The District responded by initiating the SBLC process and obtained informed consent from both legal parents on October 30, 2024. Accordingly, the Department finds no procedural violation at this initial stage. The Complainant's allegation is unsubstantiated to the extent it asserts that the District failed to act within a reasonable timeframe in response to the request.

However, the final evaluation was not disseminated until April 16, 2025. Based on the 2024–25 school calendar—and allowing for a school closure from January 20 to January 24, 2025, due to a severe weather event—the adjusted 60-business-day deadline was approximately February 11, 2025. The evaluation was therefore untimely.

The District attributes the delay to its efforts to engage both legal parents in the evaluation process, citing family discord and inconsistent communication as contributing factors. The record does reflect interpersonal challenges, [redacted] Nonetheless, these issues did not prevent the legal parents from fulfilling their roles in the process. Informed written consent was provided on October 30, 2024. The Complainant completed the BASC-3 rating scale and participated in an interview by December 2024. The Student's Father was interviewed by January 9, 2025. By that date, both legal parents had provided input and meaningfully participated in the evaluation process.

Subsequent delays, including teacher interviews in mid-February and health assessments conducted at the school in mid-March, were within the District's control. These components could have been scheduled and completed within the 60-business-day timeline, regardless of any unresolved family concerns. As such, the delays are attributable not to the legal parents, but to the District's own internal scheduling decisions.

Although efforts to accommodate complex family dynamics are commendable and encouraged, such efforts must be implemented in a manner that complies with legal timelines. When an LEA believes that additional time is necessary to support meaningful parental participation, it must obtain a documented agreement with the parent, as required under Bulletin 1706 § 302(D) and Bulletin 1508 §511(A)(2). No such agreement is documented in the record. Furthermore, the record reflects that the District did not begin making meaningful progress toward completing the evaluation until after the 60 business day deadline had already expired. The Department therefore finds that the Complaints allegation is substantiated to the extent that it asserts that the District failed to timely complete and disseminate the Student's evaluation.

In conclusion, based on the totality of the evidence and the applicable legal standards, the Department concludes that with respect to Allegation 2, the District acted promptly upon receiving a verifiable evaluation request and obtained informed written consent from both legal parents within a reasonable timeframe. However, the District did not complete or disseminate the evaluation within the 60 business day deadline required under Bulletin 1706 § 302(C)(1)(a) and Bulletin 1508 § 511(A). No documented agreement to extend the timeline is contained in the record. Therefore, this constitutes a procedural violation. Despite this violation,

there is no evidence that the delay resulted in a denial of a free appropriate public education (FAPE). The evaluation was ultimately completed, and the Student was found ineligible for special education and related services. As such, the violation did not result in substantive educational harm.

IV. Corrective Action

To remediate the District's procedural violation of IDEA and corresponding state regulations, the District is directed to implement the corrective action described herein to ensure future compliance with applicable evaluation timelines.

Staff Training

Within 60 calendar days of the date of this decision, the District shall conduct targeted training for all relevant personnel, including but not limited to:

- District and school administrators,
- SBLC team members,
- Pupil appraisal personnel, and
- Evaluation coordinators.

The training must, at a minimum, address the following topics:

- Evaluation timeline requirements under Bulletin 1706 §302 and Bulletin 1508 §511;
- The limited, enumerated exceptions to the 60 business day timeline;
- Best practices for facilitating timely and meaningful parental participation within mandatory evaluation deadlines.

Within 10 calendar days of completing the training, the District shall submit the following documentation to the Department:

- A copy of the training agenda and materials,
- A sign-in sheet or attendance log including the names and roles of all participants,
- The dates and method(s) of training delivery,
- The credentials of the individual(s) who conducted the training.

Sincerely,



Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Dr. Chase McLaurin, Lycee Francais de la Nouvelle Orleans (email only)

Louisiana Special Education Complaint Investigation

45-C-72



DR. CADE BRUMLEY
STATE SUPERINTENDENT

CLAIBORNE BUILDING
1201 N 3RD ST.
BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

July 7, 2025

[redacted]

Dr. Janet Harris
Director of Exceptional Student Services
East Baton Rouge Parish School System
6550 Sevenoaks Avenue
Baton Rouge, LA 70806
janetharris@ebrschools.org

RE: Findings-Decision in State Special Education Formal **Complaint No. 45-C-72** on behalf of [redacted]

I. Introduction

On May 5, 2025, the complainant ("Parent") filed a Request for Formal Complaint Investigation with the Louisiana Department of Education ("Department") pursuant to Louisiana Bulletin 1706 §§ 151–153. The complaint concerns the provision of special education and related services to the Parent's child ("Student"), who is enrolled in a school under the jurisdiction of East Baton Rouge Parish School System ("District").

II. Statement of the Case

The Parent alleges that the District violated the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400 et seq.; its implementing regulations at 34 C.F.R. Part 300; the Louisiana Children with Exceptionalities Act, La. R.S. 17:1941 et seq.; and corresponding provisions of Bulletin 1706. Specifically, the Parent asserts that the District failed to:

1. Convene a timely IEP team meeting to ensure that the student's Individualized Education Program (IEP) was reviewed at least annually;
2. Issue Prior Written Notice (PWN) prior to proposing or refusing changes to the student's educational program, thereby depriving the parent of a meaningful opportunity to participate in the decision-making process; and
3. Ensure that a current and compliant IEP was in effect, as required, resulting in the denial of a Free Appropriate Public Education (FAPE), and impeding the student's access to appropriate supports and services.

Pursuant to Bulletin 1706 §152(C), a formal complaint must allege a violation that occurred not more than two years prior to the date the complaint is received. As the Department received this complaint on May 5, 2025, the investigation is limited to alleged violations occurring between May 6, 2023, and May 5, 2025.

In accordance with Bulletin 1706 §§151–153, I conducted a comprehensive investigation, including review of the complaint, the District's response, supporting documentation provided by both parties, and relevant legal authority. The findings of fact and conclusions of law set forth herein are based on this record.

III. Findings of Fact

1. At the time the complaint was filed, the Student's most recent Individualized Education Program (IEP) was developed and finalized on February 21, 2024.
2. The District failed to convene an IEP team meeting on or before February 21, 2025, the date marking the annual review deadline.
3. The District did not issue prior written notice to the Parent regarding its failure to convene the IEP team meeting or to communicate any proposed or refused action concerning the Student's educational program.
4. In its response to the state complaint, the District acknowledged the failure to convene the annual IEP meeting by the February 21, 2025 deadline and confirmed that no prior written notice had been issued. The District attributed these procedural failures to administrative oversight.
5. An IEP team meeting was subsequently convened on May 23, 2025, with the Parent receiving notice and participating in the meeting.
6. During the 2023–2024 and 2024–2025 school years, the Student did not consistently attend school and, as a result, did not consistently receive the special education and related services outlined in the IEP developed on February 21, 2024.
7. The Student's nonattendance in the 2024–2025 school year was frequent and prolonged, and the IEP was not implemented during this period due to the Student's extended absences.

IV. Conclusions of Law

Upon consideration of the foregoing findings of fact and the applicable legal standards, the following conclusions of law are drawn.

Allegations 1-3

The District failed to convene an IEP team meeting by February 21, 2025, in violation of Bulletin 1706 §324(B), which mandates that each student's IEP be reviewed and revised at least annually.

Additionally, the District did not issue prior written notice to the Parent in accordance with Bulletin 1706 §504, which requires such notice when a public agency proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of a Free Appropriate Public Education (FAPE).

While these actions constitute procedural violations of Bulletin 1706 §§324(B) and 504, the record does not support a finding that they resulted in a substantive denial of FAPE. The Student's IEP remained in effect throughout the relevant period but could not be implemented due to the Student's consistent and extended absences. Moreover, there is no indication that the Parent's opportunity to participate in educational decision-making was impeded.

Accordingly, the District is found to be in procedural noncompliance; however, the violations did not rise to the level of a substantive denial of FAPE.

V. Corrective Action

To remedy the identified violations and ensure future compliance, the District shall complete and document the corrective actions outlined below within.

Staff Training

Within sixty (60) calendar days of the date of this decision, the District shall ensure that all relevant special education personnel, including school-based staff and central office personnel, participate in training addressing the following topics:

- Timelines for conducting annual IEP reviews, pursuant to Bulletin 1706 §324(B);
- Requirements for issuing Prior Written Notice, pursuant to Bulletin 1706 §504; and
- Procedures for tracking and scheduling IEP meetings to ensure timely convening.

No later than ten (10) calendar days following completion of training, the District shall submit documentation to the Department verifying compliance. This documentation shall include, at a minimum: the training agenda(s), copies of all materials presented during the training, and sign-in sheets or other official records reflecting attendance.

Sincerely,



Domonique Dickerson, Attorney
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Louisiana Department of Education
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DisputeResolution.DOE@la.gov

CC: LaMont Cole, Superintendent, East Baton Rouge Parish Schools (email only)

Enclosures to District – Complaint Investigation Request with supporting documents
Sample Exhibit List
ERP Form H

Enclosures to Complainant – Sample Exhibit List
Louisiana's Educational Rights of Children with Disabilities (email only)

Louisiana Special Education Complaint Investigation

45-C-73



DR. CADE BRUMLEY
STATE SUPERINTENDENT

CLAIBORNE BUILDING
1201 N 3RD ST.
BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

June 30, 2025

[redacted]

Rachel DiBenedetto
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Re: Findings-Decision in Special Education Formal Complaint No. **45-C-73** on behalf [redacted]

On May 8, 2025, the Complainant (hereinafter "the Parent") filed a Request for Special Education Formal Complaint Investigation with the Louisiana Department of Education ("Department") concerning [redacted] child (hereinafter "the Student"), attending a school under the jurisdiction of the Tangipahoa Parish Schools System ("District"), pursuant to Louisiana Bulletin 1706 §§ 151–153.

I. Statement of the Case

In the complaint, the Parent alleges that the District the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §1400 et seq.; the implementing federal regulations at 34 C.F.R. Part 300; the Louisiana Children with Exceptionalities Act, La. R.S. 17:1941 et seq.; and the corresponding state regulations promulgated in Bulletin 1706. Specifically, the Parent alleges that the District failed to:

1. Timely initiate or complete required evaluations and reevaluations, including those related to the Student's academic, behavioral, and emotional functioning, despite repeated parental requests and documented concerns;
2. Develop and implement an appropriate IEP; specifically, the complaint alleges that the IEPs developed for the Student lacked measurable goals, did not include necessary accommodations, and failed to provide sufficient specialized instruction tailored to the Student's identified needs, resulting in inadequate educational benefit.;
3. Provide Prior Written Notice (PWN); specifically, the complaint alleges that the District made changes–or failed to implement changes–to the Student's educational program without issuing prior written notice, thereby impeding the parent's ability to participate meaningfully in the IEP decision-making process;
4. Implement appropriate positive behavioral interventions and supports, despite the Student exhibiting persistent and documented behavioral challenges, including multiple disciplinary incidents requiring intervention;
5. Conduct a Manifestation Determination Review (MDR) prior to disciplinary removals; specifically, the complaint alleges that the Student was subjected to disciplinary removals without the District conducting a legally required manifestation determination review to assess whether the behavior

was a manifestation of the Student's disability; and

6. Provide the Student with a Free Appropriate Public Education (FAPE).

Pursuant to Louisiana Bulletin 1706, §152(C), a formal complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §§151 through 153." The Department received the instant complaint on May 1, 2025. Accordingly, the scope of this investigation is limited to alleged violations occurring between May 2, 2023, and May 1, 2025.

As the assigned investigator, I have conducted a comprehensive review of the complaint, the District's response, all supporting evidence and documentation, and applicable legal authority. The findings of fact and conclusions of law set forth herein are based on this review.

II. Findings of Fact

1. On October 24, 2024, the Parent emailed the school requesting an IEP meeting. In this communication, the Parent raised concerns regarding the Student's academic and behavioral challenges and formally requested an evaluation for dyslexia. This request was documented in the Parental concerns section of the Student's November 22, 2024 IEP, which states: "Mom would like student evaluated for dyslexia."
2. Written Parental consent to conduct a dyslexia screening was obtained on March 10, 2025. The resulting screening report was disseminated on May 5, 2025, and was signed by both an Educational Diagnostician and a Special Education Teacher. The "Review of Information" section of the report marked "YES" for "Review of Educational History, Including Previous Evaluation Reports" and "Recommendations Provided." All other categories—including teacher observation data, progress monitoring, related services data, and a Functional Behavioral Assessment—were marked "N/A."
3. The report identified elevated risk indicators for dyslexia, including below average performance in spelling and nonsense word decoding. However, a comprehensive evaluation was not conducted, and the report explicitly stated that further testing was not recommended at that time.
4. The Student's most recent full evaluation was disseminated on December 14, 2021. The November 22, 2024 IEP noted that a triennial reevaluation was due on or before December 14, 2024. The May 5, 2025 dyslexia screening was initiated based on the Parent's specific request and was not intended to serve as the triennial reevaluation. The corresponding evaluation request form listed the purpose as "new concerns" related to dyslexia and did not indicate that the evaluation was part of the triennial reevaluation process. No documentation in the record shows that a triennial reevaluation was completed or that the Parent consented to waive it.
5. During the 2024–2025 school year, the Student's IEP was developed and amended multiple times. A full IEP was developed on November 22, 2024, which included a Behavior Intervention Plan (BIP). The IEP documented Parental concerns about dyslexia, behavioral supports, the implementation of prior IEP services, and the adequacy of accommodations. Subsequent IEP and BIP amendments were made on February 3, February 25, April 29, and May 16, 2025. The District acknowledged that at least one prior written notice was issued after the IEP meeting, rather than in advance as required.
6. The Student's transcript documented 12 out-of-school suspensions on the following dates: November 20, 21, 22, 2024; January 17, 27, 28, and 31, 2025; February 5, 24, and 25, 2025; and April 28–29, 2025.

7. The District convened a Manifestation Determination Review on April 29, 2025, in connection with a disciplinary incident that occurred on April 16, 2025, and a subsequent expulsion request. The MDR review form completed by the District confirmed that the Student had a history or pattern of behavioral referrals, listing 12 total referrals and citing conduct injurious to others (8), disrespect toward authority (2), leaving class without permission (1), and willful disobedience (1).
8. The MDR form also acknowledged that the Student had already received 10 days of OSS and noted that the total number of removal days was 12 at the time of the MDR. No documentation in the record indicates that an MDR was convened before the Student's 11th day of removal on April 28, 2025.
9. The Student also received two documented in-school suspensions on February 19 and 20, 2025. These disciplinary actions are reflected on the Student's official transcript.

III. Conclusions of Law

Allegations 1, 2, and 4

Pursuant to Bulletin 1706 §304(B) and Bulletin 1508 §1101(C), a public agency must conduct a reevaluation at least once every three years unless the Parent and the agency agree that it is unnecessary. Evaluations may occur more frequently if warranted by the student's needs or at the request of a Parent or teacher. Under Bulletin 1706 §305(C) and Bulletin 1508 §507(B), the agency must ensure that a student is assessed in all areas related to the suspected disability or exceptionality and that evaluations are sufficiently comprehensive to identify all special education and related service needs, whether or not typically associated with the student's classification.

Evaluations must include behavioral and functional data when relevant. Bulletin 1508 §507 requires the use of varied, technically sound instruments and multiple sources of data—including teacher input, observations, and behavioral assessments—when assessing students.

The IEP must be based on current and relevant data and reviewed periodically to ensure it reflects the student's progress, recent evaluations, and any changes in need, as required by Bulletin 1706 §324(B). When a student's behavior interferes with learning, the IEP team is further required under Bulletin 1706 §324(A)(2)(a) to consider and incorporate appropriate positive behavioral interventions and supports.

In this case, the Student's last comprehensive evaluation was completed on December 14, 2021, making a triennial reevaluation due by December 14, 2024. Although this due date was acknowledged in the November 22, 2024 IEP, the District did not conduct the required reevaluation nor obtain Parental consent to waive it.

After the deadline passed, the Student exhibited escalating behavioral difficulties and was subjected to multiple suspensions. Rather than conducting a comprehensive reevaluation, the District initiated a dyslexia screening in response to a Parental request. That screening, disseminated on May 5, 2025, explicitly stated that a comprehensive evaluation was not conducted and marked key data fields (e.g., teacher observations, related services input, and FBA) as not applicable. It did not fulfill the District's reevaluation obligation under Bulletin 1706 and Bulletin 1508.

Despite the absence of an updated evaluation, the District amended the Student's IEP and BIP multiple times between February and May 2025. These amendments occurred amid serious behavioral incidents but were not based on current evaluative data. This failure to update the IEP in light of the student's needs and recent

data violates Bulletin 1706 §324(B). The absence of an updated FBA, despite over 10 days of suspensions and an ongoing behavioral pattern, also contravenes Bulletin 1706 §324(A)(2)(a).

The District's failure to conduct a timely reevaluation, including updated behavioral assessments, deprived the IEP team of the information necessary to develop and implement an appropriate educational program and positive behavioral supports. These procedural and substantive failures significantly impeded the Student's access to a free appropriate public education. Accordingly, Allegations 1, 2, and 4 are substantiated.

Allegation 3

Pursuant to Bulletin 1706 §504(A), a public agency must provide written notice to the Parents of a student with a disability within a reasonable time, and no less than ten days, before proposing or refusing to initiate or change the student's identification, evaluation, educational placement, or the provision of FAPE. The purpose of this notice is to safeguard the Parent's right to informed and meaningful participation in special education decision-making.

Under §504(B), the notice must include: a description of the action proposed or refused; an explanation of the basis for that action; the evaluation data relied upon; information about procedural safeguards; alternative options considered and rejected; and any other relevant factors. Notice must be provided in understandable language and, where feasible, in the Parent's native language or preferred mode of communication (§504(C)).

The record shows that the District issued five Prior Written Notices (PWNs) on February 3, February 25, April 4, April 29, and May 16, 2025. These notices correspond to IEP amendments, BIP updates, and a Manifestation Determination Review. However, the District acknowledged that in at least one instance, the PWN was issued after the IEP team meeting had occurred, rather than beforehand as required.

Even if a Parent attends the meeting or is verbally informed, Bulletin 1706 §504 does not permit verbal notification or retroactive documentation in lieu of timely written notice. Failure to provide written notice in advance deprives Parents of the opportunity to consider the proposed actions, review supporting data, and prepare for collaborative decision-making.

By issuing at least one PWN after the meeting had occurred, the District failed to comply with the procedural requirements of Bulletin 1706 §504(A). This procedural violation undermined the Parent's right to timely and informed participation in the development of the Student's special education program. Accordingly, Allegation 3 is substantiated.

Allegation 5

Pursuant to Bulletin 1706 §530(B), a student with a disability may be removed from their educational placement for disciplinary reasons for up to 10 cumulative school days in a school year, provided those removals do not constitute a change of placement. Under §536(A), a change of placement occurs when a student is either removed for more than 10 consecutive school days or subjected to a series of removals that total more than 10 school days and form a pattern. A pattern is established based on the similarity of the student's behavior in the incidents leading to removal, the length of each removal, the total time removed, and the proximity of the incidents to one another. When a change of placement occurs, §530(E) requires that the school district conduct a Manifestation Determination Review within 10 school days of that decision. The MDR team must determine whether the behavior in question was caused by or had a direct and substantial relationship to the student's disability, or whether the conduct was the direct result of the District's failure to

implement the student's IEP.

In this case, the Student received out-of-school suspensions on twelve school days during the 2024–2025 school year. Specifically, the suspensions occurred on November 20–22, January 17, 27, 28, and 31, February 5, 24, and 25, and April 28–29. By February 25, 2025, the Student had accumulated ten cumulative days of out-of-school suspension, reaching the threshold at which the District was required to assess whether subsequent removals would constitute a change of placement under §536. Despite reaching this threshold in February, the District did not convene a Manifestation Determination Review until April 29, 2025, following two additional days of suspension on April 28 and 29.

Notably, the MDR form completed by the District confirms that there was a pattern of behavior. The District marked "yes" in response to whether there was a history or pattern of referrals and documented twelve disciplinary referrals, including behaviors such as conduct injurious to peers, disrespect to authority, leaving the classroom without permission, and willful disobedience. The form also notes that the MDR was triggered by an expulsion request, rather than a proactive evaluation of the Student's removal history. The MDR record further states that, as of the incident leading to the review, the Student had already accumulated ten OSS days, in addition to two days of in-school suspension, and that the total days of removal amounted to twelve.

The Student's transcript confirms that the Student reached the 10-day threshold on February 25. At that point, any subsequent disciplinary removal required a determination of whether the removals formed a pattern amounting to a change of placement. The District was obligated under §530(E) to convene an MDR within ten school days of making such a determination. However, the MDR was not held until April 29. The timing and context of the MDR suggest it was conducted reactively in response to a disciplinary escalation rather than in compliance with the required procedural timeline.

Because the MDR was not conducted before the eleventh day of removal, the District deprived the Student of the opportunity to have the IEP team evaluate whether the behavior was a manifestation of the Student's disability or the result of a failure to implement the IEP. This constitutes a procedural violation. This failure to act within the regulatory framework denied the Student meaningful protections under Bulletin 1706. Accordingly, Allegation 5 is substantiated.

Allegation 6

A free appropriate public education requires that students with disabilities receive special education and related services tailored to their individual needs and based on current, comprehensive evaluation data. When behavior impedes learning, districts must address those needs proactively through the IEP process. Disciplinary removals must be monitored and responded to with required procedural safeguards.

In this case, the district failed to conduct a timely triennial reevaluation and did not obtain updated data necessary to inform the Student's educational and behavioral programming. Despite significant behavioral concerns and repeated disciplinary removals, the district amended the Student's IEP and Behavior Intervention Plan multiple times without conducting a comprehensive evaluation or obtaining functional behavioral data. Additionally, the district delayed conducting a manifestation determination review until after the Student had already exceeded the 10-day suspension threshold.

These cumulative procedural and substantive failures significantly impeded the Student's access to appropriate services and supports, undermined the development of an effective educational program, and deprived the

Student of meaningful educational benefit. Accordingly, Allegation 6 is substantiated.

IV. Corrective Action

Completion of Overdue Triennial Reevaluation

- Within 30 calendar days of this decision, the District shall issue a written notice for the Parent's informed consent to conduct the Student's overdue triennial reevaluation. The District must document the request and submit evidence of compliance to the Department.
- Within 90 calendar days, the District shall complete and document the reevaluation, provided parental consent has been obtained.
- The reevaluation must be full and individualized, addressing all areas of suspected disability, including academic performance, behavioral functioning, emotional and social needs, and any other relevant areas.

IEP Review and Revision Based on Reevaluation

- Within 15 calendar days of completing the reevaluation, the District shall convene an IEP team meeting to review the evaluation results and revise the Student's IEP and Behavior Intervention Plan as appropriate.
- The IEP must reflect updated goals, accommodations, services, and supports that are informed by the evaluation findings.
- The revised BIP must be based on the newly completed FBA and include specific, measurable behavioral goals; proactive strategies; and reinforcement systems.

Compensatory Services

At the IEP team meeting described above, the team shall determine the extent of compensatory services necessary to remedy the educational and behavioral supports the Student was denied.

- The team must ensure meaningful parental participation in determining the nature, amount, and method of delivery of compensatory services.
- The rationale for compensatory services must be documented in the IEP, along with a service delivery schedule and progress monitoring plan.
- A written summary of the team's determination and implementation plan shall be submitted to the Department within 10 calendar days of the IEP meeting.
- If the District and parent are unable to reach agreement, the Department will review the record and make a final determination regarding the appropriate services.

Review and Revision of Policies and Procedures

Within 60 calendar days, the District shall review and, if necessary, revise its policies and procedures to ensure compliance with Louisiana Bulletin 1706 and Bulletin 1508. The review must include:

- Triennial reevaluation procedures
- IEP revision based on current evaluative data
- Discipline and manifestation determination requirements
- Prior Written Notice requirements

The District shall submit to the Department a written summary of the policy review and copies of any revised procedures or guidance.

Staff Training

Within 60 calendar days, the District shall provide training to relevant staff, including school- and District-level administrators and pupil appraisal personnel. Staff assigned to the Student's school during the 2024–2025 school year, and those who participated in the Student's IEP, discipline, or evaluation processes, must be included. Training shall cover:

- Reevaluation procedures
- FBA and BIP development
- IEP revision using current data
- Disciplinary procedures and manifestation determination requirements
- Prior Written Notice requirements

The District shall submit documentation of training to the Department, including a copy of the agenda and materials, attendance records or sign-in sheets, and presenter credentials.

Respectfully,



Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Melissa Stilley, Superintendent, Tangipahoa Parish School System (email only)

Louisiana Special Education Complaint Investigation

45-C-74



May 30, 2025

[redacted]

Dr. Shayla Guidry Hilaire
Chief Student and School Support Officer
NOLA Public Schools
2401 Westbend Pkwy
New Orleans, LA 70114
sguidry@nolapublicschools.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-74**

Dear [redacted] and Dr. Hilaire:

On May 28, 2025, the Louisiana Department of Education received a copy of a Notice to LDOE Of Formal ERP Status Form, which indicated that the parties to this formal complaint reached a mutually agreeable resolution during mediation and that the complainant wished to withdraw the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-74**. No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Dr. Fateama Fulmore, Superintendent, NOLA Public Schools (email only)
Justin Pickel, Chief Operating Officer, Collegiate Academies (email only)
Victor Jones, Principal, G.W. Carver, Collegiate Academies (email only)

Louisiana Special Education Complaint Investigation

45-C-75



May 30, 2025

[redacted]

Dr. Janet Harris
Director of Exceptional Student Services
East Baton Rouge Parish Schools
6550 Sevenoaks Ave
Baton Rouge, LA 70806
Janetharris@ebrschools.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-75**

Dear [redacted] and Dr. Harris:

On May 29, 2025, the Louisiana Department of Education received a copy of a Notice to LDOE Of Formal ERP Status Form, which indicated that the parties to this formal complaint reached a mutually agreeable resolution and that the complainant wished to withdraw the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-75**. No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: LaMont Cole, Superintendent, East Baton Rouge Parish (email only)

Louisiana Special Education Complaint Investigation

45-C-76



LOUISIANA DEPARTMENT OF EDUCATION

May 30, 2025

[redacted]

Blaise Pellegrin, Supervisor
Special Education Department
Terrebonne Parish School District
201 Stadium Drive
Houma, LA 70360
blaisepellegrin@tpsd.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-76**

Dear [redacted] and Blaise Pellegrin:

On May 28, 2025, the Louisiana Department of Education received a copy of a Notice to LDOE of Formal ERP Status Form, which indicated that the parties to this formal complaint reached a mutually agreeable resolution and that the complainant wished to withdraw the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-76**. No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

CC: Aubrey “Bubba” Orgeron Jr., Superintendent, Terrebonne Parish School District (email only)

Louisiana Special Education Complaint Investigation

45-C-77



DR. CADE BRUMLEY
STATE SUPERINTENDENT

CLAIBORNE BUILDING
1201 N 3RD ST.
BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

July 14, 2025

[redacted]

Wendy Hill
Administrative Director of Special Education
Calcasieu Parish School Board
1618 Mill Street
Lake Charles, LA 70601
wendy.hill@cpsb.org

Re: Findings-Decisions in Special Education Formal Complaint No. **45-C-77** on behalf of [redacted]

I. Introduction

On May 15, 2025, the Louisiana Department of Education ("Department") received a formal complaint from the complainant ("Parent"), on behalf of a minor child ("Student") enrolled in a school under the jurisdiction of the Calcasieu Parish School Board ("District"). The Parent requested that the Department initiate an investigation pursuant to Louisiana Bulletin 1706 §§ 151–153.

II. Statement of the Case

In the complaint, the Parent alleged that the District violated the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400 et seq.; the Louisiana Children with Exceptionalities Act, R.S. 17:1941 et seq.; and/or Department's implementing regulations as set forth in Louisiana Bulletin 1706. Specifically, the Parent alleged that the District: (1) failed to timely initiate an evaluation following a written request dated February 20, 2025; (2) improperly relied on the Response to Intervention (RTI) process; (3) failed to evaluate the Student in all areas of suspected disability; (4) issued a deficient prior written notice; and (5) denied the Student a free appropriate public education (FAPE).

Pursuant to Bulletin 1706 §152(C), a formal complaint must allege a violation that occurred no more than two years prior to the date the complaint is received. The Department received the complaint on May 15, 2025. Therefore, the scope of this investigation covers the period from May 14, 2023, through May 15, 2025.

As the assigned investigator, I have conducted a comprehensive review of all documentation submitted by the Complainant and the District, including emails, evaluation reports, parent communications, the District's formal response, and relevant school records. The findings of fact and conclusions of law set forth herein are based on this review.

III. Findings of Fact

The Student is enrolled in a general education setting at a public school within the District and receives accommodations pursuant to Section 504. These accommodations include task initiation support, preferential seating, extended time for task completion, small group testing, and breaks between tasks.

Beginning in September 2024, the Student was provided with tiered interventions consistent with the Response to Intervention process as outlined in Bulletin 1508. The District utilized the Dynamic Indicators of Basic Early Literacy Skills (DIBELS) to monitor the Student's academic performance across multiple domains. In letter sounds, the Student's score increased from 74 in September 2024 to 113 in April 2025, exceeding benchmark expectations. Decoding scores rose from 23 to 37, and reading accuracy reached 99%, surpassing the benchmark goal. In reading fluency, the Student's score improved from 37 to 83, though this remained below the established benchmark. With respect to basic reading comprehension, the Student achieved a score of 16.5 in September 2024, exceeding the fall benchmark of 8. However, by April 2025, the Student's score of 10 fell below the spring benchmark of 15.5.

On February 20, 2025, the Parent's advocate submitted a formal written request for an evaluation, expressing concerns regarding dyslexia, Attention-Deficit/Hyperactivity Disorder (ADHD), dyscalculia, and potential occupational therapy needs.

In response to the evaluation request, the parties agreed to convene the School Building Level Committee (SBLC) on April 28, 2025, to consider the request. The SBLC reviewed a range of academic and behavioral data, including progress monitoring reports, classroom performance, benchmark assessments, and private evaluations. These historical assessments included the Kaufman Test of Educational Achievement (KTEA-3 Brief), the Phonological Awareness Test (PAT-2:NU), and a private evaluation conducted in February 2024. Across all instruments, the Student's scores reflected performance in the average to low average range.

That same day, the District issued PWN denying the Parent's request for an evaluation. The PWN described the SBLC's review process, referenced relevant assessment data and progress monitoring, and explained that the Student's academic progress and responsiveness to interventions did not indicate a need for specially designed instruction at that time.

In response to the Parent's complaint, the District acknowledged the presence of a disability but maintained it did not suspect that the Student required specially designed instruction.

IV. Conclusions of Law

Upon consideration of the findings of fact, the relevant documentary record, and the applicable legal standards, the undersigned finds that the District did not violate the Individuals with Disabilities Education Act, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations as set forth in Louisiana Bulletin 1706 with respect to the allegations presented in this matter. Specifically, the Parent alleged that the District: (1) failed to timely initiate an evaluation following a written request dated February 20, 2025; (2) improperly relied on RTI; (3) failed to evaluate the Student in all areas of suspected disability; (4) issued a deficient prior written notice; and (5) denied the Student a free appropriate public education. Each allegation is addressed in turn below, with reference to the relevant legal standards and the evidence in the record.

<u>Allegations 1 and 2: Child Find—Timely Referral and Reliance on RTI</u>

Under Bulletin 1706 §111(A), public agencies are obligated to identify, locate, and evaluate all students who are suspected of having a disability and who may require special education and related services. Pursuant to Bulletin 1508 §301, districts must implement a Response to Intervention framework to address academic and behavioral concerns prior to initiating a referral for an individual evaluation, except in cases where immediate referral is warranted under Bulletin 1508 §307(B). Immediate referral may be appropriate for students suspected of low-incidence impairments or when there is substantial documentation that the student poses a risk of injury to self or others. Additionally, Bulletin 1706 §302 affirm that a parent or public agency may request an evaluation at

any time, and if the request is declined, the district must issue a prior written notice explaining the decision, in accordance with Bulletin 1706 §504(A).

The SBLC is responsible for reviewing all relevant student data, including screening results, progress monitoring, classroom performance, work samples, and formal evaluations, to determine whether there is sufficient reason to suspect both a disability and a need for specially designed instruction. Where such a dual suspicion exists, the district must initiate a referral for an evaluation. Where the data support continued intervention within general education, the district may reasonably decline to refer, provided it issues a procedurally compliant PWN documenting its rationale.

In this case, the Parent submitted a written request for an evaluation on February 20, 2025. The District convened an SBLC meeting on April 28, 2025, to consider the request. At that meeting, the SBLC reviewed a range of information, including DIBELS progress monitoring data, benchmark assessments, classroom performance, and private evaluations provided by the Parent. The data demonstrated notable growth in foundational reading skills. For example, the Student progressed from below benchmark to meeting or exceeding benchmark in areas such as letter sounds, decoding, and oral reading accuracy. While deficits in reading fluency and comprehension remained, the Student's trajectory overall reflected responsiveness to general education instruction and accommodations.

Based on the data available at the time, the District determined that the Student did not require specially designed instruction and declined to initiate an evaluation. The District issued a PWN dated April 29, 2025, which outlined the information considered and explained the basis for the determination. While a parental requests for evaluation must be meaningfully considered, regulations do not mandate automatic referral unless there is reason to suspect both a disability and a need for special education. Here, the District acted in accordance with applicable procedural requirements and exercised its discretion based on a data-driven review.

Accordingly, the allegations that the District failed to timely initiate an evaluation and improperly relied on the RTI process without adequate data are unsubstantiated.

This determination does not, however, extinguish the District's ongoing Child Find obligations under Bulletin 1706 §111(A). The Department expects the District to maintain regular review of progress monitoring data and to revisit referral decisions as appropriate in light of evolving student needs.

Allegation 3: Failure to Evaluate in All Areas of Suspected Disability

Bulletin 1706 §305 requires that, when a public agency initiates an evaluation, the evaluation must be sufficiently comprehensive to identify all of the student's special education and related services needs. This includes assessment in all areas of suspected disability, such as cognitive, academic, communicative, motor, and adaptive domains. The comprehensive nature of this requirement is further supported by Bulletin 1706 §§306 and 307, which set forth procedures for reviewing existing evaluation data, determining additional data needs, and establishing eligibility based on a full review of all relevant information.

In this matter, the procedural obligation to evaluate in all areas of suspected disability did not arise, as the District did not initiate an evaluation. Based on the data available at the time, including the Student's documented response to general education interventions and the SBLC's review of relevant academic and behavioral information, the District determined that a need for specially designed instruction was not indicated. Because an evaluation was not conducted, the comprehensive assessment requirements set forth in Bulletin 1706 §§305–307 were not triggered.

Accordingly, the allegation that the District failed to evaluate the Student in all areas of suspected disability is unsubstantiated.

Allegation 4: Deficient Prior Written Notice

Pursuant to Bulletin 1706 §504, a public agency must issue prior written notice whenever it refuses to initiate or change the identification, evaluation, or educational placement of a student, including an explanation of the decision and a description of the data relied upon.

Here, the District issued a PWN on April 29, 2025, following the SBLC's decision not to refer the Student for evaluation. The notice outlined the review process, referenced specific academic and assessment data, and provided individualized reasoning for the decision. It addressed all content elements required by regulation and demonstrated compliance.

Accordingly, the allegation that the District issued a deficient prior written notice is unsubstantiated.

Allegation 5: Denial of FAPE

The right to a free appropriate public education includes the obligation to identify and evaluate students suspected of having a disability and needing special education, as set forth in Bulletin 1706 §§101 and 111. A denial of FAPE may result from a failure to evaluate when warranted.

As detailed in Allegations 1 and 2, the District convened a SBLC meeting on April 28, 2025, in response to the Parent's evaluation request. The committee reviewed comprehensive data, benchmark assessments, and concluded the Student was making measurable academic progress with general education interventions. The District issued a procedurally compliant prior written notice on April 29, 2025, documenting its decision and rationale, consistent with Bulletin 1706 §504. The records reflects that the District exercised professional judgment based on individualized data.

Accordingly, the allegation that the District denied FAPE is unsubstantiated. However, the District must continue to monitor the Student's progress and reassess the need for evaluation in light of evolving student needs and consistent with its ongoing obligations under Bulletin 1706 §111.

V. Conclusion

The Department finds that the District did not violate the Individuals with Disabilities Education Act, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations as set forth in Louisiana Bulletin 1706 with respect to the allegations presented in this matter. Therefore, this investigation is hereby closed and no additional action is required.

Respectfully,



Domonique Dickerson, Attorney
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Louisiana Department of Education
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DisputeResolution.DOE@la.gov

CC: Dr. Jason VanMetre, Superintendent, Calcasieu Parish School Board (email only)

Louisiana Special Education Complaint Investigation

45-C-78



DR. CADE BRUMLEY
STATE SUPERINTENDENT

CLAIBORNE BUILDING
1201 N 3RD ST.
BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

July 28, 2025

[redacted]

Michael Yoist
Special Education Director
Rapides Parish School Board
4515 Eddie Williams Ave.
Alexandria, LA 71302
michael.yoist@rpsb.us

Re: Findings-Decisions in Special Education Formal Complaint No. **45-C-78** on behalf of [redacted]

I. Introduction

On May 29, 2025, the Louisiana Department of Education ("Department") received a formal complaint from the complainant ("Parent"), on behalf of [redacted] minor child ("Student") enrolled in a school under the jurisdiction of the Rapides Parish School Board ("District"). The Parent requested that the Department initiate an investigation pursuant to Louisiana Bulletin 1706 §§ 151–153.

II. Statement of the Case

In the complaint, the Parent alleged that the District violated the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400 et seq.; the Louisiana Children with Exceptionalities Act, R.S. 17:1941 et seq.; and/or Department's implementing regulations as set forth in Louisiana Bulletin 1706. Specifically, the Parent alleged that the District: (1) failed to implement the Student's Individualized Education Program (IEP) during assessments administered in November 2024, resulting in academic harm; (2) denied the Student a of a Free Appropriate Public Education (FAPE) due to the refusal to remedy the academic harm caused by failing to implement the Student's IEP; and (3) failed to provide the Parent with access to educational records.

Pursuant to Bulletin 1706 §152(C), a formal complaint must allege a violation that occurred no more than two years prior to the date the complaint is received. As the Department received this complaint on May 29, 2025, the scope of this investigation is limited to alleged violations occurring between May 28, 2023 and May 29, 2025.

In accordance with Bulletin 1706 §§151–153, I conducted a comprehensive investigation, including a review of the complaint, the District's response, supporting documentation provided by both parties, and relevant legal authority. The findings of fact and conclusions of law set forth herein are based on this review.

III. Findings of Fact

1. The Student is a middle school student identified with the exceptionality of deafness, qualifying [redacted] for special education and related services under the Individuals with Disabilities Education Act (IDEA). [redacted] has [redacted] and uses cochlear implant processors in both ears. [redacted] primary communication mode is aural-oral; [redacted] does not rely on sign language.
2. The Student's Individualized Education Program (IEP), developed on October 4, 2024, included accommodations designed to support [redacted] academic access and communication needs. These accommodations included use of an FM system during instruction and assessments, repetition or

rephrasing of verbal directions, and periodic checks for understanding. The IEP also required small-group testing accommodations as part of the educational setting provisions.

3. The Student's Communication Plan, dated September 26, 2024, confirmed [redacted] reliance on cochlear implants and identified spoken English as [redacted] primary language. Both the IEP and the Communication Plan referenced the Student's preference for a personal amplification device, later identified as a [redacted]. Although this preference was acknowledged, the FM system was designated in the IEP as the required assistive technology.
4. On November 8, 2024, the Student participated in a science assessment administered via Google Forms in a general education classroom with approximately 21 students. Instructions, presented both in writing and orally, stated: "Do not begin until instructed to do so by the teacher. Complete and submit. Logging into the test more than once is considered cheating and will result in a 0/F. If you have any computer problems notify the teacher immediately." The Student utilized a school-issued Chromebook.
5. During the assessment, the Student's device refreshed or logged out. Data logs show initial access at 10:17:03 a.m., followed by re-entry at 10:20:30 a.m., triggering an automated alert to the teacher. Based on the stated teacher's policy, the Student's received a score of 0/100. This score affected the Student's final course grade, resulting in a "C"—[redacted] only non-A/B grade—and disqualifying [redacted] from the Honor Roll.
6. On November 12, 2024, the Parent contacted the teacher to report the technical disruption and request reconsideration. The teacher responded on November 16, stating the Student had not reported any issues during the assessment. On December 10, 2024, the Parent contacted the school principal, raising concerns about IEP noncompliance and grading inconsistency. The principal acknowledged that another student had experienced a simultaneous technical issue but stated that the incident was not systemic.
7. On December 17, 2024, and again on January 10, 2025, the Parent submitted written requests to the District seeking access to education records related to the November 8, 2024 assessment. These included technical data from the test session, a redacted copy of the class test grades, and clarification of the grading policy applied.
8. In its initial response to the Department, and in communications with the Parent, the District asserted that the Student's IEP had been implemented in full. It cited the results of school- and District-level investigations, as well as a subsequent review by the Special Education department, as evidence that all required supports had been provided. The District stated that both general and special education staff confirmed implementation of the IEP and that no deficiencies were identified. Based on these representations, the District declined to revise the Student's grade for the November 8, 2024 assessment or reinstate [redacted] Honor Roll status.
9. However, in July 2025, in response to direct inquiry from the Department, the District acknowledged that neither the FM system nor the [redacted] had been used during the assessment. It also confirmed that no documentation existed to verify the use of either device at any point during the school year. When asked to explain what steps were taken to implement the required communication supports on the day of the assessment—such as gaining the Student's attention, repeating or rephrasing directions, or checking for understanding—the District reported that the teacher did not apply these supports because [redacted] believed they were unnecessary based on the Student's past performance and perceived hearing ability.

IV. Conclusions of Law

Upon consideration of the findings of fact, the relevant documentary record, and the applicable legal standards, the undersigned finds that the District did violate the Individuals with Disabilities Education Act, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations as set forth in Louisiana

Bulletin 1706 with respect to the allegations presented in this matter. Specifically, the Parent alleged that the District: (1) failed to implement the Student's Individualized Education Program (IEP) during assessments administered in November 2024, resulting in academic harm; (2) denied the Student a of a Free Appropriate Public Education (FAPE) due to the refusal to remedy the academic harm caused by failing to implement the Student's IEP; and (3) failed to provide the Parent with access to educational records.

Allegations 1 and 2: Failure to Implement the Student's Individualized Education Program (IEP) and Denial of a Free Appropriate Public Education (FAPE)

Under Bulletin 1706 §101(A), each eligible student with a disability is entitled to a Free Appropriate Public Education (FAPE), which must include specially designed instruction and related services provided in conformity with an Individualized Education Program (IEP). Pursuant to Bulletin 1706 §§320–324, public agencies must implement each student's IEP as written, ensuring the timely and consistent delivery of special education services, related services, accommodations, assistive technology, and supplementary aids and services necessary to ensure FAPE. Where assistive technology is required, public agencies must ensure not only the provision of the specified device, but also its functionality and integration in all instructional and assessment environments.

Further, under Bulletin 1706 §323(D), public agencies must ensure that each student's IEP is accessible to every regular and special education teacher, related service provider, and any other service provider responsible for its implementation. Each individual must also be informed of: (1) their specific responsibilities in implementing the IEP, and (2) the specific accommodations, modifications, and supports to be provided to the student. A failure to implement significant provisions of a student's IEP constitutes a procedural violation and may result in a denial of FAPE where it impedes the student's access to educational benefit, causes a loss of opportunity, or limits access to necessary supports.

The record establishes that the Student's IEP required use of an FM system during instruction and assessments, as well as verbal repetition, rephrasing, and periodic checks for understanding. These supports were specifically tailored to address the Student's bilateral hearing loss and ensure equitable access to the general curriculum.

However, during the November 8, 2024 science assessment, none of these IEP-required supports were implemented. The FM system was not in use, nor was the Student's personal amplification device, the [redacted]. The teacher did not employ the communication supports prescribed in the IEP and later stated that these supports were deemed unnecessary based on the Student's prior academic performance on similar assessment and the teacher's own perception of the Student's hearing ability. This justification is insufficient. Once accommodations are documented in the IEP, they must be implemented as written. School personnel may not override these obligations based on subjective judgment or perceived student ability.

The assessment occurred in a general education setting with more than 20 students and was governed by a strict grading policy that penalized any technical re-entry as academic dishonesty. Following a system refresh or logout, the Student re-entered the assessment platform, triggering an alert. The teacher assigned a score of zero, citing the classroom policy. No inquiry was made into whether the Student had accessed or understood the instructions in compliance with [redacted] IEP. Given the Student's reliance on cochlear implants and documented sensitivity to ambient noise, the absence of both assistive technology and communication supports in such an environment significantly limited [redacted] access to instructional content and placed [redacted] at a distinct disadvantage.

Despite this, the District did not evaluate whether its own failure to implement the IEP accommodations contributed to the Student's performance on the assessment. Instead, it asserted that the Student understood the rules and that [redacted] historical academic performance negated the need for supports. This rationale improperly shifted the burden of implementation onto the Student and ignored the District's affirmative and non-

discretionary obligation to implement the IEP as written. Such reasoning is inconsistent with Bulletin 1706, which requires public agencies to proactively deliver services and supports identified in a student's IEP and to ensure that failure to do so does not impede a student's right to a FAPE. See Bulletin 1706 §§101(A), 320–324; §513(A)(2).

Throughout the months following the assessment, the District continued to maintain that the IEP had been properly implemented and no corrective action was necessary. It was not until July 2025—approximately eight months after the incident and only in response to direct inquiry from the Department—that the District acknowledged the accommodations were not in place and confirmed it had no documentation showing otherwise. At no point did the District take responsive action to address whether its noncompliance impacted the Student's assessment performance. Nor did it meaningfully consider the Parent's request to revisit the Student's grade.

The District's failure to take timely and appropriate corrective action, even after acknowledging noncompliance, reflects a disregard for the procedural and substantive guarantees afforded under the IDEA. This includes the obligation to implement the IEP with fidelity, to assess the educational impact of any failure to do so, and to respond to parental concerns in a manner consistent with the requirements of Bulletin 1706.

Accordingly, the District's failure to implement the Student's IEP during the November 8, 2024 assessment and its refusal to consider the resulting academic harm constitutes both a procedural and substantive violation of Bulletin 1706 §101(A) and §§320–324. Therefore, Allegations 1 and 2 are substantiated.

Allegation 3: Access to Education Records

Pursuant to Bulletin §613(A), public agencies are required to permit parents to inspect and review all education records relating to their children without unnecessary delay and in no case more than 45 days after the request. Under Bulletin 1706 §613(B)(1), this right includes the parent's entitlement to receive reasonable explanations and interpretations of the records. Additionally, §611 incorporates the definition of "education records" from 34 C.F.R. Part 99, encompassing any records that are directly related to a student and maintained by a participating agency or its employees. This includes digital records, such as login timestamps, access logs, and submission data, where such records are used in connection with a student's educational program. Finally, Bulletin 1706 §615 prohibits the unauthorized disclosure of personally identifiable information and requires districts to protect the confidentiality of other students' records when responding to parental requests.

On December 17, 2024, and January 10, 2025, the Parent requested records related to the November 8 assessment, including technical session data, confirmation of whether any other student's grade was adjusted and clarification of the grading policy.

In response to the request for technical data, the District stated that its IT department lacked the capability to retrieve the detailed analytics requested but provided a screenshot reflecting the Student's test access and reentry times. However, the District did not document any additional efforts to locate other responsive records or to clarify the scope of available data. This failure to make reasonable efforts to locate and disclose relevant education records constitutes noncompliance with Bulletin 1706 §613(A).

With regard to the Parent's request for confirmation of grading consistency, the District appropriately declined to disclose redacted student records due to confidentiality concerns but reviewed the teacher's gradebook and confirmed that the grading policy had been uniformly applied. This response met the District's obligations under Bulletin 1706 §615. In addition, the District provided the teacher's syllabus in response to the request for clarification of the grading policy, thereby fulfilling its obligation under Bulletin 1706 §613(B)(1).

Accordingly, the District failed to adequately respond to the request for technical session data, resulting in a partial violation of Bulletin 1706 §§613(A) and 613(B)(1). However, its responses regarding grading consistency and policy clarification were compliant. Allegation 3 is therefore partially substantiated.

V. Corrective Action

To remedy the identified violations and ensure future compliance, the District shall complete and document, the following corrective actions:

- Within 30 calendar days of receipt of this decision, the District shall convene the Student's IEP Team to determine the nature and amount of compensatory services required to address the educational impact of the District's failure to implement required accommodations and supports during the 2024–2025 school year, including the November 8, 2024 assessment. The Parent shall be invited to participate in this meeting as a full member of the team.
    - The IEP Team shall also consider whether the November 8, 2024 science assessment outcome should be invalidated or otherwise excluded from the Student's cumulative academic record.
    - The IEP Team must consider the academic harm resulting from the failure to provide assistive technology and communication supports and document the basis for its decisions.
- Within 30 calendar days, the District shall make a documented good-faith effort to retrieve any technical data related to the November 8, 2024 assessment, including session logs, timestamps, or metadata available through Google Forms.
    - If no such data is available, the District must provide the Parent with a written explanation detailing the efforts taken and the reasons the data could not be retrieved.
- Within 45 calendar days, the District shall provide training to all special education teachers, general education teachers, and assessment proctors involved in the implementation of IEP accommodations.
    - The training shall address the legal obligation to implement IEP accommodations consistently across instructional and assessment settings; the role of staff in identifying and responding to student access barriers; and procedures for addressing parent concerns, documentation, and grade reconsideration requests..
- Within 45 calendar days, the District shall submit documentation to the Department demonstrating compliance with each of the above corrective actions, including:
    - IEP meeting notices and resulting amendments or documentation;
    - Compensatory education and assessment determinations;
    - Documentation of efforts to locate assessment data; and
    - Evidence of staff training and participation, including sign-in sheeting, agendas, and training materials.

Respectfully,



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CC: Jeff Powell, Superintendent, Rapides Parish School Board

Louisiana Special Education Complaint Investigation

45-C-79



DR. CADE BRUMLEY
STATE SUPERINTENDENT



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LOUISIANA DEPARTMENT OF EDUCATION

August 1, 2025

[redacted]

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Re: Findings-Decisions in Special Education Formal Complaint No. **45-C-79** on behalf of [redacted]

I. Introduction

On June 3, 2025, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("Department") on behalf of her child ("Student"), who is enrolled in a school under the jurisdiction of the St. Tammany Parish School District ("District"). The Parent requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§151–153.

II. Statement of the Case

In the complaint, the Parent alleges that the District violated the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400 et seq.; the implementing federal regulations at 34 C.F.R. Part 300; the Louisiana Children with Exceptionalities Act, R.S. 17:1941 et seq.; and/or its implementing regulations promulgated in Louisiana Bulletin 1706. Specifically, the Parent alleges that the District:

1. Failed to implement the Student's individualized education program ("IEP") by refusing to provide the behavior redirection shadow and one-on-one paraprofessional support required by the IEP;
2. Failed to provide IEP-mandated supervision by neglecting to ensure the presence of the required paraprofessional during an incident that resulted in criminal charges against the Student;
3. Engaged in retaliatory conduct against the Student or Parent following the Parent's exercise of procedural rights;
4. Denied the Student access to extracurricular programs by excluding the Student from participation in extracurricular activities, allegedly due to the District's own failure to implement the Student's IEP—specifically, by failing to provide one-on-one paraprofessional support—thereby depriving the Student of equal access to educational opportunities;
5. Breached the confidentiality of the Student's personally identifiable information by disclosing legal and law enforcement-related information regarding the Student without proper authorization; and

6. Failed to ensure a non-discriminatory educational environment by engaging in a pattern of noncompliance, retaliation, and exclusionary practices, leading the Parent to fear returning the Student to school.

As the Department's assigned investigator, I have thoroughly reviewed the complaint, the District's written response, and all supporting documentation submitted by both parties. The Findings of Fact and Conclusions of Law that follow are grounded in a comprehensive review of the record and the applicable legal standards. Pursuant to Louisiana Bulletin 1706 §152(C), a formal complaint may only address alleged violations that occurred within two years prior to the Department's receipt of the complaint. The Department received the present complaint on June 3, 2025. Accordingly, this investigation is confined to alleged violations occurring between June 4, 2023, and June 3, 2025.

III. Findings of Fact

At all times relevant to the complaint, the Student was a ninth-grade student eligible for special education and related services under the Individuals with Disabilities Education Act ("IDEA") on the basis of a primary exceptionality of Emotional Disturbance and a secondary exceptionality of Other Health Impairment ("OHI"), specifically due to diagnoses of Attention Deficit Hyperactivity Disorder ("ADHD") and Oppositional Defiant Disorder ("ODD").

The Student's individualized education program ("IEP") in effect from August 15, 2024, through April 22, 2025, provided for shadowed support during transition and unstructured times, but did not require one-to-one paraprofessional assignment or direct adult monitoring at all times.

On April 22, 2025, the IEP was amended in response to a January 2025 incident involving another student and law enforcement. This amendment substantively increased the level of adult monitoring, specifying that the Student would be monitored at all times across all settings by school staff.

Neither the August 2024 IEP nor the April 2025 amendment explicitly required the provision of a paraprofessional or designated adult support for extracurricular activities, including after-school sports or summer camp programs. The IEP documentation and meeting notes do not indicate that the IEP team determined or required such support for the Student's participation in extracurricular activities.

The Parent expressed ongoing concerns regarding the gradual reduction of paraprofessional support and the potential risk of embarrassment for the Student at school, as well as concerns regarding consistent implementation of the Student's IEP.

The District submitted supplemental documentation, including the Student's Behavioral Intervention Plan ("BIP"), service logs, class schedules, and records of extracurricular participation. The service logs, class schedules, and contemporaneous staff statements support a finding that the August 2024 IEP and the BIP were implemented as written during the relevant period, including at the time of the January 2025 incident.

The incident in January 2025 occurred during a structured classroom period, at a time when the IEP did not require direct shadowed support. Assigned staff were present in accordance with the requirements of the Student's IEP and BIP. The subsequent amendment to the IEP was made to address increased monitoring needs.

Following the January 2025 incident, the Student was excluded from an overnight basketball camp activity based on District safety concerns and the Student's documented history of leaving assigned areas.

IV. Conclusions of Law

Upon consideration of the relevant documentary record and the applicable legal standards, the undersigned finds that the District did not violate the Individuals with Disabilities Education Act, the Louisiana Children with

Exceptionalities Act, or the Department's implementing regulations as set forth in Louisiana Bulletin 1706 allegations with respect to the allegations within the Department's jurisdiction. Each allegation is addressed in turn below, with reference to the relevant legal standards and the evidence in the record.

However, to the extent the complaint alleges retaliation for the exercise of procedural rights, breaches of confidentiality unrelated to IDEA records, or broader claims of discrimination and non-discriminatory educational environment such claims may implicate Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and potentially the Family Educational Rights and Privacy Act, and therefore fall outside the jurisdiction of this complaint investigation.

Allegations 1 & 2 – Failure to Implement the IEP and Provide Required Adult Support

Under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1412(a)(1), and Louisiana's implementing state regulations at Bulletin 1706 §§101 and 320–324, each public agency must provide a free appropriate public education ("FAPE") to eligible students with disabilities in conformity with an appropriately developed individualized education program ("IEP"). These provisions obligate districts to ensure that all special education and related services—including supplementary aids and supports—are delivered exactly as specified in the operative IEP.

In this matter, the Student's IEP in effect from August 2024 through April 2025 required shadowed support exclusively during transitions and unstructured periods, rather than continuous adult or paraprofessional monitoring throughout the school day. The record—including service logs and staff schedules—demonstrates that the District provided such shadowed support during the relevant times and otherwise implemented both the IEP and the Behavioral Intervention Plan ("BIP") as written. The Student's presence in structured classes, where general support was provided to all students with exceptionalities, was consistent with the IEP's terms as required by Bulletin 1706 §§320–324.

The January 2025 incident, which resulted in the involvement of law enforcement, occurred during a structured classroom period and thus fell outside the scope of the IEP's shadowing requirement. The subsequent IEP amendment in April 2025, which increased the level of monitoring, constituted a prospective revision only and does not retroactively impose additional obligations prior to its effective date, as recognized under Bulletin 1706 §324. Accordingly, based on the evidence and the applicable law, there is no basis for concluding that the District failed to implement the Student's IEP or provide FAPE as required by IDEA and Bulletin 1706. No procedural or substantive violation is established with respect to Allegations 1 and 2, and these allegations are therefore unsubstantiated pursuant to Bulletin 1706 §§320–324.

Allegation 4 – Denial of Access to Extracurricular Activities

Bulletin 1706 §§107 and 117 mandate that students with disabilities be afforded an equal opportunity to participate in nonacademic and extracurricular services and activities as determined appropriate by the IEP team. Where an IEP specifically mandates supplementary aids or services for participation in extracurricular activities, the failure to provide such services may constitute a denial of FAPE.

In the present case, neither the August 2024 IEP nor the April 2025 amendment explicitly required a paraprofessional or direct adult support for extracurricular activities, such as basketball or summer camp programs. The record further establishes that the Student was not categorically excluded from the basketball team; rather, [redacted] was listed as a participant and allowed to participate in activities except an overnight event. The exclusion from the overnight camp was based on individualized safety considerations, including the Student's history of leaving assigned areas, rather than a failure to implement any IEP service.

While the IEP references "monitoring at all times across all settings by school staff," the context and documentation support a reasonable interpretation that this requirement applies to the school day and on-campus educational settings, and not to extracurricular programs. Under Bulletin 1706 §320(A)(4)(b), any supplementary aids or services required for participation in extracurricular activities must be specifically determined and documented by the IEP team. In the absence of such a determination, there is no IDEA or Bulletin 1706 violation. The Student's access to extracurricular activities was not conditioned upon, nor denied by, the failure to provide IEP-required adult support in those settings, consistent with Bulletin 1706 §§107, 117, and 320(A)(4)(b).

However, to the extent the complaint alleges discrimination, denial of equal opportunity, or exclusion from extracurricular activities on the basis of disability status, such claims may arise under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and therefore fall outside the jurisdiction of this complaint investigation. Such matters should be directed to the U.S. Department of Education, Office for Civil Rights, which can be contacted by phone at 1-800-421-3481 or online at https://www.ed.gov/ocr.

Allegations 3, 5, and 6 – Alleged Retaliation, Confidentiality Breach, and Non-Discriminatory Environment

The scope of the Department's complaint investigation authority under IDEA and Bulletin 1706 is limited to claims arising under those authorities (see 34 C.F.R. § 300.151; Bulletin 1706, §§151–153). Allegations of retaliation for the exercise of procedural rights, breaches of confidentiality unrelated to IDEA records, or broader claims of discrimination and non-discriminatory educational environment implicate Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and potentially the Family Educational Rights and Privacy Act. These are matters within the jurisdiction of the U.S. Department of Education's Office for Civil Rights.

Accordingly, Allegations 3, 5, and 6 are not actionable under the state IDEA/Bulletin 1706 complaint process. These matters are hereby referred to the U.S. Department of Education, Office for Civil Rights, for any further action as may be appropriate. Such matters should be directed to the U.S. Department of Education, Office for Civil Rights, which can be contacted by phone at 1-800-421-3481 or online at https://www.ed.gov/ocr.

V. Conclusion

For the reasons set forth above, the Department finds no violation of the IDEA or Bulletin 1706 with respect to the allegations within its jurisdiction. Therefore, this investigation is hereby closed and no additional action is required.

Respectfully,



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CC: Frank Jabbia, Superintendent, St. Tammany Parish Public Schools

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LOUISIANA DEPARTMENT OF EDUCATION

October 3, 2025

[redacted]

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Re: Decision on Reconsideration of Complaint No. **45-C-79** on behalf of [redacted]

On August 1, 2025, the Louisiana Department of Education ("the Department") issued a Findings-Decision Letter regarding the Special Education Formal Complaint Investigation Request referenced above that was filed against St. Tammany Parish Public Schools ("the District") by [redacted] ("the Parent") on behalf of her minor child, [redacted] "the Student"). On August 4, 2025, the Parent sent the Department a request for reconsideration ("Request") asking that the Department reconsider the complaint investigator's findings and/or conclusions. The Parent asserted that the complaint investigator erred by (1) misinterpreting the IEP requirements regarding adult support, (2) failing to consider evidence of non-implementation prior to April 22, 2025 (3) improperly limiting "all settings" regarding extracurricular activities, and (4) preserving the allegations regarding retaliation, confidentiality and discrimination.

A party who files a request for reconsideration is required by Bulletin 1706 § 153(I) to prove that the complaint investigator erred in a finding of fact and/or clearly misapplied the law. A request for reconsideration is an administrative review by the Department of the complaint investigator's factual findings and conclusions of law to determine whether those findings and conclusions can be reasonably supported by the information submitted during the complaint investigation. Upon reconsideration, the panel has determined that the findings of fact and conclusions of law alleged by the Parent to be in error are reasonably supported by the record of this investigation and the applicable law.

Alleged error in Allegation 1& 2: Misinterpretation of IEP Requirements regarding adult support.

In the Parent's reconsideration request, it's alleged the Complaint Investigator misinterpreted the IEP requirements regarding adult support. In determining the scope and timing of the IEP that required adult supports, the Investigator relied upon Bulletin 1706 §§ 101 and 320-324, which provides that the Districts are required to provide eligible students with disabilities a free appropriate public education in conformity with the IEP developed for that student and to deliver all special education and related services (including

supplementary aids and supports) exactly as specified in the operative IEP.

In the findings of fact on page 2, paragraph 3 and 4 of the complaint decision letter, the Investigator made a clear distinction regarding the relevant IEP identifying two separate periods of time related to (1) the IEP effective from August 2024 through April 22, 2025 and (2) an amendment to the IEP made on April 22, 2025.

The August 2024 IEP required shadowed support during transitions and unstructured periods. As articulated by the investigator and evident in the amendments memorialized in the April 22, 2025 IEP, the IEP prospectively—from that point forward—required that the Student would be monitored at all times across all settings by staff. There is no contradiction to the Investigator's determination that the August 15, 2024 IEP required only shadowed support during transition and structured times and did not require one-to-one paraprofessional assignment or direct adult monitoring at all times across all settings *until* the April 22, 2025 meeting.

The Parent also asserts the Investigator narrowly interpreted the plain language and intent of the amendment. The reconsideration panel rejects that assertion. A plain reading of the IEP amendment demonstrates the change was clearly made to increase support from April 22, 2025 and forward. The Investigator accurately clarified the point in time in which the District was obligated, via the IEP, to provide increased monitoring and supports.

As such, the panel affirms the Investigator's conclusion that (1) the IEP did not require adult support at all times across all settings by school staff until the IEP was amended on April 22, 2025 and (2) the January 2025 incident fell outside the scope of the August 2024 IEP's shadowing requirement.

Alleged error in Allegation 1& 2: Failure to consider evidence of non-implementation prior to April 22, 2025.

The Parent alleges the Investigator erred in concluding the District implemented the Student's required IEP supports prior to the April 22, 2025 amendment because she failed to consider (1) the 2024 incident reports prior to January 2025 as the evidence of documented unsupervised periods and (2) conflicting data reflected in the behavioral data logs presented by the Parent in comparison to the service logs provided by the District. The Parent does not specify which data is in conflict.

Here, the reconsideration panel echoes the authority the Investigator based her decision upon. Again, under Bulletin 1706 §§ 320-324, Districts are required to provide eligible students with disabilities a free appropriate public education in conformity with the IEP developed for that student and to deliver all special education and related services—including supplementary aids and supports—exactly as specified in the operative IEP.

The record demonstrates that between August 2024 and December 2024, the Student received a total of 13 referrals. While it could be argued the frequency in which the Student received the referrals indicated the shadow supports were demonstrably ineffective, receiving multiple referrals for violating the District's behavior policy is not evidence sufficient to prove the District was entirely failing to provide the shadow support as required by the Student's August 2024 IEP. As such, the panel affirms the Investigator's conclusion that the District was otherwise implementing the Student's IEP and BIP.

Further, the Parent asserts that the Investigator's conclusion is in error because she ignored evidence submitted by the Parent. By email dated June 1, 2025, the Parent submitted (1) the formal complaint, (2) the Student's IEP; and, (3) the amended IEP along with five (5) screenshots, comprised of the January 8, 2025

police report and referral notification logs. The panel has reviewed the incident report logs and the service log provided by the District in comparison with the items submitted by the Parent and found no apparent conflicting information. Based on a review of the record, the panel finds there is no merit to this assertion. The Investigator considered all evidence provided by both parties and the Panel affirms the Investigator's conclusion that the District implemented the Student's IEP as written.

Alleged error in Allegation #4: Improper Limitation of "all settings" regarding Extracurricular Activities.

In resolution of allegation #4, the Investigator concluded that the adult support contemplated in the IEP's amended language "all settings" was limited to the school day and on-campus educational settings and not to extracurricular activities or—in this case—an overnight male and female basketball camp activity. In protest, the Parent points to 1706 §§ 107(A) and 117, which guarantees equal opportunity to participate in extracurricular activities with appropriate supports as determined by the IEP Team and to the maximum extent appropriate to the needs of that student.

The Investigator relied on Bulletin 1706 § 320(A)(4)(b), which provides that any supplementary or services required for participation in extracurricular activities must be specifically determined and documented by the IEP Team, when evaluating the phrase "across all settings." Ultimately, she concluded the phrase "across all settings" does not indicate that the IEP Team determined the Student specifically required adult support for participation in extracurricular settings including any related overnight activities. In other words, whether a student requires adult support in order to participate in extracurricular settings must be stated within the IEP. Broad language such as "across all settings" is not sufficient.

The Investigator concluded that Student was not categorically excluded from the basketball team or the camp, but rather excluded from one overnight activity related to the basketball camp which would include the presence of female team members. The District's decision to exclude the Student from participating in the overnight activity was—in light of the January incident involving a female student—rooted in the Student's violation of the District's behavior policy. Eligibility for IDEA does not shield a student with a disability from the reasonable application of consequences for violating the District's policy. The panel affirms the Investigator's conclusion that the IEP did not specifically require adult support for the Student's participation in basketball and thus, the District did not fail to implement the IEP.

Preservation of Allegations 3, 5, and 6 (Retaliation, Confidentiality, Discrimination

Lastly, the Parent seeks to preserve allegations regarding retaliation, confidentiality and discrimination claims. The reconsideration panel maintains the Investigator's conclusion that these allegations fall outside of the scope of the Department's complaint investigation authority and reiterates the Investigator's referral of these allegations to the U.S. Department of Education, Office of Civil Rights. As provided in the original complaint decision letter, the OCR can be contacted by phone at 1-800-421-3481.

Conclusion

Upon reconsideration of the August 1, 2025, decision, the panel has determined that the Complaint Investigator's findings of fact and conclusions of law were reasonably supported by the record.

Sincerely,

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Louisiana Special Education Complaint Investigation

45-C-80



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LOUISIANA DEPARTMENT OF EDUCATION

August 5, 2025

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Re: Findings-Decisions in Special Education Formal Complaint No. **45-C-80** on behalf of [redacted]

I. Introduction

On June 6, 2025, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("Department") on behalf of [redacted] child ("Student"), who is enrolled in a school under the jurisdiction of the Calcasieu Parish School Board ("District"). The Parent requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§151–153.

II. Statement of the Case

In the complaint, the Parent alleges that the District violated the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400 et seq.; the implementing federal regulations at 34 C.F.R. Part 300; the Louisiana Children with Exceptionalities Act, R.S. 17:1941 et seq.; and/or its implementing regulations promulgated in Louisiana Bulletin 1706. Specifically, the Parent alleges that the District:

1. Failure to timely identify, locate, and evaluate the Student suspected of having a disability in a timely manner despite the parent's repeated requests and documented diagnoses, thereby violating the District's Child Find obligations and delaying access to appropriate services.
2. Failure to provide comparable services and initiate timely eligibility procedures as required upon enrollment, if the Student had an existing IEP from another state, by not confirming or acting upon parental representations of prior eligibility and services, thereby potentially denying the Student a Free Appropriate Public Education.
3. Failure to develop and implement an Individualized Education Program (IEP) reasonably calculated to confer educational benefit, and failure to consider and respond meaningfully to parental concerns and requests for services and accommodations.
4. Failure to implement behavioral supports and disciplinary procedures appropriate for a student with a suspected disability, and failure to respond to documented behavioral crises in a manner consistent with IDEA protections.
5. Failure to provide Prior Written Notice when refusing to evaluate for specific disabilities, implement requested services, or convene an IEP meeting as requested by the parent, thereby depriving the parent of procedural safeguards and informed participation in decision-making.

As the Department's assigned investigator, I have thoroughly reviewed the complaint, the District's written response, and all supporting documentation submitted by both parties. The Findings of Fact and Conclusions of Law that follow are grounded in a comprehensive review of the record and the applicable legal standards. Pursuant to Louisiana Bulletin 1706 §152(C), a formal complaint may only address alleged violations that occurred within two years prior to the Department's receipt of the complaint. The Department received the present complaint on June 6, 2025. Accordingly, this investigation is confined to alleged violations occurring between June 7, 2023, and June 6, 2025.

III. Findings of Fact

The Student is a first-grade student who relocated from out of state to Louisiana in July 2024. The Student was not previously determined eligible for special education and did not transfer with an existing IEP.

On August 21, 2024, the Parent submitted a written request for special education evaluation, referencing a private neuropsychological evaluation conducted in May 2024 diagnosing the Student with Attention Deficit Hyperactivity Disorder (ADHD), inattentive presentation, and Specific Learning Disorder (SLD) with impairment in reading and written expression, noting a pattern of deficits consistent with dyslexia. A second written request was submitted on September 6, 2024, again citing ongoing concerns with reading and referencing the prior evaluation.

At a School Building Level Committee (SBLC) meeting on September 17, 2024, the District reviewed the Parent's request and private evaluation but declined to initiate an evaluation, selecting "Continue current intervention and progress monitoring through RTI process" on the SBLC Decision Summary/Prior Written Notice form. The refusal box was not checked, and no written rationale was provided.

The SBLC reconvened on October 10, 2024, in response to renewed requests from the Parent and a teacher, and at that meeting referred the Student for a comprehensive special education evaluation. The District conducted a multidisciplinary evaluation which included administration of the Kaufman Test of Educational Achievement, Third Edition (KTEA-3) and a speech-language assessment. The evaluation identified significant weaknesses in basic reading, reading fluency, reading comprehension, and written expression, with average math skills and above-average listening comprehension. Speech assessment identified a mild articulation delay. The initial evaluation, disseminated on November 15, 2024, found the Student eligible under the exceptionality of Developmental Delay.

At the Parent's request, the District conducted a reevaluation to address concerns regarding exceptionality classification. This reevaluation included, among other assessments, the Tests of Dyslexia–Comprehensive (TOD-C), which showed significant weaknesses in phonological processing and a marked discrepancy between cognitive ability and academic achievement. The comprehensive reevaluation results, disseminated on April 16, 2025, determined the Student eligible under Specific Learning Disability in basic reading skills, reading comprehension, and written expression, and documented an educational diagnostic impression of dyslexia.

The District developed the initial IEP on December 13, 2024, under the exceptionality of Developmental Delay, addressing needs in reading, written expression, speech articulation, and social/emotional functioning. Subsequent IEP meetings were held on February 14, 2025; March 21, 2025; and May 16, 2025. Each amendment responded to ongoing Parental concerns or updated evaluation results. The IEPs consistently provided specially designed instruction in reading, written expression, and articulation, with provision of a multisensory structured literacy program for dyslexia-related needs, and included accommodations such as read-aloud, reduced workload, and large print. Social/emotional goals were included to address behavioral and anxiety-related needs, with further refinements and individualized supports made at each revision.

On May 2, 2025, the Parent requested an independent educational evaluation (IEE) at public expense. The District responded on May 12, 2025, granting the request and providing a list of potential evaluators, an overview of relevant policies, and information on resource centers and related supports.

IV. Conclusions of Law

Allegation 1

Under Bulletin 1706 §111(A), public agencies are required to identify, locate, and evaluate all students suspected of having a disability who may need special education and related services. Bulletin 1508 §301 requires implementation of a Response to Intervention (RTI) process prior to referral, except in circumstances warranting immediate referral under Bulletin 1508 §307(B). Bulletin 1706 §302 provides that a parent or agency may request an evaluation at any time and, once initiated, the evaluation must be completed within 60 business days of parental consent.

Here, the Parent's initial request and private evaluation were submitted on August 21, 2024. The District convened the SBLC within 18 days, considered the private evaluation, and initially continued with RTI. The SBLC reconvened on October 10, 2024, in response to continued concerns, obtained parental consent and initiated the evaluation process. The evaluation was completed and disseminated by November 15, 2024, and the initial IEP was developed by December 12, 2024, well within the 60-business-day timeline required by Bulletin 1706 §302. There is no evidence of delay or denial of timely evaluation. Accordingly, Allegation 1 is unsubstantiated.

Allegation 2

When a student with an IEP from another state transfers to a Louisiana, the public agency must provide comparable services until it conducts its own evaluation and develops a new IEP, in accordance with Bulletin 1706 §323(F). The Student did not transfer with an IEP or prior IDEA eligibility. Although the parent provided a private neuropsychological evaluation, this alone does not establish IDEA eligibility or require the District to provide comparable services. The District properly reviewed the private evaluation, convened the SBLC, and initiated its own evaluation process. Allegation 2 is unsubstantiated.

Allegation 3

Under Bulletin 1706 §§320–324, public agencies must develop, review, and revise an IEP for each eligible student with a disability, addressing unique academic, developmental, and functional needs, and include measurable goals, appropriate accommodations, and related services. Parent input must be considered throughout this process (Bulletin 1706 §§320(A), 324(A)(1)-(2), 322(B)).

The District convened IEP meetings on December 13, 2024; February 14, 2025; March 21, 2025; and May 16, 2025, in response to updated evaluations and ongoing parental concerns. The initial IEP addressed reading, written expression, speech articulation, and social/emotional needs, with accommodations such as extended time and modified directions. The subsequent amendments incorporated new academic goals, expanded social/emotional supports, added instructional accommodations, and reflected parent concerns related to grades, anxiety, and the need for dyslexia evaluation. On May 16, 2025, following comprehensive reevaluation, the IEP exceptionality was changed to Specific Learning Disability with detail codes for basic reading skills, reading comprehension, and written expression, and included updated goals and accommodations for phonics, reading comprehension, written expression, self-regulation, and continued articulation therapy. Large print, human reader, and alternative instructional materials were also added as accommodations.

Throughout, the District documented and addressed parent concerns, including objections to exceptionality terminology, and ensured the IEP substantively addressed all academic, speech/language, and social/emotional

needs, including those associated with dyslexia. The IEP was regularly reviewed and revised to reflect progress and new data, and supports were individualized based on evolving needs. Accordingly, Allegation 3 is unsubstantiated.

Allegation 4

Pursuant to Bulletin 1706 §324(A)(2)(a), the IEP Team must consider the use of positive behavioral interventions and supports, and other strategies, for students whose behavior impedes their learning or that of others. The record reflects the Student exhibited behavioral challenges, including anxiety and outbursts at home and school, documented by both parent and school staff. The District responded by including measurable social/emotional goals and supports in each IEP iteration, with further refinements over time to address self-regulation, attention, and transitions. Accommodations included scheduled breaks, alternative arrival routines, and supports for anxiety-related absences. While the parent reported concerns regarding staff responses to the Student's distress, the records show no formal discipline referrals or removals occurred. The District provided ongoing behavioral supports and revised the IEP to align with the Student's disability-related needs. There is insufficient documentation to conclude that required behavioral supports or disciplinary procedures were not provided. Allegation 4 is unsubstantiated.

Allegation 5

Under Bulletin 1508 §509(C), when a parent requests an initial evaluation, the local education agency (LEA) must conduct an evaluation with parental consent if it suspects the student is exceptional. If the LEA does not suspect the student is exceptional, it may refuse to conduct an evaluation, but must provide a written explanation of the reason for refusal according to the requirements in Chapter 5 of Bulletin 1706, and a copy of the parents' procedural safeguards, including the right to request a due process hearing. Bulletin 1706 §504(A)-(B) further requires that written notice be provided within a reasonable time before the agency refuses to initiate or change the identification, evaluation, or educational placement of the student, and that the notice must include an explanation of the refusal, a description of the information used, and information regarding procedural safeguards.

On September 17, 2024, the SBLC reviewed the Parent's request for evaluation and the private evaluation report but did not refer for an initial evaluation at that time, opting to continue interventions and progress monitoring through the RTI process. Therefore, the Parent did not receive a procedurally compliant written explanation as required by Bulletin 1508 §509(C) and Bulletin 1706 §504.

All subsequent PWN documentation—issued for IEP meetings and actions on December 13, 2024, February 14, 2025, March 21, 2025, and May 16, 2025, were compliant with Bulletin 1706 §504, describing the proposed action, explaining the reasons, detailing the evaluative information considered, and providing the required notice of procedural safeguards. This allegation is partially substantiated as to the September 17, 2024 SBLC meeting.

Notwithstanding the procedural deficiency on September 17, 2024, the SBLC reconvened on October 10, 2024, in response to continued concerns, and the evaluation process was initiated without delay. The evaluation was completed and disseminated by November 15, 2024, and an initial IEP was developed by December 12, 2024, within the 60-business-day timeline required by Bulletin 1706 §302. Thus, while the District's prior written notice was procedurally deficient, this did not result in any delay or denial of the Student's right to evaluation or special education services.

V. Corrective Action

Within 60 calendar days of this decision, the District must provide training to all SBLC personnel on the procedural requirements for providing written notice in accordance with Bulletin 1706 §504 and Bulletin 1508 §509(C). Evidence of staff training and participation, including sign-in sheets, agendas, and training materials shall be submitted to the Department within 10 calendar days of completion.

Respectfully,



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CC: Dr. Jason VanMetre, Superintendent, Calcasieu Parish School Board

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LOUISIANA DEPARTMENT OF EDUCATION

September 19, 2025

[redacted]

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Re: Corrected Findings-Decision on Reconsideration of Complaint No. **45-C-80** on behalf of [redacted]

On August 5, 2025, the Louisiana Department of Education ("the Department") issued a Findings-Decision Letter regarding the Special Education Formal Complaint Investigation Request referenced above that was filed against Calcasieu Parish Public Schools ("the District") by [redacted] ("the Parent") on behalf of [redacted] minor child, [redacted] "the Student"). On August 11, 2025 and through August 15, 2025, the Parent sent the Department a request for reconsideration ("Request") asking that the Department reconsider the complaint investigator's findings and/or conclusions. The Parent asserted that the complaint investigator erred by (1) concluding the District documented and addressed parent concerns throughout, (2) concluding that there was no evidence of delay or denial of a timely IEP evaluation (3) concluding the IEP substantively addressed all academic, speech/language, and social/emotional needs, including those associated with dyslexia, and (4) finding the District developed and implemented an IEP reasonably calculated to confer an educational benefit and considered and responded meaningfully to the parent's concerns and request for services and accommodations.

A party who files a request for reconsideration is required by Bulletin 1706 § 153(I) to prove that the complaint investigator erred in a finding of fact and/or clearly misapplied the law. A request for reconsideration is an administrative review by the Department of the complaint investigator's factual findings and conclusions of law to determine whether those findings and conclusions can be reasonably supported by the information submitted during the complaint investigation. Upon reconsideration, the panel has determined that the findings of fact and conclusions of law alleged by the Parent to be in error are reasonably supported by the record of this investigation and the applicable law.

Alleged Error in Allegation 1: There is no evidence of delay or denial of timely evaluation

In resolution of the Parent's allegations that the District failed to timely identify, locate, and evaluate the Student suspected of having a disability and, thereby violating the District's Child Find obligations and

delaying access to appropriate services, the complaint investigator determined that the District was compliant with Bulletin 1706 §302 in timely completing the Student's evaluation and developing an IEP.

Under Bulletin 1706 § 111(A), public agencies are required to identify, locate, and evaluate all students suspected of having a disability who may need special education and related services. Bulletin 1508 § 301 requires implementation of a Response to Intervention (RTI) process prior to referral, except in circumstances warranting immediate referral under Bulletin 1508 § 307(B). Bulletin 1706 § 302 obligates Districts to complete their own evaluation within 60 days of receiving the Parent's consent. The record reflects that consent was obtained on October 10, 2024 and the evaluation was completed by November 15, 2024—well within 60 days from the receipt of the Parent's consent.

While an outside neuropsychological evaluation—such as the one the Parent provided to the District upon the Student's enrollment—may be considered during the evaluation process, the District is not relieved of its obligation to initiate its own evaluation process to determine the Student's IDEA eligibility when it suspects the Student has a disability. This is especially true when the Student had not yet been determined IDEA eligible and/or in the absence of an existing IEP. The District was not at liberty to adopt the Parent's position that because the Student had a medical diagnosis, the Student must have a learning disability and is therefore eligible for special education services.

The reconsideration panel affirms the complaint investigator's findings that the student transferred into the District from out of state without an IEP or prior IDEA eligibility and the District took appropriate steps to complete a timely evaluation once they suspected the student was a student with disability. Additionally, the panel echoes the complaint investigator's conclusion that a private evaluation reflecting a medical diagnosis does not in and of itself establish a learning disability resulting in IDEA eligibility nor does it serve to put the District on notice of a suspected disability. In other words, the District is under no obligation to initiate an evaluation based on the existence of an outside, private evaluation.

In its September 2024 email to the Parent, the District communicated that data would be collected over a period of two to three weeks and an SBLC would be scheduled. At the SBLC meeting, the Team determined RTI was appropriate and denied the initial evaluation request. While the complaint investigator found that the September 17, 2024 PWN was not procedurally compliant—as required by Bulletin 1508 §509(C) and 1706 § 504—this procedural deficiency had no effect on the timeliness of the evaluation. The record supports the investigator's finding that the SBLC convened on October 10, 2024—in response to the Parent's continued concerns—to obtain consent to initiate the evaluation process, ultimately led to its timely completion, dissemination and the development of the IEP.

The reconsideration panel maintains the complaint investigator's conclusion that there is no evidence of delay or denial of a timely evaluation.

Alleged Errors in Allegation 3: (1) Complaint investigator failed to address all parts of allegation 3 and (2) The District documented and addressed parent concerns throughout and that the IEP substantively addressed the Student's need including those associated with Dyslexia

The Parent asks the panel to consider that all the allegations captured in Allegation 3 were not addressed. Moreover, the parent presents a new allegation that the District held multiple IEPs "as a way to further delay providing appropriate services and responding to initial failures of the initial IEP." In accordance with Bulletin 1706 § 153(I)(4) documents and other information not originally submitted regarding the allegation(s) shall

not be accepted for review. Thus, the reconsideration panel will not consider the District's motives in convening the multiple IEP meetings.

In determining whether all parts of Allegation 3 were addressed, it may be prudent to reiterate the Allegation. The original complaint alleged that the District failed to develop and implement an IEP reasonably calculated to confer educational benefit to the Student and failed to consider and respond meaningfully to parental concerns and requests for services and accommodations.

As addressed before, the District is required under Bulletin 1706 § 302 to initiate its own evaluation process to determine the Student's IDEA eligibility, if they suspect the Student has a disability, when the Student had not yet been determined IDEA eligible and/or in the absence of an existing IEP. The District simply did not adopt the Parent's position that the medical diagnosis and the evaluation recommendations are acceptable substitutions for the District's statutory obligation in determining whether a student is a disability and entitled to FAPE.

Additionally, the Parent asks that the reconsideration panel find that the complaint investigator was in error when she concluded the District documented and addressed the Parent's concerns throughout the process of developing, reviewing or revising the student's IEP. Couched within this challenge to the complaint investigator's conclusion is the assertion that the District failed to respond meaningfully to the parent's concerns and requests.

The Parent directs the reconsideration panel to the correspondences sent to the District in the time between the January 9, 2025 and the February 14, 2025 emails as evidence of the District's failure to consider the Parent's concerns and request. The reconsideration panel maintains the complaint investigator's conclusion that the District addressed the Parent's concerns. The initial IEP had only been developed on December 13, 2024 when the January 9, 2025 email was received. Given the short amount of time for implementation of the initial IEP, the District's convening of an IEP meeting on February 14, 2025 was not an unreasonable delay and short-term goals were added to the Student's literacy goals at that time. As it relates to the remainder of the record, parent concerns are documented in the parental comment section of every IEP—including February 14, 2025—and appeared to incorporate those concerns within the changes made to the goals, objectives and supports provided to the Student. An email dated February 17, 2024, evidenced that the parent communicated particular issues with Student's grades and accommodations and requested the District add the omitted concerns to the IEP; however, the District refused. The issue with the February 14, 2025 IEP is not that *none* of the Parent's concerns were included, but rather the Parent's key concerns were omitted and not added.

Bulletin 1706 § 324 permits changes to the Student's IEP after the annual IEP Team meeting without convening an IEP Team meeting for the purpose of making those changes if the District and the Parent agree. While the District *could* have amended the IEP to include the comments or *could* have attached the concerns to the IEP, it was not required to. Accordingly, the reconsideration panel does not find the refusal to add more parental comments to a single IEP as evidence sufficient to show the complaint investigator erred in her conclusion. The reconsideration panel affirms the complaint investigator's conclusion that the District documented and addressed the Parent's concerns throughout the process of developing, reviewing or revising the student's IEP.

With respect to whether the revisions made to the IEPs—in response to the Parent's requests—*Endrew F. v. Douglas Cty. Sch. Dist. Re-1* held that "the essential function of an IEP is to set out a plan for pursuing academic and functional advancement."[1] Whether an IEP is reasonably calculated to provide meaningful educational benefit when "(1) the program is individualized on the basis of the student's assessment and performance; (2) the program is administered in the least restrictive environment; (3) the services are provided in a coordinated and collaborative manner by the key 'stakeholders'; and (4) positive academic and non-academic benefits are demonstrated."[2] In this case, it appears components 1 and 4 is at issue. As articulated in *Adam J. ex rel. Robert J. v. Keller Indep. Sch. Dist., 328 F.3d 804, 808 (5th Cir. 2003)*, a free appropriate public education "need not be the best possible one, nor one that will maximize the child's educational potential; rather, it need only be an education that is specifically designed to meet the child's unique needs, supported by services that will permit [the child] to benefit from the instruction."

In this matter, the complaint investigator concluded that the Student's performance data—as evidenced in the quantifiable progress demonstrated in the Student's improved DIBELS scores and progress reports—indicated the Student was positively benefitting from the services and accommodations implemented in their IEP. The District has—in light of evaluations, performance data and in consideration of the Parent's concerns and input—taken appropriate steps to address the Student's reading deficits. In totality of the record, the Reconsideration Panel finds the complaint investigator addressed all parts of allegation 3 in her determination that the District developed an IEP that was benefitting the Student and meaningfully responding to the parent. Finally, with respect to the denial of the parent's request to modify the Student's work during the February 14, 2025 IEP, the reconsideration panel does not maintain the complaint investigator's finding that the February 14, 2025 PWN documentation was procedurally compliant.

Bulletin 1706 § 504(A)-(B) requires that written notice be provided within a reasonable time before the agency refuses to initiate or change the identification, evaluation, or educational placement of the student, and that the notice must include an explanation of the refusal, a description of the information used, and information regarding procedural safeguards. The PWN for the February IEP reflects changes were made, but it does not explicitly indicate that the Parent's request was refused and does not provide an explanation for that refusal. As such, the Department finds that the District's February 14, 2025 prior written notice was procedurally deficient.

Conclusion

Upon reconsideration of the August 5, 2025, decision, the panel has determined that the complaint investigator's findings of fact and conclusions of law were reasonably supported by the record. However, the panel finds the prior written noticed related to the February 14, 2025 IEP Team meeting was procedurally deficient. Therefore, the Department rescinds the correction actions ordered in the Department's August 5, 2025, decision in this matter and replaces those corrective actions with the actions identified below.

Corrective Action Plan

Within 60 calendar days—November 18, 2025—of this decision, the District must provide training to all SBLC personnel on the procedural requirements for providing written notice in accordance with Bulletin 1706 §

[1] Endrew F. v. Douglas Cnty. Sch. Dist. RE-1, 137 S. Ct. 988, 999 (2017)
[2] Cypress-Fairbanks Indep. Sch. Dist. V. Michael F., 118 F.3d 245, 253 (5th Cir. 1997)

504 and Bulletin 1508 § 509(C). Evidence of staff training and participation, including sign-in sheets, agendas, and training materials shall be submitted to the Department within 10 calendar days of completion.

Sincerely,

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Louisiana Special Education Complaint Investigation

45-C-81



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LOUISIANA DEPARTMENT OF EDUCATION

September 3, 2025

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Re: Findings-Decisions in Special Education Formal Complaint No. **45-C-81** on behalf of [redacted]

I. Introduction

On June 10, 2025, the Louisiana Department of Education ("Department") received a formal complaint from the complainant ("Parents"), on behalf of a minor child ("Student") enrolled in a charter school ("School") under the jurisdiction of the East Baton Rouge Parish School System ("District"). The Parents requested that the Department initiate an investigation pursuant to Louisiana Bulletin 1706 §§ 151–153.

II. Statement of the Case

In the complaint, the Parents allege that the District violated the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400 et seq.; the implementing federal regulations at 34 C.F.R. Part 300; the Louisiana Children with Exceptionalities Act, La. R.S. 17:1941 et seq.; and/or the Department's implementing regulations promulgated in Louisiana Bulletin 1706. Specifically, the Parents allege that the District:

1. Failed to ensure the lawful and safe use of physical restraint on February 25, 2025, by conducting a prone physical restraint without timely parental notice, without required medical evaluation, and contrary to an acknowledged crisis intervention plan, thereby violating state policies governing physical restraint and potentially denying the student a Free Appropriate Public Education (FAPE);
2. Failed to provide timely and complete access to the student's educational records in response to multiple parent requests made between March 28 and April 24, 2025, including disciplinary, investigatory, email, and assessment records, thereby violating the confidentiality and access requirements; and

3. Failed to maintain accurate educational records by documenting the delivery of special education services on dates after the student's withdrawal from the school, thereby falsifying special education service logs in violation of IDEA's requirements for IEP implementation and FERPA's standards for record accuracy.

As the Department's assigned investigator, I have thoroughly reviewed the complaint, the District's written response and all supporting documents submitted by both parties. The findings of fact and conclusions of law that follow are based on a comprehensive review of the submitted records and the applicable legal provisions. Pursuant to Louisiana Bulletin 1706 §152(C), a formal complaint may only address alleged violations that occurred within the two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on June 10, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between June 9, 2023, and June 10, 2025.

III. Findings of Fact

At all times relevant to the complaint, the Student was enrolled in first-grade and was eligible for special education and related services under the classification of Developmental Delay.

1. November 2024 Threat Assessment

On November 21, 2024, following a behavioral incident involving the Student, a meeting was convened with the Parents, the School Counselor, the Special Education Coordinator, and the Behavior Specialist (participating by telephone). According to a statement provided by the Parents, the School Counselor conducted a threat assessment that same day, which resulted in the Student being transported to the emergency room for psychiatric evaluation before returning to school. The Parents asserted that the Student's Behavior Intervention Plan (BIP) was not implemented consistently during the incident, that there was no documentation showing the Student made direct threats, and that, despite multiple requests, they have never been provided with a copy of the threat assessment.

2. Student's Behavior Intervention Plan (2024-25)

The Student had an active BIP during the 2024–2025 school year. The plan targeted compliance and reduction of physical aggression through structured supports, including consistent routines, visual schedules, frequent breaks, and designated calm-down spaces. The BIP identified triggers such as over-prompting, changes in routine, and transitions, and prescribed strategies including social stories, communication supports, calming techniques, and reinforcement of replacement behaviors.

On February 21, 2025, the Parents submitted a proposed crisis intervention plan intended to supplement the BIP and requested that it be discussed at a March 7, 2025 meeting. The School acknowledged receipt on February 24, 2025.

3. February 25, 2025 Incident Involving Use of Physical Restraint

On February 25, 2025, an incident occurred in which physical restraint was used on the Student. Accounts of the incident are documented in four sources: (1) an incident report prepared by the Special Education Coordinator, who conducted the restraint; (2) a witness statement from one school employee; (3) a witness statement from another employee; and (4) a statement from the Student's private Board Certified Behavior Analyst (BCBA), contracted by the Parents.

According to the Coordinator's incident report, the Student was escorted to Room 245 by the Coordinator and the BCBA after refusing to walk and physically resisting. Once in the room, the Student engaged in aggressive behaviors, including hitting and kicking. The Coordinator reported restraining the Student's arms, legs, and back

using minimal pressure after he attempted to strike staff, and releasing him when he said he could not breathe. The report stated the restraint lasted one to two minutes.

Two employee witnesses described the Student running around the room, climbing on furniture, throwing papers, and physically engaging with staff by hitting, kicking, and pulling hair. One employee reported that the Coordinator held the Student close on the floor to prevent further injury.

The BCBA reported that the noncompliance and aggression began at approximately 2:05 p.m. and continued until dismissal at 3:20 p.m. She documented that staff attempted several de-escalation strategies, including offering choices, reviewing possible needs, and withholding attention to the behavior. While on a phone call with the Student's mother, the BCBA observed the Special Education Coordinator with her knee pressed into the Student's back. According to the BCBA, the Student stated, "It hurts, I can't breathe," prompting her to tap the Coordinator's knee and instruct her to stop. She further reported that following the restraint, the Student cried and required support to calm and re-engage.

Upon dismissal, the Student's grandmother was verbally informed of the use of restraint. The Parents received written notice and a copy of the incident report on February 27, 2025, two days after the incident.

On March 26, 2025, the Parents notified the School that the Student had been withdrawn from enrollment.

4. Records Request

On March 28, 2025, the Parents requested that the Student's "final records, including transcripts, attendance records, and any other relevant documents" be transmitted to [redacted] the Student's new nonpublic school. The School advised that such records were ordinarily sent by fax or email, and the Parents provided the new school's email address. When, by April 14, 2025, certain records had not been received, the Parents notified the School of the omission and submitted an additional request.

On April 16, 2025, the Parents, acting on their own behalf, submitted a request for the Student's complete educational records, including academic, medical, counseling, disciplinary, attendance, and special education records, as well as all other student files or documents, such as teacher notes, administrative memoranda, and emails referencing the Student. That same day, the School purported to provide the Student's cumulative file documents, academic, disciplinary, attendance, and special education records, along with additional IEP folder documents. The School further informed the Parents that the counselor had a crisis assessment on file but stated that its release required an authorization.

On April 24, 2025, the Parents submitted an additional request for any and all cumulative records pertaining to the Student, specifically referencing internal and external emails, incidental references, dean's list notifications, restraint reports, bullying investigation records, and the November 2024 threat assessment. The Parents requested redaction of other students' information as necessary. The School responded that, due to the inclusion of all electronic communications, processing required referral to a third-party vendor and additional time—estimated at 14 days. The Parents objected.

After the complaint had been filed, the School informed the Parents that the counselor who had conducted the November 2024 threat assessment was no longer employed and that a search of her office, computer, and email records did not yield the document. The School stated that it was unable to locate or produce the assessment.

5. Service Logs

The Student was withdrawn from the School effective March 26, 2025. Service logs, however, reflected the provision of special education services several days after the Student's withdrawal. The School acknowledged the logs were inaccurate but attributed the errors to staff oversight. The Parents alleged falsification of records.

The School reported that corrected logs were provided to the Parents and that staff responsible for preparing and reviewing logs received corrective coaching.

On June 10, 2025, the Parents filed the state complaint underlying this decision.

IV. Conclusions of Law

Based on the applicable provisions of Bulletin 1706, the Individuals with Disabilities Education Act, and relevant School policy, as applied to the facts in this record, the following conclusions are reached with respect to each allegation.

1. Allegation 1
    A. Improper Use of Physical Restraint (February 25, 2025)

Per Bulletin 1706 §542(A)(1), physical restraint may be used only when a student's behavior presents an imminent risk of harm to self or others, and only as a last resort to protect safety. When used, restraint must be limited to the degree necessary, cause no physical injury, result in the least possible discomfort, and not interfere with the student's breathing or ability to communicate, as required by §542(A)(2)–(3). Section 542(C) further prohibits any technique that places excessive pressure on a student's chest or back or that risks asphyxia. In addition, Bulletin 1706 §543(D)–(H) requires continuous monitoring throughout the restraint, immediate release once the justification subsides, written parental notice within twenty-four hours, and submission of incident documentation to the principal with a copy to the parent no later than the following school day.

The record establishes that on February 25, 2025, the Student engaged in physically aggressive behavior, including hitting, kicking, and pulling hair. Staff attempted multiple de-escalation strategies, including verbal redirection, but the Student's behavior persisted, presenting an imminent risk of harm sufficient to justify restraint under §542(A)(1). The central concern in this matter is the method and duration of the restraint. The Special Education Coordinator acknowledged restraining the Student on the floor, reporting that the hold lasted one to two minutes, while the Parents' BCBA stated that she observed the Coordinator place a knee into the Student's back and that she intervened and directed release after the Student said, "It hurts, I can't breathe." The Coordinator asserted that only minimal pressure was applied. In its response, the School conceded that the Coordinator—trained in Crisis Prevention Institute (CPI) methods—used a knee-to-back hold not authorized by CPI, not permitted under the Satori Alternatives to Managing Aggression program utilized by the School, and not allowed by School policy. Because Bulletin 1706 §542(A)(3) prohibits any restraint that interferes with breathing and §542(C) forbids techniques that place excessive pressure on the chest or back or risk asphyxia, the hold was impermissible. Moreover, the use of body and knee pressure against a first-grade student raises proportionality concerns under §542(D), which requires that restraint be proportionate to the student's age, size, and severity of behavior. With respect to duration, the record prevents a definitive finding of compliance with §543(E), which requires release as soon as the justification subsides. In any event, reliance on the Student's verbal distress as the trigger for release reflects a reactive approach inconsistent with the duty under §542(A)(3) to ensure restraint does not interfere with breathing.

The record also reflects that no post-incident wellness check was conducted. The School's policy requires such a check but allows an exception when a student is unwilling or unable to participate. The incident form recorded that a check was "not possible due to the time of day" as the Student was taken directly to his car. Although the form should have described the circumstances more fully, the Student's behavior and inability to de-escalate prior to dismissal meet the exception. Accordingly, no violation is found on this basis.

The School did, however, fail to provide timely parental notice. While the Student's grandmother was verbally informed at dismissal on February 25, this notification did not satisfy the requirement under Bulletin 1706 §543. Nor does the Parents' receipt of a call from the private BCBA during the incident relieve the School of its

independent obligation. The written incident report, although provided, was delivered to the Parents on February 27, exceeding the twenty-four-hour requirement of §543(G)–(H).

In summary, while the Student's behavior justified the initiation of restraint, the knee-to-back hold was impermissible under §542, the record does not clearly establish timely release under §543(E), and written notice was untimely. Accordingly, Allegation 1 is substantiated in part.

B. Consideration of Proposed Crisis Intervention Plan

The Parents submitted a proposed crisis intervention plan on February 21, 2025. Under §324(A)(1)(b), the IEP Team must consider parental concerns, and §324(A)(2)(a) requires the Team to consider positive behavioral supports when behavior impedes learning. However, the IEP itself is the binding statement of services and supports. Under §324(A)(4)–(6), a parent proposal becomes operative only if adopted into the IEP or incorporated through amendment with parental agreement. As of February 25, 2025, the proposed plan had not been incorporated into the IEP. The School was therefore obligated to consider the proposal but not to implement it. Accordingly, Allegation 1 is unsubstantiated insofar as implementation of the proposed crisis intervention plan.

2. Allegation 2

Under Bulletin 1706 §613(A), parents are entitled to inspect and review any education records relating to their child that are collected, maintained, or used by a public agency. The agency must comply without unnecessary delay and in no case later than forty-five days after receipt of the request. Section 611, by reference to FERPA, defines "education records" as records directly related to a student and maintained by the school. Parents are also entitled to explanations of records, copies when necessary, and access through a representative under §613(B). Where a record contains information about multiple students, only the portion directly related to the requesting parent's child must be produced under §615.

On March 28, 2025, the Parents requested that the School transmit the Student's "final records" directly to the Student's new nonpublic school. That request triggered the School's duty to forward records customarily sent upon withdrawal—such as transcripts, attendance records, and special education documents—but did not invoke the Parents' independent access rights under Bulletin 1706 §613.

On April 16, 2025, however, the Parents submitted a broad request on their own behalf encompassing academic, counseling, health, disciplinary, and special education records. This request fell within §613. The School responded by providing the cumulative file and IEP folder but withheld the threat assessment conducted in November 2024 by the school counselor, stating that additional authorization was required. Because the threat assessment was directly related to the Student and maintained by the School, it constituted an education record under §611 and should have been provided to the Parents. The School later reported that it could not locate the document despite a search of the counselor's files and electronic records. The inability to locate a record does not negate its status as an education record; records do not lose that status because an employee separates from employment. To the extent that the Parents wish to pursue this matter further, concerns regarding the maintenance or loss of such records fall within the jurisdiction of the U.S. Department of Education's Student Privacy Policy Office (SPPO), which enforces FERPA.

On April 24, 2025, the Parents submitted a follow-up request for any and all cumulative records, including staff emails, investigatory notes, and incidental references to the Student. Under Bulletin 1706 §613(A) and §611, to the extent such materials were directly related to the Student and maintained as part of the School's official record system, they were subject to parental access, with redaction of other students' information as required by §615. However, incidental mentions of the Student in staff emails, draft notes, or internal correspondence are generally not considered "education records" because they are not maintained in the Student's record

system and are not directly related to the Student. Requests for these broader records therefore fall outside the scope of parental access rights enforceable under IDEA and Bulletin 1706. To the extent the Parents seek materials that may be obtainable under other laws or that raise questions of broader FERPA compliance, those matters must be pursued through the appropriate legal forums.

Accordingly, Allegation 2 is substantiated in part. The School complied with Bulletin 1706 by producing the cumulative file and IEP folder but failed to comply in full when it withheld the November 2024 threat assessment. As an education record within the meaning of §611 and subject to disclosure under §613(A) and §615, the threat assessment should have been produced in response to the Parents' April requests.

3. Allegation 3

Under Bulletin 1706 §618(A), parents may request amendment of education records they believe are inaccurate, misleading, or otherwise in violation of the student's rights. If the school refuses to amend, it must inform the parent of the right to a hearing under §619, and if disagreement persists, the parent may add a statement of explanation to the record under §620.

The record reflects that the Student was withdrawn effective March 26, 2025. Nevertheless, service logs indicated that services were provided to the Student multiple days after withdrawal. The Parents alleged these entries were intentional falsifications. In its response, the School acknowledged the inaccuracy but attributed it to staff error and insufficient supervisory oversight rather than intentional falsification. The School further reported that the logs were corrected, amended copies provided to the Parents, and corrective coaching administered to the responsible staff members.

The issue is therefore not whether the logs were inaccurate, but whether the inaccuracies constituted intentional attempts to falsify records. Bulletin 1706 requires agencies to maintain accurate education records and provides procedures for amendment and parental challenge through §§618–620. Here, the Parents identified inaccuracies, and the School complied with its obligations by correcting the records. While the Parents contend the errors were purposeful, the record contains no evidence of intentional falsification of records or denial of FAPE. Allegations regarding the deliberate falsification or misuse of records fall within FERPA's enforcement domain and must be addressed through the U.S. Department of Education's SPPO.

Accordingly, Allegation 3 is substantiated in part. The School violated Bulletin 1706 by maintaining inaccurate service logs that reflected services after the Student's withdrawal, but the evidence supports staff error and insufficient oversight, not deliberate falsification.

V. Corrective Action

In light of the findings above, the District is directed to take the following actions to remedy the areas of noncompliance:

1. The District shall provide written assurances of compliance with Bulletin 1706 §§540–543 by ensuring that all School staff authorized to implement physical restraint receive retraining on permissible restraint techniques, proportionality requirements, monitoring obligations, and parental notification timelines. Documentation of such training, including sign-in sheets, agendas, and training material, shall be submitted to the Department within ninety days of this decision.
2. The District, in coordination with the School, shall submit to the Department written protocols describing how it will ensure that service logs and similar educational records are reviewed for accuracy before being finalized. These must include supervisory review measures and staff training designed to prevent recurrence of inaccuracies.

3. With respect to the November 2024 threat assessment, the District shall, in coordination with the School, conduct a renewed search of all physical and electronic records reasonably likely to contain the document and shall certify in writing the scope and results of its search within thirty days of this decision. If the document is located, it must be produced to the Parents without delay. If the document cannot be located, the District shall so certify. Any remaining concerns regarding the maintenance or loss of the record fall within the enforcement authority of the SPPO.

VI. Notice Regarding FERPA Complaints

To the extent Parents wish to pursue concerns regarding the maintenance, loss, disclosure, or alleged falsification of education records that fall under FERPA, such matters must be pursued with the U.S. Department of Education's Student Privacy Policy Office, 400 Maryland Avenue SW, Washington, DC 20202, or through the SPPO website at https://studentprivacy.ed.gov/file-a-complaint.

Respectfully,



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Louisiana Special Education Complaint Investigation

45-C-82



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STATE SUPERINTENDENT

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LOUISIANA DEPARTMENT OF EDUCATION

August 18, 2025

[redacted]

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Re: Findings-Decisions in Special Education Formal Complaint No. **45-C-80** on behalf of [redacted]

I. Introduction

On June 16, 2025, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("Department") on behalf of [redacted] child ("Student"), who is enrolled in a school under the jurisdiction Livingston Parish Public Schools ("District"). The Parent requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§151–153.

II. Statement of the Case

In the complaint, the Parent alleges that the District violated the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400 et seq.; the implementing federal regulations at 34 C.F.R. Part 300; the Louisiana Children with Exceptionalities Act, R.S. 17:1941 et seq.; and/or its implementing regulations promulgated in Louisiana Bulletin 1706. Specifically, the Parent alleges that the District:

1. Failed to timely identify, locate, and evaluate a student suspected of having a disability, despite ongoing academic and behavioral concerns;
2. Failed to issue prior written notice in response to the Parent's written request for a comprehensive educational evaluation submitted on or about April 10, 2025;
3. Failed to ensure meaningful parental participation in meetings and decisions regarding the educational placement of a student suspected of having a disability;
4. Failed to conduct a Functional Behavioral Assessment (FBA) and develop or implement appropriate behavioral interventions following a School Building Level Committee (SBLC) meeting held on or about February 28, 2025; and
5. Failed to afford procedural safeguards and disciplinary protections for a student suspected of having a disability who had not yet been determined eligible for special education and related services.

Pursuant to Louisiana Bulletin 1706 §152(C), a formal complaint investigation may only address alleged violations that occurred within two years prior to the Department's receipt of the complaint. The Department received the present complaint on June 16, 2025. Accordingly, this investigation is confined to alleged violations occurring between June 17, 2023, and June 16, 2025. To the extent the complaint alleges discrimination, denial of equal opportunity, exclusion on the basis of disability status, or violations regarding the implementation of a

Section 504 Individual Accommodation Plan, such claims may arise under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and therefore fall outside the jurisdiction of this complaint investigation. Such matters should be directed to the U.S. Department of Education, Office for Civil Rights, which can be contacted by phone at 1-800-421-3481 or online at https://www.ed.gov/ocr.

As the Department's assigned investigator, I have reviewed the complaint, the District's written response, and all supporting documentation submitted by both parties. The Findings of Fact and Conclusions of Law that follow are grounded in a comprehensive review of the record and the applicable legal standards.

III. Findings of Fact

At all times relevant, the Student attended kindergarten and had not been determined eligible for special education under the Individuals with Disabilities Education Act (IDEA).

The Parent participated in the School Building Level Committee (SBLC) process, including meetings on February 28, March 31, and April 24, 2025. At the February 28 meeting, the SBLC reviewed academic and behavioral concerns, noted multiple office referrals and one suspension to date, and documented Tier 2 classroom supports then in place. The SBLC decided to initiate Tier 3 interventions, continue progress monitoring, and refer the Student for Section 504 consideration.

On March 31, 2025, the District convened a Section 504 eligibility meeting and determined the Student eligible based on characteristics of ADHD. The District developed an Individual Accommodation Plan (IAP) incorporating behavior supports and classroom accommodations, with periodic review. In connection with these actions, the behavior record includes a Functional Behavioral Assessment (FBA) and Behavior Intervention Plan compiled by District staff based on observations, teacher interviews, and a review of documented behavioral concerns. The FBA identified frequent instances of disruptive vocalizations, excessive movement, leaving assigned areas without permission, noncompliance with directives, and throwing objects. It concluded that the primary behavioral functions were adult attention and attempts to control the environment, recommending proactive breaks, movement opportunities, preferential seating, spatial boundaries, token-based reinforcement, and selective ignoring of non-harmful attention-seeking behaviors while reinforcing desired conduct.

Academic-intervention logs reflect that, during spring 2025, the Student received small-group and individual lessons targeting phonological awareness, letter–sound correspondence, blending and segmenting, high-frequency words, and foundational math skills. Teachers employed explicit modeling, guided practice, corrective feedback, and reinforcement. Benchmarking data from DIBELS and i-Ready assessments reflected growth in certain discrete skills, but overall performance remained well below grade-level expectations in literacy.

On April 10, 2025, the Parent requested a comprehensive evaluation to determine the Student's eligibility for special education and related services, specifically asking that both academic and functional domains be assessed. On April 24, 2025, the SBLC convened to consider this request in light of intervention data, teacher reports, and behavioral rating information. At the conclusion of that meeting, the SBLC determined that the Student should continue to receive Section 504 accommodations and Tier 3 interventions and that any referral for an comprehensive evaluation would be deferred until early in the 2025–2026 school year, following additional weeks of instruction and progress monitoring. The SBLC documented this decision on its April 24, 2025 actions/decisions form. However, that form does not constitute a Prior Written Notice under IDEA. The record reflects no separate written notice contemporaneous with the April 24 decision. The earliest document in the file formally identified as a Prior Written Notice, and communicating the District's refusal to initiate an evaluation, is dated June 23, 2025.

Attendance records for spring 2025 reflect multiple absences, tardiness, and several disciplinary removals coded as suspensions or half-day suspensions. Due to legibility issues and the absence of a consolidated tally, the total number of days of disciplinary removal cannot be determined from the record.

The District issued a "Possible Retention" letter dated March 21, 2025 advising the Parent that the Student was not making satisfactory progress, noting failing grades in English/Language Arts for Quarters 2 and 3, and inviting a conference. On May 19, 2025, the District issued a formal retention letter, received by the Parent on May 27, 2025, stating that the Student would be retained in kindergarten for the 2025–2026 school year. SBLC notices and actions/decisions forms are in the record for February 28, March 31, and April 24, 2025; there is no SBLC notice, minutes, or actions/decisions page in the record for any SBLC meeting on May 19, 2025.

Following the end of the school year, the Parent participated in an appeal meeting on May 29, 2025 regarding the District's retention decision. A subsequent district-level appeal meeting occurred on June 6, 2025. The outcome of the appeals was to uphold the Student's retention.

The Parent filed the complaint that forms the basis of this decision on June 15, 2025. The District subsequently issued the June 23, 2025 Prior Written Notice communicating its April 24 SBLC refusal to initiate a comprehensive initial evaluation. As of the close of this record, the Student has not been determined eligible for special education and related services under IDEA.

IV. Conclusions of Law

The following conclusions are based on the applicable provisions of the Individuals with Disabilities Education Act (IDEA) and the Louisiana Children with Exceptionalities Act, including implementing regulations set forth in Bulletin 1706.

Allegation 1

Bulletin 1706 §111 imposes upon each public agency an affirmative, ongoing obligation to identify, locate, and evaluate all students within its jurisdiction who are suspected of having a disability, including those "advancing from grade to grade." Pursuant to Bulletin 1706 §302(B), an initial evaluation may be initiated by either a parent or a public agency to determine whether a student is a child with a disability.

Bulletin 1508 §303 establishes the School Building Level Committee (SBLC) as a general education, data-driven decision-making body responsible for reviewing screening results, RTI data, and other relevant information to determine appropriate next steps. The SBLC may elect to continue interventions, refer for a Section 504 evaluation, or refer the student to pupil appraisal personnel for an IDEA evaluation. When RTI data demonstrate that scientifically research-based interventions have been implemented with fidelity, monitored at reasonable intervals, and that progress remains insufficient relative to peers—and when a disability is suspected—Bulletin 1508 §307(A) mandates referral for an individual evaluation. Additionally, §307(B) authorizes immediate referral when a low-incidence impairment is suspected or where substantial documentation indicates a likelihood of harm to self or others. In such cases, referral may not be delayed pending completion of the RTI process.

In the present matter, the record reflects that the District initiated Tier 2 and Tier 3 interventions, collected data, and developed behavioral supports through the SBLC process. By late spring, the District's data continued to reflect below-benchmark literacy skills and persistent behavioral concerns. The dispositive Child Find question is whether, as of April 24, 2025, the cumulative data required referral for a comprehensive IDEA evaluation. On balance, the evidence supports that the District retained discretion under Bulletin 1508 §303 to continue interventions and defer referral at that time. Based upon the data available at the time, the record does not sufficiently establish the fidelity of RTI implementation or progress monitoring to support a finding that the

threshold for mandatory referral under Bulletin 1508 §307 had been met. Accordingly, Allegation 1 is **unsubstantiated**.

Allegation 2

Pursuant to Bulletin 1706 §504, a public agency must issue prior written notice whenever it proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student. The notice must describe the proposed or refused action, the reasons for the decision, the data considered, other options considered and rejected, and the availability of procedural safeguards. Bulletin 1508 §509(C) incorporates this requirement where a public agency refuses a parent's request for an evaluation.

In this case, the Parent submitted a written request for a comprehensive evaluation on April 10, 2025. At the April 24 SBLC meeting, the District determined to defer the evaluation and "wait and review next year." This constituted a refusal to initiate an initial evaluation within the meaning of Bulletin 1508 §509(C). The SBLC actions/decisions form documenting this determination does not meet the substantive content or procedural timing requirements of Prior Written Notice under Bulletin 1706 §504, and no compliant notice was issued contemporaneously with that decision. The earliest compliant Prior Written Notice in the record is dated June 23, 2025—nearly two months after the District's refusal. Because Prior Written Notice must be issued "within a reasonable time, and no less than ten days" before the action is implemented, the June 23 notice was untimely as a matter of law. Accordingly, Allegation 2 is **substantiated**.

Allegation 3

Bulletin 1706 §502 mandates that parents be afforded meaningful opportunities to participate in meetings concerning the identification, evaluation, and educational placement of their child and to review records considered in those meetings. Bulletin 1508 §303(A) designates the parent as an "invited participant" in SBLC meetings, and §303(B) requires regular communication with the parent each grading period while decisions remain pending.

The record reflects that the Parent attended and participated in SBLC meetings held on February 28, March 31, and April 24, 2025. The Parent asserts that an additional meeting occurred on May 19, 2025, concerning possible retention. However, the record contains no notice, sign-in sheet, minutes, or SBLC actions/decisions form for that date. Moreover, the evidence does not establish that any decisions regarding the Student's identification, evaluation, or educational placement were made at that time.

Accordingly, the evidence does not support a finding that the District denied the Parent meaningful participation in any meeting implicating rights under IDEA. Allegation 3 is therefore **unsubstantiated**. Nevertheless, the District is reminded of its continuing obligation to provide timely notice and ensure meaningful parental participation in all SBLC actions addressing identification, evaluation, or placement, in accordance with Bulletin 1706 §502 and Bulletin 1508 §303.

Allegation 4

Bulletin 1706 does not impose a general obligation to conduct an FBA for all students exhibiting behavioral concerns. The requirement to conduct an FBA arises in limited, defined circumstances—principally when a student with a disability is subjected to disciplinary removals that result in a change of placement. Under those circumstances, the public agency must conduct an FBA and implement or revise a behavior intervention plan pursuant to Bulletin 1706 §§530–536. More broadly, behavioral needs must be addressed when conducting an evaluation or when developing, reviewing, or revising an IEP. Outside of these contexts, Bulletin 1706 imposes no general requirement to conduct an FBA.

In this matter, the record demonstrates that the District conducted an FBA on or about March 31, 2025, in connection with the Student's Section 504 Individual Accommodation Plan. Because this FBA was conducted pursuant to the District's obligations under Section 504, rather than under IDEA or Bulletin 1706, its adequacy—and that of any associated interventions—falls outside the jurisdiction of this investigation.

Allegation 5

Bulletin 1706 §534 extends IDEA's disciplinary protections to students who have not yet been found eligible for special education, where the public agency had a "basis of knowledge" prior to the conduct that triggered disciplinary action. Under §534(B)(2), a basis of knowledge exists when a parent has submitted a written request for an evaluation. If such a request is made during a period of disciplinary removals, §534(D)(2)(a) requires the agency to conduct the evaluation in an expedited manner. Bulletin 1508 §§509(B) and 511 impose similarly expedited timelines. Additionally, §534(A) requires the agency to apply IDEA's disciplinary protections during any removal that constitutes a change of placement.

Here, the Parent's written request for an evaluation, submitted on April 10, 2025, triggered the "basis of knowledge" standard under §534(B)(2). The record reflects that the Student accrued several absences and suspensions during the spring semester. However, the documentation does not establish that the number or cumulative duration of removals rose to the level of a change in placement. Accordingly, no violation of Bulletin 1706 §534 is established, and Allegation 5 is **unsubstantiated**.

Nonetheless, the District is reminded that following any future written request for an evaluation, all subsequent disciplinary removals must comply fully with the procedural protections set forth in Bulletin 1706 §534.

V. Corrective Action

In order to remedy the District's noncompliance and to ensure future compliance with the requirements of IDEA and Bulletin 1706, the District is directed to implement the corrective actions set forth below.

- Within 60 calendar days of the date of this decision, the District shall review its policies, procedures, and practices related to prior written notice to ensure alignment with the requirements of Bulletin 1706 §504 and Bulletin 1508 §509(C).
- Within 60 calendar days, the District shall provide training to all administrators, SBLC chairs, and other staff responsible for responding to evaluation requests. The training must address:
    - The requirement to provide prior written notice when a public agency proposes or refuses to initiate an evaluation.
    - The timelines for issuing prior written notice, including the requirement to provide notice "within a reasonable amount of time, and no less than ten days, before" the proposed or refused action.
    - The required content elements of prior written notice under Bulletin 1706 §504.
- Evidence of staff training and participation, including sign-in sheets, agendas, and training materials shall be submitted to the Department within 10 calendar days of completion.

Respectfully,



Domonique Dickerson, Attorney

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CC: Jody W. Purvis, Superintendent, Livingston Parish Public Schools

Louisiana Special Education Complaint Investigation

45-C-83



DR. CADE BRUMLEY
STATE SUPERINTENDENT

LOUISIANA DEPARTMENT OF EDUCATION

CLAIBORNE BUILDING
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August 18, 2025

[redacted]

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Re: Findings-Decisions in Special Education Formal Complaint No. **45-C-83** on behalf of [redacted]

I. Introduction

On June 18, 2025, the complainant ("Parent") submitted a formal written request for a filed a Request for special education complaint investigation to the Louisiana Department of Education ("the Department") on behalf of [redacted] child ("Student"), who is enrolled in a school under the jurisdiction of the Calcasieu Parish School Board ("District"). The parent requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153.

II. Statement of the Case

In the complaint, the Parent alleges that the District violated the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400 et seq.; the implementing federal regulations at 34 C.F.R. Part 300; the Louisiana Children with Exceptionalities Act, R.S. 17:1941 et seq.; and/or the Department's implementing regulations promulgated in Louisiana Bulletin 1706. Specifically the parent alleges the District:

1. Failed to provide the student with access to medically necessary behavioral health services during instructional periods and improperly restricted those services to non-instructional times and settings, resulting in the denial of behavioral supports necessary to receive a Free Appropriate Public Education (FAPE); and,
2. Denied FAPE by suspending the student for behaviors that were related to the student's disability, while refusing to implement or consider therapeutic supports designed to address those behaviors; and,
3. Failed to ensure meaningful parental participation in the Individualized Education Program (IEP) process by refusing to consider appropriate behavioral supports and interventions, including in-school Applied Behavior Analysis (ABA) services, as part of the student's educational programming; and,
4. Failed to implement the student's de-escalation plan with fidelity by excluding the Board Certified Behavior Analyst (BCBA) who authored the plan from working with the student during instructional periods, thereby impeding the delivery of required behavioral supports; and,
5. Failed to timely process documentation submitted on behalf of the student's behavioral health provider, including repeated procedural challenges to the validity of the provider's background clearance; and,

6. Improperly rejected the BCBA background check clearance, despite her active licensure with the Louisiana Behavior Analyst Board (LBAB); and
7. Failure of the District to maintain and publicly post an accessible policy on school-based behavioral health services and improper enforcement of district policies that allegedly conflict with state law and limit access to in-school therapeutic services.

As the Department's assigned investigator, I have thoroughly reviewed the complaint, the District's written response and all supporting documents submitted by both parties. The findings of fact and conclusions of law that follow are based on a comprehensive review of the submitted records and the applicable legal provisions. Pursuant to Louisiana Bulletin 1706 § 152(C), a formal complaint may only address alleged violations that occurred within the two years prior to the date that the complaint is received in accordance with §§ 151 through 153." The Department received the complaint on June 18, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between June 19, 2023, and June 18, 2025.

Similarly, under Bulletin 135 § 705(C), a complaint "shall allege a violation that occurred not more than one year prior to the date the complaint is received." As it relates to the allegations of violations of 17:173 or Bulletin 135§§ 701-705, the investigation of those matters were limited to alleged violations occurring between June 19, 2024 and June 18, 2025.

III. Findings of Fact

At all times relevant to these proceedings, the Student was eligible for special education services under the classification of Autism and received related services in speech therapy and occupational therapy.

At the IEP meeting held on September 25, 2024, the Parent raised concerns regarding the Student's behavioral challenges and requested that the Team address these issues. The IEP documented newly observed behaviors, including pushing peers and adults, yelling, removing materials from others, eloping to a calm-down area, and verbal refusals. It further indicated that although the Student was sometimes able to initiate social interaction with peers, the Student frequently refused to share, took items without permission, and at times reacted aggressively toward peers or staff when items were removed. The Team determined that an ABC Data Collection Form would be used to monitor antecedent-behavior-consequence patterns. The IEP identified the Student's educational needs in English language arts, mathematics, social and emotional skills, and communication, and established corresponding goals. The plan further documented accommodations including, but not limited to, shortened assignments, visual and picture schedules, prompts and cues for transitions, adapted testing conditions, multisensory instructional supports, and modifications to the physical classroom environment.

On November 12, 2024, the IEP Team convened to consider statewide assessment accommodations. At that meeting, the Team discussed the accommodations to be provided during LEAP testing and responded to the Parent's questions concerning their administration. The IEP was amended to include the specified LEAP accommodations; however, no other substantive modifications were made to the Student's educational program, placement, or behavioral supports.

On December 13, 2024, the IEP Team reconvened in response to the Parent's concern that the Student was becoming overwhelmed with schoolwork and exhibiting increased behavioral difficulties. At this meeting, the Parent provided a privately developed Crisis De-Escalation Plan. The Team formally incorporated the plan into the IEP. The plan identified stages of behavioral escalation and corresponding staff responses, and was intended to support the Student's behavioral needs. A new behavioral goal was also added, requiring the Student to improve self-regulation and transitions through staff-supported strategies, with progress measured by a decrease in aggressive and escape behaviors.

Between November 2024 and January 2025, the Student's discipline record reflects two partial-day suspensions, one full-day suspension, and one referral for inappropriate physical contact. The latter incident was resolved through parental contact and the Student's same-day return to class. The suspensions were imposed for willful defiance and related conduct. These disciplinary actions did not result in cumulative removals exceeding ten school days within the 2024–25 academic year. During this period, the District continued to convene IEP meetings and revise the Student's behavioral supports.

On April 9, 2025, the IEP Team again reconvened at the Parent's request to address concerns regarding field trips, attendance and truancy, and access to BCBA services. At that meeting, a revised Crisis De-Escalation Plan was considered, signed, and formally incorporated into the IEP. The revised plan identified behavioral triggers, proactive strategies, and staged staff responses to escalation and de-escalation, with adjustments reflecting the Student's more recent behavioral patterns. On May 15, 2025, the IEP Team met to review the Student's literacy scores and discussed the potential application of the Act 422 "good cause" exemption for statewide assessment promotion. No changes were made at that meeting to the Student's behavioral programming or Crisis De-Escalation Plan.

Throughout the fall of 2024, the Parent sought information regarding the process for securing BCBA therapy services pursuant to Act 745 (La. R.S. 17:173). The District explained that its procedure required two levels of approval: agency-level documentation consisting of proof of insurance naming the District as certificate holder, verification of licensure in good standing, and a Louisiana State Police background check; and student-level documentation consisting of a letter of medical necessity, a behavioral health evaluation, and an authorized treatment plan.

Between November 2024 and January 2025, the Parent submitted documentation on behalf of the initial behavioral health provider, a BCBA employed by Behavior Intervention Resources. The record reflects that this documentation included a signed MOU, professional license, proof of insurance, and a background check, though the precise date of submission of the MOU is unclear. On February 12, 2025, the District notified the Parent that the materials were deficient in two respects: the insurance policy did not list the District as sole certificate holder, and the background check was outdated and had been conducted by a private vendor rather than the Louisiana State Police.

By early March 2025, the District determined that the deficiencies had been cured, contingent upon completion of a Parent Request and Authorization form and issuance of an access badge. The Parent returned the authorization form on March 10, 2025. At an unspecified time, the Parent transitioned to a new BCBA, who was also employed by Behavior Intervention Resources. Upon review, the District found that documentation for the replacement provider was incomplete, as neither an executed MOU nor a current Louisiana State Police background check had been submitted.

On April 15, 2025, the Parent submitted a new MOU signed by the replacement BCBA, along with corrected insurance documentation naming the District as sole certificate holder. On May 12, 2025, the Parent requested an update, and the District confirmed that the sole outstanding item was a Louisiana State Police background check, offering to facilitate the process through its internal system.

On June 2, 2025, the Parent contacted the Louisiana Behavior Analyst Board (LBAB) to clarify whether proof of licensure constituted evidence of clearance. On June 4, 2025, LBAB issued a memorandum confirming that active licensure requires passage of both Louisiana State Police and FBI background checks, and that proof of licensure is sufficient documentation of compliance. On June 9, 2025, the District adopted LBAB's interpretation and notified the Parent that active licensure would be accepted as proof of compliance with La. R.S. 17:173, with updated licensure to be required annually at the beginning of each school year.

On June 18, 2025, the Parent filed the complaint that formed the basis of the Department's investigation.

IV. Conclusions of Law

Allegations 1 and 4

Pursuant to Bulletin 1706 §101, a public agency must ensure that each child with a disability receives a Free Appropriate Public Education (FAPE), including special education and related services designed to meet their unique needs. In developing the IEP, Bulletin 1706 §324(A)(2)(a) requires the IEP Team, in the case of a student whose behavior impedes learning, to consider the use of positive behavioral interventions and supports and other strategies to address that behavior. Once such interventions are adopted in the IEP, their implementation is the public agency's non-delegable responsibility.

The Student's December 13, 2024 IEP incorporated a Crisis De-Escalation Plan outlining staff responses at varying stages of escalation. This plan was incorporated as an educational support implemented by the District, not a medically necessary health service, and did not require delivery by a private behavioral health provider. The evidence demonstrates that the District implemented the Student's IEP, including the de-escalation plan, through District personnel as required by Bulletin 1706.

Separately, La. R.S. 17:173(A) and Bulletin 135, Chapter 7 afford parents the right to authorize licensed behavioral health providers to deliver medically necessary services to students in schools, including during instructional periods, provided certain statutory prerequisites are satisfied. At a minimum, a provider must: (1) maintain liability insurance of at least one million dollars per occurrence and aggregate, naming the school district as certificate holder; (2) hold current licensure, certification, or registration in good standing from the appropriate licensing board; and (3) complete a Louisiana State Police criminal background check. In this case, the Parent sought access for a BCBA under R.S. 17:173, but processing was delayed due to incomplete documentation, a provider change, and initial uncertainty concerning proof of background clearance. At the time of this complaint, access during instructional minutes had not yet been reached in practice because the provider approval process was still underway.

Accordingly, the record does not support a finding that the District denied the Student access to medically necessary services under R.S. 17:173, or failed to implement IEP-based supports under Bulletin 1706. To the extent Allegation 4 asserts that fidelity of implementation required the District to permit the Parent's BCBA to deliver the de-escalation plan, that claim is resolved by the same reasoning: the District, not a private provider, is legally responsible for implementing IEP provisions. Allegations 1 and 4 are therefore not substantiated.

Allegation 2

Pursuant to Bulletin 1706 §530, a disciplinary removal of more than ten consecutive school days, or a series of removals that constitutes a pattern, is deemed a change of placement and requires the IEP Team to conduct a manifestation determination.

The record reflects that between November 14, 2024, and January 30, 2025, the Student received two partial-day out-of-school suspensions and one full-day suspension, as well as one referral resolved through same-day parental contact. These removals did not exceed ten consecutive days, nor did they cumulatively establish a pattern constituting a change in placement under §530. Although the Student's behavior leading to discipline was plausibly related to his disability, the District's responses remained within the scope permitted under Bulletin 1706 and did not trigger the procedural protections associated with a disciplinary change of placement.

The record further establishes that, during this same period, the District adopted, implemented, and revised a de-escalation plan as part of the Student's IEP and added a related behavioral goal, reflecting that behavioral

supports were being considered and adjusted. This satisfies the District's duty under Bulletin 1706 §324(A)(2)(a) to consider positive behavioral supports. Accordingly, the record does not support a finding that the District's disciplinary actions constituted a denial of FAPE. Allegation 2 is unsubstantiated.

Allegation 3

Bulletin 1706 §502(B) guarantees parents the right to meaningful participation in meetings addressing the identification, evaluation, and educational placement of their child, and requires that their input be duly considered by the IEP Team.

The record demonstrates that, throughout the 2024–2025 school year, the District convened multiple IEP Team meetings at the Parent's request to address concerns regarding the Student's behavior, attendance, and academic progress. At each meeting, the Parent was afforded the opportunity to present input and supporting documentation, and the Team considered her suggestions, incorporating them where feasible into the Student's IEP. The evidence further reflects that the Team engaged in discussion of the Parent's requests for BCBA access, demonstrating that the Parent's input was substantively considered even where not fully adopted.

Accordingly, the District satisfied its obligations under Bulletin 1706 §502 to ensure meaningful parental participation. Allegation 3 is not substantiated.

Allegations 5 and 6

La. R.S. 17:173 and Bulletin 135, Chapter 7 establish the conditions under which a private behavioral health provider may access school campuses to deliver medically necessary services. Subsection (A)(2) requires, at a minimum: (a) proof of liability insurance of at least $1,000,000 per occurrence and aggregate, naming the district as certificate holder; (b) completion of a criminal background check conducted by the Louisiana State Police, with an absolute bar for offenses listed in R.S. 15:587.1(C); and (c) submission of a behavioral health evaluation, assessment, and treatment plan establishing medical necessity. Applied behavior analysis providers licensed, certified, or registered by the Louisiana Behavior Analyst Board, who are in good standing, and who provide documentation of having passed a Louisiana State Police background check, are expressly exempt from being required by districts to undergo an additional background check before providing services in accordance with R.S. 17173(A)(2)(b)).

The record reflects that, between November 2024 and March 2025, the Parent submitted documentation on behalf of the Student's initial BCBA employed by Behavior Intervention Resources, including an MOU, license, insurance, and background check. The District began processing these materials and, by early March 2025, advised the Parent that the insurance and background check requirements had been satisfied, contingent upon the Parent completing an authorization form and the provider obtaining an access badge. The Parent returned the authorization form on March 10, 2025. At an unspecified time, the Parent transitioned to a new BCBA employed by the same agency. Following this change, the District determined that documentation for the newly assigned provider was incomplete, as neither a current Louisiana State Police background check nor an executed MOU had been submitted. On April 15, 2025, the Parent submitted a new MOU signed by the new BCBA, along with corrected insurance documentation naming the District as certificate holder. By May 12, 2025, the District confirmed that the only remaining deficiency was proof of a Louisiana State Police background check and offered to facilitate the process.

During this period, the Parent sought clarification from LBAB as to whether proof of licensure sufficed to establish compliance with the background check requirement. On June 4, 2025, LBAB issued a memorandum confirming that all licensees must pass a Louisiana State Police background check as a condition of licensure, and that proof of licensure itself constitutes sufficient proof of compliance with the background check

requirement. On June 9, 2025, the District adopted LBAB's position and notified the Parent and provider that it would henceforth accept licensure as proof of compliance with the statutory background check requirement.

The record demonstrates that any delays in this process were attributable to deficiencies in submitted documentation, the Parent's transition between providers, and the need for clarification from LBAB. While the District's initial interpretation of La. R.S. 17:173(A)(2)(b) was narrower than the position later confirmed by LBAB, once clarification was issued, the District conformed its practice. Accordingly, the record does not support a finding that the District failed to timely process provider documentation or improperly rejected the BCBA's background check clearance. Allegations 5 and 6 are unsubstantiated.

Allegation 7

La. R.S. 17:173 requires school districts to adopt, maintain, and make publicly available policies governing the process by which licensed behavioral health providers may request access to school campuses.

The Parent asserts that District policies and forms were not publicly available and that such policies improperly restricted access to services. The evidence, however, reflects that the delays in this case were primarily attributable to changes in the identity of the Student's behavioral health provider, the need to restart the approval process for each new provider, and deficiencies in the documentation submitted (including insurance certificates that were soon expiring or did not properly list the District as certificate holder). While there was some disagreement between the District and the Parent concerning whether proof of licensure was sufficient to satisfy the statutory requirement for a Louisiana State Police background check, that issue was resolved in June 2025 following written clarification from the Louisiana Behavior Analyst Board, after which the District adopted the Board's position.

Accordingly, the record does not support a finding that the District's policies caused the delays alleged in this case. However, to the extent that the District has not maintained or publicly posted revised policies on behavioral health services, it shall ensure compliance with La. R.S. 17:173 and Bulletin 135, Chapter 7 going forward.

V. Conclusion

The Department has determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or the Department's implementing regulations as set forth in Louisiana Bulletin 1706 with respect to the allegations presented in this matter. Therefore, this investigation is hereby closed and no additional action is required.

Respectfully,

Domonique Dickerson

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CC: Dr. Jason VanMetre, Superintendent

Louisiana Special Education Complaint Investigation

45-C-84



LOUISIANA DEPARTMENT OF EDUCATION

July 22, 2025

[redacted]

Rachel DiBenedetto
Special Education Coordinator
Tangipahoa Parish School System
59656 Puleston Road
Amite, LA 70422
Rachel.dibenedetto@tangischools.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **45-C-84**

Dear [redacted] and Rachel DiBenedetto:

On July 18, 2025, the Louisiana Department of Education received notification that indicated that parties to this formal complaint reached a mutually agreeable resolution through mediation and that the complainant wished to withdraw the formal complaint investigation request.

Therefore, the LDOE is officially dismissing special education formal complaint **45-C-84**. No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
Investigating Attorney
Office of Executive Counsel
Louisiana Department of Education
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CC: Melissa Stilley, Superintendent, Tangipahoa Parish School System (email only)