LOUISIANA DEPARTMENT OF EDUCATION

2025-26 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, 2025, and June 30, 2026. 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 quarterly.

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
56-C-01	Tangipahoa Parish	Noncompliance	September 8, 2025
56-C-02	Terrebonne Parish	Withdrawn	August 7, 2025
56-C-03	St. Tammany Parish	Withdrawn	September 4, 2025
56-C-04	St. Charles Parish	Withdrawn	August 11, 2025
56-C-05	St. Tammany Parish	Withdrawn	September 4, 2025
56-C-06	Pointe Coupee Parish	Noncompliance	October 10, 2025
56-C-07	St. Landry Parish	Compliance	October 13, 2025
56-C-08	NOLA Public Schools	Compliance	October 14, 2025
56-C-09	Rapides Parish	Withdrawn	September 5, 2025
56-C-10	NOLA Public Schools	Pending	--
56-C-11	Rapides Parish	Compliance	January 8, 2026
56-C-12	Rapides Parish	Withdrawn	September 15, 2025
56-C-13	Iberia Parish	Compliance	October 31, 2025
56-C-14	West Baton Rouge Parish	Noncompliance	November 10, 2025
56-C-15	Rapides Parish	Compliance	November 12, 2025
56-C-16	East Baton Rouge Parish	Withdrawn	October 17, 2025
56-C-17	St. Landry Parish	Withdrawn	October 3, 2055
56-C-18	Livingston Parish	Withdrawn	October 8, 2025
56-C-19	Calcasieu Parish	Compliance	February 23, 2026
56-C-20	Jefferson Parish	Compliance	March 27, 2026
56-C-21	Ascension Parish	Withdrawn	October 9, 2025
56-C-22	East Baton Rouge Parish	Withdrawn	October 9, 2025
56-C-23	Acadia Parish	Withdrawn	October 10, 2025
56-C-24	Lafayette Parish*	Dismissed	December 1, 2025
56-C-25	Rapides Parish	Noncompliance	January 5, 2026
56-C-26	East Baton Rouge Parish	Withdrawn	December 8, 2025
56-C-27	East Baton Rouge Parish	Withdrawn	November 18, 2025
56-C-28	Caddo Parish	Withdrawn	November 17, 2025
56-C-29	St. Tammany Parish	Withdrawn	November 17, 2025

LOUISIANA DEPARTMENT OF EDUCATION

56-C-30	Lafayette Parish	Compliance	December 22, 2025
56-C-31	East Baton Rouge Parish	Withdrawn	November 3, 2025
56-C-32	Lafayette Parish	Compliance	December 22, 2025
56-C-33	Allen Parish	Compliance	January 9, 2026
56-C-34	Allen Parish	Compliance	January 12, 2026
56-C-35	Allen Parish	Compliance	January 12, 2026
56-C-36	Ouachita Parish	Withdrawn	October 31, 2025
56-C-37	NOLA Public Schools	Noncompliance	February 19, 2026
56-C-38	East Baton Rouge Parish	Compliance	February 2, 2026
56-C-39	Jefferson Parish	Withdrawn	February 10, 2026
56-C-40	East Baton Rouge Parish	Withdrawn	December 8, 2025
56-C-41	Jefferson Parish	Noncompliance	February 25, 2026
56-C-42	Jefferson Parish	Withdrawn	December 15, 2025
56-C-43	St. Charles Parish	Withdrawn	November 24, 2025
56-C-44	Ouachita Parish	Withdrawn	December 17, 2025
56-C-45	St. Tammany Parish	Compliance	February 18, 2026
56-C-46	Academy of Collaborative Education	Compliance	January 28, 2026
56-C-47	Lafourche Parish	Compliance	February 20, 2026
56-C-48	East Baton Rouge Parish	Withdrawn	December 15, 2025
56-C-49	Caddo Parish	Pending	--
56-C-50	St. John the Baptist Parish	Compliance	February 6, 2026
56-C-51	Jefferson Parish	Withdrawn	January 23, 2026
56-C-52	Lafayette Parish	Compliance	February 10, 2026
56-C-53	Lafayette Parish	Compliance	February 9, 2026
56-C-54	Iberville Parish	Withdrawn	December 18, 2025
56-C-55	NOLA Public Schools	Noncompliance	February 9, 2026
56-C-56	D'Arbonne Woods Charter School	Compliance	February 13, 2026
56-C-57	East Baton Rouge Parish	Compliance	February 11, 2026
56-C-58	Plaquemines Parish	Withdrawn	February 18, 2026
56-C-59	Evangeline Parish	Withdrawn	February 11, 2026
56-C-60	St. Tammany Parish	Withdrawn	April 9, 2026
56-C-61	East Baton Rouge Parish	Compliance	February 10, 2026
56-C-62	Vermillion Charter Academy	Withdrawn	January 20, 2026
56-C-63	Allen Parish	Withdrawn	February 3, 2026
56-C-64	Allen Parish	Compliance	April 24, 2026
56-C-65	Ascension Parish	Withdrawal	January 26, 2026
56-C-66	Caddo Parish	Noncompliance	April 27, 2026
56-C-67	Lincoln Parish	Withdrawn	February 9, 2026
56-C-68	Ascension Parish	Noncompliance	March 6, 2026
56-C-69	New Harmony High School	Noncompliance	March 10, 2026
56-C-70*	St. Charles Parish	Compliance	March 9, 2026
56-C-71	Calcasieu Parish	Compliance	March 14, 2026
56-C-72	St. John the Baptist Parish	Noncompliance	March 16, 2026

56-C-73	St. John the Baptist Parish	Compliance	March 16, 2026
56-C-74	Jefferson Parish	Compliance	March 17, 2026
56-C-75	East Baton Rouge Parish	Compliance	March 30, 2026
56-C-76	East Baton Rouge Parish	Withdrawn	March 4, 2026
56-C-77	Morehouse Parish	Withdrawn	June 1, 2026
56-C-78	Zachary Community Schools	Compliance	March 24, 2026
56-C-79*	St. John the Baptist Parish	Compliance	March 30, 2026
56-C-80*	St. John the Baptist Parish	Compliance	March 30, 2026
56-C-81	St. John the Baptist Parish	Noncompliance	February 8, 2026
56-C-82	East Baton Rouge Parish	Withdrawn	March 4, 2026
56-C-83	NOLA Public Schools	Noncompliance	April 8, 2026
56-C-84	Allen Parish	Noncompliance	April 7, 2026
56-C-85	Evangeline Parish	Withdrawn	April 8, 2026
56-C-86	St. Mary Parish	Noncompliance	April 10, 2026
56-C-87	Calcasieu Parish	Compliance	April 25, 2026
56-C-88	East Baton Rouge Parish	Withdrawn	March 16, 2026
56-C-89	Ascension Parish	Withdrawn	March 23, 2026
56-C-90	International School of Louisiana	Noncompliance	May 1, 2026
56-C-91	Natchitoches Parish	Withdrawn	March 17, 2026
56-C-92	Rapides Parish	Noncompliance	May 8, 2026
56-C-93	Lafayette Parish	Compliance*	May 8, 2026
56-C-94	Caddo Parish	Compliance	May 11, 2026
56-C-95	Caddo Parish	Compliance	May 11, 2026
56-C-96	Lafayette Parish	Compliance	May 18, 2026
56-C-97	St. Mary Parish	Noncompliance	May 18, 2026
56-C-98	Zachary Community	Noncompliance	May 15, 2026
56-C-99	East Baton Rouge Parish	Pending	--
56-C-100	Caddo Parish	Compliance	June 9, 2026
56-C-101	Livingston Parish	Noncompliance	May 22, 2026
56-C-102	NOLA Public Schools	Withdrawn	April 24, 2026
56-C-103	Jefferson Parish	Pending	--
56-C-104	Central Community Schools	Withdrawn	April 16, 2026
56-C-105	Livingston Parish	Withdrawn	July 17, 2026
56-C-106	Lafayette Parish	Noncompliance	June 27, 2026
56-C-107	Thrive Academy	Pending	--
56-C-108	East Baton Rouge Parish	Withdrawn	May 5, 2026
56-C-109	Ouachita Parish	Withdrawn	April 16, 2026
56-C-110	East Feliciana Parish	Withdrawn	April 23, 2026
56-C-111	Lycée Français de la Nouvelle-Orléans	Pending	--
56-C-112	Vernon Parish	Withdrawn	June 26, 2026
56-C-113	Lafayette Parish	Pending	--
56-C-114	BASIS Baton Rouge Materra	Pending	--
56-C-115	BASIS Baton Rouge Materra	Pending	--

56-C-116	Lafayette Parish	Noncompliance	June 18, 2026
56-C-117	St. Mary Parish	Pending	--
56-C-118	Jefferson Parish	Withdrawn	May 18, 2026
56-C-119	Helix AI & Medical Academy (St. Landry)	Noncompliance	June 15, 2026
56-C-120	NOLA Public Schools	Withdrawn	May 5, 2026
56-C-121	St. Mary Parish	Pending	--
56-C-122	Calcasieu Parish	Pending	--
56-C-123	Vernon Parish	Pending	--
56-C-124	Assumption Parish	Withdrawn	May 13, 2026
56-C-125	Calcasieu Parish	Pending	--
56-C-126	West Baton Rouge Parish	Withdrawn	June 2, 2026
56-C-127	Jefferson Parish	Withdrawn	June 12, 2026
56-C-128	Jefferson Parish	Pending	--
56-C-129	BASIS Baton Rouge Materra (EBR)	Pending	--
56-C-130	Lafayette Parish	Pending	--
56-C-131	Bossier Parish	Pending	--
56-C-132	Lycée Français de la Nouvelle-Orléans	Pending	--
56-C-133	NOLA Public Schools	Pending	--
56-C-134	Lycée Français de la Nouvelle-Orléans	Pending	--
56-C-135	Caddo Parish	Withdrawn	June 26, 2026
56-C-136	St. Tammany Parish	Pending	--
56-C-137	St. Tammany Parish	Pending	--
56-C-138	Bossier Parish	Withdrawn	June 25, 2026
56-C-139	NOLA Public Schools	Pending	--
56-C-140	St. Martin Parish	Pending	--

*Contains allegations only related to *Louisiana Revised Statute LA R.S. 17:173*

Louisiana Special Education Complaint Investigation

56-C-01

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

September 8, 2025

[redacted]

Rachel DiBenedetto
Special Education Coordinator
Tangipahoa Parish School System
59656 Puleston Road
Amite, LA 70422
Rachel.dibenedetto@tangischools.org

Re: Findings-Decision in State Special Education Formal Complaint No. **56-C-01** on behalf of [redacted]

I. Introduction

On July 9, 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 Tangipahoa Parish School System ("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 convene an IEP Team meeting and apply the required eligibility criteria in determining the Student's need for Extended School Year (ESY) services, resulting in a unilateral denial communicated outside the IEP process and without affording the Parent an opportunity for meaningful participation; and
2. Failed to provide prior written notice in connection with the District's determination that the Student was ineligible for ESY, including failure to ensure that any written communication reflected an individualized analysis of the Student's needs, the data considered, and the rationale for the decision.

As the Department's assigned investigator, I have 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 July 9, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between July 10, 2023, and July 9, 2025.

III. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school and receiving special education under the classification of Other Health Impairments. The Student's IEP provided for thirty minutes of occupational therapy per week in the special education setting and ninety minutes per week of special education instruction in the regular education setting. Progress towards annual goals was to be measured by completion of targeted activities with at least 85% accuracy with cues, prompts and assistance in 6 out of 8 trials each grading period throughout the IEP year.

By email dated January 14, 2025, the Parent contacted the District expressing concerns regarding the Student's recent behavior at school which had been documented by the school and communicated to the Parent. The Parent stated that the behaviors reflected regression in social, behavioral, emotional, and communication functioning. In the same email, the Parent requested: (a) copies of any data that would be used to determine eligibility for Extended School Year (ESY) services; (b) renewal of [redacted] prior request for an Independent Educational Evaluation (IEE); and (c) the participation of a Board Certified Behavior Analyst (BCBA) at the next IEP Team meeting.

By email dated January 27, 2025, the District provided an initial notice of the Student's annual IEP meeting scheduled for February 6, 2025 at 2:00 p.m. to be held at Kids Haven. In a reply email, the Parent communicated that [redacted] would be unable to attend at the selected time and the District agreed to change the meeting time to 2:30. In an email dated January 30, 2025, the District notified the parent of a change in the meeting location and attached a second notice reflecting the new time and location. Additionally, by email dated February 4, 2025, the District provided a draft IEP to the parent. As scheduled, the meeting convened with the Parent in attendance. The Student's IEP was reviewed and revised to include specific social and emotional objectives to address the Student's behavior as well as incorporate additional accommodations and modifications. At the February 6, 2025 meeting, the IEP Team also reviewed the criteria for ESY, noting that the Student would be considered under Critical Point of Instruction (CPI) 1 and CPI 2. The IEP notes reflect that the Parent attended the meeting, but left before signing the IEP. The District noted in the IEP that the NPRA and a copy of the IEP was sent home to the parent in the student's communication folder. Additionally, a copy of the IEP and NPRA were provided during an in-person meeting on February 21, 2025.

On March 24, 2025, the District conducted screenings to determine if the Student met the eligibility criteria for ESYS under CPI1 and CPI2[1] and determined the Student was ineligible for services. By letter dated April 28, 2025—sent home from the school with the Student in their communication folder on April 30, 2025—the District notified the Parent of the Student's ineligibility for ESYS. The letter included a copy of the ESYS criteria documentation form and informed the Parent of their right to request an IEP Team meeting if they disagreed with the District's determination.

On July 9, 2025, the Parent filed the complaint that formed the basis of the Department's investigation.

IV. Conclusions of Law

Allegation 1

The Parent alleges the District made a unilateral decision to deny the Student's ESYS eligibility outside of the IEP process and without providing the Parent meaningful participation in the ineligibility determination.

[1] However, the record does not reflect that CPI2 criterion were applied. In the District's copy of the ESYS criteria documentation form provided to the parent selections were applied only for CPI1 and none for CPI2.

Pursuant to Bulletin 1706 §106(A)(2), ESY services must be provided only if the IEP Team determines, on an individual basis, that such services are necessary to ensure FAPE. In making this determination, the IEP Team must review all pertinent ESY criteria and relevant performance data, consistent with Bulletin 1530 §703(B). Eligibility decisions must be based on one or more of the following criteria: (1) Regression–Recoupment, (2) Critical Point of Instruction (CPI), or (3) Special Circumstances, as set forth in Bulletin 1530 §705. An IEP Team may defer the ESY eligibility decision until additional performance data is available, but the decision must be finalized prior to the onset of ESY services, pursuant to Bulletin 1530 §707(B)(4). When a student is determined ineligible for ESY services based on performance data, the district must provide written notification to the parent and inform them of their due process rights, as mandated by Bulletin 1530 §707(E). Additionally, school districts must ensure that parents are afforded the opportunity to participate in IEP Team meetings under Bulletin 1706 §322 and must issue Prior Written Notice of any proposals or refusals regarding FAPE in accordance with Bulletin 1706 §504.

In this case, the District notified the parent of the time and location of the IEP meeting 10 days prior to the scheduled meeting and then ensured the Parent was notified of the updated change of location and time approximately 7 days prior. The Parent received these notices—including a draft IEP sent via email February 4, 2025—and attended the February 6, 2026 IEP Team meeting. The District satisfied its obligation under Bulletin 1530 when the IEP Team reviewed the ESY criterion during the meeting—concluding criteria for CPI1 and CPI2 would be applied to the Student—prior to its determination of eligibility. The record is absent any evidence the Parent requested an IEP meeting to submit for review any new performance data prior to the screening and eligibility determination. As permitted by Bulletin 1530 §707(B)(4), the District analyzed the Student's performance data on March 24, 2025 and determined that—based on CPI1—the Student did not meet eligibility criteria for ESYS. Its subsequent April 28, 2025 notification letter to the Parent satisfied its obligation under §707(E) to inform the Parent of (1) the student's ineligibility for ESYS and (2) the Parent's right to request an IEP meeting if they disagreed with the determination.

The Parent did not request an IEP meeting following the receipt of the ineligibility letter. Absent such request, the District was under no obligation to conduct an additional IEP meeting to review the results of the screening or reconsider the student's eligibility. While it is within the Parent's prerogative to leave an IEP Team meeting prior to its conclusion, their absence from the completion of an IEP review and any consequential lack of continued involvement in the meeting does not amount to a denial of meaningful participation, but rather a choice to simply no longer participate in the IEP Team meeting.

Thus, with respect to allegation 1, the Department finds the District did not act unilaterally to determine the student's ESY ineligibility and the Parent was provided an opportunity to meaningfully participate in the determination. <u>As such, the Department finds this portion of the allegation unsubstantiated.</u>

<u>Allegation 2</u>

The Parent alleges the District failed to provide prior written notice in connection with the District's determination that the Student was ineligible for ESY, including failure to ensure that any written communication reflected an individualized analysis of the Student's needs, the data considered, and the rationale for the decision.

As outlined in Allegation 1, Bulletin 1530 §707(E) mandates that when a student is determined ineligible for ESY services based on performance data, Districts must provide written notification to the parent and inform them of their due process rights. Additionally, school districts must issue Prior Written Notice of any proposals or refusals regarding FAPE in accordance with Bulletin 1706 §504.

Here, the District was only mandated to issue a written notification of ineligibility to the parent. The April 28, 2025 ineligibility letter satisfied this obligation. The District was under no further obligation to provide an additional prior written notice because it was not refusing to provide ESY services to the student, but rather notifying the parent of the student's ineligibility for those services. As such, the Department finds this portion of allegation 2 is unsubstantiated.

However, at the February 6th meeting, the IEP Team concluded that the criteria for CPI1 and CPI2 would be applied to the Student. Yet, the record reflects that the Student was only screened under CPI1. Moreover, the ESY Criteria Documentation Form as well as the notification of ineligibility letter indicates the District only screened the Student's data under CPI1. Because special education and related services must be provided in accordance with the student's IEP, the failure to apply both CPI1 and CPI2 as directed constitutes a deviation from the IEP Team's decision.

Therefore, while the District provided notice compliant with Bulletin 1530§707(E), it failed to screen the Student for eligibility for ESY services under CPI2 as required in the Student's IEP. For this reason, the Department finds this portion of allegation 2 substantiated.

V. Corrective Action Plan

Corrective Action for Allegation 2 in part: Violation of the IDEA and Bulletin 1706

1. Within 60 calendar days of the date of this decision, the District shall screen the student's performance data that was available at the time of the screening using the CPI2 criterion as indicated on the student's February 6, 2025 IEP.
    a. The Team shall determine eligibility based on the results of the screening;
    b. If the screening reveals the student's ineligibility for ESYS, the District shall notify the parent in writing in accordance with Bulletin 1530;
    c. If the screening results reveal the student was eligible for ESYS, the District shall provide compensatory services to the student in the amount the student would have received had the student been determined eligible at the time of the determination.
2. In conjunction with the above, the District shall review and revise and local policies, procedures or practices that may contribute to the failure in implementing a student's IEP in its entirety. A written narrative summarizing changes and compliance measures shall be submitted to the Department within 60 calendar days.

Sincerely,

Lindsey P. Dupree
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

56-C-02

August 7, 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. **56-C-02**

Dear [redacted] and Blaise Pellegrin:

On August 7, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-02**. 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

56-C-03

September 4, 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: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-03**

Dear Parties:

On August 18, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-03**. 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: Frank Jabbia, Superintendent, St. Tammany Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-04

LOUISIANA DEPARTMENT OF EDUCATION

August 11, 2025

[redacted]

Mendy Van Hoven, Director
Special Education Department
St. Charles Parish Public Schools
13855 River Road
Luling, LA 70070
mvanhoven@wearescpps.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-04**

Dear [redacted] and Mendy Van Hoven:

On August 7, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-04**. 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. Ken Oertling Superintendent, St. Charles Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-05

September 4, 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: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-05**

Dear Parties:

On September 3, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-05**. 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: Frank Jabbia, Superintendent, St. Tammany Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-06

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

October 10, 2025

[redacted]

Dawn Albert
Supervisor of Exceptional Student Services
Pointe Coupee Parish School System
337 Napoleon Street
New Roads, LA 70760
Dawn.albert@pcpsb.net

Re: Findings-Decisions in Special Education Formal Complaint No. **56-C-06** on behalf of [redacted]

I. Introduction

On August 8, 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 ("School") under the jurisdiction of the Pointe Coupee Parish School System ("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 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 Parent alleges that the District:

1. Failed to implement the student's IEP and behavioral intervention plan, on or about November 6, 2024, and on subsequent occasions through August 2025, including failing to provide required services, supports, and supervision specified in the IEP and failing to ensure that all personnel responsible for the student's services were informed of their responsibilities; and
2. Failure to follow procedural safeguards in connection with disciplinary removals and IEP team meetings, on or about November 6–12, 2024, and on subsequent occasions through August 2025, including removing the student without a timely manifestation determination review, predetermining placement decisions without full team deliberation, and failing to provide prior written notice when proposing or refusing to initiate or change the student's identification, evaluation, placement, or provision of FAPE.

As the Department's assigned investigator, I have 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 August 8, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between August 9, 2023, and August 8, 2025.

III. Findings of Fact

The Student is eligible for special education and related services under the category of Intellectual Disability – Mild, with additional impairments in adaptive behavior, academic, and cognitive functioning, as determined by an initial evaluation completed on December 20, 2021. The evaluation included administration of the Wechsler Intelligence Scale for Children, which yielded a composite score 2.27 standard deviations below the mean, and the Vineland Adaptive Behavior Scales, on which the Student's adaptive functioning was reported between two and three standard deviations below the norm based on both Parent and teacher reports.

During the 2023–2024 and 2024–2025 school years, the Student participated in Louisiana's LEAP Connect alternate assessment, aligned with alternate achievement standards for students with significant cognitive disabilities.

The Student attended a District high school during the 2024–2025 school year, initially receiving services under an Individualized Education Program (IEP) dated November 14, 2023, and later under a subsequent IEP developed on November 12, 2024, following a Manifestation Determination Review (MDR) related to a disciplinary incident that occurred on November 6, 2024.

November 14, 2023 IEP and Behavior Intervention Plan

The November 14, 2023 IEP identified significant academic deficits, with the Student functioning at approximately a kindergarten level in mathematics and overall reading, demonstrating phonics and comprehension delays at a kindergarten level and vocabulary and high-frequency word recognition at a first- to second-grade level. The IEP specified that the Student required academic and behavioral supports in all campus setting and that an "extra adult is needed to assist with behavior management in all general education classes."

Under Special Factors, the IEP documented seven major discipline referrals from the prior school year, including incidents of fighting, disrespect, and elopement. Among the accommodations, the IEP directed staff to "provide assistance/cues for transition between classes, lockers, and home," and included extended time, modified assignments, and small-group instruction.

The Student's placement was inside the regular education classroom for less than 40% of the school day, with Physical Education instruction in the general education setting. The IEP provided special education instruction of 305 minutes twice weekly and 395 minutes twice weekly, corresponding to the alternating A/B block schedule, and counseling services for 30 minutes twice monthly.

The Behavior Intervention Plan (BIP) developed on August 24, 2023, and last revised on November 13, 2023, identified aggression as the primary target behavior, including hitting others, verbal aggression, and refusal to follow directions. The function of the behavior was identified as gaining or avoiding attention, escaping non-preferred tasks, and obtaining tangibles. The behavior occurred several times daily, typically of moderate intensity, during transitions, unstructured periods, and peer interactions.

To address aggression, the BIP emphasized clear expectations, offering choices, consistent and calm communication, and positive reinforcement. A key proactive strategy, "Alternate difficult tasks/demands with preferred activities in the daily schedule," required embedding non-preferred tasks between preferred activities

using a "first/then" approach to promote compliance. The plan required consistent implementation and neutral staff responses.

The November 6, 2024 Incident

On November 6, 2024, at approximately 1:31 p.m., during the transition between classes, the Student was involved in a physical altercation with four peers near the school's F Building. The District's narrative summary of surveillance footage described that "the junior high students were transitioning to their 4th block classes" when the incident occurred. The narrative indicated that one student struck first, followed by others, and that the Student was struck multiple times while on the ground before staff intervened.

Statements from students indicated that a verbal exchange occurred earlier during Physical Education and that the altercation took place during the transition period that followed. The Student sustained injuries to the ear requiring medical treatment at a local hospital. The incident occurred during an unstructured transition period when the Student was not accompanied by a paraprofessional.

Manifestation Determination Review and November 12, 2024 IEP and BIP

Following the incident, the Student was suspended out of school from November 7–8, 2024. The principal submitted a Request for Alternative Placement citing code violations, including "instigates or participates in fights while under school supervision," "treats authority with disrespect," and "exhibits conduct injurious to associates."

On November 7, 2024, the District issued Prior Written Notice to the Parent scheduling a Manifestation Determination Review (MDR) for November 12, 2024. The MDR meeting convened on that date and included the Student, Parent, regular and special education teachers, administrative staff, and District representatives.

The MDR form contained the two required determinations:

1. "Was the conduct caused by, or did it have a direct and substantial relationship to, the student's disability?" – **No**; and
2. "Was the conduct the direct result of the District's failure to implement the IEP?" – initially **No**, later amended to **Yes** following discussion.

A handwritten notation states, "Due to results of further discussion, it has been determined to be a failure on the part of the local educational agency." Additional notations reflect that school staff met with the paraprofessional to review the Student's IEP, BIP, and transition assistance. The Student was returned to [redacted] prior placement following the two-day suspension.

The District's response to the complaint stated that the MDR "determined there was a failure to implement the student's IEP and Behavior Improvement Plan by a staff member." In its supplemental response, the District clarified that a substitute paraprofessional was not present during the Student's transition from the gym to class when the incident occurred.

Following the MDR, the IEP team reconvened the same day to review and revise the Student's program. The revised November 12, 2024 IEP continued the accommodation to "provide assistance/cues for transition between classes, lockers, and home," and maintained the Student's placement inside the regular education classroom less than 40% of the school day.

The corresponding November 12, 2024 BIP restated that the Student's aggressive behaviors occurred primarily during transitions, unstructured times, and peer interactions. Proactive strategies included providing frequent choice, "first/then" statements, and positive reinforcement for appropriate decisions.

On November 15, 2024, staff members—including two physical education teachers, the paraprofessional, the bus driver, the special education teacher, and the junior high principal—signed documentation acknowledging receipt of and responsibility for implementing the Student's IEP and BIP.

February–April 2025

On February 21, 2025, text messages between the Student's special education teacher and the Parent indicated that the Student assisted with a cooking activity organized by staff for junior high students. The record contains no indication that the event was documented in the Student's IEP or BIP as an instructional or transition activity.

On March 20, 2025, the Student participated in an off-campus trip to a local restaurant. The District provided a general permission slip signed by the Parent in September 2024 authorizing participation in school-sponsored trips. Text messages show that the teacher informed the Parent in advance and that the Parent responded positively.

Later the same day, an on-campus incident occurred that resulted in law enforcement involvement. A report provided by the Parent identifies the date as March 20, 2025, and describes an altercation involving multiple students beginning in the gym and continuing during transition to class in or near the F Building. The Department makes no findings as to the substance or accuracy of the report but notes that the event, as described, occurred during a transition period.

Attendance records indicate that the Student was present through April 28, 2025, and was marked absent beginning April 30, 2025, through mid-May 2025. The Parent attributed the absences to safety concerns; the reasons for nonattendance are not otherwise established in the record.

August 2025 IEP Meetings

The record documents three IEP meetings held on August 4, August 19, and August 22, 2025, convened to review the Student's IEP, discuss placement for the 2025–2026 school year, and address changes to Bulletin 1530 alternate assessment criteria. Each meeting is documented by a Prior Written Notice (PWN) and post-meeting notice describing discussion topics and the Parent's responses.

The PWNs for August 4 and 19, 2025, identify the purpose as "develop, review, or amend an IEP and determine placement," with reevaluation not indicated. The post-meeting notices show that the team discussed the revised alternate assessment criteria and that the District proposed additional testing to determine whether the Student continued to meet eligibility requirements. The Parent declined consent at both meetings, requesting additional time to review the information. The District's record lists the Student's special education teacher as an attendee at both meetings—by phone on August 4 and by videoconference on August 19.

The August 22, 2025 meeting PWN indicates both "IEP review" and "reevaluate your child's need for special education services." The Parent consented to the proposed reevaluation. The team also discussed safety concerns and agreed to safeguards for the Student's return, including:

- Core academic instruction in a special education setting;
- Three elective classes with paraprofessional support;
- Supervised participation with nondisabled peers during lunch and recess; and
- Supervised restroom breaks scheduled outside the general school schedule.

The IEP developed on August 22, 2025, added a reading fluency goal and a home–school communication plan.

The District's complaint response confirmed that the August meetings addressed Bulletin 1530 criteria, placement, and parental safety concerns. The District's supplemental response clarified that reevaluation was

discussed in earlier meetings but formally proposed and consented to on August 22, 2025. The record does not include a completed reevaluation, as the Student had not yet been made available for testing as of the District's latest submission.

On August 8, 2025, the Parents filed the state complaint underlying this decision.

IV. Conclusions of Law

The Department's conclusions are based on a review of the complaint, the District's response and supplemental submissions, relevant student records, and applicable law and regulation. Each allegation was analyzed in relation to the governing standards under Bulletin 1706 and applicable federal guidance to determine whether the District complied with its obligations to implement the Student's IEP, follow required procedural safeguards, and ensure the continued provision of a free appropriate public education.

Allegation 1 - Failure to Implement the Student's IEP and Behavioral Intervention Plan

The Individuals with Disabilities Education Act (IDEA) guarantees that all eligible students with disabilities are entitled to a free appropriate public education (FAPE). FAPE consists of special education and related services that are provided at public expense, under public supervision and direction, without charge, meet the standards of the State educational agency, and are provided in conformity with the student's individualized education program. 20 U.S.C. § 1401(9)(D); 34 C.F.R. § 300.17(d). Louisiana mirrors this requirement, defining FAPE as special education and related services that "are provided in conformity with an Individualized Education Program (IEP) that meets the requirements of §§ 320 through 324." Bulletin 1706 §905.

Once an IEP is developed, the local educational agency (LEA) must ensure that it is implemented as written. Each teacher, related service provider, and other staff member responsible for the student's education must be informed of their specific responsibilities for implementing the IEP and the accommodations, modifications, and supports it requires. Bulletin 1706 §323(D). A district's failure to implement an IEP constitutes a procedural violation; however, not every deviation results in a denial of FAPE. The Fifth Circuit has held that the IDEA "does not require perfect adherence" but a good-faith effort to assist the student in achieving the IEP's objectives. Houston Independent School District v. Bobby R., 200 F.3d 341, 349 (5th Cir. 2000). A violation becomes substantive—and therefore a denial of FAPE—when the failure to implement the IEP is material, meaning that the services actually provided differ in more than a minor or technical way from those required by the IEP, resulting in a loss of educational opportunity or a deprivation of meaningful educational benefit.

Issue 1: Implementation of the IEP and BIP – November 6, 2024 Incident

The Student's IEP in effect on November 6, 2024, required the provision of assistance and cues during transitions between classes, lockers, and home. It also stated that the Student required behavioral supports in all campus settings and that "an extra adult is needed to assist with behavior management in all general education classes."

The record establishes that the incident leading to the Student's suspension occurred during an unstructured transition between classes when the Student was not accompanied by a paraprofessional or other assigned staff member. The District acknowledged that a substitute paraprofessional was not present at that time. This omission represented a failure to implement a required IEP support—transition assistance.

The IEP Team met shortly thereafter to address the implementation concern, reaffirming the requirement for paraprofessional support during transitions and obtaining written acknowledgment from staff confirming receipt and understanding of their IEP responsibilities. These corrective actions ensured that all personnel responsible for implementing the Student's services were properly informed going forward.

Based on this record, the Department finds that the District did not fully implement the Student's IEP on November 6, 2024, when the Student was unsupervised during transition, contrary to the IEP's provisions. This constituted a procedural violation of Bulletin 1706 §323(D). However, because the District promptly corrected the failure and there is no evidence of ongoing noncompliance or loss of educational benefit, the violation did not result in a denial of FAPE. Accordingly, Allegation 1 is substantiated in part as it relates to the November 6, 2024 incident.

Issue 2: Implementation of the IEP and BIP – Subsequent Period (February–April 2025)

The Parent alleged that subsequent events between February and April 2025—including the Student's participation in a cooking activity, an off-campus trip, and a law enforcement incident—demonstrated continued failures to implement the Student's IEP and BIP.

The record indicates that on February 21, 2025, the Student participated in an on-campus cooking activity under teacher supervision, and on March 20, 2025, in a class trip to a local restaurant. Although neither activity was explicitly described in the IEP or BIP as an instructional or transition activity, both were consistent with classroom-based vocational and life-skills instruction typical of the Student's program. The Department finds no evidence that these activities represented a failure to implement the IEP or deprived the Student of required supports.

A law enforcement report dated March 20, 2025, described an altercation that began in the gym and continued during transition to class. The Department makes no findings regarding the underlying conduct but notes that the setting was similar to those previously identified in the IEP and BIP as high-risk for behavioral escalation. The record contains no evidence, however, that IEP services or supports were omitted at that time or that the event reflected a continuing failure of implementation.

Based on the available evidence, the Department finds insufficient grounds to conclude that the District materially failed to implement the Student's IEP or BIP after November 2024 or that the Student was denied FAPE as a result. Accordingly, Allegation 1 is unsubstantiated for the period of February–April 2025.

Allegation 2 - Failure to Follow Procedural Safeguards in Connection with Disciplinary Removals and IEP Team Meetings

Issue 1: Disciplinary Removals and Manifestation Determinations

Within ten school days of any decision to change the placement of a student with a disability due to disciplinary conduct, the LEA, the parent, and relevant members of the IEP Team must determine: (1) whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or (2) whether the conduct was the direct result of the LEA's failure to implement the IEP. Bulletin 1706 §530(E). If the team determines that the conduct was the direct result of a failure to implement the IEP, the LEA must take immediate steps to remedy the deficiency and return the student to the placement from which they were removed. Bulletin 1706 §530(E)(3).

For short-term removals of ten consecutive school days or fewer, school personnel may remove a student with a disability who violates the student code of conduct. Bulletin 1706 §530(B). During such removals, educational services are not required unless the removal constitutes a change of placement or the student has been removed for more than ten cumulative school days during the school year. Bulletin 1706 §530(D)(3). When the manifestation determination team concludes that a student's conduct was directly related to a failure to implement the IEP, the appropriate remedy is immediate correction of the implementation failure and the student's return to the prior placement. The IEP Team must then review and, if necessary, revise the IEP and BIP to ensure that the required supports and services are properly provided going forward.

Following the November 6, 2024 disciplinary incident, the Student was suspended for two days (November 7–8, 2024). The District issued Prior Written Notice on November 7, 2024, scheduling a Manifestation Determination Review (MDR) for November 12, 2024. Documentation confirms that the meeting occurred as scheduled, within the ten-school-day requirement of Bulletin 1706 §530(E).

The MDR team determined that the behavior was the direct result of the District's failure to implement the IEP, specifically noting, "it has been determined to be a failure on the part of the local educational agency." Consistent with Bulletin 1706 §530(E)(3), the team returned the Student to [redacted] prior placement, and the District took immediate steps to address the implementation deficiency. The IEP and BIP were revised the same day to reinforce the need for adult assistance during transitions and to ensure all staff were informed of their responsibilities. Staff signatures dated November 15, 2024, confirm receipt of and accountability for implementing the updated plans.

The two-day suspension did not exceed the ten-day threshold that triggers the provision of educational services under Bulletin 1706 §530(D)(3), and the record does not indicate any additional removals constituting a change in placement.

Accordingly, the District complied with the procedural safeguards governing disciplinary removals and manifestation determinations. The MDR was timely, included appropriate participants, addressed the required determinations, and resulted in immediate corrective action. No procedural or substantive violation was identified. Allegation 2 is therefore unsubstantiated with respect to disciplinary safeguards and manifestation determination procedures.

Issue 2: August 2025 IEP Meetings, Parental Participation, and Prior Written Notice

Parents must be afforded the opportunity to participate in meetings concerning the identification, evaluation, educational placement, and provision of services for their child. Bulletin 1706 §322(A). The LEA must take affirmative steps to ensure that parents are present at each IEP meeting or have the opportunity to participate, including providing timely notice and scheduling meetings at a mutually agreed-upon time and place. Parents may participate in person, by telephone, or through other alternative means. Bulletin 1706 §328.

Public agencies must also issue prior written notice within a reasonable time, and not less than ten days, before proposing or refusing to initiate or change a student's identification, evaluation, educational placement, or provision of FAPE. Bulletin 1706 §504(A). Each notice must describe the proposed or refused action, explain the reasons for the decision, identify the data or reports relied upon, outline any alternatives considered and reasons for their rejection, and inform parents of their procedural safeguards and available resources. Bulletin 1706 §504(B).

The Parent alleged that [redacted] was not provided adequate prior written notice and was denied meaningful participation during the August 2025 IEP process.

The record reflects that the District convened IEP meetings on August 4, 19, and 22, 2025, to discuss the Student's academic placement for the 2025–2026 school year and the impact of revisions to the Bulletin 1530 alternate assessment criteria. Each meeting was preceded by a PWN and followed by a post-meeting notice documenting the discussion, the Parent's input, and the District's decisions or deferred actions.

The August 4 and 19, 2025 PWNs identified the meeting purpose as "develop, review, or amend an IEP and determine placement." Although the reevaluation option was not checked, the post-meeting documentation shows that the team discussed the state's updated alternate assessment criteria and the District's proposal to conduct additional cognitive testing to determine continued eligibility. The Parent declined consent for testing

at both meetings, requesting additional time to review the information and consider placement options. The team agreed to reconvene on August 22, 2025.

The August 22, 2025 meeting PWN listed both IEP review and reevaluation as purposes. At that meeting, the Parent consented to the proposed reevaluation. The team also discussed safety concerns and agreed upon safeguards for the Student's return, including specialized instruction in a self-contained setting for core academics, paraprofessional assistance in electives and during transitions, and a structured supervision plan for lunch and restroom breaks.

The Parent later asserted that the Student's special education teacher was not present during the August 4 and 19 meetings. District documentation lists the teacher as participating by telephone on August 4 and by videoconference on August 19. Participation through such alternative means is permissible under Bulletin 1706 §328, provided the parent can meaningfully engage—which the record indicates occurred here.

Each PWN and post-meeting notice satisfied the requirements of Bulletin 1706 §504(B) by identifying the proposed and refused actions, the rationale for each decision, the options considered, and the supporting information. The documentation further reflects a collaborative discussion of multiple placement options, including on-campus, hybrid, and virtual learning models, and shows that the Parent's preferences and concerns were incorporated into the final IEP.

Accordingly, the District complied with the procedural safeguards governing parental participation, prior written notice, and reevaluation procedures. Allegation 2 is unsubstantiated as it pertains to the August 2025 IEP meetings and related procedural safeguards

V. Corrective Action

To ensure future compliance, the District is directed to take the following corrective actions:

1. Within 120 calendar days of the issuance of this decision, the District shall provide documentation to the Department demonstrating that staff responsible for implementing IEPs—including paraprofessionals, substitutes, and classroom teachers—have received training or written guidance on their obligations under Bulletin 1706 §323(D) to be informed of, and carry out, the specific services, accommodations, and supports contained in each student's IEP.

Respectfully,

Domonique Dickerson

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CC: Kim Canezaro, Pointe Coupee Parish School System

Louisiana Special Education Complaint Investigation

56-C-07

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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LOUISIANA DEPARTMENT OF EDUCATION

October 13, 2025

[redacted]

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Re: Findings-Decisions in Special Education Formal Complaint No. **56-C-07** on behalf of [redacted]

I. Introduction

On August 14, 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 St. Landry Parish Schools System ("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 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 Parent alleges that the District:

1. Improper attempt to change the student's placement without convening an IEP team meeting and ensuring meaningful parental participation.
2. Improper determination of placement based on program capacity and/or administrative convenience rather than the individual needs of the student.
3. Failure to consider or provide 1:1 paraprofessional support following multiple parental requests and documented behavioral concerns.

As the Department's assigned investigator, I have 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 August 14, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between August 15, 2023, and August 14, 2025.

III. Findings of Fact

The Student is a [redacted] child identified as a student with a disability under the eligibility category of Intellectual Disability–Moderate, with an additional [redacted]

During the 2024–2025 school year, the Student received special education and related services as a [redacted] student in accordance with an individualized education program (IEP) developed on October 11, 2024. Under that IEP, the Student received specialized instruction, speech therapy, occupational therapy, and adaptive physical education. The Student also participated in regular education classes for Social Studies, Science, and Physical Education with paraprofessional assistance. The IEP reflected placement inside the regular education classroom for less than forty percent of the school day, based on the Student's need for individualized and small-group instruction with support from both the special education teacher and paraprofessional. The October 2024 IEP remained in effect at the beginning of the 2025–2026 school year.

For the 2025–2026 school year, the Student [redacted]. The Student's assigned classroom included a special education teacher and two paraprofessionals. According to the District's program structure, the elementary Exceptional Student Services (ESS) teacher serves grades one through four, while the middle school ESS teacher serves grades five through eight. According to the Parent, the Student had been instructed by the same teacher since kindergarten.

District documentation shows that on July 8, 2025, the Pupil Appraisal Center distributed finalized class rosters and paraprofessional assignments to school administrators for the upcoming school year. [redacted]

According to the Parent, she visited the school on August 7, 2025, to speak with the Student's previous teacher about preparations for the new school year. During this visit, she learned that the Student had been assigned to a different teacher's classroom [redacted]. The following morning, August 8, 2025, the Parent and her husband accompanied the Student to school. The Parent reports that the Student became distressed and refused to enter [redacted] new classroom, stating [redacted] wanted to remain with [redacted] previous teacher.

According to a school administrator, the Parent, the Student, and the Student's father went to the previous teacher's classroom without signing in at the front office. The administrator reported that she entered the room to escort the Student to [redacted] class and explained that the previous teacher did not teach [redacted]

District records show that Prior Notice was sent to the Parent on August 18, 2025, proposing to convene an IEP Team meeting to review the Student's annual IEP and discuss placement for the 2025–2026 school year. After the Parent requested clarification and a revised notice, a second Prior Written Notice dated August 21, 2025, was issued, identifying the meeting's purpose as developing, reviewing, or amending the IEP and determining placement, as well as discussing possible eligibility for Louisiana's alternate assessment, LEAP Connect/LAA 1. The notice advised that the Parent would be an equal participant in the IEP process and confirmed her receipt of the Louisiana Educational Rights of Children with Disabilities. The Parent signed and returned the notice on August 26, 2025, indicating her intent to attend the meeting with an advocate and consenting to the excusal of two related service providers.

The IEP Team meeting was convened on August 28, 2025, as scheduled. Participants included the officially designated representative, regular and special education teachers, the pupil appraisal representative, the assistant principal, related service providers, and the Parent. The IEP indicated that the Team agreed to utilize a

daily communication plan to keep the Parent informed. The IEP also documented the Parent's concerns regarding the Student's safety and new special education teacher. The Student's placement remained inside the regular education classroom for less than forty percent of the school day. In addition, the Student continued to participate with grade-level peers in regular education classes for Social Studies, Science, and Physical Education with paraprofessional assistance.

IV. Conclusions of Law

Allegations 1 and 2 – Placement and Parental Participation

Under Bulletin 1706 §116(A)(1), a student's educational placement must be determined by a group that includes the parent and individuals knowledgeable about the student, evaluation data, and available placement options. The placement decision must be based on the student's IEP, reviewed at least annually, and made in conformity with the least restrictive environment (LRE) requirements. Educational placement refers to the type of educational program and the extent of participation with nondisabled peers. Pursuant to §114(A)(2), students with disabilities must be educated with nondisabled peers to the maximum extent appropriate, and removal from the regular education environment may occur only when education in regular classes with supplementary aids and services cannot be achieved satisfactorily. Bulletin 1706 §§322(A)–(B) further require that parents be afforded meaningful opportunity to participate in IEP Team meetings through timely notice identifying the purpose, time, location, and expected participants. Before proposing or refusing to initiate or change a student's identification, evaluation, placement, or provision of FAPE, a district must issue prior written notice consistent with §504.

The Parent alleges that the District improperly attempted to change the Student's educational placement without convening an IEP Team meeting or ensuring meaningful parental participation, and that the placement determination was made for administrative convenience rather than based on the Student's individual needs. The Parent further contends that the Student should have remained with her previous special education teacher, with whom she had developed a long-standing and positive relationship.

The record establishes that at the start of the 2025–2026 school year, the Student [redacted] The elementary ESS teacher serves grades one through four, while the middle school ESS teacher provides instruction for the upper grades with two paraprofessionals supporting both enrolled students. This configuration complies with Bulletin 1530 §127, which prohibits an age span greater than three years within a special education class unless specifically approved by BESE. The assignment did not alter the Student's type or level of special education instruction, related services, or least restrictive environment. Rather, it reflected the Student's normal grade progression and alignment with the District's established program configuration. The Student continued to receive services in conformity with her existing IEP, and there is no evidence that administrative convenience, rather than educational need, motivated the decision.

Regarding the Parent's preference that the Student remain with her previous teacher, Bulletin 1706 does not grant parents the right to select or dictate specific teacher assignments. Parental participation extends to determining the student's educational placement—the type of program and the extent of participation with nondisabled peers—but not to the selection of particular staff members. Teacher assignments fall within the District's administrative discretion, provided the Student's IEP is implemented by appropriately certified and trained personnel. Therefore, the District's actions did not constitute a change in educational placement under Bulletin 1706 §116, nor were they based on administrative convenience.

The record further shows that the District issued a prior written notice dated August 21, 2025, proposing to convene an IEP meeting to develop, review, or amend the IEP and determine placement based on the Student's

needs. The notice identified the meeting's date, time, location, and purpose, listed expected participants, and informed the Parent of her right to participate and bring an advocate. The Parent attended the meeting, shared concerns regarding the Student's new special education teacher, and participated in decisions regarding the Student's educational program. These actions demonstrate compliance with Bulletin 1706 §§322 and 504 and confirm that the Parent was afforded meaningful opportunity for participation. The record also does not establish denial of meaningful parental participation.

Accordingly, Allegations 1 and 2 are unsubstantiated.

Allegation 3 – Paraprofessional Support

Under Bulletin 1706 §320(A)(4), each student's IEP must specify the special education, related services, and supplementary aids and services necessary to enable the student to advance appropriately toward annual goals, be involved in and make progress in the general education curriculum, and be educated with nondisabled peers to the maximum extent appropriate. In developing the IEP, the IEP Team must consider the student's strengths, the parents' concerns, and the academic, developmental, and functional needs of the student consistent with Bulletin 1706 §324(A)(1). When a student requires assistance to implement IEP goals, the provision of paraprofessional or other adult support constitutes a supplementary aid or service.

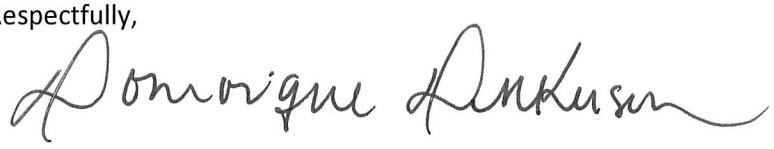
The Parent further alleges that the District failed to consider or provide one-to-one paraprofessional support despite multiple parental requests and behavioral concerns.

The record reflects that the Student's IEP includes paraprofessional assistance as part of her specialized instruction and general education supports. Two paraprofessionals are assigned to the classroom in which the Student receives specialized instruction, providing assistance under the supervision of the Student's special education teacher. In addition, the Student also receive paraprofessional assistance in the general education environment with peers in Science, Social Studies, and Physical Education. Accordingly, the record does not support a finding that the District failed to consider or provide appropriate paraprofessional support or that the IEP Team disregarded the Parent's requests. Allegation 3 is unsubstantiated.

V. Corrective Action

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 closed and no additional action is required.

Respectfully,



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CC: Milton Batiste, III, Superintendent, St. Landry Parish Schools

Louisiana Special Education Complaint Investigation

56-C-08

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LOUISIANA DEPARTMENT OF EDUCATION

October 14, 2025

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Re: Findings-Decision in State Special Education Formal Complaint No. **56-C-08** on behalf [redacted]

I. Introduction

On August 19, 2025, the complainant ("Parent") submitted a formal written request for a 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 NOLA Charter Schools ("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 convene an IEP Team meeting upon the Student's transfer into the District and,
2. Failed to implement the Student's IEP.

As the Department's assigned investigator, I have 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 August 19, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between August 20, 2023, and August 19, 2025.

III. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school and receiving special education under the classification of Developmental Delay. Previous to the Student's enrollment into a Type 3 District charter school, the Student attended preschool within the NOLA Public School district. The Student's IEP provided for thirty minutes of speech/language therapy per week in the special education setting. Due to the Student's particular medical diagnosis, the Student's IEP also provided for School Health and School Nurse services—upon entry into the public-school setting—specifically to assist the Student with diapering and toileting needs.

On April 29, 2025 the District began a reevaluation of the Student. The Student was subsequently registered with the Type 3 Charter school within the NOLA Public School District on May 16, 2025. After the Student's registration, but before the dissemination of the reevaluation report, an IEP meeting was held on June 10, 2025. On July 21, 2025, the reevaluation report was disseminated.

By email dated August 5, 2025, the Parent contacted the District regarding the Student's special needs and requested a meeting to discuss implementation of the Student's special education services. The Parent stated that the Student required a child specific staff member to assist with toileting needs, nursing services during the school day, and specific dietary restrictions. In a reply email dated August 8, 2025, the District attempted to arrange a phone call to obtain information about the Student's daily needs in their previous educational setting. The District advised such a conversation would allow it to better determine which parties would need to be involved in an IEP meeting that would be scheduled.

By email dated August 8, 2025, the Parent responded to the District emphasizing the previous request for an IEP team meeting and further requested email communication only regarding the Student's needs. In a reply email dated August 11, 2025, the District explained an IEP meeting would be scheduled and explained relevant IEP team members and service providers were being given time to review the evaluation report. Moreover, the District advised that in the meantime the Student's current IEP would be "honored."

The first day of school commenced on August 11, 2025. However, the Student was not present the first week of school—August 11, 2025 through August 15, 2025. By email dated August 13, 2025, the District requested the Parent provide current medical documentation and signed physician's orders before implementing a medical or toileting plan at the school. Additionally, the District provided dates to choose from in which to conduct the Student's IEP meeting. Those choices included August 25, August 26 or August 27, 2025.

The Student attended their first day of school on August 18, 2025. On that day, the District's school nurse informed the Parent, via email, that due to safety concerns related to the Student's diagnosis—in absence of medical orders from the Student's physician—the Student would need to be picked up from the school. In a reply email, the Parent disagreed and provided supporting authority. In a separate email, the Parent requested information regarding the Student's first day and the identity of the Student's teachers. The District replied in two separate, same day responses. In one email, the District provided a summary of the Student's first day and identified the Student's general and special education teachers. In the other response, the District recapitulated that the Student was not excluded from the school day and detailed the IEP required speech therapy services as well nursing services for toileting and diapering that the Student received.

On August 19, 2025, the Parent filed the complaint that formed the basis of the Department's investigation.

IV. Conclusions of Law

Allegations 1

The Parent alleges the District failed to convene an IEP Team meeting upon the Student's transfer into the District.

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 §323(A) each public agency shall have an IEP in effect for each student with a disability within its jurisdiction at the beginning of each school year. For students in which an initial evaluation has been conducted, Bulletin 1706 § 323 clearly defines a fixed 30 day timeline in which an IEP meeting must be conducted for a student that has been determined eligible. With respect to reevaluations of students with an existing IEP, §324(b)(1) mandates an IEP meeting is conducted to review results of any reevaluation (conducted under §304) without unreasonable delay.

The Student's previously attended preschool was located within Orleans Parish and under the jurisdiction of the NOLA Public School District. On May 16, 2025, the Student was registered with a Type 3 Charter School, located in Orleans Parish, authorized by the Orleans Parish School Board and also under the jurisdiction of NOLA Public School District. Since both the preschool and the charter school are within the District, the NOLA Public School District maintained jurisdiction over the Student at all times relevant to this complaint. The Student never transferred out of or back into the NOLA Public School District. Therefore, the District was not obligated to convene an IEP Team meeting before the beginning of the school year because (1) the Student did not "transfer" into the District and (2) the Student had an IEP in effect at the beginning of the school year.

However, the reevaluation that was conducted beginning April 29, 2025 obligated the District to conduct an IEP Team meeting to review the reevaluation report. Thus, the Department finds it necessary to determine whether the District convened an IEP meeting to review the reevaluation without unreasonable delay.

The reevaluation report was disseminated on July 21, 2025 during the District's summer break. The District's school year commenced on August 11, 2025. Shortly thereafter, the District issued prior written notice (PWN) to the Parent on August 13, 2025—within a week of the Parent's August 5th meeting request— and subsequently held the IEP meeting on August 26, 2025. The Department finds that the District convened an IEP meeting to review the reevaluation report within a reasonable amount of time. As such, allegation 1 is unsubstantiated.

Allegation 2

In the Parent's second allegation, the Parent asserts the District failed to implement the Student's 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.

As previously established, the Student's current IEP was in effect when the Student enrolled in the District's Type 3 charter school. The Student's IEP included the Student's medical diagnosis and required the Student receive Health Services and Nurse Services to address dietary restrictions and aid in diapering and toileting upon entering traditional public school setting. The IEP did not contain a plan detailing how the diapering and toileting services were to be implemented; however, it was noted that a diapering and toileting plan

would be created at the time of the public school entrance. The District requested medical records and physician's orders from the Parent to begin creating an Individual Health Plan (IHP) that would address the Student's needs. The Parent did not provide the requested records in response to those requests in response to the requests. Instead, during the August 26th IEP meeting, the Parent executed a medical release form that would permit the District to retrieve these records directly from the physician.

While the District's request for the Parent to pick the Student on August 18, 2025 was inappropriate, the Department cannot issue a finding of a violation on this action because the Student ultimately remained at the school. Based on the submitted service logs, on that day the Student received 30 minutes of pull-out speech therapy services and was also provided assistance for [redacted] diapering and toileting needs as required by the IEP. The District communicated to the Parent that, in the absence of a formal IHP, the general protocol for toileting and diapering was followed.

Therefore, the Department finds the District implemented the Student's IEP and allegation 2 is unsubstantiated.

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 the Louisiana Bulletin 1706 with respect to the allegations presented in this matter. Therefore, this investigation is hereby closed and no additional action is required.

Sincerely,

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

CC: Dr. Shayla Guidry Hilaire, Superintendent, NOLA Public Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-09

September 5, 2025

[redacted]

Michael Yoist
Special Education Director
Rapides Parish Schools
4515 Eddie Williams Ave
Alexandria, LA 71302
Michael.yoist@rpsb.us

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-09**

Dear Parties:

On September 4, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-09**. 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: Jeff Powell, Superintendent, Rapides Parish Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-10

Louisiana Special Education Complaint Investigation

56-C-11

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

October 27, 2025

[redacted]

Michael Yoist
Special Education Director
Rapides Parish School Board
4515 Eddie Williams Ave.
Alexandria, LA 71302
Michael.yoist@rpsb.us

Re: Findings-Decision in State Special Education Formal Complaint No. **56-C-11** on behalf [redacted]

I. Introduction

On August 28, 2025, the complainant ("Parent") submitted a formal written request for a 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 Rapides Parish Public School ("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 Department must determine:

1. Whether the District failed to implement the student's Individualized Education Program in regards to special education transportation and
2. Whether the District failed to conduct an evaluation of the student upon the parent's request

As the Department's assigned investigator, I have 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 August 28, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between August 29, 2023, and August 28, 2025.

III. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school and receiving special education and related services under the classification of Developmental Delay. The Student began the 2025-26 school year in a District school with an existing IEP dated March 1, 2024, which required the delivery of speech and occupational therapy in a special education setting as well special transportation due to the Student's disability.

By email dated August 12, 2025, the Parent reached out to the District with concerns related to the Student's enrollment and IEP status including an upcoming IEP meeting. In a series of reply emails dated August 13, 2025, the District communicated with Parent identifying possible dates for an IEP meeting. A parental notification letter dated August 18, 2025 was issued to the Parent.

On August 20, 2025, the District convened an IEP meeting. At this meeting the Parent expressed concerns regarding the Student's history of elopement, frequent behavioral episodes and the inability to follow verbal directions. In the course of the meeting, the Student's transportation safety was discussed. The District advised the Parent that the Student continued to qualify for special transportation services and assured the Parent that special transportation services would be coordinated for the bus to pick the Student up from their home and drop the Student off at home each school day. During the course of the discussion, the IEP Team discussed the use of a 5-point harness on the special transportation bus that could be made available to the Student. Ultimately, the IEP Team agreed to not make any changes to the transportation plan to give the Student time to see how the Student behaved.

The District then reviewed the Notice of Proposed Refusal of Action (NPRA) with the Parent explaining the Parent's options to (1) take 10 days to review the IEP prior to signing the NPRA or (2) waive the 10-day period by providing their signature to allow the Student to begin attending school and receive the services as written in the IEP. The Parent confirmed they wanted the Student to immediately receive services and subsequently signed the NPRA. A copy of the NPRA and the IEP was then provided to the Parent.

By email dated August 22, 2025, the Parent advised they were concerned that the Student was struggling and requested a "full reevaluation" of the Student to see how the Student was doing currently in "all areas". The District forwarded the Parent's request to the evaluator that same day and subsequently forwarded the Parent's contact information by email on August 27, 2025. Within the next week, the District reached out to the Parent to schedule a meeting to obtain consent for the reevaluation. Parent signed consent for reevaluation on September 8, 2025.

Meanwhile, on the morning of August 26, 2025, the Student boarded the special transportation bus. A short time thereafter, the bus driver placed a telephone call to the Parent to report that the Student had not stayed seated on the bus, had fallen and entered into a behavioral episode. Out of concern, the Parent picked the Student up from the school and—having observed fresh bruises on the Student—sought a medical evaluation. Following this incident that same day, the District installed a 5-point harness on to the bus. On August 27, 2025, the District provided training on the use of the harness to the Student's assigned paraprofessional as well as the bus driver. That afternoon the District contacted the Parent by telephone to notify the Parent that a harness was installed and ready for use. Two additional communications dated August 28th, 2025 were issued to the Parent confirming the harness was installed, training had been provided and the bus transportation with a 5-point harness was available to the Student. In a same day reply email, the Parent provided the District with an audio recording of the August 20th IEP meeting directing the District's attention to the IEP Team's discussion regarding the Parent's concerns with respect to elopement and behavior as well as the availability of a harness on the special transportation bus. Parent maintained that the District stated that the Student would be put in a harness.

On August 28, 2025, the Parent filed the complaint that formed the basis of the Department's investigation.

IV. Conclusions of Law

Allegations 1

The Parent alleges the District failed to implement the Student's Individualized Education Program in regards to special education transportation.

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"). Each public agency shall have an IEP in effect for each student with a disability within its jurisdiction at the beginning of each school year. Additionally, Districts are required to ensure that all special education and related services—including special transportation—are delivered as specified in the effective IEP.

Following the Parent's August 12, 2025 email concerning the Student's enrollment and IEP status, the District immediately communicated possible dates for a review IEP meeting, issued the August 18th notice letter and subsequently convened an IEP meeting on August 20, 2025.

An audio recording of the meeting supports the Parent's argument that their concerns related to the Student's dietary challenges, behavioral and elopement issues as well as the Student's necessary special transportation needs were explicitly conveyed. Specifically with respect to the special transportation services, the recording reflects that the District remarked that a paraprofessional would be present on the bus and the bus could be equipped with a harness. However, although the availability of a harness was discussed, the IEP Team only maintained the implementation of the paraprofessional and did not include the requirement of a 5-point harness. The Parent waived the 10 day waiting period at the meeting's conclusion when they signed the NPRA, and thus, the IEP—as written-—became effective that day. The record is absent of any evidence that the Parent objected to the transportation plan prior to the August 26, 2025 incident.

The August 2025 IEP was in effect the day of the incident on the bus—August 26, 2025. The record reflects the Student's paraprofessional was present on the bus as the IEP required. It should be noted that while the District immediately installed a 5-point harness and subsequently trained the bus driver and paraprofessional in its use, it was under no present obligation to do so because the IEP did not currently require its use. Before the District can implement the use of the 5-point harness, the Student's IEP must be amended to reflect the scope of special transportation services to add the harness to the transportation plan.

Therefore, the Department finds the District implemented the Student's IEP and allegation 1 is unsubstantiated.

Allegation 2

At the time of the filing of this formal complaint, the Parent alleged that the District had not responded to their request for a reevaluation of the Student and therefore, failed to conduct an evaluation of the student upon the Parent's request.

Reevaluations of students with a disability must be conducted in accordance with Bulletin 1706 §§ 305-308 if (1) the public agency determines that the educational or related services needs of the student warrant a reevaluation or (2) the Student's parent or teacher requests a reevaluation. 1706 § 301(c) mandates that parental consent is obtained prior to conducting any reevaluation of a student with a disability. Further, 1706 § 504 requires prior written notice (PWN) given to the parents of the student within a reasonable amount of time, and no less than 10 days, before the public agency proposes or refuses to initiate or change in the student's identification, evaluation or educational placement.

The record reflects the District immediately communicated the Parent's August 22, 2025 request to the evaluator the same day it was received and forwarded contact information to the evaluator within a week of the request. On September 8, 2025, within 10 business days, the evaluator met with the Parent and obtained consent to commence the evaluation. The PWN issued at the September meeting reflected that a reevaluation would begin and a meeting to review the reevaluation report was scheduled for October 20, 2025.

Based on the record, the Department finds the District responded to the request, initiated a reevaluation and issued PWN to the Parent within 10 business days. As such, allegation 2 is unsubstantiated.

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 the Louisiana Bulletin

1706 with respect to the allegations presented in this matter. Therefore, this investigation is hereby closed and no additional action is required.

Sincerely,

Lindsey P. Dupree, Attorney

Office of Executive Counsel
Louisiana Department of Education
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DisputeResolution.DOE@la.gov

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

DR. CADE BRUMLEY
STATE SUPERINTENDENT

CLAIBORNE BUILDING
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BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

January 8, 2026

[redacted]

Michael Yoist
Director of Exceptional Student Services
Rapides Parish School Board
4515 Eddie Williams Ave.
Alexandria, LA 71302
Michael.yoist@rpsb.us

RE: Reconsideration of Special Education Formal Complaint No. 56-C-11

Dear Parties:

On October 27, 2025, the Louisiana Department of Education ("the Department") issued a Findings–Decision Letter resolving the Special Education Formal Complaint Investigation Request filed on August 26, 2025, by [redacted] ("the Parent") against the Rapides Parish School Board ("the District") on behalf of [redacted] minor child ("the Student"). The Parent's complaint alleged that the District (1) failed to implement the Student's Individualized Education Program (IEP) with respect to special education transportation and (2) failed to conduct an evaluation upon the Parent's request. Following its investigation, and pursuant to Bulletin 1706 §153(E), the Department determined that each allegation was unsubstantiated.

On November 6, 2025, the Parent submitted a timely request for reconsideration pursuant to Bulletin 1706 §153(I), asserting that the complaint investigator erred in the findings of fact and conclusions of law. Specifically, the Parent asserted that the investigator failed to properly weigh discussions regarding harness use at the August 20, 2025 IEP meeting, improperly conflated a general bus attendant with a student-specific paraprofessional, omitted findings regarding alleged ongoing transportation safety risks and access to bus video, and failed to address compensatory speech therapy.

Scope of Reconsideration

Per Bulletin 1706 §153(I), reconsideration is limited to a review of whether the complaint investigator committed an error of fact or clearly misapplied the law, based only on information submitted during the original complaint investigation. Matters not alleged in the original complaint fall outside the permissible scope of reconsideration and are not subject to review.

Issues Beyond the Scope of Reconsideration

The reconsideration request asserts that the Department failed to address an alleged denial of access to bus video as an education record and failed to make additional findings regarding transportation safety. However, a review of the original complaint reflects that the Parent requested access to bus video and additional safety measures as proposed remedies following the transportation incident, not as alleged violations of procedural safeguards. As such, the Department did not investigate or make findings regarding a records-access violation in its original decision, and these issues are not subject to reconsideration.

The Parent also raises claims related to speech-language therapy shortages and compensatory services. The original complaint did not allege a failure to provide speech-language services or entitlement to compensatory education. As new allegations, they are not eligible for reconsideration review under Bulletin 1706 §153(I).

Issues Subject to Reconsideration

The reconsideration panel limits its review to the Parent's claims that the Department erred in finding no violation regarding the implementation of special education transportation services, particularly with respect to harness use and paraprofessional support on the bus.

In its original decision, the Department found that the District convened an IEP meeting on August 20, 2025 at which the Student's transportation safety was discussed. The District advised the Parent that the Student continued to qualify for special transportation services, which would be coordinated for daily home-to-school transportation. During the meeting, the IEP Team discussed the availability of a five-point harness on the special transportation bus; however, the IEP Team agreed to maintain the existing transportation plan and not to require use of a harness in order to allow time to observe the Student's behavior.

In resolving Allegation 1, the Department determined that an audio recording of the August 20, 2025 IEP meeting confirmed that the Parent's transportation-related concerns were conveyed and that the District stated a paraprofessional would be present on the bus and that a harness could be available. The Department further found that the Parent waived the ten-day waiting period by signing the Notice of Proposal or Refusal for Action, that the IEP became effective on August 20, 2025, and that the Student's paraprofessional was present on the bus as required by the IEP. Although the District later installed a five-point harness and trained staff in its use, the Department concluded that the District was not obligated to do so absent an amendment to the IEP and therefore determined that Allegation 1 was unsubstantiated.

On reconsideration, the panel reviewed the audio recording of the August 20, 2025 IEP meeting and the written IEP, both part of the original investigative record, to determine whether the Department committed a factual or legal error. The panel finds no such error. The record reflects general discussions by District personnel regarding standard transportation practices, including the availability of a five-point harness and presence of paraprofessionals. However, these discussions did not result in an IEP Team decision to require either a harness or a student-specific paraprofessional. Pursuant to Bulletin 1706 §§320–324, special education and related services must be explicitly documented in the IEP to be enforceable. The August 20, 2025 IEP requires special transportation with a paraprofessional but does not include a harness requirement or designate a one-to-one paraprofessional.

Accordingly, the Department correctly concluded that the District implemented the Student's IEP as written. There is no evidence that the IEP Team agreed to amend the transportation supports or that the District failed to deliver services as specified.

Conclusion

The reconsideration panel affirms the October 27, 2025 decision in its entirety. This determination is final.

Sincerely,

Domonique Dickerson
Attorney

R. Christopher Fruge
Attorney

Gerald Millet
Attorney

Office of Executive Counsel
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CC: Jeff Powell, Superintendent, Rapides Parish School Board (email only)

Louisiana Special Education Complaint Investigation

56-C-12

LOUISIANA DEPARTMENT OF EDUCATION

September 15, 2025

[redacted]

Michael Yoist
Special Education Director
Rapides Parish School Board
4515 Eddie Williams Ave.
Alexandria, LA 71302
Michael.yoist@rpsb.us

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-12**

Dear Parties:

On September 12, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-12**. 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: Jeff Powell, Superintendent, Rapides Parish School Board (email only)

Louisiana Special Education Complaint Investigation

56-C-13

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

October 31, 2025

[redacted]

Oliver Winston
Educational and Legal Facilitator/Risk Management
Iberia Parish School District
P.O. Box 200
1500 Jane Street
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olwinston@iberiaschools.org

Re: Findings-Decisions in Special Education Formal Complaint No. **56-C-13** on behalf of [redacted]

I. Introduction

On September 4, 2025, the Louisiana Department of Education ("Department") received a formal complaint from the [redacted] ("Complainant"), on behalf of a minor child ("Student") enrolled in a school under the jurisdiction of the Iberia Parish School District ("District").

II. Statement of the Case

The Complainant alleges that the District violated confidentiality provisions of the Individuals with Disabilities Education Act (IDEA) and/or the Louisiana Children with Exceptionalities Act and its regulations published in Louisiana Bulletin 1706 by disclosing personally identifiable information (PII)—specifically the foster parents' home address—to allegedly unauthorized individuals, namely the student's biological parents, during IEP meetings held on or about May 21, 2024, and April 9, 2025.

Although the complaint cites other statutory and regulatory frameworks—including the general application of the Family Educational Rights and Privacy Act (FERPA), child welfare laws, and Department of Children and Family Services (DCFS) policies—and seeks remedies such as disciplinary action, damages-related settlement negotiations, and policy reform, this investigation is limited strictly to the IDEA and its state implementation in Bulletin 1706. While certain provisions of FERPA have been incorporated into the IDEA regulations by reference, the Department has no authority to enforce the general provisions of FERPA or to grant relief for alleged violations of FERPA that fall outside of its implementation within IDEA, nor to investigate or grant relief under child welfare statutes or tort law.

Pursuant to Bulletin 1706 §§ 151 through 153, the Department's state complaint procedures are expressly limited to alleged violations of Part B of the IDEA and its state implementing provisions. These include procedural and substantive violations involving the identification, evaluation, placement, or provision of a free appropriate

public education (FAPE) to students with disabilities. The state complaint system does not extend to issues arising under other legal regimes—including foster care confidentiality statutes, FERPA (except as incorporated into IDEA), tort law, or DCFS policy. The complaint process is a limited administrative mechanism designed to safeguard the educational rights of children with disabilities. It is not a general-purpose enforcement vehicle for all laws tangentially related to students or education.

Nothing in this decision should be construed to validate the broader factual assertions, legal interpretations, or requested remedies of the Complainant beyond the narrow issue addressed herein: whether the District violated IDEA's confidentiality provisions in its disclosure of the student's educational records.

The findings of fact and conclusions of law contained herein are based upon a review of the materials submitted during the course of the investigation. 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, the investigation was limited to alleged violations that occurred between September 3, 2023, and September 4, 2025.

III. Findings of Fact

The student at issue is a child with a disability eligible to receive special education and related services under the Individuals with Disabilities Education Act. At all times relevant to the complaint, the student was in the custody of the Louisiana Department of Children and Family Services (DCFS) and placed in the care of foster parents.

Two Individualized Education Program (IEP) team meetings occurred during the relevant time period: the first on May 21, 2024, for the purpose of developing an initial IEP following an evaluation conducted pursuant to Bulletin 1508, and the second on April 9, 2025, for the purpose of IEP review and revision.

On May 6, 2024, the District issued a Prior Written Notice of Proposed Action to DCFS and the foster parents. This notice included the home address of the foster parents. Prior to the May 21, 2024, IEP meeting, DCFS informed the District that the parents might be in attendance. The District sought clarification, and DCFS confirmed that the biological parents would attend. The meeting was attended by District staff, the DCFS caseworker, the student's foster parents, and the student's biological parents. According to statements from District personnel, the student's evaluation report, which included the home address of the foster parents, was shared with meeting participants, including the biological parents.

On April 9, 2025, the student's IEP Team convened again to conduct a review and revision of the IEP. Present at this meeting were District staff, the DCFS caseworker, the student's foster parents, and the student's biological parents. In connection with the April 2025 IEP meeting, the District provided a Prior Written Notice of Proposed Action to DCFS and the foster parents. This notice included the foster parents' home address. According to District personnel, only the DCFS caseworker and the foster parents were provided copies of the revised IEP. District personnel reported that the IEP itself did not contain the foster parents' address.

The complaint that forms the basis of this decision was filed on September 4, 2025. It alleges that the District improperly disclosed the foster parents' address in the student's education record to the student's biological parents in violation of IDEA, FERPA, Louisiana child welfare confidentiality laws, and DCFS policy. The complaint further alleges that these disclosures caused emotional distress and safety concerns, referencing a protective order issued in August 2025 listing DCFS as petitioner on behalf of the student. The protective order referenced in the complaint was not in effect at the time of either the May 21, 2024, or April 9, 2025, IEP meetings. No evidence was provided to establish that, prior to or during the relevant meetings, any legal limitation existed on the biological parents' access to educational records or participation in IEP meetings.

IV. Conclusions of Law

Under IDEA and its implementing regulations at 34 C.F.R. §§ 300.610–300.626, and corresponding state provisions in Bulletin 1706 §§ 123 and 611 through 626, public agencies must ensure the confidentiality of personally identifiable information (PII) collected, used, or maintained in the provision of special education. Specifically, 34 C.F.R. § 300.623(a) and Bulletin 1706 § 623(A) mandate that participating agencies protect PII at the stages of collection, storage, disclosure, and destruction.

Personally identifiable information is defined under 34 C.F.R. § 300.32 and Bulletin 1706 to include a student's name, address, and other data that would make the student's identity easily traceable. The disclosure of such data to unauthorized individuals may constitute a breach of IDEA confidentiality protections.

The IDEA defines "parent" at 34 C.F.R. § 300.30 and Bulletin 1706 § 905 to include a biological or adoptive parent, a foster parent, a legal guardian, an individual acting in the place of a parent with whom the child resides, or a surrogate parent. While foster parents are explicitly included in the definition of "parent," both federal and state regulations impose a presumption that a biological or adoptive parent is the parent under IDEA unless that individual does not have legal authority to make educational decisions. This presumption may be overcome if a judicial decree or order designates another individual to act as the parent or to make educational decisions on behalf of the student. In that event, the decree controls. See 34 C.F.R. § 300.30(b)(2); Bulletin 1706 § 905.

In this case, DCFS expressly notified the District of the parents' attendance for at least one of the meetings, and DCFS participated in both meetings with the biological parents. No documentation was provided during the course of this investigation to indicate that the educational rights of the student's biological parents had been terminated or limited at the time of either the May 21, 2024, or April 9, 2025, IEP meetings. Accordingly, the biological parents were legally recognized as "parents" under IDEA and entitled to access the student's educational records and participate in special education decision-making. Because the biological parents were not barred from accessing educational records or participating in IEP proceedings and were entitled under IDEA to receive information concerning their child's identification, evaluation, and placement, their receipt of educational records containing the student's information does not, in and of itself, constitute a violation of IDEA's confidentiality protections.

Based upon the available information, the undersigned finds that the District did not violate the Individuals with Disabilities Education Act and/or the Louisiana Children with Exceptionalities Act and its regulations published in Louisiana Bulletin 1706 in its handling of education records related to the student. Allegation 1 is unsubstantiated.

V. Conclusion

This decision resolves the sole allegation properly before the Louisiana Department of Education under the IDEA state complaint process—whether the District violated IDEA's confidentiality provisions by disclosing personally identifiable information. Based on the information available, the student's biological parents were legal "parents" under IDEA at the time of both IEP meetings and were therefore entitled to access the student's education records. Accordingly, no violation of IDEA or Bulletin 1706 has been substantiated, and no corrective action is required. The complaint is closed.

To the extent the complainants seek relief under FERPA (beyond its incorporation into IDEA), Louisiana confidentiality statutes, DCFS policy, or any form of personal or injunctive remedy, those matters fall outside the jurisdiction of this process. The Louisiana Department of Education's authority under 34 C.F.R. § 300.153 and Bulletin 1706 §§ 151–153 is limited to resolving violations of IDEA and its implementing state regulations.

Respectfully,

Domonique Dickerson, Attorney
Office of Executive 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

Alaina Black, Director of Special Education, Iberia Parish School District

Louisiana Special Education Complaint Investigation

56-C-14

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

November 10, 2025

[redacted]

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

Re: Findings-Decision in State Special Education Formal Complaint No. **56-C-14** on behalf [redacted]

I. Introduction

On September 10, 2025, the complainant ("Parent 1") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") on behalf of [redacted] child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of the West Baton Rouge Parish Public School ("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 Department must determine:

1. Whether the District failed to provide the parent a reasonable opportunity to participate in educational decisions;
2. Whether the District failed to have the appropriate team members present at the August 2024 IEP team meeting; and,
3. Whether the District failed to provide Prior Written Notice (PWN) prior to proposing or refusing any changes to the student's educational program.

As the Department's assigned investigator, I have 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 September 10, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between September 11, 2023, and September 10, 2025.

III. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school and receiving special education and related services including speech and occupational therapy under the classification of Developmental Delay. During the timeframe relevant to this complaint, the Student physically resided with the parent of record (Parent 2), who enrolled the Student into a District school for the 2024-2025 school year on August 6, 2024. Parent 2 completed a registration form providing Parent 1's name only and indicating custody did not apply, but did place a check mark on the form indicating 'sole custody'. By letter dated October 2, 2024, the District issued to Parent 2 a notification regarding the Student's annual IEP meeting scheduled for October 14, 2024. Parent 2 signed and returned the letter indicating they would be attending the meeting. Subsequently, the meeting was held on October 14, 2024 with Parent 2 in attendance. Thereafter, the District sent home a hardcopy of the IEP to Parent 2 via the Student on October 28, 2024.

On September 10, 2025, Parent 1 filed the complaint that formed the basis of the Department's investigation.

IV. Conclusions of Law

Allegations 1, 2 & 3

1. Parental Participation

Parent 1 alleges the District failed to provide them with a reasonable opportunity to participate in educational decisions by conducting the October 2024 meeting without providing a notice of the meeting.

Bulletin 1706 § 322(A)-(B) require that parents are afforded meaningful opportunity to participate in IEP Team meetings through timely notice identifying the purpose, time, location and expected participants. 1706 § 905 defines the term 'parent', which includes the biological mother or father and any individual who has legal authority to make educational decisions for the student. As it relates to District's communications with parents and pursuant to 1706 § 905, Districts are required to follow any judicial orders regarding custody and educational authority; however, it is the responsibility of the parents of the student to provide such documentation to the District. In the absence of such judgment or order, each parent retains their right to participate in the educational decisions for the student and Districts may otherwise presume a parent has legal authority to make educational decisions for the student. Moreover, Districts are not obligated to perform a general collection of custody judgments nor are they obligated to follow any informal custody agreements or arrangements provided by the parents.

In this case, the District received a registration form from Parent 2 indicating they are a parent of the Student. Based on the record, the District was never presented with any court ordered custody agreement in affect at the time the Student was enrolled nor when the IEP meeting was held[1]. Thus, the Department finds the District reasonably presumed Parent 2 was an appropriate parent to coordinate with in the District's efforts to provide a free appropriate public education to the Student.

The record demonstrates the District then satisfied the mandate to provide a meaningful opportunity to participate

[1] The records submitted to the Department related to custody of the Student only reflected legal proceedings in August of 2025 and were not relevant to the timeframe at issue in this complaint.

in the IEP meeting to the Student's parents when it notified Parent 2 in writing 12 days prior to the meeting. As it relates to whom the notification was issued to and received by, the District appropriately identified and notified Parent 2 of the IEP Team meeting because (1) it was only provided Parent 2's information and no contact information had been provided for Parent 1 and (2) it reasonably relied on information within the registration form that indicated custody did not apply. In the absence of a custody judgment, the District was under no further duty to determine the whereabouts of Parent 1 in its effort to provide notification and hold the meeting. The record demonstrates that Parent 2 participated in the IEP meeting, provided comment and included their signature at the conclusion of the meeting.

Thus, the Department finds allegation 1 is unsubstantiated.

2. IEP Team Composition

Parent 1 alleges the District failed to have the appropriate members of the IEP team present at the October 2024 IEP Team meeting because Parent 1 was not present. 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.

Although permitted, the IDEA does not mandate the attendance of both parents to an IEP meeting, but only the presence of at least one. The Department finds the record clearly demonstrates that the District complied with the requirements of 1706 § 321(A). Specifically, a regular education teacher, a special education teacher, speech pathologist, an official district representative and one of the Student's parents as well as the Student participated in the in-person meeting.

Therefore, the Department concludes appropriate team members were present at the Student's October 14, 2024 IEP, team meeting and allegation 2 is unsubstantiated.

3. Prior Written Notice

Parent 1 asserts that the District did not provide PWN following the October 2024 IEP. 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 10 days, before proposing or refusing to initiate or change a student's identification, evaluation, placement or provision of FAPE. The purpose of this notice is to safeguard parent's right to be informed and meaningful participation in special-education decision making.

The record reflects that while the District provided a hardcopy of the IEP to Parent 2 on October 28, 2024, it did not issue the required PWN following the IEP meeting and thus, failed to provide notice prior to the initiation of or refusal of changes to the Student's IEP. If the District had issued the PWN, such notification would have been provided to the parent of record, or Parent 2 in this case.

Ultimately, the Department finds the District failed to provide PWN as required by 1706 § 504(A) and as a result, allegation 3 is substantiated.

V. Corrective Action Plan

Corrective Action for Allegation 3: Violation of the IDEA and Bulletin 1706 § 504(A). The Department determined that the District failed to comply with applicable law concerning the procedures for issuing prior written notice. In order to address this noncompliance, the District shall implement the following corrective actions:

1. Within 60 calendar days of the date of this decision, the District shall:
    a. review and revise its policies, procedures or practices concerning PWN(s) to ensure that such notices are issued and timely provided;
    b. provide training—to all staff responsible for ensuring PWN is issued—concerning the requirements of law and applicable District policies and procedures;
    c. provide a narrative summarizing compliance measures taken to correct the violation and any documentation, including any revised policies or procedures, training sign-in sheets, and training materials, demonstrating that the corrective actions have been employed.

If any of the required corrections actions have already been completed, the District shall submit documentation evidencing completion to the Department within 10 business days of this decision for review and verification.

Sincerely,

Lindsey P. Dupree, Attorney

Office of Executive 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

56-C-15

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

November 12, 2025

[redacted]

Michael Yoist
Special Education Director
Rapides Parish School Board
4515 Eddie Williams Ave.
Alexandria, LA 71302
Michael.yoist@rpsb.us

Re: Findings-Decision in State Special Education Formal Complaint No. **56-C-15** on behalf [redacted]

I. Introduction

On September 11, 2025, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") on behalf of their child ("Student"), who is enrolled in a school under the jurisdiction of the Rapides Parish Public School ("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 Department must determine:

Allegations relative to IDEA:

1. Whether the District failed to provide the parent a reasonable opportunity to participate in educational decisions;
2. Whether the District failed to provide Prior Written Notice (PWN) prior to proposing or refusing any changes to the student's educational program.
3. Whether the District Failed to provide the student with access to supplementary aids and services necessary

to allow the student to be educated in the least restrictive environment.

Allegations relative to Behavioral Health Services

4. Whether the District failed to comply with the requirements of R.S. 17:173 concerning the provision of private behavioral health services during the school day;

Please note the allegations as ordered in the Department's receipt letter have been modified. Allegation 3, as labeled above, was inadvertently included under allegations relative to Behavioral Health Services and has been included in the allegations relative to the IDEA, where it was originally intended.

As the Department's assigned investigator, I have 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 September 11, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between September 12, 2023, and September 11, 2025.

Louisiana Bulleting 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 Bulleting 135 §§ 701-705 occurring during the time period from September 12, 2024 through September 11, 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.

III. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school and receiving special education and related services under the exceptionality of Autism. The Student received instruction in the regular education setting with support from the special education teacher as well as a paraprofessional and nurse during transitions and in the bathroom.

Under the Student's previous IEP, dated May 10, 2024, the Team constructed an Individual Health Plan as well as a behavior plan utilizing Tier II strategies to address the area of peer relations and supports in the form of Social Skills Instruction and a social/emotional IEP goal. The social and emotional goals included that the Student would reach 80% frequency- by the end of the school year-- as measured by observation and logs completed by the teacher. Progress reports issued under the May 2024 IEP indicated the Student improved from a reported 13 behavior incidents from February 2024 to May 10, 2024 and that no behavior incidents occurred from October 2024 through March 2025.

The District scheduled an IEP Team meeting for March 20, 2025, of which the Parent was notified by letter dated December 19, 2024. Parent signed by electronic signature on January 18, 2025 and returned this notice indicating they would attend the meeting and provided consent for the Student's triennial reevaluation. Subsequently, the IEP meeting was held by telephone with the Parent in attendance. The results of the reevaluation were disseminated

and the IEP team agreed that speech therapy, school health services and current behavior plan would continue, while the Student was dismissed from occupational therapy.

According to the March 2025 IEP, the Student had shown improvement over the 2024-2025 school year. Progress reports were centered on the Student's independence in toileting, academic progress, and improvement in communication and social/emotional behavior. As it relates to the Student's social/emotional behavior goals for the March 2025 IEP, the Student would demonstrate appropriate and productive school behaviors with 100% accuracy as measured by teacher observations and documentation logs. At that time, the Student's Functional Behavior Assessments indicated that the Student had not demonstrated any behaviors of concern during the school year however, it was noted the Student continued to work on daily behaviors in the classroom.

On July 29, 2025 the Student's a private behavioral health provider (BHP) submitted to the District a letter on behalf of the Student requesting approval to conduct a school-based assessment by observation to be conducted by a behavior analyst or behavior support team. The District received the informal request and subsequently convened a School Building Level Committee (SBLC) meeting on August 26, 2025 to address the Parent's concerns that prompted the BHP's request. At the SBLC meeting the Parent expressed concerns regarding the Student's at-home behavior. Here, the IEP team did not report any concerns that the Student's behavior was impacting their educational progress however, it was agreed to collect data over a 9 week period to evaluate the Student's needs. In the meantime, check-in/check-out mentoring services would be implemented immediately.

By email dated September 4, 2025, the Parent acknowledged the outcome of the SBLC meeting, but renewed her request for "implementation of Act 745 (R.S. 17:173) into [the Student's] IEP" and "without further delay". In a series of reply emails, the District acknowledged the Parent's inquiry and advised the Student's BHP may be granted permission to provide services following an approval from the District's Assistant Superintendent. The District assured the Parent outside behavioral health services are permitted on its campus during the school day, but provided *advanced notice* to the Parent that the BHP would not be allowed in the classroom with other students.

By email dated September 5, 2025, the Parent requested the District reconsider the prohibition of the Student's BHP in the classroom. In a reply email dated September 6, 2025, the District clarified that BHPs have access to students during the instructional day when requested by parents after the required documentation has been received and approved. The Parent then requested the District confirm that once required documentation was submitted by the Student's BHP and approved, then the Student's medically necessary outside behavioral health services would be provided to the Student during the instructional day, but included the phrase "directly in [the] classroom… as outlined in Act 745". The District responded by articulating its position that (1) the BHP would need to sign an agreement and provide required documents and (2) the provider would be allowed access to the Student during school hours. However, the District again reiterated the advance notice that outside behavioral health services would not be provided in the classroom with other students and asked that the Parent have the BHP reach out to the District for the required documentation. In reply, the Parent restated their position on the law and again requested written confirmation that the Student's BHP would be granted full access to deliver services within the classroom.

In a same day email, the Parent notified a State Representative of the arising situation alleging the District was in violation of the law because the Student's BHP was not allowed to work with the Student inside the classroom. The

Parent then emailed the District restating their understanding and position of the law and again renewed their request for written confirmation that the Student's BHP be permitted to provide services directly in the classroom during instructional hours adding the phrase "consistent with [the Student's] treatment plan and the requirements of these laws."

By email dated September 9, 2025, the District provided to the Student's BHP by attachment (1) a copy of the District's policy regarding outside behavioral health services titled "Outside behavior health providers services during the school day Procedures" and (2) a copy of the services agreement for Behavior Health Services. The District did not receive a response or any further submissions from the Student's provider nor from the Parent following the September 9, 2025 email.

By email dated September 10, 2025, the Parent filed the complaint that formed the basis of the Department's investigation.

IV. **Conclusions of Law**

Allegations relative to Behavioral Health Services

The Parent alleges that the District denied the Student the right to receive on-campus, outside behavioral health services during instructional time and more specifically, within the Student's classroom amongst the Student's peers and has therefore, failed to comply with the requirements of R.S. 17:173 concerning the provision of outside behavioral health services during the school day.

La. R.S. 17:173, as originally enacted by Act No. 696 (2018), granted public school governing authority's discretion in determining when outside 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 outside 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. [Emphasis added]

The statute further establishes procedures for the coordination and delivery of those outside behavioral health

services in the educational setting. To implement this legislative mandate, BESE promulgated Bulletin 135, Chapter 7 in January 2025. Bulletin 135 § 703(B)(5) reiterates the statutory requirement that outside behavioral health services must be accessible during any and all instructional periods, subject to procedural compliance. Further, while the present language addresses the "time" in which services must be permitted, it does not dictate to the governing authority that it must permit services specifically within a student's classroom amongst its peers. Under Bulletin 135 § 705(5) such matters are to be determined between the district and the service provider.

As articulated by the District in its response to the complaint, the District has established policy and procedure for the implementation of R.S. 17:173 as required by law. This policy, albeit difficult to find, has been posted publically (as required by law) and exists within the District's policies on its website. The policy requires that parents choosing to exercise the right to request outside behavioral health services for their student to be delivered at the school must submit an application to the school board and provide required documentation, including the parent's signature and consent, to be reviewed and approved by the District's Superintendent.

In light of that policy, the July 29, 2025 emailed letter authored by the Student's BHP requesting permission to deliver services, was insufficient to commence a formal request for outside behavioral health services in accordance with the District's policy and procedures. Following the August SBLC meeting and the Parent's subsequent demand for the services, the District communicated extensively with the Parent that requests for outside behavioral health services must be submitted in accordance with the District's policy along with required documentation that would then be reviewed and approved preceding the BHP's access.

Evidenced within the September 6, 2025 email chain, the Parent understood that the District required formal documentation to initiate their request, but maintained their opposition of the District's refusal to permit outside behavioral health services inside the classroom. The BHP was subsequently emailed a copy of the policy and a copy of the service agreement on September 9, 2025, but as the Parent has admitted, a formal request was never submitted. As of the closing of this investigation, the Parent has not yet initiated the District's formal process for requesting approval for the Student's outside behavioral health services, as required by the District.

As a general matter, the approval or denial of a request necessitates a submission of a request by the requestor. In the absence of a formal request and any other required documentation, the District has issued neither an approval nor a denial of medically necessary outside behavioral health services to the Student. Based on the evidence within the record, the Department finds that the Parent's complaint is premature and rooted in anticipation that the District would deny in-class outside behavioral health services, and not in the existence of an actual and present formal denial for outside behavioral health services because a request was never properly submitted. Moreover, The District was not required to grant the Parent's premature demand to permit services to the Student in the educational setting that had not yet been formally requested under 17:173 and in accordance with the District's policy.

Therefore, the Departments finds that allegation 4 is <u>unsubstantiated.</u>

Allegations 1, 2 and 3: Parental Participation, Prior Written Notice (PWN) and least restrictive environment (LRE)

The Parent alleges (1) the District failed to provide them a reasonable opportunity to participate in the educational decisions for the Student, specifically by unilaterally restricting the Student's BHP from providing outside behavior health services inside the classroom without the Parent's participation in its decision; (2) the District failed to provide PWN upon each denial of the outside behavioral health services requested by the Parent; and, (3) the District failed to provide the student with access to supplementary aids and services necessary to allow the student to be educated in the least restrictive environment because the District refused to allow the Student's outside behavioral health services in the classroom.

Based on the Parent's remaining allegations, it appears they have assumed parity between the provisions of the IDEA and La. R.S. 17:173, mistakenly interpreting that LA. R.S. 17:173 provides the same parental participation protections, PWN and LRE requirements as the IDEA. However, no such requirements exists under 17:173 or Bulletin 135 Chapter 7.

To very briefly state the distinctions, the IDEA ensures that students with disabilities receive a Free Appropriate Public Education (FAPE) through an IEP, while the Louisiana state law, R.S. 17:173, outlines procedures for public school governing authorities in coordinating outside behavioral health services to not only students with exceptionalities, but also general education students as well. Thus, La. R.S. 17:173 is limited to the **coordination of outside behavioral health services** and is not applicable in decisions regarding a student's educational programming or placement. The behavioral health services permitted under LA R.S. 17:173 are not services that have been determined by a student's IEP Team as necessary for a student to have access to FAPE. As a result, districts are under no obligation to extend parental participation rights or consider parental preferences nor is it required to issue PWN in its efforts to coordinate outside behavioral health services to students.

As it relates to the Student's LRE, districts are not compelled under La. R.S. 17:173 to grant outside behavioral health services in the Student's LRE. In the context of where the provision of outside behavioral health services take place, 17:173 primarily ensures accessibility of those services on school property during school hours subject to procedural requirements and regardless of placement. A student's LRE is an educational placement decision under the IDEA and falls outside the scope of 17:173. Likewise, supplementary aids and services also fall under the IDEA, and are not required under 17:173. Under the IDEA, supplementary aids and services must be determined by the IEP team to be necessary for the provision of FAPE and subsequently incorporated into the student's IEP. It is only then that districts may be obliged under 17:173 to coordinate with the Student's BHP for the delivery of those services, but does not require delivery of the services in the student's LRE.

While the point is moot in this case, the Student's IEP team did not determine the Student required outside behavior health services necessary for FAPE at the March 2025 IEP meeting and so those services were not incorporated as a related service in the Student's current IEP. Thus, the District would not be required to coordinate the Student's outside behavioral health services within the Student's LRE.

Ultimately, the Department finds the District did not fail to provide parental participation and PWN to the Parent nor has it failed to provide supplementary services in the Student's LRE because, under 17:173, the District is simply not

obligated to do so. As such, the Department finds Allegations 1, 2 and 3 are unsubstantiated.

V. Conclusion

The Department finds that the District did not violate the Individuals with Disabilities Education Act, the Louisiana Children with Exceptionalities Act, La. R.S. 17:173 or the Department's implementing regulations as set forth in the Louisiana Bulletin 1706 and/or Bulletin 135 with respect to the allegations presented in this matter.

Therefore, this investigation is hereby closed and no additional action is required.

Sincerely,

Lindsey P. Dupree, 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 School Board (email only)

Louisiana Special Education Complaint Investigation

56-C-16

October 17, 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

Drew Thomas
Great Hearts Harveston
11801 Bluebonnet Blvd.
Baton Rouge, LA 70810
Drew.thomas@greathearts.org

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-16**

Dear Parties:

On October 15, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-16**. 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 School System (email only)

Louisiana Special Education Complaint Investigation

56-C-17

October 3, 2025

[redacted]

Alvado C. Willis, Director
Special Education Department
St. Landry Parish Schools
1013 E. Creswell Lane
Opelousas, LA 70571
awillis@slpsb.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-17**

Dear Parties:

On October 3, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-17**. 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: Milton Batiste, III, Superintendent, St. Landry Parish Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-18

October 8, 2025

[redacted]

Dr. Eric Penalber
Director of Special Education
Livingston Parish Public Schools
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. **56-C-18**

Dear Parties:

On October 8, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-18**. 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: Jody W. Purvis, Superintendent, Livingston Parish Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-19

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

December 1, 2025

[redacted]

Wendy Hill, Administrative Director
Special Education
Calcasieu Parish School Board
1618 Mill Street
Lake Charles, LA 70601
Wendy.hill@cpsb.org

RE: Findings-Decision in State Special Education Formal Complaint No. 56-C-19 on behalf of [redacted]

I. Introduction

On September 29, 2025, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") on behalf of their child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of the Calcasieu Parish Public School ("District"). The parent then amended this complaint on October 1, 2025 and 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 Department must determine:

1. Whether the District failed to provide parent with sufficient prior written notice of the District's refusal to use the expanded fluid reasoning index (EFI) in determining points earned in the cognitive domain of the gifted matrix as requested by the Parent;

2. Whether the District failed to complete a comprehensive evaluation that is nondiscriminatory and standardized, as required by and in violation of Bulletin 1508, in the District's assessment of the Student for Gifted placement; and,

3. Whether the District failed to provide the parent the opportunity to meaningfully participate in educational decisions by denying the Parent access to the Special Education Advisory Council member's direct contact information.

As the Department's assigned investigator, I have 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 amended complaint on October 1, 2025. Therefore, the investigation was limited to alleged violations of law that occurred

between October 1, 2023, and October 1, 2025.

III. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school and under evaluation for receiving special education and related services under the classification of Gifted. In March of 2025, the parties were engaged in communications related to the ongoing negotiation of a Due Process Hearing agreement. In an email dated March 24, 2025, the Parent expressed concerns that the Student may be Dyslexic. In a reply email, the District requested confirmation that the Parent believed the Student has a disabling condition that significantly impacts their educational performance and required either special education or 504 supports. The District also provided advance notice that this would necessitate a School Building Level Committee (SBLC) meeting to respond to the Parent's request for these perceived disability supports. The Parent confirmed adding that the Student may have ADHD and requested a comprehensive evaluation of the Student.

On April 28, 2025, the Parties executed the Due Process Hearing agreement to dismiss the hearing request and agreeing to conduct a comprehensive cognitive assessment of the Student for consideration for the classification of Gifted under Louisiana regulations. The Parties agreed that should the Student not meet eligibility, the District would conduct a screening no later than September 19, 2025. It was further agreed that, provided the Student be found eligible and following the Parent's consent, the District would conduct an expedited evaluation to be disseminated within 30 days. On September 9, 2025 the Parent executed a consent form for a gifted evaluation of the Student. The Gifted evaluation was completed on September 16, 2025; however, the Student was found not eligible.

By email dated September 22, 2025, the Parent submitted a request to the District to reconsider the Student's evaluation asking the District to substitute the Student's Full Scale IQ score for the Student's Fluid Reasoning Index (FRI) or, in the alternative, the Expanded Fluid Reasoning Index (EFI) score and admit the Student to the gifted program. As support for their request, the Parent referenced the National Association for Gifted Children's (NAGC) 2018 position statement regarding the use of Wechsler Intelligence Scale for Children-Fifth Edition (WISC-V)—a cognitive assessment tool used by the District during the evaluation of the Student. In this email, the Parent believed the Student's Full Scale IQ Score had been applied in the evaluation and argued that the score should not prevent the Student from gifted eligibility.

In a reply email dated September 23, 2025, the District informed the Parent the District had applied the Student's Global Ability Index (GAI) score and not the Full Scale IQ Score. The District offered to meet with the Parent to provide face-to-face interpretation of the results of the evaluation; however, the Parent ultimately declined. As it related to the Parent's outstanding perceived concerns regarding Dyslexia and ADHD, the District also clarified that the Parent's request for a Dyslexia evaluation and the request to amend the gifted evaluation scores—are separate issues. As the District explained further, an SBLC would need to be convened to consider the request for the Dyslexia evaluation. The Parent replied by requesting confirmation that the District was denying their request related to the gifted evaluation.

By email dated September 24, 2025, the District attached a Prior Written Notice (PWN) refusing to amend the evaluation or reopen an evaluation in order to grant the Parent's request. The PWN included an explanation for the denial, further details regarding the score options the District had considered and a statement that the Student does not qualify for the gifted program.

In a separate email chain on September 24, 2025, the District presented the Parent with a consent form for the requested Dyslexia screening. The Parent requested identification of the assessment tool that would be used in the screening and shared information regarding the Student's academic performance. The Parent advised the District of their belief that the Student should be evaluated as a twice exceptional student and declined to return the consent form until the Parent received clarity from the District regarding when the screening could occur.

On September 25, 2025, the Parent also requested a written response to a request for the District's policy on ancillary score substitutions and an explanation as to why the EFI was being "excluded". A response to this particular request

was not provided within the record; however, on that same day the District responded to the Parent's email related to the Dyslexia screening providing clarification regarding the differences between a screening and an evaluation and attached a PWN denying the Parent's request. The PWN contained an explanation for the denial and that the Student is not suspected of having a disabling condition. In a same day reply, the Parent reminded the District that they were awaiting the PWN from their previous EFI score substitution request. The District responded by forwarding the PWN previously issued on September 24, 2025 noting in quick summary the District's refusal.

By email dated September 29, 2025, the Parent requested the District's policy regarding interpretation of assessment results. The District responded that no policy exists that directs evaluation staff on interpretation of assessment results adding that the certified staff members interpret results based on their scope of practice according to Bulletin 1508 requirements. The Parent then requested the District's policy on scoring the WISC-V and what ancillary scoring options the District uses for awarding points on the Matrix. The District responded that it does not have a policy that directs staff on the manner specific assessments must be scored and advised test scoring is standardized by the test developer adding that evaluations are required to be compliant with Bulletin 1508.

Following this exchange, the Parent revived their request for a score substitution specifically seeking a PWN in response to the request for the Student's EFI score to be used in place of the GAI. The Parent further directed the District to provide reasons for its refusal specifically addressing the District's choice to "not follow Pearson (publisher of the WICS-V) and NAGC best practice guidelines and current research endorsed." To which, the District replied by referring again to the September 24, 2025 PWN.

On September 29, 2025, the Parent filed a complaint and amended that complaint on October 1, 2025, which formed the basis of the Department's investigation.

IV. Conclusions of Law

Allegation 1

The Parent alleges the District failed to provide sufficient PWN of the District's refusal to use the expanded fluid reasoning index (EFI) in determining points earned in the cognitive domain of the gifted matrix as requested by the Parent.

At issue here is the PWN issued in response to the Parent's request for scoring index substitutions—a request that required the District's evaluation team to (1) apply the Parent's preferred index score to change the points earned on the matrix and (2) find the Student eligible. It is the Parent's position that while the District provided PWN to their request for substitution of the FRI in place of the Full Scale IQ Score, it failed to provide PWN for the substitution of the Student's EFI in place of the GAI.

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 10 days, before proposing or refusing to initiate or change a student's identification, evaluation, placement or provision of FAPE. The purpose of this notice is to safeguard parent's right to be informed and meaningful participation in special-education decision making. 1706 § 504(B) lists the required contents of the PWN to include—in relevant part—(1) a description of the action refused; (2) an explanation as to why the District refuses to take such action; (3) a description of each evaluation procedure, assessment, record or report the agency used as a basis for the refusal; and (4) the options considered by the District.

In order to address the sufficiency of the notice, context regarding the initial request must be discussed.

The Department finds that the Parent initially expressed their preference for the District to substitute the Student's FRI or the EFI in place of the GAI, but the record does not reflect that the Parent made two separate and distinct request that would warrant two separate PWNs. Rather, the Parent made one request on September 22, 2025 for a score substitution of the Student's FRI arguing that the Student's FRI fell within the 'confidence interval of 134-148'—an index score that the NAGC recommends to be used in place of the Full Scale IQ Score in order to grant access to

students who would otherwise be ineligible. Included in that request, the Parent stated the Student's "EFI is within the confidence interval for the score needed for gifted acceptance."

The District timely issued its PWN on September 24, 2025. Additionally, the record demonstrates that the PWN satisfied all the requirements outlined in 504 (B), such that it (1) notified the Parent of the District's refusal to amend the evaluation or to reopen an evaluation by substituting the Student's FRI score *for other approved measures of general intellectual ability* and find the Student eligible for gifted as the Parent had requested; (2) explained the District did not use the Student's Full Scale IQ score as the Parent had assumed and instead applied the Student's GAI score--an equally acceptable ancillary scoring option according to the NAGC. The District advised the GAI was chosen specifically to eliminate reliance on the processing speed and working memory—where the Student performed the lowest. A decision that would benefit the Student by maximizing points on the cognitive portion of the Matrix, ultimately yielding 2 points for the Student rather than 1 on the District's scoring matrix; (3) indicated the basis for its refusal was standardized assessment evidenced by its use of the WISC-V; and, (4) discussed the District's consideration of the Parent's particular concerns for the Student's low performance in memory and processing speed as its basis for finding the GAI score was an appropriates measure to eliminate the impact of those two subtests.

It is not until the Parent's September 25, 2025 email is it made clearer that the Parent did not perceive the September 24th PWN as responsive to their EFI-GAI substitution request and expected the District to issue PWN specifically refusing that particular substitution. Appropriately, the District referred the Parent back to its September 24th PWN, which included all elements as required by Bulletin 1706 and sufficiently addressed the EFI substitution by clearly stating that it would not substitute the score for 'any approved measure'--meaning any scoring options approved for scoring the WISC-V and inclusive of the Student's EFI.

With regard to the Parent's demand related to Pearson and NAGC guidelines, the District was under no obligation to provide additional justifications as the Parent had dictated.

As such, allegation 1 is unsubstantiated.

Allegation 2

The Parent alleges that the District failed to complete a comprehensive evaluation by failing to follow nondiscriminatory, standardized procedures, as required by and in violation of Bulletin 1508, for gifted identification in the Student's evaluation because it (1) lacks a standardized policy directing its evaluators on scoring assessments and (2) calculated the Student's index using an incomplete and outdated score sheet.

The Parent submitted sources related to industry standards used in assessing students for gifted programs to the Department in support of their position, which included the NAGC 2018 position statement as well as recent Pearson Technical reports. The NAGC position statement provides a list of scoring options that the NAGC identifies as acceptable for use in the selection of students for gifted programs. Relevant to this complaint, the NAGC recommendations included, amongst others, the EFI and GAI as well as the Full Scale IQ score. These materials were considered in its investigation and while the Department appreciates the Parent's desire for the District to use their preferred scoring option recommended by the NAGC and to consider using recommended scoring options endorsed by Pearson, the Department respectfully disagrees with the Parent in its belief that the District is not already doing so. Most significantly, these sources are not the legal standard by which the District must adhere. Bulletin 1508: Pupil Appraisal Handbook, Chapter 9 serves as the legal standard in evaluating students referred for gifted assessments and as such, the Department must apply only this standard to this case in determining whether the District is in violation of the law.

Bulletin 1508 § 901(B)(2) governs Gifted and Talented screenings and directs Districts to develop and implement procedures for **screening** students suspected of being gifted as well as screening criteria that does not exceed the criteria for eligibility. Once a student has passed screening and an evaluation is underway, Bulletin 1508 § 901(C) lays out the criteria for gifted eligibility in which student scores are input into a standard matrix, as laid out in

Bulletin 1508 § 901(E). Additionally, Bulletin 1508 § 901(D) requires all tests and other procedures used to evaluate students referred for gifted assessments shall be standardized, non-discriminatory, and appropriate for the cultural background of the students being evaluated.

As it relates to whether the District performed a nondiscriminatory and standardized evaluation of the Student, the record does not support the Parent's allegation. The District's licensed evaluator utilized the standardized assessment widely known as the WISC-V and—based on the record—administered, scored and interpreted the Student's performance on the WISC-V in a manner consistent with the WISC-V scoring manual and calculated the points earned on the matrix in accordance with Bulletin 1508.

Moreover, the record is void of any evidence that the District acted discriminately in administering and scoring the Student's evaluation. While the Parent included comment in their narrative that they believed the District refused to admit the Student into its gifted program in an act of retaliation related to past negative interactions, the Department found no evidence of such action. To the contrary, the record reflects that the District's evaluator reviewed the Student's overall performance and determined the Student's GAI would be the most beneficial composite score because it eliminated the lowest scores—the exact areas of concern expressed by the Parent: memory and processing. This selection allowed for a more accurate interpretation of the Student's overall reasoning abilities. Despite the District's effort to maximize the Student's score, the Student still fell short of the required 6 points on the Matrix. Having failed to obtain 6 points on the Matrix, the District appropriately determined the Student is not gifted.

Initially, the Parent wanted the District to use the Student's FRI; however, the FRI is a single index score that is not used in isolation in evaluating students for admission into gifted programs and cannot be used independently to admit students to gifted programs. The Parent's request to use the Student's FRI alone to qualify the Student would have required the District to inappropriately apply the FRI and violate Bulletin 1706's requirement for a comprehensive evaluation. As such, the District's denial to substitute the FRI was proper.

As for the request for the EFI in place of the GAI, the NAGCs 2018 position statement clearly included the GAI alongside the EFI within its list of recommended scoring tools to be used in identifying gifted students. Moreover, the 2019 Pearson Technical report advised of expanded options beyond the GAI, but does not indicate that the GAI is no longer an appropriate or acceptable scoring option in identifying gifted students. None of the source materials indicated that the use of the GAI was inappropriate or outdated and it appears to remain an acceptable and appropriate scoring option used to eliminate the reliance of processing and memory utilized at the evaluator's discretion.

Lastly, the Parent alleged that the District calculated the Student's scores using an incomplete and outdated score sheet; however, the 2014 WISC-V score sheet utilized by the District is the most current version available and therefore, appropriately utilized by the District.

Allegation 2 is unsubstantiated.

Allegation 3

The Parent alleges the District failed to provide the parent the opportunity to meaningfully participate in educational decisions by denying the Parent access to the Special Education Advisory Council member's direct contact information.

Bulletin 1706 § 322(A)-(B) requires that parents are afforded a meaningful opportunity to participate in IEP Team meetings through timely notice identifying the purpose, time, location and expected participants.

The rights afforded to parents under the IDEA and Bulletin 1706 are specifically limited to the participation of parents in educational decision-making processes, such as IEP meetings, evaluations, and placement, that directly affect their child and does not extend a right to the parent for access to a district's advisory board contact information. Neither the IDEA nor Bulletin 1706 create an obligation on the District to provide such information. The District's SEAC is not involved in the decision-making processes regarding any individual student and therefore, the procedural safeguards

Of the IDEA and Bulletin 1706 do not apply in the interactions between the Parent and the SEAC. The District provided information to the Parent regarding the public method in which the Parent may submit comment.

Thus, the Department finds the District is under no obligation to provide email information under the IDEA or Bulletin 1706 and therefore, allegation 3 is unsubstantiated.

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 the Louisiana Bulletin 1706 with respect to the allegations presented in this matter. Therefore, this investigation is hereby closed and no additional action is required.

Sincerely,

Lindsey P. Dupree, Attorney

Office of Executive Counsel

Louisiana Department of Education

(225) 342-3572 (phone)/ (225) 342-1197 (fax)

DisputeResolution.DOE@la.gov

CC: Jason VanMetre, Superintendent, Calcasieu Parish Public Schools (email only)

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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LOUISIANA DEPARTMENT OF EDUCATION

February 23, 2026

[redacted]

Wendy Hill, Administrative Director
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Calcasieu Parish School Board
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Re: Reconsideration Decision in Special Education Formal Complaint No. **56-C-19** [redacted]

I. Introduction

On September 29, 2025, [redacted] ("Parent") filed a formal written request for a special education complaint investigation, which was amended on October 1, 2025. On December 1, 2025, the Louisiana Department of Education ("Department" or "LDOE") issued a decision in Complaint No. 56-C-19 concerning evaluation procedures, prior written notice, and parent participation in connection with a gifted eligibility determination. The December 1, 2025 decision specifically addressed the following three allegations:

1. Whether the District failed to provide sufficient prior written notice of its refusal to use the Expanded Fluid Reasoning Index (EFI) in determining points earned in the cognitive domain of the gifted matrix;
2. Whether the District failed to complete a comprehensive evaluation that was standardized and nondiscriminatory as required by Bulletin 1508 in assessing the Student for gifted placement; and
3. Whether the District denied the Parent the opportunity to meaningfully participate in educational decision-making by refusing to provide direct contact information for a Special Education Advisory Council member.

The original complaint investigator concluded that each allegation raised by the Parent was unsubstantiated. The Parent thereafter submitted a reconsideration request asserting, among other things, that the:

1. LDOE incorrectly concluded that one prior written notice addressed both the FRI and EFI substitution requests;
2. LDOE did not properly evaluate whether the District's scoring practices were standardized or nondiscriminatory;
3. LDOE failed to analyze whether the District met its Child Find obligations regarding dyslexia and ADHD; and

4. District submitted inaccurate information and that the investigative findings relied on a "false factual record."

II. Scope of Reconsideration

Reconsideration in this matter is governed by Bulletin 1706 §1153(I), which permits review where a party alleges error in findings of fact and/or law and demonstrates how such alleged error impacts the conclusions reached. Pursuant to Bulletin 1706 §1153(I)(4), reconsideration is limited to documentation originally submitted regarding the allegations investigated and may not expand the scope of the original complaint. Accordingly, the panel's review is confined to the existing administrative record and to the specific allegations addressed in the December 1, 2025 decision.

The December 1, 2025 decision cited certain provisions of Bulletin 1706 Subpart 1. Because this matter concerns gifted and talented eligibility, the applicable regulatory framework is set forth in Bulletin 1706 Subpart 2. Formal written complaint procedures for gifted and talented students are governed by Bulletin 1706 §§1151–1153, and under §1152(C), a complaint must allege a violation occurring not more than one year prior to the date the complaint is received. Prior written notice requirements are governed by Bulletin 1706 §1503, which requires written notice describing the action proposed or refused, the reasons for that action, the evaluation procedures and information relied upon, and notice of procedural safeguards. Parent participation requirements arise under Bulletin 1706 §§1322 and 1502, which require that parents be afforded the opportunity to participate in meetings concerning identification, evaluation, educational placement, and the provision of a free appropriate public education. The panel applies these Subpart 2 provisions in addressing the Parent's reconsideration assertions.

III. Determination

Allegation 1

In the December 1, 2025 decision, the complaint investigator concluded that the District's September 24, 2025 Prior Written Notice sufficiently addressed the Parent's request to substitute alternative index scores and satisfied the content requirements of Bulletin 1706 §504. The investigator found that the Parent's September 22, 2025 communication constituted a single request seeking substitution of the Fluid Reasoning Index (FRI), or in the alternative the Expanded Fluid Reasoning Index (EFI), in order to alter the cognitive matrix score and obtain gifted eligibility. The investigator further determined that the District's PWN described the action refused, explained the basis for refusal, identified the evaluation procedures relied upon, and addressed alternative scoring considerations. Based on those findings, Allegation 1 was determined to be unsubstantiated.

In the request for reconsideration, the Parent asserts that the LDOE incorrectly determined that one PWN covered both FRI and EFI requests. Upon reconsideration, the panel notes that the investigator analyzed the PWN under Bulletin 1706 §504, a Subpart 1 provision applicable to students with disabilities. The correct governing authority for gifted matters is Bulletin 1706 §1503. The citation is therefore corrected.

However, Bulletin 1706 §1503 requires that written notice describe the action refused, explain the reasons for the refusal, identify the evaluation procedures and information used as a basis for the decision, and inform parents of procedural safeguards. The investigator's findings reflect that the September 24, 2025 PWN refused amendment or reopening of the evaluation and explained the District's reliance on the Global Ability Index (GAI). The notice further identified the WISC-V and matrix scoring under Bulletin 1508 as the basis for the decision and addressed the Parent's request for substitution of alternative index scores. The language refusing substitution for "other approved measures of general intellectual ability" reasonably encompasses both FRI and EFI as presented in the Parent's single substitution request.

It is not until the Parent's September 25, 2025 email that it becomes clearer that the Parent did not perceive the September 24 PWN as responsive to the EFI-GAI substitution request and expected the District to issue

a separate PWN specifically refusing that substitution. Appropriately, the District referred the Parent back to its September 24 PWN, which included all elements required by Bulletin 1706 and sufficiently addressed the EFI substitution by clearly stating that it would not substitute the score for "any approved measure"—meaning any scoring option approved for scoring the WISC-V and inclusive of the Student's EFI. The record further reflects that after the Parent renewed the request specifically seeking use of the EFI, the District resent the September 24, 2025 PWN and reaffirmed that the notice reflected its refusal to amend or reopen the evaluation, thereby confirming that its intent encompassed the EFI substitution request.

Accordingly, although the complaint investigator cited §504 rather than §1503, the analysis applied aligns with the requirements of §1503. The correction of the citation does not alter the conclusion that Allegation 1 is unsubstantiated.

Allegation 2

In the December 1, 2025 decision, the complaint investigator concluded that the District administered and interpreted the Student's evaluation in compliance with Bulletin 1508 and that the record did not support a finding that the evaluation was nonstandardized or discriminatory. The investigator found that the WISC-V was administered by a licensed evaluator, that scoring was conducted consistent with the test developer's manual, and that matrix calculations were performed pursuant to Bulletin 1508 §901. The investigator further determined that the District's use of the Global Ability Index, rather than the EFI preferred by the Parent, did not constitute a violation of law. Allegation 2 was therefore determined to be unsubstantiated.

In the reconsideration request, the Parent asserts that the LDOE did not evaluate whether the District's scoring practices were standardized or nondiscriminatory. The record does not support that assertion. The investigative findings expressly addressed Bulletin 1508 §901(D), which requires that tests and procedures be standardized, nondiscriminatory, and appropriate. The investigator concluded that the WISC-V is a standardized instrument, that scoring is governed by the test developer, and that no evidence demonstrated discriminatory application.

Bulletin 1508 does not mandate selection of one ancillary composite score over another where both are recognized scoring options. Disagreement with the evaluator's methodological judgment does not establish that the procedures were nonstandardized or discriminatory under §901(D).

Accordingly, correction of the citation framework does not impact the investigator's findings in Allegation 2, and the conclusion that Allegation 2 is unsubstantiated remains unchanged.

Child Find Assertion

In the reconsideration request, the Parent asserts that the LDOE failed to analyze whether the District met its Child Find obligation regarding dyslexia or ADHD. The December 1, 2025 complaint identified three specific allegations: prior written notice, standardized evaluation procedures, and meaningful parent participation. Pursuant to Bulletin 1706 §1153(I)(4), reconsideration may not expand the scope of the original complaint. Because a Child Find allegation was not raised in the original complaint, it is outside the permissible scope of reconsideration under Bulletin 1706 §1153(I)(4) and is not properly before the panel.

Material Inconsistency Assertion

The Parent's reconsideration request also asserts that the District submitted inaccurate information and that the investigative findings relied on a "false factual record." Pursuant to Bulletin 1706 §1153(I)(2)–(3), reconsideration requires demonstration, through documentation previously submitted, that a specific finding of fact is contradicted by the record and that correction of that finding would materially affect the conclusion. Upon review, the panel finds that the reconsideration request primarily reflects disagreement with the interpretation of evaluation data, characterization of communications, and weight afforded to certain documentation. Reconsideration is not a mechanism for re-arguing evidentiary disputes or advancing

alternative interpretations of the same record that were previously considered. Accordingly, the panel confined its review to the legal errors identified and to whether any material factual error impacting the outcome has been established.

IV. Conclusion

The December 1, 2025 decision cited certain provisions of Bulletin 1706 Subpart 1 rather than the governing Subpart 2 authority applicable to gifted and talented matters. The applicable Subpart 2 provisions are applied herein. Application of the proper regulatory framework does not alter the substantive findings or conclusions reached in the original determination.

For the foregoing reasons, the panel determines that the complaint investigator's findings of fact and conclusions of law were reasonably supported by the record and consistent with the governing regulatory authority. The December 1, 2025 decision is therefore affirmed.

Respectfully,

Domonique Dickerson
Attorney

R. Christopher Fruge
Attorney

Andrea Morrison
Attorney

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CC: Jason VanMetre, Superintendent, Calcasieu Parish Public Schools

Louisiana Special Education Complaint Investigation

56-C-20

Louisiana Special Education Complaint Investigation

56-C-21

LOUISIANA DEPARTMENT OF EDUCATION

October 9, 2025

[redacted]

Dr. Adrina Million, Director
LeBlanc Special Services Center
Ascension Public Schools
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. **56-C-21**

Dear Parties:

On October 9, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-21**. 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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DisputeResolution.DOE@la.gov

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

Louisiana Special Education Complaint Investigation

56-C-22

October 9, 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. **56-C-22**

Dear Parties:

On October 9, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-22**. No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
Investigating Attorney
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CC: LaMont Cole, Superintendent, East Baton Rouge Parish Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-23

October 10, 2025

[redacted]

Sherri Lacoste
Supervisor of Special Education Department
Acadia Parish Schools
2402 North Parkerson Ave.
Crowley, LA 70526
slacoste@apsbonline.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-23**

Dear Parties:

On October 10, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-23**. No further action is required by either party.

Sincerely,

Lindsey P. Dupree, Attorney
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CC: Carol D. Tall, Superintendent, Acadia Parish Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-24

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

December 1, 2025

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Falin Key
Director of Special Education, Assessment & Compliance
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RE: Final Decision Formal Complaint No. 56-C-24

Dear Parties:

On October 1, 2025, the Louisiana Department of Education ("Department") received a complaint from Kristoffer McMCoy of Aspire Behavioral Health Center ("Complainant" or "Provider"), a private provider of applied behavior analysis (ABA) services, alleging that the Lafayette Parish School System's ("District") policy regarding remote or telehealth services violates R.S. 17:173. Specifically, the Complainant asserts that the District's policy either directly prohibits or effectively prevents the remote supervision of registered behavior technicians.

Pursuant to R.S. 17:173 and its implementing regulations in Bulletin 135 § 705, the Department is authorized to receive, investigate, and issue determinations regarding complaints alleging noncompliance with behavioral health service requirements. For a complaint to be actionable, it must allege that a public school governing authority denied a student access to medically necessary behavioral health services during the school day.

In this case, the complaint does not allege that a student has been denied access to medically necessary behavioral health services during any part of the school day. Rather, the Complainant describes operational challenges associated with providing in-person supervision staff, including travel burdens and limits on staff capacity. For example, the complaint states that "a typical Behavior Analyst with 10-15 clients would need to travel in person to multiple schools (and in some cases school districts as we provide services in all of Acadiana as an example)."[1] These concerns relate to the Provider's business model rather than to any allegation that a student has been denied access to services. While such concerns may be relevant to the Provider's service-delivery structure, they do not fall within the scope of the Department's complaint resolution procedures.

[1] Aspire Behavioral Health Center, Formal Complaint, Exhibit 1.

La. R.S. 17:173 protects the right of students to receive medically necessary behavioral health services at school when such services are requested by a parent or legal guardian and authorized by an independent third-party payor. It does not create an obligation for public school governing authorities to accommodate a provider's operational or management preferences. In fact, both R.S. 17:173(A)(2)(e) and Bulletin 135 § 703(B)(5) require that the delivery of behavioral health services be implemented in a manner that accounts for school operations.

Because the complaint does not allege a denial of student access to medically necessary behavioral health services and instead reflects a provider's disagreement with the District's policy based on business considerations, it does not state a claim subject to investigation or enforcement under R.S. 17:173 or Bulletin 135. The complaint is therefore dismissed.

This determination is the final decision.

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: Francis Touchet, Superintendent, Lafayette Parish School System

Louisiana Special Education Complaint Investigation

56-C-25

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

January 5, 2026

[redacted]

Michael Yoist
Director of Exceptional Student Services
Rapides Parish School Board
4515 Eddie Williams Ave.
Alexandria, LA 71302
Michael.yoist@rpsb.us

Re: Findings-Decision in Special Education Formal Complaint No. **56-C-25** [redacted]

I. Introduction

On November 4, 2025, the Louisiana Department of Education ("Department" or "LDOE") received a formal complaint from [redacted], on behalf of a minor child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of the Rapides Parish School Board ("District").

The Complainant requested that the Department initiate an investigation pursuant to Louisiana Bulletin 1706 §§151–153.

II. Statement of the Case

In the complaint, the Complainant alleged 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 Complainant alleged that the District: (1) failed to ensure that the IEP team was properly constituted; (2) failed to provide timely and sufficient notice regarding an IEP meeting scheduled on or about October 24, 2025; and (3) significantly impeded the parent's opportunity to meaningfully participate in the decision-making process regarding the provision of a free appropriate public education (FAPE) to the student.

Pursuant to Bulletin 1706 §152(C), a complaint must allege a violation occurring not more than two years prior to the date the complaint is received. Accordingly, the scope of this investigation was limited to alleged violations occurring between November 3, 2023, and November 4, 2025.

Based on a review of the record and the applicable legal standards, the following findings of fact and conclusions of law are made.

III. Findings of Fact

The Student is a child with a disability entitled to a free appropriate public education pursuant to the Individuals with Disabilities Education Act. The Parent is the Student's parent, and the Complainant is an advocate invited by the Parent to participate in meetings concerning the Student's special education services.

On October 9, 2025, the Louisiana Department of Education's Special Education Ombudsperson issued a written Notice of Facilitated IEP Meeting to the Parent and the District, referencing Log Number 56-F-12. The notice stated that a facilitated IEP Team meeting was scheduled for October 24, 2025, at 8:00 a.m. at [redacted] and identified a LDOE-designated contractor as the assigned facilitator.

On October 9, 2025, the District issued a document titled Parental Notification Letter-Prior Written Notice regarding the October 24, 2025 IEP Team meeting. The notice identified the purpose of the meeting as the development, review, or amendment of the Student's Individualized Education Program and determination of placement. The notice identified the school principal, [redacted] as the Officially Designated Representative (ODR). The notice also listed additional school system personnel, including a general education teacher, special education teacher, and evaluation staff, among other invited participants. [redacted] was listed as "Pupil Appraisal Manager/Other." The Parent signed the notice on October 9, 2025, indicating an intent to attend the meeting and acknowledging receipt of procedural safeguards.

On October 20, 2025, the District issued an updated Parental Notification Letter reflecting that the Director of Exceptional Student Services, who was listed as an invited participant on the October 9, 2025 Parental Notification Letter, would not attend the October 24, 2025 IEP Team meeting.

According to the complaint, the Parent, the advocate, the LDOE-designated facilitator, and multiple District personnel were present at the scheduled meeting time. The Complainant reports that the meeting did not proceed and was verbally rescheduled after approximately an hour of delay, which the Complainant attributes to the absence of an ODR.

According to the District, the principal identified as the Officially Designated Representative was not on campus on October 24, 2025 because she was attending another meeting. The District reports that this absence was not immediately known and that staff present attempted to secure another qualified individual to serve as ODR. The District further reports that the assistant principal was also unavailable and that District staff contacted the Director of Exceptional Student Services and [redacted]

The District reports that [redacted] who was listed on the October 9, 2025 notice as an invited participant, was qualified and willing to serve as ODR and was en route to the school. The District further reports that [redacted] communicated her travel status to a member of the IEP Team and confirmed she would serve as ODR upon arrival.

The District reports that the facilitator declined to proceed with the meeting and required that it be rescheduled, based on the facilitator's understanding regarding the requirements for an ODR. The District reports that the meeting was rescheduled before [redacted] arrived on campus and that [redacted] received a text message indicating the meeting had been rescheduled after she arrived in the school parking lot.

On November 3, 2025, the Parent received a Parental Notification Letter from the District confirming that the facilitated IEP Team meeting had been rescheduled for November 21, 2025.

On November 14, 2025, the District Superintendent issued a written communication to school principals referencing an allegation submitted to the LDOE concerning an IEP meeting that was rescheduled due to the absence of an ODR. The communication stated that it is the District's responsibility to ensure that an Officially Designated Representative is present at all IEP meetings and directed principals to communicate with the Exceptional Student Services Director if extenuating circumstances arise so that alternative arrangements can be made.

IV. Conclusions of Law

Allegation 1

The Individuals with Disabilities Education Act (IDEA), requires that each child with a disability have an Individualized Education Program (IEP) that is developed, reviewed, and revised by a properly constituted IEP Team. Under 34 C.F.R. 300.321(a), the IEP Team must include the child's parents, at least one regular education teacher (when applicable), at least one special education teacher, and a representative of the local educational agency who is qualified to provide or supervise specially designed instruction, is knowledgeable about the general education curriculum, and is knowledgeable about the availability of public agency resources. The public agency representative—commonly referred to in Louisiana as the Officially Designated Representative—is a required member of the IEP Team. A public agency may designate a qualified individual to serve as the agency representative, provided that the individual meets the criteria established in 34 C.F.R. 300.321(a)(4) and (d). The obligation rests with the public agency to ensure that the IEP Team includes all required members or that any absence of a required member complies with the excusal provisions.

With respect to attendance, 34 C.F.R. 300.321(e) sets forth limited circumstances under which a required IEP Team member may be absent, in whole or in part. If the member's area of the curriculum or related services is not being discussed, the parent and the public agency may agree in writing that the member's attendance is not necessary. If the meeting does involve the member's area, the member may be excused only if the parent and the public agency consent in writing and the member provides written input before the meeting.

Louisiana has adopted and implemented these federal requirements through Bulletin 1706. Bulletin 1706 §321(A)(4) requires that the IEP Team include an ODR who is qualified to provide or supervise specially designed instruction, is knowledgeable about the general education curriculum, and is knowledgeable about the availability of public agency resources. Under Bulletin 1706 §321(D), a public agency may designate another qualified IEP Team member to also serve as the agency representative, provided the individual satisfies the criteria in §321(A)(4). Bulletin 1706 §321(E) governs IEP Team attendance and excusal and permits the absence of a required IEP Team member only when the parent and the public agency provide written agreement or consent, consistent with federal requirements.

In the current case, the issue presented is whether the District ensured that the IEP Team for the October 24, 2025 meeting was properly constituted at the time the meeting was scheduled to convene, or whether the absence of a required team member was addressed through a valid written excusal consistent with 34 C.F.R. 300.321 and Bulletin 1706 §321.

The record establishes that the October 9, 2025 Parental Notification Letter identified the school principal as the ODR and that the ODR was not present at the time of the meeting was scheduled to convene and the participants were prepared to proceed. Under these circumstances, the District was required either

to have a qualified public agency representative present and serving in the ODR role at the time the meeting was scheduled to convene, or to have satisfied the written excusal requirements set forth in Bulletin 1706 §321(E) and 34 C.F.R. 300.321(e).

The District asserts that it attempted to remedy the principal's unavailability by securing another qualified individual to serve as the ODR and that [redacted] who was listed on the meeting notice as an invited participant, was qualified, willing, and en route to assume that role. Federal and state regulations permit a public agency to designate a qualified individual to serve as the agency representative, and neither 34 C.F.R. 300.321 nor Bulletin 1706 §321 requires that the representative hold a specific job title.[1] However, the permissibility of substitution does not relieve the District of its obligation to ensure that the IEP Team includes a qualified public agency representative at the time the meeting is scheduled to convene, nor does it authorize proceeding in the absence of that role without written parental agreement or consent. The applicable statutes and regulations do not provide for excusal by implication or anticipated arrival; rather, they require that the role be filled or that the absence be addressed through the written excusal mechanisms established by law.

The District further contends that the meeting was canceled because the LDOE-designated facilitator declined to proceed before [redacted] arrived and that the facilitator's understanding of the requirements for an ODR contributed to the rescheduling of the meeting. While the record reflects that the meeting was scheduled to occur in a facilitated context, the use of IEP Facilitation does not alter the legal requirements governing IEP Team composition or attendance. The responsibility to ensure that a properly constituted IEP Team is present at the remains with the local educational agency (LEA). IEP Facilitation is a voluntary process designed to support communication and collaboration; it does not create an exception to the attendance or excusal requirements and does not shift the LEA's compliance obligations to another party.[2]

Finally, although the District points to the availability of a substitute representative, the evidence establishes that the individual identified as the ODR was not present at the scheduled start of the meeting. While the District reports that [redacted] was qualified and en route to assume that role, the record does not establish that a qualified public agency representative was in attendance to serve as the ODR when the meeting was scheduled to convene or during the period in which participants waited for such a representative to arrive.

Under these circumstances, the record supports a determination that the District did not ensure the IEP Team was properly constituted, as required by 34 C.F.R. 300.321 and Bulletin 1706 §321. Allegation 1 is **substantiated**.

Allegation 2

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[1] *See* Bulletin 1530 §107(A)(1) which further explains that a local educational agency may designate a variety of qualified personnel to serve as the Officially Designated Representative, provided the individual is qualified to provide or supervise specially designed instruction, is knowledgeable about the general education curriculum, and is knowledgeable about the availability of agency resources.

[2] *See* Bulletin 1706 §905 which defines Individual Education Plan Facilitation as a voluntary alternative dispute resolution process available by mutual agreement of the parent and the public agency, in which a neutral facilitator assists the parties in communicating and drafting an IEP. The definition specifies that the facilitator's role is to support discussion and collaboration during the IEP meeting and does not assign decision-making authority or compliance responsibility to the facilitator.

Under 34 C.F.R. 300.322(a)–(b), a public agency must take steps to ensure that one or both of a student's parents are afforded the opportunity to participate in IEP Team meetings. This includes providing notice early enough to allow parent attendance and scheduling the meeting at a mutually agreed upon time and place. The notice must also state the purpose, time, and location of the meeting and who will be in attendance.

Louisiana has adopted these requirements through Bulletin 1706. Pursuant to Bulletin 1706 §322(A), each public agency must take steps to ensure that one or both parents of a student with a disability are present at each IEP Team meeting or are afforded the opportunity to participate. This includes timely notice and mutually agreed scheduling. Under Bulletin 1706 §322(B)(1), the notice must indicate the purpose, time, and location of the meeting, who will be in attendance, and inform the parents of their right to invite individuals with knowledge or special expertise about the student.

Bulletin 1706 §502(B) further provides that parents must be afforded the opportunity to participate in meetings related to the identification, evaluation, educational placement of the student, and the provision of a free appropriate public education (FAPE). Public agencies must provide notice consistent with Bulletin 1706 §322 to ensure that opportunity. Issues concerning the absence, substitution, or excusal of required IEP Team members are governed by the IEP Team composition and attendance provisions set forth in 34 C.F.R. 300.321 and Bulletin 1706 §321.

In the current case, the record reflects that on October 9, 2025, the District issued a Parental Notification Letter regarding an IEP Team meeting scheduled for October 24, 2025, at 8:00 a.m. at [redacted] The notice identified the meeting's purpose as the development, review, or amendment of the Student's IEP and a determination of placement. It also identified the anticipated attendees, including an Officially Designated Representative, a general education teacher, a special education teacher, and evaluation and related-services personnel. The Parent signed the notice the same day, acknowledging receipt and intent to attend. The meeting was scheduled approximately two weeks in advance. This notice satisfied the requirements of 34 C.F.R. 300.322(b)(1)(i) and Bulletin 1706 §322(B)(1)(a), which require timely written notice that identifies the meeting's purpose, time, location, and who will be in attendance.

The Complainant asserts that the District's notice was deficient because the ODR identified on the October 9, 2025 notice did not ultimately attend the October 24, 2025 meeting and the District did not notify the Parent of that circumstance in advance. However, the applicable notice provisions require that, at the time notice is issued, the notice contain sufficient information to allow the parent to understand the nature of the meeting and to prepare for meaningful participation. To the extent the Complainant alleges that a required IEP Team member was absent when the meeting was scheduled to convene, that concern more appropriately relates to whether the IEP Team was properly constituted. Issues of IEP Team composition and excusal are governed by 34 C.F.R. 300.321 and Bulletin 1706 § 321 and are addressed under Allegation 1.

While the regulations do not prohibit a public agency from informing parents about anticipated changes in team composition, nor discourage such communication as a matter of transparency and collaboration, the failure to do so under the facts presented in this case does not constitute a violation of the notice provisions in 34 C.F.R. 300.322 or Bulletin 1706 §322.

Accordingly, the record does not support a finding that the District failed to provide timely or sufficient notice of the October 24, 2025 IEP Team meeting. Allegation 2 is **unsubstantiated**.

Allegation 3

Under the IDEA and its Louisiana counterpart, parents have the right to participate in meetings related to the identification, evaluation, educational placement, and provision of a free appropriate public education (FAPE) to their child. Public agencies must take steps to ensure that parents are afforded this opportunity, including providing timely notice of meetings and scheduling meetings at a mutually agreed upon time and place, consistent with 34 C.F.R. 300.322(a) and Bulletin 1706 §§502(B) and 322.

Parental participation requires more than physical presence; it requires that parents have a genuine opportunity to engage in discussion, express concerns, and help shape the IEP before decisions are made. A failure to provide such an opportunity may constitute a procedural violation under the IDEA. However, not every procedural violation related to parental participation rises to the level of a denial of FAPE. A procedural violation results in a denial of FAPE only if it impeded the child's right to FAPE, significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of FAPE, or caused a deprivation of educational benefit.[3]

When an IEP meeting does not occur as scheduled or cannot proceed due to the absence of a required IEP Team member, the inquiry turns on whether the circumstances, viewed in context and considering the totality of the circumstances, significantly impeded the parent's opportunity to meaningfully participate in educational decision-making.

In the current case, the parties collectively agreed to participate in a facilitated IEP Team meeting scheduled for October 24, 2025. The record reflects that the Parent appeared at the scheduled time and location, along with the Parent's invited advocate, District personnel, and the LDOE-designated facilitator. The purpose of the meeting was to develop, review, or amend the student's IEP.

As discussed under Allegation 1, the meeting could not proceed as scheduled due to the absence of a qualified ODR at the time the meeting was scheduled to convene. As a result, the meeting was canceled and later rescheduled.

While the District's failure to ensure proper IEP Team composition constituted a procedural violation, the question under this allegation is whether that violation significantly impeded the Parent's opportunity to meaningfully participate in the decision-making process.

The record indicates that the Parent did, in fact, attend the scheduled meeting and was prepared to participate. The Parent was not excluded from the meeting or prevented from expressing concerns. Rather, the meeting was unable to proceed because the IEP Team could not be fully constituted at the scheduled time. The record further reflects that the meeting was rescheduled for November 21, 2025. Although the cancellation of a scheduled meeting after the Parent's arrival reflects a breakdown in meeting logistics, inconvenience or delay alone does not establish a denial of meaningful parental participation. A procedural violation rises to the level of a denial of FAPE only when it significantly impairs the parent's ability to contribute to educational decision-making—not merely when it results in scheduling disruption.

Considering the totality of the circumstances, including the Parent's presence at the scheduled meeting, the absence of substantive decision-making in the Parent's absence, and the rescheduling of the meeting,

[3] *See* 34 C.F.R. 300.513(a)(2); Bulletin 1706 § 513(A)(2) (articulating the standard for determining when a procedural violation results in a denial of FAPE).

the evidence does not support a finding that the Parent's participatory rights were significantly impeded, nor that there was a denial a FAPE.

Allegation 3 is **unsubstantiated**.

V. Corrective Action

The record establishes that the District did not ensure that the IEP Team was properly constituted for the IEP Team meeting scheduled to convene on October 24, 2025, due to the absence of a required Officially Designated Representative. To prevent recurrence of this noncompliance:

- By no later than February 5, 2026, the District shall review and, if necessary, revise its policies and/or procedures to ensure that all required IEP Team members, including an Officially Designated Representative, are present at the time an IEP Team meeting is scheduled to convene, unless the absence of a required member is addressed in accordance with the written agreement or written consent requirements set forth in 34 C.F.R. 300.321(e) and Bulletin 1706 §321(E).
- By no later than February 5, 2026, the District shall submit documentation to the Department demonstrating that the required review has occurred and that relevant District staff responsible for scheduling and convening IEP Team meetings have been informed of any revised or clarified procedures.

Respectfully,

Domonique Dickerson

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 School Board

Louisiana Special Education Complaint Investigation

56-C-26

LOUISIANA DEPARTMENT OF EDUCATION

December 8, 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

Drew Thomas
Great Hearts Harveston
11801 Bluebonnet Blvd.
Baton Rouge, LA 70810
Drew.thomas@greathearts.org

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-26**

Dear Parties:

On December 5, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-26**. No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
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 (email only)

Louisiana Special Education Complaint Investigation

56-C-27

LOUISIANA DEPARTMENT OF EDUCATION

November 18, 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

Drew Thomas
Great Hearts Harveston
11801 Bluebonnet Blvd.
Baton Rouge, LA 70810
Drew.thomas@greathearts.org

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-27**

Dear Parties:

On November 10, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-27**. No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
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 (email only)

Louisiana Special Education Complaint Investigation

56-C-28

November 17, 2025

[redacted]

Dr. Shelia Lockett
Exceptional Children Executive Director
Caddo Parish Public Schools
2226 Murphy Street
Shreveport, LA 71103
SMLOCKETT@caddoschools.org

RE: Formal Complaint Investigation on behalf of [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-28**

Dear Parties:

On November 5, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-28**. No further action is required by either party.

Sincerely,

Lindsey P. Dupree
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

56-C-29

LOUISIANA DEPARTMENT OF EDUCATION

November 24, 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: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-29**

Dear Parties:

On November 20, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-29**. No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
Attorney
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Louisiana Department of Education
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CC: Frank Jabbia, Superintendent, St. Tammany Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-30

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

December 22, 2025

[redacted]

Devin Soeseno, Director
Special Education
Lafayette Parish School System
P.O. Box 2158
Lafayette, LA 70502
Wendy.hill@cpsb.org

RE: Findings-Decision in State Special Education Formal Complaint No. **56-C-30 on behalf of** [redacted]

I. Introduction

On October 22, 2025, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") and requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153 on behalf of their child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of the Lafayette Parish School System ("District").

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 Department must determine:

> 1. Whether the District failed to initiate an initial evaluation of the student when presented with information that reasonably suspected a disability, including but not limited to a written parent request, prior psychological and/or medical documentation, and persistent behavior concerns and discipline referrals.

As the Department's assigned investigator, I have 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 October 22, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between October 23, 2023, and October 22, 2025.

III. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school. The Student was enrolled into the District in July of 2025 having recently moved into the United States from [redacted]. Upon the Student's enrollment the District collected a Home Language Questionnaire and other supporting documents and determined the Student should be placed in a Regular Education Program and an English Language Proficiency Screener (ELPS)

would be administered. After the beginning of the school year, the Student exhibited difficulties in completing academic tasks and engaged in inappropriate behaviors at school. In response to a teacher referral regarding academic concerns, the District convened a School Building Level Committee ("SBLC") meeting on Friday, August 22, 2025. At this meeting the Parent advised the Student knew the alphabet and numbers, but had a hard time retaining information, distinguishing colors, reading and writing. The Parent also advised that the Student had attended a private school in their country of origin and had been diagnosed with a learning disability and received ABA therapy, but the Student was not receiving Special Education services through an Individualized Education Plan (IEP). In the meeting notes, the District noted the Student needed constant redirection and did not know how to complete classwork. With this information and a review of universal screening data, it was agreed to begin academic interventions to collect data and screen the Student for Dyslexia.

On August 26, 2025—the following Tuesday--the SBLC met again in response to the Parent's request for a special education evaluation based on their concerns regarding the Student's behavior and academic performance. In addition to the information provided by the Parent in the previous SBLC meeting, it was noted that the Student spoke English mainly, when unable to express themselves would speak [redacted]. The Parent provided records to the District, including an outside psychological evaluation of the Student and other relevant information, including the Student's April 24, 2024 neurological evaluation conducted in the [redacted] by [redacted] as prepared by [redacted] diagnosing the student with "Learning vs. Intellectual Disability". Results of assessments performed in the 2024 psychological evaluation, revealed the Student's FISQ was 78—within Borderline Impaired/Delayed or below average category, demonstrated significantly low performance in visual-spacing and working memory and fine motor skills. In summary, the neurologist summarized there was no evidence of an intellectual disorder, recommended testing for ADHD and activities to improve attention and increase motor skills. It is unclear whether the Student was reevaluated within six months as suggested, but the meeting notes indicated the Parent advised [redacted] diagnosed the Student on March 22, 2025 with a learning disability. The District shared concerns that the student was not completing work and refused to participate in assessments and computer based interventions. At the time of the meeting, the Student had received no major referrals and it was noted that the Student was benefitting from breaks. The District noted the Student was exhibiting signs of adjustment to the school and transition to its pace. Based on this information, the Pupil appraisal team did not accept the evaluation request, but instead agreed to collect data through the District's general education interventions Positive Behavior Intervention Support (PBIS) during the data collection period, begin academic interventions previously agreed to at the August 22nd meeting and reconvene the SBLC in 4-6 weeks to review the collected data.

On August 27, 2025 the Student received their first behavioral referral for conduct injurious to associates resulting in detention served on August 29, 2025. On September 4, 2025, the Student received an infraction for disruptive behavior on the bus that prevented the driver from finishing the route and resulting in a one day suspension from the bus to be served on September 5, 2025.

By email dated September 9, 2025, the Parent submitted a second request for a special education evaluation. By letter dated September 10, 2025, the District acknowledged receipt of the Parent's request notifying the Parent that on September 23, 2025 an SBLC meeting would address the evaluation request. Also on September 10, 2025, a meeting was held to review the Dyslexia related data and interview the District's Dyslexia teacher, which resulted in a determination that the Student was At Risk and the Student would be screened for Dyslexia and scheduling the September 23, 2025 SBLC meeting to determine next steps. Ultimately, the September 23rd SBLC meeting dually served the committee to (1) review the results of the Dyslexia screener and (2) consider the Parent's special education evaluation request.

From September 10, 2025 through September 23, 2025 the District conducted vision and hearing screenings and DIBELS. The Student failed the vision screening, passed the hearing and performed below average in DIBELS BOY. On Lexia and iReady, the Student performed 2 or more grades below level.

During this same time frame, the Student incurred additional behavior referrals. On September 15, 2025 the Student earned a third referral for disturbing the class and willfully disobeying the teacher's requests to stop resulting in In-

School suspension, a conference with the Student and contact with the Parent. On September 19, 2025 the Student received a second major referral from the bus for running down the aisles and punching the bus driver in the arm resulting in a two day suspension from the bus and given an assigned seat. The District noted that the Student's behavior would be addressed at the upcoming September 23, 2025 meeting. However, before this meeting could occur, on September 22, 2025, the Student received a third bus referral for injurious behavior to another student resulting in one day suspension from riding the bus. On September 23, 2025 the Student was referred for disrespecting authority for refusing to comply with requests to cease disruptive behavior resulting in one day In-School suspension.

At the September 23, 2025 SBLC meeting, the District considered the Student's discipline referrals, the Parent's concerns regarding the treatment of the Student by peers on the bus and the ongoing academic and behavioral struggles as well as the teacher's concerns corroborating those struggles. At this meeting, the Parent provided a written statement dated September 22, 2025 from the Student's pediatrician advising the Student has a learning disability and currently under evaluation for ADHD. The Student had received a total of five (5) behavior related referrals ranging in categories described as willful disobedience, disrespect of authority, disturbing the class, immoral or vicious practices culminating to two days of In-School suspension and four days of suspension from riding the bus.

The District completed two separate meeting notes to document the separate issues discussed. With respect to the issue of Dyslexia, the committee reviewed the data and agreed to screen the Student for characteristics of Dyslexia within 60 days. Regarding the special education evaluation, the special education process was explained to the Parent and, after reviewing the Student's performance data from STAR, LEXIA, iReady Math, mClass Math along with their grades, determined more data was needed before the SBLC would agree to evaluate the Student. Thus, the Student would not be evaluated, but would begin receiving Tier 2 academic interventions for reading and undergo observation for 4 weeks. At the conclusion of those 4 weeks, the Student would then move to Tier 3 reading interventions. As it related to the Student's behavior, a Tier 2 behavior intervention plan was crafted to be implemented for a data collection period of 4-6 weeks. Following this meeting, the District issued a Prior Written Notice (PWN) on September 24, 2025 documenting its refusal to evaluate the Student, which was received by the Parent via USPS mail on October 4, 2025

Following the September 23, 2025 SBLC meeting, the Student received three additional behavior related referrals—(1) on September 23, 2025 the Student treated authority with disrespect and habitually disturbing the classroom resulting in In-School Suspension for one day served on September 25, 2025 (2) on September 29, 2025 for willful disobedience by refusing to comply with requests by authority to discontinue behaviors despite redirection resulting in partial In-School Suspension served on October 1, 2025; and, (3) on October 1, 2025 the Student caused damage to a seat on the bus with a paperclip resulting in a recommendation for long term suspension and restitution from the Parent. However, the District rescinded the recommendation on October 7, 2025.

By email dated October 7, 2025, the Parent filed an informal complaint with the District regarding the District's failure to evaluate the Student and included a request for an Independent Education Evaluation (IEE). By email dated October 8, 2025, the District acknowledged receipt of the informal complaint. On October 9, 2025, the District emailed a PWN agreeing to conduct the special education evaluation as the Parent requested and advising an SBLC would be convened to conduct necessary screenings related to the evaluation and Parental consent would be obtained in an effort to initiate the evaluation no later than November 10, 2025.

In the meantime, on October 21, 2025 the Student received a behavioral referral for willful disobedience and treating authority with disrespect and repeatedly refusing redirection as well as throwing objects at a teacher. Despite multiple efforts to by District staff to assist the Student back into the school building, the Parent was called to assist over the phone, and ultimately a sibling of the Student was able to help the Student inside. This infraction resulted in a one day suspension and a return from suspension meeting was to be held on October 23, 2025.

On October 22, 2025 the Parent advocate filed a complaint against the District alleging violations of IDEA and applicable state laws.

Conclusions of Law

Allegation

Whether the district failed to initiate an initial evaluation of the student when presented with information that reasonably suspected a disability, including but not limited to a written parent request, prior psychological and/or medical documentation, and persistent behavior concerns and discipline referrals.

The Parent alleges that the District unnecessarily delayed initiating the Student's special education evaluation using interventions and the Student's English Language Learner (EL) status as a basis for the delay. However, at the time of the filing of this complaint, the Student had not yet been formally identified as an EL. For this reason, the Department will evaluate only whether the District used interventions to the delay the Student's evaluation.

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. 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 first criteria – that a student, because they are exhibiting characteristics of one of the categories of disability listed in 905, requires special education and related services.

Pursuant to Louisiana Bulletin 1706, §302(B) a parent of a student or the public agency may initiate a request for an initial evaluation to determine if the student is a student with a disability. The District must seek informed parental consent or issue prior written notice (PWN) explaining its refusal as outlined in 1706, §504(A) and (B). In the event insufficient data exists to determine whether a special education evaluation is appropriate, Bulletin 1508 § 305 permits response to intervention activities and screenings in order to gather the data necessary for the District to make a data-driven decision to evaluate the student. Under §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.

August 26, 2025: First Evaluation Request

At the time of the Parent's first evaluation request on August 26, 2025, the District had only become aware of the Student's behavior and academic struggles in August just weeks following enrollment. The record established the Parent provided outside evaluations and medical records indicating the Student was diagnosed with a learning disability, but this data and an awareness of a medical diagnosis alone is not sufficient to put the District on notice that the Student may be a student with a disability in need of a special education under the IDEA and as such, must be evaluated in response to the Parent's request. In this matter particularly, the Student did not enroll with an existing IEP and, although medically diagnosed, was not previously determined a student with a disability eligible to receive special education. Moreover, the April 2024 evaluation provided by the Parent indicated that there was no evidence of an Intellectual Disorder, but indicated a recommendation that the Student undergo screening for Attention/Deficit Hyperactivity Disorder (ADHD) and partake in activities that would improve attention span and increase fine motor skills at both home and school[1].

Pursuant to the IDEA regulations each state must have in effect policies and procedures designed to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities. Therefore, the District is obligated to prevent inappropriately identifying the Student as a student with a disability in need of special education by ruling out the possibility that the Student's behaviors were attributed to the challenges faced by the Student in a new country in an unfamiliar, structured school setting and environment while

[1] A neurological evaluation conducted on March 22, 2025 by [redacted] in [redacted], [redacted] is referenced in the SBLC meeting however, the Department was not submitted to the record for review.

experiencing potential communication barriers.

Given the Student's recent move to the United States, transition to the school along with linguistic factors, and the limited data available to the District, the record supports the District's refusal to evaluate and its decision to instead initiate a four to six week data collection period through its general education PBIS program as a reasonable first step in making a data-driven decision on whether to evaluate the Student. Otherwise, to immediately evaluate without sufficient data, the District ran the risk of inappropriately identifying the Student as a student with a disability. The data from this brief collection period would serve as the basis from which intervention supports and a behavior plan would be created.

Based on the information presented, the Department concludes that the Student's academic performance and behavior did not support a reasonable belief that the Student was a student with a disability as defined in Louisiana Bulletin 1706 § 905. Thus, as it relates to the August 26, 2025 request for evaluation, the Department finds the District appropriately refused to evaluate the Student.

September 9, 2025: Second Evaluation request

The Parent's September 9th evaluation request was received by the District 14 days following the August 26, 2025 meeting and interrupting the previously agreed upon four to six week data collection period in its second week. In the September 24th PWN, the District explained that the basis for the denial of the September 9th evaluation request was rooted in the fact that tiered support interventions had not yet been implemented and a behavior plan had not yet been developed. This is in large part because the District had only collected two weeks of data since the August meeting. In other words, the District found the evaluation request still lacked data that supported that supported a reasonable suspicion the Student had a disability. The record reflects that at the time of this request, the Student had incurred two behavior related incidents—August 27th and September 4th, 2025--handled through redirection. If the District were to initiate the evaluation at that point, with a little over two weeks of data and two behavioral referrals, the District still risked inappropriately identifying the Student as a student with a disability in need of special education by relying on incomplete data to determine special education eligibility.

By the time the parties met for the September 23, 2025 SBLC meeting, the Student was under medical evaluation for ADHD and had incurred a total of five behavioral incidences since the beginning of the school year. In light of those behavior incidences and the new medical information, the District determined the Student—in addition to receiving PBIS—should begin receiving the more intensive Tier 2 Behavior intervention plan for an abbreviated 4 to 6 weeks period[2] rather than initiating the evaluation to rule out whether more intensive behavioral supports would adequately and sufficiently support the Student's behavioral needs or whether individual supports were indeed necessary such that an evaluation should be conducted.

Based on the information presented, the Department concludes that the Student's academic performance and behavior did not support a reasonable belief that the Student was a student with a disability as defined in Louisiana Bulletin 1706 § 905. Thus, as it relates to the September 9th, 2025 request for evaluation and subsequent SBLC meeting on September 23, 2025, the Department finds the District appropriately refused to evaluate the Student.

October 7, 2025: Informal Complaint

When the Parent submitted their October 7, 2025 informal complaint to the District for failing to evaluate the Student, the Student's Tier 2 academic and behavioral intervention plan had been implemented for two weeks from the date of the September 23rd SBLC meeting. Within those two weeks the Student received two behavioral referrals including a recommendation for long term suspension that the District ultimately rescinded. At this point in the relevant time frame, the District had been able to gather roughly six weeks of data—a very minimal amount of data

[2] Per the District's *School Building Level Committee 2025-2026 Handbook*, its Behavior RTI Procedures generally require if Tier 1 Interventions have been implemented for 4-6 weeks without adequate progress, the student moves to Tier 2, which is implemented for a "suggested time in Tier 2 is six to twelve weeks or as long as there is a need for the level of intervention and progress monitoring."

for evaluating any student regardless of classification. Based on that data, the District found reason to suspect a disability affecting the Student's academic performance and behavior and ultimately agreed in its October 9, 2025 PWN to initiate the evaluation under Bulletin 1706, obtain the Parent's consent and convene an SBLC no later than November 10, 2025.

In summary, the record reflects that each of the stakeholders involved in educational decision-making for the Student shared the concern that as the Student began exhibiting difficulty—from the time of the Student's initial SBLC meeting on August 22, 2025 until the filing of this complaint on October 22, 2025—these behaviors were interfering with the Student's ability to make expected progress in the general education curriculum. However, without data—apart from outside evaluations indicating a medical diagnosis for a learning disability and a recommendation that the Student should be screened by ADHD—the District did not immediately share the Parent's suspicions and was reluctant to immediately suspect the Student as disabled and entitled to special education in large part because the Student had not previously been identified as student with a disability eligible for special education services prior to enrolling in the District and did not have an existing IEP. The District was responsive to the Parent's concerns and prudently imposed data collection periods to determine whether the Student was exhibiting observable behaviors that informed the District to reasonably suspect that the Student is a student with a disability requiring special education rather than immediately evaluating the Student without sufficient data. By gathering data through the District's general education PBIS program and—as it began gathering information about the circumstances surrounding the Student's behaviors and academic difficulties—progressing to Tier 2 interventions, the District was better able to discern whether a disability was present or rule out the Student's difficulties to transition were not due to lack of exposure.

Based on the information presented, the Department concludes the allegation that the District used interventions to delay the Student's evaluation and failed to timely identify and evaluate the Student, is unsubstantiated.

IV. 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 the Louisiana Bulletin 1706 with respect to the allegations presented in this matter. Therefore, this investigation is hereby closed and no additional action is required.

Sincerely,

Lindsey P. Dupree, Attorney

Office of Executive Counsel

Louisiana Department of Education

(225) 342-3572 (phone)/ (225) 342-1197 (fax)

DisputeResolution.DOE@la.gov

CC: Jason VanMetre, Superintendent, Calcasieu Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-31

LOUISIANA DEPARTMENT OF EDUCATION

November 3, 2025

[redacted]

Dr. Janet Harris
Director of Exceptional Student Services
East Baton Rouge Parish School System
6550 Sevenoaks Avenue
Baton Rouge, LA 70806

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-31**

Dear Parties:

On October 31, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-31**. 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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DisputeResolution.DOE@la.gov

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

Louisiana Special Education Complaint Investigation

56-C-32

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

December 22, 2025

[redacted]

Falin Key
Director of Special Education, Assessment & Compliance
Lafayette Parish School System
P.O. Drawer 2158
Lafayette, LA 70502
flkey@lpssonline.com

Re: Findings-Decision in Special Education Formal Complaint No. **56-C-32**[redacted]

I. Introduction

On October 22, 2025, the Louisiana Department of Education ("Department") received a formal complaint from [redacted], on behalf of a minor child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of the Lafayette Parish School System ("District"). The Complainant requested that the Department initiate an investigation pursuant to Louisiana Bulletin 1706 §§151–153.

II. Statement of the Case

In the complaint, the Complainant alleged 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 Complainant alleged that the District failed to conduct an initial evaluation of the Student when presented with information that it should have reasonably suspected a disability, including but not limited to a written parent request, prior psychological and/or medical documentation, and persistent behavior concerns and discipline referral(s).

Pursuant to Bulletin 1706 §152(C), a complaint must allege a violation occurring not more than two years prior to the date the complaint is received. Accordingly, the scope of this investigation was limited to alleged violations occurring between October 23, 2023, and October 22, 2025. The Complainant submitted exhibits labeled PA-GA 1 through PA-GA-12e, and the District submitted exhibits labeled SB-Exhibit-1 through SB-Exhibit-8. The undersigned investigator reviewed the complaint, the District's written response, and all documentation submitted by both parties. Based on a comprehensive review of the record and the applicable legal standards, the following findings of fact and conclusions of law are made.

III. Findings of Fact

The Student entered the United States [redacted], after relocating from another country. On July 17, 2025, the School District issued an English Learner (EL) Student Placement letter indicating that the Student's English proficiency would be assessed within 30 days of enrollment. According to the Student's transcript, the Student's official enrollment date was August 7, 2025, which coincided with the first day of the District's 2025–2026 school year.

On August 26, 2025, the District convened a School Building Level Committee (SBLC) meeting attended by the Parent and District staff. The meeting documentation reflects that the SBLC convened due to early teacher concerns regarding reading and social-emotional functioning and contemplated whether the Student should be considered for an initial Section 504 evaluation or a special education referral. The SBLC reviewed available information, including early classroom performance data, universal screening results, teacher observations, and parent input. Teacher information documented that the Student was adjusting to classroom routines and that behavior had improved over a short period of time with redirection and supportive interaction. The record also reflects that the Student was newly identified as an English Learner and was in the early stages of English language acquisition.

The Parent provided medical and developmental documentation originating outside the United States reflecting a private diagnosis of [redacted] and reported that the Student had received certain supports in their home country, though the record did not include documentation specifying the nature or extent of those services. The District acknowledged the private diagnosis, considered it during the SBLC process, and proceeded with a Section 504 evaluation. On the same day, the District developed a developed a Section 504 Individual Accommodation Plan identifying [redacted] as a qualifying impairment affecting major life activities, including social interaction and executive functioning. The Parent participated in the evaluation and development process.

The record includes an ELPA21 Reporting Form dated September 5, 2025, reflecting domain scores indicating a "Progressing" level of English proficiency. Later correspondence contains differing information regarding the administration of the Student's English language proficiency screener and suggests the Student initially had difficulty completing the screener.

In September 2025, the SBLC reconvened to address math concerns and initiated Tier 2 math interventions. On September 15, 2025, the Student received one discipline referral related to peer interaction during a group activity. Following the close of the first nine-week grading period in early October 2025, the Student's report card reflected academic difficulty across multiple subject areas.

On October 10, 2025, the Parent submitted a written request for a special education evaluation under IDEA. The District responded by indicating the request would be reviewed through the SBLC process and that the SBLC would reconvene to consider current data, interventions, and progress monitoring. On October 22, 2025, the Complainant filed the instant state complaint alleging a violation of Child Find. On October 28, 2025, after the complaint was filed, the District obtained parental consent to initiate a special education evaluation.

IV. Conclusions of Law

a. Applicable Law

Under the Individuals with Disabilities Education Act (IDEA), public agencies must ensure that all children with disabilities residing within their jurisdiction who are in need of special education and related services are identified, located, and evaluated. This obligation—referred to as Child Find—is codified at 20 U.S.C. § 1412(a)(3) and implemented through 34 C.F.R. § 300.111(a). A student is eligible for special education under IDEA if the student has a qualifying disability, and, by reason thereof, needs special education and related services. This two-prong eligibility standard is set forth in 20 U.S.C. § 1401(3)(A) and implemented in 34 C.F.R. § 300.8(a)(1).

Louisiana implements these federal requirements through Bulletin 1706. Under Bulletin 1706 §111(A), each public agency must identify, locate, and evaluate each student with a disability residing within its jurisdiction who is in need of special education and related services, including by documenting ongoing identification activities to identify, locate, and evaluate each student who is suspected of having a disability and in need of special education and related services. Bulletin 1706 §905 defines a "Student with a Disability" as a student who has one of the enumerated disabilities and who, by reason thereof, needs special education and related services. Determinations regarding disability and the nature and extent of special education and related services must be made through evaluation and eligibility procedures conducted in accordance with Bulletin 1706 §§305 through 307. Bulletin 1706 §303 further clarifies that screening conducted for instructional purposes is not an evaluation for special education eligibility.

Bulletin 1508 provides additional guidance regarding the Child Find responsibilities local educational agencies (LEA) and the use of general education problem-solving processes. Bulletin 1508 §103(A) requires each LEA to identify, locate, and evaluate all students with exceptionalities residing in the district who are in need of special education and related services; to do so, LEAs must implement a practical method for identification and maintain documentation of ongoing Child Find activities, including for children not enrolled in school. Bulletin 1508 §§301 and 303 describe the role of Response to Intervention and the School Building Level Committee in reviewing student data and general education interventions to inform decisions regarding whether a referral for evaluation is warranted.

b. Analysis

The issue presented is whether, during the relevant period, the District failed to satisfy its Child Find obligations by not initiating a special education evaluation. Under IDEA and Bulletin 1706 §111(A), a district's duty to evaluate is triggered when the district has reason to suspect that a student has a disability and, by reason thereof, needs special education and related services.

The Student enrolled in the District after recently arriving in the United States and was identified as an English Learner. The record reflects that the District received private medical documentation indicating a [redacted]. While such information is relevant to a district's consideration of a student's needs, the existence of a medical diagnosis alone does not establish eligibility under IDEA or require the immediate initiation of a special education evaluation.

The School Building Level Committee meeting held on August 26, 2025, occurred early in the Student's enrollment, at a time when the District had limited instructional exposure to the Student and minimal performance data. The information reviewed included early classroom observations, limited graded coursework, universal screening information, and parent input. Teacher reports reflected that the Student was adjusting to classroom routines, demonstrating behavioral improvement with supports, and responding to redirection. The Student was also in the early stages of language acquisition following recent arrival to the United States. Based on the information available at that point, the District conducted a Section 504 evaluation, acknowledged the [redacted], and implemented accommodations to address identified social-emotional and executive functioning needs. This course of action reflects that the District responded to observed needs and did not disregard the Student's disability-related information.

Following the August 26, 2025 meeting, the District continued to monitor the Student's progress and convened additional SBLC meetings as new concerns arose, including academic concerns addressed through general education interventions. As the school year progressed and additional instructional data became available, the Student's academic performance reflected increasing difficulty. On October 10, 2025, the Parent submitted a

written request for a special education evaluation, and the District responded that same day and proceeded to consider the request.

Based on the totality of the record, the District did not violate its Child Find obligations under IDEA or Bulletin 1706 §111. Child Find determinations must be based on what a district knew or reasonably should have suspected at the time decisions were made. Here, the record reflects that the District responded to emerging concerns by implementing interventions, monitoring the Student's progress, and convening School Building Level Committee meetings. While the Student entered the District with a private [redacted] and later exhibited academic difficulties, these occurred in the context of limited instructional exposure, English language acquisition, and evolving performance data. The record does not demonstrate that the District acted unreasonably or failed to fulfill its Child Find obligations during the relevant period. Accordingly, the Department concludes that this allegation is **unsubstantiated**.

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 the Louisiana Bulletin 1706 with respect to the allegations presented in in the complaint at issue. Therefore, this investigation is hereby closed and no additional action is required.

Respectfully,

Domonique Dickerson

Domonique Dickerson
Attorney
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CC: Francis Touchet, Superintendent, Lafayette Parish School System

Louisiana Special Education Complaint Investigation

56-C-33

DR. CADE BRUMLEY
STATE SUPERINTENDENT

CLAIBORNE BUILDING
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BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

January 9, 2026

[redacted]

Dr. Scott LeJeune
Supervisor of Special Education and Pupil Appraisal Services
Allen Parish School Board
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Oberlin, LA 70655
Scott.LeJeune@allen.k12.la.us

Re: Findings-Decision in Special Education Formal Complaint No. **56-C-33**[redacted]

I. Introduction

On November 4, 2025, the Louisiana Department of Education ("Department" or "LDOE") received a formal complaint from [redacted] ("Complainant" or "Parent") on behalf of [redacted] minor child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of the Allen Parish School Board ("District"). The Complainant 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 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 Parent alleged that the District failed to provide the Student with a free appropriate public education (FAPE) and committed multiple violations of the IDEA. In [redacted] complaint and subsequent submissions, the Parent raised concerns regarding the District's response to an incident described by the Parent as an assault by school personnel, alleged retaliation, attendance matters, communication barriers, IEP development and implementation, reevaluation, placement, and access to education records.

Following receipt of the complaint, the Department issued a complaint notice identifying the allegations subject to investigation. Consistent with Bulletin 1706 §§151–153, the Department limited the investigation to the following IDEA issues raised in the original complaint:

1. Whether the District failed to develop and implement an individualized education program (IEP) reasonably calculated to enable the Student to make progress in light of the Student's circumstances;

2. Whether the District failed to initiate a reevaluation in response to changes in the Student's needs;
3. Whether the District improperly changed the Student's placement or service delivery on or around September 19, 2025; and
4. Whether the District failed to timely provide education records necessary for parental participation.

The Parent and the District submitted extensive documentation during the course of the investigation, including materials addressing events both before and after the complaint filing date. The Department reviewed all submissions for relevance and scope in accordance with applicable law.

III. Scope of Investigation

The Parent filed the present complaint on October 23, 2025. Under Bulletin 1706 §152(C), the Department may investigate only those alleged violations that occurred not more than two years prior to the date the complaint was received. Accordingly, the review period for this investigation is October 24, 2023 through October 23, 2025. Alleged violations or events occurring outside that timeframe are beyond the scope of this investigation.

The Department acknowledges that the Parent's complaint and subsequent submissions describe serious concerns, including allegations characterized by the Parent as "assault" and "abuse" by school personnel. The Department does not make findings regarding those allegations. The Louisiana Department of Education is not a law enforcement agency or judicial body and does not have jurisdiction to investigate or adjudicate allegations of criminal conduct, abuse, or civil rights violations. Such matters may be addressed through other appropriate authorities, including law enforcement agencies, child protection authorities, local school board processes, or the U.S. Department of Education's Office for Civil Rights, as applicable.

During the course of the investigation, both parties submitted documents and written statements addressing events that occurred after the complaint filing date, including IEP meetings and communications in November 2025. While the Department reviewed these submissions for contextual understanding, events occurring after October 23, 2025 were not investigated and were not considered as a basis for findings of noncompliance pursuant to Bulletin 1706 §152(C).

Additionally, the Parent submitted supplemental written responses asserting new allegations not raised in the original complaint, including claims related to notice, retaliation, email access, and additional procedural concerns. Because these assertions were not included in the original complaint and were not identified in the complaint notice issued under Bulletin 1706 §§151–153, they are outside the scope of this investigation and are not addressed in this decision. Nothing in this decision precludes a party from filing a separate complaint regarding new allegations within applicable timelines.

IV. Findings of Fact

The Student was determined eligible for special education and related services under the exceptionality of Developmental Delay based on an initial evaluation completed on May 29, 2024. The Student began receiving special education services in August 2024.

Following the eligibility determination, an initial individualized education program (IEP) was developed, and the Parent provided written consent for the initial provision of special education and related services.

On April 25, 2025, the District convened an IEP Team meeting to review the Student's IEP. The Parent received prior written notice of the meeting, attended the meeting, and signed the IEP. The stated purpose of the meeting was to review the Student's progress and continue special education and related services.

The April 25, 2025 IEP documented the Student's present levels of academic achievement and functional performance based on evaluation data, classroom observations, and progress monitoring tools, including the Developmental Profile–4 and Teaching Strategies GOLD. The IEP identified needs in the areas of communication, pre-academic readiness, social-emotional development, self-help/adaptive skills, and motor development.

The April 25, 2025 IEP described the Student's strengths, including early cognitive and fine motor skills such as counting, letter recognition, puzzle completion, and problem-solving, as well as areas of need that affected participation in preschool activities without supports.

The IEP noted behavioral concerns, including difficulty sharing with peers, running from staff, grabbing objects without permission, and becoming upset when redirected or denied preferred items. The IEP indicated that the Student had no office disciplinary referrals and that behaviors were being monitored through parish-wide PBIS supports.

The April 25, 2025 IEP included measurable annual goals in the areas of communication, pre-academic readiness, social-emotional skills, self-help skills, and motor skills. The IEP also included accommodations such as visual supports, modeling, multisensory instructional strategies, simplified language, and assistance with transitions.

Under the April 25, 2025 IEP, the Student was to receive special education instruction for 30 minutes per session, five days per week, and speech-language pathology services for 30 minutes per session, two days per week. The IEP reflected placement in a preschool setting with participation in general education activities and receipt of special education and related services.

Progress reports for the first nine-week grading period, dated October 9, 2025, reflected varying levels of progress toward the Student's annual goals. The reports documented sufficient progress in self-help skills, including increased ability to indicate the need to use the restroom, and insufficient progress in social-emotional, academic, and motor goal areas, with behavioral factors noted as interfering with consistent data collection.

The October 9, 2025 progress reports further documented emerging skills in letter recognition and communication, including attempts to increase verbalizations, gestures, and nonverbal communication strategies, while noting that consistent progress monitoring was limited by behavioral challenges.

During the fall 2025 semester, the Student's teacher communicated with the Parent regarding the Student's classroom participation and progress. The teacher's communication reflected that academic reporting at the preschool level was based on developmental progress rather than traditional grading.

On September 12, 2025, the District provided the Parent with written notice of an IEP Team meeting scheduled for September 19, 2025, to amend the Student's IEP. The Parent electronically signed the notice, indicated participation by telephone conference, and waived the 15-day prior notice requirement.

On September 19, 2025, the IEP Team convened with the Parent participating by telephone. The IEP Team amended the Student's IEP to increase the amount of special education instruction provided to the

when a student's behavior impedes learning. Progress reports dated October 9, 2025, corresponding to the end of the first nine-week grading period, documented that behavioral challenges interfered with consistent progress monitoring in certain areas. Consistent with Bulletin 1706 §324(B), the District reviewed the Student's progress and revised the IEP in September 2025 by increasing special education service minutes in response to the Student's needs.

Bulletin 1706 does not require that an IEP eliminate behavioral challenges or guarantee progress. The record reflects that the District monitored the Student's progress and revised the IEP as appropriate based on available data.

Based on the record, the Department finds that the District developed and implemented an IEP that was reasonably calculated to enable the Student to make progress in light of [redacted] circumstances. Accordingly, the record does not support a finding that the District failed to develop or implement an appropriate IEP in violation of Bulletin 1706 §§112, 320, or 324. Allegation 1 is unsubstantiated.

Allegation 2

Bulletin 1706 §304 requires a public agency to conduct a reevaluation if conditions warrant it, or if the child's parent or teacher requests one. A reevaluation may not occur more than once per year unless the parent and public agency agree otherwise and must occur at least once every three years unless both parties agree that it is unnecessary.

In determining whether a reevaluation is warranted, the IEP Team must review existing evaluation data and decide whether additional data are needed to determine the child's educational needs, continued eligibility, or the appropriateness of the special education and related services provided, consistent with Bulletin 1706 §§304–306. A reevaluation is not required if the IEP Team concludes that the existing data are sufficient to address the child's needs through IEP review and revision.

The Student's most recent evaluation was completed on May 29, 2024. At the April 25, 2025 IEP Team meeting, the IEP Team reviewed existing evaluation data, progress monitoring information, and classroom observations and continued the Student's eligibility under the exceptionality of Developmental Delay. The record reflects that the District addressed the Student's behavioral and instructional needs through IEP revisions and an increase in special education service minutes in September 2025, rather than by initiating a reevaluation at that time.

While the Parent later requested a reevaluation, documentation reflecting formal reevaluation discussions and requests occurred after the complaint was filed on October 23, 2025. Pursuant to Bulletin 1706 §152(C), events occurring after the complaint filing date are outside the scope of this investigation and were not considered as a basis for findings of noncompliance.

Based on the record within the applicable review period, the Department finds that the District did not fail to initiate a reevaluation in violation of Bulletin 1706 §§304–306. Allegation 2 is unsubstantiated.

Allegation 3

Bulletin 1706 §116 requires that placement decisions be made by a group of persons, including the parent, and be based on the child's IEP. Bulletin 1706 §§114 and 115 require that placement decisions ensure education in the least restrictive environment and be made from a continuum of alternative placements. Not every change in services constitutes a change in placement; the analysis focuses on whether the

Student in response to instructional and behavioral considerations. The amendment increased special education services to 180 minutes per session, five days per week, while continuing speech-language services.

The District issued prior written notice on September 19, 2025, proposing the IEP amendment and describing the basis for the decision, including the Student's performance, behavior, and need for increased instructional support. The notice reflected that the Parent participated in the meeting by telephone.

The Student's eligibility classification remained unchanged following the September 19, 2025 IEP amendment.

On September 24, 2025, the Parent submitted a written request for student records via email to District personnel, seeking access to educational records and related documents. On September 29, 2025, the District acknowledged receipt of the request and indicated that the request would be forwarded to appropriate departments for processing.

Email correspondence dated October 16 and October 17, 2025 reflects that the District made student records available to the Parent and documented that the Parent picked up flash drives containing records on October 16, 2025. In subsequent written submissions, the Parent asserted that she was unable to access some or all of the files provided on the flash drives.

V. Conclusions of Law

Allegation 1

Under Bulletin 1706 §112, each public agency must ensure that an individualized education program (IEP) is developed, reviewed, and revised in accordance with Bulletin 1706 §§320 through 324. Bulletin 1706 §320 defines the required components of an IEP, including present levels of academic achievement and functional performance, measurable annual goals addressing the student's identified needs, a description of how progress toward those goals will be measured and reported, special education and related services, accommodations, and the projected frequency, location, and duration of services. Bulletin 1706 §324 governs the development, review, and revision of those components, including consideration of the student's strengths, the concerns of the parents for enhancing the education of their child, evaluation results, and the student's academic, developmental, and functional needs. The legal inquiry is whether the IEP is reasonably calculated to enable the child to make progress in light of the child's circumstances, not whether it guarantees particular outcomes.

The record reflects that the District convened an annual IEP Team meeting on April 25, 2025, with the Parent in attendance, and developed an IEP based on evaluation data, classroom observations, and progress monitoring information. Consistent with Bulletin 1706 §320 and §324, the April 25, 2025 IEP documented the Student's present levels of academic achievement and functional performance and reflected the Parent's stated concerns regarding speech and peer interactions. The IEP included measurable annual goals in communication, pre-academic readiness, social-emotional development, self-help/adaptive skills, and motor development, as well as accommodations and special education and related services designed to support the Student's access to the general education curriculum, consistent with Bulletin 1706 §320.

The record further reflects that the IEP Team considered the Student's behavioral needs. Bulletin 1706 §324(A)(2)(a) requires the IEP Team to consider the use of positive behavioral interventions and supports

student's overall educational program and least restrictive environment have been materially altered outside the IEP Team process.

The record reflects that the District provided the Parent with written notice of an IEP Team meeting scheduled for September 19, 2025, and that the Parent indicated she was unable to attend in person but elected to participate by telephone and waived the advance notice period. Bulletin 1706 §322(C) requires a public agency to use other methods to ensure parent participation when a parent cannot attend an IEP Team meeting in person, including participation by conference telephone call. Bulletin 1706 §328 further permits the use of alternative means of participation, such as conference calls, by agreement of the parent and the public agency. The IEP Team convened on September 19, 2025, with the Parent participating by telephone, and amended the Student's IEP through the IEP Team process to increase special education instruction to 180 minutes per session, five days per week, while continuing speech-language services. The Student's eligibility classification and general placement category remained unchanged.

The District issued prior written notice describing the proposed amendment and the basis for the decision, including the Student's behavioral and instructional needs, consistent with Bulletin 1706 §503. The Parent participated in the meeting and signed the IEP documentation. The record does not reflect that the District unilaterally changed the Student's placement or implemented services outside the IEP Team process.

Accordingly, the Department finds that the District did not improperly change the Student's placement or service delivery in violation of Bulletin 1706 §§114–116 and §322(C). Allegation 3 is unsubstantiated.

Allegation 4

Bulletin 1706 §502 guarantees parents the opportunity to examine all education records relating to their child and to participate meaningfully in educational decision-making. Bulletin 1706 §613(A) further requires that a participating agency permit parents to inspect and review education records without unnecessary delay and in no case more than 45 days after the request has been made.

The record reflects that the Parent submitted a written request for student records on September 24, 2025, and that the District acknowledged receipt of the request on September 29, 2025. Email correspondence dated October 16 and October 17, 2025 reflects that the District documented making records available to the Parent prior to the filing of the complaint on October 23, 2025. The Parent later asserted that she was unable to access some or all of the files provided on the flash drives.

Even assuming the accuracy of the Parent's assertion that she experienced difficulty accessing files provided on October 16 or 17, 2025, the evidence does not reflect that the District refused to permit inspection or review of education records or failed to act within the timeline established by Bulletin 1706 §613. The Parent's request was made on September 24, 2025. The 45-day outer limit for compliance under §613(A) had not elapsed at the time the Parent filed the present complaint and raised concerns regarding access.

Bulletin 1706 §613(B) further provides that the right to inspect and review records includes the right to request explanations or interpretations of the records and the right to request copies where failure to provide copies would effectively prevent access. The record does not reflect that the Parent was denied the opportunity to request clarification, alternative access, or additional copies of records within the applicable timeframe. Rather, the record reflects ongoing communication and continued availability of records.

Based on the record, the Department finds that the District did not refuse or unreasonably delay access to education records and did not exceed the 45-day timeframe at the time the complaint was filed as established by Bulletin 1706 §613. Accordingly, the record does not support a finding of noncompliance with respect to access to education records. Allegation 4 is unsubstantiated.

VI. Conclusion

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 closed, and no additional action is required.

Respectfully,

Domonique Dickerson

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CC: Brad Soileau, Superintendent, Allen Parish School Board

Louisiana Special Education Complaint Investigation

56-C-34

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

January 12, 2026

[redacted]

Dr. Scott LeJeune
Supervisor of Special Education and Pupil Appraisal Services
Allen Parish School Board
1111 West 7th Avenue
Oberlin, LA 70655

RE: Findings-Decision in State Special Education Formal Complaint No. **56-C-34 on behalf of C.I.**

I. Introduction

On October 24, 2025, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") and requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153 on behalf of their child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of the Allen Parish School System ("District").

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 Department must determine:

1. Consent
Whether the District failed to obtain informed consent from the Parent prior to conducting an evaluation or reevaluation of the student.

2. Notice
Whether the District failed to provide Prior Written Notice and a copy of the procedural safeguards notice when proposing or refusing actions related to the student's services, placement, or evaluation.

3. Parental Participation Placement
Whether the District failed to provide the Parent a meaningful opportunity to participate in educational decisions regarding the student.

4. FAPE
Whether the district failed to provide the student with a free appropriate public education (FAPE) by not implementing necessary supports and related services, including but not limited to paraprofessional support and occupational therapy.

As the Department's assigned investigator, I have 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 **October 24, 2025**. Therefore, the investigation was limited to alleged violations of law that occurred between **October 25, 2023**, and **October 24, 2025**.

III. Findings of Fact

At all times relevant to this complaint, the Student was enrolled at a District school. The Student qualifies for special education under the exceptionality of Autism and has been receiving special education services since September 1, 2022, with the Student's most recent evaluation conducted on May 25, 2023. These services address academic, fine motor skills and language deficit needs through special education instruction, speech therapy (ST) and occupational therapy (OT) as well as Adaptive Physical Education (APE) services. The Student also has an individual behavior plan that was implemented in January of 2024 and continued into the 2025-2026 school year with monthly behavioral meetings with the Parent. The Student is nonverbal and interacts orally very little, primarily communicating through non-verbal gestures. The student requires paraprofessional assistance throughout the school day during instructional time, but requires one-to-one paraprofessional assistance during general education push-in, specials, lunch, arrival/dismissal, and transitions to and from class.

The Student attends school three days a week for 370 minutes a day and receives three sessions of 285 minutes of Special Education instruction in the Special Education setting. The Student receives weekly OT, ST and APE in the Special Education setting for 30 minutes of each related service with the exception of ST services occurring twice per week.

The Parent reported that on September 5, 2025 they received a phone call from the District stating the Student would be reevaluated, but did not specify what areas the Student would be assessed. The Parent alleged they did not receive any prior written notice (PWN) from the District and was given no further consent materials, clear explanations in a manner the Parent could understand or any other information regarding any reevaluation. Moreover, the Parent reported they did not sign any documentation granting permission for evaluation and were not provided a copy of the procedural safeguards. They also alleged no written information regarding testing dates, evaluators or targeted areas were communicated to them. According to the Parent, the District did advise the evaluation would be completed before November 17, 2025 and an IEP meeting would be held to review the results.

By email dated September 5, 2025, the District issued a parental notification PWN through DocuSign, an electronic signature platform, seeking the Parent's consent to reevaluate the Student for continued need for special education and related services. The PWN contained a proposed date to convene an IEP meeting for November 17, 2025 that would serve to discuss the results of the reevaluation with the parent's participation to determine continued eligibility and to review and amend the IEP based on those results. As indicated in the PWN, the reevaluation would consist of review of: existing evaluation data and information provided by the parent; the Student's progress toward measurable annual goals; current classroom-based local or state assessments and observations; and, other test and evaluation procedures the IEP team and Pupil Appraisal staff deemed necessary. The PWN contained an embedded link to the procedural safeguard notice booklet, but the District also sent a separate email containing a copy.

That same day, the Parent signed and returned the PWN. On the signature page of the PWN, the Parent checked a box to confirm their attendance to the proposed November 17, 2025 meeting, but did not check the box confirming consent to the testing. Having received the signed PWN, the District initiated the reevaluation. On September 10, 2025 the Parent participated in a parent interview conducted by the District's school social

worker as well as the adaptive behavior assessment with the District's diagnostician. Following these events and during an internal review, the District discovered the Parent had not checked the consent box on the signature page of the PWN. Believing this procedural defect ultimately reflected a lack of valid, written consent, the District then contacted the Parent to remedy this procedural omission, but was ultimately unable to obtain the checked box.

By email dated October 6, 2025, the Parent submitted a written request to the District's Pupil Appraisal team requesting additional support services for the Student, which included the following:

1. A one-to-one paraprofessional to support the Student throughout the school day;
2. OT support for the Student
3. ABA therapy in the school setting to support the Student;
4. Detailed information regarding any evaluation process including the type of evaluation, start and end dates, names and credentials of the evaluators, and areas of testing and assessment instruments used.

Additionally, the Parent expressed their belief these supports would assist the Student in increasing access to the general education curriculum and included their formal request for an IEP meeting to review and implement the supports.

On October 24, 2025 the Parent filed a complaint against the District alleging violations of IDEA and applicable state laws.

Conclusions of Law

Allegation 1, 2(a) & 3: Consent, Notice and Parental Participation related to Student's reevaluation

The Parent alleges that the District (1) failed to obtain informed consent prior to conducting the reevaluation (2) (a) failed to issue a PWN and the required procedural safeguard notice proposing to reevaluate the Student and (b) failed to issue a PWN in response to the Parent's October 6, 2025 IEP request. By virtue of the failure to provide a PWN for the reevaluation, the Parent alleges the District (3) failed to provide the Parent meaningful opportunity to participate in the reevaluation.

In an effort to resolve these matters with clarity, allegations 1, 2(a) and 3 will be discussed together. Allegation 2(b) will be discussed separately.

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 line with IDEA, Bulletin 1706 further requires that the district obtain the parent's informed written consent before conducting an initial evaluation or a reevaluation to determine a student's eligibility or continued need for special education and related services. Bulletin 1706 §504 also requires public agencies to provide prior written notice to parents 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 (FAPE), and to ensure that parents receive a copy of their procedural safeguards at specified points so they are informed of their rights and available dispute-resolution options.

In addition, Louisiana Bulletin 1706 §322 requires public agencies to take steps, including providing written notice of meetings early enough to ensure an opportunity to attend, to ensure that parents have the opportunity to participate in meetings regarding the identification, evaluation, and educational placement of their child and the provision of FAPE. This includes the parent's participation in the reevaluation process itself, as well as in the IEP team meeting at which reevaluation results are reviewed and educational decisions about the student's program and services are made.

The Parent's complaint alleged that the District failed to obtain the required consent because parental notification

PWN and the required procedural safeguard notice were never provided to them. However, the District submitted to the record a DocuSign final audit report evidencing that the Parent received a written parental notification PWN on September 5, 2025. The record also established that following this, the District provided opportunities to the Parent to engage in the reevaluation process, which the Parent accepted evidenced by their participation in a parent interview on September 10, 2025 with a District social worker and contributions to the 211 item questionnaire in the completion of the adaptive behavior assessment.

Thus, as it relates to the allegations 2(a) and 3, the record demonstrates the Parent received notice and participated in the reevaluation process. Thus, the Department finds that allegations 2(a) and 3 are unsubstantiated.

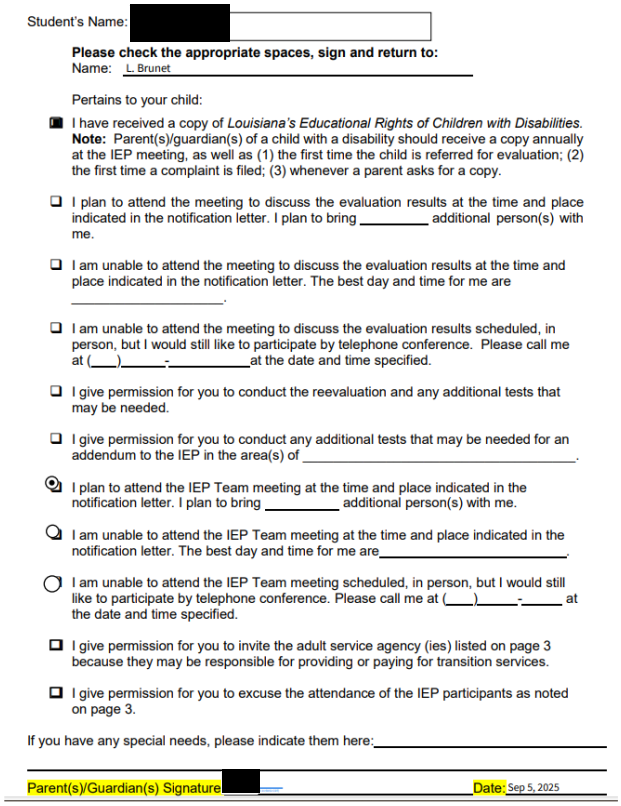
As it relates to the issue of consent, the District appropriately disclosed that, despite the Parent's electronic signature on the September 5th PWN, the Parent did not check the consent box on the signature page. This disclosure requires the Department to clarify how informed written consent was nevertheless obtained.

The Parent's consent was sufficiently informed. The notice clearly communicated the District's intent to reevaluate the Student and its desire to obtain the Parent's consent to do so. It also notified the Parent that the November 17th IEP meeting was scheduled in anticipation of the completion of the reevaluation and convened to review the results so the IEP team could develop the Student's IEP accordingly. On page 1, the District marked the first and second line items on the page. These items related to (1) discuss results of the evaluation and participation in the eligibility determination and (2) the review and amending of the existing IEP. On page 2 of the PWN, the District made only one selection along with the applicable subparts, which included adminstering additional assessments as deemed necessary (provided below).

☑ Reevaluate your child's continued need for special education and related services. Your permission is requested for the reevaluation. The evaluation procedures we plan to use include the following:

- ☑ A review of existing evaluation data, including evaluations and information provided by you.
- ☑ A review of your child's progress toward meeting the measureable annual goals.
- ☑ A review of current classroom-based local or state assessments and classroom-based observations.
- ☐ A review of age-appropriate transition assessments related to training, education, employment and where appropriate, independent living skills, vocational and transition needs for an IEP in effect when the child turns 16 years old (or younger, if deemed appropriate by the IEP team).
- ☑ Other tests and evaluation procedures that the IEP team and Pupil Appraisal staff decides are necessary.

While the consent box remained unchecked on the signature page, the Parent provided their e-signature and indicated they planned to attend the IEP meeting to review results of the reevaluation (provided below).



Student's Name: [redacted]

Please check the appropriate spaces, sign and return to:
Name: L. Brunet

Pertains to your child:

- ☑ I have received a copy of *Louisiana's Educational Rights of Children with Disabilities*. **Note:** Parent(s)/guardian(s) of a child with a disability should receive a copy annually at the IEP meeting, as well as (1) the first time the child is referred for evaluation; (2) the first time a complaint is filed; (3) whenever a parent asks for a copy.
- ☐ I plan to attend the meeting to discuss the evaluation results at the time and place indicated in the notification letter. I plan to bring _____ additional person(s) with me.
- ☐ I am unable to attend the meeting to discuss the evaluation results at the time and place indicated in the notification letter. The best day and time for me are _____.
- ☐ I am unable to attend the meeting to discuss the evaluation results scheduled, in person, but I would still like to participate by telephone conference. Please call me at (___)_____-_____at the date and time specified.
- ☐ I give permission for you to conduct the reevaluation and any additional tests that may be needed.
- ☐ I give permission for you to conduct any additional tests that may be needed for an addendum to the IEP in the area(s) of _____.
- ◉ I plan to attend the IEP Team meeting at the time and place indicated in the notification letter. I plan to bring _____ additional person(s) with me.
- ○ I am unable to attend the IEP Team meeting at the time and place indicated in the notification letter. The best day and time for me are_____.
- ○ I am unable to attend the IEP Team meeting scheduled, in person, but I would still like to participate by telephone conference. Please call me at (___)_____-_____ at the date and time specified.
- ☐ I give permission for you to invite the adult service agency (ies) listed on page 3 because they may be responsible for providing or paying for transition services.
- ☐ I give permission for you to excuse the attendance of the IEP participants as noted on page 3.

If you have any special needs, please indicate them here:_____

Parent(s)/Guardian(s) Signature [redacted] Date: Sep 5, 2025

In light of the unchecked box, the District asserted its reliance on the Parent's participation as "tacit" consent to the reevaluation until the form could be corrected. However, the Department finds that it's unnecessary to determine whether the Parent gave 'tacit consent' because the Parent's explicit written consent was secured when the Parent signed the PWN. It was subsequently ratified with participation consistent with consent. Nothing in the record would have put the District on notice that the Parent objected to or withdrew their participation from the reevaluation process they had taken an active role in. The District's reliance on the signed PWN is exactly what the signature requirement is designed to do—document consent in order to move forward. Failure to check the consent box alone cannot be argued to vitiate the Parent's written signature and cannot serve to retroactively invalidate the Parent's participatory actions. At the point the District discovered the unchecked box and took efforts to correct the record, it was a procedural defect that was evidence of an inconsistency with the Parent's actions—not evidence to discard the Parent's consent. The form error presented no substantive issue and did not result in any educational harm.

Based on the record developed in this case, the Department finds the Parent provided their fully informed written consent to conduct the Student's reevaluation. Thus, allegation 1 is unsubstantiated.

Allegation 2(b): Parent's October 6, 2025 IEP meeting request

The record reflects that, at the time of the filing of the complaint, the Parent's October 6, 2025 request had remained unanswered for 18 days. The Parent alleges the District's delay constitutes a failure to provide a timely PWN in response to their request for required supports and an IEP meeting.

In instances where a parent requests an IEP meeting and the District agrees to convene a meeting, Bulletin 1706 requires the District to provide written notice of the meeting early enough to ensure the Parent's participation. If the District refuses to convene a meeting, the written notice must be issued in a *reasonable* timeframe, but does not provide a *specific* timeframe by which the district must respond. Further, Louisiana Bulletin 1706 § 324(B)(1)(b) requires school districts to review and, if necessary, revise the IEP of a student to address parent-provided information about the student. Moreover, Bulletin 1706 § 504 ensures that prior written notice (PWN) is provided to parents 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.

The Parent's email included requests for supports and services currently required within the Student's IEP and provided no evidence that the services were not being implemented or any information that would otherwise warrant the District to determine an IEP review was necessary. While the District could have provided a PWN before the filing of the complaint, the record lacks sufficient evidence regarding the circumstances of the 18 day delay to enable the Department to conclude that the District violated its obligation to respond within a reasonable timeframe. An IEP meeting was already scheduled for November and the District had been actively engaged with the Parent through the Student's ongoing reevaluation.

As of the date of the filing of this complaint, the evidence does not support a finding that the District failed to provide PWN within a reasonable time. Allegation 2(b) is unsubstantiated as the record lacks evidence of unreasonable delay.

Allegation 4: FAPE

The Parent alleged that the District failed to provide the student with a free appropriate public education (FAPE) by not implementing the requested, necessary supports and related services, including but not limited to one-to-one paraprofessional support and occupational therapy. As mentioned above, no evidence was submitted in contradiction to the record that would support the Parent's claim that these supports—and thus the IEP—were not being implemented such that the Student was denied FAPE.

Based on the records submitted, the District has ensured that the Student receives all currently required supports and related services—namely, paraprofessional and OT services—in the least restrictive environment. The District acknowledged the Parent's desire for the Student to receive one-to-one support; however, the District maintains the position that paraprofessional services are provided to the Student throughout the day as the IEP requires and is sufficiently meeting the Student's needs.

Thus, the record does not support a conclusion that the District failed to provide the Student with FAPE by failing to provide the special education instruction or services to the Student as required by the IEP. As such, the Department finds allegation 4 is unsubstantiated.

I. 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,

Lindsey P. Dupree, Attorney

Office of Executive Counsel

Louisiana Department of Education

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CC: Dr. Scott LeJuene, Superintendent, Allen Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-35

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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LOUISIANA DEPARTMENT OF EDUCATION

January 12, 2026

[redacted]

Dr. Scott LeJeune
Supervisor of Special Education and Pupil Appraisal Services
Allen Parish School Board
1111 West 7th Avenue
Oberlin, LA 70655

RE: Findings-Decision in State Special Education Formal Complaint No. **56-C-35 on behalf of [redacted].**

I. Introduction

On October 24, 2025, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") and requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153 on behalf of their child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of the Allen Parish School System ("District").

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 Department must determine:

1. **IEP Implementation**
   Whether the district failed to implement the student's IEP as written by discontinuing documented behavioral interventions—specifically, a Check-In/Check-Out support plan.

2. **Notice**
   Whether the District failed to provide Prior Written Notice when proposing or refusing actions related to the student's services, placement, or evaluation.

3. **Parental Participation**
   Whether the District failed to provide the Parent a meaningful opportunity to participate in educational decisions regarding the student.

4. **Discipline**
   Whether the District failed to comply with requirements regarding disciplinary removals of students with

disabilities.

5. Education Records
Whether the district failed to timely provide education records necessary for parental participation.

As the Department's assigned investigator, I have 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 **October 24, 2025**. Therefore, the investigation was limited to alleged violations of law that occurred between **October 25, 2023**, and **October 24, 2025**.

III. Findings of Fact

At all times relevant to this investigation, the Student was enrolled in a District school and receiving special education services under the exceptionality of Speech Impairment-Articulation with a medical diagnosis of ADHD. The Student receives speech therapy services weekly for 30 minutes in the special education setting.

Based on parent/teacher communications in 2024 regarding ongoing academic concerns related to the Student's medical ADHD diagnosis, social behavior and communication concerns, the Student was evaluated to determine whether the Student met criteria for special education services. An initial evaluation was completed on January 6, 2025, which indicated the Student met criteria for the exceptionality of Speech and Language Impairment-Articulation. Following the evaluation, the District issued a parental notification/prior written notice (PWN) to the Parent that same day and conducted a telephone conference to review the results of the evaluation. On January 10, 2025, the District issued a parental notification/PWN proposing a meeting with the Parent on January 27, 2025 to develop the Student's individualized education program (IEP). In creating the Student's initial IEP at this meeting, the IEP team acknowledged that the Student's behavior was currently managed under the District's general education positive behavior intervention services (PBIS)—a tiered, general education behavioral intervention program available to all students. The Student was currently under a Tier II behavior intervention plan receiving Check-In Check-Out services (CICO). The IEP team observed the Student's CICO data and determined that the interventions were adequately addressing the Student's social-emotional developmental needs and effectively decreasing the frequency and intensity of the Student's problem behaviors because the Student had no referrals since the Tier II interventions were put in place.

Since the Student's needs were being met through interventions, the Team agreed the Student's behavior would continue to be managed through the District's PBIS intervention program. The IEP Team then created language and behavioral goals for the Student. In regards to the behavioral goal, the Student would be observed demonstrating improved behavior that would be measured by a decrease in disruptions and outbursts while showing an increase in positive behavior with two objectives. A progress report dated October 10, 2025 showed the Student had no behavior infractions, indicating the Student had 100% meeting one of the objectives to maintain self-control within speech therapy sessions.

By email dated October 16, 2025 the Parent requested "student records" from the District's custodian of records. As of the date of the filing of this complaint on October 24, 2025, the District had not responded to the request.

Allegation #1, 2 and 3: Failure to Implement IEP, Notice and Parental Participation

The Parent alleges that the District (1) failed to implement the Student's IEP by unilaterally discontinuing the provision of CICO services as required by the Student's IEP. In discontinuing the CICO services without notifying the Parent, they further allege the District (2) failed to provide prior written notice prior to the discontinuation of these interventions. By discontinuing the services without providing notice, the parent also alleges the District (3) failed to provide the Parent with a meaningful opportunity to participate in the decision to no longer provide CICO. Upon its investigation, the Department finds the record does not support these allegations.

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" and develop the IEP considering the academic, developmental, and functional needs of the student. Once an IEP is developed, any changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting, or the parent and district may agree without an IEP Team meeting in accordance with § 324. As provided in 1706 § 322, districts are required to take steps, including the provision of meeting notices, to ensure that parents are reasonably informed of circumstances that impact the education of their child and participate in IEP team meetings. Louisiana Bulletin 1706 §504 requires that written notice be provided to the parents of students with disabilities in a reasonable amount of time, and no less than 10 days, before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the student.

IEP Implementation

The Parent alleges that CICO services had been discontinued; however, the record developed in this investigation does not support the Parent's conclusion. CICO logs provided by the District documented daily CICO services through the date of the filing of the Complaint. It appears the Parent's assertion that the District failed to implement the Student's IEP arises from their interpretation of the Student's IEP as requiring CICO interventions as the Student's support services because the IEP contains an extensive discussion of the Student's receipt of CICO and an agreement to continue these services.

The January 27, 2025 IEP on page 2 under "Evaluation/Reevaluation Results" provides:

> *"Behavior intervention data indicates EN's social-emotional developmental needs are being met through **school-based intervention** (Check-In/Check-Out) at Kinder Elementary School…Check-In/Check-Out appears to be effective in decreasing the frequency and intensity of EN's problem behaviors as he has had no office referrals after these were put in place. It does not appear that EN's academic progress within the general curriculum will be seriously impeded by his social-emotional development."*

And further, the Team noted:

> "*Behavior concerns are managed through Check-In/Check-Out at school."*

Additionally, as noted on page 3 under "Behavior":

> "*[The Student] follows the parish-wide PBIS Program and is monitored on a continuous basis. EN is receiving behavior support with Tier 2 interventions. A Check-In/Check-Out Behavior Education Program was implemented on 11-11-24, to prevent the development or decrease the frequency and/or intensity*

of EN's current problem behaviors that have been documented as unresponsive to Tier I practices and systems."

As written and evidenced by the IEP, the Team decided to continue utilizing the intervention services to address the Student's behavior and did not incorporate an individualized behavior plan into the IEP. Thus, the IEP would not be the mechanism by which the Student would receive the CICO services. The Team then created a behavior goal that would include monitoring the Student's behavior.

The Department finds the record supports the District's assertion that the inclusion of the discussion of the CICO data was not an adoption of the general education CICO intervention services into the IEP as required supports. The Team found the Student's needs were being successfully met through interventions because the student had not received any referrals during the school year thus, the data did not support the need for an individualized behavior plan. Instead, only a standard behavior goal was included as part of the Student's IEP. The District was not obligated to provide CICO services under the IEP because they were not incorporated as specially designed, required supports to be provided through an IEP.

Ultimately, the Student's behavior supports were received through the PBIS program and the data collected through that program would serve to gauge the success of the Student's IEP behavior goal. Progress reports submitted to the record demonstrated the Student met the behavior goal. The record is void of any evidence that the District otherwise failed to implement the Student's IEP. Thus, the Department finds the District did not discontinue required supports and thereby, fail to implement the Student's IEP. Allegation 1 is unsubstantiated.

Notice and Parental Participation

Under Bulletin 1706 § 504 a district must issue PWN when it proposes or refuses an action that materially impacts how the student's special education and related services are designed, delivered or denied in order to provide FAPE.

As earlier established, the District did not discontinue the CICO services through the District's PBIS program and was not required to provide CICO services via the Student's IEP. Based on the record, the Student experienced no change of placement or IEP services. Because the Student's interventions were being provided through general education PBIS, any changes to those services would not constitute a change in the provision of FAPE triggering procedural safeguards such as prior written notice and a meaningful opportunity for parental participation.

The Department concludes that the District made no changes to the Student's provision of services and therefore, no circumstance existed in which the District was required to issue prior written notice and provide an opportunity for parental participation. Therefore, allegations 2 and 3 are unsubstantiated.

Allegation #4: Discipline

The Parent alleges that over the past two school years the Student experienced numerous absences and disciplinary removals directly related to the Student's disability. They further allege that the Student has repeatedly been sent home early or suspended without notification, and instead, only discovered these dismissals through a portal rather than official notice.

Under Bulletin 1706 §530, a district is authorized to remove a student with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives

are applied to students without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under §536).

The Department conducted its review of attendance and discipline records that fell within the limitations imposed by Bulletin 1706 152(c) and the filing of this complaint. Only discipline records falling between October 25, 2023 and October 24, 2025 were considered. Based on the attendance and discipline records—which documented any removals—for the 2024-25 school year, the Student incurred five discipline referrals and received one 1-day out of school suspension, with two absences. The records did not reflect any additional suspensions, whether partial or full day, in-school or out-of-school. The Student's discipline history reflected the one 1-day out of school suspension present on the attendance record. In the 2025-26 school year, the Student received no discipline referrals or suspensions and had incurred one absence, which appeared to be unrelated to discipline.

In support of the Parent's assertion regarding disciplinary removals, the Parent provided an email log consisting of screenshots that evidenced communications between the Parent and District, but did not provide the content of any of those correspondences. As such, the Department was unable to discern which emails present in the log (if any) pertained to the Student's discipline or any disciplinary removals. The email records from 2024 preceded the Student's evaluation and IEP. Those records appeared to serve as the basis in which the District agreed to evaluate the Student. None of these emails evidenced unlawful disciplinary removals in violation of Bulletin 1706 § 530 or removals exceeding 10 cumulative days resulting as a manifestation of the Student's disability. No removals exceeded 10 cumulative days triggering the manifestation determination review required under §532.

The Department finds the Parent's allegation that the District failed to comply with requirements regarding disciplinary removals of students with disabilities and therefore, denied the Student a Free and Appropriate Public Education, is unsubstantiated**.**

Allegation #5: Education Records

The Parent alleges that the District failed to timely provide the Student's records in response to their October 16, 2025 email request. This allegation is based on the Parent's understanding that Bulletin 1706 § 613 requires the district to answer the Parent's request within 10 days of the receipt of the request.

However, the current effective version of Bulletin 1706 § 613 contains no such requirement. 1706 § 613(A) provides that the 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.

The District had 45 days to provide records responsive to the Parent's request. At the time of the filing of the complaint, the District had been in receipt of the request for eight days, a timeframe well within the 45 day requirement of § 613(A). Thus, allegation #5 is unsubstantiated**.**

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,

Lindsey P. Dupree, Attorney

Office of Executive Counsel

Louisiana Department of Education

(225) 342-3572 (phone)/ (225) 342-1197 (fax)

DisputeResolution.DOE@la.gov

CC: Dr. Scott LeJuene, Superintendent, Allen Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-36

October 31, 2025

[redacted]

Angela Westerburg
Director of Student Support
Ouachita Parish School System
1600 North 7th Street
West Monroe, LA 71291
westerburg@opsb.net

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-36**

Dear Parties:

On October 28, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-36**. 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: Todd Guice, Superintendent, Ouachita Parish School System (email only)

Louisiana Special Education Complaint Investigation

56-C-37

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

February 19, 2026

[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 State Special Education Formal Complaint No. **56-C-37 on behalf of** [redacted]

I. Introduction

On November 5, 2025, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") and requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153 on behalf of the child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of the NOLA Public Schools ("District").

II. Statement of the Case

In the complaint, the Parent Advocate 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 Department must determine:

1. **Child Find and Evaluation**

   Whether the District failed to timely identify, locate and evaluate the student as a child suspected of having a disability;

2. **Notice and Parental Participation**

   Whether the District failed to provide timely and sufficient notice and ensure meaningful parental participation in decisions concerning the Student's identification, evaluation or provision of free appropriate public education (FAPE);

3. **FAPE**

   Whether the District's alleged actions, including disciplinary removals, exclusions from instruction or school activities, or other responses to Student's behavior, resulted in a denial of FAPE.

As the Department's assigned investigator, I have 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 November 5, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between November 6, 2023, and November 5, 2025.

III. Findings of Fact

On August 11, 2025 the Parent messaged the Student's classroom teacher regarding some observed behavioral changes the Parent noticed in the Student. In this message, the Parent requested an Individualized Educational Program (IEP) for the Student and shared the Student had been diagnosed with Attention Deficit Hyper Disorder (ADHD) and was currently attending therapy. The following day via the messaging App, the Parent advised forms had been completed for the Student's therapist to discuss the Student with the school. In response, the classroom teacher shared the Student's counselor's information with the District social worker. On August 14, 2025, the Social Worker spoke with Student's counselor to discuss strategies to assist the Student with their transition into the school setting. By email dated August 16, 2025, the District's School Transportation Coordinator received a message from the Parent requesting to begin a formal evaluation for 504 or an IEP so the student could begin receiving support.

On August 18, 2025, the Principal of the Student's school shared a telephone call with the Parent to discuss the Parent's ongoing concerns following up the discussion with an email. On August 19, 2025, the Social Worker then referred the Student to the District's School Assistance Team (SAT) followed by the District 504 Coordinator's contact with the Parent to discuss arranging for a SAT meeting. On August 24, 2025, the Parent signed receipt of a SAT/504 Meeting Notice indicating their attendance to a meeting scheduled for August 26, 2025 to discuss the Student's educational needs as it related to behavior.

Subsequently, a SAT meeting was held on August 26, 2025 where the Student's data and Parent's concerns were discussed. Written parental consent to conduct screenings and interventions was obtained that day and it was determined that Check-In Check-Out strategies would be implemented as an initial escalation to Tier 3 of the District's general education positive behavior intervention program. At that time, the Parent signed consent to participate in the strategy for six to eight weeks of data collection. A follow-up meeting was scheduled for October 14, 2025 where the SAT Team and the Parent would assess the effectiveness of the interventions and review the data collected. The Parent advised they would get the Student screened for ADHD with the Student's physician.

On September 15, 2025, the Parent provided the District with a copy of the Student's September 9, 2025 psychological evaluation. The District acknowledged receipt on September 16, 2025 and notified the Parent that the District's Special Education Coordinator would reach out for next steps. That same day, the Student's Section 504 Individual Accommodation Plan (IAP) was developed based off evaluation data and input from both the Parent and the teacher. A copy of the IAP was provided to and signed by the Parent dated September 21, 2025.

On September 22, 2025, the Parent met with the Social Worker to sign consent for a Functional Behavior Assessment (FBA) due to the Student's ongoing behavior despite the increased supports.

The Parent requested a meeting on September 25, 2025 to gather the SAT team. At this meeting, the Parent provided information regarding the Student's medication and informed the District the Student had not been taking it. The District advised it would begin collecting behavioral data to support the process of determining whether the medication helped the Student with impulsivity. The Parent then requested the District provide an emergency "placement". The District SPED Coordinator explained the District is unable to accommodate the request for placement because the Student did not currently have a 1508 evaluation that had determined the Student's need for more restrictive environment and discussed the continuation of data collection of the interventions and collecting data

On October 14, 2025, the SAT team reconvened as a follow-up to the first SAT to review the behavioral data, relevant

Student information and the effectiveness of the CICO strategies over the past agreed upon data collection period. The results of the FBA were reviewed and an individualized behavior intervention plan (BIP) was discussed. It was determined the RTI and CICO strategies were shown to be ineffective. At the conclusion of the meeting, it was agreed the information would be forwarded to the District's evaluation team to initiate an evaluation. At the time of the filing of this complaint, the evaluation was underway and required to be completed by January 12, 2026.

On October 23, 2025 the Parent filed a grievance with the District against the Student's school regarding delayed evaluation, medication discussions and unequal treatment.

On November 5, 2025, the Parent filed this formal complaint against the District alleging violations of IDEA and applicable state laws.

Conclusions of Law

Allegation #1

Whether the District failed to timely identify, locate and evaluate the student as a child suspected of having a disability.

The Complainant alleges that despite multiple requests to evaluate the Student, the District delayed opening an evaluation by more than two months resulting in disciplinary actions, including numerous, undocumented classroom removals and without appropriate supports in place.

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 and corresponding federal regulations, mandating that each public agency 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. Pursuant to Louisiana Bulletin 1706 §302(B) a parent of a student or the public agency may initiate a request for an initial evaluation to determine if the student is a student with a disability. In the event insufficient data exists to determine whether a special education evaluation is appropriate, Bulletin 1508 §§ 301 and 305 permits response to intervention (RTI) activities and screenings in order to gather the data necessary for the District to make a data-driven decision to evaluate the student.

As it relates to the timely identification and evaluation of the Student, the record demonstrates the District satisfied its Child Find obligations. The record indicates that the Student enrolled as a new kindergarten student for the 2025-2026 school year and began demonstrating difficulties with behavior. The Parent submitted their initial request on August 11, 2025. Having no suspicion of a disability at the time of the request, the District consulted the Student's outside counselor and contacted the Parent regarding the request. The District noted in an email to the Parent that although the Parent indicated the Student had been diagnosed with ADHD, medical records evidencing the diagnosis had not been provided to the District for review. After gathering this information, the record shows the District convened the August 26, 2025 SAT meeting within two weeks of the Parent's request. With the Parent's participation and consent, the SAT Team agreed to conduct screenings and implement elevated RTI interventions with the addition of CICO services for six to eight weeks. Based on the record presented, the RTI was appropriately utilized as a reasonable measure to implement added behavioral supports while it obtained data sufficient to determine whether the Student as suspected of a disability and if so, propose to open an evaluation. Meanwhile, when the Parent provided the District with a copy of the September 9, 2025 outside psych evaluation, the District reviewed the record and initiated a 504 evaluation. Based on the results of the Vanderbilt Parent Scale and with the input of the Parent and the Student's Teacher, the 504 IAP was developed within a week of receiving the outside evaluation. Despite the added accommodations and during this initial data collection period, the Student's behaviors continued. In response, the District obtained the Parent's consent to conduct the FBA. While the FBA was underway, the Student's supports were elevated to include twice weekly sessions with the District Social Worker, brain breaks with the Social Work intern and push-in supports in the Student's classes. These supports were in addition to the CICO strategies and 504 IAP that had been put into place.

Based on the record, the Department finds the District utilized the RTI supports appropriately and progressed the Student without delay while the District collected data. As the Student began exhibiting more difficulty through the relevant time period, the District demonstrated that it monitored the Student's progress or lack thereof and promptly increased supports. When presented with outside medical records evidencing a medical diagnosis of ADHD on September 15, 2025, the District promptly initiated an evaluation under Section 504 and developed the IAP by September 16, 2025. Finally, when the use of more intensive behavioral interventions proved ineffective, the District conducted the FBA to determine the function of the Student's behavior. Once the SAT Team reviewed the data on October 14, 2025 and the District suspected the Student was a student with a disability, the Parent's consent was immediately obtained and the evaluation opened without delay. The Student's individualized BIP was then developed by October 17, 2025

As it relates to the timely completion of the evaluation, 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. The Parent provided a timeline within their complaint identifying that in November of 2025 no Individualized Educational Program had been implemented. In November 2025, the Student's eligibility for special education and related services had not yet been determined and thus, an IEP would not be developed until that determination. At the time of the filing of this complaint, the evaluation was still underway and the District was not required to have completed the evaluation before January 12, 2026. For this reason, the Department is unable to weigh in on whether the evaluation will be completed timely.

In review of the record, the Department concludes that the allegation that the District violated its Child Find obligations by delaying an evaluation and failing to identify and evaluate the Student timely, is unsubstantiated.

Allegation #2

Whether the District failed to provide timely and sufficient notice and ensure meaningful parental participation in decisions concerning the Student's identification, evaluation or provision of free appropriate public education (FAPE).

Louisiana Bulletin 1706 contains a number of provisions which support the participation of parents in the educational decision-making process. When a parent submits a written request for an initial evaluation, the district must either obtain informed parental consent to conduct the evaluation or issue prior written notice of refusal in accordance with Bulletin 1706 § 301(A)(4) and § 504(A). These procedural protections exist to safeguard parental rights and ensure transparency in eligibility decisions 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." 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 the District was demonstrably responsive to the initial request by contacting and emailing the Parent and communicating its plans to convene the SAT. However, the documentation does not indicate whether the District provided written notice of its refusal to evaluate the Student in response to the Parent's for evaluation. Accordingly, the District could be found in procedural noncompliance; however, the violations did not rise to the level of a substantive denial of FAPE. Evidence within the record demonstrates that the District otherwise provided notice of the August 26, 2025 SAT meeting and ensured the Parent's participation because the Parent received, signed and returned written meeting notice dated August 19, 2025. The record also reflects the District and Parent remained in communication throughout the time frame relevant to this complaint. Whenever meetings occurred---whether planned or unplanned---the Parent attended and contributed input. Written parental consent was consistently obtained prior to the SAT screenings, CICO interventions, and the FBA. The October 14, 2025 SAT meeting was no exception as the Parent shared information regarding the Student's medication dosage and provided written consent for the District to initiate the educational evaluation.

With regard to the October 31, 2025 meeting, the Parent alleged the District convened the meeting unexpectedly and failed to provide procedural safeguards when it requested their signature to implement the Student's BIP. The

District did not address this allegation in its response and did not submit records to refute this allegation. Based on the record, it appears the BIP was developed shortly after the evaluation was initiated, but is not an IEP-based BIP and is instead a BIP through the District's RTI program. This makes it a general education measure and thus, procedural safeguards of required notice and opportunity to review were not applicable. It is unclear whether the District made an effort to make clear this distinction to the Parent.

With respect to parental participation and sufficient notice, the Department finds the District otherwise substantially complied with procedural safeguards by providing meeting notices, obtaining written consent for screenings, interventions, and the evaluation, and including the Parent in discussions and decisions regarding the Student's identification, evaluation and educational programming. However, the Department finds the District failed to ensure prior written notice of the refusal to initiate an evaluation in response to the Parent's initial request as required by 1706 § 301(A)(4). As such, allegation #2 is substantiated in part.

Allegation #3

Whether the District's alleged actions, including disciplinary removals, exclusions from instruction or school activities, or other responses to Student's behavior, resulted in a denial of FAPE.

The Parent iterated facts in their complaint that the Student was often removed from the classroom, dismissed from school early and excluded from a field trip based on the Student's behavior related to their disability.

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. 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 district 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.

Regardless of the Student's status as a student with a disability, student behavior is subject to the district level behavior policy. While the Parent alleged inappropriate removals and early dismissals throughout the complaint period, the Department finds the record does not support the Parent's conclusions. While the District gathered data to determine if it suspected the Student of a disability, the record reflects that disciplinary actions for the Student's behavior were subject to the District's student behavior policy. The Student's discipline history reflected a total of eight referrals prior to the initiation of the evaluation and two additional referrals thereafter. Based on this record, the Student was removed from the educational setting on two occasions---September 4, 2025 and September 26, 2025—both following behavioral incidents. At that time, the District had increased the Student's supports through RTI and began monitoring the behavior while collecting data to determine suspicion of a disability; however, no other referrals resulted in removals. Following the opening of the evaluation, the Student incurred two more behavioral referrals—October 22, 2025 and October 30, 2025--but did not escalate to any removals. The record submitted by the District also did not reflect an early dismissal of the Student.

Thus, as it relates to the disciplinary removals, the Department finds the evidence insufficient to establish the District knew of the Student's suspected disability at the time of the removals and thus, the protections under Bulletin 1706 §534 were not triggered.

The Parent also alleged that the District often called for early pick-up and dismissed the Student early as a disciplinary measure to manage the Student's behavior noting that these instances were not documented by the District. On the outset, the Parent's allegation letter and supporting timeline of events contained conflicting dates making it difficult for the Department to reconcile the record with the dates of the alleged violations. Records submitted by the District provided details corresponding to each of the Parent's allegations regarding early pick-up and discipline. The District

also provided a description of the District's response to the behaviors and refuted any early pick-up requests had occurred with the exception of October 23, 2025. On this date, the District advised a District employee did imply to the Parent that the Student should be picked up from school due to the Student's behavior. The District admitted the failure of the District employee and imposed corrective action at the time of the incident. Records of updated protocols were submitted to the Department as evidence of actions imposed to address communication of behavior incidents to parents and updates made requiring documented contact with a parent, including revised incident forms and crisis plans for managing extreme student behavior.

With respect to the Student's exclusion from the October 27, 2025 field trip, there is no evidence within the record to suggest the District excluded the Student in a manner inconsistent with the District's behavior policy or for disability-related behavior. The District did not provide a response refuting the exclusion or identifying the exclusion as a disciplinary measure related to behavior. As a general matter, excluding a student from participating in a field trip as a disciplinary measure for violating the behavior policy is not, on its face, evidence of a violation of a student's rights. In this case, the evidence is insufficient to support the Parent's conclusion that the Student's exclusion was due to disability-related behavior in violation of IDEA law.

In conclusion, the discipline based removals were limited in number and consistent with the SAT prescribed interventions and subject to the District's general student behavior policy. The District acknowledged the one confirmed incident of an improper early pick-up request and self-imposed corrective action, including updating procedures to prevent a recurrence. The Department finds the District appropriately applied the Districtwide behavior policies, provided ongoing supports and did not suspect the Student of a disability at the time of the removals. The evidence does not support a finding that the District actions resulted in a denial of FAPE. Allegation #3 is unsubstantiated.

IV. Corrective Action Plan

The competent evidence supports a finding that the District failed to meet the procedural obligation for prior written notice regarding the Parent's request for an evaluation. To address this noncompliance and prevent recurrence:

1. 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:
    - Procedural safeguards, parental rights, and requirements for issuing Prior Written Notice pursuant to Bulletin 1706 §301, §502 and §504

    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,

Lindsey P. Dupree, Attorney

Office of Executive Counsel

Louisiana Department of Education

(225) 342-3572 (phone)/ (225) 342-1197 (fax)

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

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

April 7, 2026

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

Re: Reconsideration Decision in Special Education Formal Complaint No. 56-C-37

I. Introduction

On November 5, 2025, the Louisiana Department of Education ("the Department") received a formal written complaint from a parent on behalf of their child ("the Student") concerning Einstein Charter School at Sherwood Forest, a public charter school authorized by the Orleans Parish School Board ("OPSB" or "NOLA Public Schools").

On February 19, 2026, the Department issued a written decision addressing the following three allegations:

1. Whether the District failed to timely identify, locate, and evaluate the student as a child suspected of having a disability;
2. Whether the District failed to provide timely and sufficient notice and ensure meaningful parental participation in decisions concerning the Student's identification, evaluation, or provision of a free appropriate public education (FAPE); and
3. Whether the District's alleged actions, including disciplinary removals, exclusions from instruction or school activities, or other responses to the Student's behavior, resulted in a denial of FAPE.

The decision found Allegation No. 1 unsubstantiated, Allegation No. 2 substantiated in part based on the failure to provide prior written notice in response to the Parent's initial request for evaluation, and Allegation No. 3 unsubstantiated. To address the identified noncompliance and prevent recurrence, the decision directed corrective action consisting of training and submission of compliance documentation.

On February 27, 2026, NOLA Public Schools submitted a written request for reconsideration of the February 19, 2026 decision issued in State Special Education Formal Complaint No. 56-C-37. The request was made pursuant to Louisiana Bulletin 1706 §153(I), which permits either the public agency or the complainant to request reconsideration of an investigative decision upon an assertion that the Department made an error in one or more findings of fact and/or law.

NOLA Public Schools asserts three related errors:

1. The Findings of Fact erroneously attribute school-level actions to "the District," meaning NOLA Public Schools, when those actions were taken by Einstein Charter Schools at Sherwood Forest;
2. The Conclusions of Law repeat the same alleged attribution; and

3. The February 19, 2026 decision failed to account for the charter school's independent LEA status and therefore should not have directed findings or corrective action to NOLA Public Schools.

These assertions do not challenge the factual occurrence of the events described in the original decision, nor do they contest the substantive determinations regarding Child Find, prior written notice, parental participation, or denial of FAPE. The underlying findings of fact, timeline of events, and substantive determinations are therefore not in dispute. Instead, the request challenges the identity of the entity to which those actions and obligations were attributed.

II. Scope of Reconsideration

Reconsideration in this matter is governed by Louisiana Bulletin 1706 §153(I), which permits review only where a party identifies specific errors of fact and/or law in the Department's written decision and demonstrates how such alleged errors affect the findings or conclusions reached. A request for reconsideration must cite the location of the alleged error, reference documentation previously submitted that supports a different result, and explain how correction of the error would change the outcome.

Pursuant to Bulletin 1706 §153(I)(4), reconsideration is limited to the documentation originally submitted regarding the allegations investigated and may not expand or supplement the scope of the complaint. Accordingly, the Department's review is confined to the existing administrative record and to the specific allegations addressed in the February 19, 2026 decision.

III. Determination

The request for reconsideration asserts that the Findings-Decision improperly attributes actions to NOLA Public Schools as "the District" rather than to Einstein Charter School at Sherwood Forest and contends that, as an independent LEA, the charter school is solely responsible for IDEA compliance.

Upon review, the Department finds that this assertion does not establish an error in the Findings of Fact or Conclusions of Law within the meaning of Louisiana Bulletin 1706 §153(I).

The underlying complaint expressly identified Einstein Charter School at Sherwood Forest as the school attended by the Student and further noted that the school is authorized by the Orleans Parish School Board, operating as NOLA Public Schools. Consistent with that framing, the February 19, 2026 Findings-Decision described the Student as enrolled in a school "under the jurisdiction of NOLA Public Schools ('District')" and referred to the "District" throughout the decision as a general descriptor of the public education system responsible for the Student's education.

The reconsideration request does not dispute the factual record underlying the decision, including the timing of the Parent's request, implementation of interventions, the initiation of the special education evaluation, or the nature of the Student's educational experience. Nor does the request challenge the legal standards applied or the conclusions reached with respect to Child Find, procedural safeguards, parental participation, or denial of FAPE. Instead, the request seeks to explain the governance structure of the charter school and its relationship to its authorizing body, the Orleans Parish School Board.

Reconsideration under Louisiana Bulletin 1706 §153(I) is limited to the correction of errors in findings of fact or law and does not extend to resolving or adjudicating questions of governance structure where such questions do not alter the factual findings, legal analysis, or outcome of the complaint. The Department finds that the level of generality used in the original decision to describe the "District" does not constitute an error and does not affect the determination of whether the public education system responsible for the Student complied with the requirements of Part B of the IDEA.

To the extent the request seeks additional specificity, the Department clarifies that Einstein Charter School at Sherwood Forest is a Type 1 public charter school operated by Einstein Charter Schools and

authorized by the Orleans Parish School Board pursuant to an operating agreement between OPSB and Einstein Charter Schools. This clarification reflects information already contained within the complaint record and does not modify the Findings of Fact or Conclusions of Law.

With respect to corrective action, the February 19, 2026 decision requires "the District" to ensure that relevant special education personnel, including school-based staff and central office personnel, participate in training regarding procedural safeguards and prior written notice. In its request for reconsideration, the NOLA Public Schools states that it "has a duty to monitor and oversee charter schools operating as their own LEA, and to enforce corrective actions and interventions related to LEA status." The corrective action required by the Department is consistent with this asserted oversight responsibility, as it requires the public education system serving the Student to ensure compliance by ensuring that appropriate personnel receive training and that such compliance is documented. The decision does not prescribe the internal governance or employment structure by which such training is implemented, but rather requires that the responsible system ensure completion of the corrective action and submission of documentation to the Department.

Accordingly, the Department finds no basis to modify the Findings of Fact, Conclusions of Law, or corrective action.

IV. Conclusion

For the foregoing reasons, the Findings of Fact, Conclusions of Law, and corrective actions in the February 19, 2026 decision remain unchanged, and the request for reconsideration is **denied**. The Department provides the above clarification solely to reflect the organizational context identified in the complaint record and does not alter the outcome of the investigation.

Issued by:

Domonique Dickerson
Attorney

R. Christopher Fruge
Attorney

Anthony Ligi
Attorney

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

CC: Dr. Fatema Fulmore, Superintendent, NOLA Public Schools
[redacted]

Louisiana Special Education Complaint Investigation

56-C-38

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

February 2, 2026

[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 Special Education Formal Complaint No. **56-C-38**[redacted]

I. Introduction

On November 4, 2025, the Louisiana Department of Education ("Department" or "LDOE") received a formal complaint from [redacted] ("Complainant" or "Parent") on behalf of their child ("Student"), who, at all times relevant to the complaint, was enrolled in a school under the jurisdiction of the East Baton Rouge Parish School System ("District").

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 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 Parent alleged that the District (1) improperly changed the Student's placement or service delivery on or around October 30, 2025; and (2) failed to provide timely and sufficient notice and ensure meaningful parental participation in decisions concerning the Student's identification, evaluation, or provision of a free appropriate public education (FAPE).

Pursuant to Bulletin 1706 §152(C), a complaint must allege a violation occurring not more than two years prior to the date the complaint is received. Accordingly, the scope of this investigation was limited to alleged violations occurring between **November 3, 2023**, and **November 4, 2025**.

III. Findings of Fact

On March 13, 2025, the IEP Team convened and developed an Individualized Education Program for the Student. The meeting was attended by the Parent, a regular education teacher, a special education

teacher, a speech-language pathologist, and the school principal serving as the officially designated representative. The Parent signed the March 13, 2025 IEP.

The March 13, 2025 IEP included two service timeframes. Under Timeframe A, beginning March 13, 2025, the IEP provided occupational therapy services in individual and group settings for thirty minutes, two times monthly, in the special education setting. It also provided special education instruction in individual and group settings for fifteen minutes four times weekly in the regular education setting and for forty-five minutes five times weekly in the special education setting. Speech-language pathology services were provided in individual and group settings for thirty minutes six times monthly.

Under Timeframe B, beginning August 5, 2025, the IEP provided occupational therapy services in individual and group settings for thirty minutes two times monthly in the special education setting. The IEP provided special education instruction in individual and group settings for ninety minutes five times weekly in the regular education setting. The IEP identified the Student's placement as inside the regular class for eighty percent or more of the school day. The March 13, 2025 IEP was in effect at the beginning of the 2025–2026 school year and remained the operative IEP through the date the complaint was filed.

From August 14, 2025 through November 4, 2025, the District maintained service and inclusion logs documenting the provision of special education supports to the Student. These logs identified the instructional setting as regular education inclusion. The logs described instructional activities such as teacher modeling, guided peer discussion, and assisted reading, primarily within English Language Arts. The logs reflect continuity in the setting in which services were delivered during this period.

On August 15, 2025, the Parent sent written correspondence to school and district personnel raising concerns related to a peer interaction that occurred during a class. In that correspondence, the Parent requested that the Student's schedule be changed for second and fourth periods to avoid interaction with a specific peer, that a safety plan be considered and documented, and that an IEP Team meeting be convened to address safety concerns. On the same date, the Student's schedule was adjusted to address the Parent's request regarding class periods. In subsequent written correspondence, the assistant principal explained that the Student's placement was determined based on the March 13, 2025 IEP, which identified placement inside the regular classroom for eighty percent or more of the day. The assistant principal stated that the Student was scheduled inside the regular classroom setting consistent with the IEP.

On September 2, 2025, the District issued a Prior Written Notice in response to parental requests regarding compensatory services and funding of a private placement. The notice proposed the provision of compensatory services for a specified period and declined to fund the private placement, stating that the District was able to provide a free appropriate public education.

On October 22, 2025, a Behavior Support Plan was developed for the Student, and the plan was revised on October 30, 2025. The Behavior Support Plan identified the Student's exceptionality as autism and addressed needs related to communication, emotional regulation, coping skills, and behavioral supports. The plan included proactive strategies, reactive strategies, calming breaks, positive reinforcement, and crisis intervention procedures. The Parent initialed each page of the Behavior Support Plan and signed the plan on October 31, 2025.

On October 30, 2025, the District convened an IEP Team meeting to discuss proposed amendments to the March 13, 2025 IEP. The meeting sign-in sheet was signed by the Parent, regular education teachers,

special education teachers, related service providers, a special education supervisor, and an assistant principal serving as the officially designated representative of the District, among others. A draft IEP was developed proposing changes to services beginning October 30, 2025. The Parent did not sign or consent to the draft IEP.

Following the October 30, 2025 IEP meeting, the Parent submitted written correspondence dated November 3, 2025 expressing disagreement with the draft IEP and raising concerns regarding documentation, placement terminology, and the role of the assistant principal. Subsequently, the District issued multiple Prior Written Notices and response letters dated November 11, 2025 addressing the Parent's correspondence and requests. One notice addressed a parental request to change the Student's math teacher and declined the request, explaining the basis for maintaining the existing assignment. Another notice addressed the Parent's November 3 correspondence and proposed reconvening the IEP Team to continue discussion of unresolved issues from the October 30 meeting. Additional correspondence addressed the Parent's assertion that the assistant principal's role as officially designated representative constituted a conflict of interest and stated that no unilateral placement decision had occurred. The November notices did not state that any placement or service delivery changes had been implemented and did not identify any change to the Student's placement prior to November 4, 2025.

IV. Conclusions of Law

Allegation 1

Under Louisiana Bulletin 1706, educational placement decisions must be made by a properly constituted IEP Team and must be based on the student's individualized needs as reflected in the IEP. Bulletin 1706 §§114–116 establish that placement refers to the student's placement on the continuum of alternative as determined by the IEP Team and documented in the IEP, including the extent to which the student is educated with nondisabled peers.

The record demonstrates that the Student's placement for the 2025–2026 school year was established by the March 13, 2025 IEP, which the Parent signed. Pursuant to Bulletin 1706 §§323 and 324, this IEP constituted the operative placement and service plan unless and until it was revised by the IEP Team. That IEP included two service timeframes and both identified the Student's placement as inside the regular class for eighty percent or more of the school day. Under Timeframe B, beginning August 5, 2025, special education instruction was delivered in the regular education setting. The record demonstrates that from August 14, 2025 through November 4, 2025, service and inclusion logs reflect delivery of special education supports in the regular education setting. The logs do not reflect removal to a separate special education classroom, instruction in a more restrictive environment, or a reduction in the Student's participation in regular education below the level specified in the IEP. Under Bulletin 1706 §115, the provision of supplementary services in conjunction with regular class placement is expressly contemplated as part of the continuum of alternative placements and does not, by itself, constitute a change in placement.

On October 30, 2025, the District convened an IEP Team meeting to discuss proposed amendments to the March 13, 2025 IEP. The Parent attended and participated in that meeting. A draft IEP was developed, but the Parent did not consent to or sign the proposed revisions. The record does not reflect that the District implemented the proposed changes following the October 30 meeting through the date the complaint was filed. Rather, the records reflects that the March 13, 2025 IEP remained operative through the date the complaint was filed.

The Prior Written Notices issued in September 2025 and November 2025 further support the conclusion that no placement change occurred. The September 2025 notice addressed compensatory services and a request for private placement funding and did not propose or refuse a change in placement. The November 2025 notices addressed parental correspondence related to the October 30 meeting and proposed reconvening the IEP Team to continue discussions given the documented parental concerns.

Based on the foregoing, the evidence does not establish that the District changed the Student's placement or service delivery on or around October 30, 2025. Accordingly, allegation 1 is not substantiated.

Allegation 2

Louisiana Bulletin 1706 §§502 and 322 require that Parents be afforded meaningful participation through opportunities to attend meetings, provide input, and engage in the decision-making process regarding their child's identification, evaluation, educational placement, and provision of FAPE. Bulletin 1706 §504 requires districts to provide prior written notice when proposing or refusing to initiate or change the identification, evaluation, educational placement of a child, or the provision of FAPE.

The record demonstrates that the Parent participated in the March 13, 2025 IEP meeting and signed the resulting IEP. The Parent also participated in the October 30, 2025 IEP meeting, expressed disagreement with the proposed draft IEP, and declined to agree to the proposed revisions. The ability to attend meetings, express disagreement, and withhold agreement while continuing to engage in the IEP process reflects meaningful parental participation as contemplated by Bulletin 1706 §§502 and 322.

The District also responded to the Parent's concerns through written correspondence and the issuance of multiple Prior Written Notices. On September 2, 2025, the District issued a Prior Written Notice addressing the Parent's requests for compensatory services and private placement funding, identifying the actions proposed and refused, the basis for the decisions, the information relied upon, and the Parent's procedural safeguards. Following the October 30 meeting and the Parent's November 3 correspondence, the District issued additional Prior Written Notices in November 2025. Those notices addressed specific Parental requests, including a request to change a teacher, concerns raised in the November 3 correspondence, and allegations regarding a conflict of interest. One notice proposed reconvening the IEP Team to continue discussion of unresolved issues from the October 30 meeting.

The issuance of these notices demonstrates that the District provided written notice when proposing or refusing actions and informed the Parent of the basis for its decisions and available procedural safeguards, consistent with Bulletin 1706 §504. Disagreement with the substance of a draft IEP, dissatisfaction with proposed outcomes, or opposition to the District's responses does not, by itself, constitute a denial of meaningful parental participation where the Parent is afforded the opportunity to attend meetings, present concerns, and receive written explanations of the District's decisions. The record reflects that the Parent was afforded such opportunities throughout the relevant period.

Based on the foregoing, the evidence does not establish that the District failed to provide timely and sufficient notice or denied the Parent meaningful participation in decisions concerning the Student's identification, evaluation, placement, or provision of FAPE. Accordingly, allegation 2 is not substantiated.

V. Conclusion

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 closed, and no additional action is required.

Respectfully,

Domonique Dickerson
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

56-C-39

LOUISIANA DEPARTMENT OF EDUCATION

February 10, 2026

[redacted]

Emily Davis
Director of IDEA
Jefferson Parish Schools
501 Manhattan Boulevard
Harvey, LA 70058
emily.davis@jpschools.org

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-39**

Dear Parties:

On January 22, 2026, the Louisiana Department of Education received notification that indicated that 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 **56-C-39**. No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
Attorney
Office of Executive 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)

Louisiana Special Education Complaint Investigation

56-C-40

LOUISIANA DEPARTMENT OF EDUCATION

December 8, 2025

[redacted]

Dr. Janet Harris
Director of Exceptional Student Services
East Baton Rouge Parish School System
6550 Sevenoaks Avenue
Baton Rouge, LA 70806

RE: Formal Complaint Investigation on behalf of **Students with Disabilities**
Dismissal of Special Education Formal Complaint No. **56-C-40**

Dear Parties:

On December 8, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-40**. No further action is required by either party.

Sincerely,

Lindsey P. Dupree, 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 (email only)

Louisiana Special Education Complaint Investigation

56-C-41

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

February 25, 2026

[redacted]

Paulette Fairchild
Executive Director of Compliance and Pupil Appraisal
Jefferson Parish Schools
501 Manhattan Boulevard
Harvey, LA 70058
Paulette.Fairchild@jpschools.org

RE: Findings-Decision in State Special Education Formal Complaint No. **56-C-41 on behalf of** [redacted]

Introduction

On **November 13, 2025**, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") and requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153 on behalf of the child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of the Jefferson Parish Public Schools ("District").

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 Department must determine:

1. **Evaluation**

   Whether the District failed to ensure that the Student's evaluation was sufficiently comprehensive to identify all special education and related service needs, whether or not commonly associated with the Student's identified disability category.

2. **IEP**

   Whether the District, in developing the Student's education program, failed to consider the Student's individual needs as identified through a sufficiently comprehensive evaluation, prior to the removal or reduction of special education and related services.

As the Department's assigned investigator, I have reviewed the complaint and the supporting documents submitted. 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 November 13, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between November 14, 2023, and November 13, 2025.

Findings of Fact

The Student was enrolled in a school within the District by August of 2025. The Parent provided a narrative that the Student has a medical diagnosis of developmental delay, failure to thrive and selective mutism. The Student's physician recommended weekly occupational therapy to address sensory concerns that limit their ability to eat and grow. The Student is also overseen by Children's Hospital feeding team. At the time of the filing of the complaint, the Student was undergoing an evaluation for Autism performed by the Children's Hospital. The Parent expressed a belief that the feeding and sensory issues along with the selective mutism are part of an Autism Spectrum Disorder diagnosis suspected by the Parent. Previously, the Student was enrolled in Early Steps and received weekly speech, occupational and physical therapy along with special education services. Prior to enrollment, an initial evaluation was initiated on March 19, 2025 and the evaluation report disseminated on May 27, 2025. Based on the narrative provided by the complainant, an evaluation was conducted on the Student by the District whereby the District determined the Student did not have "ASD". According to the Parent, the Student's Individualized Education Program (IEP) did not include speech therapy services and occupational therapy services were included only yearly.

On November 13, 2025, the Parent filed the complaint that formed the basis of the Department's investigation.

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

Conclusions of Law

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 17, 2025, 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.

On December 19, 2025, the Department provided a written notice memorializing an extension of the decision date as agreed to by the Parties as they were actively engaged in resolution and proposing to convene an IEP Facilitation meeting on January 28, 2026. This notice included an updated submission deadline for the Parties to submit final documentation. Subsequently, the facilitated IEP was held on January 28, 2026. The submission deadline passed and the District neither denied nor disputed the allegations, nor did it timely submit any evidence to verify that the Student received services pursuant to the Student's IEP as written. Consequently, a negative inference was drawn leading to the acceptance of the Complainant's allegations as fact.

Information provided to the Department on February 24, 2026, indicated that the Parties reached an agreement as to resolutions of the allegations during the facilitated IEP; however, the Parent chose not to withdraw their complaint. The District agreed to arrange for another District to conduct an Individual Educational Evaluation (IEE). This action

adequately addresses allegation #1 and is substantially equivalent to any corrective action that would have been ordered had the allegation been substantiated.

With respect to allegation #2, the District agreed to increase the Student's OT services from thirty minutes per month to thirty minutes per week and will provided language interventions pending completion of the IEE. Moreover, the District agreed to regularly send the Parent logs for all services provided and voluntarily commenced remedial measures to provide compensatory Adapted Physical Education (APE) services.

Based on the record, the Department finds the District in noncompliance and requires documentation demonstrating implementation of the agreed-upon terms from the facilitated IEP and related services. Although the District has expressed its willingness to undertake corrective measures, formal verification of compliance is required to ensure that all obligations are fully satisfied.

Required Corrective Actions

Based on the remedial measures agreed to within the facilitated IEP and communicated to the Parent, the District shall implement the following corrective actions:

1. The District shall provide training to all District staff that have regular contact with the Student addressing the legal requirements concerning IEP implementation. As soon as possible and no later than **May 22, 2026**, 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 implementation.
2. The District shall provide a copy of the agreed upon IEE to the Department no later than **May 22, 2026**.
3. On or before **March 27, 2026**, 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 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.
4. 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 **April 3, 2026**, and shall implement the plan as soon as possible.
5. 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 **April 10, 2026**. 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.
6. The District shall implement the compensatory services plan. By **May 22, 2026**, the District shall provide evidence of compliance with the compensatory services plan by:
    a. Providing service logs verifying
        i. the Student has received the occupational therapy services and language interventions;
        ii. the Student has received compensatory services for the APE services.
    b. Progress monitoring reports provided to the District and the Parent detailing the Student's receipt of compensatory services in accordance with this corrective action plan.

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

Sincerely,

Lindsey P. Dupree, Attorney
Office of Executive 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)

Louisiana Special Education Complaint Investigation

56-C-42

LOUISIANA DEPARTMENT OF EDUCATION

December 15, 2025

[redacted]

Emily Davis
Director of IDEA
Jefferson Parish Schools
501 Manhattan Boulevard
Harvey, LA 70058
emily.davis@jpschools.org

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-42**

Dear Parties:

On December 12, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-42**. No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
Attorney
Office of Executive 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)

Louisiana Special Education Complaint Investigation

56-C-43

LOUISIANA DEPARTMENT OF EDUCATION

November 24, 2025

[redacted]

Mendy Van Hoven
Director of Special Education
St. Charles Parish Public Schools
13855 River Road
Luling, LA 70070
mvanhoven@wearescpps.org

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-43**

Dear Parties:

On November 24, 2025, the Louisiana Department of Education received notification that indicated that 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 [redacted]. No further action is required by either party.

Sincerely,

Domonique Dickerson

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

CC: Dr. Ken Oertling, Superintendent, St. Charles Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-44

LOUISIANA DEPARTMENT OF EDUCATION

December 17, 2025

[redacted]

Angela Westerburg
Director of Student Support
Ouachita Parish School System
1600 North 7th Street
West Monroe, LA 71291
westerburg@opsb.net

RE: Formal Complaint Investigation on behalf[redacted]
Dismissal of Special Education Formal Complaint No. **56-C-44**

Dear Parties:

On December 15, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-44**. No further action is required by either party.

Sincerely,

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

CC: Todd Guice, Superintendent, Ouachita Parish School System (email only)

Louisiana Special Education Complaint Investigation

56-C-45

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

February 18, 2026

[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. **56-C-4**[redacted]

I. Introduction

On December 10, 2025, the Louisiana Department of Education ("Department" or "LDOE") received a formal state complaint from [redacted] ("Complainant" or "Parent") [redacted] ("Student"), a student enrolled in a school under the jurisdiction of St. Tammany Parish Public Schools.

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.; its implementing regulations at 34 C.F.R. Part 300; the Louisiana Children with Exceptionalities Act, La. R.S. 17:1941 et seq.; and the Department's implementing regulations set forth in Louisiana Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act. Specifically, the Parent asserts that: (1) the District failed to implement the Student's individualized education program (IEP); (2) the District impeded the Parent's meaningful participation in decisions regarding the Student's education program; (3) the District failed to adhered to required disciplinary protections for students with disabilities in connection with the November 14, 2025 incident and any subsequent response or removal from the educational setting; and (4) the District failed to provide the Parent access to education records following a written request submitted on or about November 17, 2025.

Pursuant to Bulletin 1706 §152(C), a complaint must allege a violation occurring not more than two years prior to the date the complaint is received. Accordingly, the scope of this investigation was limited to alleged violations occurring between **November 26, 2023, and November 25, 2025**.

III. Findings of Fact

The Student is eligible for special education and related services under the exceptionality of Specific Learning Disability in the areas of basic reading skills, reading comprehension, reading fluency, mathematics calculation, mathematics problem solving, and written expression.

The Student's IEP Team met on May 9, 2025, to develop the Student's annual IEP. That IEP was subsequently amended on August 29, 2025; September 23, 2025; October 8, 2025; October 17, 2025; November 18, 2025; and December 12, 2025. The Parent attended and participated in each IEP meeting and amendment meeting.

On August 29, 2025, the IEP Team convened to review data and determine the Student's eligibility under the April Dunn Act. The Parent received prior notice of the meeting and participated. The Prior Written Notice issued following that meeting reflects that the Team determined the Student was eligible for consideration under the April Dunn Act based on prior LEAP 2025 scores. During the meeting, the Parent expressed a desire for the Student to utilize available resources and pursue a traditional diploma pathway.

On September 23, 2025, the IEP Team reconvened to discuss modifications to mental health provider (MHP) service minutes, instructional minutes, and review of the Behavior Intervention Plan (BIP). Documentation reflects that adjustments to counseling service minutes were discussed. The meeting concluded before finalizing all agenda items, including completion of the BIP review.

On October 8, 2025, the IEP Team met again to address parental concerns and continue review of the BIP. The Parental Notification of IEP Meeting identified the purpose as developing, reviewing, or amending the IEP and determining placement. The notice listed invited participants, provided information regarding participation options, and referenced procedural safeguards. A Prior Written Notice was issued following the meeting. Documentation reflects that the meeting was paused and reconvened at the Parent's request before all agenda items were finalized. The Team discussed implementation of accommodations, communication regarding grades, daily behavior tracking, and clarification of language within the BIP regarding the Student's ability to "take a walk." Staff expressed concern that the phrase was vague in light of the Student's history of elopement identified in the Functional Behavior Assessment. No final BIP revisions were adopted at that meeting.

A written parental letter dated October 8, 2025, was included in the IEP documentation. In that letter, the Parent expressed concern that disciplinary actions were occurring without sufficient support to address the underlying causes of the Student's behavior and requested more constructive and supportive interventions moving forward.

On October 17, 2025, the IEP Team reconvened. The Parent received prior notice and participated. The IEP was amended to specify that when the Student is overwhelmed and frustrated and requests to take a walk, a trusted adult, identified as a BEC teacher, MHP, or administrative team member, will be called to meet the Student in a designated area. Meeting documentation reflects that the BIP was reviewed and clarified, adopting the IEP comments by reference. A Prior Written Notice was issued following that meeting. A second parental letter dated October 17, 2025, was included in the record, reflecting continued parental concerns regarding behavior supports and implementation.

On November 18, 2025, the IEP Team met to finalize revisions to the Student's Behavior Intervention Plan, including revisions to preventative strategies, teaching strategies, reinforcement strategies, response strategies, and methods of measurement and progress monitoring. The Parent received prior notice and participated in the meeting. A Prior Written Notice was issued reflecting the Team's decisions and implementation timeline.

The IEP includes a behavioral goal requiring that, utilizing the techniques and strategies outlined in the Behavior Intervention Plan, the Student will receive fewer than four disciplinary referrals per nine-week grading period. A BIP was initially implemented on May 9, 2025, in conjunction with the annual IEP. The BIP identifies target behaviors including non-compliance, verbal outbursts or aggression, elopement, and physical aggression.

The BIP outlines preventative, teaching, reinforcement, and response strategies. Preventative strategies include check-in/check-out procedures, transition supports, chunking assignments, leadership role opportunities, and calm redirection and prompting. Teaching strategies include social skills coaching, reflective assignments, and self-calming strategies. The BIP permits the Student to request to see BEC staff, administrative staff, or the mental health provider, if available, to talk or take a break in accordance with the October 17, 2025 amendment. Under response strategies, staff are directed to provide prompts to comply with task demands, hold private conversations as needed, allow time for compliance, and provide praise if compliance occurs. If noncompliance continues, staff may document the behavior and offer an alternative assignment. For outbursts, staff are directed to use calm, non-confrontational redirection, minimize attention, and hold private conversations if necessary.

On December 12, 2025, the IEP Team convened at the request of the Parent to review current progress and address ongoing concerns. The Parent received prior notice and participated in the meeting. Documentation reflects that assistive technology concerns were discussed and that an assistive technology screening was initiated. A Prior Written Notice was issued following the meeting.

On November 14, 2025, the October 17, 2025 version of the IEP and BIP was in effect.

Between August 21, 2025, and December 8, 2025, the Student received twenty-one disciplinary referrals. The referrals included ID violations, leaving school or classroom without permission, failure to serve an assigned consequence, unauthorized use of technology, tardiness, disruption, willful disobedience, and disrespect toward authority. The discipline summary for the relevant period reflects zero days of in-school suspension, zero days of out-of-school suspension, zero days of alternative school placement, and zero days of expulsion.

On November 14, 2025, the Student was attending after-school detention. During detention, the Student refused to complete assigned work and was removed from detention.

The District provided documentation demonstrating that teachers were provided updated IEP and BIP materials at the start of the 2025–2026 school year and after subsequent IEP amendments. The documentation includes communications instructing staff to acknowledge accommodations, utilize behavior tracking forms, and implement updated BIP procedures.

On or about November 17, 2025, the Parent requested access to video footage related to the November 14, 2025 incident. On November 19, 2025, the assistant principal completed a Security and Bus Video Archive Request form identifying multiple camera angles and time frames between approximately 3:10 p.m. and 3:34 p.m. on November 14, 2025. The request form indicates that the Parent requested to view the video and that the footage required redaction prior to viewing.

On December 10, 2025, a district production engineer notified the assistant principal by email that the requested footage had been redacted and that a disk would be sent via courier for review with the Parents. On the same day, the assistant principal emailed the Parent indicating that the video was available for viewing and requested dates and times for the Parent to come view the footage. On December 11, 2025, the Parent responded by email stating that she believed the video would be delivered directly from the central office and that, due to the delay and the manner in which the request had been handled, she would not be viewing the video at that time.

IV. Conclusions of Law

Allegation 1

Under the Individuals with Disabilities Education Act, a public agency must make a free appropriate public education (FAPE) available to each eligible child with a disability. Louisiana implements this mandate

through Bulletin 1706 §101, which requires that a free appropriate public education be made available to all eligible students residing in the state between the ages of three and twenty-one. Bulletin 1706 §905 further defines FAPE as special education and related services that are provided in conformity with an individualized education program that meets the requirements of §§320 through 324. Accordingly, a district's obligation to provide FAPE encompasses both the development of an IEP that complies with regulatory requirements and the faithful implementation of that IEP in practice.

Bulletin 1706 §320 defines an individualized education program as a written statement that includes, among other required components, a statement of the special education, related services, and supplementary aids and services to be provided to the student, as well as the projected beginning date, frequency, location, and duration of those services. An IEP must therefore articulate the services, accommodations, and supports that the student is entitled to receive.

Bulletin 1706 §323(A) requires that, at the beginning of each school year, each public agency have in effect an IEP for each student with a disability within its jurisdiction. Bulletin 1706 §323(D) further requires that the student's IEP be accessible to each regular education teacher, special education teacher, related services provider, and any other service provider responsible for its implementation, and that each such individual be informed of his or her specific responsibilities and the accommodations, modifications, and supports to be provided in accordance with the IEP. These provisions collectively impose an affirmative duty on the District to ensure that the services and supports described in the IEP are actually delivered in practice.

Where a student's behavior impedes the student's learning or that of others, the IEP Team must consider and, when appropriate, implement positive behavioral interventions, supports, and other strategies to address that behavior, as required by Bulletin 1706 §324(A)(2)(a). When a behavior intervention plan is incorporated into or developed in conjunction with the IEP, the District's obligation to implement the IEP in effect extends to the behavioral strategies and supports described in the BIP.

A public agencies failure to implement an IEP constitutes a denial of FAPE when the deviation from the IEP is material—that is, when the services or supports required by the IEP were not delivered or were delivered in a manner inconsistent with the written plan. Minor or technical deviations that do not affect the provision of special education or related services do not rise to the level of a denial of FAPE.

The record establishes that, on November 14, 2025, the October 17, 2025 amended IEP and BIP were in effect. That BIP identified non-compliance and elopement among target behaviors and included preventative, teaching, reinforcement, and response strategies. It further specified that when the Student is overwhelmed and requests to take a walk, a trusted adult, identified as a BEC teacher, mental health provider, or administrative team member, would be called to meet the Student in a designated area. The record further reflects that the Student was removed from detention on November 14, 2025 after refusing to complete assigned work. The Student was not suspended, not removed from his educational placement, and did not lose instructional time that day. The disciplinary summary reflects zero days of in-school suspension, out-of-school suspension, alternative placement, or expulsion during the relevant period.

The Parent alleges that the District failed to implement the Student's behavioral supports during the November 14 incident. However, the complaint record does not establish that the Student requested a break, that staff refused such a request, or that staff failed to utilize the BIP's prescribed response strategies. Nor does the record establish that the Student was deprived of special education instruction, related services, or supplementary aids and services required under the IEP. The documentation demonstrates that the District disseminated updated IEP and BIP materials to teachers at the beginning of the school year and following amendments, and that staff were directed to implement

accommodations and behavior tracking procedures consistent with the IEP. The record does not demonstrate a material deviation from the IEP or BIP requirements on November 14, 2025.

The Parent further asserts that she instructed the principal not to send the Student outside until a parent arrived and that the administrator declined to follow that directive. While the Department acknowledges the Parent's concern, Bulletin 1706 does not require parental approval for routine disciplinary or behavioral management decisions that do not constitute a change of placement. The Student's IEP and BIP do not require parental consent prior to implementation of behavioral response strategies, nor do they condition staff authority to address noncompliance on parent arrival. Parent participation rights under Bulletin 1706 §§322 and 502 apply to meetings regarding identification, evaluation, placement, and the provision of FAPE; they do not extend to real-time administrative decisions during the school day. Because the November 14, 2025 incident did not result in a removal from the Student's educational placement and did not implicate a placement decision under Bulletin 1706, the administrator's decision not to follow the Parent's real-time directive does not establish a failure to implement the IEP or a violation of IDEA procedural safeguards.

Based upon the record in the complaint, the Department concludes that the District did not fail to implement the Student's IEP in violation of Bulletin 1706 §§101, 320, 323, or 324. Accordingly, Allegation 1 is not substantiated.

Allegation 2

Bulletin 1706 affords parents procedural protections to ensure meaningful participation in decisions regarding the identification, evaluation, educational placement, and provision of a free appropriate public education to their child. Under Bulletin 1706 §322, each public agency must take steps to ensure that one or both parents are present at each IEP Team meeting or are afforded the opportunity to participate, including providing timely notice and scheduling meetings at a mutually agreed upon time and place. Bulletin 1706 §502 further requires that parents be afforded an opportunity to participate in meetings concerning identification, evaluation, placement, and the provision of FAPE. When a public agency proposes or refuses to initiate or change identification, evaluation, placement, or the provision of FAPE, it must provide prior written notice meeting the requirements of Bulletin 1706 §504.

A procedural violation results in a denial of FAPE only if the violation significantly impeded the parent's opportunity to participate in decision-making regarding the provision of FAPE, caused a deprivation of educational benefit, or resulted in a deprivation of educational services.

The record establishes that the Parent attended and participated in each IEP Team meeting and amendment meeting held on May 9, August 29, September 23, October 8, October 17, November 18, and December 12, 2025. Documentation reflects that the Parent received prior notice of each meeting consistent with Bulletin 1706 §322 and that Prior Written Notices were issued following each meeting in accordance with §504. The record further reflects that meetings were paused and reconvened to allow continued discussion of concerns; that parental letters were incorporated into the IEP documentation; and that parental concerns were discussed during IEP Team deliberations. This documentation demonstrates that the Parent was afforded repeated and substantive opportunities to present concerns and engage in collaborative discussion regarding the Student's program.

The Parent asserts that the District failed to respond to inquiries and delayed access to information, thereby impeding her ability to participate in decisions. The Parent also alleges that staff behavior during meetings was dismissive and that meetings were rushed. The Department acknowledges these concerns. However, the complaint record does not establish that the Parent was excluded from any IEP Team meeting, denied notice of any meeting, prevented from presenting concerns, or denied the opportunity to request amendments. Nor does the record establish that meetings were concluded without allowing

the Parent to raise concerns or that decisions were made outside of the IEP Team process. To the contrary, the record demonstrates active and ongoing parental involvement, including multiple reconvened meetings and formal amendments addressing behavioral supports and service minutes. The Parent's concerns were documented in writing and considered by the IEP Team. While the Parent may have experienced frustration with the tone or pace of discussions, the record does not establish that her participation rights under §§322 or 502 were curtailed or rendered ineffective.

To the extent the Parent contends that the District's handling of the November 14, 2025 detention incident impeded her participation, the record does not establish that any meeting regarding identification, placement, or FAPE occurred without her participation or without appropriate notice. The Student was not subjected to a change of placement or disciplinary removal triggering additional procedural safeguards under Bulletin 1706 §530. Disagreement with an administrator's real-time disciplinary decision, or dissatisfaction with staff communication, does not, standing alone, establish a violation of the parent participation requirements of §§322 or 502 absent evidence that the Parent was denied participation in a required decision-making process.

Based upon the record in the complaint, the Department concludes that the District did not impede the Parent's meaningful participation in decisions regarding the Student's education program in violation of Bulletin 1706 §§322, 502, or 504. The record reflects that the Parent was afforded notice, opportunity to attend, and meaningful input in all IEP-related decision-making processes during the relevant period. Accordingly, Allegation 2 is not substantiated.

Allegation 3

Bulletin 1706 §530 governs the authority of school personnel to remove a student with a disability for disciplinary reasons and establishes procedural safeguards when removals constitute a change of placement. Under §530(B)(1), school personnel may remove a student with a disability who violates a code of student conduct for not more than ten consecutive school days to the extent those alternatives are applied to students without disabilities. A change of placement occurs only when a removal is for more than ten consecutive school days or when a series of removals constitutes a pattern because the removals total more than ten school days in a school year and are substantially similar in nature as outlined in Bulletin 1706 §536(A).

When a change of placement occurs, the public agency must conduct a manifestation determination within ten school days of the decision to change placement and must review all relevant information to determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability, or was the direct result of the public agency's failure to implement the IEP in accordance with §530(E). If no change of placement occurs, those additional procedural protections are not triggered.

The record establishes that between August 21, 2025 and December 8, 2025, the Student received twenty-one disciplinary referrals; however, the discipline summary reflects zero days of in-school suspension, zero days of out-of-school suspension, zero days of alternative school placement, and zero days of expulsion. The Student was not removed from his educational placement for any school day during that period. With respect to November 14, 2025, the record reflects that the Student was attending after-school detention, refused to complete assigned work, and was removed from detention.

Removal from after-school detention does not constitute a removal from the Student's educational placement under Bulletin 1706 §530. The record does not establish that the Student was subjected to a disciplinary measure exceeding ten cumulative school days or that a pattern of removals totaling more than ten school days occurred so as to constitute a change of placement under §536(A). Because no

removal rising to the level of a change of placement occurred, the District was not required to conduct a manifestation determination or implement the additional procedural safeguards outlined in §530(E).

The Parent asserts that the District mishandled discipline and failed to follow required procedural safeguards during the November 14 incident. However, IDEA's disciplinary protections are triggered by removals from the educational placement, not by routine behavioral management decisions. In the absence of a suspension, expulsion, alternative placement, or cumulative removals constituting a pattern, the procedural protections specific to disciplinary changes of placement were not implicated.

Based upon the record in the complaint, the Department concludes that the District adhered to the disciplinary protections required under Bulletin 1706 §§530 and 536. The November 14, 2025 incident did not result in a disciplinary removal or change of placement requiring additional procedural safeguards under IDEA. Accordingly, Allegation 3 not substantiated

Allegation 4

Bulletin 1706 §502 provides that parents of a student with a disability must be afforded the opportunity to inspect and review all education records relating to the identification, evaluation, educational placement of the student, and the provision of a free appropriate public education. Bulletin 1706 §613(A) further requires that each participating agency permit parents to inspect and review education records without unnecessary delay, before any meeting regarding an IEP or any hearing pursuant to §§530 through 532, and in no case more than 45 days after the request has been made. The right to inspect and review includes the right to reasonable explanations and interpretations of the records and, where failure to provide copies would effectively prevent the parent from exercising the right to inspect and review, the right to obtain copies. Bulletin 1706 §613(B). When education records contain information relating to more than one student, the parent is entitled to inspect only the information relating to his or her child. Bulletin 1706 §615.

The record establishes that on or about November 17, 2025, the Parent requested access to video footage related to the November 14, 2025 incident. On November 19, 2025, the assistant principal submitted a Security and Bus Video Archive Request identifying specific camera angles and time frames. The request form reflects that the footage required redaction prior to viewing. On December 10, 2025, the district production engineer notified the assistant principal that the footage had been redacted and that a disk would be sent for review with the Parent. On that same date, the assistant principal emailed the Parent indicating that the video was available for viewing and requesting dates and times for the Parent to come review the footage. On December 11, 2025, the Parent responded that she believed the video would be delivered directly from the central office and, due to the delay and the manner in which the request had been handled, she would not be viewing the video at that time.

The timeline reflects that the District responded to the Parent's request and made the video available for viewing twenty-three days after the initial request, well within the 45-day maximum established by Bulletin 1706 §613(A). The record does not establish that any IEP meeting, manifestation determination, disciplinary hearing, or other proceeding occurred between November 17 and December 10, 2025 for which access to the video was required in advance. Accordingly, the evidence does not demonstrate that the District failed to provide access before a required meeting or hearing.

The Parent asserts that the delay and the District's process for viewing the video effectively denied access. However, the record reflects that the video required redaction to protect the personally identifiable information of other students, a step consistent with Bulletin 1706 §615. Once redacted, the District notified the Parent that the footage was available for review and requested dates for viewing. IDEA does not require a district to automatically provide copies of video recordings in every instance; rather, copies must be provided if failure to provide them would effectively prevent the parent from exercising the right

to inspect and review. The record does not establish that the District refused access, imposed impermissible fees, or otherwise prevented the Parent from inspecting the footage. Instead, the Parent declined to view the video after being informed that it was available.

While the Parent expressed dissatisfaction with the manner and timing of the District's response, the evidence does not establish that the District failed to comply with the procedural requirements of Bulletin 1706 §§502 or 613. The District responded to the request, processed the footage for redaction, and made it available within the required timeframe. The Parent's subsequent decision not to view the footage does not convert the District's compliance into a denial of access.

Based upon the record in the complaint, the Department concludes that the District did not fail to provide the Parent access to education records in violation of Bulletin 1706 §§502, 613, or 615.

Accordingly, Allegation 4 is not substantiated.

V. Corrective Action

The Department determined that the allegations in the complaint are not substantiated by the record. Accordingly, this investigation is closed, and no additional action is required.

Respectfully,

Domonique Dickerson
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CC: Frank Jabbia, Superintendent, St. Tammany Parish Public Schools

Louisiana Special Education Complaint Investigation

56-C-46

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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LOUISIANA DEPARTMENT OF EDUCATION

January 28, 2026

[redacted]

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RE: Findings-Decision in State Special Education Formal Complaint No. **56-C-46 on behalf of [redacted].**

I. Introduction

On November 25, 2025, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") and requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153 on behalf of their child ("Student"), who, at the time relevant to the complaint, attended Academy of Collaborative Education (ACE) Charter school ("District").

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 Department must determine:

1. Evaluation

Whether the School failed to conduct the student's evaluation in accordance with required procedures, including whether the evaluation documentation accurately reflected the conditions under which the evaluation occurred.

2. IEP

Whether the School failed to develop the student's IEP in accordance with required timelines following the completion of an evaluation or a determination that the student needed special education and related services.

3. Parental Participation

Whether the School failed to provide the Parent with a meaningful opportunity to participate in the IEP development process.

4. FAPE

Whether the School failed to provide the student with a free appropriate public education (FAPE).

5. Records

Whether the School failed to provide the Parent with access to the student's education records upon request.

As the Department's assigned investigator, I have 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 November 25, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between November 26, 2025, and November 25, 2025.

III. Findings of Fact

On June 11, 2025, the Parent executed and returned to the District a written consent form permitting the District to conduct a full educational evaluation on the Student to determine eligibility for special education and related services. On this form the District indicated the evaluation would---at minimum---include vision and hearing screening, a review of all screening data, interviews with the student, family and teachers; observations of the student during daily activities; medical and motor assessments; and, other assessments needed during the course of the evaluation. By email dated August 13, 2025, the Parent requested the District provide a copy of the Student's IEP. In response, the District advised the evaluation process was still in process therefore, an IEP had not yet been developed. The District explained the Parent could expect an evaluation report and meeting following the evaluations completion.

By email dated September 8, 2025, the Parent requested a meeting to discuss the Student and subsequently met with the District on September 10, 2025. By email dated September 11, 2025, the Parent requested copies of the evaluations that had been completed through that date and requested no further evaluation conducted without their knowledge or consent. On September 16, 2025, the District notified the Parent the comprehensive evaluation report had been completed and advised a copy of the report along with a draft copy of the IEP would be sent home the following day with the individual that would pick the Student up for therapy. They were further advised a meeting would be held to review and discuss the IEP. In reply, the Parent requested immediate production of the evaluation and expressed their objections to evaluating the Student without their knowledge or consent. That same day, the District provided a list of the assessments that were completed and offered to provide a copy of the signed June 11, 2025 form consenting to the evaluation.

On September 17, 2025, the District provided the Parent---via the individual that picked the Student up from school---the copy of the evaluation report and draft copies of the individualized health care plan (IHP) and individualized educational plan (IEP). By email dated September 19, 2025, the District confirmed with the Parent an IEP meeting to be held September 23, 2025.

On September 23, 2025, the initial IEP meeting was held to review the results of the evaluation, develop the Student's initial IEP and address the Parent's concerns. In attendance was the school principal/official designated representative, the Special Education Coordinator, the Student's classroom teacher, occupational therapist, Speech Language Pathologist, nurse and the Student's parents. Based on the full evaluation disseminated on September 16, 2025, the Student met the guidelines for the exceptionality of multiple disabilities under Louisiana Bulletin 1508. Ultimately, the IEP Team was unable to come to agreement and the meeting concluded with the Parent declining to sign the Student's initial IEP.

Following the IEP meeting, the District emailed the Parent on October 3, 2025 seeking to reconvene the IEP meeting reminding the Parent of the District's inability to begin providing special education services to the Student without the Parent's signed consent to the initial IEP. Beginning with that email and over the next several weeks, the Parent and the District engaged in several unsuccessful attempts to reconvene an IEP Team meeting at a mutually available time.

In separate email threads beginning October 7, 2025 and continuing through November 14, 2025, the Parent sent emails to the Student's classroom teacher seeking explanations for the Student's "F" grades as well as a request to update to the "F" grades to "C" grades on the Student's progress report. The District provided responses on October 10, 2025; October 27, 2025; October 28, 2025, October 29, 2025 and November 14, 2025 and offered to meet to discuss the Student's grading process as it related to the incomplete IEP.

By email dated October 10, 2025, the District explained it had been using Response to Intervention (RTI) services and tracking the Student's performance to determine effective ways to engage the Student. The Student had achieved "C" grades as a reflection of their performance with RTI services however, without an active IEP, the District was limited in modifications that could be provided to support the Student and there was a decrease in the Student's performance without those supports. It was also expressed that the District wanted to move forward with completing the IEP process so the Student could receive special education services to support their performance.

In a same day reply, the Parent requested to know when the grades would be "updated to "Cs." On October 21, 2025, the District sent a reply email explaining the grades would not be changed. The Parent would repeat their email seeking additional explanation by sending multiple follow-up emails from October 21st to October 27th, 2025 directly to the Student's classroom teacher. These follow-up emails contained no new request and served to notify the teacher that a reply email had been received by the Parent blank. The District responded on October 27th, 2025 explaining that until the Student has an IEP, the grades are determined using the general education grading process and further explained grades cannot be adjusted unless a grading error has occurred. The District again extended an invitation to meet to discuss as well as to finalize the IEP to address the Student's performance as it related to grades. On October 28, 2025, the Parent renewed their request and again received a same day response from the District. The Parent continued to email the teacher with the same request on October 31, 2025; November 3, 2025 (twice); November 10, 2025; November 12, 2025; and November 14, 2025. By email dated November 14, 2025, the District again offered to meet in person or by ZOOM and received no response from the Parent. However, on that day, the Parent directed another communication to the Student's teacher.

On November 25, 2025, the Parent emailed the Department the complaint that serves as the basis for this formal complaint.

Conclusions of Law

Allegation

1. **Evaluation**

Pursuant to Louisiana Bulletin 1706 as outlined in §504(A) and (B) following a request for an initial evaluation to determine if the student is a student with a disability, the district must seek informed parental consent or issue prior written notice (PWN) explaining its refusal. 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. Thus, the district must administer the necessary assessments and ensure that all evaluation components are completed.

The Parent's complaint indicated their significant concern for the accuracy of the Speech Therapy evaluation alleging the evaluator included false information that the Student's caregivers were present during the testing when they were not. Based on the Parent's report, the evaluator identified themselves as the 'caretaker' for purposes of the evaluation. Without additional context provided to the Department, the issue appears to be rooted in a difference between the Parent's application and the District's application of the term 'caretaker'. The record is absent sufficient

evidence for the Department to determine whether the inclusion of the term "caretaker" was erroneous under the circumstances. The criteria for eligibility for Speech-Language pathology services outlined in Bulletin 1508 §1515 do not include whether a caretaker was present during evaluation and it is not a factor considered by the IEP Team in determining the Student's eligibility. Even if the Department determined this was an error—without additional evidence to demonstrate how it materially or substantively affected the evaluation resulting in a deprivation of an educational benefit—it did not serve to render the evaluation wholly unreliable. Results from the evaluation indicated the Student, who is non-verbal, experiences a severe language disorder/delay that impacts their ability to communicate and access the curriculum. Based on that evaluation, the draft IEP proposed that a communication plan be updated by the Student's speech therapist along with the provision of twice weekly, 30 minute speech therapy sessions and a communication goal.

As a general matter, districts should take every measure to ensure the accurate reporting of the conditions in which an evaluation is administered--including who is present during the evaluations—and correct documentation errors whenever necessary. In this case, however, the record does not support a finding that the inclusion of the information into the evaluation substantively affected the evaluation.

Based on the email communications submitted to the record by the Parent, the Parent made it evident to the District that they believed the assessments that were being conducted as part of the evaluation were without their knowledge or consent. To refute this claim, the District provided a copy of the June 11, 2025 signed consent form, evidencing the Parent consented to the evaluation. Identified within the consent form signed by the Parent was a list of the assessments expected to be conducted during the evaluation. The District's September 16, 2025 email reminded the Parent of the signed consent form and provided a list of the assessments that were conducted as required under Bulletin 1508 as part of a comprehensive evaluation. It does not appear the Parent notified the District to withdraw that consent prior to the completion of the evaluation. The record establishes that the Parent consented to the evaluation.

The Department finds allegation #1 is unsubstantiated.

2. IEP

Bulletin 1706 § 323(C) requires districts to meet to develop an IEP for a student within 30 days of a determination that the student needs special education and related services. Under 1706 § 301(B) districts must obtain informed parental consent and make reasonable efforts to obtain that consent before the initial provision of special education and related services to the student. Under 301(B)(3)(b), If the parent of a student fails to respond to a request, or refuses to consent to the initial provision of special education and related services, the district will not be in violation of the requirement to provide FAPE to the student because the parent refuses to or fails to provide consent.

Within one week of the dissemination of the evaluation report on September 16, 2025, the Student's initial IEP meeting was conducted. The District provided the Parent (via the person that picked the Student up from school) copies of the draft IEP and draft IHP the next day, along with a copy of the evaluation (as requested) prior to the IEP Team meeting. The IEP Team met to develop the Student's IEP with the Parent's participation, but ultimately the Parent declined to sign the IEP.

Parents are free to refuse to sign a Student's IEP. However, the refusal or failure to sign to consent to the initial provision of special education and related services is an insurmountable barrier to a district's ability to implement an IEP. In this case, because the Parent refused to sign the initial IEP, their choice to withhold consent prevented the District from providing the special education and related services the Parent continued to request.

The District made multiple attempts to reconvene the meeting---either in person or by ZOOM---which the Parent did not answer after October 21, 2025. The District's invitations from October 24, 2025, October 27, 2025, October 28, 2025, October 29, 2025 and November 14, 2025 went unanswered. Despite the reasonable efforts to obtain consent and conducting a timely IEP meeting, the District was unable to complete the Student's IEP within 30 days because the Parent never authorized it to do so. As such, allegation #2 unsubstantiated.

3. Parental Participation

Bulletin 1706 § 322 requires public agencies to take steps to ensure that parents participate in IEP team meetings. 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.

As it relates to the initial IEP meeting, the Parent was notified of the September 23, 2025 meeting by email dated September 19, 2025. While the Parent did not sign in as an attendee at the initial IEP meeting, the record demonstrates the Parent confirmed they would attend the meeting via email and was in attendance. In their complaint, the Parent asserted they were not provided meaningful opportunity to participate because their requested corrections and modifications to the draft IEP remained unaddressed by the "deadline." The record does not identify the deadline the Parent is referencing therefore, it is unclear to the Department what deadline was pending.

No records were submitted to the Department evidencing requests for modifications that went unanswered. The Parent did, however, submit emails sent to the District expressing their frustration for the lack of an IEP and lack of immediate accommodations for the Student while awaiting the evaluation report. These requests were made prior to the development of the draft IEP and before the Student's IEP meeting. The remainder of the records submitted to the investigation were additional emails arranging for reconvening of the IEP meeting and other requests seeking explanation of the Student's grades. None of these emails evidence that the Parent seeking corrections or modifications to the draft IEP or referencing requests made during the IEP meeting.

Ultimately, the Parent refused to sign the IEP before the conclusion of the meeting. The District then made multiple attempts to reconvene the IEP meeting in order to include the Parent's participation and obtain their consent to its completion. A subsequent IEP meeting would have been the exact opportunity for the Parent to address any requested modifications and clarifications with the entire IEP Team.

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 §322 and §502. Accordingly, the District committed no violation and allegation #3 is unsubstantiated.

4. FAPE

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.

Having determined the Parent withheld consent to initiate the Student's IEP, the Department has finds the District was prevented from implementing special education and related services to the Student. Thus, the District did not fail to provide the Student with FAPE because it had not been authorized to do so. As such, allegation #4 is unsubstantiated.

5. 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.

The Parent made multiple requests for explanations of the Student's "F" grades beginning October 7, 2025 and again on October 10, 2025; October 21, 2025; October 23, 2025; October 27, 2025 (twice); October 28, 2025; October 29,

2025; October 31, 2025; and November 3, 2025 (twice); November 10, 2025; November 12, 2025; and November 14, 2025. In their complaint, the Parent alleges their request for explanation went unanswered. However, the record reflects the District responded and provided explanation five separate times—October 10, 27, 28, 29 and November 14—each well within the 45 day requirement.

The District responded within 3 days of the October 7th request in a reply email dated October 10, 2025 with an explanation to the Parent's request concerning the Student's grades. Dissatisfied with the answer, the Parent's October 10th email requested when the grades would be "updated to "Cs" grades. On October 21, 2025---within eleven (11) days of the request---the District replied explaining the grades would not be changed. Replies containing explanations to the Parent's multiple follow-up emails from October 21st to October 27th, 2025 were sent by the District on October 27th, 2025, October 28, 2025, October 29, 2025 and finally November 14, 2025. Many of the responses were sent on the same day of the request and all responses were sent well within the 45 day requirement.

Upon inspection of the record, the nature of the Parent's allegation appears not that the District failed to respond to their requests, but instead rooted in their desire for the response to come specifically from the Student's classroom teacher. The Parent's October 28, 2025 email articulated their expectation to receive a detailed response from the teacher despite having received two responses from the teacher in two separate reply emails. This was further evidenced by the Parent's dismissal of multiple detailed explanations from the District's SPED Director. In a same day response to the Parent's email on November 14, 2025, the District again offered to meet in person or by ZOOM to discuss the Student's grading process (and IEP) and received no response from the Parent. Instead, the Parent directed yet another communication to the Student's teacher.

The record established the District complied with the relevant provisions Louisiana Bulletin 1706 in its responses to parental request for explanation of the Student's grades. Allegation #5 is unsubstantiated.

IV. 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 the Louisiana Bulletin 1706 with respect to the allegations presented in this matter. Therefore, this investigation is hereby closed and no additional action is required.

Sincerely,

Lindsey P. Dupree, Attorney

Office of Executive Counsel

Louisiana Department of Education

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DisputeResolution.DOE@la.gov

Louisiana Special Education Complaint Investigation

56-C-47

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

February 20, 2026

[redacted]

Andrea Pitonyak-Delcambre
Director of Special Education
Lafourche Parish School District
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apdelcambre@mylpsd.com

Re: Findings-Decision in Special Education Formal Complaint No. **56-C-47** [redacted]

I. Introduction

On December 1, 2025, the Louisiana Department of Education ("Department" or "LDOE") received a formal state complaint from [redacted] ("Complainant" or "Parent") [redacted] ("Student"), a student enrolled in a school under the jurisdiction of the Lafourche Parish School District ("District").

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.; its implementing regulations at 34 C.F.R. Part 300; the Louisiana Children with Exceptionalities Act, La. R.S. 17:1941 et seq.; and the Department's implementing regulations set forth in Louisiana Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act. Specifically, the Parent asserts that the District: (1) failed to ensure that a fully developed and implemented individual education program (IEP) was in place by the student's third birthday; (2) failed to develop an IEP based on the student's individual needs; specifically, that the District reduced the Student's related services—specifically speech therapy—without consideration of evaluative data and documented medical and developmental needs; (3) District failed to provide the parent a meaningful opportunity to participate in the development of the student's IEP; specifically, that the District failed to provide a draft IEP in advance of the IEP meeting and failed to respond to the parent's communication attempts in a timely manner; and (4) District failed to comply with procedural requirements following a request to amend the Student's IEP.

Pursuant to Bulletin 1706 §152(C), a complaint must allege a violation occurring not more than two years prior to the date the complaint is received. Accordingly, the scope of this investigation was limited to alleged violations occurring between December 2, 2023, and December 1, 2025. Events occurring after December 1, 2025 are outside the scope for determining whether a violation occurred within the two-

year limitation period. However, the Department may reference post-filing actions as contextual background. Findings of violation are limited to conduct occurring within the applicable time period.

III. Findings of Fact

The Student was [redacted]. On September 5, 2025, the Student's Parent provided written consent for an initial multidisciplinary evaluation. The evaluation was completed and disseminated on October 29, 2025. The evaluation team determined that the Student met eligibility criteria for special education and related services under the exceptionality of Multiple Disabilities, with concomitant impairments qualifying under Autism, Other Health Impairment, and Visual Impairment.

The multidisciplinary evaluation included a psychological assessment, including administration of the ADOS-2; a speech-language assessment, including the REEL-4; an occupational therapy assessment utilizing the DAYC-2 and Sensory Profile 2; an adapted physical education assessment utilizing the Louisiana Motor Assessment for Preschoolers (LaMAP); a Teacher of the Visually Impaired assessment; an audiological review; a medical review; and review of the Student's Part C Individualized Family Service Plan (IFSP) and service history. The evaluation identified severe receptive and expressive language deficits, severe sensory processing deficits, moderate fine motor delays, moderate gross motor delays, cognitive delays, [redacted] and visual impairment. The evaluation recommended Speech-Language Pathology services, Occupational Therapy services, Adapted Physical Education services, and Teacher of the Visually Impaired services in order for the Student to benefit from an educational program.

On October 31, 2025, the District issued meeting notice to the parents scheduling an IEP Team meeting for November 18, 2025, for the purpose of developing the Student's initial IEP. The meeting notice identified the date, time, and location of the meeting, indicated that the Team would develop, review, or amend an IEP to determine services and supports, and advised the parents of their procedural safeguards. The November 18, 2025 [redacted]

The Student's father attended the meeting as a parent member of the IEP Team. The Parent did not attend due to work obligations. Participating District personnel included a special education teacher, regular education teacher, speech-language pathologist, occupational therapist, adapted physical education teacher, school psychologist (via telephone), and an officially designated representative (via telephone).

During the November 18, 2025 meeting, the IEP Team reviewed the October 29, 2025 evaluation report and developed the Student's initial IEP. The IEP included present levels of academic achievement and functional performance consistent with the evaluation findings, annual goals addressing communication, gross motor skills, social/emotional functioning, and approaches to learning, and a completed Communication Plan documenting the Student's limited verbal communication skills and the need for speech-language intervention and visual supports. The IEP reflected consideration of assistive technology and included visual supports as part of the communication framework.

The November 18, 2025 IEP provided for Speech-Language Pathology services beginning November 21, 2025, at a frequency of six 20-minute sessions per month delivered in a group special education setting. The IEP also provided for Occupational Therapy at 30 minutes monthly, Adapted Physical Education at 30 minutes weekly, and Special Education Instruction at 20 minutes weekly for two sessions. The services begin date for the IEP was November 21, 2025.

On November 18, 2025, the Student's father signed the IEP consenting to the provision of initial services. On the same date, he signed a Formal Request for Early Initiation of Special Education Action, acknowledging receipt of prior written notice and waiving the ten (10) business-day waiting period for

implementation. The finalized IEP was emailed to the Parent on November 18, 2025. The record contains no contemporaneous written objection from the Student's father regarding the services determined at the November 18 meeting.

On November 18 and 19, 2025, after reviewing the IEP, the Parent expressed disagreement with the speech-language service minutes, stating that she believed the services were reduced compared to Early Steps. District staff responded that the Student would receive six 20-minute speech sessions per month and that data would be collected to determine whether service adjustments were warranted. On November 19, 2025, the Parent stated that she did not agree with the IEP and requested an amendment meeting. The District inquired whether the amendment should be scheduled before or after Thanksgiving break and began coordinating the availability of required IEP Team members.

The District was closed from November 24 through November 28, 2025, for Thanksgiving break. On December 2, 2025, the District emailed the Parent scheduling an amendment meeting for December 9, 2025, and attached written notice indicating that the purpose of the meeting was to amend the Student's IEP. After the Parent requested a Wednesday or Thursday date consistent with her previously provided availability, the District rescheduled the meeting for Wednesday, December 10, 2025.

The amendment meeting was held on December 10, 2025. Both parents attended, along with the special education teacher, regular education teacher, speech-language pathologist, speech assistant, occupational therapist, adapted physical education teacher, related services and compliance coordinator, officially designated representative, and an evaluation representative who participated via Zoom. During the December 10, 2025 meeting, the Parent reiterated her concern that services should not be reduced from those provided through Early Steps and expressed her belief that the Student had regressed. The IEP Team reviewed evaluation data, student performance information, parental concerns, medical information, and input from related service providers. The Team revised the IEP to increase Speech-Language Pathology services to four 30-minute sessions per month, effective November 21, 2025, and increased Special Education Instruction from 20 minutes weekly (two sessions) to 30 minutes weekly (two sessions). The amendment also added behavioral objectives addressing biting, hitting, headbanging, and eloping, and added a weekly communication log to facilitate more frequent parent communication regarding services and progress.

Following the December 10, 2025 meeting, the District issued a Notice of Intent dated December 10, 2025, documenting the IEP Team's proposal to amend the Student's special education and related services and to revise behavioral objectives. The notice described the proposed changes, identified the evaluation data, parental concerns, medical information, and provider input considered by the IEP Team, documented options discussed and the reasons for their rejection, and informed the parents of their procedural safeguards. On December 10, 2025, the Parent signed a Formal Request for Early Initiation of Special Education Action, thereby waiving the ten (10) business-day waiting period for implementation of the amended IEP.

IV. Conclusions of Law

Allegation 1

Under the Individuals with Disabilities Education Act, a free appropriate public education (FAPE) must be made available to each eligible child with a disability beginning no later than the child's third birthday. Louisiana Bulletin 1706 §101(B) likewise provides that the state's obligation to make FAPE available begins no later than the child's third birthday and that an IEP must be in effect by that date in accordance with Bulletin 1706 §323(B). Bulletin 1706 §124(A)(2) further provides that, by the third birthday, an IEP has been developed and is being implemented consistent with §101(B). For a child transitioning from Part C services, the IEP Team must consider the child's IFSP pursuant to Bulletin 1706 §323(B)(1).

The Student's third birthday [redacted]. The District completed and disseminated the Student's multidisciplinary evaluation on October 29, 2025, determined eligibility, and issued meeting notice on October 31, 2025 scheduling an IEP Team meeting for November 18, 2025. [redacted] At that meeting, the IEP Team reviewed the evaluation information, developed the Student's initial IEP, and established a service begin date of November 21, 2025. The Student's father executed a written early initiation waiver permitting implementation without the ten-business-day waiting period.

Because the District developed the Student's initial IEP [redacted] and established a begin date preceding the Student's third birthday, the record demonstrates that an IEP was in effect by the Student's third birthday in compliance with Bulletin 1706 §§101(B), 124(A)(2), and 323(B). Accordingly, Allegation 1 is not substantiated.

Allegation 2

Bulletin 1706 §903 defines FAPE as special education and related services that meet state standards and are provided in conformity with an IEP developed in accordance with §§320 through 324. Under §320(A), an IEP must include present levels of performance, measurable annual goals, and a statement of special education and related services, including projected start date and anticipated frequency, location, and duration. In developing the IEP, the IEP Team must consider the results of the most recent evaluation, the student's developmental and functional needs, and the parents' concerns consistent with Bulletin 1706 §324(A)(1). For a child previously served under Part C, the Team must also consider the IFSP.

The record reflects that the multidisciplinary evaluation incorporated review of the Student's IFSP and service history, medical information, and multiple discipline-specific assessments. The evaluation documented significant communication, sensory, motor, cognitive, and medical needs and recommended speech-language and other related services. At the November 18, 2025 IEP Team meeting, the Team reviewed the evaluation and developed an IEP that included present levels aligned with the evaluation findings, annual goals addressing identified needs, a Communication Plan, and specified related services with defined frequency, duration, and setting consistent with §320(A)(7).

The Parent contends that speech-language therapy was reduced in comparison to Part C services. However, the IDEA does not require a public agency to replicate the intensity or frequency of services provided under Part C. Rather, the public agency must develop an IEP based on the child's individual evaluated needs and the considerations required under §324(A). The record demonstrates that the November 18 IEP was grounded in evaluation data and reflected the Student's documented needs at the time of development.

The record further reflects that on November 18 and 19, 2025, the Parent expressed disagreement with the speech-language minutes and requested an amendment meeting. The District responded and began coordinating availability of required IEP Team members to address the Parent's concerns. The amendment meeting occurred on December 10, 2025, at which time the Team reviewed evaluation data, parental concerns, and provider input and revised the IEP to increase speech-language services and special education instructional minutes effective November 21, 2025.

While the amendment meeting occurred after the filing date of the complaint, the conduct within the applicable time period demonstrates that the initial IEP was developed based on evaluative data and required considerations under Bulletin 1706 §§320 and 324, and that the District did not disregard the Parent's expressed concerns.

Accordingly, Allegation 2 is not substantiated.

Allegation 3

Bulletin 1706 §502(B)(1) requires that parents be afforded an opportunity to participate in meetings concerning identification, evaluation, placement, and provision of FAPE. Under §322(A), the public agency must provide timely meeting notice and schedule meetings at a mutually agreed upon time and place. Bulletin 1706 §321(A)(1) requires that the IEP Team include one or both parents. Additionally, pursuant to §322(F), a draft IEP must be provided at least three business days prior to a meeting upon parent request.

The District issued written meeting notice on October 31, 2025 scheduling the November 18, 2025 IEP Team meeting. The Student's father attended and participated as a parent member of the IEP Team. Although the Parent did not attend due to work obligations, the District satisfied its obligation under §322(A) by providing timely notice and affording the opportunity to participate, and the requirement under §321(A)(1) was met by the participation of one parent.

With respect to the allegation that a draft IEP was not provided in advance, §322(F) imposes that obligation upon parent request. The complaint record does not establish that either parent requested a draft IEP at least three business days prior to the November 18 meeting. The evidence further reflects that the District emailed the finalized IEP to the Parent on November 18, 2025 and responded to her concerns on November 18 and 19, 2025.

Although the Parent disagreed with the services determined, disagreement does not establish denial of meaningful participation. The record does not demonstrate that the District impeded the Parent's participation, predetermined services, or failed to consider her concerns as required by §324(A)(1)(b).

Accordingly, Allegation 3 is not substantiated.

Allegation 4

Bulletin 1706 §324(B)(1)(b) requires the IEP Team to review and revise an IEP, as appropriate, to address information provided by parents and other matters affecting the student's anticipated needs. Under §322(A)(2), meetings must be scheduled at a mutually agreed upon time and place while ensuring participation of required IEP Team members. When a public agency proposes or refuses to change the provision of FAPE, it must provide written notice consistent with §504.

The record establishes that on November 18 and 19, 2025, the Parent expressed disagreement with the speech-language minutes and requested that the IEP be amended. The District responded by inquiring about preferred scheduling before or after Thanksgiving break and began coordinating availability of required personnel. The District was closed November 24–28, 2025. On December 2, 2025, the District issued written meeting notice scheduling the amendment meeting, and upon the Parent's request for a Wednesday or Thursday date, the meeting was rescheduled for December 10, 2025.

Although the amendment meeting occurred after the complaint filing date, the record demonstrates that within the applicable time period the District initiated efforts to reconvene the IEP Team and did not refuse to amend the IEP. At the December 10 meeting, the Team reviewed evaluation data, parental concerns, and provider input and amended the IEP to increase services effective November 21, 2025. The District issued a Notice of Intent documenting the proposed changes and the data relied upon in accordance with §504, and the Parent executed a written early initiation waiver pursuant to §504(F), permitting immediate implementation.

While the Parent preferred that the amendment occur within the same week as the initial meeting, Bulletin 1706 does not require an IEP Team to reconvene immediately upon request. The evidence does

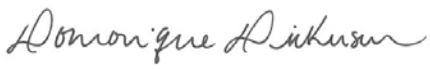
not demonstrate that the District refused to amend the IEP or failed to act within a reasonable timeframe consistent with §§322 and 324.

Accordingly, Allegation 4 is not substantiated.

V. Conclusion

Based on the complaint record and the applicable time period, the Department determined that the District did not violate the IDEA, the Louisiana Children with Exceptionalities Act, or Louisiana Bulletin 1706. Therefore, this investigation is hereby closed, and no corrective action is required.

Respectfully,



Domonique Dickerson
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CC: Jarod Martin, Superintendent, Lafourche Parish School District

Louisiana Special Education Complaint Investigation

56-C-48

LOUISIANA DEPARTMENT OF EDUCATION

December 15, 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 [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-48**

Dear Parties:

On December 12, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-48**. No further action is required by either party.

Sincerely,

Lindsey P. Dupree, Attorney
Office of Executive Counsel
Louisiana Department of Education
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DisputeResolution.DOE@la.gov

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

Louisiana Special Education Complaint Investigation

56-C-49

Louisiana Special Education Complaint Investigation

56-C-50

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

February 6, 2026

[redacted]

Drenean F. Brown, Director of Special Education
Exceptional Student Services
St. John The Baptist Parish Public Schools
158 Panther Drive
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Re: Findings-Decision in Special Education Formal Complaint No. **56-C-50**[redacted]

I. Introduction

On December 8, 2025, the Louisiana Department of Education ("Department" or "LDOE") received a formal complaint from [redacted] ("Complainant" or "Parent") on behalf of their child ("Student"), who, at all times relevant to the complaint, was enrolled in a school under the jurisdiction of St. John The Baptist Parish Public Schools ("District").

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 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 Parent alleged that the District (1) failed to implement the student's IEP by allegedly imposing punitive disciplinary measures contrary to the IEP; (2) failed to follow the procedural safeguards and disciplinary protections required for students with disabilities; and (3) failed to develop and implement behavioral interventions and supports appropriate to the student's disability-related behavioral needs.

Pursuant to Bulletin 1706 §152(C), a complaint must allege a violation occurring not more than two years prior to the date the complaint is received. Accordingly, the scope of this investigation was limited to alleged violations occurring between **December 9, 2023**, and **December 8, 2025**.

III. Findings of Fact

At all relevant times, the Student was enrolled in the District and was eligible for special education and related services under the disability classification of Autism.

An individualized education program (IEP) was developed for the Student at an IEP Team meeting held on December 4, 2024. The December 4, 2024 IEP identified academic needs in reading comprehension, written expression, and math problem solving, as well as functional needs in social interaction, sensory processing, motor skills, adaptive skills, and language.

The December 4, 2024 IEP included a section addressing the Student's behavioral needs. That section documented that the Student required adult supervision throughout the school day due to safety concerns, including a tendency to wander if not monitored. The IEP further stated that the Student's behaviors "should be addressed in a non-punitive way" and identified behavioral strategies including sensory breaks, social stories, immediate feedback, and verbal redirection.

The IEP included academic and functional goals, including goals related to problem solving and self-monitoring. Those goals described disability-related behaviors that occurred in response to academic demands and challenges with self-regulation.

With respect to problem solving, the IEP documented difficulty with multi-step word problems and interpreting remainders in applied contexts. According to the IEP, when the Student encountered these difficulties, [redacted] became frustrated and exhibited behaviors including hitting [redacted] becoming angry with others, and shouting expletives.

With respect to self-monitoring, the IEP reflected that the Student was able to remain seated and engaged in instructional tasks for approximately ten to fifteen minutes. After that period, the Student experienced difficulty maintaining seated behavior and would leave [redacted] seat until redirected. The IEP provided for the use of sensory breaks to support sustained engagement and task completion.

The December 4, 2024 IEP reflected that the Student spent between 40 and 79 percent of the instructional day in the regular education environment and noted that the Student's behavioral and safety needs were best addressed in smaller instructional settings.

During the fall of the 2025–2026 school year, the December 4, 2024 IEP remained in effect.

In September 2025, the Student received a write-up for a uniform violation. Following the write-up, the Parent contacted the school and expressed concern that the action was inconsistent with the behavioral provisions of the Student's IEP.

On November 14, 2025, the Parent provided written consent for the District to conduct a functional behavioral assessment.

On November 19, 2025, during a classroom activity, the Student became frustrated after answering a question incorrectly. During the incident, the Student struck a teacher across the face.

As a result of the incident, the District completed a school behavior report describing the conduct as "immoral or vicious practices and conduct or habits injurious to his/her associates" and imposed an out-of-school suspension of two school days. No other out-of-school suspensions were documented for Student during the period from August 12, 2025 through December 3, 2025.

IV. Conclusions of Law

Allegation 1

Bulletin 1706 requires that an individualized education program be developed in accordance with §§320 through 324 and that the IEP be in effect for the student, with the special education, related services, accommodations, and supports identified in the IEP made available and carried out by the personnel responsible for their provision.

The Student's December 4, 2024 IEP included behavioral provisions addressing the Student's needs related to self-regulation and transitions. The IEP stated that the Student's behaviors "should be addressed in a non-punitive way" and identified strategies such as sensory breaks, social stories, immediate feedback, and verbal redirection as supports to be used when behavioral concerns arose.

On November 19, 2025, during an academic activity, the Student became frustrated and struck a teacher. Following the incident, the District imposed a two-day out-of-school suspension.

The behavioral language in the Student's IEP was framed using discretionary wording. The use of the term "should" reflects an expectation that staff employ positive behavioral strategies when addressing behavior, but it does not establish a mandatory directive governing every response to student conduct or prescribe a specific course of action in all circumstances.

Based on the language of the IEP, the record does not establish that the District failed to carry out a required service, accommodation, or support identified in the IEP as a result of the disciplinary action. While the Parent disagreed with the District's interpretation and application of the IEP's behavioral provisions, a disagreement over interpretation does not, by itself, constitute non-implementation under Bulletin 1706.

With respect to the uniform violation resulting in a write-up earlier in the school year, the record does not contain sufficient evidence to determine whether that incident constituted a behavioral incident contemplated by the IEP's behavioral supports. Accordingly, no determination is made regarding that incident.

Based on the record, the evidence does not establish that the District failed to implement the Student's IEP. Allegation 1 is not substantiated.

Allegation 2

Bulletin 1706 §530 governs the authority of school personnel to impose disciplinary removals for students with disabilities. Under §530(B), school personnel may remove a student with a disability from his or her current placement for up to ten school days for violations of a code of student conduct, provided that such removals do not constitute a change of placement. Additional procedural safeguards, including a manifestation determination review, are required only when a disciplinary removal results in a change of placement, generally after more than ten cumulative school days of removal in the same school year, as provided in Bulletin 1706 §§530(E) and 536.

The record reflects that Student received a two-day out-of-school suspension during the relevant period. The attendance records confirm that this was the only suspension imposed between August 12, 2025 and December 3, 2025. The two-day suspension did not exceed ten cumulative school days of disciplinary removal and did not constitute a change of placement.

Because the disciplinary removal did not result in a change of placement, the District was not required under Bulletin 1706 §530(E) to conduct a manifestation determination review or provide the additional procedural safeguards associated with longer-term removals. The applicable disciplinary procedures for short-term removals were therefore satisfied.

Accordingly, the record does not establish that the District failed to follow the procedural safeguards and disciplinary protections required under Bulletin 1706. Allegation 2 is not substantiated.

Allegation 3

Under Bulletin 1706 §324, an IEP Team is required to consider positive behavioral interventions and supports when a student's behavior impedes learning. This provision imposes a consideration obligation,

not a mandate to conduct a functional behavioral assessment or to implement a formal behavior intervention plan in every instance of behavioral difficulty.

In this case, the Parent alleges that the Student's two-day suspension resulted from the District's failure to conduct a functional behavioral assessment.

The Student's IEP identified behavioral needs and incorporated proactive supports such as sensory breaks, visual schedules, and continuous adult supervision to address those needs. Although the IEP did not include a formal behavior intervention plan, Bulletin 1706 §324 does not require an IEP Team to escalate to an FBA or BIP absent a determination that such measures are necessary. The record does not reflect that the IEP Team concluded the existing strategies were ineffective or that a formal behavior plan was required at the time the IEP was developed.

The disciplinary provisions of Bulletin 1706 §530 establish the circumstances under which an FBA becomes mandatory. Specifically, an FBA and behavioral intervention services are required when a disciplinary removal constitutes a change of placement. In this case, the Student's removal consisted of a two-day out-of-school suspension, which did not exceed ten school days and therefore did not constitute a change of placement under Bulletin 1706 §536. As a result, the District was not obligated under §530 to have conducted an FBA prior to or as a result of the disciplinary action.

Because neither Bulletin 1706 §324 nor §530 required the District to complete a functional behavioral assessment prior to imposing a two-day suspension, the evidence does not support the allegation that the disciplinary action resulted from a failure to conduct an FBA. The Parent's disagreement with the District's disciplinary response does not convert a discretionary behavioral assessment tool into a procedural requirement.

Accordingly, the records does not establish that the District failed to comply with Bulletin 1706. Allegation 3 is <u>not substantiated.</u>

V. Conclusion

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 closed, and no additional action is required.

Respectfully,

Domonique Dickerson

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CC: Cleo Perry Jr., Ed. D., Superintendent, St. John The Baptist Parish Public Schools

Louisiana Special Education Complaint Investigation

56-C-51

LOUISIANA DEPARTMENT OF EDUCATION

January 23, 2026

[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. **56-C-51**

Dear Parties:

On January 9, 2026, the Louisiana Department of Education received notification that indicated that 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 **56-C-51**. No further action is required by either party.

Sincerely,

Lindsey P. Dupree
Investigating Attorney
Office of Executive 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)

Louisiana Special Education Complaint Investigation

56-C-52

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

February 10, 2026

[redacted]

Devin Soeseno, Director
Special Education
Lafayette Parish School System
P.O. Box 2158
Lafayette, LA 70502

RE: Findings-Decision in State Special Education Formal Complaint No. **56-C-52 on behalf of** [redacted]

I. Introduction

On December 9, 2025, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") and requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153 on behalf of the child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of the Lafayette Parish School System ("District").

II. Statement of the Case

In the complaint, the Parent Advocate 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 Department must determine:

1. Whether the District failed to timely identify, locate and evaluate the student to determine eligibility as a child with a disability in need of special education and related services, in light of the student's behavior, including the delay of a functional behavioral assessment (FBA), thereby violating the District's Child Find obligations and delaying access to appropriate services;
2. Whether the District failed to provide the student with a free appropriate public education (FAPE) by failing to consider or provide appropriate positive behavioral and intervention supports and services to a student reasonably suspected of a disability;
3. Whether the District failed to provide the Parent a meaningful opportunity to participate in educational decisions by failing to provide Parent with the results of the FBA prior to the December 8, 2025 IEP meeting;
4. Whether the District failed to comply with procedural safeguards resulting in a pattern of disciplinary removals of the student.

As the Department's assigned investigator, I have 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 December 9, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between December 10, 2023, and December 9, 2025.

III. Findings of Fact

The Student enrolled in the District as a new student from the [redacted], without any prior IDEA eligibility determination or previous behavior data available to the District. An English Language Proficiency Screening (ELPS) was conducted and placed the Student as an English Learner (EL) in the general education program. Shortly thereafter, the Student was referred to the School Building Level Committee (SBLC) for academic and behavior concerns followed by the Parent requesting a special education evaluation. Medical records were provided evidencing the Student was being considered for ADHD and diagnosed with a learning vs intellectual disability. While the Student had begun to incur referrals, the District did not yet suspect the Student of a disability entitling the Student to special education and denied the request. The District then began managing the Student's academic performance and behavior through its general education positive behavior tiered intervention program (PBIS). Shortly thereafter, the District received and denied a second evaluation request based on a lack of intervention data to support a reasonable suspicion of a disability requiring special education. The Student continued to incur referrals both in school and on the bus. In an ongoing effort to determine whether the Student's struggles were rooted in a disability requiring special education or the result of significant language barriers and cultural adjustments causing the Student to be unable to access the curriculum, the District moved the Student to a Tier 2 academic and a Tier 2 BIP. This began an additional data gathering period---agreed to by the Parent---and provided more intensive academic, language and behavior supports.

The Parent then filed an informal complaint with the District on October 7, 2025. On October 9, 2025, the District emailed a Notice of Proposed Action agreeing to conduct a special education evaluation as the Parent requested and advising an SBLC would be convened to conduct necessary screenings related to the evaluation. The District also noted that Parental consent would be obtained in an effort to initiate the evaluation no later than November 10, 2025.

On October 22, 2025, a Parent advocate filed formal complaint 56-C-30 against the District alleging the District violated Child Find obligations. The Department's decision for formal complaint 56-C-30 found the District had not failed its child find obligations because the District (1) did not yet suspect the Student of a disability requiring special education and related services and, (2) appropriately implemented tiered interventions to gather necessary data on the newly enrolled EL Student to determine suspicion of a disability under IDEA and avoid over identification.

Meanwhile, on October 27, 2025, the District conducted the Student's English Language Proficiency Test (ELPT) and determined the Student's proficiency level was Progressing. On October 28, 2025, the Parties met for an Early Resolution Meeting regarding 56-C-30 and the Parent signed a consent form to initiate the Student's evaluation. During the month of October, the Student would receive 3 additional referrals.

On November 4, 2025, the District implemented an Interim IEP while the evaluation was underway to provide some special education supports. This included providing the Student 30 minutes of special education daily and providing special transportation and moving the Student to a Tier 3 BIP while the evaluation was being conducted. On this date, the Parent also signed consent for the District to conduct a Functional Behavior Assessment.

On November 14, 2025 and again on November 21, 2025, the Student received out of school suspension for threatening behavior and disruptive conduct. On November 21, 2025, the Parent requested a Manifestation Determination Review (MDR), which the District denied on the basis the Student had not accumulated 10 days of out of school suspensions.

On December 2, 2025, the Student eloped from their classroom and received In-School suspension. The following day—December 3, 2025—the Student's behavior resulted in out of school suspension with a recommendation for

long term suspension based on crimes of violence and use of profane language against adults and another student. Additionally, on December 3, 2025, a threat assessment was conducted and the Student was interviewed.

On December 8, 2025, the District conducted a suspension/expulsion hearing held for the December 3, 2025 behaviors and the Hearing Officer determined the Student's behavior violated the District's code of conduct. After the discipline hearing concluded, the District convened the Student's MDR based on the suspected disability. At this time, the Parent provided evidence that the Student was formally diagnosed with Attention Deficit and Hyperactivity Disorder (ADHD) and Oppositional Defiance Disorder (ODD). Ultimately, the MDR participants determined the behavior was related to the Student's disability and the Student's placement would not be changed. Immediately following the MDR, an IEP meeting was convened and a draft of the FBA was offered to be reviewed. From the start of the Student's FBA on November 4, 2025 up to the date of the filing of the present complaint on December 9, 2025, the Student received 8 more referrals.

On December 9, 2025, the Parent advocate filed this formal complaint against the District alleging violation of IDEA and applicable state laws.

Conclusions of Law

Allegation #1

Whether the District failed to timely identify, locate and evaluate the student to determine eligibility as a child with a disability in need of special education and related services, in light of the student's behavior, including the delay of a functional behavioral assessment (FBA), thereby violating the District's Child Find obligations and delaying access to appropriate services

The complainant alleges that between August 27, 2025-December 8, 2025, the Student was not only exhibiting behaviors, but presented medical records that should have caused the District to suspect the student of a disability in need of special education that obligated the District to initiate an evaluation, conduct a FBA and create a BIP to address. Therefore, the allegation necessitates a review of the District's Child Find obligations to determine whether the District (1) should have suspected the Student was a student with a disability requiring special education before October 9, 2025. If so, the District failed to conduct a FBA and therefore, implemented an inappropriate informal BIP; or (2) failed to conduct a FBA following its proposal to evaluate the Student on October 9, 2025.

As established in the Department's decision for formal complaint 56-C-30, the District did not suspect the Student of a disability until it proposed to evaluate the Student in the October 9, 2025 notice of proposed action. In that decision, the Department determined the District did not violate its Child Find obligations. At that point, the District had not yet determined a reasonable suspicion of a disability under the IDEA. Under the facts and circumstances at the time of the filing of the complaint——the Student enrolled in the District as an English learner without any prior IDEA eligibility determination or previous behavior data available——the record supported a conclusion that behavioral interventions were appropriately implemented.

With respect to the recent evaluation, the District proposed an evaluation on October 9, 2025 and obtained consent to evaluate on October 28, 2025. An Interim IEP was subsequently created on November 4, 2025 and consent was obtained to conduct a FBA that same day. The Department examined carefully whether the District could have more quickly obtained consent from the Parent. Once a District has proposed to evaluate a student, Bulletin 1508 § 501 requires the district to obtain consent within 10 business days. In this case, consent to evaluate was obtained on October 28, 2025, which was 13 business days from the proposal to evaluate the Student. While this 3 day delay is a procedural violation, it did not substantively impede the evaluation process because the District created the Interim IEP within six days of the consent. The Student immediately began receiving supports while the evaluation was underway.

The Department also examined--with particular attention—if the District could have more quickly initiated an FBA once it suspected a disability. The District opened the evaluation having gathered only 6 weeks of academic and behavioral data---inclusive of Tier 1 and Tier 2 data--on an EL Student not previously eligible for special education and

having only been suspected of a disability since October 9, 2025. It appears the District was accelerating the Student through interventions in light of the Parent's concerns, the behaviors and the Student's EL status. This resulted in abbreviated durations of intervention data collection periods obtaining minimal data sufficient enough to suspect a disability, but risking over identifying the Student without ruling out other factors. Because of this acceleration, when the District determined it suspected the Student of a disability, it did not yet have sufficient data to support moving the Student to Tier 3 or conduct an FBA at that time. Adding to the complexity of the matter---also due to the rapid progression in the short time frame ---the District did not immediately conduct an FBA because the Student was still on the Tier 2 at the time consent to evaluate was obtained. However, no substantive delay resulted because the District created the Interim IEP, moved the Student to Tier 3 and initiated the FBA within a week of the consent.

The record evidences the FBA was completed and a draft copy was provided for review at the December 8, 2025 Interim IEP meeting. The Parent Advocate filed this formal complaint the following day. Thus, the record reflects a FBA was conducted without delay once the District suspected a disability under the IDEA. Therefore, allegation #1 is unsubstantiated.

Allegation #2

Whether the District failed to provide the student with a free appropriate public education (FAPE) by failing to consider or provide appropriate positive behavioral and intervention supports and services to a student reasonably suspected of a disability.

The Complainant alleges that the District failed to provide the Student FAPE by failing to consider or provide appropriate positive behavioral and intervention supports and services to a student reasonably suspected of a disability. They further point to the Student's medical records as evidence that had been provided to the District establishing the Student was a student reasonably suspected of a disability.

However, 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. This is a determination that must be made by the District. Medical records and medical diagnoses, alone, do not establish for the District suspicion of a disability and is not synonymous with eligibility for special education services in the educational setting. Outside evaluations and other relevant data—like a psychological evaluation from another country—must be considered, but the District is not required to find them determinative as to whether a student is a student with a disability as defined by the IDEA.

As discussed above, the Department determined in formal complaint 56-C-30, the District did not suspect the Student of a disability under the IDEA until it proposed to evaluate the Student on October 9, 2026. However, because some interventions were maintained after the evaluation was opened, a thorough review of the Student's academic and behavioral interventions progression prior to October 9, 2026 may provide context for the behavioral supports provided to the Student once the District suspected the student of a disability.

The record reflects that prior to October 9, 2025, the Student's behavior was supported through the School Building Level Committee (SBLC) and had progressed from Tier 1 to Tier 2 by September 23, 2025. The Student's ELPS report classified the Student as an EL in the regular education program based on the Home Language Questionnaire and supporting documentation, indicating the Student could comprehend English with support. At that time, the Student began receiving Tier 2 academic interventions in Reading and Math in addition to Lexia, an adaptive blended learning program that supports Emergent Bilingual students' English language acquisition through academic conversations. The Lexia program integrates speaking, listening, and grammar in the subjects of math, science, social studies, general knowledge, and biographies.

As an EL in the general education program on a Tier 2 BIP, the Student's replacement behaviors for all activities and areas on campus were reinforced by positive supports such as praise/recognition, structured routine, ignoring problem behaviors when appropriate, and sitting by the teacher when appropriate. The de-escalation plan included

the following actions in order of implementation: (1) verbal redirection, (2) assist/modify tasks (3) time-out within class (4) call in support staff; and, (5) major office referral. The Student also shared 20 minute sessions with the school guidance counselor five days per week. In terms of linguistic supports, the District provided a language accommodation of Repeated Directions. In De-escalation steps 1 and 2, opportunity is provided to verbally redirect the Student and make modifications and/or provide assistance. These steps consider the Student's progressing proficiency in English and appropriately offered linguistic supports.

Based on the record, the Student's behavior remained managed under the District's general education Tier 2 BIP from. The Student's behavioral intervention history record demonstrated the general education Tier 2 BIP was in place on October 9, 2025 and remained unchanged while the evaluation was underway until the Interim IEP was created.

As it relates to the evaluation and Interim IEP, Bulletin 1706 § 307 requires that eligibility for special education and related service decisions be based on the results of an evaluation and determined by a group of qualified individuals, including the parent, following review and discussion of the data. However, under circumstances outlined in Bulletin 1508 § 307, districts may approve enrollment in special education after reviewing existing student information and obtaining formal written consent for a multidisciplinary evaluation to be conducted. Bulletin 1530 § 307 further provides that when an Interim IEP has been offered and during the time the evaluation is in process, all regulations shall apply. Districts are required to inform parents that the evaluation results must classify a student as exceptional for the student *to remain* in the special education program. All IEPs, interim or otherwise, must meet the substantive requirements of the IDEA. [1] Thus, when a student is under evaluation and an Interim IEP is developed, the district must provide the Student with FAPE until it is determined the Student is not eligible. As such, the Interim IEP must be reasonably calculated to provide an educational benefit based on the data available to the district in the absence of the full evaluation results. In developing an IEP, Bulletin 1706 §324 requires districts to consider the student's strengths, concerns of the parents, results of an initial evaluation or most recent evaluation and the academic, development, and functional needs. 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. Bulletin 1706 §324(b) further states that, in the case of a student with limited English proficiency, consider the language needs of the Student as those needs relate to the Student's IEP.

Thus, once the Interim IEP was in place, the District was obligated to implement appropriate academic and behavioral supports using the data gathered prior to its creation. The record reflects that while the Tier 2 BIP was in place---from September 23, 2025 to November 3, 2025--the Student accumulated 13 behavioral referrals. In response to this ongoing accumulation of referrals, the District asserts that it consistently monitored and revised the Student's behavioral supports pointing to the Student's Tier 1 to Tier 2 progression supported with behavior tracking records. The Student's behavior summary report from August 2025 through December 2025 demonstrated progress towards goals set out in the tiered interventions that included following adult directives within 2 prompts with roughly 64% compliance and keeps hands feet and objects to themselves with 70% compliance. These records demonstrated that although the Student's behavior persisted and arguably escalated in frequency and intensity, the data indicated the Student was making progress with the Tier 2 BIP. Thus, while the BIP did not prevent the behaviors entirely, there was evidence that with the supports in place, the Student was making progress.

After the evaluation was opened, the Student incurred an additional three referrals, resulting in two Out of School Suspensions (OSS). The day after the third referral, the District created the Interim IEP, moved the Student to Tier 3 and opened the FBA. The record reflects the tension between the District's ability to utilize general education interventions for necessary data-driven decisions, but avoiding unnecessarily delaying evaluation while simultaneously being constrained to gather the data necessary to validate conducting an FBA. As noted above, the Department examined whether the consent and the FBA could have been obtained sooner and determined no substantive delay was present.

[1] *Briere v. Fair Haven Grade Sch. Dist*., 25 IDELR 55 (D. Vt. 1996)

As to the appropriateness of the Tier 3 BIP provided within the Interim IEP. The District confirmed that a Tier 3 BIP is the continuation of the Tier 2 BIP supports under the management of a Social Worker. According to the District's 2025-2026 SBLC Handbook, the Social Worker acts as a case manager to provide the Tier 3 interventions for behavioral/social emotional students, assists with FBAs, and facilitates the development of BIPs for students receiving Tier 3 interventions. The Interim IEP notes the Student is on a BIP through the SBLC tiered interventions to address off-task behavior and being seen by a social worker to address behavior. While it did not include any descriptive behavioral data such as the specific interventions and performance, the record demonstrates the behaviors were actively being addressed and the Student was being supported.

Finally, Bulletin 1706 § 101 requires the provision of a free and appropriate public education (FAPE) for students with disabilities residing in a school district and receiving special education and related services. As discussed above, when a student is under evaluation and an Interim IEP is developed, the district must provide the Student with FAPE until it is determined the Student is not eligible. As such, failure to fully implement an Interim IEP constitutes a denial of FAPE.

While the Interim IEP is somewhat skeletal in what appears to be a lack of sufficient data available at the time it was created, it is noted with anticipation of the outlining services at the conclusion of the evaluation throughout. The instructional plan within the Interim IEP included data regarding the Student's academic assessment scores and an ELA and Math goal using who, what, where, why and how questions to demonstrate the Student's understanding of key details in a text with 70% accuracy on 4 out of 5 trials. With respect to math, it was noted the Student's Ready Math score placed the Student at a Kindergarten level. A goal was set for the Student to use addition and subtraction within 100 to solve one and two step word problems by using drawings and equations with symbols for unknown numbers. The Student would do this with 70% accuracy on 4 out of 5 trials.

As it related to Behavior within the IEP, it was noted the Student 'previously had a BIP through SBLC tiered interventions' and while no behavior goals were present, the District had initiated the FBA and moved the Student to Tier 3 to include support from the Social Worker. Thus, supports—although not formally written in the goals, was being provided. With the FBA conducted and a draft provided for review, the record indicates developing a formal BIP for the Student was the next step.

Thus, in review of the totality of the record, the Department finds the District did not utilize interventions inappropriately to delay and dismiss the Student's behavior. As the Student's behaviors were continuing and escalating, records show tiered interventions were initiated and the District expedited the Student through the tiers to collect the data it did not initially possess. The Student's Progress Summary Report reflected progress towards the BIP goals were being made. The record demonstrates data was actively being collected---initially to determine whether the District suspected a disability or whether other causes of the behavior, including limited language proficiency or other factors of the Student's transition. Thereafter, and as the Student continued to incur referrals during the evaluation process, the District appeared to find the data sufficient to evaluate, create an Interim IEP and move the Student to Tier 3 so additional supports could be received while a FBA was underway. Even still, some transitional difficulties remained present through the evaluation. This was evidenced by the December 3, 2025 threat assessment interview, where the Student indicated anger and sadness related to separation from a parent.

The record does not support a finding that the District failed to consider or provide appropriate, positive behavioral interventions and academic supports once it suspected the Student of a disability and has not denied the Student FAPE. As such, allegation #2 is unsubstantiated.

Allegation #3

Whether the District failed to provide the Parent a meaningful opportunity to participate in educational decisions by failing to provide Parent with the results of the FBA prior to the December 8, 2025 IEP meeting.

The Complainant iterated facts in their complaint that the results of the FBA were not provided to the Parent, the

Parent's advocates or the Parent's attorney prior to an interim IEP meeting following the Student's MDR on December 8, 2025.

Under Bulletin 1706 § 322 districts must provide a draft copy of a student's IEP upon request and at least 3 business days prior to an IEP meeting. However, no such obligation is required for the production of an FBA—apart from a records request subject to 1706 § 603, in which case the District had 45 days to respond. Absent a request for a copy of a FBA, the District was not required to produce the draft prior to the meeting.

The record shows the District offered the draft FBA to all parties to review while the IEP meeting was being conducted, but had not been requested to provide it. As such, the Department finds that the District did not fail to provide the parent meaningful participation by failed to provide a copy of the FBA before it offered the FBA for review during the IEP meeting. As such, allegations #3 is unsubstantiated.

Allegation #4

Whether the District failed to comply with procedural safeguards resulting in a pattern of disciplinary removals of the student.

Regarding the allegation that the District failed to afford disciplinary procedural safeguards resulting in a pattern of disciplinary removals, Bulletin 1706 requires districts comply with procedural safeguards related to discipline when a student is a child with a disability or the district suspects the student of a disability. Procedural safeguards include a manifestation determination review (MDR) when a disciplinary removal constitutes a change of placement and providing behavioral supports. Bulletin 1706 § 530 requires an MDR prior to a change in placement due to disciplinary reasons.

The record reflects following the opening of the evaluation, the Student incurred three referrals that resulted in two Out of School Suspensions (OSS) and one major referral. Following the third referral, the District created the Interim IEP to provide the Student access to special transportation and daily special education instruction while the evaluation was underway. It intensified the behavioral supports by moving the Student to Tier 3 and adding the Social Worker and initiated the FBA. These steps demonstrate positive behavioral interventions based on the data available were considered and provided.

The District properly denied the Parent's November 21, 2025 MDR request because the Student had not experienced 10 removals constituting a change of placement at that time. The Student's behavior referral record reflects the District's reference to 'behave outs' and cool down as strategies that were clearly noted within the behavior referral. The Complainant identifies these as 'informal removals' not a part of the BIP; however, these removals appear to occur after Steps 1-3 of the Student's BIP de-escalation plan had been exercised and they had arrived at Step 4 to 'Call in support staff'. Support staff would briefly removed the Student from the classroom for a period of time and, when appropriate, returned to the classroom once the behavior had de-escalated. The brief removals as part of Step 4 of the Student's de-escalate plan do not constitute disciplinary removals under Bulletin 1706.

Following the December 8, 2025 hearing for the Student's long-term suspension recommendation, the removal triggered MDR. The Parent provided the Student's medical diagnosis information at the MDR meeting and the MDR team determined the behavior was a manifestation of the Student's disability. Based on that determination, no change of placement was made and the Interim IEP meeting was convened. It was at that point the draft FBA was offered.

The Department finds the record does not support a finding that the District failed to provide disciplinary safeguards. As such, allegation 4 is unsubstantiated.

IV. 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 the Louisiana Bulletin 1706 with respect to the allegations presented in this matter. Therefore, this investigation is hereby closed and no additional action is required.

Sincerely,

Lindsey P. Dupree, Attorney

Office of Executive Counsel

Louisiana Department of Education

(225) 342-3572 (phone)/ (225) 342-1197 (fax)

DisputeResolution.DOE@la.gov

CC: Francis Touchet, Jr., Superintendent, Lafayette Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-53

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

February 9, 2026

[redacted]

Devin Soeseno, Director
Special Education
Lafayette Parish School System
P.O. Box 2158
Lafayette, LA 70502

RE: Findings-Decision in State Special Education Formal Complaint No. **56-C-53 on behalf of** [redacted]

I. Introduction

On **December 9, 2025**, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") and requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153 on behalf of the child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of the Lafayette Parish School System ("District").

II. Statement of the Case

In the complaint, the Parent Advocate 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 Department must determine:

1. Whether the District failed to conduct an appropriate evaluation by failing to assess the student in its native language;
2. Whether the District failed to deliver or provide appropriate behavior supports and interventions by failing to consider the student's linguistic factors in the development of the student's Behavior Intervention Plan (BIP);
3. Whether the District failed to deliver or provide appropriate behavior supports and interventions by failing to consider the student's unique linguistic needs in the development of the IEP;
4. Whether the District failed to provide the student with a free appropriate public education (FAPE) by failing to provide special education and related services, such as appropriate behavioral supports, in conformity with the student's IEP.

As the Department's assigned investigator, I have 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 December 9, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between December 10, 2023, and December 9, 2025.

III. Findings of Fact

The Student enrolled in the District as a new student from the Philippines, without any prior IDEA eligibility determination or previous behavior data available to the District. An English Language Proficiency Screening (ELPS) was conducted and placed the Student as an English Learner (EL) in the general education program. Shortly thereafter, the Student was referred to the School Building Level Committee (SBLC) for academic and behavior concerns followed by the Parent requesting a special education evaluation. Medical records were provided evidencing the Student was being considered for ADHD and diagnosed with a learning vs intellectual disability. While the Student had begun to incur referrals, the District did not yet suspect the Student of a disability entitling the Student to special education and denied the request. The District then began managing the Student's academic performance and behavior through its general education positive behavior tiered intervention program (PBIS). Shortly thereafter, the District received and denied a second evaluation request based on a lack of intervention data to support a reasonable suspicion of a disability requiring special education. The Student continued to incur referrals both in school and on the bus. In an ongoing effort to determine whether the Student's struggles were rooted in a disability requiring special education or the result of significant language barriers and cultural adjustments causing the Student to be unable to access the curriculum, the District moved the Student to a Tier 2 academic and a Tier 2 BIP. This began an additional data gathering period---agreed to by the Parent---and provided more intensive academic, language and behavior supports. The Parent then filed an informal complaint with the District on October 7, 2025. On October 9, 2025, the District emailed a Notice of Proposed Action agreeing to conduct a special education evaluation as the Parent requested and advising an SBLC would be convened to conduct necessary screenings related to the evaluation. The District also noted that Parental consent would be obtained in an effort to initiate the evaluation no later than November 10, 2025.

On October 22, 2025, a Parent advocate filed formal complaint 56-C-30 against the District alleging the District violated Child Find obligations. The Department's decision for formal complaint 56-C-30 found the District had not failed its child find obligations because the District (1) did not yet suspect the Student of a disability requiring special education and related services and, (2) appropriately implemented tiered interventions to gather necessary data on the newly enrolled EL Student to determine suspicion of a disability under IDEA and avoid over identification.

Meanwhile, on October 27, 2025, the District conducted the Student's English Language Proficiency Test (ELPT) and determined the Student's proficiency level was Progressing. On October 28, 2025, the Parties met for an Early Resolution Meeting regarding 56-C-30 and the Parent signed a consent form to initiate the Student's evaluation. During the month of October, the Student would receive 3 additional referrals.

On November 4, 2025, the District implemented an Interim IEP while the evaluation was underway to provide some special education supports. This included providing the Student 30 minutes of special education daily and providing special transportation and moving the Student to a Tier 3 BIP while the evaluation was being conducted. On this date, the Parent also signed consent for the District to conduct a Functional Behavior Assessment.

On December 9, 2025, the Parent advocate filed this formal complaint against the District alleging violation of IDEA and applicable state laws.

Conclusions of Law

Allegation #1

The Complainant alleges the District failed to conduct an appropriate evaluation by failing to assess the Student in its

native language.

Bulletin 1706 § 302 states that initial evaluations shall be conducted within 60 business days of receiving parental consent for the evaluation. The District suspected the Student had a disability that required special education and related services beginning October 9, 2025, when it issued PWN proposing to evaluate the Student and subsequently initiated the evaluation on October 28, 2025 upon consent. At the time of the filing of the complaint, the District---well within the required 60 business days of the October 28, 2025---had not yet completed the evaluation. Thus, the Department is unable to find that the District has failed to conduct an appropriate evaluation when it had not yet been concluded.

Turning to the allegation that the District failed to evaluate the Student in its native language, Bulletin 1508 requires that assessments and other evaluation materials be selected and administered so as not to be discriminatory on a racial, cultural, or linguistic basis. Bulletin 1706 § 305 echoes this requiring districts to ensure evaluations are provided and administered in the student's native language or other mode of communication in the form most likely to yield accurate information regarding what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so. Neither require native-language testing when English testing is valid.

In this case, as it relates to the Student's level of English comprehension, the Student's ELPS placed the Student in the regular education program based on a Home Language Questionnaire and supporting documentation. The Student's ELPT results showed the Student demonstrated a proficiency status determination of 'Progressing'[1]. Results of the ELPT showed the Student's reading and writing performed at the beginner level 1, speaking performed at 'early intermediate' level 2 and listening at an 'intermediate' level 3. Thus, while the Student would require ongoing language support, the English language skills were developing. Based on this level of proficiency, the District's evaluation team determined it was appropriate to conduct the Student's assessments in English, and reasonably calculated to yield accurate and valid information regarding the presence of a suspected disability. As such, the Department finds allegation #1 is unsubstantiated.

Allegations 2 & 3

The Complainant alleges that the District failed to incorporate into the Student's BIP and IEP the necessary English language supports, language accommodations, language appropriate instruction, access to interpreters, translation of materials, culturally responsive interventions/instruction and communication supports in alignment with the child's linguistic needs and cultural differences. They further emphasize the Student cannot access or comprehend English instruction.

Bulletin 1706 § 307 requires that eligibility for special education and related service decisions be based on the results of an evaluation and determined by a group of qualified individuals, including the parent, following review and discussion of the data. However, under circumstances outline in Bulletin 1508 § 307, districts may approve enrollment in special education after reviewing existing student information and obtaining formal written consent for a multidisciplinary evaluation to be conducted. Bulletin 1530 § 307 further provides that when an Interim IEP has been offered and during the time the evaluation is in process, all regulations shall apply. Districts are required to inform parents that the evaluation results must classify a student as exceptional for the student *to remain* in the special education program. All IEPs, interim or otherwise, must meet the substantive requirements of the IDEA. [2] Thus, when a student is under evaluation and an Interim IEP is developed, the district must provide the Student with FAPE until it is determined the Student is not eligible. As such, the Interim IEP must be reasonably calculated to provide an educational benefit based on the data available to the district in the absence of the full evaluation results. In developing an IEP, Bulletin 1706 §324 requires districts to consider the student's strengths, concerns of the parents, results of an initial evaluation or most recent evaluation and the academic, development, and functional needs. In the case of a student whose behavior impedes his or her learning or that of others, consider the use of positive

[1] EL students exhibiting 'Progressing' proficiency in English have demonstrated, with support, they are approaching a level of English language skill necessary to produce, interpret, and collaborate on grade-level academic tasks in English.
[2] *Briere v. Fair Haven Grade Sch. Dist*., 25 IDELR 55 (D. Vt. 1996)

behavioral interventions and supports, and other strategies, to address that behavior. Bulletin 1706 §324(b) further states that, in the case of a student with limited English proficiency, consider the language needs of the Student as those needs relate to the Student's IEP.

Here, the District proposed to evaluate the Student on October 9, 2025 and obtained consent to evaluate on October 28, 2025. An Interim IEP was subsequently created on November 4, 2025. For this reason, the Department will first review the progression of the Student's academic and behavioral interventions prior to November 4, 2025 and will then examine the District's actions regarding the Student's behavioral supports, including consideration of linguistic factors, following the implementation of the Interim IEP.

The Student's BIP and November 4, 2025 Interim IEP

Pursuant to the IDEA regulations each state must have in effect policies and procedures designed to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities. Therefore, the District is obligated to prevent inappropriately identifying the Student as a student with a disability in need of special education by ruling out the possibility that the Student's behaviors were attributed to the challenges faced by the Student in a new country in an unfamiliar, structured school setting and environment while experiencing potential communication barriers. In the event insufficient data exists to determine whether a special education evaluation is appropriate, Bulletin 1508 § 305 permits response to intervention activities and screenings in order to gather the data necessary for the District to make a data-driven decision to evaluate the student.

The Student arrived in the United States and soon after enrolled into the District in July 2025 and was determined an English Learner (EL) without any previous special education eligibility or behavior data available. Therefore, in this case, the circumstances contemplated by Bulletin 1508 § 305 were compounded by no previous special education eligibility and the lack of data to support a suspicion of a disability requiring special education. Thus, the District reasonably began to manage the Student's behavior and academic deficits through the SBLC tiered intervention program to gather data to determine if the District suspected the Student had a disability. A second evaluation request was received 10 school days after the first evaluation request and was denied because lack of interventions. While Bulletin 1508 § 301 (B) states special education and related services referrals and evaluations should not be delayed or denied based solely on the required movement through tiered interventions prior to referrals, the record demonstrates the District appropriately denied the request and required further interventions because it had not yet gathered any meaningful intervention data sufficient to open an evaluation—particularly for this EL Student—with only 10 school days of Tier 1 interventions. The Department finds that this is evidence of exercising structured discretion, rather than delay.

The record reflects that from August 27, 2025 to September 23, 2025, the Student's behavior supports progressed from Tier 1 to Tier 2 (more detailed discussion below). The Student's ELPS report classified the Student as an EL in the regular education program based on the Home Language Questionnaire and supporting documentation, indicating the Student could comprehend English with support. Also beginning September 23, 2025, the Student received Tier 2 interventions in Reading and Math in addition to Lexia, an adaptive blended learning program that supports Emergent Bilingual students' English language acquisition through academic conversations. The Lexia program integrates speaking, listening, and grammar in the subjects of math, science, social studies, general knowledge, and biographies.

For reasons not clarified to the Department, the District created the Interim IEP enabling the Student access to services while the District determined eligibility and the full scope of the Student's needs. In review of the Interim IEP submitted to the record, access to services included special education instruction for 30 minutes a day and special transportation.

Within the Interim IEP, a summary of data gathered through the Tier 2 academic interventions were reflected in the Student's general student information section detailing the Student's iReady Math score, results of the mClass Numeracy screener scores and the Student's DIBELS overall composite score. ELA and Math goals were also created. The Student's intervention history summary indicates the Student was continuing to receive these academic supports

through the evaluation time frame and the Interim IEP indicated that the student's academic, developmental, and functional needs would continue to be assessed during the evaluation.

As an EL in the general education program on a Tier 2 BIP, the Student's replacement behaviors for all activities and areas on campus were reinforced by positive supports such as praise/recognition, structured routine, ignoring problem behaviors when appropriate, and sitting by the teacher when appropriate. The de-escalation plan included the following actions in order of implementation: (1) verbal redirection, (2) assist/modify tasks (3) time-out within class (4) call in support staff; and, (5) major office referral. The Student also shared 20 minute sessions with the school guidance counselor five days per week. In terms of linguistic supports, the District provided a language accommodation of Repeated Directions. In De-escalation steps 1 and 2, opportunity is provided to verbally redirect the Student and make modifications and/or provide assistance. These steps consider the Student's progressing proficiency in English and appropriately offered linguistic supports.

The Student's behavioral intervention history record demonstrated the general education Tier 2 BIP were maintained while the evaluation was underway. The record shows the District did not make any additional modifications to the BIP until the creation of the Interim IEP.

Evidence in the record documented two relevant developments leading up to the creation of the Interim IEP, which include: (1) The Student continued to incur additional referrals despite the Tier 2 BIP supports and (2) The results of the Student's ELPT showed the Student's EL status was 'Progressing'. This indicates that while the Student needs ongoing language supports, providing those supports in English are appropriate.

At the point the Interim IEP was in place, the District was obligated to implement appropriate academic and behavioral supports using the data gathered prior to its creation. The record reflects that while the Tier 2 BIP was in place---from September 23, 2025 to November 3, 2025--the Student accumulated 13 behavioral referrals (in addition to the 5 earned on Tier 1) before the District moved the Student to Tier 3 supports. In response to this ongoing accumulation of referrals, the District asserts that it consistently monitored and revised the Student's behavioral supports pointing to the Student's Tier 1 to Tier 2 progression supported with behavior tracking records. The Student's behavior summary report from August 2025 through December 2025 demonstrated progress towards goals set out in the tiered interventions that included following adult directives within 2 prompts with roughly 64% compliance and keeps hands feet and objects to themselves with 70% compliance. These records demonstrated that although the Student's behavior persisted and arguably escalated in frequency and intensity, the data indicated the Student was making progress with the Tier 2 BIP. Thus, while the BIP did not prevent the behaviors entirely, there was evidence that with the supports in place, the Student was making progress.

The record reflects the tension between the District's ability to utilize general education interventions for necessary data-driven decisions, but avoiding unnecessarily delaying evaluation while simultaneously being constrained to gather the data necessary to validate conducting an FBA. The Department examined--with particular attention—whether the District could have more quickly initiated an FBA once it suspected a disability. The District opened the evaluation having gathered only 6 weeks of academic and behavioral data---inclusive of Tier 1 and Tier 2 data--on an EL Student not previously eligible for special education and having only been suspected of a disability since October 9, 2025. It appears the District was accelerating the student through interventions in light of the Parent's concerns, the behaviors and the Student's EL status. This resulted in abbreviated durations of intervention data collection periods obtaining minimal data sufficient enough to suspect a disability, but risking over identifying the Student without ruling out other factors. Because of this acceleration, when the District determined it suspected the Student of a disability, it did not yet have sufficient data to support moving the Student to Tier 3 or conduct an FBA at that time. Adding to the complexity of the matter---also due to the rapid progression in the short time frame ---the District did not immediately conduct an FBA because the Student was still on the Tier 2 at the time consent to evaluate was obtained. However, no substantive delay resulted because the District created the Interim IEP, moved the Student to Tier 3 and initiated the FBA within a week.

Thus, in review of the totality of the record, the Department finds the District did not utilize RTI inappropriately to

delay and dismiss the Student's behavior. As the Student's behaviors were continuing and escalating, records show RTI tiered interventions were initiated and the District expedited the Student through the tiers to collect the data it did not initially possess. The Student's Progress Summary Report reflected progress towards the BIP goals were being made in spite of the Student's absences. The record demonstrates data was actively being collected to determine whether the District suspected a disability or whether other causes of the behavior, including limited language proficiency or other factors of the Student's transition. To that point, some transitional difficulties remained present through the evaluation. This was evidenced by the December 3, 2025 threat assessment interview, where the Student indicated anger and sadness related to separation from a parent. As the Student continued to incur referrals during the evaluation process, the District appeared to find the data sufficient to create an Interim IEP and move the Student to Tier 3 so additional supports could be received while a FBA was underway.

Finally, the Department turns to the appropriateness of the Tier 3 BIP provided within the Interim IEP. The District confirmed that a Tier 3 BIP is the continuation of the Tier 2 BIP supports under the management of a Social Worker. According to the District's 2025-2026 SBLC Handbook, the Social Worker acts as a case manager to provide the Tier 3 interventions for behavioral/social emotional students, assists with FBAs, and facilitates the development of BIPs for students receiving Tier 3 interventions. The Interim IEP notes the Student is on a BIP through the SBLC tiered interventions to address off-task behavior and being seen by a social worker to address behavior. While it did not include any descriptive behavioral data such as the specific interventions and performance, the record demonstrates the behaviors were actively being addressed and the Student was being supported.

As such, the Department has determined allegations #2 and #3 are unsubstantiated.

Allegation #4

With respect to the Complainant's allegations that the District failed to provide the supports within the Student's IEP, the Department reviewed the records for implementation of the Interim IEP and found no evidence that the District did not provide the IEP required services.

Bulletin 1706 § 101 requires the provision of a free and appropriate public education (FAPE) for students with disabilities residing in a school district and receiving special education and related services. As discussed above, when a student is under evaluation and an Interim IEP is developed, the district must provide the Student with FAPE until it is determined the Student is not eligible. As such, failure to fully implement an Interim IEP constitutes a denial of FAPE.

As discussed above, the District triggered its obligation to provide FAPE when it created the Interim IEP for the Student while the evaluation was underway. With respect to the special education and related services within the IEP, the Interim IEP is somewhat skeletal in what appears to be a lack of sufficient data available at the time it was created, but notes anticipation of the outlining services at the conclusion of the evaluation throughout. The instructional plan within the Interim IEP included data regarding the Student's academic assessment scores and an ELA and Math goal using who, what, where, why and how questions to demonstrate the Student's understanding of key details in a text with 70% accuracy on 4 out of 5 trials. With respect to math, it was noted the Student's Ready Math score placed the Student at a Kindergarten level. A goal was set for the Student to use addition and subtraction within 100 to solve one and two step word problems by using drawings and equations with symbols for unknown numbers. The Student would do this with 70% accuracy on 4 out of 5 trials.

As it related to Behavior within the IEP, it was noted the Student 'previously had a BIP through SBLC tiered interventions' and while no behavior goals were present, the District had initiated the FBA and moved the Student to Tier 3 to include support from the Social Worker. With the FBA conducted and a draft provided for review, the record indicates developing a formal BIP for the Student was the next step.

The record does not support a finding that interventions and academic supports as identified in the IEP have not been provided to the Student during the evaluation and the Department finds the District has not denied the Student FAPE. Thus, allegation #4 is unsubstantiated.

IV. 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 the Louisiana Bulletin 1706 with respect to the allegations presented in this matter. Therefore, this investigation is hereby closed and no additional action is required.

Sincerely,

Lindsey P. Dupree, Attorney

Office of Executive Counsel

Louisiana Department of Education

(225) 342-3572 (phone)/ (225) 342-1197 (fax)

DisputeResolution.DOE@la.gov

CC: Francis Touchet, Jr., Superintendent, Lafayette Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-54

LOUISIANA DEPARTMENT OF EDUCATION

December 18, 2025

[redacted]

Pamela Moore
Supervisor
Director of Special Education
Iberville Parish School District
58060 Plaquemine Street
Plaquemine, LA 70764
pamelamoore@ipsb.education

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-54**

Dear Parties:

On December 18, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-54**. No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
Attorney
Office of Executive Counsel
Louisiana Department of Education
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CC: Louis M. Voiron, Jr., Ed. D, Superintendent, Iberville Parish School District (email only)

Louisiana Special Education Complaint Investigation

56-C-55

DR. CADE BRUMLEY
STATE SUPERINTENDENT

CLAIBORNE BUILDING
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BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

February 9, 2026

[redacted]

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

Re: Findings-Decision in Special Education Formal Complaint No. **56-C-55**[redacted]

I. Introduction

On December 10, 2025, the Louisiana Department of Education ("the Department") received a formal complaint from [redacted] ("the Parent") on behalf of [redacted] ("the Student"), who, at all times relevant to the complaint, [redacted] ("the School"). The School is a Type 3 public charter school operated by InspireNOLA Charter Schools and authorized by the Orleans Parish School Board, which operates as NOLA Public Schools ("the District").

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 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 Parent alleged that the District (1) failed to develop an individualized education program (IEP) that included all required components, specifically with respect to allegations that the IEP omitted sections or information mandated by law; and (2) failed to implement the Student's IEP and comply with procedural safeguards, including by failing to provide required special education or related services, failing to maintain documentation necessary to verify service delivery, and failing to issue written notices; (3) failed to consider and implement positive behavioral interventions, supports, and other strategies to address behaviors that impede the Student's learning.

Pursuant to Bulletin 1706 §152(C), a complaint must allege a violation occurring not more than two years prior to the date the complaint is received. Accordingly, the scope of this investigation was limited to alleged violations occurring between **December 11, 2023**, and **December 10, 2025**.

III. Findings of Fact

The Student [redacted] with a primary exceptionality of Autism who has been eligible for special education and related services since early childhood. During the relevant period, the Student attended [redacted] and was served under individualized education programs developed by the District.

The District issued a meeting notice titled "Full and Effective Notice of Proposed Action" on November 18, 2024, for an IEP meeting scheduled for December 3, 2024. The notice identified the date, time, location, and purpose of the meeting, stating that the purpose was to develop, review, or amend the Student's IEP and determine placement. The notice explained that a draft IEP would be reviewed and that the Parent would be an equal participant in the meeting. The notice reflects that the Parent planned to attend and was signed and dated on November 20, 2024.

On December 3, 2024, the IEP Team convened to review and revise the Student's IEP. The meeting was attended by both parents, regular education teachers, a special education teacher, a speech-language pathologist, and an officially designated representative of the District. The December 3, 2024 IEP identified the Student's exceptionality, parental concerns related to speech and mathematics, recent evaluation results, present levels of academic achievement and functional performance, measurable annual goals, special education and related services, accommodations, and placement in the general education setting with supplemental supports. The IEP required the provision of speech-language pathology services for 30 minutes once per week beginning December 3, 2024. The Parent signed the IEP on the same date.

At the time of the December 3, 2024 IEP meeting, the IEP documented that the Student had not displayed behavior concerns that impeded learning.

During the 2024–2025 school year, the District experienced staffing changes affecting speech-language pathology services. In December 2025, the District's Senior Manager of Speech-Language Pathologists informed the Parent in writing that, based on a review of provider documentation and attendance records, the Student was owed four 30-minute compensatory speech-language therapy sessions due to missed services in the 2024-2025 school year. The District identified specific dates on which speech services were missed, canceled, or rescheduled.

The District issued a meeting notice titled "Full and Effective Notice of Proposed Action" on October 24, 2025, for an IEP meeting scheduled for November 4, 2025. The notice identified the date, time, location, and purpose of the meeting, stating that the purpose was to develop, review, or amend the Student's IEP and determine placement. The notice indicated that the Parent's signature was obtained via phone and is dated December 1, 2025. On November 4, 2025, the IEP Team convened to review the Student's IEP. The Parent raised concerns regarding multiple aspects of the draft IEP presented at that meeting and did not agree to finalize the document. As a result, the meeting was continued to December 2, 2025.

On November 10, 2025, the Student was involved in a behavioral incident at school.

On November 11, 2025, the Parent submitted a written request that the District conduct a functional behavioral assessment and develop a behavior intervention plan.

The District issued a meeting notice titled "Full and Effective Notice of Proposed Action" on November 18, 2025, identifying the date, time, location, and purpose of the December 2, 2025 meeting. The notice stated that the purpose of the meeting was to develop, review, or amend the Student's IEP and determine

placement. Email correspondence confirms that the notice was transmitted to the Parent on November 18, 2025 and again on December 1, 2025, and that the Parent confirmed attendance for herself and the Student's father.

Following the November 4 and December 2, 2025 IEP meetings, the District and the parents engaged in written correspondence regarding the development of the Student's IEP and related documents. Between December 4, 2025 and December 18, 2025, the District provided multiple draft versions of the IEP. The parents reviewed the drafts, provided written comments and proposed revisions, requested clarifications, and sought additional documentation. The District acknowledged the parents' input and continued to revise the documents accordingly.

The District completed a functional behavioral assessment on December 10, 2025. The assessment included observations, interviews, and data collection and identified off-task behavior, attention difficulties, and task avoidance related to academic demands and communication challenges. Based on the functional behavioral assessment, the District developed a behavior intervention plan, which was implemented on December 11, 2025. The District also developed a communication plan addressing the Student's receptive and expressive language needs and their relationship to behavioral concerns.

The November 4, 2025 IEP, finalized after multiple revisions, included present levels of performance, measurable annual goals in behavior, mathematics, English language arts, and communication, special education and related services, accommodations, placement in the general education setting for 80 percent or more of the school day, and references to the functional behavioral assessment, behavior intervention plan, and communication plan. The IEP acknowledged that compensatory speech-language pathology services were owed from the prior school year, specifically four 30-minute sessions of compensatory speech-language therapy from the 2024–2025 school year. On December 18, 2025, after reviewing the revised documents, the Parent confirmed signed the IEP.

IV. Conclusions of Law

Allegation 1

Under Bulletin 1706 §320(A), an individualized education program is a written statement developed, reviewed, and revised in a meeting in accordance with Bulletin 1706 §§320 through 324 and must include, among other components, the student's present levels of academic achievement and functional performance, measurable annual goals, a description of how progress will be measured, a statement of special education and related services and supplementary aids and services, assessment accommodations as applicable, and the projected dates for initiation of services and the anticipated frequency, location, and duration of those services. Bulletin 1706 §324(A) further requires the IEP Team, in developing the IEP, to consider the student's strengths, parental concerns, evaluation results, and academic, developmental, and functional needs. Bulletin 1706 §322 requires that the District take steps to ensure the parents are present at each IEP Team meeting and that parents are notified early enough to ensure an opportunity to attend.

The record demonstrates that the December 3, 2024 IEP was developed at an IEP Team meeting attended by both parents and required team members and was signed on the date of the meeting. The December 3, 2024 IEP included the Student's present levels of performance, measurable annual goals, services, accommodations, and placement, and it specified service initiation and frequency for speech-language pathology.

With respect to the IEP process beginning on November 4, 2025 and continued on December 2, 2025, the record reflects that the IEP was not finalized at the November 4, 2025 meeting due to parental concerns and was continued for additional discussion and revision. Between December 4 and December 18, 2025, the District and parents exchanged draft documents, the parents provided written feedback and requests for clarification, and the District made revisions based upon parental input. The District did not refuse to include required components, nor did it finalize the IEP over parental objection. Instead, the parties engaged in sustained collaboration to develop an IEP that included the Student's present levels of performance, measurable annual goals, services, accommodations, and placement, and it also specified service initiation and frequency for speech-language pathology. The Parent ultimately signed the finalized IEP on December 18, 2025.

Based on the totality of the record, the Department does not find that the District failed to develop an IEP that included the components mandated by Bulletin 1706. Accordingly, this allegation is not substantiated.

Allegation 2

Under Bulletin 1706, once an IEP is in effect, a public agency is responsible for ensuring that the special education and related services identified in the IEP are provided as written. Bulletin 1706 §323(A) requires that, at the beginning of each school year, each public agency have in effect an IEP for each student with a disability within its jurisdiction. An IEP must specify, as required by Bulletin 1706 §320(A)(7), the projected date for the beginning of services and the anticipated frequency, location, and duration of those services. Bulletin 1706 §323(D) further requires that a student's IEP be accessible to each regular education teacher, special education teacher, related services provider, and any other service provider responsible for its implementation, and that each such provider be informed of his or her specific responsibilities and the accommodations, modifications, and supports to be provided in accordance with the IEP. Read together, these provisions require a public agency not only to have an IEP in effect, but to ensure that the services described in the IEP are implemented as written by informed personnel and supported by documentation sufficient to verify delivery.

In addition, Bulletin 1706 §502 requires that parents be afforded an opportunity to participate in meetings concerning the identification, evaluation, educational placement of the student, and the provision of a free appropriate public education, and that parents be afforded access to education records related to the provision of services. Bulletin 1706 §322 requires that parents receive timely notice of IEP meetings sufficient to ensure an opportunity to attend. Separately, Bulletin 1706 §504 requires prior written notice, meeting specified content requirements, when a public agency proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of FAPE.

The December 3, 2024 IEP required the District to provide speech-language pathology services for 30 minutes once per week beginning December 3, 2024. During the 2024–2025 school year, the District experienced staffing changes affecting speech-language pathology services. In correspondence dated December 8, 2025, the District's Senior Manager of Speech-Language Pathologists informed the Parent that, following a review of available provider documentation and attendance records, the District determined that the Student was owed four 30-minute compensatory speech-language therapy sessions due to missed services in the 2024–2025 school year. The finalized November 4, 2025 IEP expressly acknowledged that compensatory speech-language pathology services were owed from the prior school year and specified four 30-minute compensatory sessions.

As part of this investigation, the Department reviewed the service logs relied upon by the District in making its compensatory services determination. The available documentation largely supported the District's accounting of missed and provided sessions. However, for one session, which the District identified as a session provided, a corresponding service log was not available. Based on the totality of the record, the Department finds that speech-language pathology services were not fully implemented during a portion of the 2024–2025 school year and that documentation was not sufficient in all instances to verify service delivery.

With respect to procedural safeguards, the record does not establish noncompliance. The District issued "Full and Effective Notice of Proposed Action" documents for meetings held on December 3, 2024, November 4, 2025, and December 2, 2025, each identifying the date, time, location, and purpose of the meeting. The parents attended and meaningfully participated in the meetings. Although the notice for the November 4, 2025 meeting reflects a parent signature dated after the meeting, the record establishes that the parents received notice, attended the meeting, participated in discussion, and requested continuation of the meeting for further consideration of concerns. Accordingly, the Department does not find that parental participation was impeded under Bulletin 1706 §502 or that the evidence establishes a violation related to meeting notice under Bulletin 1706 §322. The record likewise does not establish a violation of prior written notice requirements under Bulletin 1706 §504.

Accordingly, this allegation is substantiated in part with respect to the implementation and documentation of speech-language pathology services, but not substantiated with respect to meeting notice, prior written notice, or parental participation.

Allegation 3

Bulletin 1706 §324(A)(2)(a) requires the IEP Team, in the case of a student whose behavior impedes the student's learning or that of others, to consider the use of positive behavioral interventions and supports and other strategies to address that behavior.

At the time of the December 3, 2024 IEP, the IEP documented that the Student had not displayed behavior concerns that impeded learning. On November 10, 2025, the Student was involved in a behavioral incident at school, and on November 11, 2025, the Parent submitted a written request for a functional behavioral assessment and behavior intervention plan. Following this request, the District initiated a functional behavioral assessment, which was completed on December 10, 2025. The assessment included observations, interviews, and data analysis and identified behaviors that interfered with the Student's ability to access instruction. Based on the assessment, the District developed and implemented a behavior intervention plan on December 11, 2025 and also developed a communication plan addressing the Student's language needs and their relationship to behavior. The finalized IEP signed on December 18, 2025 incorporated behavioral goals and referenced the functional behavioral assessment, behavior intervention plan, and communication plan.

Based on the totality of the record, once behavior was identified as impeding learning, the District considered and implemented behavioral supports consistent with Bulletin 1706 §324(A)(2)(a). Accordingly, this allegation is not substantiated.

V. Corrective Action

The record establishes that the District did not fully implement the Student's IEP with respect to the provision of speech-language pathology services during a portion of the 2024–2025 school year. To remedy the noncompliance identified herein, the District shall:

- The District shall implement the compensatory speech-language pathology services as documented in the Student's finalized IEP dated November 4, 2025 and signed on December 18, 2025. This includes the provision of four (4) 30-minute sessions of compensatory speech-language therapy identified as owed from the 2024–2025 school year. No additional compensatory services are required beyond those specified in the IEP.
- Within thirty (30) calendar days of completion of the compensatory speech-language pathology services, and no later than June 1, 2026, the District shall submit to the Department documentation sufficient to verify delivery of those services. The documentation shall include, at a minimum, the date of each session, the duration of each session, the name and role of the service provider, and the service location.

Respectfully,

Domonique Dickerson
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Louisiana Department of Education
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CC: Dr. Fatema Fulmore, Superintendent, NOLA Public Schools

Keilon Johnson-Martin M.Ed, Dir. of Exceptional Student Services, InspireNOLA Charter Schools

Louisiana Special Education Complaint Investigation

56-C-56

DR. CADE BRUMLEY
STATE SUPERINTENDENT

CLAIBORNE BUILDING
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BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

February 13, 2026

[redacted]

A'naliese Towns
Special Education Supervisor
D'Arbonne Woods Charter School
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atowns@darbonnewoods.com

RE: Findings-Decision in State Special Education Formal Complaint No. **56-C-56 on behalf of** [redacted]

I. Introduction

On December 9, 2025, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") and requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153 on behalf of the child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of the D'Arbonne Woods Charter, a Type 2 charter school ("District").

II. Statement of the Case

In the complaint, the Parent Advocate 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 Department must determine:

1. Request for Initial Evaluation
Whether the School failed to provide prior written notice and obtain informed parental consent for an initial evaluation within a reasonable time after the parent requested an evaluation to determine the Student's eligibility for special education and related services.

2. Evaluation Procedures
Whether the School complied with evaluation and eligibility procedures, including requirements related to parent participation, when conducting an initial evaluation and determining the student's eligibility for special education and related services.

As the Department's assigned investigator, I have 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 December 9, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between December 10, 2023, and December 9, 2025.

III. Findings of Fact

The Student was enrolled at D'Arbonne Woods as a kindergarten student beginning the 2023–2024 school year and remained enrolled during the relevant time period of this complaint.

By email dated August 15, 2024, the Parent requested an evaluation and attached documentation of the Student's medical diagnosis. The request was received by the school before the 2024-2025 school year had begun. When the District came into session, the District's pupil appraisal team reviewed the request and prepared consent paperwork which was sent home with the Student. By email dated September 17, 2024, the Parent refused to sign consent and requested the Student's evaluation from the previous school year to be revised to address errors and unaddressed behavioral factors. The Parent further advised several evaluation procedural failures they believed the District had committed. In a same day response email, the District advised the Parent they could decline or choose to consent, but their concerns regarding the SBLC screenings (conducted the previous school year) could be included in the Parent input section of the proposed evaluation.

On September 23, 2024, the Parent provided written consent. Subsequently, a meeting was held on September 30, 2024, where it was agreed to proceed with the evaluation. Following the completion of the evaluation, on December 12, 2024, the District contacted the Parent via telephone to review the findings and disseminated the evaluation report on December 16, 2024. By email dated December 16, 2024, the District invited the Parent to meet in person to discuss the evaluation. In a follow-up email at the end of that school day, the District notified the Parent that the evaluation had been sent home in the Student's folder. Ultimately, the Parent signed the evaluation on December 19, 2024.

The Student was withdrawn from the District on November 24, 2025.

On December 9, 2025, the Parent filed this formal complaint against the District alleging violation of IDEA and applicable state laws.

Conclusions of Law

Allegation #1

Whether the School failed to provide prior written notice and obtain informed parental consent for an initial evaluation within a reasonable time after the parent requested an evaluation to determine the Student's eligibility for special education and related services.

Bulletin 1508 § 509 requires districts to either deny a request for evaluation in writing or obtain informed consent from the parent for the initial evaluation within a reasonable time of the request.

With respect to the Parent's August 15, 2024 evaluation request, the record reflects the District received the request while school was not in session and did not immediately respond to the request with the required notice to refuse or request the parental consent to evaluation. However, following the start of the school year, the District conducted a review of the concerns and data, sent a written notice proposing to evaluate the Student and requested parental consent within four weeks of the request by September 17, 2024.

Thus, although the summer break did not relieve the District of its obligation to respond in a reasonable time, the record shows the District satisfied its obligations under Bulletin 1508 and obtained consent without unreasonable delay.

As such, allegation #1 is unsubstantiated.

Allegation #2

Whether the School complied with evaluation and eligibility procedures, including requirements related to parent participation, when conducting an initial evaluation and determining the student's eligibility for special education and related services.

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. Pursuant to Louisiana Bulletin 1706 §302(B), a parent of a student or the public agency may initiate a request for an initial evaluation to determine if the student is a student with a disability. The District must seek informed parental consent or issue prior written notice (PWN) explaining its refusal as outlined in 1706 §504(A) and (B). Once a parent consents to the initial evaluation, the LEA must "use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent" as required by 1706 § 305(B)(1) and completed within 60 business days, unless specific exceptions apply under 1706 § 302(C)(1). Bulletin 1706 § 305 requires that the student be assessed in all areas related to the suspected disability and that eligibility for special education and related service decisions be based on the results of an evaluation and determined by a group of qualified individuals, including the parent, following review and discussion of the data in accordance with 1706 § 307.

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.

In review of the Parent's August 16, 2024, request for an evaluation, the record demonstrates that the District reviewed the outside evaluation and other Student data and found evidence sufficient to suspect a disability. While the Parent provided an evaluation evidencing a medical diagnosis of Autism, medical records alone do not establish for the District a suspicion of a disability and is not synonymous with eligibility for special education services in the educational setting. While Districts must consider diagnoses and outside evaluations, it must independently determine whether it suspects a disability and if so, conduct an evaluation to then determine whether the Student is a student with a disability as defined by 1706 § 905. Based on the record, in this case, the District satisfied that obligation.

Following the decision to evaluate, the District sent a written proposal and obtained parental consent on September 24, 2024. The Parent's initial refusal to consent appeared to be based on the mistaken belief that the 2023-2024 SBLC screening activities was a full educational evaluation subject to the requirements of Bulletin 1508 prompting the request for its revision based on perceived errors and failures. Appropriately, the District included the Parent's concerns regarding the screener into the evaluation. Subsequent to the Parent's consent on September 24, 2024, the evaluation was promptly opened and completed on December 16, 2024—within 60 days as required by Bulletin 1508.

The record evidenced the Parent actively participated by completing the Parent interview, sharing frequent communication with the District and a conference with the District's diagnosticians who conducted the evaluation. The record also demonstrates the District shared a call with the Parent at the conclusion of the evaluation and advising the Student did not meet criteria for eligibility. Electronic notes of the meeting submitted by the District reflected that the District noted the Parent expressed an understanding of the findings and had no questions during the call. While the Parent express disagreement with the evaluation, disagreement alone is not evidence of an improperly conducted evaluation.

With respect to the Parent's concerns as it relates to the Student's behavior and the evaluation, the District reviewed the Student's previous psychological evaluation, social/emotional screener and data from the (1) Behavior Assessment System for Children-Third Edition (BASC-3) questionnaires completed by the Student's Parents and teacher; (2) BASC-3 Behavioral and Emotional Screening System (BASC-3 BESS); and, (3) data gathered from the

District's positive behavior intervention services. Based on the data, the District did not suspect a social/emotional disability.

Thus, the Department finds that the District conducted a comprehensive review of the existing evaluation data and relevant behavioral information. The record reflects that the District satisfied its procedural obligations in conducting the Student's evaluation by obtaining informed consent without unreasonable delay, including the Parent's participation and completed within statutory timelines, and assessed the Student in all areas of suspected disability. Moreover, the record is absent any evidence that the evaluation was not conducted in accordance with the requirements of Bulletin 1706 and failed to identify the Student violating the District's Child Find obligations.

As such, allegation #2 is unsubstantiated.

IV. 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 the Louisiana Bulletin 1706 with respect to the allegations presented in this matter. Therefore, this investigation is hereby closed and no additional action is required.

Sincerely,

Lindsey P. Dupree, Attorney

Office of Executive Counsel

Louisiana Department of Education

(225) 342-3572 (phone)/ (225) 342-1197 (fax)

DisputeResolution.DOE@la.gov

CC: Francis Touchet, Jr., Superintendent, Lafayette Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-57

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

February 11, 2026

[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 Special Education Formal Complaint No. **56-C-57**[redacted]

I. Introduction

On December 10, 2025, the Louisiana Department of Education ("Department" or "LDOE") received a formal state complaint from [redacted] ("Complainant" or "Parent") on behalf of their child, [redacted] ("Student"), a student formerly enrolled in a school under the jurisdiction of the East Baton Rouge Parish Public School System ("District").

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.; its implementing regulations at 34 C.F.R. Part 300; the Louisiana Children with Exceptionalities Act, La. R.S. 17:1941 et seq.; and the Department's implementing regulations set forth in Louisiana Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act.

The Student remained enrolled in the District until August 7, 2025. The complaint raises allegations concerning both the Student's public school enrollment and subsequent parentally placed private school enrollment. Specifically, the Parent asserts that the District: (1) failed to develop an individualized education program (IEP) that considered the Student's communication needs, including the Student's language and communication mode; (2) failed to implement the IEP, including the provision of related services and supplementary aids and services necessary to support communication and educational needs; (3) failed to conduct an evaluation in the Student's language or mode of communication most likely to yield accurate information; and (4) failed to offer or provide equitable services consistent with its responsibilities to parentally placed private school students under the IDEA's proportionate share provisions.

Pursuant to Bulletin 1706 §152(C), a complaint must allege a violation occurring not more than two years prior to the date the complaint is received. Accordingly, the scope of this investigation was limited to alleged violations occurring between **December 11, 2023**, and **December 10, 2025**.

The Department further notes that a due process decision was issued on May 16, 2025, adjudicating issues for the period January 23, 2023, through January 23, 2024. Under Bulletin 1706 §153(G), issues decided in that proceeding are binding on the parties. Preclusion applies to those specific issues and factual theories previously adjudicated within the relevant timeframe.

III. Findings of Fact

The Student has been identified as a child with a disability eligible for special education and related services under the IDEA.

The Student remained enrolled in a District-operated public school until August 7, 2025. Attendance during the 2024–2025 school year was limited.

IEPs dated February 21, 2024, and May 23, 2025, identify communication as an area of need and provide for speech-language pathology services. The IEPs describe the Student as nonverbal or minimally verbal and reflect implementation of a total communication approach, including gestures, limited sign use, picture exchange, verbalizations, visual supports, and augmentative and alternative communication (AAC) devices. Each IEP includes communication-related present levels of performance and measurable annual goals.

The IEP documentation reflects parental concerns regarding communication access, including references to American Sign Language ("ASL"). The Louisiana School for the Deaf, at the request of the District, administered the Kendall Conversational Proficiency Levels Assessment to determine the Student's ASL proficiency. The Student was assessed at P-Level 0+, corresponding to ASL proficiency comparable to approximately a one-year-old developmental level.

In April 2025, the Parent obtained a private neurodevelopmental evaluation from Compass Neurodevelopment Center, which identified limited cognitive and adaptive functioning.

The District disseminated a triennial Reevaluation Data Review ("RDR") in July 2025. The RDR reflects that the Student's initial evaluation was disseminated on February 22, 2017, with eligibility established under Autism. The RDR further reflects reevaluations conducted on February 18, 2020; March 19, 2021; and July 28, 2022, after which the Student continued to qualify under Autism, with Other Health Impairment identified as a secondary exceptionality.

The RDR documents the Student's historical receipt of speech-language pathology services, occupational therapy, school health services, adapted physical education, and assistive technology. It further reflects that the District reviewed the Parent's April 2025 private medical evaluation as part of the reevaluation process. While the District determined that the private evaluation did not meet criteria for eligibility determination under Bulletin 1508, it identified additional concerns to be addressed through further evaluation.

The RDR summarizes the Student's historical progress and previously provided supports but notes that progress during the 2024–2025 school year could not be determined due to lack of attendance.

The record also contains documentation describing the District's general procedures for consultation and the provision of equitable services. The complaint identifies the Student's current placement as a parentally placed private school.

IV. Conclusions of Law

Allegation 1 and 2

Under Bulletin 1706 §320, an IEP must include present levels of performance, measurable annual goals, and a description of special education and related services, including frequency, location, and duration. In developing the IEP, the team must consider the student's strengths, parental concerns, evaluation results, and academic, developmental, and functional needs, including communication needs, as required by Bulletin 1706 §324. Bulletin 1706 §323 further requires that an IEP be in effect and implemented during enrollment.

The record establishes that communication was consistently identified as a core area of need. The February 21, 2024, and May 23, 2025 IEPs document limited verbal output, use of multiple communication modalities, and reliance on assistive technology. Each includes present levels and measurable goals addressing receptive and expressive communication. Parental concerns, including requests related to ASL and communication access, were documented and discussed.

Although the Parent contends that ASL should have been designated as the Student's primary or exclusive language of instruction, Bulletin 1706 §324 requires consideration of communication needs and parental concerns; it does not mandate adoption of a particular methodology preferred by a parent. The record reflects that the District considered evaluation data, including ASL proficiency, documented parental input, and incorporated communication goals and services into the IEPs.

With respect to implementation, the Student's limited attendance during the 2024–2025 school year is relevant to service delivery. While attendance does not relieve the District of its obligations, the record does not establish that the District refused or withheld required services during periods when the Student was enrolled and available to receive them.

Based on the record within the review period, the Department concludes that the District developed and implemented the Student's IEPs in accordance with Bulletin 1706 §§320-324. Allegations 1 and 2 are not substantiated.

Allegation 3

Bulletin 1706 §305 requires that evaluation procedures be sufficiently comprehensive to identify all of a student's special education and related service needs, utilize a variety of assessment tools and strategies, and be administered in the child's native language or mode of communication unless clearly not feasible, so as to yield accurate information regarding what the child knows and can do.

The July 2025 Reevaluation Data Review reflects the Student's prior evaluative history, including assessments addressing cognitive, adaptive, and communication functioning. The RDR documents the Student's initial evaluation and subsequent reevaluations and summarizes the data considered in determining continued eligibility. The record further reflects that the Student's ASL proficiency was assessed through the Kendall Conversational Proficiency Levels Assessment, with results indicating P-Level 0+ proficiency, corresponding to ASL proficiency comparable to approximately a one-year-old. That information was incorporated into subsequent IEP documentation, which reflects the Student's use of multiple communication modalities within the educational setting.

Pursuant to Bulletin 1706 §306, a reevaluation may be conducted through review of existing evaluation data and input from parents and providers to determine whether additional data are necessary. The RDR reflects such a review and notes that the Student's limited attendance during the 2024–2025 school year restricted the availability of current school-based observational or in-person assessment data.

Although the Parent contends that evaluations should have been conducted in ASL, Bulletin 1706 §305 requires assessments to be administered in a manner likely to yield accurate and meaningful information;

it does not mandate exclusive use of a single communication modality identified by a parent. The record reflects that the District considered the Student's communication profile, including ASL proficiency, in both the evaluative and IEP development processes.

Accordingly, based on the record within the applicable review period, Allegation 3 is not substantiated.

Allegation 4

Bulletin 1706 §§130–138 requires a public agency to engage in timely and meaningful consultation regarding parentally placed private school students and to expend a proportionate share of federal funds for equitable services. However, such students do not have an individual entitlement to the same services they would receive if enrolled in public school; services, if provided, are delivered through a services plan rather than an IEP.

The record reflects that the Student's last day of enrollment in a District school was August 7, 2025, and that the Parent subsequently placed the Student in a private school. The record does not contain evidence that the Student was denied participation in equitable services, nor does it establish that the District failed to engage in required consultation or otherwise failed to fulfill its obligations under Bulletin 1706 §§130–138 during the period between withdrawal and the filing of the complaint.

On the record presented, Allegation 4 is not substantiated.

V. Corrective Action

The Department determined that the allegations in the complaint are not substantiated by the record. Accordingly, this investigation is closed, and no additional action is required.

Respectfully,

Domonique Dickerson

Domonique Dickerson
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 Public School System

Louisiana Special Education Complaint Investigation

56-C-58

LOUISIANA DEPARTMENT OF EDUCATION

December 18, 2025

[redacted]

Mary Ellen Hamner
Director of Special Education
Plaquemines Parish School System
1484 Woodland Highway
Belle Chasse, LA 70037
mhamner@ppsb.org

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-58**

Dear Parties:

On December 18, 2025, the Louisiana Department of Education received notification that indicated that 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 **56-C-58**. No further action is required by either party.

Sincerely,

Domonique Dickerson

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

CC: Dr. Shelley M. Ritz, Superintendent, Plaquemines Parish School System (email only)

Louisiana Special Education Complaint Investigation

56-C-59

LOUISIANA DEPARTMENT OF EDUCATION

February 11, 2026

[redacted]

Kelli Lafleur, M.Ed., Director
Special Education Department
Evangeline Parish School District
1123 Te Mamou Road
Ville Platte, LA 70586
Kelli.lafleur@epsb.com

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-59**

Dear Parties:

On February 10, 2026, the Louisiana Department of Education received notification that indicated that 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 **56-C-59**. No further action is required by either party.

Sincerely,

Domonique Dickerson

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

CC: Darwan Lazard, Superintendent, Evangeline Parish Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-60

LOUISIANA DEPARTMENT OF EDUCATION

April 9, 2026

[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
Dismissal of Special Education Formal Complaint No. **56-C-60**

Dear Parties:

On February 24, 2026, the Louisiana Department of Education received notification that Due Process Hearing Request 56-H-28 resulted in dismissal. Therefore, the LDOE is officially dismissing special education formal complaint **56-C-60.** No further action is required by either party.

Sincerely,

Lindsey P. Dupree
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 School Board (email only)

Louisiana Special Education Complaint Investigation

56-C-61

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

February 10, 2026

[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. **56-C-61 on behalf of** [redacted]

I. Introduction

On **December 16, 2025**, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") and requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153 on behalf of the child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of the East Baton Rouge Parish Public Schools ("District").

II. Statement of the Case

In the complaint, the Parent Advocate 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 Department must determine:

1. **Evaluation**
   Whether the District failed to ensure that the Student's evaluation was sufficiently comprehensive to identify all special education and related service specifically by failing to assess the student in all areas of suspected disability when it failed to conduct a Cortical Visual Impairment screening.
2. **FAPE**
   Whether the District's alleged actions of, allowing unqualified/noncertified individuals to conduct evaluations and screenings, has resulted in denial of the students' right to FAPE.

As the Department's assigned investigator, I have 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 December 16, 2025. Therefore, the investigation was limited to alleged violations of law that occurred between December 17, 2023, and December 16, 2025.

Findings of Fact

The Student's initial evaluation was disseminated on February 22, 2017 and qualified for special education and related services under the primary exceptionality of Autism and received speech-language pathology and occupational therapy. Reevaluations occurred on February 18, 2020; March 19, 2021 and July 28, 2022. When the Student was reevaluated in July of 2022 the Student continued eligibility under the exceptionality of Autism with a secondary exceptionality of Other Health Impairment. In addition to the speech and OT services, the Student's related services expanded to include school health services, adapted physical education and assistive technology services. The Student's most recent reevaluation was the Student's triennial, which was initiated on May 2, 2025 and disseminated on July 28, 2025.

The Student received a private medical evaluation ordered by the Student's physician and conducted by Compass Neurodevelopmental Center on April 1, 2025 for a targeted evaluation of the Student's cognitive and adaptive functioning.

On December 16, 2025, the Parent filed the complaint that formed the basis of the Department's investigation.

Conclusions of Law

Allegation #1 & 2

The Parent alleges the District did not evaluate all areas of suspected disability because it failed to conduct the required screening and evaluation for Cortical Visual Impairment (CVI) when indicators are present during the most recent reevaluation. Further, the Parent suggested the evaluation may not have been conducted by qualified, appropriately trained personnel. In support of this allegation, the Parent points to the Student's neurological risk factors, visual processing difficulties and difficulty with visually guided tasks as well as the concerns of therapists and teachers.

Under Bulletin 1508 § 507, evaluations must be sufficiently comprehensive to identify all of a student's special education and related services needs in all areas related to suspected disability. Further required, evaluations must involve appropriately qualified personnel. Bulletin 1508 and 1706 also provides that the evaluation should include data from existing educational and medical records and any additional assessments deemed necessary. With respect to reevaluations 1706 § 306, district must conduct the reevaluations to determine whether a student continues to have a disability and what services are needed. A review of existing data may suffice if the data are adequate to determine whether the student continues to have an exceptionality and what services are needed. Additional assessment is required only if new concerns arise or existing data are insufficient**.**

In regards to visual screenings, districts must ensure these are conducted as part of the pupil appraisal process; however, CVI screenings are not automatically required as part of an evaluation and are included only when there is indication of neurological impairment in the student's history or data. There must be evidence that the district suspected the disability in the area of concern.

The Parent reports that the Student presented clear indicators of CVI based on their neurological risk factors; however, the record does not reflect that these factors had been linked to any historical or active concern for the Student's functional vision, including at the time of the July 2025 reevaluation. Under 1706 and 1508, the District is obligated to review the data from the July 2022 evaluation as well as other educational/ medical information. With respect to the April 1, 2025 private medical evaluation, the District reported that it reviewed

the medical report during the reevaluation and noted there were no documented concerns regarding vision.

The Department examined the Student's prior evaluations and medical records and found that these records do not reflect any diagnosed visual impairments or raised suspicion of a visual processing disorder. The 2017 initial evaluation noted the Student's visual acuity appeared appropriate and noted the Parent did not express concerns regarding vision. No concerns regarding the Student's vision were raised in the 2020 reevaluation. The July 2022 reevaluation included new concerns regarding dyslexia, dysgraphia and dyscalculia, but did not include any previous or new visual processing impairment concerns. The vision screener conducted as part of the reevaluation indicated the Student's vision was 'normal'. A functional vision screening was conducted as part of that evaluation and notes within concluded the Student's vision 'is adequate for navigating within his classroom setting, seeing printed materials, and seeing images on the classroom white board.'

Upon review of the July 2025 medical evaluation, it was noted the Physician referred the Student for a "targeted evaluation of cognitive and adaptive functioning." According to this evaluation, the student has limited cognitive functioning and limited adapted behavior skills. Although, the physician note commented that the vision and hearing were adequate for the purpose of the evaluation, there is no neurological vision impairment concerns noted or observed. The record reflects no new data was introduced prior to or during the July 2025 reevaluation that would cause the District to suspect visual processing concerns that would warrant a CVI screening. As such, the District reasonably relied on the current reevaluation data as well as the physician's note confirming that no visual concerns were present at the time of the evaluation. The District completed the reevaluation data review and found the existing data sufficient to determine continued eligibility for the Student.

Lastly, the Parent does not identify reasons to suspect the evaluation or screening may have been conducted by unqualified or non-certified individuals. The record is void of evidence that the Student's evaluation was not conducted by qualified personnel as required by Bulletin 1508 nor does the Parent provide evidence to support a concern that any District evaluator lacked the credentials required.

In conclusion, the Department finds the record does not support the Parent's allegations.
As such, the Department finds allegation #1 and #2 is <u>unsubstantiated.</u>

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 the Louisiana Bulletin 1706 with respect to the allegations presented in this matter. Therefore, this investigation is hereby closed and no additional action is required.

Sincerely,

Lindsey P. Dupree, 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 Public Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-62

LOUISIANA DEPARTMENT OF EDUCATION

January 20, 2026

[redacted]

Patricia Thibodeaux, Principal
Vermillion Charter Academy
2801 LA Hwy 343
Maurice, LA 70555
Patricia.thibodeaux@vermilioncharter.org

Pauline Soileau
Regional Special Education Coordinator
Charter Schools USA at Southwest Louisiana, LLC
2801 LA Hwy 343
Maurice, LA 70555
psoileau@charterschoolsusa.com

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-62**

Dear Parties:

On January 15, 2026, the Louisiana Department of Education received notification that indicated that 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 **56-C-62**. No further action is required by either party.

Sincerely,

Domonique Dickerson

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

CC: Dr. Lonnie Luce, State Superintendent of Charter Schools USA at Southwest Louisiana, LLC (email only)

Louisiana Special Education Complaint Investigation

56-C-63

LOUISIANA DEPARTMENT OF EDUCATION

February 3, 2026

[redacted]

Dr. K. Scott LeJeune
Supervisor of Special Education &
Pupil Appraisal Services
Allen Parish School Board
P.O. Drawer C (1111 W. 7th Avenue)
Oberlin, LA 70655
scott.lejeune@apsb.us

RE: Formal Complaint Investigation
Dismissal of Special Education Formal Complaint No. **56-C-63**

Dear Parties:

On January 29, 2026, the Louisiana Department of Education received notification that indicated that 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 **56-C-63**. No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
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

56-C-64

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

April 24, 2026

[redacted]

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

RE: Formal Complaint Investigation on behalf of [redacted]
Notification and Request for Response in Special Education Formal Complaint No. **56-C-64**

Dear Parties:

On **January 5, 2026**, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") and requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153 on behalf of the child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of Allen Parish School Board ("the District").

I. Statement of the Case

In the complaint, the Parent Advocate 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 Department must determine:

1. IEP Implementation

Whether the District failed to implement the Student's IEP by (1) making unilateral changes to ELA intervention from prior schedule to SPIRE Next without IEP Team meeting or parent input and (2) failing to implement IEP accommodations including extended time during illness and earbuds.

2. Prior Written Notice

Whether the District failed to provide Prior Written Notice when proposing/refusing: (a) ELA intervention/SPIRE Next changes (b) restoration of prior intervention schedule and (c) accommodations including earbuds enforcement.

3. Parental Participation

Whether the District failed to ensure Parent meaningful participation in IEP meetings, to document parent concerns in IEP meetings and to include Parent in service change decisions as well as excluding requested staff from IEP meetings.

4. FAPE Denial

Whether the District failed to provide appropriately designed ELA special education supports, relying on general interventions/"limited free resources" despite active IEP, and not implementing individualized instructional alternatives during extended absences and remote learning period.

5. Education Records

Whether the District failed to provide education records by delaying/denying the Parent's requests for progress monitoring data, SPIRE Next diagnostics and complete records despite repeated requests.

As the Department's assigned investigator, I have 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 January 5, 2026. Therefore, the investigation was limited to alleged violations of law that occurred between January 6, 2024, and January 5, 2026.

II. Findings of Fact

At all times relevant to this complaint, the Student was enrolled in a school within the District. The Student qualifies under the exceptionality of Other Health Impairments. The Student's disability impacts the Student's ability to make progress in the general curriculum and, therefore, requires mild instructional supports from special education services within their general curriculum classroom during a portion of their day.

The Student's current IEP indicates the Student receives 45 minutes of daily special education instruction inside their general education classroom and accommodations, including read-aloud and testing, modified assignments and tests, calculator for math computations, extended time and breaks for classroom work and assessments, and additional time for written assignments, as well as small group testing.

Because the complaint did not consistently identify dates associated with each of the alleged violations, the Department has relied on the available record to reconstruct the relevant timeline and facts.

Within the complaint period, the Student's IEP Team convened multiple times, including for annual reviews, amendments, and meetings requested by the Parent. Relevant IEPs include those effective September 18, 2023; September 16, 2024 (with a December 2024 amendment); and August 29, 2025 (with a December 17, 2025 amendment).

By email dated September 4, 2024, and on September 19, 2024, Parent emailed District regarding an absence

due to illness and requested email addresses for the Student's teachers. The Student's annual IEP meeting was conducted on September 16, 2024. This IEP included an instructional plan that included goals to address content areas of concern that included Biology, English, Geometry, Civics, and Study Skills to be monitored through graded assignments. With respect to accommodations, the IEP included the specific provision for the use of earbuds to implement the Student's read-aloud accommodations. Additionally, the IEP contained the Parent's written concerns.

By email dated September 23, 2024, the Parent requested an update regarding the Student's services, stating that IXL services---as a part of the IEP progress monitoring---had not yet been provided. Following this email, on September 24, 2024, the Parent requested worksheet completed by the Student. The District replied with a link to the book from which the worksheet was used. On September 26, 2024, the District also provided email addresses and information regarding IXL access, outside tutoring services, and an update related to the Student's interventions. In a reply email, the Parent expressed concern regarding the Student's ELA support and the current supports provided in the content area of Study Skills.

By email dated November 1, 2024, the District requested the Parent's input regarding the provision of SPIRE Next Interventions with one-on-one instruction with the Student's teacher for ELA as additional support to "fill in any kind of gaps in comprehension." In reply, the Parent expressed interest in the recommendation, but shared concerns regarding the teacher's qualifications in the SPIRE Next Curriculum. The District explained the teacher uses the intervention in their classroom regularly and further that the program would generate measurable data for progress.

On November 6, 2024, the Parent requested an IEP meeting to discuss concerns regarding the use of SPIRE Next interventions. The District agreed to a meeting and issued a PNL on November 7, 2024 to schedule an IEP meeting for December 3, 2024, which would include review of reevaluation results as well as review the Student's placement and services. The Student's triennial re-evaluation was completed and the Student was determined to have continued eligibility for the exceptionality of OHI. The IEP Team subsequently convened the meeting and attached the Parent's concern letter dated 11/22/2024 to the IEP. The Student's IEP was amended to reflect the changes made during this meeting.

By email dated December 10, 2024, the Parent requested student level records including the Student's IXL progress monitoring report, test/content examples of the Student's graded assignments and data generated related to SPIRE Next. On December 11, 2024, the District replied with updated preliminary data regarding the Student's academic progress in IXL while awaiting for the diagnostic test results. The District communicated that a "concrete solution" for additional ELA support had not yet been determined and the Student's SPIRE Next graded paperwork would be scanned and provided following an upcoming final read.

By email dated January 11, 2025, Parent communicated their belief that the Student was not receiving individualized academic support services and requested contracted academic support services for the Student. The Parent also expressed their belief that the SPIRE Next support with the SPED teacher was not requested or agreed to.

On February 12, 2025, Parent requested an IEP meeting to discuss the Student's progress and IEP goals. On

February 25, 2025, an IEP meeting was held, and an NPRA dated February 25, 2025, was issued to the Parent. The Student's progress reports and completed work was reviewed including IXL data from January and February.

By email dated April 7, 2025, the Parent advised the District of the Student's return to the school on April 4, 2025, following the Student's report of a Title IX violation by other students. The Parent noted the Student began remote learning as a result and requested an IEP meeting. A PNL was provided to the Parent arranging an IEP meeting for April 23, 2025, to discuss the Student's needs related to the Student's remote learning setting for safety concerns. The meeting was convened and an NPRA dated April 23, 2025, was issued proposing schedule changes for the upcoming year, the Student's ability to make up any work missed through Google classroom, ELA concerns and a review of the Student's English progress for LEAP and ACT. The Parent requested tutoring for ELA and District advised it did not offer tutoring through SPED. Arrangements were made for the Student to receive one-on-one assistance instead with school personnel during the Student's P.E. time.

On August 20, 2025, the District issued a PNL of the Student's Annual IEP meeting scheduled and subsequently held on August 29, 2025. An NPRA dated August 29, 2025, was issued to the Parent and signed the same day. Parental concerns were noted in the IEP for additional instruction regarding ELA, accommodations given for Pre-ACT, and updating goals.

By email dated December 8, 2025, the Parent notified the District that the Student's previous absences dated November 18, 2025, through December 8, 2025, were due to an illness. The Parent requested an IEP meeting based on the length of the absence to review current services, discuss required adjustments and ensure services during and following extended absences. A PNL was issued on December 8, 2025 and signed by parent on December 9, 2025. An IEP meeting was held on December 17, 2025. In response to a records request made during the IEP meeting the District provided responsive records on December 19, 2025.

On January 5, 2026, the Parent submitted their formal complaint request to the Department of Education.

III. Conclusions of Law

Allegation 1. IEP Implementation

The Parent alleged that the District failed to implement the Student's IEP by (1) making unilateral changes to ELA intervention from prior schedule to SPIRE Next without IEP Team meeting or parent input and (2) failing to implement IEP accommodations including extended time during illness and earbuds.

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. Once an IEP is developed, any changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting, or the parent and district may agree without an IEP Team meeting in accordance with § 324.

The Parent alleged that in 2024 the District used the general education intervention SPIRE Next as the primary vehicle for the delivery of the Student's IEP required special education instruction during the Student's

"intervention" time at school. The Parent asserted that this change in schedule impacted the delivery of services, resulting in a failure to provide specialized instruction and thus, an implementation of the IEP. The record, however, does not support this conclusion.

The record reflects that the District implements a block schedule whereby classes are 90 minutes long. The Student's schedule included a course titled Study Skills, during which time the Student received special education instruction and supports from their assigned educator, but not to the exclusion of other general education-based interventions and instruction. The Student's time is divided such that 45 minutes is dedicated to the provision of the Student's special instruction as required by the Student's IEP and the remainder is spent in general education instruction. While the District introduced SPIRE Next interventions during this class period, the record indicates the interventions were provided alongside the Student's special instruction—not in place of.

The record does not support the conclusion that changes made within the Student's classroom to receive SPIRE Next interventions impacted the delivery of special education instruction either by replacing or reducing any individualized services. While the District sought the Parent's input before it implemented these additional interventions, it was not obligated to do so because the provision of these general education supports was not tantamount to a change in IEP services or placement triggering procedural safeguards of notice and participation (see allegation #2 for further explanation). Based on the records, the District was providing specialized supports and actively seeking additional and available ELA supports as requested by the Parent. The record supports the conclusion that the District continued to make required supports and accommodations available to ensure the Student's progress and ensured ongoing access to FAPE as evidenced by the Student's progress reports.

As it relates to IEP required accommodations and the provision of the use of earbuds, the record reflects the Student's IEPs—past and present—include accommodations for read aloud and text-to-speech services. However, the IEPs have *not* consistently included a specific provision for the use of earbuds.

While the September 2024 IEP included the specific use of earbuds over headphones, the August 2025 IEP—which was the effective IEP at the time the District banned the use of earbuds---did not contain this requirement. Thus, while the Parent and Student may have maintained a preference for earbuds, the record demonstrates the IEP did not dictate their use. The District provided the Student headphones and therefore, satisfied its obligation to implement the IEP as written. When the IEP Team met on December 17, 2025, an amendment was made to the IEP to allow the use of earbuds for the Student, and there is no evidence to show that the District has since failed to allow the Student to use the earbuds.

The Department finds the record does not support the conclusion that the District failed to implement the Student's IEP by introducing the SPIRE Next supports. Additionally, the District met its obligation to provide accommodations in accordance with the Student's IEP. Thus, the Department finds allegation #1 is unsubstantiated.

Allegation 2: Prior Written Notice

The Parent alleged the District failed to provide Prior Written Notice when proposing/refusing: (a) ELA intervention/SPIRE Next changes (b) restoration of prior intervention schedule and (c) accommodations including earbuds enforcement.

Generally, as provided in 1706 § 322, districts are required to take steps, including the provision of meeting notices, to ensure that parents are reasonably informed of circumstances that impact the education of their child and participate in IEP team meetings. However, districts may make administrative changes without prior

written notice or parental consent or the need to convene an IEP Team meeting where such changes do not constitute a change in educational placement under the IDEA. This includes such as modifications to the student schedules, general education instruction and interventions and classroom settings. A change in placement under the IDEA may occur when the Student's specialized minutes or related services have been reduced or the Student is moved to a more restrictive or less inclusive setting. This would also trigger the protections under 1706 §504, that require districts to issue prior written notice to the parents of a student with a disability within a reasonable amount of time, and no less than ten days, before the public agency proposes or refuses a change in identification, evaluation, or educational placement of a student or the provision of a free appropriate public education to the student. Under those circumstances, Bulletin 1706 § 502 (C) requires districts to ensure that a parent of each student with a disability is a member of any group that makes decisions on the education placement of the parent's child.

As previously determined, the District made a permissible administrative decision to provide general education interventions to the Student within the Student's Study Skills class, did not rise to the level of a change of placement under the IDEA and did not trigger procedural safeguards necessitating PWN before doing so. Regardless, the District obtained the Parent's input. In response to the Parent's request for an IEP to address this issue, the District issued a PNL, convened a meeting to discuss the Parent's concerns related to the Student's interventions, incorporated the Parent's November 11, 2024 letter of concern and issued a legally sufficient, timely PWN.

In regards to any notice required prior to the denial of accommodations for earbuds, the Department finds there was no such requirement. The record demonstrated that (1) the accommodation had not been removed, but only a provision articulating the specific use of earbuds and (2) the Parent received adequate notice of this removal. With respect to item 1, The Student's previous IEP—September 2024—included a specific provision for the use of earbuds. However, the August 2025 IEP was applicable during the denial of earbuds and did not include this specific provision. With respect to item 2, the Parent asserted that they did not have notice that the accommodation had been removed from the IEP however, the Parent attended the August 2025 IEP meeting, actively participated in the meeting and waived the 10-day review period opting to implement the IEP immediately. Thus, the record evidences the Parent had adequate notice of the removal.

Ultimately, when the District implemented a "ban" on earbuds, the Student's August 2025 IEP required only that the District provide accommodations as written in the IEP. Headphones were provided to the Student and therefore, the District satisfied its obligation to implement the accommodations. Thus, the District was under no obligation to allow earbuds nor required to issue the Parent any additional notice before denying its use.

Ultimately, the IEP was amended to include preferred use of earbuds in order to implement the read aloud accommodation in December of 2025 as requested by the Parent. Records evidence that a PNL was issued on December 8, 2025 and signed by parent on December 9, 2025. Subsequently the meeting was held on December 17, 2025. Thus, the District issued a timely PNL and a timely, procedurally sufficient NPRA to the Parent.

Thus, the record shows the District did not make a change that triggered procedural safeguards of notice and has otherwise consistently issued timely, sufficient, and procedurally compliant notice regarding the Student's educational services and the educational setting during the relevant timeframe of this complaint. Accordingly, the Department finds allegations #2 is unsubstantiated.

Allegation 3:

The Parent alleged the District failed to ensure Parent meaningful participation in IEP meetings, to document parent concerns in IEP meetings and to include the Parent in service change decisions as well as excluding requested staff from IEP meetings

As stated above, Bulletin 1706 §322(A) provides that parents must be afforded the opportunity to participate in meetings concerning the identification, evaluation, educational placement, and provision of services for their child. The LEA must take affirmative steps to ensure that parents are present at each IEP meeting or have the opportunity to participate, including providing timely notice and scheduling meetings at a mutually agreed-upon time and place. Parents may participate in person, by telephone, or through other alternative means. Bulletin 1706 §328. Once an IEP is developed, any changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting, or the parent and district may agree without an IEP Team meeting in accordance with § 324. Further, Louisiana Bulletin 1706 § 324(B)(1)(b) requires school districts to review and, if necessary, revise the IEP of a student to address parent-provided information about the student.

As it relates to the addition of SPIRE Next during the Student's intervention time, the provision of the general education intervention service was administrative in nature and did not impact the receipt of the Student's special instruction. The record reflects the District included the Parent in the decision and contemplated their input, but had no obligation under the IDEA to do so.

The evidence demonstrated the Student's IEP team met frequently throughout the relevant timeframe with the District consistently responding to the Parent's request for IEP meetings by issuing timely Parent notification letters, conducting the Student's IEP meetings with the Parent's participation, integrating the Parent's written concerns into the IEPs and issued timely, sufficient NPRA's following the meetings. The record also demonstrated the parties communicated frequently concerning the Student's progress.

The Department finds the record supports the conclusion that the District did not fail to provide the Parent with meaningful opportunities for participation in the decision-making processes for their Student. Accordingly, allegation #3 is unsubstantiated.

Allegation 4:

The Parent alleged that the District failed to provide appropriately designed ELA special education supports, relying on general interventions/"limited free resources" despite an active IEP, and not implementing individualized instructional alternatives during extended absences and the remote learning period.

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

As determined above, the evidence does not support the conclusion that the District failed to provide specially designed ELA instruction to the Student and did not rely on SPIRE Next for delivering the Student's specialized instruction. Thus, the District did not deny the Student FAPE as it relates to the provision of the Student's IEP in the classroom setting.

The record reflects two relevant time periods regarding "absences", which included one of extended absence and one remote learning period. The Parent has alleged that the District failed to ensure the provision of FAPE (1) during the Student's virtual learning period in April of 2025 and (2) during the Student's absence from

November 11, 2025, to December 8, 2025. The Parent alleged the District did not ensure access to instruction and services during these periods.

The record shows the April temporary remote learning period was utilized for safety concerns following an incident involving the Student. The Parent requested an IEP meeting in their April 7, 2025 email, which was held on April 23, 2025, within a reasonable time frame of the Parent's request to discuss the Student's needs as it related to their IEP and the remote learning. The April 23, 2025, NPRA reflected the District provided the Student the opportunity to make up missed works through Google Classroom with implemented accommodations, addressed ELA concerns and reviewed the Student's English progress for LEAP and ACT. Arrangements were made for the Student to receive one-on-one assistance for LEAP preparation with school personnel during the Student's P.E. time. The Parent requested tutoring for ELA and was advised the District does not offer tutoring through its special education program.

With respect to the November 15-December 8, 2025 absences, the District received notice on December 8, 2025, upon the Student's return. As a general matter, providing notification of an extended absence provided after it has occurred impedes a district's ability to proactively plan to ensure implementation of a student's services. In this case, the Parent provided a delayed notice impeding the District's ability to plan for and deliver the services while the Student was absent. The availability of services did not change and the District continued to the make FAPE available to the Student. The only barrier to the receipt of services was the absence, which is a participation issue rather than a failure to provide FAPE. Thus, the issue now turns on whether the District provided the Student an opportunity to make up missed services.

The record demonstrates that the District satisfied this obligation. At the December 17, 2025 IEP meeting, the Student's grades and missing assignments were reviewed. The District made all missed course work available through Google Classroom and ensured the implementation of accommodations including extra time to complete the work. Based on the NPRA issued to the Parent, the District did not refuse any requested supports, services or adjustments related to the Student's absence. The Parent alleged the Student received failing or near failing grades because the extra time accommodations were applied too narrowly; however, the record does not support that conclusion. Rather, the record reflects that the Student's extra time accommodations were appropriately implemented for assignments and tests in compliance with the IEP as written.

The Department finds the District appropriately implemented the Student's IEP supports both in the classroom and virtual settings and was provided opportunity to complete missed work/ receive missed services. The record does not support a finding that the District failed to provide FAPE to the Student and accordingly, allegation #4 is unsubstantiated.

Allegation 5:

The Parent alleged the District failed to provide education records by delaying/denying the Parent's requests for progress monitoring data, SPIRE Next diagnostics, and complete records despite repeated requests.

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.

The Parent's allegations regarding educational records broadly claimed records requests were either unanswered, delayed, or incomplete. Specifically, the Parent asserted that progress monitoring data and SPIRE

Next graded assignments were not released. The Parent listed records requested but did not identify specific dates or information sufficient to determine with specificity all record requests that remained unanswered, delayed, or incomplete.

From the record submitted, there were various requests made within email communications, which the District appeared to consistently respond within a 45-day timeframe. A September 24, 2024, email evidenced that the Parent requested a worksheet that had been completed by the Student. The District timely responded on September 26, 2024, with a link to the worksheet. An additional response was provided that included email addresses of teachers and information regarding IXL access, as well as information regarding tutoring.

A December 10, 2024, email included a request for the Student's IXL progress monitoring report, including beginning and current scores, test/content examples of the Student's work that were graded assignments, and any SPIRE data/testing to include starting and current scores. The District again timely responded on December 11, 2024, with updated preliminary data regarding the Student's academic progress in IXL and advised that it was currently awaiting diagnostic test results and the Student's SPIRE Next graded paperwork would be scanned and provided. The Parent alleges the District failed to provide the graded paperwork and therefore, failed to provide complete student records. The record contains insufficient evidence that would allow the Department to determine whether or not the records had been provided directly to the Parent in a reply email. However, the District advised the Department that these records were available on a continuous basis through JCampus Parent Portal.

Lastly, the District identified the December 19, 2025 email as the direct response to a request for educational records made during the Student's December 17, 2025 IEP meeting. This email indicated that "all student records" were included and that the email contained "every record requested." This record response was received by the Parent well within the 45 days within which the District is required to respond. Based on the records submitted, the Department finds the District responded timely to the records requests the Department could identify within the record. Accordingly, allegation #5 unsubstantiated.

IV. 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 the Louisiana Bulletin 1706 with respect to the allegations presented in this matter. Therefore, this investigation is hereby closed and no additional action is required.

Sincerely,

Lindsey P. Dupree, Attorney
Office of General Counsel
Louisiana Department of Education
(225) 342-3572 (phone)/(225) 342-1197 (fax)
DisputeResolution.DOE@la.gov

Louisiana Special Education Complaint Investigation

56-C-65

LOUISIANA DEPARTMENT OF EDUCATION

January 26, 2026

[redacted]

Dr. Adrina Million, Director
LeBlanc Special Services Center
Ascension Parish Schools
611 N. Burnside Avenue
Gonzales, LA 70737
Adrina.million@apsb.org

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-65**

Dear Parties:

On January 22, 2026, the Louisiana Department of Education received notification that indicated that 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 **56-C-65**. No further action is required by either party.

Sincerely,

Domonique Dickerson

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

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

Louisiana Special Education Complaint Investigation

56-C-66

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

April 27, 2026

[redacted]

Tameka Seamster, Executive Director
Department of Exceptional Children
Caddo Parish Schools
1961 Midway Avenue
Shreveport, LA 71108
tseamster@caddoschools.org

RE: Formal Complaint Investigation No. **56-C-66** Decision on behalf of [redacted]

Dear Parties:

On December 26, 2025, the Louisiana Department of Education ("the Department") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") and requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153 on behalf of their child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of Caddo Parish Public Schools ("the District"). On January 5, 2026 the Department received a second complaint referencing the Parent's December 26, 2026 complaint and containing substantively related additional allegations. For this reason, the Department consolidated them. On **January 27, 2026,** the Department received an amendment to the complaint from the Parent and an additional complaint containing substantively related or repetitive allegations. For this reason, the Department consolidated them.

I. Statement of the Case

In the complaint, the Parent raised six allegations asserting 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 the Department's implementing regulations set forth in Louisiana Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act. Specifically, the Parent alleged that the District:

1. Whether the District failed to implement the Student's Individualized Educational Program (IEP) with fidelity;
2. Whether the District failed to convene the IEP Team before making decisions regarding the Student's

placement and services;

3. Whether the District failed to provide the Parent meaningful opportunities to participate in educational decisions regarding the Student's placement, discipline and academic decisions;
4. Whether the District failed to provide the Student with placement in the least restrictive environment;
5. Whether the District failed to ensure that the Student was afforded disciplinary procedural safeguards, including improperly conducting a Manifestation Determination Review prior to expelling the Student;
6. Whether the District denied the student a free appropriate public education (FAPE) by failing to provide appropriate supervision and supports during testing, interrupting the Student's ability to access assessments; restricting access to campus including resources and services; during Student's incarceration resulting in failing grades in core courses.

Pursuant to Louisiana Bulletin 1706 § 152(C), a complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received." Accordingly, the investigation of any alleged violations is limited to conduct occurring two years from the date of the filing of the amended complaint.

II. Findings of Fact

At all times relevant to this complaint, the Student is a student under the jurisdiction of the District. The Student qualifies for special education under the exceptionality of Other Health Impairments (OHI) with medical diagnoses that included ADD, ADHD, impaired environmental functioning and reduced efficiency in school work. Relevant to this complaint, the Student's most recent reevaluation was completed on January 31, 2024, which found the Student continued to qualify for special education services under the exceptionality of OHI.

The Student's disability impacts their ability to make progress in the general curriculum and, therefore, requires instructional supports from special education services within their general curriculum. The accommodations implemented within the IEP include read aloud text to speech for instruction and testing; Modified tests with reduced answer choices; calculator for math computation; extended time in classroom instruction and testing and online instruction; and individual testing and online setting. The Student, throughout the applicable timeframe, has received special education instruction services weekly through the District's Content Mastery Center (CMC) via ZOOM and/or on campus, delivered by an inclusion teacher in accordance with the IEP. It may be noted that until the Student's October 2025 IEP was amended, the Student received social work services for 30 minutes twice monthly. This service was removed at the request of the Parent.

During the timeframe of the complaint, the Student received general and special education services in various settings including an academic recovery program through August of 2024 at which point they returned to their District home school. The Student attended virtually for the first half of the 2024-2025 school year. Following an IEP meeting in January of 2025, the Student completed the remainder of the year on school campus. During the summer and prior to the beginning of the 2025-2026 school year, the Student was incarcerated. The incarceration continued through September 25, 2025, which fell within the first nine weeks of the fall semester. Due to the incarceration, the District dropped the Student in accordance with school policy.

With respect to events in 2024 relevant to possible violations of IDEA law, beginning September of 2024 the Student was attending school as a virtual learner. The Parent initiated text communications by phone with the Student's teacher beginning October 11, 2024 through January of 2025 concerning the Student's access to

assignments and quizzes. On December 16, 2024 the Parent reported to have received a call regarding the Student's required unit testing. On or about December 17, 2024-December 19, 2024, the Student began unit testing on school campus.

The Parent reported that in August of 2025 they reached out to the District with intentions to re-enroll the Student for the 2025-2026 school year. By email dated September 9, 2025, the Parent declined a proposal from the District to transfer the Student into the District's alternative setting stating they wanted the Student to attend the school upon release. Consistent across the evidence, the Parent expressed a strong desire for the Student to graduate in May of 2026.

In a reply email, the District notified the Parent the Student would not graduate in May attending traditional setting due to the timing of enrollment and the Student's inability to earn sufficient seat time to earn required Carnegie units. The Student and Parent desired for the Student to graduate on time in May of 2026. As a result, the Student was subsequently enrolled on September 26, 2025 into the Student's virtual program, Edgenuity.

To resolve issues regarding the receipt of special education instruction through CMC, an IEP Team meeting was held on October 15, 2025, at which time it was determined that the Student attend the District's CMC to receive special education instruction for 30 minutes via ZOOM. Noted within the Student's October 2025 IEP were measurable goals in content areas including Reading Comprehension and Mathematics to be measured through progress monitoring.

An IEP meeting was held on December 15, 2025, to conduct a review of the Student's IEP, which was amended the document to remove Social work services, but maintain the receipt of special instruction through CMC.

The parent subsequently filed a formal complaint with the Department on January 5, 2026 and subsequently amended the complaint on January 27, 2026.

These findings form the basis for the Department's analysis and conclusions of law regarding the allegations raised in the complaint.

III. Conclusions of Law

Overview. The Department carefully reviewed all documentation submitted by both the Parent and the District, including correspondence, records, and other materials reflecting disagreements between the parties. Much of the record presents interactions and disagreements between the parties regarding various aspects of the Student's educational program. Many of these materials are evidence of generalized disagreements, differing interpretations, or arguments over peripheral details only. Information of that nature alone does not establish whether the District failed to comply with the procedural or substantive requirements of the Individuals with Disabilities Education Act (IDEA).

The Department is limited to evaluating evidence that is directly relevant to the legal standards for IDEA compliance. Thus, the Department has evaluated only the evidence relevant to whether alleged procedural or substantive violations occurred and whether those violations impeded the Student's right to FAPE, impeded the Parent's opportunity to participate in educational decision-making processes, or caused a deprivation of educational benefit as required by the IDEA. Accordingly, while all submitted information was reviewed and

considered, the Department based its conclusions only on evidence relevant to the applicable IDEA legal standards.

Allegations #1 and #6:

The Parent alleged the District committed multiple failures to implement the Student's Individualized Educational Program (IEP) with fidelity within the applicable two year complaint timeframe and in doing so, denied the student a free appropriate public education (FAPE).

As it related to the 2024-2025 school year, the Parent alleged the District failed to implement the IEP by (1) denying the Student access to the campus to receive special instruction through CMC twice weekly 30 minute sessions while enrolled as a virtual student and (2) failing to provide access and supports to the Student's virtual program coursework with consistency; and (3) by failing to provide IEP required support and accommodations during unit testing in December 2024.

With respect to the 2025-2026 school year, the Parent alleged that the District failed to implement the IEP by (1) failing to provide special education services to the Student during their incarceration at CCC and (2) failing to provide access to the campus to receive instruction through CMC once weekly 30 minute sessions.

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). Bulletin 1706 §§320–324 provide that districts must implement each student's IEP as written, ensure the timely and consistent delivery of special education services, related services, accommodations, assistive technology, and supplementary aids and services necessary to ensure FAPE. This includes the obligation to implement the IEP with fidelity and to respond to parental concerns in a manner consistent with the requirements of Bulletin 1706. The failure to fully implement an IEP constitutes a denial of FAPE. A material failure to implement an IEP, as opposed to a minor or de minimis deviation, is required to establish a denial of FAPE.

Because the allegations indicate ongoing violations within the applicable two year timeframe, the Department will discuss these violations based on the school years.

2024-2025 School year

As it relates to the receipt of special instruction in 2024-2025 school year, the record established the Student's specialized instruction and accommodations were provided through the Edgenuity virtual program preloaded with assignments and the Student's accommodations. The Parent heavily asserted that the District failed to provide access and assistance to the Student's assignments provided through the virtual platform and restricted access to the campus to receive the Student's specialized instruction through CMC. The record, however, does not contain relevant evidence sufficient to substantiate the allegation.

a. Delivery of special instruction through virtual program

As it relates to the Student's access to their virtual program in 2024, the evidence does not support the allegations that the District failed to provide access or accommodations. The record contained text messages between the Parent and District's teacher from October 2024 through December 2024 reflecting the Parent and teacher communicating when the Student needed access to locked assignments or requesting the teacher bypass required "quizzes" to proceed to the next assignment. Many of these requests were sent after school

hours and over weekends. The evidence demonstrated that the teacher responded consistently and within a reasonable time to either unlock or bypass the virtual assignments that were requested with few exceptions. Bypassing the assignments appeared to occur to accommodate the Student when additional time was needed to complete the assignment. Absent evidence to the contrary, the record supports a reasonable conclusion that the District provided access and the required accommodations to the Student.

b. Access to CMC

The Student's operative IEP required the provision of special instruction support 30 minutes twice a week by an inclusion instructor. There was no evidence within the record demonstrating services were not consistently provided or made available. While the Parent provided evidence of general disputes regarding access to the campus, evidence of that nature does not establish that the District denied access to the campus for the appointed services at the appointed time. The record reflects that the services were available and the Student was given access to campus for the appropriate purpose to attend CMC at the appropriate time.

c. Accommodations during 2024 LEAP Testing

The Parent alleged that the District failed to properly supervise the Student during testing in December of 2024, including failing to provide access to the assessments, abandoning the Student or consistently interrupting the Student affecting their ability to complete the tests.

The District submitted records regarding testing conducted on December 11, 2025, December 12, 2025 and December 16, 2025. The submission included copies of the District's Test Security and Administration-CBT-Record of Distribution and Receipt of Secure Test Items log, a device log and the test session time log reflecting the Student's start and stop times for each day of testing as well as a copy of the guidelines governing test administrators interactions with students under testing conditions.

However, the District's response did not address the allegations regarding the December 2024 testing and no records regarding the 2024 testing were submitted for the Department's review. As advised in the Department's January 27, 2026 amended complaint notice, a failure to respond to the allegation results in a negative inference. As such, the Department will infer that the District failed to provide the IEP required accommodations and substantiates the allegation.

Accordingly, the Department does not find sufficient evidence to establish that the District materially failed to implement the Student's IEP during the 2024-2025 school year, except with regards to testing.

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, the Department provided an initial written notice on January 13, 2026 and an amended notice dated January 27, 2026 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.

On March 30, 2026, the Department provided a written notice memorializing an extension of the decision date as agreed. The Department provided an opportunity for the parties to submit information as requested by the Department. The District did not timely submit any evidence to (1) verify that the Student received services pursuant to the Student's IEP as written during the 2024 testing or (2) source of authority relieving the District of its obligation to provide special education to the Student.

In the absence of responsive evidence from the District, the Department draws a negative inference. The failure to demonstrate that required testing accommodations were provided constitutes a material failure to implement the IEP and a denial of FAPE.

2025-2026 School year

a. Failure to provide services during Student incarceration

As it relates to the Student's incarceration, the District advised the Department that services were not provided to the Student during their detention at CCC in accordance with the District's policy. CCC is a parish jail located in Shreveport and is the primary detention facility in Caddo Parish. It is an adult correctional facility and does not routinely house juveniles such as the Student. Among the reasons that a juvenile would be detained at CCC, one is dependent on the legal classification of the charges against the juvenile. This would include a situation where a minor is accused of a serious offense such that if charged as an adult, would constitute a felony.

While the District provided a copy of its policy to support its basis for dropping the Student, it did not submit evidence to show that it had also been relieved of its legal obligation to provide special education services to the Student due to the nature of the Student's crime. The Department noted the District provided explanation that it was unable to provide services at CCC because the facility was unable to ensure safety of service providers. However, the Student's detention in CCC did not extinguish the District's obligation to ensure the provision of special education services in accordance with the IEP. The District did not demonstrate that any legal exception applied that would relived it of its obligation to provide services under IDEA or Bulletin 1706. While that may be an explanation for why the District was unable to ensure the delivery of special education services, it is not evidence sufficient to show the District was no longer obligated to provide services to the Student. In absence of such evidence, the Department finds the District failed to implement the Student's IEP with fidelity during the period in which the Student was incarcerated.

b. 2025-2026 access to IEP required CMC

The Student's January 2025 and October 2025 IEP required the provision of 30 minutes of special instruction to be made available through ZOOM and/or on campus. While the Parent provided evidence of disputes regarding campus access, the evidence is insufficient to establish that the Student was denied access during the specific timeframe of 9:00 to 9:30 to receive services online or on campus.

With respect to the Student's specialized instruction and access to campus, the Student's IEP indicated the Student would receive special instruction virtually through the District's Content Mastery Center (CMC). The virtual CMC instruction time remained available to the Student during the timeframe of the complaint. Although

the Parent alleged the Student was denied access to the school building to attend CMC, the record demonstrates the District consistently permitted the Student to receive instruction from 9:00 to 9:30 am either via Zoom and/or on campus. Thus, the District made the services available to the Student in accordance with the IEP. However, the record reflects that the Student did not consistently attend the available CMC sessions. Progress reports in 2025 indicated the Student was not making sufficient progress in content areas subject to the IEP for lack of participation due to failing to attend the CMC virtual sessions.

The IDEA requires districts to make services available, but does not require districts compel student attendance or participation.

Thus, with respect to the 2025-2026 school year, the Department finds sufficient evidence to establish that the District met its obligation to implement the IEP by making CMC available, but failed to provide services while the Student was incarcerated.

In summary, allegation #1 and #6 are substantiated in part, and only as it relates to the District's failure to implement the Student's IEP and denial of FAPE (1) during testing in December of 2024 and (2) during the Student's detention in CCC in the fall of 2025.

Allegation #2 and #4:

The Parent alleged the District failed to convene the IEP Team before changing the Student's placement and services. The Parent further alleged that the resulting placement in virtual learning denied the Student FAPE in the least restrictive environment (LRE).

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. Bulletin 1706 §116 requires that placement decisions be made by the IEP Team and determined by a group of persons, including the parent, knowledgeable about the student. Decisions must be based on the Student's unique needs, ensuring that the LRE determination aligns with both the Student's educational and developmental requirements. 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.

An educational change of placement under the IDEA occurs when a Student is moved to a more restrictive or less inclusive setting. A fully virtual placement constitutes a more restrictive environment because it reduces the Student's access to nondisabled peers and the general educational setting. Under those circumstances, Bulletin 1706 § 502 (C) requires districts to ensure that a parent of each student with a disability is a member of the group of persons that makes decisions on the education placement of the parent's child. This would also trigger the protections under 1706 §504, that require districts to issue prior written notice (PWN) to the parents of a student with a disability within a reasonable amount of time, and no less than ten days, before the public agency proposes or refuses a change in identification, evaluation, or educational placement of a student or the provision of a free appropriate public education to the student. A placement change that is not made in accordance with

those requirements may constitute a procedural violation of the IDEA.

The Student's January 2025 IEP was in effect at the time of the District's decision to place the Student in virtual learning. This occurred upon the Student's return to school (following incarceration) for the 2025-26 school year. The District admitted in its response that an IEP meeting was not convened before the Student began receiving general and special education through the virtual learning platform. This decision moved the Student from an inclusion placement to completely virtual. Ultimately, the Student was placed in the more restrictive virtual learning environment outside of an IEP Team decision. The Department noted that special circumstances influenced this decision, which included the Parent and Student's heavy insistence for "on time" graduation. However, despite the Parent's involvement in these discussions, the District was not relieved of its obligation to conduct a procedurally compliant placement change where the IEP Team, including the Parent, would determine the appropriateness of the change to ensure LRE to the Student.

The Department finds the District failed to conduct an IEP meeting and issue PWN to the Parent of the District's proposal to place the Student in virtual learning. Thus, allegation #2 is substantiated.

Despite the procedural defects in the District's placement determination, the Department must determine whether the placement was substantively consistent with LRE requirements. As an initial matter, a fully virtual placement is more restrictive than an in-person inclusion setting. Such placement limits the Student's interaction with nondisabled peers in the general education environment.

Thus, the legal standard is whether the Student could have been educated satisfactorily in a less restrictive setting with supplementary aids and services and whether those supports were considered or attempted. Based on the record, the Student had previously received instruction in both virtual and inclusion settings. The Student's IEP operative at the time indicated the Student last attended in person prior to the virtual placement. However, the Student had significant credit deficits and would not be able to obtain the necessary Carnegie units to graduate timely through traditional in-person attendance due to seat-time requirements. Because an IEP meeting was not conducted prior to the placement, the Team did not formally analyze whether the Student could be educated in a less restrictive setting with supports.

While graduation timelines alone cannot justify a more restrictive placement, the record reflects that the District selected virtual instruction as a means of providing the Student continued access to the general education curriculum and special education services while addressing the Student's unique circumstances related to credit accrual requirements. The record does not demonstrate that a less restrictive alternative would have enabled the Student to make appropriate progress toward graduation. Thus, in light of the record, the Department finds the District's decision was a reasonable application of LRE principles to enable the Student to make appropriate progress towards graduation under the circumstances presented in this case.

Procedural violations constitute a denial of FAPE only if they impede the Student's right to FAPE, the Parent's opportunity to participate in decision-making, or cause a deprivation of educational benefit. Accordingly, although the District failed to follow required procedures in making the placement decision, the evidence does not establish that the Student's placement in virtual learning was substantively inconsistent with LRE

requirements and did not result in a denial of FAPE. Therefore, the Department concludes allegation #4 is unsubstantiated.

Allegation #3:

The Parent alleged that the District failed to provide them with meaningful opportunities to participate in educational decisions regarding the Student's placement, discipline and academic decisions.

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 regulatory requirement is for the District to provide a reasonable opportunity to participate.

As it relates to whether the District provided the Parent meaningful opportunities to participate in decision making in 2024, the Parent's allegation letter included admission that they were in attendance and actively participated in IEP meetings during the 2024-25 school year. However, the Parent asserted that the District often changed the Student's IEPs following the meetings. However, the Parent did not provided sufficient evidence to establish that IEPs had been altered. There is no evidence within the District's record submission that would serve to warrant suspicion of or substantiate that claim. Thus, the record reflects the Parent was given a reasonable opportunity to participate and did so meaningfully in 2024.

As previously determined, the District failed to comply with the procedural requirement to issue PWN to the Parent prior to completing a change of placement. However, the Parent was involved in the discussions and made their desire for the Student to graduate in May of 2026 known. Together, the District and the Parent met to determine the setting in which the Student would attend to allow the Student to graduate. Thus, as it related specifically to the 2025-26 school year, change of placement decision, the Parent was afforded an opportunity to participate in meetings regarding the Student's placement and programming.

Accordingly, allegation #3 is unsubstantiated.

Allegation 5:

Whether the District failed to ensure that the student was afforded disciplinary procedural safeguards, including improperly conducting a Manifestation Determination Review prior to expelling the Student.

The Parent's complaint narrative alleged that the Student was expelled on or about July 2024 through an improperly conducted MDR. However, the records submitted to the Department by the District reflect the MDR was conducted on August 25, 2023. Pursuant to Louisiana Bulletin 1706 § 152(C), a complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received." As noted in the formal complaint notice, this investigation is limited to conduct occurring between January 6, 2024, and January 5, 2026. The alleged violations occurred more than two years prior to the date of the filing of this complaint. Accordingly, the Department lacks jurisdiction to investigate this allegation.

Accordingly, the Department finds allegation #5 is unsubstantiated.

IV. Corrective Action

Based on the Department's findings that the District failed to (1) implement the Student's IEP during the period of incarceration and (2) demonstrate that required accommodations were provided during unit testing in December of 2024 and (3) conduct a procedurally compliant change of placement, including convening an IEP meeting and issuing PWN, the District shall take the following corrective actions to remedy the identified violations and ensure future compliance:

- Within 15 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 the Student's IEP during the period of incarceration and
        - the failure to provide required accommodations during unit testing in December of 2024.

    The District shall ensure that any compensatory services determined by the Team are initiated promptly and delivered within a reasonable timeframe.

  The Parent shall be invited to participate in this meeting as a full member of the team. The Team must document its determination.

- 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 IEPs and accommodations with fidelity across instructional and assessment settings and documenting accommodations during testing;
        - obligations related to the provision of special education services to students in nontraditional settings, including incarceration and the District's continuing responsibility unless jurisdiction is lawfully transferred;
        - the role of staff in identifying and responding to student access barriers;
        - requirements for convening an IEP Team prior to change of placement; and,
        - meeting and notice requirements and procedures for addressing parent concerns and documentation.
- 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 IEP amendments or documentation;
    - Compensatory education and assessment determinations;
    - Evidence of staff training and participation, including sign-in sheets, agendas, and training materials
- Within 45 calendar days, the District shall review and revise all relevant policies, procedures, and practices to ensure compliance with the IDEA and Bulletin 1706 regarding the provision and documentation of special education services. This review shall include procedures for addressing the provision or coordination of services for students placed in incarceration settings.
    - All revised materials must include:
        - Procedures for documenting efforts to coordinate with correctional facilities or other agencies;
        - Procedures for documenting barriers to service delivery and steps taken to address

those barriers;
    - Guidance on determining when responsibility for providing FAPE remains with the District and when it has been lawfully transferred.

- Within 45 calendar days, the District shall submit a narrative summary detailing all policy and practice changes, as well as steps taken to ensure ongoing compliance.

Sincerely,

Lindsey P. Dupree, Attorney

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

CC: Keith Burton, Superintendent, Caddo Parish School System (email only)

Louisiana Special Education Complaint Investigation

56-C-67

LOUISIANA DEPARTMENT OF EDUCATION

February 9, 2026

[redacted]

Phaedra Blake
Special Education Coordinator
Lincoln Parish School District
410 South Farmerville Street
Ruston, LA 71270
Phaedra.blake@lincolnschools.org

RE: Formal Complaint Investigation
Dismissal of Special Education Formal Complaint No. **56-C-67**

Dear Parties:

On February 6, 2026 the Louisiana Department of Education received notification that indicated that 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 **56-C-67**. No further action is required by either party.

Sincerely,

Domonique Dickerson

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

CC: Rickey Durrett, Superintendent, Lincoln Parish School Board (email only)
John Young, Assistant Superintendent, Lincoln Parish School Board (email only)

Louisiana Special Education Complaint Investigation

56-C-68

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

March 6, 2026

[redacted]

Jennifer Vicknair, Director
Ascension Parish School Board
611 N. Burnside Avenue
Gonzales, LA 70737
Jennifer.vicknair@apsb.org

RE: Findings-Decision in State Special Education Formal Complaint No. 56-C-68 on behalf of [redacted]

Introduction

On November 13, 2025, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") and requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153 on behalf of the child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of the Ascension Parish School Board ("District").

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 Department must determine:

1. Whether the District failed to implement the Student's Individualized Education Program (IEP), including required behavioral supports and interventions, during the incident that occurred on December 3, 2025.
2. Whether the District failed to timely review and, as appropriate, revise the Student's IEP in response to the December 3, 2025 incident.
3. Whether the District complied with Louisiana Revised Statute 17:1948 regarding cameras in certain classrooms.

As the Department's assigned investigator, I have reviewed the complaint and the supporting documents submitted. 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 January 5, 2026. Therefore, the investigation was limited to alleged violations of law that occurred between January 6, 2024, and January 5, 2026.

Findings of Fact

The Student that is the subject of this complaint is a non-verbal student who qualifies for special education services with the exceptionality of Autism. Due to significant communication issues, the Student utilizes a high tech Augmentative and Alternative Communication (AAC) device for speech output along with simple gestures to communicate.

On December 3, 2025, the Student appeared dysregulated when they refused verbal cues to come out from under a table during lunch. The Student was placed in a sensory room; however, once inside the sensory room, the Student's behavior escalated into physical acts that resulted in injury to another student and a paraprofessional. At approximately 12:10, the District called the Parent to notify them that the Student would receive a discipline referral for their behavior. The Parent inquired as to whether the Student's Behavior Intervention Plan (BIP) had been reviewed. A little over an hour later at approximately 1:15, the Student disrobed, urinated on the floor, defecated twice and began spreading the feces on the floor and themselves. A second call was placed to the Parent requesting them to come to the school and clean the Student. Shortly thereafter, a message was sent to the Parent requesting they bring items to clean the Student as well as additional clothing. Upon arrival, the Parent entered the sensory room and observed the Student lying on the floor in the feces inside a sensory sock. Staff members were present in the room while the Parent proceeded to clean the Student.

That same day, the Parent emailed the District requesting a timeline of the events that transpired. The District responded with exact times and the corresponding behavior of the Student as well as the District's actions.

By email dated December 8, 2025, the Parent submitted a completed 'Incident Report and Request to View Video' to the District pertaining to the alleged neglect of a student by a District employee that occurred in "both of the SWSD classrooms."

By email dated December 9, 2025, the District responded granting review of the incident report and notifying the Parents that an investigation of the allegations had commenced. The District directed the Parent to reach out to the special education department of the school to arrange the viewing and provided a copy of the 'Cameras in Special Education Classroom Setting' procedures.

An internal meeting was held by the District on December 9, 2025 to discuss the events of December 3, 2025 and updating the crisis plan as well as the District's response to handling biohazardous materials and fecal matter.

On December 10, 2025, the Parent emailed a formal request for a change of placement for the Student and expressed their concerns about safety, supervision and adequate behavior crisis supports at the current school. The Parents articulated that they did not believe the school was able to provide the student with FAPE. A functional behavior assessment was completed on this date as well.

On December 15, 2025, the District convened an IEP amendment meeting. The Parent reviewed the video recording of the December 3rd incident along with members of administration.

By email dated December 16, 2025, the Parent requested video footage of the December 3, 2025 behavioral event to be preserved by the District and other parties.

On January 5, 2026, the Parent filed the complaint that formed the basis of the Department's investigation.

Conclusion of Law
Allegation 1

Whether the District failed to implement the Student's Individualized Education Program (IEP), including required behavioral supports and interventions, during the incident that occurred on December 3, 2025

The District did not dispute this allegation. In response, the District advised the Student's AA C device arrived at the school with insufficient charge and had been placed on the charger in the Student's classroom. The Student, however, was in the connecting classroom during the incident that occurred on December 3, 2026.

The District submitted its proposed corrective action plan as follows:

1. The teacher and paraprofessionals must ensure that AAC Device is with the Student at all times.
2. The District's Assistive Technology (AT) Facilitator provided the Student with a second device to ensure that there is a backup.
3. The AAC Device must be charged at all times when not in use.
4. Each student at BUP has a back-up AAC device so that there are multiples accessible when needed.

Upon review, the Department determined that the District's proposed corrective actions adequately addressed the allegation and are substantially equivalent to any corrective action that would have been ordered had the allegations been substantiated.

Based on the record, the Department finds the District in noncompliance as it relates to allegation #1 and requires documentation demonstrating implementation of the above listed corrective actions. Therefore, allegation #1 is substantiated. While the District has expressed its willingness to undertake corrective measures, formal verification of compliance is required to ensure that all obligations are fully satisfied.

Allegation #2:
Whether the District failed to timely review and, as appropriate, revise the Student's IEP in response to the December 3, 2025 incident.

Louisiana Bulletin 1706 § 324(B)(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 to address any lack of expected progress toward the annual IEP goals or general education curriculum, information about the student provided to or by the parents as described under 306(A)(2), the students anticipated needs or other matters.

Here, the record demonstrates an IEP meeting was held on December 15, 2025 in direct response to the events that occurred on December 3, 2025 and specifically to review the results of the December 10, 2025 Functional Behavioral Assessment (FBA) and subsequently review and revise strategies and goals within the Student's BIP. Appropriate adjustments to the Student's crisis plan were made as well. The Team considered the Student's behavior and performance, input from teachers and the parents, progress monitoring, grades and medical information.

Results of the FBA recommended interventions to include a visual schedule, schedule breaks, chunk tasks, social stories, token economy, first/then strategies, forced choice, low/high tech communication and sensory tools. These interventions were incorporated into the Student's BIP Setting Event, Antecedent, Replacement Behavior Training and Consequence interventions. The Crisis Plan laid out four levels of behavior and proactive strategies integrating the suggested interventions to be implemented as the Student's behavior would

escalate. The plan provided prescribed actions to be taken by the District staff to support the Student when in crisis. The Student's IEP included extensive notes regarding the Parent's concerns including consistent communication regarding the reporting of behaviors, a request to transfer schools, transition time into sensory time and included an update to the Student's behavior goals. The updated behavior goal included three objectives. For objective 1, when a single verbal direction is given by an adult, the Student will follow directions with visual and verbal prompts without sliding out their chair 8 out of the 10 directives for 4 out of 5 opportunities. Objective 2 included a single verbal direction that did not result in the Student falling on the floor in 8 out of 10 directives for 4 out of 5 progress monitoring opportunities. Objective 3 included a single verbal direction is given by an adult, the Student will follow directions with visual and verbal prompts without emitting tantrum behavior for five seconds after the request for the tasks being presented in 8 out of 10 directives for 4 out of 5 progress monitoring opportunities.

At closure of the IEP meeting, it was determined a timed wait period would be implemented and then the Student would be escorted to individual sensory time before peers arrived. Prior Written Notice (PWN) dated December 15, 2025 proposing to make the changes to the Student's IEP was issued and signed that same day by the Parent. The Parent opted to have the changes take effect immediately.

Based on the record, the Department finds the District did not fail to timely review and revise the Student's IEP in response to the December 3, 2025 incident. As such, allegation #2 is unsubstantiated.

Allegation #3

Whether the District complied with Louisiana Revised Statute 17:1948 regarding cameras in certain classrooms.

Louisiana Revised Statutes 17:1948 requires that each school district in Louisiana adopt policies relative to the installation and operation of cameras that record both video and audio in a classroom. The policy must include provisions regarding retention, storage and disposal of the video and audio records, including a requirement that the recordings be retained for at least one month from the recording date. Viewing must be limited to the Superintendent or his designee and the parent or legal guardian of a recorded student upon request. District's must include procedures regarding how a parent or legal guardian may request to review a recording, under what circumstances a request may be made and any limitations to a request.

Per the record, operational cameras were present and recorded the December 3, 2025 incident. The Parent's December 8, 2025 request to view the video footage was granted by the District on December 9, 2025 and the Parent subsequently viewed the video on December 15, 2025. A copy of the District's 'Cameras in the Special Education Classroom' policy was submitted to the record and includes a provision stating that captured video/audio recordings are retained for at least one (1) month after the recording date. The policy, however, allows that the video will not be disposed of after one month when there is an outstanding request to view the recording. The Parent's request to view the video had been satisfied on December 15, 2025 when they requested the District preserved the video on December 16, 2025. Thus, a request to view the recording was no longer outstanding.

Based on the record, the Department concludes the District provided the Parent an opportunity to review the video footage as requested. At the time the Parent requested the video to be preserved, District was within the one month preservation window. No evidence was submitted to show the District disposed of the video before one month elapsed or while there was an outstanding request to review the recording. Accordingly, based on the evidence presented, the District is not in violation of La. R.S. 17:1948. Allegation #3 is unsubstantiated.

Required Corrective Actions

Based on the remedial measures implemented by the District, the District is directed to take the following corrective actions:

1. Within 60 calendar days, the District shall provide training to all District staff that have regular contact with the Student addressing the legal requirements concerning IEP implementation and assistive technology services/devices as outlined in the Student's IEP.
    i. If trainings have occurred, provide evidence of any trainings performed in relation to this matter and/or
2. The District shall submit:
    a. A copy of sign-in sheets and/or attendance log;
    b. Training materials documenting the District's provision of training to relevant staff addressing the legal requirements as stated above; and,
    c. Evidence that back-up AAC devices, materials and/or supplies are provided as the District stated in their March 4, 2026 corrective action plan in response to this complaint.

Sincerely,

Lindsey P. Dupree, Attorney

Office of Executive Counsel

Louisiana Department of Education

(225) 342-3572 (phone)/ (225) 342-1197 (fax)

DisputeResolution.DOE@la.gov

CC: Dr. Edith Walker, Superintendent, Ascension Parish School Board (email only)

Louisiana Special Education Complaint Investigation

56-C-69

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

March 10, 2026

[redacted]

Rochell Hillard
Director of Diverse Learning
New Harmony High School
3819 St. Claude Avenue
New Orleans, LA 70117
rochell.hillard@newharmonyhigh.org

Re: Findings-Decision in Special Education Formal **Complaint No. 56-C-69**[redacted]

I. Introduction

On January 9, 2026, the Louisiana Department of Education ("Department") received a formal written complaint from [redacted], concerning New Harmony High School ("Charter School"), a Type 2 self-governing public charter school.

II. Statement of the Case

In the complaint, the Parent alleges that the Charter School 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 the Department's implementing regulations set forth in Louisiana Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act. Specifically, the Parent asserts that:

1. New Harmony High School failed to comply with its Child Find obligations by not timely identifying, locating, and evaluating the student between August and November 2025 when information available to the school may have given rise to suspicion that the student was a student with a disability in need of special education and related services; and
2. New Harmony High School failed to provide the disciplinary protections applicable to a student not yet determined eligible for special education at the time of disciplinary removals in August and December 2025.

On January 15, 2026, the Department issued written notice of the complaint to the parties and identified the allegations under investigation.

The notice informed the Charter School that it may submit a written response no later than February 4, 2026, and that responses must include a narrative explanation of relevant facts supported by documentation. The notice further advised that both parties may submit additional documentation by February 6, 2026.

The notice also explained that appropriate supporting documentation may include records such as evaluation reports, written requests for evaluation, prior written notices, intervention records, discipline records, communication logs, and other documents relevant to the allegations.

The Charter School submitted a narrative response on February 4, 2026; however, it did not submit documentation supporting the assertions in its response. During the investigation, the Department requested additional documentation from the Charter School to verify the assertions contained in its response, including documentation related to intervention reviews, referral determinations, and disciplinary records. The Charter School did not provide the requested documentation. The Department also requested additional documentation from the Parent, who did provide responsive documentation.

Under Bulletin 1706 §152(C), a complaint must allege a violation that occurred not more than two years prior to the date the complaint is received. Accordingly, the Department's investigation is limited to conduct occurring between January 10, 2024 and January 9, 2026.

III. Findings of Fact

The Student was enrolled at the Charter School for a portion of the 2025–2026 school year.

On August 6, 2025, the Parent emailed school personnel stating that the Student did not have a current individualized education program (IEP) or a Section 504 accommodation plan. The Parent further stated that the Student's therapist recommended that the Student be considered for an IEP. The Parent attached a prior evaluation and stated that they were unfamiliar with the evaluation process and asked what steps were necessary to have the Student retested.

On August 7, 2025, a school administrator acknowledged receipt of the Parent's email and indicated that another staff member would provide guidance regarding next steps.

On August 13, 2025, school personnel communicated with the Parent regarding obtaining documentation to support the development of a Section 504 accommodation plan. The Parent provided an additional assessment recommending accommodations.

On August 18, 2025, the Parent submitted a physician letter confirming that the Student had a diagnosis of [redacted].

On the same date, the Charter School's school personnel responded that a draft Section 504 plan would be prepared.

The record indicates that the Charter School transmitted a draft 504 plan to the Parent on December 2, 2025.

The Parent alleges that on November 18, 2025, the Student was involved in a disciplinary incident that resulted in removal from school and suspension.

The Charter School states in its response that the Student received a three-day suspension related to the November 18, 2025 incident.

The Charter School did not provide documentation demonstrating that the Student's needs were reviewed through a School Building Level Committee (SBLC), Response to Intervention (RTI) process, or referral review during the relevant period. The Charter School also did not provide disciplinary records, removal logs, or incident reports related to the November 18, 2025 disciplinary incident.

IV. Conclusions of Law

Allegation 1

Under the Individuals with Disabilities Education Act, public agencies must identify, locate, and evaluate all children with disabilities who are suspected of having a disability and who may need special education and related services. 20 U.S.C. § 1400 et seq.; 34 C.F.R. § 300.111.

Louisiana implements this obligation through Bulletin 1706 §111(A)(1), which requires local educational agencies to ensure that students suspected of having disabilities are identified, located, and evaluated. In addition, Bulletin 1706 §111(A)(2) requires each public agency to document that ongoing identification activities are conducted to identify, locate, and evaluate students suspected of having a disability and in need of special education and related services.

Louisiana pupil appraisal procedures further require local educational agencies to maintain procedures to identify students suspected of exceptionalities and to review relevant student data when concerns arise regarding disability or the need for special education services. Bulletin 1508 §103(A).

In this case, the Parent informed school personnel on August 6, 2025 that the Student's therapist recommended consideration for an IEP and requested guidance regarding how the Student could be retested. The Parent subsequently provided documentation confirming that the Student had a diagnosis [redacted] and provided prior evaluation records.

These communications provided the Charter School with information indicating that the Student had a diagnosed disability and that the Parent was seeking guidance regarding evaluation procedures. When such information is received, a public agency must consider whether the student should be referred for an evaluation under IDEA and document its decision-making consistent with state procedures.

The Charter School asserts that the Student's academic performance did not indicate a need for special education services and that the Student's performance was monitored by school staff. However, the Charter School did not provide documentation demonstrating that the Student's needs were formally reviewed through a School Building Level Committee (SBLC) process, intervention review, or other documented determination regarding whether an individual evaluation under the IDEA was warranted.

Because Bulletin 1706 §111(A)(2) requires public agencies to document ongoing identification activities and because the Charter School did not provide documentation demonstrating that it conducted a referral review or otherwise considered whether an IDEA evaluation was appropriate after receiving the Parent's concerns and disability documentation, the Charter School did not demonstrate compliance with Child Find procedures required by Bulletin 1706 §111(A)(1)–(2) and Bulletin 1508 §103(A).

Accordingly, Allegation 1 is substantiated.

Allegation 2

Under IDEA, students who have not yet been determined eligible for special education may receive certain disciplinary protections if the public agency had knowledge that the student was a child with a disability prior to the behavior that resulted in disciplinary action. 34 C.F.R. § 300.534.

Louisiana implements this obligation through Bulletin 1706 §534, which provides that a public agency is deemed to have knowledge that a student may be a student with a disability if, before the behavior that precipitated the disciplinary action occurred, the parent expressed concerns in writing to supervisory or administrative personnel that the student is in need of special education and related services or requested an evaluation of the student.

These protections apply when disciplinary removals constitute a change of placement. Under Bulletin 1706 §530(B)(1), school personnel may remove a student with a disability who violates a code of student conduct from the student's current placement for not more than ten consecutive school days, provided that the removal does not constitute a change of placement. Additional disciplinary protections apply

when removals exceed this threshold or constitute a pattern of removals that results in a disciplinary change of placement. See 34 C.F.R. § 300.536; Bulletin 1706 §§530 and 534.

The Parent alleges that the Student was suspended following a disciplinary incident on November 18, 2025. The Charter School states that the Student received a three-day suspension related to this incident.

The Department requested disciplinary records and documentation related to the November 18, 2025 suspension. However, the Charter School did not provide disciplinary records, removal logs, or incident reports verifying the duration of the suspension or whether the Student experienced multiple removals during the relevant period.

Because the available record does not contain sufficient documentation verifying the number or duration of disciplinary removals, the Department cannot determine whether the disciplinary action constituted a change of placement that would have required the disciplinary protections described in Bulletin 1706 §§530 and 534.

Accordingly, Allegation 2 cannot be substantiated based on the available record.

V. Corrective Action

Pursuant to the Department's authority under the Individuals with Disabilities Education Act and Louisiana Bulletin 1706 §§151–153, when noncompliance is identified through the state complaint process, the Department must require corrective action designed to remedy the identified noncompliance and ensure future compliance with applicable federal and state special education requirements.

The Department determined that the Charter School did not demonstrate compliance with its Child Find obligations during the period relevant to this complaint. Accordingly, the following corrective actions are required to address the identified noncompliance and ensure that appropriate procedures are implemented and maintained.

Revision of Policies and Procedures

- Within 30 calendar days of the issuance of this decision, New Harmony High School must submit to the Department revised written policies and procedures describing how the school will ensure compliance with Child Find obligations under IDEA, Bulletin 1706, and Bulletin 1508. The submission must include documentation describing how the school will conduct ongoing identification activities designed to identify, locate, and evaluate students who are suspected of having a disability and who may be in need of special education and related services. The revised policies and procedures must also identify the staff position(s) responsible for implementing and overseeing the Child Find procedures; and

Compliance Assurance

- Within 30 calendar days of the issuance of this decision, the Charter School must provide written assurance to the Department that it will maintain documentation demonstrating that ongoing identification activities are conducted to identify, locate, and evaluate each student suspected of having a disability and in need of special education and related services, consistent with Bulletin 1706 and Bulletin 1508.

Staff Training

- Within 60 calendar days of the issuance of this decision, the Charter School must provide training to relevant personnel—including administrators, teachers, counselors, and staff responsible for student support services—regarding Child Find obligations under IDEA, Louisiana Bulletin 1706,

and Bulletin 1508. Documentation of the training must be submitted to the Department and must include: (1) the training agenda or outline; (2) the training materials used; and (3) a sign-in sheet identifying all staff who attended the training.

Respectfully,

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CC: Dr. Joshua Washington, Executive Director, New Harmony High School

Louisiana Special Education Complaint Investigation

56-C-70

DR. CADE BRUMLEY
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LOUISIANA DEPARTMENT OF EDUCATION

March 9, 2026

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Re: Findings-Decision in Behavioral Health Services Formal **Complaint No. 56-C-70**

I. Introduction

On January 9, 2026, the Louisiana Department of Education ("Department") received a formal written complaint from Heather Guillot ("Complainant"), a private provider of behavioral health services, alleging that the St. Charles Parish Public Schools ("District") failed to comply with the requirements of La. R.S. 17:173 concerning the provision of behavioral health services to students during the school day. Specifically, the Complainant alleges that the District's policy and practices either prohibit or improperly restrict access to behavioral health services and limit the scheduling of such services during the school day.

Pursuant to La. R.S. 17:173 and its implementing regulations in Bulletin 135 §705, the Department is authorized to receive, investigate, and issue determinations regarding complaints alleging noncompliance with behavioral health service requirements. In accordance with these authorities, the Department reviewed the complaint, the District's response, and all documentation submitted by the parties and conducted an independent investigation of the allegations.

Under Bulletin 135 §705(C), a complaint must allege a violation that occurred not more than one year prior to the date the complaint is received. Accordingly, the Department's investigation is limited to conduct occurring between January 10, 2025 and January 9, 2026.

II. Findings of Fact

The Complainant is the owner of an Applied Behavior Analysis (ABA) therapy company providing behavioral health services to students.

On or about November 2025, parents of multiple students attending schools within the District contacted the District requesting that behavioral health services from the Complainant be delivered to their children during the school day.

Upon receiving the parental requests, the District provided parents and the provider with documentation and forms related to its intake process for behavioral health services on school campuses.

The District requested documentation including a parental request form, a parental application form, a behavioral health provider application, a consent to release information form, a behavioral health evaluation, a behavioral health treatment plan, and documentation verifying completion of a Louisiana State Police criminal background check. The District also requested proof of liability insurance and a memorandum of understanding for the provider's presence on campus.

Following the District's request for documentation, the Complainant disputed certain documentation requirements, including the requirement to provide verification of a Louisiana State Police criminal background check.

The Complainant asserted that possession of a valid license issued by the Louisiana Behavior Analyst Board demonstrates that the required background checks have been completed.

The District maintained that documentation verifying completion of the criminal background check was required before the provider could begin services on campus. In December 2025 and January 2026, the Complainant sought verification from the Louisiana Behavior Analyst Board confirming that licensed behavior analysts have completed required background checks. The District indicated that it would accept a signed verification letter from the Louisiana Behavior Analyst Board as documentation satisfying its background check requirement.

The Complainant submitted treatment plans for at least two students requesting that behavioral health services be delivered during the school day.

On December 19, 2025, a District administrator communicated to the provider that the treatment plan hours would need to be adjusted and stated that the treatment times on the treatment plans for both schools needed to be adjusted so that services would "not exceed 90 minutes per week."

The Complainant objected to the proposed limitation and asserted that restricting treatment hours conflicted with treatment plans developed by the behavioral health provider.

On January 9, 2026, the Complainant filed a complaint with the Department alleging that the District unlawfully restricted behavioral health services.

Following the filing of the complaint, the District scheduled meetings with parents and the provider to discuss the provision of behavioral health services.

One parent subsequently notified the District in writing that they elected to cancel ABA services at school and instead receive services in the home setting. For another student referenced in the record, the parent and the District executed a written agreement stating that the behavioral health provider would deliver services to the student for one hour per day, five days per week. The record therefore reflects that the District and parents reached agreements regarding the delivery of behavioral health services for at least two students.

The Department requested clarification from the District regarding whether the referenced 90-minute limitation reflected a District policy, standard practice, or a proposed schedule for the specific students referenced in the communication.

The District did not provide additional clarification or documentation in response to the Department's request.

III. Conclusions of Law

Allegation 1: Whether the District failed to comply with the requirements of R.S. 17:173 concerning the provision of behavioral health services for students.

Access to Behavioral Health Services

Under La. R.S. 17:173(A)(1) and Bulletin 135 §703(A), a public school governing authority may not prohibit a behavioral health provider from delivering medically necessary behavioral health services to a student during school hours when requested by the parent or legal guardian.

However, R.S. 17:173(A)(2) and Bulletin 135 §703(B) require public school governing authorities to adopt policies governing the provision of behavioral health services on campus. These policies may require documentation including proof of liability insurance, verification of criminal background checks, a behavioral health evaluation, an authorized treatment plan, and a consent to release information form.

The record shows that the District requested documentation including a behavioral health evaluation, treatment plan, verification of a criminal background check, proof of licensure, liability insurance, and a consent to release information form before allowing the behavioral health provider to begin services on campus. These documentation requests are generally consistent with the minimum policy requirements described in R.S. 17:173(A)(2) and Bulletin 135 §703(B).

The record further shows that the primary dispute regarding documentation concerned verification of the provider's Louisiana State Police criminal background check. The District indicated that it would accept a signed verification letter from the Louisiana Behavior Analyst Board confirming completion of the background check requirement. Based on the available record, the Department does not find that the District's documentation requests constituted an onerous requirement or barrier to the provision of behavioral health services under R.S. 17:173(A)(2).

Scheduling of Behavioral Health Services

Under La. R.S. 17:173(A)(2)(e) and Bulletin 135 §703(B)(5), behavioral health services may be provided during any portion of the school day, including instructional time. The statute further requires that the school administrator and behavioral health provider collaborate to create a consistent schedule that meets the medical needs of the student while also considering the operational needs of the school and the student's testing schedule.

The record reflects that the District and the behavioral health provider engaged in communications regarding the scheduling and implementation of services. The record also indicates that agreements were ultimately reached with the parents of at least two students regarding the delivery of behavioral health services, including an agreement providing services for one hour per day, five days per week for one student.

However, the record includes a December 19, 2025 communication from the District stating that the treatment plan hours would need to be adjusted so that services would "not exceed 90 minutes per week."

The Department requested clarification from the District regarding whether the referenced 90-minute limitation reflected a district policy, standard practice, or a proposed schedule for the specific students referenced in the communication. The District did not provide additional information in response to this

request. Accordingly, the Department's determination is based on the documentation contained in the record.

While the Department notes the December 19, 2025 communication referencing a 90-minute weekly limitation, the record also shows that the District and parents subsequently reached agreements regarding the delivery of behavioral health services. Based on the available evidence, the Department does not find sufficient evidence to conclude that the District prohibited the provision of behavioral health services in violation of R.S. 17:173.

IV. Corrective Action

Although the Department does not find sufficient evidence that the District prohibited behavioral health services in violation of R.S. 17:173, the record does not contain documentation of the District's policy implementing the requirements of R.S. 17:173(A)(2) and Bulletin 135 §703(B).

Both R.S. 17:173(A)(2) and Bulletin 135 §703(B) require each public school governing authority to adopt and make available to the public a policy implementing the provisions governing behavioral health services for students.

Accordingly, within 30 days of the date of this decision, the District must submit to the Louisiana Department of Education a copy of its policy implementing R.S. 17:173 and Bulletin 135 Chapter 7, including any procedures governing:

- intake requirements for behavioral health providers, and
- scheduling of behavioral health services during the school day.

If the District has not adopted such a policy, the District must develop and adopt a policy consistent with R.S. 17:173 and Bulletin 135 and provide a copy of the adopted policy to the Department within the same timeframe.

Respectfully,

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CC: Dr. Ken Oertling Superintendent, St. Charles Parish Public Schools

Louisiana Special Education Complaint Investigation

56-C-71

DR. CADE BRUMLEY
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LOUISIANA DEPARTMENT OF EDUCATION

March 14, 2026

[redacted]

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Re: Findings-Decision in Special Education Formal **Complaint No. 56-C-71**[redacted]

I. Introduction

On January 13, 2026, the Louisiana Department of Education ("Department") received a formal written complaint from [redacted], concerning a school under the jurisdiction of the Calcasieu Parish School Board ("District").

II. Statement of the Case

In the complaint, the Parent raised twelve allegations asserting 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 the Department's implementing regulations set forth in Louisiana Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act. Specifically, the Parent alleged that the District:

1. Imposed restrictions on communication between the Parent and the district-funded Independent Educational Evaluation evaluator, thereby interfering with the Parent's ability to obtain clarification and participate in the consideration of the evaluation results;
2. Impeded parent participation by restricting access to evaluation data and proceeding with eligibility determinations despite unresolved concerns regarding the evaluation's scope and interpretation;
3. Predetermined the outcome of the Student's eligibility determination by communicating decisions prior to convening an IEP team and without conducting a district-led reevaluation;
4. Failed to appropriately apply state criteria for determining eligibility under Specific Learning Disability, particularly related to deficits in listening comprehension and receptive language;
5. Emphasized strengths while disregarding areas of documented academic weakness without legal or methodological justification;
6. Failed to conduct adequate classroom observations or collect sufficient functional and academic data to support a reevaluation;

7. Failed to assess motor coordination and sensory processing needs despite evaluation data indicating significant deficits;
8. Failed to adequately consider eligibility under Other Health Impairment despite diagnoses of ADHD and executive functioning concerns;
9. Failed to provide timely access to evaluation records, including raw data;
10. Improperly treated the Independent Educational Evaluation as a District reevaluation, including resetting the reevaluation timeline without conducting a full district assessment;
11. Relied on conflicting or unexplained data to determine that the Student was no longer eligible under Specific Learning Disability; and
12. Denied the Student a free appropriate public education.

Pursuant to Bulletin 1706 §152(C), a complaint must allege a violation that occurred not more than two years prior to the date the complaint is received. Accordingly, the Department's investigation considered whether the District violated IDEA and applicable Louisiana regulations during the period **January 14, 2024 through January 13, 2026**.

III. Findings of Fact

The Student is enrolled in a school under the jurisdiction of the Calcasieu Parish School Board and receives special education services pursuant to an Individualized Education Program (IEP). During the 2024–2025 school year, the District conducted a multidisciplinary evaluation of the Student and determined that the Student met eligibility criteria as a child with a Specific Learning Disability.

On May 2, 2025, the Parent communicated disagreement with the District's evaluation and requested an Independent Educational Evaluation (IEE) at public expense. On May 12, 2025, the District issued Prior Written Notice granting the Parent's request for an IEE and provided the Parent with the District's criteria and procedures governing independent evaluations.

After the District granted the request for an IEE, the Parent initially selected a private provider, Under the Oak, to conduct the evaluation. The District communicated with the provider regarding requirements applicable to the evaluation under Louisiana Bulletin 1508[1], the Pupil Appraisal Handbook, and subsequently notified the Parent that the provider indicated it would not serve as the evaluation coordinator for the evaluation. The District informed the Parent that she could select another provider able to conduct an evaluation consistent with the applicable criteria.

Following additional communications regarding potential evaluators, the Parent selected Young Cypress Psychology as the provider for the independent evaluation. The Parent communicated to the District that Dr. Katherine Chenier with Young Cypress Psychology had been selected to conduct the evaluation. Young Cypress Psychology appears in the Louisiana Department of Education's vendor guide as a provider of special education evaluation services.

The independent evaluation was conducted through Young Cypress Psychology and included multiple evaluation components. The evaluation report reflects that the evaluation process included assessment procedures and review of relevant information concerning the Student's educational functioning. The report identifies Sarah Fletcher, Ph.D., NCSP, Licensed Psychologist, as the evaluation coordinator.

The IEE Report identifies a report dissemination date of January 21, 2026. The Parent filed the present state complaint with the Louisiana Department of Education on January 13, 2026, approximately one week before the IEE report was disseminated.

[1] At the time the Independent Educational Evaluation was requested and initiated, the July 2023 version of Bulletin 1508 was in effect. A revised version of Bulletin 1508 became effective in December 2025.

Documentation submitted by the District indicates that evaluation records associated with the independent evaluation were received and maintained by the District on January 12, 2026.

Email correspondence submitted during the investigation shows that the Parent confirmed receipt of evaluation records on January 15, 2026 prior to a meeting scheduled to review and discuss the evaluation results. The same correspondence reflects that the Parent communicated with District staff regarding scheduling a meeting to review and discuss the evaluation results and asked staff to confirm their availability on January 21, 2026, the date the evaluation report was disseminated.

Documentation provided by the District indicates that the District completed formal consideration of the IEE on February 4, 2026, following dissemination of the evaluation report. At the time the complaint was filed, the District had not yet disseminated or formally considered the IEE.

IV. Conclusions of Law

Allegations 3, 4, 5, 6, 7, 8, 10, and 11

IEE, Eligibility Process, and Related Evaluation Claims

Under the Individuals with Disabilities Education Act, parents who disagree with an evaluation obtained by a public agency have the right to request an IEE at public expense, and if a parent obtains an IEE at public expense or shares an evaluation obtained at private expense, the results of that evaluation must be considered by the public agency in any decision made with respect to the provision of FAPE to the student. 34 C.F.R. § 300.502.

Louisiana implements these federal requirements through Bulletin 1706 §503, which governs IEEs. Bulletin 1706 §503(B) requires the public agency, within a reasonable amount of time and not longer than 15 business days after a parent requests an IEE at public expense, either to file for due process to defend its own evaluation or ensure that an IEE is provided at public expense. Bulletin 1706 §503(C) further requires that if a parent obtains an IEE at public expense or shares an evaluation obtained at private expense, the results of that evaluation shall be considered by the public agency, if it meets agency criteria, in any decision regarding the provision of FAPE to the student. Bulletin 1706 §503(E) also provides that when an IEE is at public expense, the criteria governing the evaluation, including the location of the evaluation and the qualifications of the examiner, must be the same criteria the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an IEE. Louisiana further operationalizes this requirement through Bulletin 1508 §107, which places full responsibility on the local educational agency for ensuring that an evaluation used for educational decision-making complies with Louisiana's pupil appraisal requirements, whether the evaluation is conducted by district personnel or by outside examiners.

The record demonstrates that the Parent requested an IEE on May 2, 2025, and the District granted that request through Prior Written Notice dated May 12, 2025. The record further demonstrates that the Parent initially selected another private provider and later selected Young Cypress Psychology as the provider for the IEE. The Independent Evaluation Report identifies a dissemination date of January 21, 2026. The Parent filed this complaint on January 13, 2026, approximately one week before the IEE report was disseminated.

Applying Bulletin 1706 §503 to these facts, the record supports that the District satisfied the requirement to provide an IEE at public expense. The record also demonstrates, however, that at the time the complaint was filed, the District had not yet completed dissemination of the IEE and had not yet formally considered the IEE in making any decision regarding eligibility, placement, or services. Documentation submitted during the investigation reflects that the District completed formal consideration of the IEE on February 4, 2026, after the evaluation had been disseminated. Because dissemination and consideration

had not yet occurred as of the filing date, the record does not establish that the District had already applied the IEE to make an eligibility determination, had already adopted or rejected any particular eligibility conclusion, or had already relied on the IEE to change the student's classification or services. The operative obligation in Bulletin 1706 §503(C) is that the results of the IEE be considered by the public agency in making decisions regarding the provision of FAPE. At the time this complaint was filed, that decision-making step had not yet occurred.

For the same reason, the record does not support the Parent's allegations that the District had already misapplied Bulletin 1508 eligibility criteria, selectively interpreted data, failed to properly rely on a preponderance of the evidence, treated the IEE as a completed reevaluation for eligibility purposes, or relied on conflicting data to change the student's eligibility. Each of these allegations depends on a completed District decision-making process that the record shows had not yet occurred as of January 13, 2026. Stated differently, the record does not show that the District had yet reached the stage at which Bulletin 1706 §503(C) and Bulletin 1508's eligibility-application provisions were being operationalized into a final District determination.

The Parent also asserted that the District improperly controlled the selection of the evaluator who conducted the IEE. Under Bulletin 1706 §503(E), the relevant question is whether the IEE was obtained under the same criteria the District uses when it initiates evaluations, including the qualifications of the examiner and the location of the evaluation, to the extent those criteria are consistent with the Parent's right to an IEE. The record reflects that the Parent ultimately selected Young Cypress Psychology as the independent evaluation provider and expressed a preference for Dr. Katherine Chenier within that agency. The evaluation was conducted by Sarah Fletcher, Ph.D., NCSP, a licensed psychologist employed by the same agency. Nothing in Bulletin 1706 §503 requires that, once a Parent selects a qualified evaluation agency, a particular individual employed by that agency must conduct the evaluation. The requirement is that the examiner be qualified and that the evaluation meet agency criteria. The record does not establish that the District improperly substituted an unqualified evaluator or otherwise controlled the provider selection in violation of Bulletin 1706 §503(E) or Bulletin 1508 §107.

Accordingly, under Bulletin 1706 §503 and Bulletin 1508 §107, the record does not support Allegations 3, 4, 5, 6, 7, 8, 10, or 11.

Allegations 1, 2, and 9

Parent Participation and Access to Educational Records

Under the IDEA, parents must be afforded the opportunity to participate in meetings concerning the identification, evaluation, and educational placement of their child, and they must be permitted to inspect and review education records relating to their child. 34 C.F.R. §§ 300.322, 300.613.

Louisiana implements these requirements through several related provisions in Bulletin 1706. Bulletin 1706 §322 governs parent participation in IEP meetings and requires the public agency to notify parents early enough to ensure they have an opportunity to attend and to schedule the meeting at a mutually agreed upon time and place. Bulletin 1706 §502 further requires that parents be afforded the opportunity to participate in meetings regarding the identification, evaluation, educational placement, and provision of FAPE to the student. In substantive terms, these provisions require a district to give parents a real opportunity to attend and participate in decision-making meetings rather than excluding them or moving forward without appropriate notice and attempts to secure their participation. Louisiana also implements the federal records-access requirement through Bulletin 1706 §502(A) and Bulletin 1706 §613. Bulletin 1706 §502(A) requires that parents be afforded an opportunity to inspect and review all education records with respect to the identification, evaluation, and educational placement of the student and the provision of FAPE. Bulletin 1706 §613 further requires the participating agency to permit parents to inspect and

review education records relating to their children that are collected, maintained, or used by the agency, without unnecessary delay and before any meeting regarding an IEP or hearing, and in no case more than 45 days after the request has been made.

Applying those standards to the current complaint, the record does not support the allegation that the District denied the Parent participation or withheld records in violation of Bulletin 1706. The record reflects that the Parent confirmed receipt of evaluation records prior to the meeting scheduled to review the evaluation results. The record further reflects that the Parent corresponded with the District regarding scheduling a meeting to review the evaluation results on January 21, 2026, the date the evaluation was disseminated. The Parent's communication reflects that records were received and that the Parent was prepared to meet once the records were available.

Under Bulletin 1706 §502(A) and §613, the relevant question is whether the Parent was afforded the opportunity to inspect and review records without unnecessary delay and before the relevant meeting. The record supports that the Parent received the records before the meeting to discuss the evaluation. Under Bulletin 1706 §322 and §502(B), the relevant question is whether the Parent was afforded the opportunity to participate in the meeting process concerning evaluation. The record supports that the Parent was given that opportunity and in fact engaged in scheduling the review meeting. The record does not show that the Parent was denied the opportunity to participate once the IEE was ready to be reviewed.

The Parent also alleged that communication with the evaluator was improperly restricted. Bulletin 1706 §322 and §502(B) require opportunity for parental participation in meetings; they do not require a District-funded IEE provider to engage in private consultation with the Parent outside the team process. Likewise, Bulletin 1706 §502(A) and §613 require access to education records; they do not create a separate right to unilateral evaluator consultation before dissemination of the report. The record reflects that the evaluation review was to occur through a scheduled dissemination meeting and that the Parent received records before that meeting. On these facts, the record does not establish a violation of Parent participation or records-access provisions.

Accordingly, under Bulletin 1706 §322, Bulletin 1706 §502(A)–(B), and Bulletin 1706 §613, the record does not support Allegations 1, 2, or 9.

Allegation 12

Denial of a Free Appropriate Public Education (FAPE)

Under the IDEA, a free appropriate public education must be made available to all children with disabilities. 20 U.S.C. §1400 et seq.; 34 C.F.R. §300.101.

Louisiana implements this requirement through Bulletin 1706, which governs the identification, evaluation, eligibility determination, and educational programming of students with disabilities and requires public agencies to provide special education and related services in accordance with an IEP.

The Parent alleges that the cumulative effect of the procedural concerns raised in the complaint resulted in a denial of FAPE. However, as explained in the preceding sections of this decision, the record does not support the alleged procedural violations regarding the IEE process, parent participation, or access to records.

The record further demonstrates that the Student continued to receive special education services pursuant to an active IEP throughout the time period relevant to the complaint. The record does not show that the District discontinued services, reduced services, or implemented a change to the Student's eligibility classification or educational program prior to dissemination and consideration of the IEE.

Because the record does not establish the underlying procedural violations alleged in the complaint, and because the Student continued to receive services pursuant to an active IEP during the relevant time period, the record does not support the conclusion that the Student was denied a free appropriate public education.

Accordingly, the Department finds no violation regarding Allegation 12.

V. Conclusion

Based on the investigation record and the applicable requirements of the Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., its implementing regulations at 34 C.F.R. Part 300, and Louisiana Bulletin 1706, the Louisiana Department of Education concludes that the District complied with the applicable legal requirements.

Accordingly, the allegations in this complaint are unsubstantiated, this investigation is closed, and no corrective action is required.

Respectfully,

Domonique Dickerson
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CC: Jason VanMetre, Superintendent, Calcasieu Parish School Board

Louisiana Special Education Complaint Investigation

56-C-72

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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LOUISIANA DEPARTMENT OF EDUCATION

March 16, 2026

[redacted]

Drenean F. Brown, Director of Special Education
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RE: Findings-Decision in State Special Education Formal Complaint No. **56-C-72 on behalf of** [redacted]

I. Introduction

On January 15, 2026, the complainant ("Parent Advocate") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") and requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153 on behalf of the child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of St. John the Baptist Parish School System ("District").

II. Statement of the Case

In the complaint, the Parent Advocate 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 Department must determine:

1. Whether the District failed to implement the Student's Individualized Education Program (IEP) as written by not providing the gifted and talented services specified in the IEP, including instruction from a certified gifted and talented teacher, access to gifted coursework, and dual enrollment opportunities.

2. Whether the District denied the Student a free appropriate public education (FAPE) by failing to provide an educational program reasonably calculated to enable progress appropriate in light of the Student's circumstances, including the provision of specially designed instruction required to address the student's identified educational needs.

3. Whether the District failed to comply with requirements related to the provision of services for students identified as gifted and talented, including the use of appropriate personnel and the maintenance of required gifted programming.

As the Department's assigned investigator, I have 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 January 15, 2026. Therefore, the investigation was limited to alleged violations of law that occurred between January 16, 2024, and January 15, 2026.

III. **Findings of Fact**

At all times relevant to this complaint, the Student was enrolled at a school within the District. The Student transferred into the District on November 6, 2025 with an IEP dated October 24, 2025 identifying the Student with the exceptionality of Talented Theatre under the category of Gifted/Talented. Noted within the IEP, the Student was initially evaluated for Talented Theatre on May 10, 2021 and re-evaluated for Gifted services on October 29, 2021. The Student was determined ineligible for Gifted, but continued to qualify for Talented. The Student was then re-evaluated for Theater on July 27, 2023 and found continuing to qualify for services under the Talented exceptionality. Attached to the IEP was the Student's health plan and 504 plan including a list of required accommodations such as preferential seating, standing near student when giving directions, extended time, allowed breaks during work periods, small group testing and frequent bathroom breaks. The Student's IEP instructional plan included a goal to improve the Student's performance skills including improvisation, characterization, and vocal development, stage movement, acting styles and methods by participating in classroom activities designed by the teacher with a minimum of 80% proficiency. This goal would be measured through performance based assessment as well as daily and/or weekly grades. The Student was to receive Talented services five days a week for 48 minutes per session for a total of 240 minutes of Talented services per week. Within the IEP it was noted by the transferring District that the actual frequency/duration of the services may vary due to scheduling of classes, but would not reduce the number of minutes received weekly.

In a series of emails dated November 7, 2025, the Parent provided a copy of the Student's 504 plan and IEP. In a same response, the District's 504 Facilitator requested the Student's health plan and advised that the IEP had been forwarded to the SPED Department. The Parent advised they would supply the health plan and made an amendment to the 504 plan regarding medication. That same day, the District responded requesting the medical information.

By email dated November 12, 2025, the Parent inquired with the District regarding dual enrollment classes explaining that the Student was taking Advanced Placement (AP) courses in their former District and requesting a return call. By email dated November 17, 2025, the Parent requested to know when the Student would have a Talented Theatre teacher and reminded the District that the Student had a Theatre IEP. On that day, the District replied that the Student only needed to be assigned and the District would know when within the next "day or so."

The Parent then sent a follow-up email on December 3, 2025 seeking the status on the request for a Talented Theatre teacher. The District responded that same day advising the matter would be expedited.

The District submitted to the record a timeline documenting efforts the assigned Theatre teacher made in communicating with the Student and the Parent. According to this documentation, the District contacted the Parent on December 12, 2025 to discuss the Student's minutes, set up an IEP meeting and advise that a plan to provide services following the holidays would be created upon return. The District did not reach the Parent, but left a voicemail that reportedly was not returned. The District noted that it again reached out via telephone on January 7, 2026 without success or a return call. The Student's minutes and services were discussed internally and it was determined a proposed plan of action would be communicated to the Parent. On January 14, 2026, the Student received Talented Theatre services for the first time since transferring to the District. That same day the District reported that additional phone calls were made to the Parent who did answer, but was unable to discuss the matter

due to a doctor's appointment.

By email dated January 15, 2026, the District issued a prior notice letter to the Parent to set up a meeting to discuss the plan to amend the delivery minutes. The District reported to not receive a return call.

On January 15, 2026, the Parent Advocate submitted this formal complaint with the Department.

The Parties agreed to and held an Early Resolution Process (ERP) meeting on January 30, 2026. During the scheduled mediation, the Parties discussed transferring the Student to another District school with a greater student population and Theatre program. Alternatively, the District agreed to provide compensatory services to the Student as a corrective measure for failing to timely implement the Student's IEP. The compensatory services were offered for before or after school hours as well as transportation from the Student's school to the Student's home following receipt of the compensatory services; however, the Parties did not agree on the proposed resolution at that time.

On February 27, 2026, a facilitated IEP meeting was held where it was determined the Student would be provided 2,128 minutes of compensatory services to be provided virtually during 26 (90 minute) after-school sessions at the school to begin March 9, 2026. The Student's IEP was amended to memorialize this agreement and include an updated goal to be measured by performance based assessments and a performance based rubric. Revision to the program services reflected the Student would receive Talented services weekly and in 90 minute sessions.

IV. Conclusions of Law

Allegation 1

In this matter, the Parent Advocate alleges that the District failed to implement the Student's IEP by not providing Gifted and Talented services specified within the IEP, and failed to provide Gifted coursework and instruction from a certified Gifted and Talented teacher. It is also alleged that the District failed to provide 'comparable services' by failing to provide the Student dual enrollment and advanced placement opportunities they were previously provided by the transferring District.

Gifted Services, coursework and instruction

The record demonstrates that upon transfer into the District, the Student's only exceptionality was Talented Theatre. The Student is not currently eligible for Gifted exceptionality services and no Gifted services were incorporated into the Student's IEP. The District is not obligated to provide Gifted services to ineligible students. Thus—within this decision—any reoccurring allegations that the District failed to provide Gifted services, instruction and coursework, the Department will find those portions unsubstantiated.

Dual Enrollment opportunities

Pursuant to Louisiana Bulletin 1706 §1327, students who have been receiving gifted and talented services in one district in Louisiana and who transfer to another district within Louisiana shall be enrolled in the appropriate special education program in the new district with the current IEP or the development or a review IEP within five (5) school days of the transfer. To facilitate the transition, the new district shall take reasonable steps to promptly obtain the student's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the student from the previous district in which the student was enrolled

The Parent Advocate urged in their complaint that because the Student participated in dual enrollment opportunities at the transferring District, the new District was obligated under the IDEA to provide these courses as "comparable services." The Advocate appears to interpret 'comparable services' to include these general education courses by virtue of the Student's IDEA status. However, this interpretation is incongruent with the current application of the term. While the term 'comparable services' has not been defined by the IDEA, the USDOE notes[1] in that it should be interpreted to mean "similar" or "equivalent" services. It further articulates that districts are required to provide a transfer student with services comparable to those *found within a student's IEP* from the previous public agency.

[1] 71 Fed. Reg. 46540 (2006).

Additionally, the IDEA does not require the new District to provide the exact services the student received from their former District[2].

With respect to dual enrollment and advanced placement coursework, these services are not incorporated as required services within the Student's IEP and are otherwise general education opportunities not guaranteed through the IDEA. As a general matter, course offerings may vary by District and may be offered in accordance with the District's policies. Disagreement regarding general education placement in dual enrollment or advanced courses that are not incorporated into the Student's IEP fall outside the scope and jurisdiction of dispute resolution. Thus, while the District may be obligated to provide 'comparable services', it is not obligated under IDEA to provide general education courses not found in the Student's current IEP.

As it relates to the District's obligation to provide comparable Talented Theatre services that were required in the Student's IEP, the record reflects the Student received one session of services, which was not provided until January 14, 2026. The District advised that its Theatre program was not an exact programming akin to the transferring District's program due to the size of its student body; however, there is no evidence that suggests the services provided to the Student were not comparable. The District advised that while it is unable to implement the exact same programming to the Student, it offered appropriate Talented services in pull-out sessions to earn academic credit. As the IDEA has provided, comparable services are required to be similar, but not exactly the same. Without evidence to the contrary, the Department is unable to determine that services provided by the District are not comparable.

Therefore, this portion of allegation #1 is unsubstantiated.

Implementation of the Student's IEP

Pursuant to Louisiana Bulletin 1706 §1320, districts are legally obligated to ensure the timely and consistent provision of special education and related services as specified in a student's IEP and implemented to support the student's educational progress in accordance with Bulletin 1706 §1325. As previously articulated, pursuant to Louisiana Bulletin 1706 §1327, students who have been receiving gifted and talented services in one district in Louisiana and who transfer to another district within Louisiana shall be enrolled in the appropriate special education program in the new district with the current IEP or the development or a review IEP within five (5) school days of the transfer. To facilitate the transition, the new district shall take reasonable steps to promptly obtain the student's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the student from the previous district in which the student was enrolled. However, neither the IDEA nor its implementing regulations mandate that a district 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 §1325(c) 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.

Based on the record, the Department does not find the Parent caused any failure to deliver services through refusal or noncooperation. The record reflects that the Student enrolled on November 6, 2025 and the Parent promptly provided a copy of the Student's IEP along with other important plans including the Student's Individualized Health Plan (IHP) and 504 Plan one day later. The District admits Talented Theatre services were not provided to the Student until January 14, 2026 despite the Parent's November 17, 2025 and December 3, 2025 inquiries as to when the Student would begin receiving services and from whom.

While the District admits the delay in services and points to its efforts to contact the Parent, it attributes continued delays to the Parent's failure to respond to attempts to arrange the meeting to discuss the frequency and delivery of minutes.

Whether the Parent failed to return calls delaying a discussion as to the delivery of the services, does not change the

[2] *Sterling A. v. Washoe County School District*, 51 IDELR 152 (D. Nev. 2008).

District's obligation to implement the IEP required services within five days of the transfer. Under §1327(A) the District must provide the Student FAPE until it either adopted the Student's IEP or developed and adopted a new IEP. The District received the Student's IEP from the Parent via email the day after the Student transferred into the District. The efforts to contact the Parent for a meeting did not begin until December 14, 2025. At that point, the Student had not received Talented services for well over a month since their enrollment. Based on the record, only one session was provided to the Student during the complaint timeframe.

After reviewing the February 27, 2026 facilitated IEP, the Department has determined that the provision of the agreed-upon compensatory minutes—2,128 minutes—sufficiently addresses the District's failure to implement the IEP. This agreement is consistent with and substantially equivalent to the corrective actions that would have been ordered as a result of the Department substantiating this allegation.

Therefore, based on the record, the Department finds the District in noncompliance. Although the District has expressed its willingness to undertake corrective measures, formal verification of compliance is required to ensure that all obligations of the agreed-upon terms in the IEP are fully satisfied.

Thus, the Department substantiates allegation #1 in part and only as it relates to the implementation of the Student's IEP.

Allegation 2:

The Parent Advocate alleges that the District denied the Student a free appropriate public education (FAPE) by failing to provide an educational program reasonably calculated to enable progress appropriate in light of the Student's circumstances, including the provision of specially designed instruction required to address the student's identified educational needs.

Pursuant to Bulletin 1706, § 1101(A)(1), FAPE must be made available to all eligible students with disabilities and under 1706 § 1325, districts shall provide special education and related services to gifted and talented students in accordance with the student's IEP. Additionally, under 1706 § 1325 (C), 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. The failure to fully implement an IEP constitutes a denial of FAPE.

The Student enrolled in the District with an existing IEP dated October 24, 2025. The IEP included a measurable goal to improve their Theatre skills in improvisation, characterization, vocal development, stage movement, acting styles and methods through participation in the classroom activities designed by the teacher. This goal was based on the Student's present functional performance and indicates they were working on scenes with partners and would work to expand emotional, vocal and physical range while working to enhance their understanding of the text, subtext and objectives. The Student's goal was to achieve 80% proficiency determined through performance based assessment and daily/weekly grades. Specially designed instruction was to be provided for 48 minutes for 5 days a week, with varying frequency and duration.

The record does not support a determination that the Student's current educational program is not reasonably calculated to enable the Student to improve their Theatre performance skills. As previously noted, the District could not implement the Student's IEP exactly as written because its theatre program is not exactly akin to that of the transferring District due to the differences of student population. Because of this, the District reported to attempt to meet with the Parent to review the existing IEP and discuss alterations to the frequency and delivery of the Student's service minutes. At the time of the filing of this complaint, the meeting had not occurred and the Student received only one session had been delivered. Thus, while the IEP was reasonably calculated to enable progress, the services required by the IEP were not provided—with the exception of a singular session.

However, at the February 27, 2026 Facilitated IEP Team meeting, the Parties reviewed the IEP, discussed the appropriateness of the IEP under the Student's new circumstances and subsequently updated the IEP to reflect changes to the Student's program. The Student's performance goal was updated and the Talented service minutes were revised from 48 minute sessions five days a week to a weekly 90 minute session. This arrangement would occur alongside the agreed upon compensatory minutes owed to the Student.

Regardless of these corrective measures, the Department finds that while the goals are reasonably calculated to provide an educational benefit to the Student, the District failed to actually provide Talented Theatre services—as required by the Student's existing IEP—from November 6, 2025 until January 14, 2026, which ultimately, denied the Student FAPE. Allegation 2 is substantiated.

Allegation 3

The Parent Advocate asserts that the District failed to comply with requirements related to the provision of services for students identified as gifted and talented, including the use of appropriate personnel and the maintenance of required gifted programming.

As previously established, the Student's eligibility is only for Talented Theatre and did not qualify for Gifted services. As such, the District's required compliance is limited to the provision of Talented Theatre services.

With respect to appropriate personnel, pursuant to Subpart 2 Regulations for Gifted/Talented Students of Bulletin 1706 § 1132, "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, including that those personnel have the content knowledge and skills to serve students identified as gifted and talented…." Bulletin 746 and Bulletin 741 §505(A) require that teaching staff either hold valid certification or be actively enrolled in an alternate route program under formal mentorship.

The record reflects that the educator assigned to the Student was a certified teacher with an ancillary artist or talented teaching certification in Artist-Drama; however, they did not hold the Talented Theatre ancillary certification to allow instruction of Talented services as required by Bulletin 746 § 539(C). Because of this, the District's provision for instruction was out of compliance with Bulletin 746.

As determined above, with respect to the provision of Talented Theatre services as required by the Student's IEP, the District provided only one session of services and therefore, failed to substantially comply with and provide Talented services to the Student during the relevant time period of this complaint. Thus, the Department finds allegation 3 is substantiated.

V. Corrective Actions

To address the compliance violation, the District must complete the following actions:

1. The District shall provide the Student with compensatory services addressing educational and related services which were not provided to the Student as agreed-upon in the February 27, 2026 IEP.
2. **Within 1 year of the date of this decision or by March 16, 2027,** the District shall provide service logs demonstrating compliance with the compensatory services plan.
3. **Within 60 calendar days or by May 11, 2026**, 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 including Gifted/Talented students.
    a. As soon as possible and no later than **June 14, 2026,** 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.

4. The District shall ensure that all future Talented services required by the Student's IEP are provided by properly credentialed staff consistent with Bulletin 1706 and Bulletin 745 personnel qualification requirements.
    a. **As soon as possible and no later than May 11, 2026,** the District shall convene an IEP meeting to discuss:
        i. What personnel will deliver instruction;
        ii. How services outlined in the IEP are being delivered; and,
        iii. Current class placement aligning with the IEP service minutes and goals.

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

Sincerely,

Lindsey P. Dupree, Attorney

Office of Executive Counsel

Louisiana Department of Education

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CC: Cleo Perry Jr., Ed. D., Superintendent, St. John the Baptist Parish Public Schools

Louisiana Special Education Complaint Investigation

56-C-73

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LOUISIANA DEPARTMENT OF EDUCATION

March 16, 2026

[redacted]

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158 Panther Drive
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Re: Findings-Decision in Special Education Formal **Complaint No. 56-C-73**[redacted]

I. Introduction

On January 15, 2026, the Louisiana Department of Education ("Department") received a formal written complaint from [redacted]("Student") concerning a school under the jurisdiction of the St. John the Baptist Parish School District ("District").

[redacted]

II. Statement of the Case

In the complaint, the Parent raised seven allegations asserting 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 the Department's implementing regulations set forth in Louisiana Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act. Specifically, the Parent alleged that the:

1. Student's IEP was not fully or consistently implemented, including failures to provide required services, conduct progress monitoring, and ensure staff awareness of the Student's disabilities and IEP provisions.
2. District failed to adjust instruction based on the Student's disability-related needs and performance data.

3. Student's IEP was revised without timely notice or parental input, denying the parent meaningful opportunity to participate in the decision-making process.
4. District unilaterally denied implementation of a revised IEP, thereby preventing access to updated goals, accommodations, and services.
5. Student was denied access to necessary assistive technology due to administrative uncertainty over funding.
6. Student's current placement is not appropriate given their needs, and that it does not enable meaningful educational progress, constituting a denial of FAPE.
7. Violations span multiple school sites, academic years, and administrative levels, supporting a claim of systemic noncompliance.

Pursuant to Bulletin 1706 §152(C), a complaint must allege a violation that occurred not more than two years prior to the date the complaint is received. Accordingly, this investigation considered allegations concerning events occurring between **January 16, 2024 and January 15, 2026**.

During the course of the investigation, the Department reviewed documentation submitted by the Parent and the District, including the Student's evaluation report, individualized education programs (IEPs), meeting notices, prior written notices, progress monitoring data, and the District's written response to the complaint.

III. Findings of Fact

At the time of the events described herein, the Student was an elementary school student enrolled in multiple schools under the jurisdiction of St. John the Baptist Parish School District.

On January 30, 2025, the School Building Level Committee (SBLC) of Garyville Mt. Airy Math and Science Magnet School referred the Student to the District's Pupil Appraisal Services for an individual evaluation. The referral documentation identifies the areas of concern as the Student's academic skills and task attention. On that same date, the Student's Parent signed an Individual Evaluation Parental Permission form granting consent for the District to conduct the evaluation.

During the evaluation period, the Student transferred within the District from Garyville Mt. Airy Math and Science Magnet School to Fifth Ward Elementary School in February 2025.

The District conducted a multidisciplinary evaluation that included review of educational records, review of medical information, interviews with family members, classroom observations, standardized academic testing, behavioral assessment, and review of intervention data. The evaluation report documents medical diagnoses of attention deficit hyperactivity disorder (ADHD) and asthma and reflects academic performance in reading fluency and reading comprehension below grade-level expectations. Standardized academic testing using the Woodcock-Johnson Tests of Achievement reflected reading scores more than two standard deviations below the mean. Additional screening data indicated that the Student scored in the "well below benchmark" range on DIBELS literacy screening measures and at approximately a kindergarten level on the i-Ready reading diagnostic. The District disseminated the completed evaluation report on April 23, 2025.

The evaluation team determined that the Student met eligibility criteria for special education services under the exceptionality category of Other Health Impairment.

On May 16, 2025, the District convened the Student's initial IEP Team meeting to develop an individualized education program for the Student. The IEP established annual goals addressing reading fluency, reading comprehension, and task attention and provided special education instruction in both the regular

education setting and the special education setting with supplementary aids and services. The IEP specifies that progress toward the Student's annual goals will be measured through progress monitoring and reported every nine weeks concurrent with report cards. The IEP also documents that the Student will be educated inside the regular classroom for 80 percent or more of the school day.

On September 12, 2025, the Student's Parent submitted a written request to District administrators requesting that an IEP meeting be convened to address concerns regarding the Student's academic performance and the supports provided under the IEP.

In response to the Parent's request, the District issued written notice dated September 15, 2025 inviting the Parent to attend an IEP Team meeting scheduled for September 23, 2025 to review and amend the Student's IEP. The Parent returned the notice on September 16, 2025 indicating that the proposed date was not convenient and requesting that the meeting occur on September 18, 2025 instead.

The Student's IEP Team subsequently met on September 18, 2025 per the Parent's request. Documentation associated with that meeting reflects that the Parent expressed concerns regarding the Student's performance in the inclusion classroom and specific challenges with accommodations, including transposing letters and difficulty following along when text was read aloud or during computer-based assessments. In response to these concerns, the IEP Team revised the Student's presentation accommodations to include text-to-speech and human read-aloud supports.

The prior written notice issued following the meeting indicates that the team proposed changes to the Student's special education supports based on parent communication with teachers, review of accommodations, and discussion regarding the clarity of instructional materials sent home. The notice further reflects that the team considered student performance data, teacher observations, parental input, and evaluation information in making these determinations.

During the 2025–2026 school year, the Student continued to receive services under the IEP. Documentation provided by the District includes progress monitoring data and literacy screening results, including DIBELS and i-Ready diagnostic assessments.

On December 12, 2025, the District issued written notice inviting the Parent to attend the Student's review IEP meeting scheduled for December 17, 2025 at Fifth Ward Preparatory Academy. The Parent signed the notice on December 14, 2025 indicating an intent to attend the meeting. On December 17, 2025, the District convened an IEP Team meeting to review the Student's educational program. During that meeting the IEP Team reviewed the Student's evaluation results, classroom performance data, teacher input, and Parent concerns and revised the Student's goals addressing reading comprehension, reading fluency, and task attention.

Following the meeting, the District issued prior written notice dated January 6, 2026 describing the decisions of the IEP Team. The notice indicates that the team considered several requested accommodations and modifications, including recorded voice files, modified reading-level materials, digital recorders, e-readers, and an adaptive keyboard, and determined not to include those supports in the IEP. The notice further indicates that the team approved the use of a reading pen and the installation of Redcat classroom amplification systems. The notice also indicates that the IEP Team considered and declined a request for a child-specific paraprofessional and instead adjusted the schedule of existing paraprofessional support during certain instructional periods.

The record further reflects that on December 19, 2025 the Parent sent an email requesting a copy of the unedited draft of the IEP that had been distributed at the beginning of the December 17, 2025 meeting.

These findings are based on the documentation submitted by the parties and reviewed during the Department's investigation, including the Student's evaluation report, IEP records, meeting notices, prior written notices, progress monitoring data, and the District's written response.

IV. Conclusions of Law

Allegation 1

Under the Individuals with Disabilities Education Act, a public agency must ensure that special education and related services are provided to a student with a disability in accordance with the student's individualized education program (IEP). 34 C.F.R. §300.323.

Louisiana implements these requirements through Bulletin 1706 §323, which governs the implementation and accessibility of IEPs. Bulletin 1706 §323(A) requires each public agency to have an IEP in effect for every student with a disability at the beginning of each school year. Bulletin 1706 §323(D) further requires that the student's IEP be accessible to each regular education teacher, special education teacher, related services provider, and any other service provider responsible for its implementation. Each educator responsible for implementing the IEP must be informed of their specific responsibilities, including required accommodations, modifications, and supports. A violation occurs when a District materially fails to provide the services required by the student's IEP.

The District developed the Student's initial IEP on May 16, 2025 following completion of the Student's evaluation. The IEP established measurable annual goals addressing reading fluency, reading comprehension, and task attention and required progress monitoring of those goals.

During the 2025–2026 school year, the Student received services under the IEP and the District collected progress monitoring data, including literacy screening results and diagnostic assessments such as DIBELS and i-Ready. The District also convened IEP Team meetings on September 18, 2025 and December 17, 2025 to review the Student's educational program. During those meetings, the IEP Team reviewed the Student's performance information and revised the Student's goals and instructional supports.

Although the Parent asserts that services were inconsistently implemented and that staff were unaware of the Student's disabilities or IEP requirements, the documentation reviewed does not demonstrate that the District failed to provide the services required by the Student's IEP or failed to monitor the Student's progress consistent with the IEP provisions. The information available shows that the District implemented the Student's services and reconvened the IEP Team to review progress and revise the program when concerns were raised.

Accordingly, a violation of Bulletin 1706 §323 is not established.

Allegation 2

Under the IDEA, public agencies must evaluate students suspected of having disabilities and must develop and revise individualized education programs reasonably calculated to enable the student to make progress appropriate in light of the student's circumstances. 34 C.F.R. §§300.301, 300.324.

Bulletin 1706 §302 requires public agencies to conduct a full and individual evaluation before the initial provision of special education services and to complete that evaluation within the timeline established under state regulations. Bulletin 1706 §323(C)(1) further requires that once a student is determined eligible for special education and related services, the public agency must convene a meeting to develop the initial IEP within thirty days. Bulletin 1706 §324 requires the IEP Team to periodically review and revise the student's IEP to address progress toward annual goals, evaluation results, Parent input, and the student's anticipated needs.

With respect to evaluation timelines, Bulletin 1706 §302(C)(1) requires that an initial evaluation be conducted within sixty business days of receiving parental consent. This requirement is further clarified in Bulletin 1508 §511, which specifies that the timeline is measured in business days rather than calendar days.

The Parent asserts that the District failed to comply with the evaluation timeline and contends that the evaluation should have been completed within sixty calendar days of consent. Parental consent for the Student's evaluation was obtained on January 30, 2025. The District completed a multidisciplinary evaluation and disseminated the evaluation report on April 23, 2025. When weekends and school holidays are excluded, the evaluation was completed within the sixty-business-day timeline required by Bulletin 1706 §302(C)(1) and Bulletin 1508 §511.

Following completion of the evaluation, the District determined that the Student was eligible for special education services under the exceptionality category of Other Health Impairment and convened the Student's initial IEP Team meeting on May 16, 2025 to develop an individualized education program. This meeting occurred within thirty days of the eligibility determination, consistent with Bulletin 1706 §323(C)(1).

The District subsequently convened additional IEP Team meetings during the 2025–2026 school year, including an amended IEP meeting on September 18, 2025 and a review meeting on December 17, 2025. During those meetings, the IEP Team reviewed the Student's performance information, goals, and instructional supports.

These actions demonstrate that the District evaluated the Student, developed an IEP based on the evaluation results, and reconvened the IEP Team to review the Student's progress and adjust the educational program in response to the Student's performance and Parent concerns.

Accordingly, a violation of Bulletin 1706 §§302, 323, or 324 is not established.

Allegation 3

Under the IDEA, parents must be afforded the opportunity to participate in meetings concerning the identification, evaluation, educational placement, and provision of a free appropriate public education to their child. 34 C.F.R. § 300.322.

Pursuant to Bulletin 1706 §322, public agencies must ensure that parents receive notice of IEP Team meetings early enough to ensure the opportunity to attend and that meetings are scheduled at a mutually agreed-upon time and place. Bulletin 1706 §502 further requires that parents be afforded the opportunity to participate in meetings concerning the identification, evaluation, educational placement, and provision of FAPE to the student.

The Parent requested an IEP meeting on September 12, 2025. The District issued written notice scheduling a meeting for September 23, 2025. The Parent responded that the proposed date was not convenient and requested that the meeting occur on September 18, 2025. The District subsequently convened the meeting on that date. The District also issued written notice inviting the Parent to attend the December 17, 2025 IEP meeting, and the Parent signed the notice indicating an intent to attend. Following that meeting, the District issued prior written notice describing the decisions made by the IEP Team and the information considered. This documentation demonstrates that the District provided meeting notice and afforded the Parent the opportunity to participate in the IEP process. The rescheduling of the September 2025 meeting at the Parent's request further demonstrates that the District coordinated the meeting schedule with the Parent.

The Parent also asserted that the revised IEP was not provided prior to the meeting. Bulletin 1706 §322(F) requires a public agency to provide a draft IEP at least three business days prior to a meeting only when the Parent requests a draft in advance. The materials reviewed do not show that the Parent requested a draft IEP before the September 18, 2025 or December 17, 2025 meetings. An email dated December 19, 2025 reflects that the Parent requested a copy of the unedited draft of the IEP that had been distributed at the beginning of the meeting. Because a request for a draft IEP prior to the meeting is not demonstrated, a violation of Bulletin 1706 §322(F) is not established.

Accordingly, a violation of Bulletin 1706 §§322 or 502 is not established.

Allegation 4

Under the IDEA, the IEP Team is responsible for developing, reviewing, and revising a student's individualized education program. Louisiana Bulletin 1706 §324(A) provides that changes to a student's IEP must occur through an IEP Team meeting or through a written amendment agreed to by the Parent and the public agency. These provisions ensure that decisions regarding a student's educational program are made collaboratively through the IEP Team process rather than through unilateral administrative action.

The Parent asserts that a school administrator denied implementation of a revised IEP.

Revisions to the Student's IEP occurred during IEP Team meetings held on September 18, 2025 and December 17, 2025. During the December meeting, the IEP Team reviewed the Student's evaluation results, classroom performance, teacher input, and Parent concerns when considering revisions to the Student's goals, accommodations, and instructional supports. Prior written notice issued after the meeting documented the actions proposed by the team, the options considered, and the reasons certain requested supports were not included in the IEP.

Nothing in the materials reviewed indicates that an administrator independently overrode an IEP Team decision or refused to implement an approved IEP. Instead, the changes to the Student's program occurred through the IEP Team process described in Bulletin 1706 §324.

Accordingly, a violation of Bulletin 1706 §324 is not established.

Allegation 5

Under the IDEA, assistive technology devices and services must be provided if required for a student with a disability to receive a free appropriate public education. 34 C.F.R. §300.105.

Bulletin 1706 §105 requires each public agency to ensure that assistive technology devices or services are made available to a student with a disability when required as part of the student's special education services, related services, or supplementary aids and services necessary for the student to receive FAPE.

The IEP Team considered assistive technology supports during the December 17, 2025 IEP meeting. Documentation associated with that meeting indicates that the team considered several requested supports, including recorded voice files, modified reading-level materials, digital recorders, e-readers, and an adaptive keyboard.

After reviewing the Student's academic performance, instructional supports, and evaluation information, the IEP Team determined that those supports were not necessary for the Student to access the general education curriculum at that time. The team instead approved the use of a reading pen and installation of Redcat classroom amplification systems as supports aligned with the Student's needs.

This documentation demonstrates that assistive technology options were considered by the IEP Team in determining the Student's educational program.

Accordingly, a violation of Bulletin 1706 §105 is not established.

Allegation 6

Under the IDEA, students with disabilities must be educated in the least restrictive environment appropriate to their needs. To the maximum extent appropriate, students with disabilities must be educated with nondisabled peers, and removal from the regular educational environment may occur only when 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. 34 C.F.R. §300.114.

Louisiana implements these requirements through Bulletin 1706 §§114 through 116, which govern least restrictive environment and placement determinations. Bulletin 1706 §114 requires public agencies to ensure that students with disabilities are educated with nondisabled peers to the maximum extent appropriate. Bulletin 1706 §115 requires each public agency to maintain a continuum of alternative placements capable of meeting the needs of students with disabilities. Bulletin 1706 §116 further requires that placement decisions be made by a group of persons including the Parent and individuals knowledgeable about the student, the meaning of the evaluation data, and available placement options.

The Student's IEP identifies a placement inside the regular education classroom for eighty percent or more of the school day with supplementary aids and services. During the 2025–2026 school year, the IEP Team reviewed the Student's evaluation results and performance information during scheduled meetings and revised the Student's goals and supports as appropriate.

Although the Parent disagrees with the IEP Team's decisions regarding placement and supports, the documentation reviewed does not demonstrate that the placement determination was made outside of the IEP Team process required under Bulletin 1706.

Accordingly, a violation of Bulletin 1706 is not established.

Allegation 7

A finding of systemic noncompliance requires documentation demonstrating a pattern or practice affecting multiple students or programs beyond the circumstances of a single student.

The complaint in this matter concerns the educational program and services provided to one student across multiple schools within the District. The materials reviewed relate specifically to the evaluation, IEP development, and services provided to this individual student.

Nothing in the documentation reviewed indicates that the District engaged in systemic practices that violate the requirements of the IDEA or Bulletin 1706.

Therefore, a finding of systemic noncompliance is not supported.

V. Conclusion

Based on the evidence contained in the investigation record and the applicable requirements of the Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., its implementing regulations at 34 C.F.R. Part 300, and Louisiana Bulletin 1706, the Louisiana Department of Education concludes that the District complied with the applicable legal requirements.

Accordingly, the allegations in this complaint are unsubstantiated, this investigation is closed, and no corrective action is required.

Respectfully,

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CC: Cleo Perry Jr., Ed.D., Superintendent, St. John The Baptist Parish Public Schools

Louisiana Special Education Complaint Investigation

56-C-74

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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LOUISIANA DEPARTMENT OF EDUCATION

March 17, 2026

[redacted]

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RE: Findings-Decision in State Special Education Formal Complaint No. **56-C-74 on behalf of** [redacted]

I. Introduction

On January 15, 2026, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") and requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153 on behalf of their child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of Jefferson Parish Public School ("District").

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 Department must determine:

1. Implementation of the IEP
Whether the District failed to implement the student's IEP with fidelity.

2. Prior Written Notice
Whether the district failed to provide prior written notice prior to making changes to the student's special education classroom placement and personnel without an IEP Team meeting or notifying the Parent.

3. Parental Participation:
Whether the District failed to provide the parent an opportunity to participate in the educational decision-making process when changes were made to the student's placement and personnel as well as failing to respond to parent communications.

4. Records
Whether the District failed to provide access to video recordings following the parent's request.

5. FAPE
Whether the District's lack of a safety plan and failure to continue to provide special education and related services to the Student following the November 19, 2025 incident resulted in a denial of FAPE.

As the Department's assigned investigator, I have 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 January 15, 2026. Therefore, the investigation was limited to alleged violations of law that occurred between January 16, 2024, and January 15, 2026.

III. **Findings of Fact**

At all times relevant to this complaint, the Student was enrolled in a school within the District on or about August 11, 2025 and qualified for special education with the primary exceptionality of [redacted]. The Student is able to push in to the regular education classroom for large group instruction and moves to the special education classroom for small group instruction and is accompanied by an ABA therapist during regular school hours. A re-evaluation was completed on the Student on August 15, 2025 and an IEP meeting to develop the IEP based on the re-evaluation was convened on August 22, 2025.

On or about September 4, 2025, the Parent brought concerns to the District regarding the Student's behavior, bathroom accidents and changes made within the Student's classroom, including the teaching personnel. An IEP meeting was scheduled to convene on September 5, 2025 with the Student's Parent, special education teacher and an additional special education teacher, regular education teacher, the District SPED Coordinator and the District's Official Designated Representative (ODR) in attendance. During this meeting the Parent requested the Student be placed in a particular teacher's classroom. The District provided reasons why this request could not be met entirely. On that same day the Parent submitted a request for the installation of cameras in the Student's classroom.

Following the meeting, a Notice of Proposed or Refused Action dated September 5, 2025 was issued to and signed by the Parent. By letter dated September 7, 2025, the District acknowledged receipt of the request. On September 13, 2025, the Parent submitted a request for a "special education extraordinary" transfer to another school within the District on the basis of a transportation hardship.

By letter dated November 6, 2025, the District notified the Parent that their request for the installation of cameras in the classroom had been approved and the cameras would go "live" on or about November 11, 2025. By email dated November 17, 2025 the District notified the Parent that there was a delay to the transit to parts of the camera system and the cameras would not be activated until November 20, 2025. In an email dated November 19, 2025, the Parent requested clarification as to whether the camera had been installed yet or whether there is not a way to "access" the camera. By email dated November 20, 2025, the District confirmed that the cameras were now activated in the classroom and confirmed that the Parent's September 13, 2025 Special Education Extraordinary transfer request would be reviewed.

By letter dated November 19, 2025, the District denied the Parent's transfer request, which the Parent appealed. By letter dated November 21, 2025, the District advised the decision was upheld by the District for failure to meet guidelines and insufficient supporting documentation among other listed reasons.

Also on November 19, 2025, the Parent reported to the District that they had received information that the Student's special education teacher "dragged the Student by the jacket, thrown into a chair and yelled at." Subsequently, the Parent withdrew the Student from the District that same day and requested to see the video footage of the incident. The Parent also emailed the District requesting a phone call about the incident as it related to the cameras within the classroom.

On November 20, 2025, the Parent submitted an intake sheet to the District's Compliance Office to meet with the District's Director of Compliance regarding the incident, their request for transfer and the issue of the camera within the classroom. On November 21, 2025, by email, the Parent followed up on the request.

By email dated November 30, 2025, the Parent filed a formal complaint with the District specifically regarding the alleged November 19, 2025 incident alleging failures of the District and violations of IDEA law and requesting relief, including a transfer under extraordinary circumstances.

On December 2, 2025, the Parent submitted to the Louisiana Department of Education an application for the approval of a Home Study program for the Student. By letter dated January 7, 2026, the Department issued an approval letter reflecting an approval date of December 2, 2025. On that same day, the Parent submitted a formal complaint to the District advising the Student had been out of school since the November 19, 2025 incident and alleging the District had not provided placement, a safety plan or results of the investigation. Included in the complaint were allegations of conflicting classroom camera information, no investigation being conducted and their objection to reapplying for extraordinary transfer.

By email dated December 3, 2025, the Parent submitted another formal complaint related to the incident that included allegations regarding documented history of District failures, missing camera evidence, lack of communication with the Parent and other compliance violations.

Meanwhile, in response to the alleged incident, the District suspended the teacher from their position with pay pending investigation for allegations of impermissible corporal punishment effective December 4, 2025 through December 9, 2025. Per the District's investigation, the evidence was determined insufficient to conclude the teacher had conducted themselves inappropriately and the matter was closed.

The District submitted record of communications from November 19, 2025 through January 14, 2026 documenting communications between the District and the Parent regarding the submission of a transfer request with the alleged incident as the basis for a new request.

Meanwhile, by email dated January 8, 2026, the District provided a written response to the Parent's complaint. On January 9, 2026, the Parent emailed the District requesting assistance in completing and uploading documents related to a Special Education extraordinary transfer, which the District responded to via email dated January 12, 2026.

On January 14, 2026, the District received the transfer request, which was subsequently approved. The Student was re-enrolled into the District on January 15, 2026 and transferred on January 20, 2026 to another school within the District.

On January 15, 2026, the Parent filed this formal complaint that forms the basis of this investigation.

IV. Conclusions of Law

Allegations #1 and #5

The Parent asserts that following the November 19, 2025 incident, the District failed to continue to provide special education and related services, failed to provide a safety plan and thereby, failed to implement the Student's IEP with fidelity, which resulted in a denial of FAPE.

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. Withdrawing a student from a public agency ends the obligation of the agency to implement the student's IEP.

In this case, the Student's re-evaluation had been conducted and an IEP implemented on August 22, 2025. The District convened the September 5, 2025 IEP meeting when the Parent raised their concerns regarding the Student's behavior and toileting accidents. Noted within the IEP, the Team agreed to the adjustments requested by the Parent with the exception of the Parent's preference for a particular Special Education teacher. However, the NPRA dated September 5, 2025 noted that the parties were in agreement regarding the Student's assigned teacher at the conclusion of the IEP meeting. With regard to the implementation of the September 5, 2025 IEP, there is no evidence within the record to suggest it was not implemented until the November 19, 2025 alleged incident.

It is from November 19, 2025 that the Parent asserts that the District failed to provide services required by the Student's IEP following the alleged incident. However, the record demonstrates that the Parent formally withdrew the Student from the District on November 19, 2025. As a result, although the Student remained within the jurisdiction of the District, the District was no longer obligated to provide the Student with special education services. They were also not required to create a safety plan in response to the incident because the Student was no longer enrolled in the District's public school system. Further, the Parent enrolled the Student in Home Study beginning December 2, 2025 and thereby assumed responsibility for educating the Student.

Apart from the allegation that the District failed to continue to provide special education services, there was no evidence submitted to the record to support the conclusion that the District failed to implement the Student's IEP. Additionally, there was no evidence that the District otherwise failed to comply with the requirements of the Student's IEP resulting in a failure to provide the Student FAPE. The Parent voluntarily withdrew the Student, did not submit a new special education extraordinary transfer related to the November 19, 2025 incident and subsequently enrolled the Student in Home study.

Thus, allegations 1 and 5 are unsubstantiated.

Allegations #2 and #3

The Parent alleged that the district failed to provide prior written notice prior to making changes to the student's special education classroom placement and personnel without an IEP Team meeting or notifying the Parent. Related to this failure, the Parent asserted the District failed to provide them with a meaningful opportunity to participate in this decision.

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 regulatory requirement is for the District to provide a reasonable opportunity to participate. Moreover, pursuant to 1706 § 502 (C) districts shall ensure that a parent of each student with a disability is a member of any group that makes decisions on the education placement of the parent's child. Pursuant to Louisiana Bulletin 1706 §504, prior written notice (PWN) shall be given to the parents of a student with a disability within a reasonable amount of time, and no less than ten days, before the public agency proposes or refuses a change in identification, evaluation, or educational placement of a student or the provision of a free appropriate public education to the student.

The record developed in this investigation does not support the Parent's conclusions that they were not properly notified of changes to the Student's educational program and were not provided an opportunity to participate in those changes. With respect to changes to the Student's teaching personnel, districts are not

required to provide PWN to a Parent regarding changes in personnel nor do the regulatory requirements prohibit the District from making a change in personnel without notifying the Parent. Whether the Student's assigned personnel had been changed or remained the same, the absence of PWN prior to such a change does not constitute a procedural violation that significantly impeded the Parent's opportunity to participate in decision-making regarding the Student's education.

In its response to the complaint, the District demonstrated – through the provision of documentary exhibits – that the Parent participated in the Student's IEP Team meeting and was provided a notice of proposed actions (NPRA) following the meeting. With respect to the September 5, 2025 IEP meeting and changes that the IEP Team made—as noted above--the Team documented within the IEP that the Student struggled with centers and would attend a self-contained classroom during center time, but the Student's breakfast time would correlate with a particular special education teacher. Additionally, the Student's ELA and Math minutes would be adjusted. Agreement of the Team was specifically noted and further memorialized that none of the Parent's requests were rejected. The record reflects that the Parent provided their signature the same day and the changes were implemented immediately.

As it relates to the District's communications regarding the November 19, 2025 incident, the record established that the Parent withdrew the Student, communicated their request for an investigation and attempted to discuss their concerns with the District. Despite the Parent withdrawing the Student, evidence within the records shows that the District communicated to the Parent that a new extraordinary transfer request based on the alleged event—separate from the previous transfer request—would need to be completed before the District could authorize a transfer to another district school. The Parent expressed their objection to this requirement because they had recently submitted a special education extraordinary transfer request, which was denied by the District prior to and unrelated to the incident. The record demonstrates that the Parent did not submit an extraordinary transfer request on the basis of the alleged incident until the Student had been re-enrolled on January 15, 2026. The request was subsequently granted resulting in the Student's current placement within the District. Thus, based on the record, the delay in placing the Student in another district school appears to be a result of the Parent's objection to completing a separate extraordinary transfer request.

The denial of the September 2025 transfer request was received on November 19, 2025—the day of the alleged incident. Because the September 2025 transfer request did not share the same basis, the District requested the Parent submit a new extraordinary transfer on the basis of the alleged November 2025 incident. Because the Parent withdrew the Student and did not submit the transfer request, the District was unable to grant the transfer or continue to provide services to the Student. Although the Parent alleged the District failed to communicate and failed to conduct an investigation into the allegations, records submitted to the Department do not support that conclusion and indicate that the District followed up with the Parent regarding the submission of the transfer.

Based on the record, the Department finds the District provided prior written notice in compliance with Bulletin 1706 as well as a meaningful opportunity for the Parent to participate in the Student's educational program. Thus, allegations 2 and 3 are unsubstantiated.

Allegation #4

The Parent alleged that they received conflicting information regarding the installation and operation of the cameras they requested to be installed within the classroom.

Louisiana Revised Statutes 17:1948 requires that each school district in Louisiana adopt policies relative to the installation and operation of cameras that record both video and audio in a classroom. The policy must

include provisions regarding retention, storage and disposal of the video and audio records, including a requirement that the recordings be retained for at least one month from the recording date. District's must include procedures regarding how a parent or legal guardian may request to review a recording, under what circumstances a request may be made and any limitations to a request. 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 within 45 days of such request. 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.

The record does not support the Parent's claim that the District provided conflicting information regarding the installation of cameras, failed to maintain video recordings or failed to provide any requested recordings. The District's November 17, 2025 email put the Parent on notice that part of the camera system was delayed and stated, "The new anticipated activation date is 11/20/2025." Thus, while the Parent consistently references the cameras and requests for video footage throughout their complaints, the record demonstrates the Parent had prior knowledge that the cameras were not operational on November 19, 2025 and would not be operational until November 20, 2025. There is no evidence within the record to support the claim that the District failed to maintain, retain or destroyed video footage of the incident. The record established that the cameras were not operational on November 19, 2025 and therefore, video footage of the incident did not exist.

The Department finds allegation 4 is unsubstantiated.

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 the Louisiana Bulletin 1706 with respect to the allegations presented in this matter. Therefore, this investigation is hereby closed and no additional action is required.

Sincerely,

Lindsey P. Dupree, Attorney

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CC: Dr. James Gray, Superintendent, Jefferson Parish Public Schools

Louisiana Special Education Complaint Investigation

56-C-75

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LOUISIANA DEPARTMENT OF EDUCATION

March 30, 2026

[redacted]

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RE: Findings-Decision in State Special Education Formal Complaint No. 56-C-75 on behalf of [redacted]

I. Introduction

On January 29, 2026, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") and requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153 on behalf of the child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of the East Baton Rouge Parish Schools ("the District").

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 Department must determine:

<u>Allegations relative to IDEA</u>

1. **IEP**
   Whether the District failed to implement the Student's Individualized Educational Program (IEP) with fidelity, including the provision of the Student's behavior intervention plan (BIP) and other IEP required accommodations and related services.
2. **Parental Participation & Notice**
   Whether the District failed to ensure parental participation by failing to provide prior written notice PWN) prior to proposing or refusing any changes to the Student's educational program.

3. **Manifestation Determination Review (MDR)**
   Whether the District failed to provide procedural safeguards by failing to conduct a MDR before the disciplinary removal of the Student.
4. **FAPE**
   Whether the District failed to provide appropriate supports and services related to the Student's behavioral needs at school resulting in a denial of the Student's right to FAPE.

Allegations relative to Behavioral Health Services

5. **Applied Behavior Analysis (ABA) Services**
   Whether the District failed to comply with the requirements of R.S. 17:173 concerning the provision of private behavioral health services during the school day.

As the Department's assigned investigator, I have reviewed the complaint and the supporting documents submitted. 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 January 29, 2026. Therefore, the investigation was limited to alleged violations of law that occurred between January 30, 2024, and January 29, 2026.

Pursuant to LA. 17:173 and its implementing regulations in Bulletin 135 § 705, the Department is authorized to receive, investigate, and issue determinations regarding complaints alleging noncompliance with behavioral health service requirements. Under Bulletin 135 §705(C), a complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received. Accordingly, the investigation is limited to alleged violations occurring between January 30, 2025, and January 29, 2026.

III. Findings of Fact

The Student, who is the subject of this complaint, attends a school within the jurisdiction of the District and qualifies for special education services under the exceptionality of Autism. The Parent reported that on September 18, 2025 a behavior support plan was developed—which appears to have been part of an ongoing evaluation—but the whereabouts of the plan were allegedly unknown. On September 25, 2025, the Student's evaluation report was disseminated and on September 30, 2025, the Student's Individualized Education Plan (IEP) was finalized. Under the current IEP dated January 14, 2026, the Student continues to meet criteria for special education services with an exceptionality of Autism and receives related services in Speech and Occupational Therapy as well as Adaptive Physical Education (APE).

The Student is currently addressing academic, developmental and functional needs through Louisiana Connectors. The instructional plan addresses educational needs in Math, Gross Motor, Written Expression, Reading Comprehension, Self Help, language and behavior compliance. Each area articulates the Student's present level of academic achievement and functional performance and includes goals and objectives to be measured, documented or observed through progress monitoring or logs. The Student requires the assistance of paraprofessionals with respect to Self-Help and behavior compliance.

The Student's behavior is noted as typical of a student with Autism and although the Student's behavior interfered with progress at times, the Student's behavior is managed through the District's general education positive behavior intervention program (PBIS) under a Tier 3 behavior support plan (BSP) with Check-In/Check-Out (CICO), conference

with a preferred adult and token economy. The Student's compliance with the District's PBIS Tier 3 behavior support plan was supported through a measurable goal within the IEP by setting a behavior goal for the Student to comply with school and classroom rules/expectations in 80% of the opportunities across 4 of the 5 school day.

On December 17, 2025 the Student received a behavioral referral for "commits immoral or vicious practices", which resulted in a one day out of school suspension.

On January 8, 2026, the Student's IEP Team—including the Parent-- conducted a meeting identified as a "Student Progress Tracking Meeting" to discuss the infraction and the Student's progress towards IEP goals and objectives. That same day a Tier 3 functional behavioral assessment (FBA) was conducted with the Parent's consent.

On January 13, 2026, the District contacted the Parent to schedule an IEP meeting to review the Student's IEP. The Parent provided signature to waive a 10-day prior notice of the meeting. On January 14, 2026, an IEP Team met to amend the Student's IEP. The Student's instructional plan, service delivery duration and frequency, LRE placement and related services were reviewed. A Tier 3 BIP was developed to address more recent aggressive behaviors. A Notice of Proposed or Refused Action (NPRA) notice dated January 14, 2026 was issued to the Parent proposing to implement the amended IEP, which the Parent provided their signature on the same day.

The Parent reported that the Student's Applied Behavioral Analysis (ABA) therapist attempted to coordinate care on numerous dates including August 6, 7, 18, 25; September 5, 11, 12, 18, 29, 30; October 1, 28; November 17 and 19, 2025; and, December 5, 2025. Additionally, the Parent asserted that the District failed to include the Student's ABA therapist in meetings and interfered with de-escalation strategies utilized by the ABA.

On January 29, 2026, the Parent filed the complaint that formed the basis of the Department's investigation[1].

IV. Conclusion of Law

Allegation #1 and #4

The Parent's asserted within their complaint that since the Student's September 30, 2025 had been finalized, the District had not consistently implement supports, accommodations and services outlined within the IEP.

The Individuals with Disabilities Education Act (IDEA) guarantees that all eligible students with disabilities are entitled to a free appropriate public education (FAPE). Louisiana defines FAPE as special education and related services that "are provided in conformity with an IEP that meets the requirements of §§ 320 through 324." Once an IEP is developed, the local educational agency (LEA) must ensure that it is implemented as written.

The Department reviewed the available record to determine whether the District failed to implement the Student's IEP with fidelity, including the provision of the Student's behavior intervention plan (BIP) and other IEP required accommodations and related services. As it relates to any failure to implement the September 30, 2025 IEP, the Parent did not submit any documentation to the record to support their allegations. The District maintained that the IEP had been implemented with fidelity and submitted copies of the Student's current IEP along with supporting documentation of developing behavioral supports.

As it relates to the implementation of behavior supports within the relevant time frame of the September 2025 IEP, the Student's discipline record reflects a single entry. While the December 17, 2025 infraction resulted in suspension, a behavioral infraction—by itself—is not sufficient evidence to establish that the District was consistently failing to implement the Student's IEPs throughout the relevant time frame.

[1] The Parent reported that on October 28, 2025 an incident occurred involving the Student and school personnel. As advised in the Complaint Notice letter, allegations of abuse fall outside the jurisdiction of dispute resolution.

Based on the evidence within the record, the Student's behavior supports were not provided through the September 2025 IEP, but instead through the District's general education PBIS program. Ultimately, the Student's behavior supports were received through the PBIS program and were not incorporated as specially designed required supports to be provided through an IEP. As such, The District was not obligated to provide these services under the IEP. Additionally, any changes to those services would not constitute a change in the provision of FAPE triggering procedural safeguards such as prior written notice and a meaningful opportunity for parental participation.

The record demonstrates the District and Parent met to discuss the infraction on January 8, 2026, conducted a Tier 3 FBA and assessed whether the Student's current behavior supports through the District's PBIS were sufficient. Signed parental notices and NPRA within the record evidence that the Parent received notice of an IEP meeting on January 13, 2026 and subsequently attended the meeting the January 14, 2026 IEP Team meeting. At the meeting the Team considered the Student's behavior data and reviewed the Tier 3 FBA. A Tier 3 behavior support plan was developed and agreement with the behavior support plan was memorialized with signatures—including the Parent and behavior support analyst. As a result, the January 14, 2026 IEP reflects that the Student's behavior is managed through the PBIS Tier 3 behavior support plan, which and includes CICO interventions, conferences with a preferred adult, and token economy. Thus, the Student's behavior supports are documented within the IEP, but are remain unincorporated as individualized supports required within the IEP.

With regard to the Student's behavior goal for compliance with the District's PBIS Tier 3 behavior support plan, neither party provided copies of any behavior log to evaluate whether progress had been made towards the compliance goal. However, the evidence within the record is insufficient to support the conclusion that the District has failed to implement the Student's current IEP.

Based on the available record, there is insufficient evidence to find that the District had failed to consistently implement the Student's IEPs such that the Student has been denied FAPE. Accordingly, the Department finds allegation #1and #4 are unsubstantiated.

Allegation #2:

Within the complaint, the Parent alleged that the District failed to provide an opportunity to participate in the decision-making when changes were made to the Student's educational program without proper prior notice. The Parent advised that this failure was in relation to "several decisions", but did not identify these decisions with specificity or provide additional information or documentation to support the allegation.

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. Under 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 10 days, before proposing or refusing to initiate or change a student's identification, evaluation, placement or provision of FAPE. The purpose of this notice is to safeguard parent's right to be informed and meaningful participation in special-education decision making.

The record reflects that within the relevant time frame, the District regularly issued sufficient and timely prior written notice to the Parent. The record also evidenced that the Parent actively participated in collaborative decision-making with regard to the Student's educational programming. Particularly, the parent waived the 10 day parental notice by signing January 13, 2026 IEP notice letter in the section titled 'Parent Waiver of 10-Day Prior Notice of IEP Meeting.' As it relates to the January 14, 2026 NPRA following the IEP Team meeting, the Parent signed the NPRA Acknowledgment of 10 Day Delay Waiver to waive the 10 day wait to implement the IEP immediately. Specifically as it relates to the Student's behavior and the January 2025 IEP, that the Parent was

present, provided input and was in agreement with the Tier 3 behavior support plan.

Absent evidence to the contrary, the Department finds the record sufficient to reflect the Parent received timely notices of meetings and consistently participated in the decision-making process for the Student's educational program during the relevant time frame. Accordingly, the Department finds allegation #2 is unsubstantiated.

Allegation #3

Within the complaint, the Parent alleged that the District failed to provide procedural safeguards by failing to conduct a Manifestation Determination Review (MDR) before the disciplinary removal of the Student. However, the Parent did not provide additional information or documentation to support this conclusion.

Louisiana Bulletin 1706 § 530 requires a manifestation determination prior to a change in placement due to disciplinary reasons. 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 an MDR to assess whether the behavior was a manifestation of the student's disability.

The Student's discipline record showed that this was the Student's first and only behavioral infraction. The record reflects the Student's one day suspension was the result of a behavioral infraction for violating the District's discipline policy and did not invoke the procedural safeguards of Bulletin 1706 § 530. As such, a change of educational placement did not occur and an MDR was not required prior to the suspension. Accordingly, allegation #3 is unsubstantiated.

Allegations relative to Behavioral Health Services

The Parent alleged that the District failed to collaborate with the District in developing the Student's behavior intervention plan and failed to coordinate services with, provide documents to or include the Student's ABA therapists in meetings. For these reasons, the Parent alleges the District failed to comply with the law.

The IDEA ensures that students with disabilities receive a FAPE through an IEP, while the Louisiana state law, R.S. 17:173, outlines procedures for public school governing authorities in coordinating outside behavioral health services to not only students with exceptionalities, but also general education students as well. Thus, La. R.S. 17:173 is limited to the coordination of outside behavioral health services and is not applicable in decisions regarding a student's educational programming or placement. The behavioral health services permitted under La. R.S. 17:173 are not services that have been determined by a student's IEP Team as necessary for a student to have access to FAPE. As a result, districts are under no obligation to extend parental participation rights or consider parental preferences nor is it required to issue PWN in its efforts to coordinate outside behavioral health services to student.

The Parent asserted that the Student's ABA therapist attempted to coordinate care on numerous dates including August 6, 7, 18, 25; September 5, 11, 12, 18, 29, 30; October 1, 28; November 17 and 19, 2025; and, December 5, 2025. Additionally, the Parent asserted that the District interfered with de-escalation strategies utilized by the ABA. While the District responded to the other allegations found within the complaint, the District did not respond to this portion of the complaint. It also did not provide any documentation to refute the allegation. Generally, in such cases, a negative inference is drawn leading to the acceptance of the Complainant's allegations as fact. However, in this case, the Parent did not submit any supporting documentation evidencing these allegations. As such, the record is insufficient for the Department to find that the District failed to comply with La. R.S. 17:173 and Bulletin 135 as it relates to the provision of outside behavioral health services.

V. Conclusion

The Department finds that the District did not violate the Individuals with Disabilities Education Act, the Louisiana Children with Exceptionalities Act, the Department's implementing regulations as set forth in the Louisiana Bulletin

1706, or La. R.S. 17:173 with respect to the allegations presented in this matter. Therefore, this investigation is hereby closed and no additional action is required.

Sincerely,

Lindsey P. Dupree, 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

56-C-76

LOUISIANA DEPARTMENT OF EDUCATION

March 4, 2026

[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: Formal Complaint Investigation [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-76**

Dear Parties:

On January 29, 2026, the Louisiana Department of Education received notification that indicated that 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 **56-C-76.** No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
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 (email only)

Louisiana Special Education Complaint Investigation

56-C-77

LOUISIANA DEPARTMENT OF EDUCATION

June 1, 2026

[redacted]

Dr. Dana Boockoff
Support Services Supervisor
Morehouse Parish School Board
4099 Naff Avenue
Bastrop, LA 71220
dboockoff@mpsb.us

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-77**

Dear Parties:

May 28, 2026, the Louisiana Department of Education received notification that the parties to this formal complaint had 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 **56-C-77.** No further action is required by either party.

Sincerely,

Domonique Dickerson

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

CC: Jessie Winston, Jr., Superintendent, Morehouse Parish School Board (email only)

Louisiana Special Education Complaint Investigation

56-C-78

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

March 24, 2026

[redacted]

Christa Leon
Supervisor of Exceptional Students
Zachary Community School District
3755 Church Street
Zachary, LA 70791
christa.leon@zacharyschools.org

RE: Formal Complaint Investigation on behalf of [redacted]
Notification and Request for Response in Special Education **Formal Complaint No. 56-C-78**

I. Introduction

On January 20, 2026, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") and requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153 on behalf of their child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of Zachary Community School District ("District").

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 Department must determine:

1. The Complainant alleges that the District failed to properly implement the Student's individualized education program (IEP). Specifically, the Complainant alleges that required accommodations and supports, including read-aloud services, assistive technology, modified assignments, reduced answer choices, provision of teacher notes, extended time, and other accommodations, were inconsistently or improperly implemented.

2. The Complainant alleges that the Student was denied a free appropriate public education (FAPE). Specifically, the Complainant that, as a result of the District's actions and omissions, the Student lost instructional time, experienced emotional harm, and was unable to meaningfully access the general education curriculum.

3. The Complainant alleges that the IEP Team failed to consider required special factors. Specifically, the Complainant that, at the November 21, 2025 IEP meeting, the District failed to address the Student's disability-related anxiety and emotional regulation needs, despite parent requests and documentation

indicating that anxiety interfered with learning. The Complainant further alleges that the IEP Team improperly deferred behavioral concerns to school administration rather than addressing those needs through the IEP process.

4. The Complainant alleges that the District made an improper and unlawful change of educational placement. Specifically, the Complainant alleges that the Student's schedule was changed before the issuance of prior written notice, that prior written notice was provided after the change occurred, that Louisiana's ten-day prior written notice requirement was not honored, that no IEP Team meeting was convened, and that the Parent was denied the opportunity to participate in the decision-making process. The Complainant further alleges that the placement was inconsistently and improperly implemented, resulting in confusion and harm to the Student.

5. The Complainant alleges procedural safeguard violations. Specifically, the Complainant alleges that the District failed to provide timely prior written notice, failed to adequately explain options considered or rejected, failed to provide data relied upon in decision-making, and attempted to obtain parental agreement through a coercive electronic signature process.

6. The Complainant alleges documentation failures. Specifically, the Complainant alleges that the District failed to maintain or provide nursing logs, counseling logs, accurate disciplinary documentation, and records tracking the implementation of accommodations. The Complainant alleges that the lack of contemporaneous documentation impeded meaningful parental participation and prevented verification of whether IEP services were delivered.

7. The Complainant alleges improper discipline. Specifically, the Complainant alleges that disciplinary actions occurred during periods of anxiety without the provision of accommodations or supports, and that discipline was imposed without documented consideration of whether the conduct was a manifestation of the Student's disability or whether the IEP was properly implemented at the time of the conduct

As the Department's assigned investigator, I have 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 January 20, 2026. Therefore, the investigation was limited to alleged violations of law that occurred between January 21, 2024, and January 20, 2026.

III. **Findings of Fact**

At all times relevant to this complaint, the Student was enrolled at a school within the District and qualified for special education with exceptionality of Specific Learning Disability. The Student experiences educational deficits in basic reading skills, reading fluency and characteristics of dyslexia and requires specialized instruction and supports in the areas of Reading and Math with adaptations to access the general curriculum. The Student also has medical diagnoses of Attention Deficit Hyperactivity Disorder (ADHD) and Generalized Anxiety Disorder.

Beginning in September of 2025 through November 2025, multiple communications were shared between the Parent and the District most generally related to the Student's completion of and performance on assignments, but also to the Student's behavior and concerns of the Parent, including a formal complaint filed with the District.

An IEP Team meeting was convened on November 21, 2025, thus, the Student's most recent IEP reflects this date. The IEP Team noted the Student required remediation in Reading noting the Student's strengths in vocabulary acquisition and use as well as Key Ideas and Details. Weaknesses included range of reading and level of text complexity as well as craft and structure. Due to the Student's specific exceptionality read aloud, extended time and small group testing would be required to access the curriculum. The Student's goal was set to read various grade level texts and demonstrate understanding of the content and vocabulary while responding to related questions and addressing the grade level curriculum. This goal would be achieved with 70% mastery for 3 of 4 grading periods or improvement of 1 grade level based on STAR reading over the IEP year and measured through daily/weekly grades through Star assessment.

With respect to Math, due to their noted deficits, the Student would utilize a calculator to complete mathematical computations with the goal to demonstrate understanding of computational skills and applications of mathematical concepts. This would be shown by obtaining a 70% or above grade average in 3 out of the 4 nine weeks grading periods during the IEP year and measured through daily/weekly grades.

Accommodations included Read Aloud either through text or speech; modified work in the form of limited amount of work required or length of tests, reduced answer choices or word banks/assistance; the use of a calculator for computation work; extended time allowed to complete assignments and tests along with breaks during work periods, between tasks and during testing; and, small group testing.

As it relates to progress data collected during the IEP school year, a progress report was issued on January 5, 2026 and indicated the Student achieved a 71 C grade in Reading and indicated the Student was making sufficient progress toward the IEP goal of 70% within 3 of the 4 grading periods. With respect to the Student's progress report in Math, the District noted insufficient progress toward the goal of 70% or above grade average with achieving a 61 D due to low performance on assessments.

Following the November 21, 2025 IEP meeting, the Student was observed by the District's Instructional Support Specialist on three separate occasions within the 2025-2026 school year, including December 3, 2025. Following this observation, the Student met with the Social Worker for counseling support; however, the Student received a major infraction for hitting another student that same day. For this behavior, the Student received a referral and two days of in-school suspension.

On December 12, 2025 the District and Parent met to discuss moving the Student to a different classroom in consideration of the dissatisfaction with the Student's assigned English teacher. The District reported that during an in-person meeting, the Student's father advised they wanted the Student's classroom to be changed.

By email dated December 15, 2025, the Parent filed a formal complaint with the District alleging failures regarding IEP compliance, disciplinary actions and insufficiencies of the IEP Team review. On that same day, the Parent emailed an appeal of the Student's two day suspension. The District forwarded this request to its Disciplinary Hearing officer, who then reached out via telephone and left a voicemail for a return call. The Parent responded via email with a list of their concerns and requesting to appeal the suspensions. The Parent stated the basis for the appeal was the Student's eligibility as a special education student with an active IEP and in consideration of the Student's behavior as a manifestation of their documented disabilities. The District advised availability for both an in person or telephone discussion of the appeal. The Parent accepted the appointment for a ZOOM meeting scheduled for December 17, 2025, but requested that the District administrator not be included on the basis that their attendance would inhibit the Parent's ability to meaningfully participate. The District responded by providing an overview of the suspension appeal process emphasizing an appeal review only includes a review of the actions of the Student and whether the consequences are appropriate according to District policy. Having clarified, the District advised the administrator would be included.

On December 17, 2025 the Parent responded with reiterating their objections to disciplinary action against the Student asserting such action could not be imposed on the Student because of their documented disabilities. The Parent also maintained their objection to the participation of the District administration believing the administrators actions were at issue in the appeal. In response, the District postponed the appeal, which was acknowledged by the Parent.

By email dated December 18, 2025, the District explained the suspension appeal and advised the Parent could submit a Due Process Hearing Request or move forward with the suspension appeal. The Parent replied via email dated December 20, 2025 advising they would exercise neither option and instead await the District's response to their formal complaint.

On December 23, 2025 the District responded to the formal complaint issuing a finding of compliance with the IEP and providing support for the documentation of disciplinary actions taken against the Student. The District then began working to create a behavior support plan for the Student to be completed by January 12, 2026.

Upon returning from the holiday break, the District issued an email on January 5, 2026 notifying the Parent of a change in the Student's schedule. In a reply email, the Parent expressed their disagreement with the notification and change. On January 6, 2026, a Prior Written Notice (PWN) was issued to the Parent indicating an amendment to the Student's IEP and proposing to change the Student's educational placement and sent for signature. That same day, the Parent sent an email reply refusing to sign consent. By email dated January 7, 2026, the Parent emailed the District documenting their understanding of the events of the January 7, 2026 school day and indicating school personnel advised the Student that there was no change in the Student's schedule.

On January 8, 2026, the District emailed the parent regarding state-facilitated IEP, to which the Parent agreed. By email dated January 9, 2026, the Parent emailed notice to the District that the student would be absent on the basis of the ongoing change of placement issues.

On January 12, 2026, the District began gathering behavior data by interviewing the Student's teachers and asking them to complete a questionnaire. Consistent among the teachers were the observation that the Student employed task avoidant behavior to escape assignments that the Student either did not understand or did not choose to complete.

On January 15, 2026, the Student's physician executed a letter regarding the Student's medical diagnosis of generalized anxiety disorder in support of educational planning for the Student. The Parent provided this letter to the District.

On January 20, 2026 the Department received the Parent's formal complaint.

IV. Conclusion of Law

Allegation 1 & 2

In the Parent's complaint letter it was alleged the District failed to properly implement the Student's individualized education program (IEP). Specifically, the Parent alleges that required accommodations and supports, including read-aloud services, assistive technology, modified assignments, reduced answer choices, provision of teacher notes, extended time, and other accommodations, were inconsistently or improperly implemented. Moreover, the Parent asserted that these failures resulted in lost instructional time, emotional harm and the inability of the Student to access the curriculum.

Upon review of the evidence submitted in response to the allegation, the Department finds the record does not support these conclusion.

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. Bulletin 1706 §§101(A), 320–324; §513(A)(2) requires districts 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. This includes the obligation to implement the IEP with fidelity and to respond to parental concerns in a manner consistent with the requirements of Bulletin 1706.

The Parent asserted that from August 2025 to November 2025 and through the complaint timeframe, the Student's IEP had not been consistently implemented; however, the record demonstrates that the District implemented or otherwise took steps to proactively implement the Student's IEP when the Student resisted the services.

Within the record were samples of the Student's work completed within the relevant time period of the complaint. These items included assessments with written documentation of implemented IEP required accommodations--either by attaching handwritten notes onto or directly within the assessment document or by stamp with selections indicating which accommodation(s) had been provided that staff. The recorded notes included whether or not the Student resisted or declined to utilize the accommodations offered. Works samples reflected the following:

i. Social Studies exam given online and the Student was provided a paper copy of a modified test;
ii. English test, in which the Student was given in a modified test in a small group setting with extended time. It was noted that the Student refused read aloud accommodations;
iii. English test, in which the Student was given a modified test with extended time. It was noted that the Student refused the read aloud accommodations;
iv. English test, in which the Student was given in a modified test in a small group setting with extended time. It was noted that the Student refused read aloud accommodations
v. Math quiz for angles and triangles. It was noted this quiz was provided in a small group setting;
vi. Math quiz, in which the Student was given in a small group setting with a calculator and provided extra time and was read aloud;
vii. Math assignment, in which the Student was given in a small group setting and provided extra time and was read aloud;
viii. Pre-Algebra Midterm exam, in which the Student was given in a small group setting and provided extra time and was read aloud;
ix. Chart reflecting dates, assignments, the accommodations as appropriate, teacher signature and Student signature;
x. Science, in which Student was given a modified quiz;
xi. Science, in which Student was given a modified quiz.

Following the November 21, 2025 IEP, an email was issued notifying personnel— who were responsible for the delivery of the Student's accommodations——whether accommodations had either remained the same, been removed or had been added as a result of the Student's IEP meeting. In response to discussions at the meeting, regarding the Student's assignment completion and receiving zeroes where some of the Student's work was correct, the District's Instructional Support Supervisor conducted the December 3, 2025 observation. Their observation reported that read aloud accommodations were provided to the Student and observe the Student's responses. The observation found that the read aloud services were recommended to continue. The observation

was not a requirement of the IEP, but as an additional measure to ensure the Student was receiving accommodations and to confirm the benefits of the read-aloud accommodation. Evidence submitted by the Parent was insufficient to show that the Student's accommodations were not being implemented.

With regard to the allegation that the Student suffered a loss of Instructional time, emotional harm and was denied FAPE, the Parent's complaint did not identify with specificity how these deficiencies were caused. It appears the Parent alleges these deficiencies were generally caused by a lack of implementation of the IEP. Failure to implement the IEP constitutes a denial of FAPE. However, the record does not support the conclusion that the Student suffered loss of instructional time and does not substantiate the claim that emotional harm was caused by a lack of implementation of the IEP.

As it could relate to instructional time loss, the District submitted to the record evidence of disciplinary actions that resulted in in-school suspensions. The record evidenced that these were appropriate disciplinary actions resulting in the enforcement of the District's code of conduct for a uniform infraction and two behavior referrals for harming another student. These disciplinary actions did not result in removals subject to Bulletin 1706 § 530 safeguards. The record also does not reflect a loss of instructional time resulting from the appropriate enforcement of the District's code of conduct. No evidence was submitted to the record to support the conclusion that the Student was unable to access to their educational program when the District enforced the consequences for each disciplinary action.

Apart from the Parent's allegation that the Student suffered anxiety issues related to the January 5, 2026 proposed schedule change, there is no evidence within the record that the Student's classroom assignment had changed and ever reported to any class other than their regularly scheduled class. This issue is discussed further in the section addressing allegations #4 & #5.

The Department finds that—apart from the Parent's claim---the record does not contain evidence that the Student's IEP was not implemented consistently or the District has otherwise failed to implement the Student's IEP to the extent that the Student lost instructional time, experienced emotional harm or otherwise denied access to FAPE. <u>As such, allegation #1 and #2 are unsubstantiated.</u>

<u>Allegation #3</u>

The Parent alleges that the IEP Team failed to consider required special factors. Specifically, that at the November 21, 2025 IEP meeting, the District failed to address the Student's disability-related anxiety and emotional regulation needs, despite parent requests and documentation indicating that anxiety interfered with learning. The Parent further alleges that the IEP Team improperly deferred behavioral concerns to school administration rather than addressing those needs through the IEP process.

An 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). Bulletin 1706 324(A) requires that the IEP Team consider special factors with respect to behavior, limited English proficiency, blind or visual impairment, communication needs, whether the student requires assistive technology and the health needs of students with disabilities to be met during the school day based on a health assessment. 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, supports and other strategies to address that behavior.

The November 25, 2025 IEP---in consideration of the Student's medically diagnosed anxiety---includes accommodations that directly address anxiety-related learning interference by providing the Student with extra

time to complete assessments and assignments, modifications to assessments and assignments, a calculator for computations as well as small group testing. The Department finds the IEP is calculated to adequately support the Student's anxiety-related disabilities and provides access the curriculum.

With respect to the Student's behavior, the IEP reflects that the Student's behavior was considered because it was noted that there was no behavior concerns at the time of the Team meeting. The records reflects there was no prior behavioral history to review nor any present concerning behavioral data that would indicate the Student's behavior impeded learning such that they required individual behavioral supports. As such, managing the Student's behavior through the District's general education positive behavior intervention program (PBIS) was appropriate. Thus, the record supports the Department's conclusion that the IEP Team developed appropriate accommodations and considered the Student's behavior and--- based on the data available at the time---found that a need for specially designed behavioral supports were not present. Accordingly, allegation #3 is unsubstantiated.

Allegations #4 & #5

The Complainant alleges that the District made an improper and unlawful change of educational placement. Specifically, the Parent alleges that the Student's schedule was changed before the issuance of prior written notice, that prior written notice (PWN) was provided after the change occurred, that Louisiana's ten-day prior written notice requirement was not honored, that no IEP Team meeting was convened, and that the Parent was denied the opportunity to participate in the decision-making process. The Parent further alleges that the placement was inconsistently and improperly implemented, resulting in confusion and harm to the Student.

Additionally, the Parent alleges the District failed to provide procedural safeguard violations by failing to provide timely prior written notice, adequately explaining options considered or rejected, failing to provide data relied upon in decision-making, and attempting to obtain parental agreement through a coercive electronic signature process.

As a general matter, districts may make changes to a Student's schedule, teacher assignment or classroom setting without prior written notice, an IEP Team meeting or parental consent provided the change does not amount to a change in educational placement under the IDEA. Such administrative choices do not, in and of themselves, constitute a change of placement as contemplated by the IDEA. A change in schedule may be considered a change in placement under the IDEA when the Student's specialized minutes or related services are reduced, the Student is moved to a more restrictive or less inclusive setting. Under those circumstances, Bulletin 1706 § 502 (C) requires districts to ensure that a parent of each student with a disability is a member of any group that makes decisions on the education placement of the parent's child. Moreover, under 1706 §504, the district must issue prior written notice to the parents of a student with a disability within a reasonable amount of time, and no less than ten days, before the public agency proposes or refuses a change in identification, evaluation, or educational placement of a student or the provision of a free appropriate public education to the student. A placement change that is not made in accordance with these requirements may constitute a procedural violation of the IDEA.

The Department carefully reviewed the circumstances surrounding the change of placement and the District's response to Allegations 4 &5. Based on this review, the Department finds that—although a PWN was issued proposing a change in placement—the change of placement never actually occurred.

The District advised that during the December 12, 20205 discussions about moving the Student to a different English classroom, it moved forward with the schedule change based on the Student's Father's favor of changing

the Student's classroom. This would necessitate a change in the Student's schedule, which was placed on the Student's desk during the holiday break and in anticipation of their return to the school.

The District admitted the January 5, 2026 email notified the Parent that a change was made to the Student's schedule, but maintains that this change was not subject to PWN requirement because a change in the Student's classroom schedule does not require PWN. The record confirms this conclusion. The proposed change in the Student's schedule, at this point, did not require PWN. However, the point is moot because the record reflects that the Student's schedule did not change. The Student was advised by District staff that the schedule change would not occur and the Student did not begin attending another classroom.

However, the January 6, 2026 PWN—found within the record—demonstrates that the change in schedule proposed the Student would be moved from an inclusion classroom to a resource classroom for the English period. Because the change of schedule would result in placing the Student in a more restrictive environment, the move would constitute a change of placement triggering the procedural safeguards. However, the District maintains that the Student did not attend a classroom other than the one they regularly attended because the change in schedule never occurred. Thus, while the District took steps in preparation for these changes, a change in placement never actually occurred either. Therefore, the record reflects that a change of placement did not precede the PWN.

The Department noted that confusion was added to the matter because the "new" schedule had not yet been removed from the Student's desk upon their return on January 7, 2026. The record established that the Student received the class schedule from their desk, but was assured by staff that the schedule was no longer changing and to remain within their regularly scheduled classroom. This was acknowledged in the Parent's email dated January 7, 2026.

The Parent asserted that the Student's suffered emotional harm due to the unresolved conflict related to the schedule and placement changes. However, apart from the allegations, there is no evidentiary support to show that placement was still unsettled and ongoing after January 7, 2026. Moreover, the Parent did not submit any contemporaneous evidence to support the conclusion that the Student suffered repeated anxiety issues, early removals, absences and the inability to access the curriculum were attributable to the events on January 7, 2026. The record evidences that the situation may have caused some confusion particularly on January 7, 2026. However, the record established that the Student was promptly advised the change in schedule was no longer occurring and ultimately remained in the same schedule. The Student was not asked to report to any classroom other than their regularly scheduled class according to the record. The Department does note that the Student's regularly scheduled class was held in the library on January 7, 2026; however, this setting did not appear to be the result of any proposed change of schedule or placement for the Student, but only a temporary setting due to the teacher's absence on that particular day. Otherwise, the record does not support a finding that the Student inconsistently attended a different classroom or experienced improper placement from that point forward.

After careful consideration of the record, the Department finds that the record the District took steps to implement a schedule change and issued a PWN proposing to move forward with a change of placement, but a change of placement never actually occurred. Because the change never actually occurred, the Department is unable to find that the District perfected and implemented an unlawful change of the Student's placement in violation of the IDEA.

With respect to the procedural compliance and adequacy of the PWN as well as parental participation, Bulletin 1706 § 502 provides that parents must be afforded an opportunity to participate in meetings regarding their child's evaluation, placement, and educational programming and are a member of any group that makes decisions of the educational placement of the Parent's child.

As previously discussed, the District reported the Parents were actively involved in discussions regarding a change to the Student's classroom and relied heavily on the Student's father's expressed desire to change the Student's setting. Nevertheless---while that may explain the District's actions---it does not relieve the District of its obligation to accurately and adequately notify the Parent of changes to the Student's educational program.

As it relates to whether the PWN was timely, 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.

Here, the Parent asserts—and the record supports—that the District did not provide timely notice of the would be placement change because the PWN was issued on January 6, 2026 following the January 5, 2026 email regarding a change in the Student's schedule. There is no evidence that a change of placement had already occurred on January 6, 2026—only an anticipated change to the Student's schedule. While the PWN indicated a proposed change of placement, as previously determined, the Student's placement remained the same and therefore, the PWN would be timely.

With respect to its sufficiency, 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.

Based on the record, the Department finds the PWN was procedurally sufficient. In this case, the January 6, 2026 PWN identified the purpose of the proposal was to amend the IEP, provided a basis for the proposal, listed the options considered, indicated the data points used to make the determination and included information regarding procedural safeguards. Apart from the fact the PWN was delivered electronically, there is no evidence that the District attempted to coerce the Parent into signing the PWN. While the Parent expressed their belief that the content of the PWN was inadequate, the PWN evidences that it contained the regulatory required components.

In conclusion of allegations #4 & #5, the record reflects that a change of placement was proposed, but not actually implemented. The evidence established that the District was in active decision-making with the Parent's regarding a change in the Student's schedule. A change in the Student's schedule—provided it does not result in a change of placement as contemplated by the IDEA—does not automatically trigger procedural safeguards. However, the PWN indicated the change would constitute a change in placement requiring PWN and other safeguards. Although the District issued a timely and sufficient PWN proposing to change the Student's placement, the change of placement did not occur because the Student's schedule and placement ultimately remained the same. Therefore, the Department finds allegation #4 & #5 unsubstantiated.

Allegation #6

The Parent alleges documentation failures. Specifically, the Parent alleges that the District failed to maintain or provide nursing logs, counseling logs, accurate disciplinary documentation, and records tracking the

implementation of accommodations. The Parent alleges that the lack of contemporaneous documentation impeded meaningful parental participation and prevented verification of whether IEP services were delivered.

Although the Parent alleges the District failed to provide or maintain documentation of the implementation of the IEP required services, the record does not support this conclusion. Bulletin 1706 § 502(B)(1), provides that parents must be afforded an opportunity to participate in meetings regarding their child's evaluation, placement, and educational programming. The regulatory requirement is for the District to provide a reasonable opportunity to participate.

Based on the record, the Parent has consistently participated in the development of the Student's educational programming including the November 21, 2025 IEP. No nursing or counseling services were included nor was the requirement of any log of such services incorporated into the program. Although a Health Plan is noted that it would be included in the IEP, this would be attached once proper documentation was provided. The record reflects that prior to the November IEP meeting, the Parent requested the District counselor to meet with the Student---which then occurred in October of 2025---but the District was under no obligation to provide the service to the Student at that time.

With respect to documentation as it related to parental participation and verification of services, the District submitted supplemental documentation as discussed in Allegation 1 —i.e. work samples of assessments documenting the implementation of accommodations, the Student's Behavioral Support Plan developed in response to the Student's emergent conduct in December of 2025 and progress reports. As previously determined, the work samples reflected the delivery of required accommodations. Progress reports for Reading and Math dated January 5, 2026 were sent home with the Student, which the Parent acknowledged in their January 7, 2026 email. Such records support a finding that the Student's IEP were implemented as written during the relevant period. The record does not support the conclusion that the District failed to document accommodation implementation or failed to maintain records of implementation that could be provided to the Parent. The Parent did not provide evidence demonstrating that they were unable to verify that special education and related services and accommodations were being delivered. As such, the Department finds that the District allegation 6 is unsubstantiated.

Allegation #7

The Complainant alleges improper discipline. Specifically, the Complainant alleges that disciplinary actions occurred during periods of anxiety without the provision of accommodations or supports, and that discipline was imposed without documented consideration of whether the conduct was a manifestation of the Student's disability or whether the IEP was properly implemented at the time of the conduct.

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. However, 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.

The record reflects the Student incurred two behavioral referrals in December only after the Student's IEP had been developed. As previously discussed, the District managed the Student through the general education behavior supports because there were no behavioral concerns requiring specialized supports prior to or at the

time the IEP was developed. The record demonstrated the Student incurred referrals for behaviors that violated the District's behavior policies applicable to all students. The enforcement of the violations resulted in the Student serving a total of 3 days of in-school suspension, well within the allotted 10 days. The Department finds the suspensions were the result of the appropriate enforcement of the District's code of conduct and did not trigger the procedural safeguards under 1706 §530. The record does not reflect a loss of instructional time or the inability to access to the Student's educational program resulting from the disciplinary removals. As such, the Department finds Allegation #7 is unsubstantiated.

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 the Louisiana Bulletin 1706 with respect to the allegations presented in this matter. Therefore, this investigation is hereby closed and no additional action is required.

Sincerely,

Lindsey P. Dupree, Attorney

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CC: Ben Necaise, Superintendent, Zachary Community School District

Louisiana Special Education Complaint Investigation

56-C-79

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LOUISIANA DEPARTMENT OF EDUCATION

March 30, 2026

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RE: Behavioral Health Services Complaint Investigation on behalf of Sunflower Blossom Therapies
Decision letter Complaint No. **56-C-79**

Dear Parties:

I. Introduction

On **January 27, 2026**, the Louisiana Department of Education ("Department") received a formal written complaint from Heather Guillot ("Complainant"), on behalf of Sunflower Blossom Therapies against St. John The Baptist Parish Public Schools ("District") alleging that the District failed to comply with the requirements of La. R.S. 17:173 concerning the provision of behavioral health services to students during the school day. Specifically, the Complainant alleges that the District's policy and practices are creating unnecessary barriers to the provision of behavioral services to students by imposing additional or inconsistent background check requirements for licensed behavior analysts prior to permitting access to the school.

Pursuant to LA. 17:173 and its implementing regulations in Bulletin 135 § 705, the Department is authorized to receive, investigate, and issue determinations regarding complaints alleging noncompliance with behavioral health service requirements. In accordance with these authorities, the Department reviewed the complaint, the District's response and all documentation submitted by the parties and conducted an independent investigation of the allegations.

Under Bulletin 135 §705(C), a complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received. Accordingly, the investigation is limited to alleged violations occurring between January 28, 2025, and January 27, 2026.

II. Findings of Fact

The Complainant is a licensed behavior analyst (LBA) and the owner of an Applied Behavior Analysis (ABA) therapy company, Sunflower Blossom Therapies, which provides behavior health services to students. As it relates to this complaint, the Complainant's services were obtained to provide ABA therapy services to a Student under the jurisdiction of the District.

By email dated December 30, 2025, the Complainant's client/Parent reached out to the District to "find out the process for [a Student] to receive necessary ABA therapy services". In a reply email dated January 6, 2026, the District attached a copy of a Memorandum of Understanding (MOU) and directed the Complainant's client/Parent to complete the MOU and return it to the District. In a same day response, the Complainant returned the MOU along with a copy of the Complainant's license through the Louisiana Behavioral Analyst Board (LBAB) along with a copy of a letter from the LBAB acknowledging a license through the LBA as proof of a background check. The Complainant's client/Parent sent a follow-up email dated January 8, 2026 requesting an update on the approval of the Complainant's access.

By email dated January 9, 2026, the District advised the documents were under legal review and advised there had been no service end date provided. The District requested an end date within the MOU and for the Complainant to resend once updated. In reply, the Complainant advised there was no place for an end date within the MOU and did not provide a proposed date. Continuing the communication thread, the District summarized the review of the documents and notified the Complainant that the portion of the MOU regarding the criminal background check could not be satisfied by the submission of the letter from LBAB ("the vetting statement") as documentation of having completed and passed a criminal background check within the past 12 months and an attestation of no arrests, disciplinary actions, etc. since initial licensure. The District closed with requesting a copy of the Complainant's CBC for review.

By email dated January 13, 2026, the Complainant advised the District that all required materials to permit ABA services within the educational setting had been submitted and reminded the District that La. R.S. 17:173 requires the District allow medically necessary ABA services without arbitrary limitations that interfere with treatment. Further, the Complainant expressed the belief that the delay in services caused by the District placed them out of compliance and requested the District to grant access without further interruption.

By email dated January 14, 2026, the District clarified that after review of the MOU and the "vetting statement", it had confirmed that the "vetting statement" did not satisfy the specific section within the MOU regarding CBC. In another email on that same date, the District advised the Complainant's client that the District could not provide clearance without fulfilling the requirement of the MOU as it related to the proof of the CBC and reiterated the relevant portions of the MOU.

By email dated January 14, 2026, the Complainant directed the correspondence to the Superintendent of the District expressing the belief that the District's MOU and local agreements and internal procedures are inconsistent with Louisiana law and guidance from the Department of Education. The Complainant further articulated their position that the delay was not documentation, but legal compliance and their concern that the District was out of compliance by prolonging interruption of the services.

By email dated January 27, 2026, the District responded to the Complainant advising the District's position that the law requires certain documents to be in place before the delivery of ABA services. The District advised that it had not received from the Complainant documents that are required by the District's written procedures and MOU, which the District had been provided to the Complainant previously. Because the District had not received these documents, it could not proceed with the approval. These documents were listed and included: (1) the behavioral health evaluation of the Student (2) assessment (3) treatment plan (4) release of information executed by the Parent (5) verification of liability insurance; and, (6) verification of successful completion of a criminal background check by the Louisiana State Police. The District acknowledged the Complainant's opposition to providing a copy of the CBC that was provided to LBAB and reiterated the position that the requirement cannot be waived.

Shortly thereafter, on January 27, 2026, the Complainant submitted a formal complaint request, which is the basis for this decision.

III. Conclusions of Law

The Complainant requested the Department determine whether the District failed to comply with La. R.S. 17:173 by imposing policy and practices that created an unnecessary barrier to the provision of behavioral services to a student or students by imposing additional or inconsistent background check requirements for licensed behavior analysts prior to permitting access to the school.

Under La. R.S. 17:173(A)(1) and Bulletin 135 703(A), a public school governing authority may not prohibit a behavioral health provider from delivering medically necessary behavioral health services to a student during school hours when requested by the parent or legal guardian. However, La. R.S. 17:173(A)(2) and Bulletin 135 § 703(B) require public school governing authorities to adopt policies governing the provision of behavioral health services on campus. These policies may require documentation including proof of liability insurance, verification of criminal background checks, a behavioral health evaluation, an authorized treatment place, and a consent to release information form. With respect to criminal background check (CBC), Bulletin 135 § 703(B)(2) provides that prior to providing services, a behavioral health provider shall complete a conducted by the Louisiana State Police and shall pay all related costs. However, applied behavior analysis providers who are licensed, certified, or registered by the Louisiana Behavior Analyst Board, who provide documentation of having passed a CBC conducted by the Louisiana State Police and FBI, and who are in good standing with the board shall not be required by the public school governing authority to complete an additional CBC in order to begin providing behavioral health services at a school. Thus, documentation of having completed a CBC may be required as part of a district's behavioral health services policy.

The Department finds the record developed in this investigation established that the CBC component of the MOU was the primary catalyst for this complaint. However, the CBC was only a barrier to the completion of the MOU, but was not the only barrier to their approval for provision of ABA services because there were several outstanding deficiencies with the Complainant's request.

Based on the record, the District's policy for approving outside behavioral health services are not solely dependent on the completion of the MOU, but dependent upon the receipt of additional required documentation. In support of this position, the District submitted copies of its policy, procedures and a copy of the MOU. Based on these records, the District has established policy and procedure for the implementation of R.S. 17:173 as required by law. The District's policy regarding requests for ABA services to be delivered at the school campus has been posted publically to the District's website and provides the steps that must be followed to obtain approval. Upon review of the District's ABA policy, the District requires submission of required documentation, which includes a completed MOU, but is not limited to the MOU. These include: a behavioral health evaluation, treatment plan, verification of a criminal background check, proof of insurance, liability insurance, and a consent to release information form before allowing the behavioral health provider to begin services on campus.

The list of the additional required documentation is found on page 2 of the District's "Procedures for Medically Necessary Behavioral Health Services During the School Day by Outside Behavioral Health Providers" posted to its webpage, and reads in pertinent part:

> *"(1) a signed consent to release information form between the BHP and the School Board; and (2) a behavioral health evaluation (BHE) performed by a BHP evaluator as well as an assessment and authorized treatment plan performed by a BHP chosen by the parent/legal guardian indicating that the BHS are medically necessary during school hours to assist the student with behavioral health impairments associated with a medical diagnosis that the evaluator determines are interfering with the student's ability to thrive in the educational setting. The contents of the BHE must include, at a minimum, the student's medical diagnosis(-es), a description of present problems and symptoms; information about health, illness and treatment (both physical and behavioral), including current medications; information about the student's development; and*

relevant information, if any, about environmental factors and relevant historical events. The BHE must include an assessment and authorized treatment plan performed by a BHP and must clearly identify the operational definition describing the factors that constitute interference with a student's "ability to thrive in the educational setting" and the criteria used by the BHP for determining such interference resulting from diagnosed behavioral health impairments."

The record reflects a copy of the MOU was provided to the Complainant at the time the Complainant's client requested services for the Student. The Complainant asserted that the District only pointed to the CBC component of the MOU as preventing approval; however, as it relates to the MOU, section 1.2 includes the following statement referencing the additional documentation required for approval:

"The School Board may grant approval of such request only after a signed MOU with the BHP, production of required assurances and documents, written request of the parents, and consent of the parents on a form designated by the School Board, and all other terms and conditions set forth in the MOU and the School Board Policy."

The record also established that the District's January 27, 2026 email to the Complainant included a copy of the policy and procedures and included a list of the outstanding documents. Within that email, the District maintained its position that it must receive a copy of the CBC to satisfy the MOU requirements.

The Department finds that these documentation requests are generally consistent with the minimum policy requirements described in R.S. 17: 173(A)(2) and Bulletin 135 703(B).

Based on the available record, the Department does not find that the District's policy to provide a copy of the CBC contradicts the intent of Act 745 and does not find that providing a copy of the CBC constitutes an onerous requirement or barrier to the provision of behavioral health services under R.S. 17:173(A)(2). The Complainant may request a right to review to receive a copy of their CBC to share with the District. According to the record established in this investigation, the District did not impose the requirement of any additional background check. Licensed LBAs are exempt from an additional background check if they have documentation of having passed a CBC, but are not relieved of the obligation to provide documentation of having passed a CBC.

Under the current language of the law, the District is not required to accept a general attestation from the licensing agency as proof of a CBC and sufficient attestation as required by its MOU. Because the vetting statement is general in nature and is not provider-specific, the District's determination that it is insufficient, is reasonable. The Department does not have the authority to determine what the district must as sufficient documentation to satisfy their MOU requirements. Ultimately, the Complainant did not provide a copy of a CBC evidencing that a CBC had been conducted within the past 12 months. The Department finds the District is within its right to maintain this requirement within its policy.

IV. Conclusion

While the record reflects the Parties were primarily focused on resolving the insufficiency of the CBC component of the MOU, it does not support the conclusion that all other requirements had been satisfied otherwise. The Complainant confirmed to the Department that additional documentation as required by the District had not been submitted. The record established that the delay in the approval of the Complainant's services were attributable to the failure to provide a copy of the CBC per District policy. Moreover, the record also established that even if a copy of the CBC had been provided, the additional documentation required by the District's policy remained outstanding.

Thus, the Department finds the District has not failed to comply with the La. R.S. 17:173 and therefore, the allegation is unsubstantiated.

Respectfully,

Lindsey P. Dupree, Attorney

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CC: Cleo Perry Jr., Ed.D., Superintendent, St. John the Baptist Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-80

DR. CADE BRUMLEY
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LOUISIANA DEPARTMENT OF EDUCATION

March 30, 2026

[redacted]

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Re: Findings-Decision in Behavioral Health Services **Complaint No. 56-C-80** [redacted]

I. Introduction

On January 28, 2026, the Louisiana Department of Education ("Department") received a formal written complaint from [redacted] ("Student") concerning a school under the jurisdiction of the St. John the Baptist Parish School District ("District").

II. Statement of the Case

In the complaint, the Parent alleged that the:

1. District failed to comply with the requirements of R.S. 17:173 concerning the provision of behavioral health services for students.

Pursuant to Bulletin 135 §705(C), a complaint must allege a violation that occurred not more than one year prior to the date the complaint is received. Accordingly, this investigation considered allegations concerning events occurring between **January 29, 2025 and January 28, 2026**.

III. Findings of Fact

At all times relevant to the complaint, the Student was a school-aged child enrolled school under the jurisdiction of the St. John the Baptist Parish Public School System The Student has been medically diagnosed with Autism Spectrum Disorder and related developmental and behavioral conditions. A developmental evaluation conducted on July 17, 2023, by a licensed physician at Ochsner Hospital for Children documented significant delays in speech and language, deficits in social interaction, and the presence of repetitive and maladaptive behaviors. The evaluation concluded that the Student meets the diagnostic criteria for Autism Spectrum Disorder and recommended Applied Behavior Analysis (ABA) therapy as a medically necessary treatment.

The Ochsner evaluation further documented that the Student's behavioral and developmental impairments interfere with functioning in structured environments, including the educational setting, and

recommended participation in a daily special education program with behavioral, communication, and social interventions delivered within the school environment. Additional medical psychology records dated February 20, 2025, and March 11, 2025, reflect continued diagnoses of Autism Spectrum Disorder and Attention-Deficit/Hyperactivity Disorder and describe significant difficulties with attention, impulsivity, hyperactivity, and classroom functioning requiring additional supports within the school setting.

The Parent selected a behavioral health provider, a Board Certified Behavior Analyst (BCBA), to provide ABA services. The provider developed a treatment plan that identifies the Student's diagnosis and documents significant behavioral challenges, including aggression, property destruction, deficits in communication, and difficulty with emotional regulation. The plan states that these behaviors interfere with the Student's ability to participate successfully in home, school, and community environments.

The treatment plan includes assessment components, including the Assessment of Functional Living Skills (AFLS), the Questions About Behavioral Function (QABF), and the Vineland Adaptive Behavior Scales (Vineland-3), and establishes measurable goals addressing behavior reduction, communication, social skills, and school readiness. The plan recommends approximately 35 hours per week of ABA services and includes a proposed schedule for services to be delivered during the school day at the Student's school campus.

On or about December 30, 2025, the Parent contacted the District to request behavioral health services for the Student within the school setting. The District received the treatment plan on or about January 2026.

On January 27, 2026, the District informed the Parent and provider that additional documentation was required prior to initiation of services, including a behavioral health evaluation, assessment and treatment plan, proof of liability insurance, verification of a criminal background check conducted by the Louisiana State Police, and a signed consent to release information.

With respect to the criminal background check requirement, the provider submitted a document from the Louisiana Behavior Analyst Board stating that licensed individuals are vetted, including completion of state and FBI background checks, and are subject to ongoing monitoring. The document does not identify the specific provider selected by the Parent.

The District determined that this documentation was insufficient and required documentation verifying that the specific provider had completed and passed a criminal background check conducted by the Louisiana State Police. The District maintained that it did not deny services but delayed implementation pending receipt of required documentation.

The Parent filed the present complaint on January 28, 2026.

IV. Conclusions of Law

Allegation 1: Whether the District failed to comply with La. R.S. 17:173 and Bulletin 135 in its response to the parent's request for behavioral health services.

Behavioral Health Evaluation and School-Hours Necessity

Under La. R.S. 17:173(A)(2)(c) and Bulletin 135 §703(B)(3), behavioral health services shall be permitted during school hours if the parent presents a behavioral health evaluation, assessment, and treatment plan, and the evaluation indicates that the services are necessary during school hours to address behavioral health impairments that interfere with the student's ability to thrive in the educational setting.

In the instant matter, the determination of whether this requirement is met turns on whether the evaluation, when reasonably interpreted as a whole, indicates that behavioral health services are necessary during school hours. The Ochsner evaluation documents significant behavioral and developmental impairments affecting the student's functioning in the educational setting and recommends intensive behavioral and educational interventions within the school environment. The evaluation further identifies ABA therapy as a medically necessary treatment. Although the evaluation does not expressly state that ABA services must be delivered during school hours, it links the student's behavioral impairments to deficits in school functioning and recommends interventions within the educational setting. The accompanying treatment plan provides additional clinical detail, including the intensity of services and a proposed schedule during the school day at the student's campus.

When considered together, the evaluation and treatment plan support a reasonable inference that behavioral health services are necessary in the school setting to address behaviors that manifest during the school day. Accordingly, the documentation reflects substantial compliance with the requirements of La. R.S. 17:173(A)(2)(c) and Bulletin 135 §703(B)(3). If the Parent renews the request for services and the remaining requirements of La. R.S. 17:173 and Bulletin 135 are satisfied, the District shall accept the evaluation and treatment plan submitted in this matter as sufficient to meet the requirements of La. R.S. 17:173(A)(2)(c) and Bulletin 135 §703(B)(3).

Criminal Background Check Documentation

Under La. R.S. 17:173(A)(2)(b) and Bulletin 135 §703(B)(2), prior to providing services, a behavioral health provider must complete a criminal background check conducted by the Louisiana State Police. However, to avoid duplicative requirements, applied behavior analysis providers who are licensed, certified, or registered by the Louisiana Behavior Analyst Board, who are in good standing with the board, and who provide documentation of having passed a criminal background check conducted by the Louisiana State Police shall not be required by a public school governing authority to complete an additional criminal background check in order to begin providing behavioral health services at a school.

While the statute does not prescribe a specific form of documentation, it requires verification that the individual provider seeking access has satisfied the criminal background check requirement.

In this matter, the provider submitted a general attestation from the Louisiana Behavior Analyst Board describing the Board's vetting and monitoring practices. The document states that licensed individuals are subject to background checks and ongoing monitoring; however, it is a generalized form letter that does not identify the provider at issue in this complaint and does not confirm that the provider has completed and passed a criminal background check. Upon review, the District determined that this documentation did not constitute sufficient verification that the specific provider had completed and passed a criminal background check. Given the general nature of the letter and its lack of provider-specific information, the District's determination regarding the sufficiency of the documentation is reasonable.

Accordingly, the District's request for documentation verifying that the individual provider has completed and passed a criminal background check is consistent with the statute and does not constitute the imposition of an additional background check requirement.

V. Conclusion

The record demonstrates that the Parent submitted documentation that substantially satisfies the evaluation and treatment plan requirements under La. R.S. 17:173(A)(2)(c) and Bulletin 135 §703(B)(3). However, the provider at issue did not submit documentation sufficient to demonstrate that they had passed a criminal background check as required under La. R.S. 17:173(A)(2)(b) and Bulletin 135 §703(B)(2). Because compliance with all statutory prerequisites is required prior to the provision of behavioral health

services, the District did not violate La. R.S. 17:173 by delaying implementation of services pending receipt of sufficient criminal background check documentation.

Respectfully,

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CC: Cleo Perry Jr., Ed.D., Superintendent, St. John The Baptist Parish Public Schools

Louisiana Special Education Complaint Investigation

56-C-81

DR. CADE BRUMLEY
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LOUISIANA DEPARTMENT OF EDUCATION

February 8, 2026

[redacted]

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RE: Formal Complaint Investigation on behalf of [redacted]
Notification and Request for Response in Special Education Formal Complaint No. **56-C-81**

I. Introduction

On February 2, 2026, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") and requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153 on behalf of their child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of St. John the Baptist Parish Public Schools ("the District").

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 Department must determine:

1. Whether the District failed to implement, review and revise the Student's IEP as it relates to the Student's behavior intervention plan (BIP) to address the Student's escalating behavior.
2. Whether the district failed to provide prior written notice and a meaningful opportunity to the Parent to participate in educational decision-making by unilaterally changing the Student's educational placement resulting in a reduction of services without an IEP Team determination or parental consent.
3. Whether the District failed to provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment when it changed the Student's placement.

As noted in the Department's complaint notice letter, any matters raised in the complaint that fall outside the Department's complaint authority outlined in Bulletin 1706 are beyond the scope of this investigation.

Pursuant to Louisiana Bulletin 1706 § 152(C), a complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received." Accordingly, the investigation of any alleged

violations is limited to conduct occurring between February 3, 2024, and February 2, 2026.

III. Findings of Fact

The Student attended a school within the District and qualified for services under the exceptionality of Autism and qualify for special education services, adapted physical education and speech services. The Student received services in a self-contained alternate assessment setting. The Student has significant impairments that include cognition, communication, sensory processing, social/emotional, and academics, which affect the Student's participation in all daily living and educational activities. During the timeframe of the complaint, the Student had a triennial evaluation resulting in an update to the Student's IEP. An IEP dated February 2024 was in place until May 14, 2025, when the IEP Team met to update the IEP.

As it relates to the Student's behavior, the Student's 2024 IEP noted that in general, their behavior is typically acceptable, but the Student had demonstrated aggressive behavior at times in the form of charging at others, hitting, and/or biting; however, the behaviors had decreased dramatically over time. Positive strategies and supports that help to deescalate the Student are: token economy, First/Then statement, visual schedule, rewards box, contingent reinforcement, and a break card. In the May 2025 IEP, the IEP Team noted the Student's behavior continued to be supported through PBIS applying the same strategies. When the Student's behavior would escalate, the Student would be pulled away. It was noted the Student had two major referrals for conduct injurious to other Students. The Student's behavior goal included using the PBIS strategies to stay on task for 5 minutes and refrain from becoming aggressive. The goal would be tracked through a behavior tracking log.

By email dated November 5, 2024, the Parent requested information on steps to being approved to observe the Student within the classroom. The District scheduled the observation for November 15, 2024. By email dated November 12, 2024, the Parent requested to postpone the observation due to the Student biting another Student and requested an immediate IEP Team meeting to review the Student's behavior plan. In a reply email, the District rescheduled the observation for November 21, 2024 and advised the Parent that an IEP Team meeting date would be determined following the observation.

By email dated November 17, 2024 the Parent requested additional potential meeting dates. The observation was again postponed due to an impending suspension. On November 21, 2024, the District advised the Parent that the Student was allowed to return to school following a suspension. The observation was rescheduled for December 2, 2024. The District further advised the parties would conduct a meeting after the observation to discuss the Student's behavior and "a plan to move forward." In reply, the Parent confirmed they would be available and attending on December 2, 2024. Subsequently, the observation was conducted with the presence of the Student's Applied Behavior Analyst (ABA). The District reported that at the observation, the Parents advised they would get "back with the Special Education teacher with an IEP meeting date."

A functional behavior assessment (FBA) was completed on January 31, 2025.

The District reported that on February 2, 2025, the District reached out to follow-up with the Parent regarding the IEP meeting and to inform the Parent the Student's teacher would be leaving. The District further reported the Parents' advised the teacher had let them know about this leave on January 24, 2025 and had been

provided a copy of the draft IEP on January 29, 2025. During this reported exchange, the Parents advised they were unable to provide a definite date to conduct the IEP meeting, but would let the District know.

On February 5, 2025, a draft behavioral intervention plan (BIP) was developed for the Student based on the FBA that had been performed. On February 12, 2025, an incident involving the Student and District personnel occurred. The Student did not return to the school following this incident. To date, the Student has not returned to the school since this incident occurred. The Student was not withdrawn from the District at that time and has not been withdrawn as of the date of the filing of this complaint. The District reported communications continued regarding the rescheduling of the IEP meeting.

By email dated February 20, 2025, the Parent requested information on how the Student would receive services in a "homeschooling" setting due to a teacher shortage and the Student's return date. In a same-day response, the District explained why "homebound services" had been offered—amongst other options---and advised the Student could return to campus immediately. The District further explained if the Parent chose the homebound option, a meeting could be held to discuss the delivery of services. In closing, the District noted compensatory services would be provided in the event the Student returned to campus. The District again proposed to meet to discuss.

In a reply email dated February 23, 2025, the Parent advised they were inundated with calls regarding the Student and the incident with District personnel. The Parent expressed discussions must be arranged around their work schedules to accommodate everyone and the Parent would follow-up with the District with their availability. In reply, the District advised it would provide space and time and would be ready to assist.

The Student's triennial evaluation began on March 18, 2025 and was disseminated on May 14, 2025, when a state-facilitated IEP meeting was held. At this meeting the BIP was reviewed and it was agreed that the District would provide compensatory minutes to the Student for the timeframe---February 5, 2025 through May 2025---that the Student was not attending school following the February incident with school personnel.

By email dated May 22, 2025, the Parents' accepted the District's offer of compensatory services and the proposed schedule of the delivery of those services. However, the Parents' advised the services should be provided at the "Milesville" location. In a same-day reply email, the District confirmed the compensatory services would start on June 2, 2025 through June 26, 2025, but because the location was no longer an option due to a transitions, the delivery of services would be the East St. John school campus.

By email dated June 3, 2025, the Parent requested an alternative educational placement (to fulfill owed compensatory time) based on the advice of the Student's medical team due to the Student's trauma associated with past events at the Student's current school site. In response, by email dated June 5, 2025, the District requested a medical statement for their records and offered alternative sites for summer learning within the District. In the alternative to those offerings, the District offered to collaborate for home-based compensatory services. Additionally, the District advised it was prepared to provide the compensatory services to the Student at the East St. John campus and had hired a paraprofessional specifically to deliver those services to the Student.

On June 23, 2025, the District sent a follow-up email requesting an update from the Parent. A reply email was not submitted to the record and it appeared the Parent did not respond. On July 24, 2025, the District sent

another follow-up email requesting an update and inquiring on whether the Student would be returning to the school in August for the 2025-2026 school year. A reply email was not submitted to the record.

By email dated July 30, 2025, the Parent responded by providing the District with two letters recommending a change in educational placement for the Student. The District replied on July 31, 2025 requesting three dates of availability to meet with the Parent to discuss the potential option for alternative placement. The Parent responded on August 6, 2025 with dates of availability. On August 7, 2025, the District responded by confirming to meet on August 21, 2025.

By email date August 12, 2025, the Parent notified the District of an attendance notice it received and requested an advance draft of the placement options and clarification on how the Student's current IEP would be implemented in the new settings. In a same-day reply, the District advised the Parent the alternative setting option would be West St. John High school based on the Student's age, grade level and exceptionality. The IEP would be in place for that setting, but could be amended, which the District advised would be done with a meeting to review the IEP components with the new teachers.

On September 15, 2025, the District issued a notice of an IEP to be held on September 18, 2025. The notice characterized the meeting as a continuation of discussing the Student's return from the May facilitated IEP meeting.

Following the meeting, the District issued a Notice of Proposed or Refused Action (NPRA) dated September 25, 2025. This notice provided a summary of the September 18, 2025 meeting and details regarding the discussions surrounding the return of the Student. The District reviewed the proposed locations to implement the Student's IEP and compensatory minutes. The proposed options included (1) returning the Student to the East St. John location (2) attending the West St. John location; or, (3) placing the Student temporarily into a homebound setting with a scheduled transition to one of those high school campuses. The Notice acknowledged the Parents, along with their attorney, proposed other options during the meeting. The District noted its refusal to provide compensatory educational services at its District business office or at the K-8 elementary school, which the Student's service provider's rejected because the school is socially inappropriate. The District also noted its refusal to deliver services at a school not located within the District's jurisdiction.

With regard to the District's West St. John High School, due to the distance, the District proposed to provide transportation along with a bus attendant. It was reiterated that the Student could immediately return to East St. John, where a paraprofessional had been hired specifically for the Student. As it related to the offer of homebound services, the District reviewed its proposal to implement a temporary transitional plan that could result in transitioning the Student to either the West or East location under the same circumstances previously offered. The District identified the information that was used in its decision and provided a copy of the procedural safeguards to the Parent.

By email dated October 22, 2025, the District provided written notice of an IEP meeting scheduled for November 4, 2025 to discuss the Student's re-entry plan as the IEP Team had discussed during the September 18, 2025. In reply, the Parent requested clarification for the need of the re-evaluation indicated in the notice. On October 24, 2025, the District explained the re-evaluation is needed to address the change in placement, services and re-entry as well as consideration of the medical information.

By email dated November 1, 2025, the Parent advised they were unavailable for November 4, 2025 and would follow-up with the District on an alternative date and time to meet.

On November 13, 2025, the District sent an email to follow-up on the Parents' availability to schedule the re-entry plan as discussed at the September 18, 2025 meeting. Receiving no reply, the District emailed the Parent on December 3, 2025 again to request dates and times for the Parent to meet to discuss re-entry. The Parent replied on December 4, 2025 with availability in January. Subsequently, the District issued a parental notification letter of the IEP meeting for Friday, January 9, 2026.

On January 7, 2026, the Parent emailed the District advising of a scheduling conflict and requesting to meet on January 26, 2026.

The Parent filed this complaint on February 2, 2026.

Conclusions of Law

Allegation #1

The Parent alleged that the District failed to review, revise and implement an updated BIP in response to escalating behavioral concerns despite requesting an IEP meeting on November 12, 2024. By failing to do so, the Parents alleged the District failed to provide necessary behavioral supports.

Under Bulletin 1706 §§320–324, districts must develop, review, and revise an IEP to address a student's needs and must ensure parents have a meaningful opportunity to participate in IEP meetings, including timely notice and reasonable efforts to schedule a mutually agreed-upon time. Generally, the reasonableness of a district's attempts to secure a parent's attendance is used to determine compliance with the obligation to provide an opportunity to participate.

The evidence shows that the Parent requested an IEP meeting on November 12, 2024. The District initially scheduled the IEP meeting for December 2, 2024 and the Parents confirmed they would be in attendance. However, the record reflects that the IEP meeting did not occur on this date because the Parents later notified the District in person—following the observation—that they would let the District know their availability for the IEP meeting. The District continued efforts to coordinate the rescheduling of the December 2, 2024 IEP meeting. The record clearly shows the District made multiple, reasonable attempts to accommodate the Parents, but prolonged delays continued. Notably, the District did not appear to offer any alternative means of meeting, such as ZOOM or telephone call. Still, the regulatory requirements are to provide notice and a meaningful opportunity to participate and the District has satisfied those requirements through their efforts.

However, the Department has concluded that the District ultimately did not convene a timely IEP meeting and, as a result, failed to timely review and revise the Student's behavior plan. Much of the evidence within the record is related to the inability of the parties to come to a mutual agreed-upon time to hold a meeting.

Bulletin 1706 § 322 permits districts to conduct IEP meetings without parental participation when or if the parents refuse to meet. In this case, the Parent did not explicitly refuse to meet, but the record reflects that the delays in scheduling were attributable, in part, to the Parents' request to reschedule and failure to provide availability. However, once the District agreed to hold the meeting, it remained obligated to convene the IEP Team within a reasonable period of time, regardless of these delays.

The record reflects that the BIP drafted in February was eventually reviewed and revised months later during the May 2025 state-facilitated IEP meeting. With respect to the BIP's implementation, the record supports the District's position that it has been unable to implement the IEP and behavior plan due to the Student's lack of participation because of the ongoing dispute regarding the Student's educational setting.

Accordingly, the Department finds the District failed to timely convene an IEP meeting and, as a result, failed to timely review and revise the Student's BIP. As such, allegation #1 is substantiated in part, and only as it relates to the failure to timely review and revise the Student's behavior plan due to the failure to conduct a timely IEP meeting.

Allegation #2 and #3

The Parent alleged that the district failed to provide prior written notice and a meaningful opportunity to the Parent to participate in educational decision-making and failed to provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE) when it placed the Student on homebound services unilaterally without an IEP Team determination or parental consent.

Under Bulletin 1706 §504, the district must issue prior written notice (PWN) to the parents of a Student with a disability within a reasonable amount of time, and no less than ten days, before the public agency proposes or refuses a change in identification, evaluation, or educational placement of a Student or the provision of a free appropriate public education to the Student. Each notice must describe the proposed or refused action, explain the reasons for the decision, identify the data or reports relied upon, outline any alternatives considered and reasons for their rejection, and inform parents of their procedural safeguards and available resources under Bulletin 1706 §504(B). Placement decisions must be made by the IEP Team and include the parents and based on the Student's unique needs, ensuring that the LRE determination aligns with both the Student's educational and developmental requirements. A placement change that is not made in accordance with these requirements may constitute a procedural violation of the IDEA.

Following the State-facilitated IEP meeting in May of 2025, the District offered and the Parents accepted compensatory minutes for the loss of educational services between February and May and a paraprofessional for the Student; however, the Student was never returned to the school. The communications from that point forward---May 2025 through January 2026---were centered on the educational setting in which the Student would receive the services. During this time frame, the District provided options to the Parent to deliver the Student's services at other locations within the District including the homebound instruction option. Homebound instruction would have constituted a change in educational placement; however, there is no evidence that the District has placed the Student on homebound services and therefore, unilaterally conducted a change in placement.

The Parent received a Notice of Proposed or Refused Action (NPRA) on September 25, 2025 following the September 18, 2025 IEP meeting. This notice articulated which proposed educational settings the District had refused and summarized the educational settings the District had proposed to the Student including additional supports. The NPRA included the regulatory required components and was otherwise procedurally compliant.

Thus, the record demonstrates the District has proposed options for the location of services within the Student's existing program and LRE determination. In multiple instances within the record, the District advised the Parent the Student could be returned to the East St. John location immediately and articulated the available alternative settings for the Student to receive the agreed upon compensatory minutes and anticipated return. The Parent has chosen to not return the Student to a school setting because a decision has not been reached between the

proposed options.

Based on the record, the District continues make available to the Student an offer of FAPE in the Student's LRE. The barrier to the delivery of services has not been the absence of an offer—but the absence of participation. The IDEA requires districts to provide FAPE, but districts are not required to compel participation to receive the services made available to them.

Thus, the Department finds the District did not make a change to the Student's placement triggering procedural safeguards of notice and participation. The District has issued timely, sufficient and procedurally compliant notice regarding the Student's educational services and the educational setting.

Accordingly, the Department finds allegations #2 & #3 are unsubstantiated.

V. Corrective Action Plan

In order to correct the noncompliance found in allegation #1, the District shall implement the following corrective actions:

1. Within sixty (60) calendar days of the date of this decision, the District shall provide training to all District staff that have regular contact with the Student addressing the legal requirements concerning:
    a. Timely convening IEP meetings and the reviews, revisions, and implementation of IEPs, including BIPs;
    b. The District shall submit documentation of compliance, including:
        i. a copy of sign-in sheets/attendance records and training materials

The Department has reviewed the Student's May 14, 2025 IEP and finds that the District has already taken actions substantially equivalent to any corrective action that would have been ordered by reviewing and revising the Student's BIP. Accordingly, no further individual corrective action is required with regard to allegation #1.

Sincerely,

Lindsey P. Dupree, Attorney

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

CC: Cleo Perry, Jr. Ed.D., Superintendent, St. John The Baptist Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-82

LOUISIANA DEPARTMENT OF EDUCATION

March 4, 2026

[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: Formal Complaint Investigation [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-82**

Dear Parties:

On February 20, 2026, the Louisiana Department of Education received notification that indicated that 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 **56-C-82.** No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
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 (email only)

Louisiana Special Education Complaint Investigation

56-C-83

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

April 8, 2026

[redacted]

Brandon Ferguson, Principal
2518 Arts Street
New Orleans, LA 70117
bferguson@isl-edu.org

RE: **Formal Complaint No. 56-C-83** Decision on behalf of [redacted]

I. Introduction

On February 3, 2026, the complainant ("Parent") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") and requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153 on behalf of their child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of the International School of Louisiana ("District").

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 Department must determine:

1. IEP

Whether the District failed to implement the Student's Individualized Educational Program (IEP) with fidelity, including the provision of the Student's behavior intervention plan (BIP) and other IEP required accommodations and related services.

2. Prior Written Notice

Whether the District failed to provide prior written notice to the Parent when making changes affecting the provision of the Student's IEP required supports.

3. Records

Whether the District failed to provide Student's educational records upon request.

Pursuant to Louisiana Bulletin 1706 § 152(C), a complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received." Accordingly, the investigation of any alleged violations is limited to conduct occurring between February 4, 2024, and February 3, 2026.

III. Findings of Fact

Student background

At all times relevant to this complaint, the Student was enrolled in the Spanish immersion program at a school within the District. The Student has been medically diagnosed with Congenital Hypotonia, and Glaucoma and chronic constipation. The Student qualifies for special education under the exceptionality of Developmental and Speech delay and receives academic support services, occupational therapy (OT), physical therapy (PT), speech therapy (ST) and adaptive physical education (APE) services. The Student's IEP includes delivery of special education minutes in special education setting for OT, APE and ST for 30 minutes each weekly; PT for 30 minutes twice monthly; and, special education (SPED) instruction for 30 minutes twice weekly. The Student also requires braces on their ankles for support and help with ambulation. The Student exhibits delays in Pre-Academic skills and communication –expressive and receptive language skills. Physical therapy and APE assist with gross motor development. The Student presents with a severe mixed language and articulation disorder and requires skilled intervention, as well as an assistive augmentative communication (AAC) device, to communicate academic, social, and self-care needs.

The Student's IEP contains an Individualized Health Plan (IHP) to address their required physical needs in order to access their educational curriculum. Due to the Student's Hypotonia diagnoses, the Student requires assistance from a teacher's aide and interventions that include preferential seating, frequent breaks and rest periods and ankle supports at all times except during naps. To address the Student's chronic constipation, the IHP required school treatment that includes "increase in fluid intake while in school and to promote bathroom use."

Timeline of events

In an email dated December 5, 2025, the Parent expressed to the District concerns that the Student was not receiving adequate care and requested all of the Student's food and water intake logs along with bathroom logs. The Parent also expressed their dissatisfaction that the Student's paraprofessional had to be retrieved from other classes when the Student arrived at school.

By email dated December 9, 2025, the District informed the Parent that the school cafeteria only provides cutlery to students that eat the school offered lunch and requested the Parent provide cutlery with the lunch the Student is provided from home.

By email dated December 10, 2025, the Parent advised the District they believed the Student was neglected due to unopened water bottles and half completed cartons of nutritional drinks. The Parent pointed to the food and water intake logs that noted the Student was not accepting food or drink. The Parent further advised that the Student's paraprofessional had notified the Parent that the Student did not want to drink or eat anything during the day. The Parent also indicated the Student's OT services were no longer including the previously provided laptop and paper work. In a same day reply to this email, the District requested to speak by phone or schedule an in-person meeting.

On December 12, 2025, the Parent submitted a note from the Student's physician reinforcing the Student's need for hydration and containing an update to the Student's health plan. On this day, the Student's IHP was

updated to increase supports to address the Student's hydration and toileting needs as it related to the Student's chronic constipation diagnosis. The amendment specifically required that the District "ensure [the Student] is drinking 16 oz. of water a day measured by syringe. The syringe is a 60 ml/2cc and provided by the school nurse. Bathroom breaks are required every two hours with a 10 minute sitting period."

On December 15, 2025, the District responded to the Parent's December 5, 2025 email regarding IEP implementation concerns and the additional records request. The District responded by providing the requested records and addressing the Parent's concerns related to communication and the paraprofessional's availability. Later that same day, the Student fell ill at the school and was taken to the hospital, where the Student was diagnosed with constipation.

On January 6, 2026, the Parent learned that the Student's paraprofessional was no longer employed at the District and inquired the District about the change in personnel. The District responded acknowledging the Parent's concerns and provided information regarding the personnel change and assurances that the Student's services would not be interrupted.

The Parent reported that between January 6, 2026 and January 9, 2026, there was no trained staff assigned to the Student and/or no paraprofessional was provided to the Student.

On February 3, 2026, the Parent filed the formal complaint alleging violations of the IDEA, which forms the basis of this decision.

IV. Conclusions of Law

Allegation #1: IEP Implementation

Bulletin 1706 §§101(A), 320–324; §513(A)(2) requires districts 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. This includes the obligation to implement the IEP with fidelity and to respond to parental concerns in a manner consistent with the requirements of Bulletin 1706. A failure to implement an IEP occurs when a district materially deviates from the services, supports, or progress monitoring methods specified within the IEP.

The Parent asserted that the Student's IEP had not been consistently implemented with fidelity because the Student's IHP had not been followed. As evidence of failure to implement the IEP, the Parent pointed to the Student's need to use the restroom at pickup time, unfinished or unopened bottles of water, nutritional drinks or food as well as a change in the Student's support personnel. Because the 2024 IHP and the updated IHP required the District to either increase the Student's consumption of an adequate amount of fluids or required the District to ensure 16 oz. of water were consumed, the Parent asserted unopened bottles of water and nutritional drinks were evidence of neglect. The Student is unable to open the bottles themselves and requires the assistance of the paraprofessional in order to access fluids. The Parent also asserts that changing support personnel affected the delivery of the IEP required services.

In response to the complaint, the District provided copies of the Student's IEP, a copy of the Student's IHP and related services logs, including a Food and Water Intake log. The IEP showed that the Student required related services in OT, PT, ST and APE as well as special education minutes. Both the 2024 and 2025 IHP plans reflected that the Student required a paraprofessional and interventions such as frequent rest periods, bathroom breaks, and to increase fluid intake while at school. These records evidenced that the Student was provided (1) twice monthly PT services (2) weekly APE (3) weekly OT services and (4) ST services and reflected the dates of

service, location of the service, IEP goals addressed during the session, student performance and progress notes along with service provider signatures.

With the exception for absences and an admitted interruption in the ST services, the service logs reflect implementation remained consistent throughout the relevant timeframe of the complaint. The District provided a copy of the February 5, 2026 notice regarding the loss of ST services between November 10, 2025 and December 19, 2025. To address that loss of services, the District advised parents of this interruption and proactively began providing compensatory minutes at the school and during the school day. Upon review, the Department determined that the District's corrective actions adequately addressed that failure and are substantially equivalent to any corrective action that would have been ordered had this portion of the allegation been substantiated.

The Department also reviewed the record as it related to the Parent's allegation that the change in personnel resulted in a failure to implement the IEP and IHP. More specifically, the Parent indicated there was no trained child specific paraprofessional assigned to the Student from January 6, 2026 to January 9, 2026.

The record, however, does not support this conclusion. On January 6, 2026, the District confirmed the Student's assigned paraprofessional would be leaving on January 9, 2026, but advised the role had been assigned to a currently employed teacher assistant while the District searched for a new employee. The District communicated that administration was reviewing the Student's IEP with the assistant teacher before the transition. Thus, the record indicates the District assigned paraprofessional to the Student prior to the departure of the Student's paraprofessional. The service logs reflects that the services remained consistent and uninterrupted during the personnel change and through the timeframe of the complaint.

With respect to the Parent's allegation that the Student was not receiving assistive technology devices they had been receiving previously with their OT services such as a mini laptop and printed OT practice packets, the IEP does not contain the requirement for these items

Turning to the Student's IHP, the record reflects that there were two versions of the IHP in affect during the relevant timeframe of the complaint. In the original IHP dated August 2024, the required school treatment regarding hydration and toileting was vague requiring only that the District "increase fluid intake while in school and promote bathroom use."

The District submitted to the record a food and water intake log dated August 2025 through the date of the filing of the complaint. While many of the entries were completed in Spanish, the Department was able to determine that the District consistently documented (1) what time the Student drank water and ate food (2) how much food or water was consumed and often including the number of sips of the water the Student took and (3) occasions that the Student did not finish or refused to finish a meal or drink.

Based on the record, the Department finds the IHP in effect from August 2024 to December 12, 2025 did not contain specificity as to how the District was to achieve the task of administering water to the Student. The IHP only required that the District increase water intake and provide bathroom breaks. The record indicated the Student was provided and consumed water or the alternative milk during the school day and the District did not override the Student's lack of interest or expressed refusal. Thus, prior to the December 12, 2025 update to the IHP, the Department finds that the District did not fail to implement the Student's IHP. District personnel acted within the duty to support the Student's needs as the August 2024 IHP was written and documented the Student's food and water intake as requested.

As it relates to December 12, 2025 IHP, the update specifically required syringe feeding of "at least 16 oz. of water a day at school. Toileting every two hours/ sit for 10 minutes." However, it did not establish a clear method for how this would be implemented, to what degree it would be documented and how refusals would be handled. Nevertheless, once adopted, the District was obligated to implement the requirement as written. Even where an IHP lacks procedural detail, the District remains responsible for implementing its explicit quantitative requirements. Neither the 2024 IHP nor the updated IHP required that the District open bottles regardless of the Student's expressed lack of interest or refused to consume the drink or foods offered.

Following the December 12, 2025 update to the IHP, the Food and Water Intake log entries continued to contain consistent entries that indicated the time and "sips" that the Student was administered water. The record supports that the District consistently documented the Student's food and water intake, but the entries into the log do not verify the IHP requirements——as specified within the Student's December 12, 2025 IHP—were being followed. The logs do not indicate: (1) the number of ounces administered, (2) whether 16 ounces were offered, or (3) whether intake was measured throughout the day. There was otherwise no indication that the Student was receiving the specified 16 ounces or not.

Accordingly, the Department finds the District implemented the Student's IEP with fidelity with regard to the Student's OT, ST, APE and special education services because the record reflects that the District consistently delivered these required related services. However, the Department finds the District failed to implement the Student's December 12, 2025 IHP because the District failed to ensure the hydration requirements specified within the plan. Thus, allegation #1 is substantiated in part and only as it pertains to the implementation of the December 12, 2025 IHP.

Allegation #2: Change in Administrative support

The Parent alleged that the District made a change to the Student's paraprofessional without the Parent's knowledge and thereby, failed to provide proper prior notification of the changes that affect the provision of the Student's IEP required supports.

Under Bulletin 1706 §504, the district must issue prior written notice to the parents of a student with a disability within a reasonable amount of time, and no less than ten days, before the public agency proposes or refuses a change in identification, evaluation, or educational placement of a student or the provision of a free appropriate public education to the student. A change in identification, evaluation or an educational placement change that is not made in accordance with these requirements may constitute a procedural violation of the IDEA.

As a general matter, districts may make administrative changes---such as changes to personnel that are assigned to a Student---without prior written notice, an IEP Team meeting or parental consent provided the change does not amount to a change in educational placement or change of the required services under the IDEA. A change in the required services may occur when the Student's delivery of services are materially impacted i.e. reduced or, constitutes a change of placement or the level of support is affected. Otherwise, the regulatory requirements do not prohibit the District from making a change in personnel without notifying the Parent.

The record reflects that the District returned from the Holiday break on January 5, 2026 and on the next day communicated to the Parent that the paraprofessional specifically assigned to the Student would be leaving on January 9, 2026. The District further advised it had assigned an assistant teacher to be the student specific paraprofessional to the Student and was reviewing the Student's IEP with the replacement while the District worked to hire someone new. Thus, while the District indeed experienced a change in personnel, there is no

evidence that the District made a change in the provision of services triggering procedural safeguards that requires parental notice and participation. The District identified a student specific paraprofessional assigned to the Student and administration reviewed the Student's IEP with the appointed teacher assistant. Records reflect the IEP required services were delivered during this time.

The Parent specifically pointed to a period of time between January 6, 2026 and January 9, 2026 alleging the Student was not assigned a paraprofessional or trained support. The District acknowledged the absence of a staff member and advised a coverage plan was implemented for continued support by informing staff members currently working with the student ahead of the absence. Finding no evidence in the record to the contrary, the Department finds the administrative changes made by the District did not affect the delivery of the Student's services and did not require prior written notice to the Parent. Accordingly, allegation #2 is unsubstantiated.

Allegation #3: Educational Records

The Parent alleged that the District failed to provide the Student's food, water and bathroom records since the beginning of the school year and failed to provide records of required IEP services.

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 within 45 days of such request. 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.

While the Parent did not specify a specific date in which records were requested, the record reflects the Parent requested records in their December 5, 2025 emails. Within the December 5, 2025 email timestamped 11:47 am, the Parent acknowledged receiving some records from the District. In the second email timestamped 1:43 pm, the Parent expressed thanks for some records, but inquired again for "all food, drinking and bathroom documents from the beginning of this school year."

Based on the record submitted to the Department, the District satisfied the request within 10 days via email December 15, 2025. Thus, the Department finds the District provided educational records in response to a request well within the 45 day timeframe as required by Bulletin 1706.

Otherwise, the record reflects progress reports were provided to the Parent as required by Bulletin 1706. The District also submitted a communication log reflecting the correspondences between the District and the Parent. Within the log, the District documented dates in which progress reports were sent home. The log did not include additional records request from the Parent with the exception of December 5, 2025 request. There was no additional records request submitted to the record for the Department's review.

Because the record reflects the District timely responded to the Parent's records request, the Department finds allegation #3 is unsubstantiated.

V. Corrective Action Plan

In order to correct the noncompliance found in allegation #1, the District shall implement the following corrective actions:

1. Within thirty (30) calendar days of the date of this decision, the District shall provide training to all District staff that have regular contact with the Student addressing the legal requirements concerning the Student's IEP and IHP implementation.

a. Within sixty (60) days of the date of this decision, the District shall submit documentation of the completion of this corrective action, which must include:

   i. a copy of sign-in sheets and,

   ii. any training materials provided

Sincerely,

Lindsey P. Dupree, Attorney

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

CC: Melanie Tennyson, CEO/Head of School, International School of Louisiana Charter (email only)

Louisiana Special Education Complaint Investigation

56-C-84

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

April 7, 2026

[redacted]

Dr. K. Scott LeJeune
Supervisor of Special Education & Pupil Appraisal Services
Allen Parish School Board
P.O. Drawer C (1111 W. 7th Avenue)
Oberlin, LA 70655

Re: Findings-Decision in Special Education Formal **Complaint No. 56-C-84**[redacted]

I. Introduction

On February 5, 2026, the Louisiana Department of Education ("Department") received a formal complaint from [redacted] a student formerly enrolled in a school under the jurisdiction of the Allen Parish School Board ("District" or "APSB").

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.; its implementing regulations at 34 C.F.R. Part 300; the Louisiana Children with Exceptionalities Act, La. R.S. 17:1941 et seq.; and the Department's implementing regulations set forth in Louisiana Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act. Specifically, the Parent alleged that the District failed to implement the Student's individualized education program (IEP), including, but not limited to, the failure to provide required paraprofessional support; the removal of the Student from the instructional setting and placement in a non-instructional break room; and the failure to consider and/or implement positive behavioral interventions and supports.

On February 9, 2026, the Department issued a notice letter to both parties following receipt of the complaint. The notice advised the District that it may submit a written response addressing each allegation and indicate whether it disputed each allegation with a supporting explanation or did not dispute the allegation and proposed corrective action. The notice further explained that any response should include a narrative summary of relevant facts supported by documentation and provided examples of appropriate supporting documentation, including IEPs, service delivery logs, behavioral documentation, discipline records, and communication records. The District was provided deadlines for submission and an opportunity to supplement its response. The District submitted a narrative response but did not provide supporting documentation. In conducting its investigation, the Department reviewed the complaint and documentation submitted by the Parent, as well as the District's narrative response.

Pursuant to Bulletin 1706 §152(C), a complaint must allege a violation that occurred not more than two years prior to the date the complaint is received. Accordingly, this investigation considered allegations concerning events occurring between February 6, 2024, and February 5, 2026.

III. Findings of Fact

The Student is a child eligible for special education and related services under the exceptionality of Autism and received services within the District since approximately February 2019. An initial evaluation conducted on March 6, 2019, and a reevaluation conducted on March 3, 2022, confirmed continued eligibility for special education services. During the period relevant to this complaint, the Student remained enrolled in the District until his withdrawal in September 2025. The findings and conclusions in this decision are limited to the period during which the Student was enrolled in the District.

The most recent individualized education program (IEP) in the record is dated January 29, 2025. This IEP provides for special education instruction, speech/language therapy, and occupational therapy. It further specifies that the Student was to receive assistance from a paraprofessional throughout the school day to support behavior and task completion and was to be educated in the general education setting for at least 80 percent of the school day.

The IEP reflects that the Student demonstrated academic strengths in reading and mathematics, while continuing to experience challenges in written expression, communication, and behavior. It identified maladaptive behaviors associated with avoidance of difficult academic tasks and included measurable annual goals addressing behavior, reading, mathematics, fine motor skills, and communication. Responsibility for implementing these goals was assigned to special education staff, related service providers, and a paraprofessional. The IEP also references the existence of a behavior intervention plan (BIP) designed to address the Student's behavioral needs. To support access to the curriculum, the IEP included accommodations such as modified assignments, extended time, prompts and cues, movement breaks, and small group or individual testing. Progress reporting associated with the IEP reflects that the Student performed at or above grade level in several academic areas, particularly reading and mathematics. The reports further indicate that the Student made progress toward both academic and behavioral goals during portions of the 2024–2025 school year, although progress in behavior was inconsistent.

Information submitted by the Parent reflects that, during the same period, the Student exhibited behavioral challenges. A behavior report dated January 31, 2025, documents instances of noncompliance, including refusal to follow directions, attempts to leave the classroom, and physical interaction with a peer. In a March 19, 2025, email, school personnel reported that the Student required multiple sensory breaks during the school day and, at one point, attempted to strike himself in the head with a water bottle. The email indicates that staff provided redirection and supports, after which the Student completed assigned work.

On September 16, 2025, the District completed a suicide screening notification form following an incident in which the Student engaged in self-harm behavior and expressed statements of self-harm and worthlessness. The screening, conducted by a licensed clinical social worker, identified the Student as high risk. Shortly thereafter, on or about September 22–26, 2025, the Parent withdrew the Student from the District and indicated an intent to provide instruction in a homeschool setting. The District acknowledged the Student's withdrawal.

On January 22, 2026, after the Student's withdrawal, the Parent received a progress report bearing the Student's name and course listings, but containing no substantive grading information. The record does not establish the purpose or significance of this report.

The District denied the Parent's allegations and asserted that the Student was provided a free appropriate public education (FAPE) at all times. The District stated that the Student received services consistent with the IEP, including paraprofessional support, sensory supports, and behavioral interventions. However, the District did not provide documentation supporting these assertions, including IEP implementation records, service delivery logs, behavioral documentation, incident reports, or communication records.

Although the Department's notice informed the District of the opportunity to submit documentation supporting its response, the District did not provide additional records beyond its narrative statement. As a result, the record contains no service delivery logs, paraprofessional schedules, or other documentation demonstrating the frequency, duration, or consistency of paraprofessional support. Similarly, the record does not include documentation establishing the extent to which the Student was removed from the instructional setting. While the IEP references a behavior intervention plan, the record does not include the BIP or documentation demonstrating its implementation.

IV. Conclusions of Law

Allegation 1: Whether the District failed to implement the Student's individualized education program (IEP), including, but not limited to, the failure to provide required paraprofessional support; the removal of the Student from the instructional setting and placement in a non-instructional break room; and the failure to consider and/or implement positive behavioral interventions and supports.

Under the Individuals with Disabilities Education Act and its implementing regulations, a public agency is required to make a free appropriate public education available to each eligible student with a disability in conformity with the student's individualized education program. Under Bulletin 1706 §101, a public agency is required to make a free appropriate public education available to each eligible student with a disability. Louisiana further defines FAPE in Bulletin 1706 §905 as special education and related services provided at public expense, under public supervision and direction, and in conformity with an IEP that meets the requirements of §§320 through 324.

Pursuant to Bulletin 1706 §320, the IEP is a written statement that defines the special education, related services, and supplementary aids and services to be provided to the student, including the projected beginning date, frequency, location, and duration of those services. Bulletin 1706 §323 requires that an IEP be in effect for each student with a disability and that the IEP be accessible to all personnel responsible for its implementation. Such personnel must be informed of their specific responsibilities and of the accommodations, modifications, and supports that must be provided in accordance with the IEP. Additionally, when a student's behavior impedes the student's learning or that of others, the IEP Team is required to consider, and when appropriate include, positive behavioral interventions, supports, and other strategies to address that behavior in accordance with Bulletin 1706 §324. Where a behavior intervention plan is incorporated into the IEP, the obligation to provide FAPE includes the duty to implement that plan as part of the student's IEP.

In conducting a state complaint investigation, the Department relies on the documentary record requested from and submitted by the parties. Where a public agency fails to produce documentation within its control demonstrating the provision of required services, the Department may rely on the absence of such documentation in determining whether the agency has met its obligations.

With respect to the allegation that the District failed to provide paraprofessional support, the Student's January 29, 2025 IEP explicitly requires paraprofessional assistance throughout the school day to support behavior and task completion. The District asserted that such support was provided; however, it did not produce service logs, schedules, or any documentation demonstrating the frequency, duration, or consistency of that support. Because such documentation is uniquely within the District's control, the absence of records weighs against the District's assertion that services were implemented as required.

The record therefore does not establish that the paraprofessional support identified in the IEP was consistently provided. Given that this support was a material component of the IEP designed to address the Student's behavioral and functional needs, the failure to demonstrate its implementation constitutes a failure to implement the IEP.

Regarding the allegation that the Student was removed from the instructional setting and placed in a non-instructional break room, Bulletin 1706 §114 requires that students with disabilities be educated in the least restrictive environment (LRE) to the maximum extent appropriate. The Student's IEP provides for participation in the general education setting for at least 80 percent of the school day. Although the Parent reported that the Student was removed from the classroom and placed in a non-instructional break room, the record does not include sufficient documentation establishing the frequency, duration, or circumstances of such removals. In the absence of evidence demonstrating that the removals were systematic, prolonged, or inconsistent with the IEP's placement provisions, the Department cannot conclude that the District failed to educate the Student in the least restrictive environment. Accordingly, the evidence does not establish a violation of Bulletin 1706 §114.

With respect to the allegation that the District failed to consider and/or implement positive behavioral interventions and supports, Bulletin 1706 §324 requires that the IEP Team consider the use of positive behavioral interventions and supports and other strategies when a student's behavior impedes the student's learning or that of others. The Student's IEP behavior as a primary area of need and references a BIP, demonstrating that the IEP Team considered the Student's behavioral needs and incorporated behavioral supports into the Student's program. Accordingly, the evidence does not support a finding that the District failed to consider positive behavioral interventions and supports in violation of Bulletin 1706 §324. While the record includes limited communication between the Parent and District regarding breaks and redirection on a specific occasion, such isolated examples do not establish that the behavioral supports required by the IEP were consistently implemented, and the absence of implementation records limits the Department's ability to determine whether the behavioral supports identified in the IEP were consistently delivered as required. This lack of documentation is particularly significant in light of the Student's documented behavioral needs, including the September 16, 2025 incident involving self-harm behaviors and subsequent withdrawal from the District. Based on the limited record, the Department cannot conclude that the District failed to implement behavioral supports in violation of Bulletin 1706 §324; however, the absence of documentation raises concern regarding the consistency and fidelity of implementation.

V. Conclusion

Based on the foregoing, the evidence establishes that the District failed to implement a material component of the Student's IEP, specifically the provision of paraprofessional support throughout the school day. The District did not provide documentation demonstrating that this required support was delivered with the frequency, duration, and consistency specified in the IEP. The evidence does not establish that the District violated Bulletin 1706 §114 with respect to the Student's placement in the least restrictive environment. Additionally, the evidence demonstrates that the IEP Team considered positive behavioral interventions and supports consistent with Bulletin 1706 §324; however, the record does not contain sufficient documentation to determine the extent to which such supports were implemented.

VI. Corrective Action

To address the noncompliance identified in this decision and prevent recurrence:

- Within sixty (60) calendar days of the date of this decision, the District shall develop and submit to the Department, written policies and procedures designed to ensure the consistent implementation of IEP services in accordance with each student's IEP. The policies and procedures

shall ensure that all personnel responsible for implementing IEPs are informed of their specific responsibilities and that services, including paraprofessional support, are delivered in accordance with the frequency, duration, and location specified in each student's IEP.

- Within sixty (60) calendar days of the date of this decision, the District shall develop and implement procedures for maintaining contemporaneous documentation of IEP service delivery sufficient to demonstrate that services are provided as written. Such procedures shall include, at a minimum, documentation of paraprofessional support and other supplementary aids and services, including the frequency, duration, and setting of such supports.
- Within ninety (90) calendar days of the date of this decision, the District shall provide training to all relevant staff, including special education teachers, general education teachers, paraprofessionals, and school administrators, including principals and assistant principals, regarding its obligations under Bulletin 1706 §§320–324. Documentation of the training, including attendance sign-in sheets and training materials, shall be submitted to the Department.
- Within one hundred twenty (120) calendar days of the date of this decision, the District shall submit to the Department a sample of student records demonstrating implementation of IEP services, including paraprofessional supports, for the purpose of monitoring compliance.

All noncompliance identified in this decision must be corrected as soon as possible, but in no case later than one year from the date of this decision. The Department reserves the authority to require additional corrective actions, including submission of documentation and monitoring activities, to ensure the District's compliance.

Respectfully,

Domonique Dickerson

Domonique Dickerson
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

Louisiana Special Education Complaint Investigation

56-C-85

LOUISIANA DEPARTMENT OF EDUCATION

April 8, 2026

[redacted]

Kelli Lafleur
Special Education Director
Evangeline Parish School District
1123 Te Mamou Road
Ville Platte, LA 70586
Kelli.lafleur@epsb.com

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-85**

Dear Parties:

On February 20, 2026, the Louisiana Department of Education received notification that indicated that 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 **56-C-85.** No further action is required by either party.

Sincerely,

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

CC: Darwan Lazard, Superintendent, Evangeline Parish School District (email only)

Louisiana Special Education Complaint Investigation

56-C-86

Louisiana Special Education Complaint Investigation

56-C-87

Louisiana Special Education Complaint Investigation

56-C-88

LOUISIANA DEPARTMENT OF EDUCATION

March 17, 2026

[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: Formal Complaint Investigation [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-88**

Dear Parties:

On March 16, 2026, the Louisiana Department of Education received notification that indicated that 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 **56-C-88.** No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
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 (email only)
DeAnna Rowe, Executive Director, BASIS Charter Schools, Inc.

Louisiana Special Education Complaint Investigation

56-C-89

LOUISIANA DEPARTMENT OF EDUCATION

March 23, 2026

[redacted]

Dr. Jennifer Vicknair
Director of Special Education
Ascension Parish School Board
LeBlanc Special Services Center
611 N. Burnside Avenue
Gonzales, LA 70737
jennifer.vicknair@apsb.org

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-89**

Dear Parties:

On March 23, 2026, the Louisiana Department of Education received notification that indicated that 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 **56-C-89.** No further action is required by either party.

Sincerely,

Domonique Dickerson

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

CC: Dr. Edith Walker, Superintendent, Ascension Parish School Board (email only)

Louisiana Special Education Complaint Investigation

56-C-90

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

May 1, 2026

[redacted]

Melanie Tennyson
Head of School
International School of Louisiana
mtennyson@isl-edu.org

Brandon Ferguson
Principal
International School of Louisiana
bferguson@isl-edu.org

RE: Formal Complaint Investigation No. **56-C-66** Decision on behalf of [redacted]

Dear Parties:

On March 2, 2026, the Louisiana Department of Education ("the Department") submitted a formal written request for a special education complaint investigation to the Louisiana Department of Education ("the Department") and requested that the Department initiate an investigation pursuant to the state complaint procedures set forth in Louisiana Bulletin 1706 §§ 151 through 153 on behalf of their child ("Student"), who, at the time relevant to the complaint, was enrolled in a school under the jurisdiction of the International School of Louisiana, a Type 2 self-governing charter school ("the District").

I. Statement of the Case

The Parent raised two allegations 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 the Department's implementing regulations set forth in Louisiana Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act. Specifically, the Parent alleged that the District:

1. Whether the District failed to implement the Student's Individualized Education Program (IEP) over the course of multiple school years by not providing the accommodations, supports and services required for the Student to access instruction and make appropriate progress.
2. Whether the District failed to properly convene and conduct an IEP team meeting, including ensuring the participation of required team members and meaningful parental participation in decisions affecting the Student's education program.

Pursuant to Louisiana Bulletin 1706 § 152(C), a complaint "shall allege a violation that occurred not more than two years prior to the date that the complaint is received." Accordingly, the investigation of any alleged

violations is limited to conduct occurring within the two-year period prior to the date the complaint was filed.

II. Findings of Fact

At all times relevant to this complaint, the Student is a student under the jurisdiction of the District. The Student qualifies for special education under the exceptionality of Autism with a secondary exceptionality of Other Health Impairments (OHI) due to Attention Deficit and Hyperactivity Disorder (ADHD). The Student's disability impacts their ability to engage with and make progress in the general curriculum. During the 2023-2024 school year, the Student was enrolled in the District Uptown campus and received special education and related services pursuant to an Individualized Education Program (IEP) dated February 28, 2024.

The February 2024 IEP included annual goals addressing identified areas of need including attention and focus, mathematics problem solving and calculations, as well as expressive, receptive and pragmatic language skills. Access to the general curriculum is achieved through targeted adaptations in these areas. The Student's instructional plan includes targeted supports in the content areas of academics, motor skills, communication, and social/emotional skills. The IEP identified methods for measuring progress toward these goals, including monitoring reports, teacher reports, observation, observational data, and documentation logs. Progress reports issued during the school year reflect periodic reporting on the Student's performance across goal areas and describe ongoing instructional focus and supports. In support of the Student's goals, the Student's IEP included accommodations including read-aloud and text-to-speech for testing; modified tests and assignments; repeated directions; visual supports in classroom instruction and testing; use of a calculator for math computation; extended time and additional breaks; and preferred seating and individual or small-group testing.

The February 2024 IEP states that the Student participated in the general education environment and received instruction in a specialized education setting. The IEP further states the Student received related services, including Adapted Physical Education (APE), Occupational Therapy (OT), Social Work Services, Special Education Instruction, and Speech-Language Pathology.

Although the Student exhibited behavior concerns that impacted progress, a formal Behavior Intervention Plan (BIP) was not included in the IEP. However, the IEP indicated that the District addressed these concerns through general positive behavior interventions (PBIS) and would continue to monitor the Student's needs. Discipline records for the 2023-2024 school year reflect one documented discipline referral, which resulted in in-school suspension for violating the District's behavior policy.

During the 2023-2024 school year, the Student was administered the DIBELS assessment. Assessment records from winter 2024 and spring 2024 indicate that the Student demonstrated progress across testing periods.

By email dated March 5, 2024 and following the Student's most recent IEP meeting, the Parent requested changes to be made to the IEP regarding accommodations. In reply, the District advised agreement to those accommodations and that it had already been selected in the IEP. The District sent the IEP for review and the Parent signed.

By letter dated March 26, 2024, the District notified the Parent of the Student's one day, in-school suspension to be served on March 27, 2024 for a level 2 infraction of the District's behavior policy.

By email dated April 17, 2024, the Parent advised the District of issues related to bullying involving the Student. The District replied that it would meet with the Student's teachers to strategize and would follow-up with the Parent for an in-person meeting, if necessary.

By letter dated May 16, 2024, the District notified the Parent the Student had been socially promoted to the 4th grade based on sufficient progress towards IEP goals instead of grade-level achievement. In a follow-up email dated May 17, 2024, the District shared results of the recent end-of-year assessments related to reading development completed by the Student. In light of those results, the District advised the Parent that the Student's performance indicated a continued concern for meeting grade-level expectations for the next school year and identified several options to support reading development over the summer.

The Student attended extended school year (ESY) during the summer of 2024 and enrolled in a 'Kumon' program from June 2024 through September 2024 as well as October 2024 to April 2025.

The Student transferred to the ISL Westbank campus in August of 2024.

During the 2025–2026 school year, and specifically in October 2025, the Parent reported the Student began experiencing incidents of bullying prompting the Parent to file a formal bullying report in October of 2025.

On October 28, 2024, the District issued a parental notification proposing to conduct an IEP meeting on November 19, 2024 to review the Student's IEP. The Parent indicated they would attend the meeting and executed their signature on the NPRA on November 19, 2024.

On October 1, 2025, the District issued a notice proposing to conduct an IEP meeting on October 30, 2025 to review the Student's IEP. The notice included a list of attendees as well as a list of those seeking excusal from the meeting. The Parent provided signature on October 30, 2025. The IEP meeting was conducted on October 30, 2025 and the Student's IEP was amended.

The October 2025 IEP noted steady progress in the general education curriculum with the support of accommodations and specialized instruction. The Student demonstrates consistent growth in reading and writing, performing near grade-level expectations. The Student's LEAP Spring 2025 results indicated Mastery in English, Science and Math. The Team determined the Student needed continued support in math reasoning, self-regulation and social interaction in order to maintain steady progress in the general education setting.

On March 2, 2026, the Parent filed the formal complaint with the Department. These findings form the basis for the Department's analysis and conclusions of law regarding the allegations raised in the complaint.

III. Conclusions of Law

Allegations #1:

The Parent alleged the District failed to implement the Student's IEP over the course of multiple school years by not providing the accommodations, supports and services required for the Student to access instruction and make appropriate progress.

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 IEP. Bulletin 1706 §§320–324 provide that districts must develop, review, 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. The District must implement each student's IEP as written, ensure the timely and consistent delivery of special education services, related services, accommodations, assistive technology, and supplementary aids and services necessary to ensure FAPE. This includes the obligation to implement the IEP with fidelity. A failure to implement an IEP constitutes a denial of FAPE when there is a material failure to provide the services and supports required by the IEP. Parent input must be considered throughout this process and the District must respond to parental concerns in a manner consistent with the requirements of Bulletin 1706 §322 and §504.

In response to the allegation, the District provided service logs, progress monitoring reports and report cards establishing that the Student's specialized instruction and accommodations were provided.

For the school year 2024-2025, the service logs reflected regular provision of the IEP services consistent with the frequency and duration outlined in the IEP. Progress reports documented whether the Student met goals or was making sufficient progress towards them. The reports reflected data collected through the methods identified in the IEP and noted sufficient progress, which included narrative regarding the Student's progress towards the IEP goals. Progress reports reflected performance consistent with the progress monitoring reports. The evidence does not establish that the District failed to consistently provide any services required by the IEP during the school year.

The Department first evaluates the 2024–2025 and 2025–2026 school years, and then the 2023–2024 school year.

As it relates to the 2024-2025 school year**,** the Parent stated the Student demonstrated measurable academic growth and earned Mastery on LEAP assessments in ELA, Science and Social Studies. The Parent expressed satisfaction with the progress the Student made after transferring to the District's Westbank campus.

With respect to the 2025-2026 school year, the Parent's complaint does not allege a violation within the Department's jurisdiction under special education regulations. The concerns raised---peer conflicts, social tension and perceived discrimination within the learning environment---do not relate to the implementation of the Student's IEP. As advised in the complaint notice, these matters fall outside of the dispute resolution jurisdiction.

After reviewing the evidence submitted to the record, the Department finds the evidence sufficient to show that the District consistently implemented the Student's IEP in the school year 2024-2025 and 2025-2026, with the exception of the 2023-2024 school year, limited to the period beginning March 3, 2024 and thereafter.

For the school year 2023-2024, only conduct occurring on or after March 3, 2024 falls within the two-year

investigatory period. The Parent reported that, while the Student was enrolled at the Uptown campus, the Student's operative IEP dated February 28, 2024 was not implemented consistently. In support of that statement, the Parent advised they were often provided unfinished classwork and did not receive documentation that reflected sufficient progress. The District did not provide a response specifically addressing this time period, nor did it include records such as service logs and progress reports to dispute the allegations regarding implementation of the Student's February IEP operative from March 3, 2024 through to the end of the 2023-2024 school year.

When a formal complaint investigation commences, Louisiana Bulletin §153(A) mandates that the Department issue a written notice to the 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, the Department provided an initial written notice on March 3, 2026 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 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 did not submit evidence sufficient to verify that the Student received services pursuant to the Student's operative IEP in the spring of 2024 while attending the Uptown Campus. Thus, while the evidence established the District implemented the Student's IEP during the 2024-2025 and 2025-2026 school year, the Department finds, based on a negative inference, that the District materially failed to implement required IEP services and accommodations during the period from March 3, 2024 through the end of the 2023–2024 school year.

Accordingly, allegation #1 is substantiated in part for the period of March 3, 2024 through the end of the 2023–2024 school year, and not substantiated for the 2024–2025 and 2025–2026 school years.

Allegation #2

The Parent alleged the District failed to properly convene and conduct an IEP team meeting, including ensuring the participation of required team members and meaningful parental participation in decisions affecting the Student's education program.

Pursuant to Bulletin 1706 § 502(B)(1), parents must be afforded an opportunity to participate in meetings regarding their child's evaluation, placement, and provision of a free appropriate public education to their child. Bulletin 1706 § 321 specifies the required membership of the IEP team and requires that required IEP team members be present at IEP team meetings unless excused in accordance with applicable procedures. Bulletin 1706 § 504 requires a public agency to provide prior written notice whenever it proposes or refuses to initiate or change the identification, evaluation, placement or provision of FAPE. The regulatory requirement is for the District to provide a reasonable opportunity to participate.

With regard to the school year 2024-2025 and 2025-2026, the record reflects the District held only two IEP meetings during the relevant time frame of the complaint. IEP meeting notifications were issued by the District on October 28, 2024 and October 1, 2025. Subsequently, meetings were convened on November 19, 2024 and October 30, 2025. The evidence showed the Parent actively participated in the meetings and raised concerns regarding the Student's progress and accommodations, social-emotional development, behavioral concerns and progress in

related services. The District consistently documented those concerns within the Student's IEPs.

With respect to IEP team composition, the record reflects the notices identified participants by name, their role and clearly listed IEP team member requesting permission to be excused. Based on this information, the Department finds the Parent had advanced notice of any absent team member because the Parent provided their signature on each of the documents.

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 education agency, an individual who can interpret evaluation results, others who are invited at the discretion of the parent or local education agency, and the student when appropriate.

The Student's Parent, the ODR, special education teacher, and a regular education teacher of the Student participated in the Student's October 30, 2025, IEP team meeting. The Department concluded that the participation of the District's special education teacher, who is also a special education coordinator provided sufficient expertise in the interpretation of evaluation results to satisfy the requirement that such an individual be present at the meeting. Thus, the Department concludes that the staffing of the October 2025 IEP team meeting complied with the requirements Louisiana Bulletin 1706 § 321(A).

Thus, for 2024-2025 and 2025-2026 school years, the evidence established that the Parent was provided opportunities to express their concerns or were meaningfully included in the meetings. Accordingly, the evidence does not support a finding that the District denied meaningful parent participation under Bulletin 1706 § 502 for these school years.

As it relates to the Spring semester of the 2023-2024 school year and specifically to the promotion of the Student without convening an IEP team meeting, the District did not provide response or evidence demonstrating whether a meeting was held and the Parent was provided an opportunity to participate prior to progressing the Student. As advised in the Department's March 3, 2026 formal complaint notice, a failure to respond to the allegation results in a negative inference.

Thus, as it relates specifically to the 2023-24 school year, the Department finds, based on a negative inference, that the District promoted the Student without convening an IEP team meeting and otherwise denied the Parent a meaningful opportunity to participate in decision-making processes. Decisions regarding a student's promotion and education progression constitute decisions affecting the provision of FAPE and therefore require meaningful parental participation.

Accordingly, allegation #2 is substantiated in part with respect to the District's failure to provide for parental participation in the Student's promotion decision during the 2023–2024 school year, and not substantiated for the 2024–2025 and 2025–2026 school years.

IV. Corrective Action

The Department determined that the District failed to comply with applicable law concerning the procedures for implementing IEPs, conducting IEP team meetings and parental participation. 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:

A. On or before June 30, 2026, the District shall review and, if necessary, revise its policies and procedures for implementing IEPs, concerning the scheduling of IEP team meetings and parental participation to ensure that those activities are completed within the applicable timelines.

B. On or before July 30, 2026, the District shall provide training to all District staff addressing the legal requirements concerning FAPE, IEP implementation, scheduling IEP team meetings and procedural safeguards and parental rights. As soon as possible and no later than August 9, 2026, 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:

        i. FAPE and IEP implementation

        ii. Procedural safeguards and parental rights.

Sincerely,

Lindsey P. Dupree, Attorney

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

CC: Melanie Tennyson, Superintendent, ISL Charter Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-91

LOUISIANA DEPARTMENT OF EDUCATION

March 17, 2026

[redacted]

Danna LaCaze
Director of Special Education
Natchitoches Parish School Board
310 Royal Street
Natchitoches, LA 71457
dtlacaze@npsb.la

RE: Formal Complaint Investigation [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-91**

Dear Parties:

On March 16, 2026, the Louisiana Department of Education received notification that indicated that 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 **56-C-91.** No further action is required by either party.

Sincerely,

Domonique Dickerson

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

CC: Dr. Grant Eloi, Superintendent, Natchitoches Parish School Board (email only)

LOUISIANA DEPARTMENT OF EDUCATION

March 17, 2026

[redacted]

Danna LaCaze
Director of Special Education
Natchitoches Parish School Board
310 Royal Street
Natchitoches, LA 71457
dtlacaze@npsb.la

RE: Formal Complaint Investigation [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-91**

Dear Parties:

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CC: Dr. Grant Eloi, Superintendent, Natchitoches Parish School Board (email only)

Louisiana Special Education Complaint Investigation

56-C-92

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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

LOUISIANA DEPARTMENT OF EDUCATION

May 8, 2026

[redacted]

Michael Yoist, Director- Exceptional Student Services
Rapides Parish School Board
4515 Eddie Williams Ave.
Alexandria, LA 71302
michael.yoist@rpsb.us

Re: Findings-Decision in Special Education Formal Complaint No. 56-C-92[redacted]

I. Introduction

On March 5, 2026, the Louisiana Department of Education (the "Department") received a formal complaint from [redacted], concerning a school under the jurisdiction of the Rapides Parish School Board (the "District").

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.; its implementing regulations at 34 C.F.R. Part 300; the Louisiana Children with Exceptionalities Act, La. R.S. 17:1941 et seq.; and Louisiana Bulletin 1706, Regulations for Implementation of the Children with Exceptionalities Act. Specifically, the Parent alleges the following:

1. Whether the District improperly changed the Student's educational placement by placing the Student in an isolated or modified in-school suspension (ISS) setting without convening the Student's IEP Team or otherwise making a placement determination consistent with procedures under the IDEA. The Complainant further alleges that the District failed to ensure the Student's placement in the least restrictive environment (LRE) by separating the Student from nondisabled peers during ISS and lunch;
2. Whether the District failed to ensure meaningful parental participation in decisions affecting the Student's educational placement by failing to respond to the Parent's written objection and request for clarification regarding the alleged change in placement;
3. Whether the District failed to provide Prior Written Notice (PWN) regarding a proposed or implemented change in the Student's educational placement, including failing to explain the action taken, the reasons for the action, and the data relied upon.

This investigation is conducted under the authority of Bulletin 1706 §§ 151–153. Under § 152(C), a complaint must allege a violation that occurred not more than two year prior to the date the complaint was received. The Department received the Parent's complaint on March 5, 2026. Accordingly, the scope of this investigation is limited to alleged conduct occurring between March 4, 2024 and March 5, 2026.

III. Findings of Fact

The Student is a [redacted] Rapides Parish School System [redacted] and identified as a student with a disability under IDEA. The Student's operative IEP, developed at a team meeting on September 10, 2025 and amended on December 15, 2025, identifies a primary exceptionality of Specific Learning Disability with impairment in mathematics calculations and a secondary exceptionality of Other Health Impairments, including ADHD and seizures. An Independent Educational Evaluation considered by the Manifestation Determination Review (MDR) team also [redacted]. The IEP places the Student inside the regular class 80 percent or more of the school day and provides for participation with nondisabled peers in assemblies, library, extracurricular and nonacademic activities, buses, meals, and field trips. The IEP identifies the Student on the April Dunn Act graduation pathway.

The Student's daily instructional schedule during the relevant period consisted of a total of 265 instructional minutes per day with a scheduled daily departure time of approximately 11:19 a.m. [redacted] the IEP team amended the IEP on December 15, 2025 [redacted]. The IEP provides for 120 total minutes per week of special-setting services, consisting of weekly counseling services and special education instruction. The IEP's behavior section reflects that the Student has a history of school-based discipline predating the 2025–2026 school year, including prior in-school and out-of-school suspensions and detentions. A behavior-goal progress report entered by the District's behavior strategist on October 15, 2025 documented that the Student had no reported behavior incidents during the then-current 2025–2026 school year and had met [redacted] weekly goal on the District's Check In/Check Out monitoring system.

On February 26, 2026, following the Student's scheduled early dismissal, the Student returned to [redacted] at approximately 4:30 p.m. after being contacted by [redacted] regarding a physical altercation that had occurred earlier that afternoon in the band-room. According to the Assistant Principal's written account of the after-hours incident, the Student approached the exterior gym lobby doors yelling and using profanity, moved throughout the campus attempting to enter multiple doors, searched for a student he identified as having pushed [redacted] entered the school through a door opened by another, and ran through the gym before returning to the parking lot. The District's Response adds that the Student's parent came to the scene of the incident and asked with [redacted] to leave the campus. Law enforcement officials were contacted, and the Student eventually left the premises. The Parent, in a handwritten narrative attached to the School Behavior Report, states that the Student did not curse at a teacher during the incident, that the Student was upset about the assault on [redacted] and that it took approximately twenty minutes for the Student to calm down before he left the school premises.

Following the February 26, 2026 incident, school administration completed a Louisiana Department of Education School Behavior Report dated March 2, 2026, citing willful disobedience, disrespect of authority, use of profane or obscene language, conduct or habits injurious to the Student's associates, and disturbance of the school, and recommending expulsion. While the disciplinary process was pending,

beginning on March 3, 2026, the Student was assigned to an isolated form of ISS in which he was the only student in the ISS room. According to the Parent, the ISS setting was located in a trailer in which the Student ate lunch alone, and other ISS students were directed to wait when the Student walked to obtain [redacted] separate lunch.

On the afternoon of March 3, 2026, the Parent emailed a school administrator to document her observation that the Student had been the only student in the ISS room and that the Student had reported being told by staff that he could not be with other ISS students, could not sit with other students in the lunchroom, and had to remain in a separate room with a designated teacher. The Parent asked the school administrator to identify whether staff had been instructed to keep the Student separated from the other ISS students, the reason for the directive, whether this level of isolation was part of the Student's disciplinary placement and for how long it would continue, and whether the arrangement had been discussed with the IEP Team or documented in any prior written notice. The Parent noted that the isolation differed from any ISS the Student had previously experienced and had had an emotional impact on [redacted] and the Parent requested a written response. Later that same afternoon, the school administrator responded by email, advising the Parent that the Student was on "stay put" pending the disciplinary hearing, that the Student was being provided instruction, and that the Student's IEP teacher was going in to the ISS setting with the Student. The Parent replied the same afternoon, stating her opposition to the Student being placed in isolation and explaining that, in her understanding, "stay put" does not function as a restrictive solitary setting but means placement in the Student's current placement, which had not previously involved being separated from all other students. The Parent again requested clarification regarding the restrictive setting and the reasoning behind that directive.

The Student remained in the same isolated ISS setting on March 4, 2026. On the morning of March 4, 2026, the Parent emailed the school administrator again documenting that this was the second consecutive day the Student had been placed in isolated ISS, separated from all other students and eating lunch apart from [redacted] peers. The Parent reiterated her objection and asked the school administrator to confirm in writing why the restrictive setting was continuing and whether the decision had been made by the IEP Team. The school administrator responded later that afternoon, again advising the Parent that the Student was on "stay put" pending [redacted] disciplinary hearing, that the Student was receiving [redacted] classwork, and that a designated staff member was with [redacted] during the fifth period to assist with assignments. The school administrator further advised that the arrangement was not an IEP decision, and characterized ISS as part of the "stay put" requirement when a student who receives special education services is recommended for expulsion. The school administrator stated that lunch would not be taken with peers, describing peer separation as the design of the District's ISS program, and indicated that the Student would be eating outside of [redacted] normal lunch shift. The Parent replied the same afternoon, clarifying that her concern was not the provision of the Student's IEP minutes or classwork but rather the fact that the Student was isolated from other ISS students. The Parent explained that the Student was in a completely different room from all other ISS students, was not permitted to eat lunch with the other ISS students at the designated lunch table, and was eating lunch alone inside the trailer in which he was serving ISS. The Parent further advised that when the Student walked to obtain [redacted] separate lunch, the other ISS students were directed to wait. The Parent stated that this level of separation was more restrictive than the school's standard ISS practice and again requested that the school administrator clarify who directed the level of isolation and why it was being implemented.

In its response to the complaint, the District admits that the Student was placed in a more isolated ISS setting by school administration on March 3 and March 4, 2026, and characterizes that isolated ISS assignment as generally inconsistent with the District's internal protocol. The District explains that school administration was concerned the Student might continue efforts to locate the peers suspected of having been involved in the altercation with the Student's [redacted] and increased the level of supervision by placing the Student in an ISS room by himself and restricting [redacted] access to others. The District acknowledges that this heightened supervision, though implemented for safety reasons, resulted in isolation of the Student in a manner that was concerning to the Student and the Parent. The District refers to March 3 and March 4, 2026 as "the two isolation days at issue." The District further states that the Parent reached out to school administrators by email to object to the isolated ISS and was not provided a response, that although the District does not consider this a violation of IDEA it does not support non-responsiveness to parental communications, and that the matter will be addressed internally.

The record does not reflect that the Student's IEP Team convened to discuss or revise the Student's placement at any time between the February 26, 2026 incident and the modification of the isolated ISS arrangement. The only notice in the record is the Parental Notification Letter dated December 12, 2025, which provided notice of the December 15, 2025 IEP team meeting for the purpose of developing, reviewing, or amending the IEP and determining placement.

On March 5, 2026, the Student's ISS arrangement was modified. According to the Parent's complaint addendum, at approximately 9:30 a.m. that day, staff moved one student from the regular ISS room into the isolated ISS room with the Student for the remainder of the day, and during lunch the Student and that one peer sat together at the designated lunch table while the other two ISS students were directed to wait until they finished. The District's response indicates that after the Parent's concerns were brought to the attention of the District's Special Education office, immediate steps were taken to direct that the Student be assigned to ISS with other students pending [redacted] disciplinary hearing.

A formal disciplinary hearing was held on March 11, 2026. The Superintendent or designee found the Student not guilty of conduct warranting expulsion and did not uphold the expulsion recommendation, explaining that, although the behavior report had identified certain alleged violations, the supporting documentation did not sufficiently demonstrate how the Student's conduct met the elements of the cited behavior codes and that the record did not provide an adequate evidentiary basis connecting the alleged conduct to the specific violations referenced. On the Determination of Penalty section of the form, none of the three available penalty options, permanent expulsion, term expulsion, or other corrective or disciplinary action, is marked. Also on March 11, 2026, the District convened a Manifestation Determination Review. The MDR team determined that the conduct in question was not the direct result of the District's failure to implement the Student's IEP, but that the conduct was caused by or had a direct and substantial relationship to the Student's disabilities. The team accordingly concluded that the conduct was a manifestation of the Student's disability, and a subsequent District-level review on March 12, 2026 characterized the conduct as a direct manifestation of the Student's disability. The District takes the position that convening the MDR was not required because the expulsion recommendation and the recommended change in placement were not upheld. The Student returned to [redacted] regular school schedule.

The Student's discipline report for the 2025–2026 school year, with a data date of March 2, 2026, reflects three disciplinary referrals: a classroom referral on February 18, 2026 for leaving school premises or the

classroom without permission, resulting in in-school suspension; a hallway referral on February 26, 2026 for conduct or habits injurious to the Student's associates, with a recommendation to an alternate site; and a restroom referral on March 2, 2026 for gambling, resulting in a conference with the Parent. The discipline report does not reflect the March 3, March 4, or March 5, 2026 isolated ISS days. The District takes the position that the Student continued to have access to [redacted] special education program of services and access to the general curriculum during the period at issue and that the limited contact with peers over the two-day period did not result in a denial of a Free Appropriate Public Education (FAPE).

The District proposes two voluntary corrective actions. First, by April 27, 2026, the Special Education Director will provide [redacted] administrators with the names and contact numbers of special education staff assigned to serve as a technical-assistance resource regarding best practices and protocols for addressing the needs of students with disabilities, including students subject to discipline. Second, by the same date, the Rapides Parish School System will conduct mandatory training for school administration and staff regarding the disciplinary process for students with disabilities and related considerations.

IV. Conclusions of Law

Allegation 1: Whether the District improperly changed the Student's educational placement by placing the Student in an isolated or modified ISS setting without convening the Student's IEP Team or otherwise making a placement determination consistent with procedures under IDEA. The Complainant further alleges that the District failed to ensure the Student's placement in the LRE by separating the Student from nondisabled peers during ISS and lunch.

Each public agency must ensure that, to the maximum extent appropriate, students with disabilities are educated with students who are nondisabled, and that special classes, separate schooling, or other removal of students with disabilities from the regular educational environment 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. Bulletin 1706 §114(A)(2); 34 C.F.R. §300.114(a)(2).

In determining the educational placement of a student with a disability, each public agency must ensure that the placement decision is 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, and is made in conformity with the LRE provisions of §§114 through 118. Bulletin 1706 §116(A)(1); 34 C.F.R. §300.116. The student's placement must be determined at least annually and based on the student's IEP. Bulletin 1706 §116(A)(2). Consideration must be given to any potential harmful effect on the student or on the quality of services that he or she needs. Bulletin 1706 §116(A)(4).

With respect to nonacademic and extracurricular services, which expressly include meals, each public agency must ensure that each student with a disability participates with nondisabled students in the extracurricular services and activities to the maximum extent appropriate to the needs of that student, and must provide the supplementary aids and services determined by the IEP Team to be appropriate and necessary for the student to participate in nonacademic settings. Bulletin 1706 §117(A); 34 C.F.R. §300.117. Public agencies also must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the student's IEP 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. Bulletin 1706 §107(A)(1).

The short-term disciplinary removal authority preserved to school personnel is conditioned on equal application to nondisabled students. School personnel may remove a student with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days, "to the extent those alternatives are applied to students without disabilities." Bulletin 1706 §530(B)(1) (emphasis added); 34 C.F.R. §300.530(b)(1). A disciplinary removal that exceeds what is applied to students without disabilities is not insulated from IDEA's placement and LRE requirements merely because it is short in duration. The continuing FAPE obligation extends to students subject to disciplinary action. Bulletin 1706 §101(A) (FAPE obligation extending to "students with disabilities who have been suspended or expelled from school as provided for in §530.D").

In this matter, the question is whether the arrangement imposed on the Student on March 3 and March 4, 2026 effected a change in educational placement and, if so, whether that change was made in conformity with §§114 through 117 and §116(A).

The Student's operative IEP, in effect throughout the relevant period, placed the Student inside the regular class 80 percent or more of the school day and specifically identified meals among the activities in which the Student was to participate with nondisabled peers. That IEP reflects the placement determination made by the IEP Team, including the Parent, and is the baseline against which the March 3 and March 4, 2026 arrangement must be measured.

On March 3 and March 4, 2026, the Student was the sole occupant of the ISS room and was instructed that he could not be in the same room as other ISS students. According to the Parent, the ISS setting was located in a trailer in which the Student ate lunch alone, and other ISS students were directed to wait when the Student walked to obtain [redacted] separate lunch. The District's Administrator confirmed in writing on March 4, 2026 that lunch would not be taken with peers, describing that peer separation as the design of the District's ISS program, and further confirmed that the Student would be eating outside of [redacted] normal lunch shift. The arrangement, taken as a whole, eliminated the Student's access to nondisabled peers during meals, an activity specifically identified on the IEP as one in which the Student participates with nondisabled peers, and significantly curtailed the Student's access to other ISS students as well.

The District admits that the Student was placed "in a more isolated ISS setting by school administration on March 3, 2026 and March 4, 2026." The District further characterizes the isolated ISS assignment as "generally inconsistent with our internal protocol." In addition, the school's administrator expressly advised the Parent that "[t]his was not an IEP decision." These admissions are consistent with the Parent's contemporaneous description of the arrangement as "extremely restrictive" and "not how ISS is implemented for other students." The District defends the arrangement on the ground that school administration was concerned the Student might continue efforts to locate and physically retaliate against the suspected peers following the February 26, 2026 incident and accordingly increased the level of supervision. While a legitimate safety interest may have motivated that decision, it does not relieve the District of its obligations under Bulletin 1706 §§114, 116, and 117, for two related reasons.

First, Bulletin 1706 §530(B)(1) authorizes short-term disciplinary removals only "to the extent those alternatives are applied to students without disabilities." The District's own acknowledgment that the isolated ISS was "generally inconsistent with our internal protocol" amounts to, on this record, an acknowledgment that the arrangement was not what would have been applied to a nondisabled student serving ISS. Because the modified arrangement was more restrictive than the District's standard ISS

practice, it falls outside the short-term disciplinary-removal safe harbor of §530(B)(1) and cannot, on that basis alone, escape the LRE and placement-decision requirements of §§114 through 117.

Second, the arrangement actually imposed on March 3 and March 4, 2026 operated as a unilateral change in the Student's participation with nondisabled peers during meals — a component of placement expressly memorialized on the Student's IEP's. Section 117(A) requires public agencies to ensure participation with nondisabled peers "to the maximum extent appropriate to the needs of that student," and §107(A)(1) requires provision of nonacademic and extracurricular services in the manner necessary to afford students with disabilities an equal opportunity for participation. The complete withdrawal of the Student's peer contact during meals, including the direction that other ISS students wait while the Student obtained a separate lunch, is not reconcilable with these requirements, particularly where the Parent, a required member of any group making decisions on the Student's placement, was not included in the decision that imposed the restriction.

The District's position that the arrangement was required by stay-put, as articulated in the Administrator's March 4, 2026 email ("ISS is part of the 'stay put' requirement when a student who receives special education services is recommended for expulsion"), does not alter the analysis. Stay-put preserves the Student's then-current educational placement; it does not authorize a more restrictive configuration of that placement without IEP Team involvement. The Parent correctly observed in her March 3, 2026 reply that stay-put "does not function as a restrictive solitary setting; it means in [redacted] current placement, which has never involved being separated from all other students."

Finally, the record contains no indication that the District considered, at the time the arrangement was imposed, any potentially harmful effect on the Student or any supplementary aids and services that might have been adequate to address the safety concerns within the Student's IEP-based placement. See Bulletin 1706 §§116(A)(4), 117(A). Nor is there any indication that the arrangement was tailored to the Student's individualized needs, as distinct from the disposition of an administrative disciplinary concern.

The Department notes that the District's response states that, once the Parent's concerns were brought to the attention of the District's Special Education office, immediate steps were taken to direct assignment of the student to ISS with other students pending [redacted] disciplinary hearing. The Parent's complaint addendum reflects that, on March 5, 2026, one ISS student was moved into the Student's room and that, during lunch, the Student and that one peer were permitted to sit together at the designated lunch table, while the two previous ISS days students were directed to wait. The March 5 modification mitigated but did not wholly cure the restriction that had been imposed on March 3 and March 4.

Accordingly, the Department concludes that the District violated the LRE and educational placement requirements of Bulletin 1706 §§114, 116, 117, and 107 when it placed the Student in an isolated ISS setting on March 3 and March 4, 2026 without a placement determination made by a group that included the Parent and made in conformity with the LRE provisions of §§114 through 118, and when it withdrew the Student's participation with nondisabled peers during meals without IEP Team consideration of the supplementary aids or services that might have permitted participation consistent with the Student's individual needs. The Department further concludes that the District's disciplinary-removal authority under Bulletin 1706 §530(B)(1) did not authorize the arrangement imposed on March 3 and March 4, 2026, because the arrangement was, by the District's own characterization, generally inconsistent with the standard ISS configuration the District applies to students without disabilities. Based on the current record, Allegation 1 is substantiated.

Allegation 2: Whether the District failed to ensure meaningful parental participation in decisions affecting the Student's educational placement by failing to respond to the Parent's written objection and request for clarification regarding the alleged change in placement.

The parents of a student with a disability must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the student, and the provision of FAPE to the student. Bulletin 1706 §502(B)(1); 34 C.F.R. §300.501(b)(1). Further, each public agency must provide notice to ensure that parents of students with disabilities have the opportunity to participate in meetings. Bulletin 1706 §502(B)(2); 34 C.F.R. §300.501(b)(2). More specifically, each public agency must ensure that a parent of each student with a disability is a member of any group that makes decisions on the educational placement of the parent's child. Bulletin 1706 §502(C)(1); 34 C.F.R. §300.501(c)(1); see also Bulletin 1706 §327(A); 34 C.F.R. §300.327 (same). This requirement is not conditional. It applies to any group decision on educational placement, not only to formally convened IEP team meetings.

A placement decision may be made by a group without parental involvement in limited circumstances: "if the public agency is unable to obtain the parent's participation in the decision," in which case "the public agency must have a record of its attempt to ensure their involvement." Bulletin 1706 §502(C)(4); 34 C.F.R. §300.501(c)(4). Even in that circumstance, if neither parent can participate, the public agency must "use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing." Bulletin 1706 §502(C)(3); 34 C.F.R. §300.501(c)(3).

Notice of IEP team meetings must be provided sufficiently in advance to ensure parental attendance, must "indicate the purpose, time, and location of the meeting and who will be in attendance," and must be scheduled at a mutually agreed upon time and place. Bulletin 1706 §322(A)–(B); 34 C.F.R. §300.322. When parents express concerns about their child's placement, the public agency's duty to afford a meaningful opportunity to participate extends beyond the mere delivery of correspondence.

In this matter, the question is whether the District afforded the Parent the meaningful participation that Bulletin 1706 §§502(B) and (C), 327, and 322 require, in connection with the decision to place the Student in an isolated ISS setting on March 3 and March 4, 2026.

As a threshold matter, the isolated ISS arrangement was a decision on the Student's educational placement within the meaning of Bulletin 1706 §502(C)(1). The arrangement materially altered the configuration of the Student's school day and eliminated the Student's participation with nondisabled peers during meals, a component of the Student's placement expressly memorialized on the IEP. That the decision was made by school administration as a disciplinary measure does not remove it from §502(C)'s reach; §502(C) does not limit its application to decisions formally labeled as IEP team determinations, and the school administrator's own characterization that "[t]his was not an IEP decision" cannot, consistent with the plain text of §502(C)(1), operate to exempt the arrangement from the parental-participation requirement.

The record indicates that the Parent was not a member of any group that made the decision to place the Student in isolated ISS. The school administrator expressly advised the Parent by email on March 4, 2026 that the arrangement was not an IEP decision. There is no evidence in the record of any group meeting at which the isolated-ISS arrangement was considered, nor any record of an attempt by the District to include the Parent in such a decision. Section 502(C)(4)'s exception, permitting a placement decision to be made by a group without the parent "if the public agency is unable to obtain the parent's participation" and

where the agency "[has] a record of its attempt to ensure [parental] involvement," is therefore inapplicable. The District made no attempt; there is no record of an attempt.

The Parent's written objections underscore, rather than diminish, the extent of the District's departure from §502(C). On March 3, 2026, the Parent emailed a school administrator within hours of observing the isolated-ISS configuration and posed specific clarification questions, including whether staff had been instructed to keep the Student separated from other ISS students, the reason for the directive, whether the isolation was part of the Student's disciplinary placement and for how long it would continue, and whether the change had been discussed with the IEP Team or documented in a prior written notice. The following day, after the isolated-ISS arrangement continued, the Parent emailed again, asking the school administrator to "confirm in writing why this restrictive setting is continuing today and whether this decision was made by the IEP Team." A school administrator replied to each email the same day each was received. Those replies, however, did not substantively address the Parent's participation-related concerns. The March 4 reply confirmed that the isolated ISS arrangement "was not an IEP decision," but neither reply identified what group made the decision, or how the Parent was afforded an opportunity to participate in that placement decision. Nor did either reply explain the reasons for the isolation beyond characterizing the arrangement as a component of "stay put" and as the design of the District's ISS program. Thus, although the March 4 reply answered the narrow question whether the IEP Team made the decision, it confirmed that the Parent had not been included in any group making the educational-placement decision, as required by Bulletin 1706 §502(C)(1).

The District acknowledges, in its response, that "[t]he parent did reach out to school administrators via email to object to the isolated ISS and was not provided a response. Although not a violation of the IDEA, the District does not support non-responsiveness to parental communications and will address the matter internally." Contrary to the position implied in the District's response, the fact that the disputed arrangement was not formally labeled as an IEP team determination does not insulate the decision from the parental-participation requirement. Section 502(C)(1) applies to "any group that makes decisions on the educational placement of the parent's child." The issue is whether the Parent was a member of any group that made the placement decision. On this record, the Parent was not. The arrangement imposed on March 3 and March 4, 2026 was, by the District's own characterization, a decision made "by school administration" that altered the Student's placement from the IEP-based configuration to a more isolated arrangement. Whatever the administrative label, the decision fell within the scope of §502(C)(1), and the Parent was entitled to be a member of the group that made it.

The school administrator's stay-put characterization, that "ISS is part of the 'stay put' requirement when a student who receives special education services is recommended for expulsion," does not discharge the participation obligation. Stay-put preserves the then-current educational placement during the pendency of proceedings; it is not a freestanding authority to modify the configuration of that placement. To the extent the District believed the proposed disciplinary removal warranted a different short-term configuration, the proper course was to involve the IEP Team (or, at a minimum, a group including the Parent) in determining any change to the Student's placement consistent with Bulletin 1706 §§502(C)(1) and 116(A)(1).

Accordingly, the Department concludes that the District violated Bulletin 1706 §§502 and 327 when it placed the Student in an isolated ISS setting on March 3 and March 4, 2026 without ensuring that the Parent was a member of the group that made the decision, and when it failed to maintain a record of any

attempt to include the Parent in that decision as required by §502(C)(4). The District's same-day email replies to the Parent's March 3 and March 4, 2026 written objections did not cure the exclusion, because those replies did not substantively address the Parent's participation-related questions and did not afford the Parent an opportunity to participate in the placement decision itself. Based on the current record, Allegation 2 is substantiated.

Allegation 3: Whether the District failed to provide PWN regarding a proposed or implemented change in the Student's educational placement, including failing to explain the action taken, the reasons for the action, and the data relied upon.

Bulletin 1706 §504(A) provides that "[w]ritten notice that meets the requirements of Subsection B of this Section shall be given to the parents of a student with a disability within a reasonable amount of time, and no less than ten days, before" the public agency "(1) proposes 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; or (2) 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." The parallel federal provision, 34 C.F.R. §300.503(a), applies the same notice obligation before a public agency "[p]roposes to initiate or change" or "[r]efuses to initiate or change" the identification, evaluation, or educational placement of the child or the provision of FAPE, "a reasonable time before" such action.

The content requirements of the notice are specifically enumerated. Under Bulletin 1706 §504(B) and 34 C.F.R. §300.503(b), the notice must include: (1) a description of the action proposed or refused by the agency; (2) an explanation of why the agency proposes or refuses to take the action; (3) a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action; (4) a statement that the parents have protection under the procedural safeguards of the regulations and, if the notice is not an initial referral for evaluation, the means by which a copy of the procedural-safeguards description can be obtained; (5) sources for parents to contact to obtain assistance in understanding the provisions; (6) a description of other options the IEP Team considered and the reasons those options were rejected; and (7) a description of other factors relevant to the agency's proposal or refusal.

The notice must also be "written in language understandable to the general public" and "provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so." Bulletin 1706 §504(C)(1); 34 C.F.R. §300.503(c)(1). Bulletin 1706 §504(E) further specifies that notice "shall be given through one of the following forms of communication": certified mail with return receipt requested, electronic mail (if the parent provides an email address), text message (if the parent provides a mobile phone number for that purpose), or through an online portal or other application that provides for documentation of the date of delivery.

PWN is triggered both by proposals to change placement and by proposals to change the provision of FAPE to the student. Bulletin 1706 §504(A)(1); 34 C.F.R. §300.503(a)(1). The notice obligation is triggered by the substance of the agency action, not by administrative labels; the obligation is satisfied only when the agency proposes or initiates a change in educational placement or FAPE provision.

The question under this allegation is whether the isolated ISS arrangement imposed on March 3 and March 4, 2026 triggered the PWN obligation under Bulletin 1706 §504, and, if so, whether that obligation was met.

The arrangement triggered the notice obligation for two independent reasons. First, for the reasons set forth in the Conclusions of Law for Allegation 1, the arrangement effected a change in the Student's educational placement within the meaning of Bulletin 1706 §§116 and 504(A)(1). The Student's operative IEP placed the Student inside the regular class 80 percent or more of the school day and identified meals as an activity in which the Student participated with nondisabled peers. The March 3 and March 4, 2026 arrangement, in which the Student was the sole occupant of the ISS room, was prohibited from being in the same room as other ISS students, and was required to eat lunch separately, departed from that IEP-based placement in material respects.

Second, the arrangement altered the provision of FAPE to the Student by changing the conditions under which the Student received instruction and interacted with peers, including during meals. See Bulletin 1706 §101(A) (continuing FAPE obligation extending to students subject to disciplinary action); Bulletin 1706 §504(A) (notice required before change in provision of FAPE). Either basis is sufficient on its own to trigger §504's notice requirement; both are present here.

The record does not reflect that the District provided PWN meeting the requirements of Bulletin 1706 §504 with respect to the March 3 and March 4, 2026 isolated ISS placement. The only PWN in the record is the Parental Notification Letter dated December 12, 2025, which notified the Parent of the December 15, 2025 IEP team meeting for the stated purpose of developing, reviewing, or amending the IEP and determining placement. The school administrator's email correspondence to the Parent on March 3 and March 4, 2026 does not, either individually or collectively, satisfy the content requirements of §504(B). The March 3 reply described the arrangement only as "stay put" and noted that the Student's IEP teacher was going in to the ISS setting with [redacted] The March 4 reply added that the arrangement "was not an IEP decision," that ISS was characterized as part of the "stay put" requirement when a student receiving special education services is recommended for expulsion, and that lunch would not be with peers as part of the design of the District's ISS program. Measured against the §504(B) content requirements, neither communication: (i) described the action being taken with the specificity §504(B)(1) requires; (ii) provided an explanation of the reasons for the action that addressed the Parent's specific questions as required by §504(B)(2); (iii) described the evaluation procedures, assessments, records, or reports relied upon as required by §504(B)(3); (iv) provided a statement regarding procedural safeguards or the means to obtain them as required by §504(B)(4); (v) provided sources for the Parent to contact for assistance as required by §504(B)(5); (vi) described other options considered and the reasons for rejection as required by §504(B)(6); or (vii) described other relevant factors as required by §504(B)(7). Nor was the notice provided through the any of the methods enumerated in §504(E). While email is an acceptable method of delivery, §504(E)(2) requires that the Parent have provided an electronic mail address for purposes of receiving formal notice. Moreover, the record does not reflect that the school administrator's informal email replies to the Parent's objections were intended by the District to serve as PWN, and their content confirms as much.

The District's position in its response is that no PWN was required because the disciplinary hearing had not yet occurred, no change in placement had been decided, and the Student ultimately was not removed for more than 10 consecutive school days or for a cumulative total exceeding 10 school days. That position conflates two distinct issues. The question under §504 is not whether the Student's long-term placement was ultimately changed through the disciplinary process; it is whether the District, on March 3 and March 4, 2026, proposed or initiated a change in the Student's educational placement or provision of FAPE. For

the reasons already discussed, the isolated ISS arrangement imposed on those days did effect such a change, regardless of the ultimate outcome of the disciplinary hearing held on March 11, 2026. Section 504 is triggered by the proposal or initiation of the change, not by its final resolution.

Accordingly, the Department concludes that the District violated Bulletin 1706 §504 by failing to provide PWN meeting the requirements of §504(A) and §504(B) with respect to the isolated ISS arrangement imposed on the Student on March 3 and March 4, 2026. No PWN relating to the isolated ISS placement appears in the record; and the school administrator's informal email correspondence on March 3 and March 4, 2026 did not satisfy the content requirements of §504(B) or the method requirements of §504(E). Based on the current records, Allegation 3 is substantiated

V. Corrective Action

To address the noncompliance identified in this decision and prevent recurrence, the District is ordered to complete the following corrective actions:

- The District shall provide training to [redacted] administrators, including the principal and assistant principals, and all relevant staff, including school counselors, disciplinarians, and special education personnel. The training shall address, at a minimum, disciplinary authority under Bulletin 1706 §530; least restrictive environment and placement requirements under Bulletin 1706 §§114–117; parent participation requirements under Bulletin 1706 §§322 and 504; prior written notice requirements under Bulletin 1706 §504; and the District's ISS protocols. The District shall submit documentation of completion, including attendance records and training materials, to the Department.
- The District's voluntarily proposed corrective actions are accepted and incorporated into this decision, including the provision of technical-assistance contacts to school administrators and additional staff training regarding discipline procedures for students with disabilities. Documentation demonstrating completion shall be included in the District's compliance submission.

The District shall submit all documentation required by this corrective action within 120 days of the date of this decision. All corrective action shall be completed as soon as possible, but in no case later than one year from the date of this decision.

The Department reserves the authority to require additional corrective actions, including submission of documentation and monitoring activities, to ensure the District's compliance.

Respectfully,

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CC: Jeff Powell, Superintendent, Rapides Parish School Board

Louisiana Special Education Complaint Investigation

56-C-93

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LOUISIANA DEPARTMENT OF EDUCATION

May 8, 2026

[redacted]

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Re: Findings-Decision in Special Education Formal Complaint No. 56-C-93[redacted]

I. Introduction

On March 9, 2026, the Louisiana Department of Education (the "Department") received a formal complaint[redacted], concerning a school under the jurisdiction of the Lafayette Parish School System (the "District").

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.; its implementing regulations at 34 C.F.R. Part 300; the Louisiana Children with Exceptionalities Act, La. R.S. 17:1941 et seq.; and Louisiana Bulletin 1706, Regulations for Implementation of the Children with Exceptionalities Act. Specifically, the Parent alleges the following:

1. Whether the District failed to respond to the parent's requests for an initial special education evaluation for the Student;
2. Whether the District denied the parent meaningful participation in special education decision-making processes regarding the Student's education program; and
3. Whether the District failed to properly conduct the manifestation determination review, consistent with disciplinary procedures, including whether the MDR was conducted by the LEA, the parent, and relevant members of the Student's IEP Team (as determined by the parent and the LEA).

The investigation for Allegations 1–3 is conducted under the authority of Bulletin 1706 §§151–153. Under §152(C), a complaint must allege a violation that occurred not more than two year prior to the date the complaint was received. The Department received the Parent's complaint on March 9, 2026. Accordingly, the scope of this investigation is limited to alleged conduct occurring between March 9, 2024 and March 8, 2026.

Under La. R.S. 17:1948, the Parent also alleged:

4. Whether the District failed to comply with procedures governing parent requests to review classroom recordings under La. R.S. 17:1948.

III. Findings of Fact

The Student enrolled in the District during the 2025–2026 school year [redacted]. The parent provided the District with information about the Student's educational history, behavioral concerns, and prior diagnoses or suspected disabilities.

Three prior state complaint investigations involving the Student addressed allegations concerning Child Find, evaluation timelines, parent participation, disciplinary procedures, and behavioral supports during the 2025–2026 school year, and those investigations concluded in determinations issued December 22, 2025, February 9, 2026, and February 10, 2026.

On August 22, 2025, the Student's School Building Level Committee (SBLC) met to review academic performance, classroom behavior, communication, and language-development concerns. The SBLC documented its discussion of intervention-based supports, dyslexia screening, and collection of additional educational data.

On October 9, 2025, the District issued prior written notice proposing an initial evaluation to determine whether the Student qualified for special education and related services. The parent consented to the evaluation, and the District continued to convene meetings concerning the Student's educational and behavioral needs while the evaluation was underway. On October 31, 2025, the District issued notice of an Interim Individualized Education Program (IEP) meeting scheduled for November 4, 2025. The notice identified the meeting's purpose as development of an Interim IEP and consideration of a Functional Behavioral Assessment (FBA), listed anticipated participants (administrators, regular education staff, special education personnel, social work staff, and pupil appraisal personnel), and advised the parent that additional individuals could attend to assist with educational planning.

On November 4, 2025, the IEP team developed an Interim IEP for the Student. The Interim IEP recorded academic assessment data, benchmark scores, classroom performance, behavioral concerns, accommodations, and related services, and [redacted]. The Interim IEP also reflected that the Student was receiving behavioral interventions through the SBLC process and social work services related to behavior.

On December 5, 2025, the District issued notice of a meeting to consider disciplinary action and conduct a Manifestation Determination Review (MDR). The notice identified the meeting's purpose and anticipated participants, provided procedural safeguards information, and offered participation through Google Meet. The MDR team determined that the conduct at issue was related to the Student's disability and that the Student would remain in the current placement. The District then amended the Student's Interim IEP in December 2025 to reflect that outcome, to incorporate a newly completed FBA and a Behavior Intervention Plan (BIP), and to add behavioral goals addressing the Student's ability to remain in assigned areas and maintain safe physical behavior.

The FBA identified target behaviors of elopement, refusal, aggression, disruption, and unsafe conduct, and it described antecedents, hypothesized behavioral functions, replacement behaviors, reinforcement strategies, and de-escalation procedures. The BIP set out intervention strategies, staff responsibilities, reinforcement procedures, crisis response procedures, and progress-monitoring methods.

On January 15, 2026, the District issued written notice of a determination of eligibility meeting. The notice identified the meeting's purpose and anticipated participants and included procedural safeguards information. On the notice form, the parent indicated that she intended to attend with two advocates and one attorney.

The determination of eligibility meeting proceeded with participation by the parent, her advocates, and her legal counsel, as well as District administrators, educational diagnosticians, social work personnel, and instructional staff. The team found that the Student qualified for special education and related services under the eligibility category of Emotional Disturbance. The determination of eligibility form reflects that the parent did not affirmatively indicate agreement or disagreement with the determination.

Through January and February 2026, the District convened additional IEP and continuation meetings addressing the Student's educational program, behavioral supports, and placement. The notices identified anticipated participation by administrators, instructional staff, behavioral personnel, social work personnel, and special education personnel, and several reflected the parent's intent to participate with advocates and legal counsel and offered participation through Google Meet.

On February 10, 2026, the Student was involved in a behavioral incident at school. According to the District's disciplinary documentation, the Student left the building area, attempted to exit school grounds, threw objects, physically aggressed toward staff members, pursued another student, and damaged school property. Staff used verbal de-escalation and physical safety interventions during portions of the incident.

On February 23, 2026, the District issued notice of an MDR and Initial IEP meeting scheduled for February 26, 2026. The notices identified anticipated participants, including administrators, special education personnel, instructional staff, and pupil appraisal personnel, and offered opportunities for virtual participation.

The District convened the MDR on February 26, 2026. The MDR notes reflect participation by administrators, instructional staff, special education personnel, pupil appraisal personnel, the parent, her advocates, and additional District personnel. The team reviewed disciplinary information, educational records, behavioral information, teacher observations, disability-related characteristics, and parent input, and the parent discussed her concerns about behavioral triggers and escalation.

The MDR team determined that the conduct at issue had a direct and substantial relationship to the Student's disability and was not the direct result of a failure to implement the IEP. Administration recommended an alternative placement; the parent invoked stay-put protections; and the Student remained at the school.

Also on February 26, 2026, following completion of the evaluation and determination of eligibility, the District developed the Student's Initial IEP. The Initial IEP recorded evaluation information, academic data, behavioral information, disciplinary history, accommodations, related services, measurable goals, assistive technology considerations, and parent concerns. It identified the Student [redacted]

[redacted] and documented the parent's concerns regarding communication barriers and her requests for additional supports.

Attendance sheets and meeting documentation across the Student's IEP, MDR, and eligibility meetings reflect participation or anticipated participation by the parent, advocates, legal counsel, administrators, instructional staff, social work personnel, educational diagnosticians, behavioral personnel, and special education personnel. Several notices and meeting forms referenced procedural safeguards and participation rights.

In January 2026, the District revised its procedures implementing La. R.S. 17:1948, which governs cameras in special education classrooms and other qualifying settings. The revised procedures define qualifying classrooms, eligible requestors, incident-reporting requirements, confidentiality provisions, and retention periods, and they set out the process for requesting review of recordings associated with alleged incidents of abuse, neglect, or sexual misconduct. The corresponding School Board policy authorizes the Superintendent to implement procedures concerning the installation and operation of cameras in qualifying settings.

On February 22, 2026, the parent submitted a written request on the District's Incident Report Form to review recordings from January 28, 2026 through February 10, 2026. The request identified the parent's concerns about ankle pain, bruising, scratches, and other injuries the parent reported the Student attributed to events occurring in the classroom, and it requested review of the applicable recordings from the identified dates and classroom setting.

On March 18, 2026, the District issued a "Response to Incident Report and Denial of Request to Review Video Recording" addressing the parent's February 22, 2026 submission. The District stated that it had reviewed the report under La. R.S. 17:1948 and its own procedures and had determined that the report did not contain an allegation meeting the District's definition of an "Incident." On that basis, the District denied the request to view the recording.

IV. Conclusions of Law

Allegation 1: Whether the District failed to respond to the parent's requests for an initial special education evaluation for the Student.

Bulletin 1706 §111 requires each public agency to identify, locate, and evaluate students suspected of having disabilities who may require special education and related services. The Child Find obligation is triggered when the District has reason to suspect both the existence of a disability and the possible need for specially designed instruction. Before referring an English Learner for an initial evaluation, school systems must also consider whether academic or behavioral concerns may be attributable to language acquisition, cultural factors, or educational history rather than a suspected disability, as provided in Bulletin 1508.

Before proposing an evaluation, the District gathered information about the Student and considered the role of language and instructional history. The Student enrolled [redacted] and presented with academic, behavioral, and communication concerns. On August 22, 2025, the school's SBLC convened to review those concerns and documented intervention-based supports, dyslexia screening, and additional educational data collection. That kind of intervention and data gathering is consistent with what Bulletin 1508 contemplates for distinguishing disability-related

concerns from factors associated with language acquisition or instructional history for English Learners. Once referral was appropriate, the District moved the evaluation process forward. The District proposed an initial evaluation by prior written notice on October 9, 2025, the Parent consented, and the District completed the evaluation, placed the Student on an interim IEP, determined on January 27, 2026, that the Student qualified for special education and related services under the category of Emotional Disturbance, and developed the Student's initial IEP on February 26, 2026. The record therefore reflects the identification, consideration, and evaluation that Bulletin 1706 §111 requires.

This allegation substantially overlaps with issues previously investigated in Complaint Nos. 56-C-30 and 56-C-52, which addressed whether the District improperly delayed referral before October 2025. Those investigations concluded that no Child Find violation occurred during the period preceding the October 9, 2025 evaluation proposal, and the current record presents no materially different evidence that would alter that conclusion.

Accordingly, the Department concludes that the evidence does not establish that the District failed to respond to the Parent's requests for an initial evaluation or otherwise failed to satisfy its Child Find obligations under Bulletin 1706 §111. Allegation 1 is unsubstantiated.

Allegation 2: Whether the District denied the parent meaningful participation in special education decision-making processes regarding the Student's education program.

Bulletin 1706 §322 requires each public agency to take steps to ensure that the parents of a student with a disability are present at each IEP team meeting or afforded the opportunity to participate, including by providing timely notice and scheduling meetings at a mutually agreed-upon time and place. Meaningful participation means an opportunity to attend, to be heard, and to contribute to decisions about identification, evaluation, placement, and the provision of a free appropriate public education (FAPE). It does not, however, require that the agency agree with the Parent's position or adopt the Parent's preferred outcome on any particular educational or disciplinary decision.

The District provided notice and the opportunity to participate. Throughout the 2025–2026 school year, the District issued written notices for each SBLC meeting, interim IEP meeting, eligibility meeting, manifestation determination review, continuation meeting, and initial IEP meeting. Those notices identified the purpose of the meeting, the anticipated participants, procedural safeguards, and options for virtual participation through Google Meet, and several advised the Parent that additional individuals could attend to assist with educational planning. The Parent used that opportunity. The January 15, 2026 eligibility meeting notice reflects that the Parent intended to attend with two advocates and one attorney, and attendance records for that meeting and subsequent meetings document the Parent's participation with advocates and counsel. The February 26, 2026 manifestation determination review notes describe Parent input on behavioral triggers, escalation, and disability-related characteristics, and the Student's initial IEP developed that same day incorporates Parent concerns about communication barriers, language issues, behavior, placement, and requested supports. The District also repeatedly identified the Student [redacted] and advised the Parent through its notices of the availability of procedural safeguards information in an alternative language or format.

The complaint references disagreements about communication, disciplinary decisions, and access to information outside the IEP decision-making process. Disagreement with an educational or disciplinary

decision, however, is not exclusion from the decision-making process, and Bulletin 1706 §322 speaks to the latter rather than the former.

Accordingly, the Department concludes that the evidence does not establish that the District denied the Parent meaningful participation in special education decision-making processes in violation of Bulletin 1706 §322. Allegation 2 is unsubstantiated.

Allegation 3: Whether the District failed to properly conduct the manifestation determination review, consistent with disciplinary procedures, including whether the MDR was conducted by the LEA, the Parent, and relevant members of the Student's IEP Team (as determined by the Parent and the LEA).

Bulletin 1706 §530(E) requires the LEA, the parent, and relevant members of the IEP team (as determined by the parent and the LEA) to review all relevant information in the student's file—including the IEP, teacher observations, and any relevant information provided by the parent—within ten school days of a decision to change the placement of a student with a disability because of a violation of a code of student conduct, and to determine whether the conduct was caused by, or had a direct and substantial relationship to, the disability, or was the direct result of the LEA's failure to implement the IEP.

The District convened the review within the required window and with the required participants. Following the February 10, 2026 behavioral incident and the recommendation of a disciplinary change of placement, the District issued written notice on February 23, 2026, and convened the manifestation determination review on February 26, 2026. The meeting notes document participation by administrators, instructional staff, special education personnel, pupil appraisal personnel, the Parent, and advocates.

The review considered the information and reached the determinations Bulletin 1706 §530(E) contemplates. The team reviewed disciplinary reports, behavioral intervention information, teacher observations, disability-related behavioral characteristics, educational records, behavioral goals, and implementation information concerning the Student's behavior intervention plan, and the Parent provided input on behavioral triggers, escalation, and emotional regulation. The team determined that the conduct had a direct and substantial relationship to the Student's disability and was not the direct result of a failure to implement the IEP. Administration recommended an alternative placement, the Parent invoked stay-put, and the Student remained at the school. Differences of view among participants during the discussion do not, by themselves, establish procedural noncompliance where the review Bulletin 1706 §530(E) requires has occurred.

Accordingly, the Department concludes that the record does not establish that the District conducted the February 26, 2026 MDR in violation of Bulletin 1706 §530(E). Allegation 3 is unsubstantiated.

Allegation 4: Whether the District failed to comply with procedures governing parent requests to review classroom recordings under La. R.S. 17:1948.

La. R.S. 17:1948 requires every public school governing authority to install and operate video cameras with audio capability in self-contained special education classrooms and other special education settings and to adopt policies governing their operation and parent access to the recordings. The statute does not itself prescribe a substantive trigger or a numerical deadline for responding to a parent viewing request. Instead, it delegates those matters to the governing authority's adopted policies, and §1948(D)(1) then makes those adopted policies the operative legal standard by providing that a recording "may be viewed by the superintendent or his designee, the parent or legal guardian of a recorded student, or by law

enforcement officials as provided in the policies required by Paragraph (C)(5) of this Section." The question in this matter therefore reduces to two inquiries: whether the District has adopted the policies §1948 requires, and whether the District complied with those adopted policies in disposing of the Parent's request.

As to the first inquiry, the District has adopted the policies §1948 requires. The District's adopted policies cover every subject the statute enumerates: camera installation and operation, the classroom definition, access limitations, confidentiality, mandatory reporting, retention, and the classification of recordings as non-personally-identifiable information under La. R.S. 17:3914. The District's policies define "Incident" as "an event or circumstance alleged to have occurred in a Self-contained Classroom or Other Special Education Setting under La. R.S. 17:1948 involving alleged 'abuse', 'neglect', or 'sexual abuse' of a student as outlined in the Louisiana Children's Code or Louisiana Revised Statutes," and they condition parent viewing requests on an allegation that meets that definition. That definition is not prohibited by §1948(C)(8), which authorizes the governing authority to impose "any limitations to a request." The District's policy adoption therefore complies with §1948.

As to the second inquiry, the District did not comply with its own adopted policies, which §1948(D)(1) makes controlling. The District's policies require a response to a parent viewing request within five school business days, absent extenuating circumstances. The Parent submitted the request on February 22, 2026, and the District received it no later than Monday, February 23, 2026. Measured against the District's own 2025–2026 calendar, the five-school-business-day deadline fell on Friday, February 27, 2026. The District responded on Wednesday, March 18, 2026, the eighteenth school business day after receipt, and thirteen school business days past the deadline. No holiday, in-service day, or break falls within that window. Neither the District's written denial nor its response to the notice of investigation identifies any extenuating circumstances that would excuse the delay. The District's response was therefore untimely under its own adopted policies.

The Department concludes that the District failed to respond to the Parent's viewing request within the five-school-business-day deadline set by the District's own adopted policies, which §1948(D)(1) makes the operative legal standard, exceeding that deadline by thirteen school business days, without any documented extenuating circumstances. However, No violation is found as to the District's policy adoption, the Parent's status as an Eligible Requestor under §1948(C)(5)(a), or the classroom's status under §1948(B).

Accordingly, Allegation 4 is sustained in part. This conclusion resolves Allegation 4 under R.S. 17:1948 alone, and has not been investigated under the IDEA or Bulletin 1706 §§151–153.

V. Conclusion

For the reasons set forth above, Allegations 1, 2, and 3, which alleged violations of the IDEA and Bulletin 1706, are unsubstantiated. No corrective action is required on those allegations, and this investigation is closed as to Allegations 1, 2, and 3. Allegation 4, which alleged a violation of La. R.S. 17:1948, is sustained as to the District's failure to respond to the Parent's February 22, 2026 viewing request within the five-school-business-day deadline set by the District's own adopted policies. R.S. 17:1948 does not establish a corrective-action framework. Accordingly, the Department does not order corrective action on Allegation 4. The District remains obligated under § 1948(D)(1) to comply with its own adopted procedures in responding to future viewing requests.

Respectfully,

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CC: Francis Touchet, Superintendent, Lafayette Parish School System

Louisiana Special Education Complaint Investigation

56-C-94

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LOUISIANA DEPARTMENT OF EDUCATION

May 11, 2026

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Re: Findings-Decision in Special Education Formal Complaint No. 56-C-94[redacted]

I. Introduction

On March 13, 2026, the Louisiana Department of Education ("the Department") received a formal complaint from [redacted]), concerning a school under the jurisdiction of the Caddo Parish School District ("District").

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., 34 C.F.R Part 300; the Louisiana Children with Exceptionalities Act, La. R.S. 17:1941 et seq.; and Louisiana Bulletin 1706, Regulations for Implementation of the Children with Exceptionalities Act. Specifically, the Parent alleges the following:

1. Whether the District failed to implement the Student's Individual Education Program (IEP). Specifically, the Complainant alleged that an IEP has been developed for the Student but that the school informed the parent that services would not begin for an additional 60 days; and
2. Whether the District either failed to convene an IEP team meeting with the required participants or refused to recognize an IEP that had already been developed following the Student's evaluation.

This investigation is conducted pursuant to Bulletin 1706 §§151–153. Pursuant to Bulletin 1706 §152(C), a complaint must allege a violation that occurred not more than two years prior to the date the complaint is received. Accordingly, the scope of investigation is limited to alleged conduct occurring between March 14, 2024 and March 13, 2026.

III. Findings of Fact

The Student is enrolled at [redacted], a school within the Caddo Parish School District. On October 28, 2025, a licensed psychologist retained privately by the Parent completed a psychological evaluation of the Student. The evaluation diagnosed the Student with Autism Spectrum Disorder, Severity Level 1 (with delays in communication, without intellectual delays); Attention Deficit Hyperactivity Disorder, Primarily Inattentive Type; and Borderline Adaptive Skills. The private psychological evaluation recommended that the Parent use the evaluation "to engage school personnel to begin the process of obtaining IEP or 504 accommodations and modifications in the academic setting" for the Student. The evaluation did not constitute, and did not purport to constitute, an IEP or an LEA evaluation under Bulletin 1706 or Bulletin 1508.

On March 17, 2026, the Parent signed the Caddo Parish Parental Permission for Initial Evaluation form. The form expressly states that "[o]nce your written permission is received, the evaluation will begin and should be completed within sixty (60) days." The March 17, 2026 parental consent was signed four (4) calendar days after the Parent filed her state complaint with the Department on March 13, 2026. The record contains no earlier parental consent for an initial evaluation of the Student. The checked evaluation components on the signed consent form included, at minimum: vision and/or hearing screening; review and analysis of screening information; interviews with the student, family, and teacher(s); observations; appropriate tests of general knowledge and/or academic ability; speech and language assessment; and other assessments as needed.

The record before the Department contains no IEP for the Student and no documentation of any IEP team meeting having been convened for the Student.

IV. Conclusions of Law

Allegation 1: Whether the District failed to implement the Student's IEP. Specifically, the Complainant alleged that an IEP has been developed for the Student but that the school informed the parent that services would not begin for an additional 60 days.

Bulletin 1706 §302(A) requires each public agency to conduct a full and individual initial evaluation, in accordance with Bulletin 1706 §§306 and 307, before the initial provision of special education and related services to a student with a disability. 34 C.F.R. §300.301(a). The initial evaluation must be conducted within 60 business days of receiving parental consent for the evaluation, with additional appropriate extensions as established in Bulletin 1508 — The Pupil Appraisal Handbook. Bulletin 1706 §302(C)(1)(a). Bulletin 1706 §305 governs the conduct of the evaluation and requires the use of a variety of assessment tools and strategies, prohibits reliance on any single measure, and requires that the student be assessed in all areas related to the suspected disability. Bulletin 1706 §306(A) further requires the IEP Team and other qualified professionals, as part of the initial evaluation, to review existing evaluation data, including evaluations and information provided by the parents of the student. 34 C.F.R. §300.305(a). Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parent of the student shall determine whether the student is a student with a disability under Bulletin 1706 §307(A), and "[i]f a determination is made that a student has a disability and needs special education and related services, an IEP shall be developed for the student in accordance with §§320 through 324." Bulletin 1706 §307(C)(2).

Bulletin 1706 §323(C)(2) then requires that each public agency ensure that, as soon as possible but no later than 10 school days following the development of the IEP, special education and related services are

made available to the student in accordance with the student's IEP. 34 C.F.R. §300.323(c)(2). An IEP within the meaning of Bulletin 1706 §320 is a written statement for a student with an exceptionality that is developed, reviewed, and revised by an IEP Team in accordance with Bulletin 1706 §§320 through 324. 34 C.F.R. §300.320.

In this matter, at the time the Parent filed the state complaint on March 13, 2026, none of the conditions precedent to the implementation duty of Bulletin 1706 §323(C)(2) had been satisfied. The Parent had not yet given informed written consent for an initial evaluation under Bulletin 1706 §301; the 60-business-day initial evaluation window of Bulletin 1706 §302(C)(1)(a) had not commenced; no evaluation had been conducted under Bulletin 1706 §305; no review of existing evaluation data had occurred under Bulletin 1706 §306; no eligibility determination had been made under Bulletin 1706 §307; no IEP team had been convened under Bulletin 1706 §§320 through 324; and no IEP existed under Bulletin 1706 §320. The Parent did not sign written consent for the initial evaluation until March 17, 2026, four (4) calendar days after the complaint was filed; only then did the 60-business-day window of Bulletin 1706 §302(C)(1)(a) commence. The private psychological evaluation dated October 28, 2025 is a clinical report prepared by a licensed psychologist privately retained by the Parent; it is not an IEP within the meaning of Bulletin 1706 §320 and, while it is "information provided by the parents" that the IEP Team is required to review under Bulletin 1706 §306(A)(1)(a), its issuance did not, by its own force, create an implementation obligation on the District. Because no IEP existed on March 13, 2026, the District's duty to implement an IEP under Bulletin 1706 §323(C)(2) had not attached, and the District could not, on this record, have failed to implement an IEP. Accordingly, the Department concludes that the District did not violate Bulletin 1706 §323. Allegation 1 is unsubstantiated.

Allegation 2: Whether the District either failed to convene an IEP team meeting with the required participants or refused to recognize an IEP that had already been developed following the Student's evaluation.

Bulletin 1706 §323(C)(1) requires that each public agency ensure that a meeting to develop an IEP for a student is conducted within 30 days of a determination that the student needs special education and related services. 34 C.F.R. §300.323(c)(1). Bulletin 1706 §321(A) further provides that, when an IEP Team meeting is required, the team shall include, among others, one or both of the parents of the student, at least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment), at least one special education teacher of the student, an officially designated representative of the public agency who is qualified to provide or supervise the provision of specially designed instruction, and an individual who can interpret the instructional implications of evaluation results. 34 C.F.R. §300.321(a). Bulletin 1706 §307(C)(2) provides "[i]f a determination is made that a student has a disability and needs special education and related services, an IEP shall be developed for the student in accordance with §§320 through 324".

In this matter, at the time the Parent filed the state complaint on March 13, 2026, no parental consent for an initial evaluation had yet been given under Bulletin 1706 §301; no initial evaluation had commenced under Bulletin 1706 §302(C)(1)(a); no eligibility determination had been made under Bulletin 1706 §307; and no IEP had been developed under Bulletin 1706 §320. The Parent did not sign written consent for the initial evaluation until March 17, 2026, four (4) calendar days after the complaint was filed, and only then did the 60-business-day window of Bulletin 1706 §302(C)(1)(a) commence. Because no determination under Bulletin 1706 §307 that the Student "has a disability and needs special education and related

services" had been made as of the date of the complaint, the 30-day IEP-development clock of Bulletin 1706 §323(C)(1) had not begun to run and the participant requirements of Bulletin 1706 §321 had not attached because no IEP Team meeting was yet required to be convened. Further, because no IEP existed, no IEP was available for the District to recognize or to refuse to recognize; the private psychological evaluation dated October 28, 2025 is not an IEP within the meaning of Bulletin 1706 §320, although it is evaluation data that the IEP Team is required to consider under Bulletin 1706 §306(A)(1)(a). Accordingly, the Department accordingly concludes that the District did not violate Bulletin 1706 §§321 or 323. Allegation 2 is unsubstantiated.

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 the 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,

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CC: Keith Burton, Superintendent, Caddo Parish Public Schools

Louisiana Special Education Complaint Investigation

56-C-95

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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LOUISIANA DEPARTMENT OF EDUCATION

May 11, 2026

[redacted]

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Re: Findings-Decision in Special Education Formal Complaint No. 56-C-95[redacted]

I. Introduction

On March 13, 2026, the Louisiana Department of Education ("the Department") received a formal complaint from [redacted] concerning a school under the jurisdiction of the Caddo Parish School District ("District").

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., 34 C.F.R. Part 300; the Louisiana Children with Exceptionalities Act, La. R.S. 17:1941 et seq.; and Louisiana Bulletin 1706, Regulations for Implementation of the Children with Exceptionalities Act. Specifically, the Parent alleges the following:

1. Whether the District failed to implement the Student's Individual Education Program (IEP). Specifically, the Complainant alleged that an IEP has been developed for the Student but that the school informed the parent that services would not begin for an additional 60 days; and
2. Whether the District either failed to convene an IEP team meeting with the required participants or refused to recognize an IEP that had already been developed following the Student's evaluation.

This investigation is conducted pursuant to Bulletin 1706 §§151–153. Pursuant to Bulletin 1706 §152(C), a complaint must allege a violation that occurred not more than two years prior to the date the complaint is received. Accordingly, the scope of investigation is limited to alleged conduct occurring between March 14, 2024 and March 13, 2026.

III. Findings of Fact

The Student is enrolled in kindergarten at [redacted], a school within the Caddo Parish School District. On October 28, 2025, a licensed psychologist retained privately by the Parent completed a psychological evaluation of the Student. The evaluation diagnosed the Student with Attention Deficit Hyperactivity Disorder, Combined Type; Expressive Language Disorder; and Borderline Adaptive Skills. The private psychological evaluation recommended that the Parent use the evaluation "to engage school personnel to begin the process of obtaining accommodations and modifications in the academic setting" for the Student. The psychological evaluation did not constitute, and did not purport to constitute, an IEP or an evaluation under Bulletin 1706 or Bulletin 1508.

On February 4, 2026, [redacted] issued a School Building Level Committee (SBLC) Referral Meeting Notification to the Parent scheduling the SBLC meeting for February 23, 2026. The Parent signed the notification. On February 23, 2026, the SBLC convened and completed an SBLC Referral Team Determination form. The form documented the SBLC's decision to refer the Student to Pupil Appraisal for an individual evaluation, with a pupil appraisal representative required to be present. On the same day, the Parent signed the Caddo Parish Parental Permission for Initial Evaluation form. The form expressly states that "[o]nce your written permission is received, the evaluation will begin and should be completed within sixty (60) days. The checked evaluation components on the signed consent form included, at minimum: vision and/or hearing screening; review and analysis of screening information; interviews with the student, family, and teacher(s); observations; appropriate tests of general knowledge and/or academic ability; speech and language assessment; and other assessments as needed.

At the time the complaint was received, the 60-business-day initial evaluation timeline remained pending and had not expired, no eligibility determination had been made, no IEP team meeting was yet required to be convened, and no IEP existed to be implemented or enforced.

IV. Conclusions of Law

Allegation 1: Whether the District failed to implement the Student's IEP. Specifically, the Complainant alleged that an IEP has been developed for the Student but that the school informed the parent that services would not begin for an additional 60 days.

Bulletin 1706 §302(A) requires each public agency to conduct a full and individual initial evaluation, in accordance with Bulletin 1706 §§306 and 307, before the initial provision of special education and related services to a student with a disability. 34 C.F.R. §300.301(a). The initial evaluation must be conducted within 60 business days of receiving parental consent for the evaluation, with additional appropriate extensions as established in Bulletin 1508 — The Pupil Appraisal Handbook. Bulletin 1706 §302(C)(1)(a). Bulletin 1706 §305 governs the conduct of the evaluation and requires the use of a variety of assessment tools and strategies, prohibits reliance on any single measure, and requires that the student be assessed in all areas related to the suspected disability. Bulletin 1706 §306(A) further requires the IEP Team and other qualified professionals, as part of the initial evaluation, to review existing evaluation data, including evaluations and information provided by the parents of the student. 34 C.F.R. §300.305(a). Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parent of the student shall determine whether the student is a student with a disability under Bulletin 1706 §307(A), and "[i]f a determination is made that a student has a disability and needs special education and related services, an IEP shall be developed for the student in accordance with §§320 through 324." Bulletin 1706 §307(C)(2).

Bulletin 1706 §323(C)(2) then requires that each public agency ensure that, as soon as possible but no later than 10 school days following the development of the IEP, special education and related services are made available to the student in accordance with the student's IEP. 34 C.F.R. §300.323(c)(2). An IEP within the meaning of Bulletin 1706 §320 is a written statement for a student with an exceptionality that is developed, reviewed, and revised by an IEP Team in accordance with Bulletin 1706 §§320 through 324. 34 C.F.R. §300.320.

In this matter, the Parent signed written consent for the initial evaluation on February 23, 2026, commencing the 60-business-day initial evaluation window under Bulletin 1706 §302(C)(1)(a); the Department received the complaint eighteen (18) calendar days later, on March 13, 2026, while the evaluation was still in progress, and before the District made an eligibility determination or developed an IEP for the Student. The private psychological evaluation dated October 28, 2025 is a clinical report prepared by a licensed psychologist privately retained by the Parent; it is not an IEP within the meaning of Bulletin 1706 §320 and, while it is "information provided by the parents" that the IEP Team is required to review under Bulletin 1706 §306(A)(1)(a), its issuance did not, by its own force, create an implementation obligation on the District. Because no IEP existed on March 13, 2026, the District's duty to implement an IEP under Bulletin 1706 §323(C)(2) had not attached, and the District could not, on this record, have failed to implement an IEP. Accordingly, the Department concludes that the District did not violate Bulletin 1706 §323. Allegation 1 is unsubstantiated.

Allegation 2: Whether the District either failed to convene an IEP team meeting with the required participants or refused to recognize an IEP that had already been developed following the Student's evaluation.

Bulletin 1706 §323(C)(1) requires that each public agency ensure that a meeting to develop an IEP for a student is conducted within 30 days of a determination that the student needs special education and related services. 34 C.F.R. §300.323(c)(1). Bulletin 1706 §321(A) further provides that, when an IEP Team meeting is required, the team shall include, among others, one or both of the parents of the student, at least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment), at least one special education teacher of the student, an officially designated representative of the public agency who is qualified to provide or supervise the provision of specially designed instruction, and an individual who can interpret the instructional implications of evaluation results. 34 C.F.R. §300.321(a). Bulletin 1706 §307(C)(2) provides "[i]f a determination is made that a student has a disability and needs special education and related services, an IEP shall be developed for the student in accordance with §§320 through 324".

In this matter, the Parent signed the Caddo Parish Parental Permission for Initial Evaluation on February 23, 2026, commencing the 60-business-day evaluation window under Bulletin 1706 §302(C)(1)(a). The Department received the Parent's written complaint on March 13, 2026, eighteen (18) calendar days into that window and while the evaluation was still in progress. No determination under Bulletin 1706 §307 that the Student "has a disability and needs special education and related services" had been made as of the date of the complaint, and consequently the 30-day IEP-development clock of Bulletin 1706 §323(C)(1) had not begun to run and the participant requirements of Bulletin 1706 §321 had not attached because no IEP Team meeting was yet required to be convened. Further, because no IEP existed, no IEP was available for the District to recognize or to refuse to recognize; the private psychological evaluation dated October 28, 2025 is not an IEP within the meaning of Bulletin 1706 §320, although it is evaluation data

that the IEP Team is required to consider under Bulletin 1706 §306(A)(1)(a). Accordingly, the Department accordingly concludes that the District did not violate Bulletin 1706 §§321 or 323. Allegation 2 is unsubstantiated.

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 the 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,

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CC: Keith Burton, Superintendent, Caddo Parish Public Schools

Louisiana Special Education Complaint Investigation

56-C-96

Louisiana Special Education Complaint Investigation

56-C-97

DR. CADE BRUMLEY
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LOUISIANA DEPARTMENT OF EDUCATION

May 18, 2026

[redacted]

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Re: Findings-Decision in Special Education Formal Complaint No. [redacted]

I. Introduction

On March 17, 2026, the Louisiana Department of Education (the "Department") received a formal written complaint filed [redacted] ("Student"), concerning a school under the jurisdiction of the St. Mary Parish School Board (the "District").

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., 34 C.F.R Part 300; the Louisiana Children with Exceptionalities Act, La. R.S. 17:1941 et seq.; and Louisiana Bulletin 1706, Regulations for Implementation of the Children with Exceptionalities Act. Specifically, the Parent alleges the following:

1. Whether the District failed to respond timely and appropriately to the Parent's request for an evaluation, including whether the District failed to provide prior written notice of its decision to initiate or refuse the evaluation.

Pursuant to Bulletin 1706 §152(C), a complaint must allege a violation that occurred not more than two years prior to the date the complaint is received. Accordingly, the scope of investigation is limited to alleged conduct occurring between March 18, 2024 and March 17, 2026.

III. Findings of Fact

At all times relevant to this complaint, the Student attended [redacted] and was served under a Section 504 individual accommodation plan that identified attention-deficit/hyperactivity disorder and autism spectrum disorder as qualifying impairments. The Student had previously been the subject of an initial special education evaluation. Parental consent for that initial evaluation was obtained on March 21, 2024, and the resulting evaluation, completed on December 17, 2024, ended in a

determination of "No Exceptionality." The Student therefore did not receive special education or related services under the Individuals with Disabilities Education Act prior to the events giving rise to this complaint, but did receive accommodations through the District's Section 504 process.

On September 15, 2025, the Parent contacted the principal of [redacted] by email regarding a renewed request for evaluation. In an initial email, the Parent stated that he had previously contacted the District's Office of Special Services about "getting another evaluation," had been told that the request "has to be started at the school," and was inquiring whether he should contact the school's guidance counselor. The principal responded asking whether the Parent was seeking an evaluation "to see if he qualifies for SPED or is there something else," referencing the Student's existing Section 504 plan and the December 17, 2024 prior evaluation, and explaining that he was gathering information for the school's School Building Level Committee (SBLC) coordinator. At 10:32 a.m., the Parent replied in writing: "We were wanting another evaluation for sped or IEP? Some new things have happened since the last evaluation. Sensory issues and ticks have have been very noticeable to us. We don't know if its affecting school." The Parent further described concerns that the Student had been "overloaded a couple times with class work" and explained that, although the existing Section 504 plan provided extended time, the Student "will never use it."

In the period immediately following the Parent's September 15, 2025 email, the District did not request parental consent to conduct an evaluation and did not issue any written notice of a decision to initiate or refuse the requested evaluation. On October 7, 2025, twenty-two days after the Parent's written request, the Parent sent a follow-up email to the principal that stated: "I'm just checking in. We emailed back and forth 3 weeks ago about having another evaluation for [the Student] to see if he qualifes for an IEP. I haven't heard anything from anyone." The District's first documented internal acknowledgment of the Parent's September 15, 2025 request occurred on October 8, 2025, when the SBLC facilitator at [redacted] forwarded the Parent's September 15, 2025 email to the District's Coordinator of Pupil Appraisal. On October 9, 2025, the Coordinator of Pupil Appraisal instructed the school to schedule an SBLC meeting to consider the Parent's request, and the principal proposed an SBLC meeting for October 15, 2025. The Parent confirmed availability the same day.

The first SBLC meeting was held on October 15, 2025. The Parent attended, along with the District psychologist. According to the District's contemporaneous record, summarized in its timeline of events exhibit, the SBLC "discussed the parent's concerns and made a plan to schedule a follow-up meeting towards December. All were in agreement." The October 15, 2025 SBLC meeting did not result in a request for parental consent to conduct an evaluation, and the District did not issue any written notice that it was either initiating or refusing to initiate an evaluation as a result of the meeting.

On December 1, 2025, the Parent sent an email to the principal stating: "This is to set up a follow up meeting for [the Student]." A second SBLC meeting was held on January 9, 2026, and the Parent attended. According to the District's timeline of events exhibit, "[t]he committee agreed to continue with the student's current 504 accommodations and to follow-up in March. All were in agreement." The January 9, 2026 SBLC meeting did not result in a request for parental consent to conduct an evaluation, and the District did not issue any written notice that it was either initiating or refusing to initiate an evaluation as a result of the meeting. The Parent's narrative in the complaint, as filed, refers to the second meeting as having occurred "in December"; the documentary record establishes that the meeting was held on January 9, 2026.

On February 25, 2026, the Parent contacted the Coordinator of Pupil Appraisal by telephone. The Parent expressed concern about the Student's grades, recounted that two SBLC meetings had been held during the school year, and stated that a third meeting was anticipated in March. Following that contact, the Coordinator of Pupil Appraisal began an internal review, communicating with [redacted] staff and the District psychologist regarding the matter. Internal communications among the Coordinator of Pupil Appraisal, the District psychologist, and the SBLC facilitator on March 9, 2026, addressed next steps, and a third SBLC meeting was scheduled for March 20, 2026.

Between September 15, 2025, the date of the Parent's written email request for an evaluation and the date the formal complaint was filed, the District did not request parental consent to conduct an initial evaluation of the Student and did not provide the Parent with any written notice of a decision to initiate or refuse the requested evaluation. The District's written response to this complaint, dated April 28, 2026, does not dispute the allegation that prior written notice was not provided to the Parent following the District's receipt of the September 15, 2025 email request for an evaluation.

For context, although these events fall outside the temporal scope of this investigation, a third SBLC meeting was held on March 20, 2026. The Parent attended. The committee, including the Parent, agreed to proceed with an initial special education evaluation of the Student. Written parental consent for an initial evaluation was obtained on March 20, 2026, and the District issued a Prior Notice of Proposed Action on the same date, on which the Parent indicated a waiver of the ten-day notice period to avoid further delay in beginning the evaluation. In its April 28, 2026 response to this complaint, the District proposed corrective action consisting of in-service training for school, district, and pupil appraisal personnel on the procedures required following receipt of a written parental request for an evaluation, together with district-level monitoring of compliance with applicable state and federal requirements governing parent requests for evaluation.

IV. Conclusions of Law

Allegation 1: Whether the District failed to respond timely and appropriately to the Parent's request for an evaluation, including whether the District failed to provide prior written notice of its decision to initiate or refuse the evaluation.

The District's underlying Child Find duty is established by Bulletin 1706 §111, which requires each public agency to conduct ongoing identification activities to identify, locate, and evaluate each student suspected of having a disability and in need of special education and related services, including students "who are suspected of being students with a disability under §905 and in need of special education, even though they are advancing from grade to grade." Bulletin 1706 §111(C)(1). The federal Child Find provision is materially identical, requiring states and the LEAs they oversee to ensure that all children with disabilities "are identified, located, and evaluated." 34 C.F.R. § 300.111(a)(1)(i); 20 U.S.C. § 1412(a)(3). Child Find supplies the framework within which a parental request for an evaluation operates: a parental request is one of the means by which the LEA's identification obligation is triggered, and the LEA's response to such a request is the mechanism by which the duty is discharged. 34 C.F.R. § 300.301(b).

The specific timing rule that governs the District's response to a written parental request for evaluation is set out in Bulletin 1706 §301(A)(4). Pursuant to Bulletin 1706 §301(A)(4), "[w]ithin a reasonable amount of time, and not longer than 10 business days, from receipt of a written parental request for a special education evaluation, an LEA shall either request parental consent for evaluation or provide prior written

notice of refusal." That provision establishes a fixed boundary on permissible LEA inaction following a written parental request and limits the LEA's permissible responses to two: a request for parental consent to evaluate, or a prior written notice of refusal. Federal law parallels this requirement by conditioning the conduct of an initial evaluation on parental consent obtained "after providing notice consistent with §§ 300.503 and 300.504." 34 C.F.R. § 300.300(a)(1)(i).

Applying Bulletin 1706 §301(A)(4) to the record, the Parent's September 15, 2025 email constituted a written parental request for a special education evaluation. The email, in its plain terms, states: "We were wanting another evaluation for sped or IEP," and identifies new sensory and behavioral concerns prompting the request. The email was directed to the principal of the school the Student attended; the principal acknowledged the email the same day; the District's Office of Special Education and pupil appraisal personnel were placed on actual notice of the request no later than October 8, 2025; and the District has not contended that the September 15, 2025 email did not constitute a request for evaluation within the meaning of Bulletin 1706 §301(A)(4). The 10-business-day period under Bulletin 1706 §301(A)(4) accordingly expired on or about September 29, 2025. By that date, the District had neither requested parental consent for an evaluation nor provided prior written notice of refusal. The District's first documented response to the request, the SBLC meeting convened on October 15, 2025, did not produce either of the two outcomes the regulation requires within the prescribed period: a request for parental consent to evaluate, or a prior written notice of refusal. The District did not request parental consent to evaluate the Student until March 20, 2026, more than six months after the Parent's written request. The District did not provide written notice of any decision to initiate or refuse an evaluation in the interval between September 15, 2025 and March 20, 2026. On these facts, the District violated Bulletin 1706 §301.

The District's response to the complaint suggests that the convening of two SBLC meetings, on October 15, 2025 and January 9, 2026, was a sufficient and appropriate response to the Parent's request. Bulletin 1508 §303(A) defines the School Building Level Committee as a "general education, data driven, decision-making committee" and identifies a range of permissible courses of action available to it, including continuing current intervention and progress monitoring through the response to intervention process, conducting additional interventions through that process, referring the student for a Section 504 evaluation, referring the student to pupil appraisal personnel for support services, and referring the student to pupil appraisal personnel for an individual evaluation if an exceptionality is suspected. Bulletin 1508 §303(A)(1)–(6). Consistent with that range of options, Bulletin 1508 §509(C) confirms that the SBLC, "through interventions, may attempt to resolve the student's difficulties." Nothing in this decision precludes an SBLC from selecting an RTI-based course of action, including continued intervention or additional intervention, in lieu of recommending an immediate evaluation. Bulletin 1508 §509(C) draws the line at the moment the LEA decides not to evaluate. The same provision states that "[i]f the LEA suspects that the student is exceptional, an evaluation shall be conducted with parental consent. If the LEA does not suspect that the student is exceptional, then it may refuse to conduct an evaluation," and further requires that "[w]hen an LEA refuses to initiate an evaluation upon parental request, the parents must be given a written explanation of the reason for the decision according to the requirements listed in Chapter 5 of Bulletin 1706 and provided a copy of their rights, which includes the right to a due process hearing." Read together, Bulletin 1508 §303 and §509(C) thus permit the SBLC to pursue interventions, but require that any LEA decision not to conduct the evaluation a parent has requested, whether that decision is framed as an outright refusal or as an election to pursue RTI in lieu of evaluation, be reduced

to a written explanation that complies with Chapter 5 of Bulletin 1706, and in particular with the prior written notice provisions of Bulletin 1706 §504. The District's two SBLC meetings did not produce such a writing. The committees agreed at each meeting to "follow up" rather than either to evaluate or to refuse, and the District did not transmit to the Parent any written explanation under Bulletin 1508 §509(C) or any prior written notice under Bulletin 1706 §504 within the period prescribed by Bulletin 1706 §301(A)(4), or at any time before March 20, 2026.

The second component of the allegation, although referenced above as the channel through which an LEA's decision under Bulletin 1508 §509(C) must be communicated, is itself a freestanding obligation. The governing standard is found in Bulletin 1706 §504(A), which provides that "[w]ritten notice that meets the requirements of Subsection B of this Section shall be given to the parents of a student with a disability within a reasonable amount of time, and no less than ten days, before the public agency ... proposes to initiate or change the identification, evaluation, or educational placement of the student ... or ... refuses to initiate or change the identification, evaluation, or educational placement of the student." Bulletin 1706 §504(A)(1)–(2). The federal counterpart is materially identical. 34 C.F.R. § 300.503(a). The notice must include the elements set out in Bulletin 1706 §504(B), and may be delivered by certified mail, electronic mail, text message, or an online portal that documents delivery. Bulletin 1706 §504(E). Where notice relates to an action that also requires parental consent, the LEA may give notice and request consent in a single communication. Bulletin 1706 §504(D); 34 C.F.R. § 300.300(a)(1)(i).

Applying Bulletin 1706 §504 to the record, no prior written notice of any kind was provided to the Parent between September 15, 2025 and the issuance of the Prior Notice of Proposed Action on March 20, 2026. The District does not dispute the absence of prior written notice during this period. Its response acknowledges that, although an SBLC meeting was held on October 15, 2025 to address the Parent's renewed request, the District "does not dispute the allegation of whether the District failed to provide prior written notice of its decision to initiate or refuse the evaluation following receipt of the parent's email on September 15, 2025." That concession is consistent with the documentary record. The Prior Notice of Proposed Action eventually issued by the District is dated March 20, 2026 and addresses the District's then-current decision to initiate an evaluation; it does not, and could not, retroactively cure the absence of any §504 notice during the preceding six months. The Parent's waiver of the ten-day notice period reflected on the March 20, 2026 form is permissible under Bulletin 1706 §504(F) as to the future ten-day waiting period, but the waiver does not reach back in time to satisfy the §504 obligation that attached upon receipt of the September 15, 2025 written request. On these facts, the District violated Bulletin 1706 §504(A).

Accordingly, the Department concludes that the District failed to respond timely and appropriately to the Parent's September 15, 2025 written request for an evaluation, and failed to provide the Parent with prior written notice of any decision to initiate or refuse the requested evaluation between September 15, 2025 and March 20, 2026. The Allegation 1 is substantiated.

V. Corrective Actions

Based on the foregoing conclusions and to address the noncompliance identified in this decision, the District shall complete the following corrective actions:

- If the Student's initial evaluation results in a determination that the Student is a child with an exceptionality under Bulletin 1706 §905, the District shall, at the same eligibility / IEP meeting,

expressly consider whether the Student requires compensatory educational services to remedy any educational impact attributable to the period between September 15, 2025 and March 20, 2026, during which the District did not act on the Parent's written request for an evaluation. The District shall submit to the Department documentation of the IEP team's consideration of compensatory services and the basis for the team's determination. If the Student is not determined eligible, no consideration of compensatory services under this paragraph is required.

- Consistent with the District's proposal in its April 28, 2026 response, the District shall conduct in-service training of school, district, and pupil appraisal personnel on the procedures required following receipt of a written parental request for an evaluation, including the requirements of Bulletin 1706 §§301and 504 and Bulletin 1508 §§303 and §509. The District shall submit to the Department a record of the training, including the date, audience, training materials, and the identity of the trainer.
- Consistent with the District's proposal in its April 28, 2026 response, the District shall implement monitoring by district-level personnel to ensure adherence to Bulletins 1706 and 1508 with respect to parent requests for evaluation. The District shall submit to the Department a description of the monitoring mechanism adopted, the personnel responsible for monitoring, and the results of monitoring conducted between the date of this decision and the date of submission.

The District shall submit all documentation required by this corrective action within 120 calendar days of the date of this decision.

All corrective action shall be completed as soon as possible, but in no case later than one year from the date of this decision.

Respectfully,

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CC: Dr. Rachael Sanders, Interim Superintendent, St. Mary Parish School Board

Louisiana Special Education Complaint Investigation

56-C-98

DR. CADE BRUMLEY
STATE SUPERINTENDENT

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LOUISIANA DEPARTMENT OF EDUCATION

May 15, 2026

[redacted]

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Re: Findings-Decision in Special Education Formal Complaint No. 56-C-98

I. Introduction

On March 16, 2026, the Louisiana Department of Education ("Department") received a formal written complaint filed by [redacted] ("Student"), concerning a school under the jurisdiction of the Zachary Community School District ("District").

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., 34 C.F.R Part 300; the Louisiana Children with Exceptionalities Act, La. R.S. 17:1941 et seq.; and Louisiana Bulletin 1706, Regulations for Implementation of the Children with Exceptionalities Act. Specifically, the Parent alleges the following:

1. Whether the District implemented the Student's IEP, as in effect following the March 4, 2026 amendment, including the provision of special education services in the amounts and manner specified in the IEP, including following the Student's transition to a virtual setting;
2. Whether the District followed required procedures for the review and revision of the Student's IEP when issuing a subsequent amendment on March 9, 2026, including ensuring appropriate IEP team involvement or agreement to amend without a meeting, and basing any changes on the Student's individual needs;
3. Whether the District determined the type, amount, and delivery of the Student's special education services based on the Student's individual needs, rather than on the structure or limitations of a particular program;
4. Whether the District: (a) provided prior written notice that adequately described any proposed or refused changes to the Student's educational program, including the reasons for the decision and the information relied upon; and (b) ensured that the Parent was afforded a meaningful

opportunity to participate in decisions regarding the Student's educational program, including decisions related to the revision of services.

Pursuant to Bulletin 1706 §152(C), a complaint must allege a violation that occurred not more than two years prior to the date the complaint is received. Accordingly, the scope of investigation is limited to alleged conduct occurring between March 15, 2024 and March 16, 2026.

III. Findings of Fact

The Student is eligible for special education and related services under the exceptionality category of Specific Learning Disability with impairments in Basic Reading Skills and Reading Fluency Skills. The Student's November 21, 2025 IEP identified additional characteristics and diagnoses reflected in the educational record, [redacted] The IEP also documented concerns regarding declining academic performance in English and mathematics, including failing or near-failing performance in several core academic subjects.

The March 2026 IEP amendments referenced medical documentation concerning anxiety, reports that the Student was sleeping during classes, and concerns regarding the Student's social and emotional functioning in the school setting. The District also developed a Student Support Plan that included behavioral interviews and functional behavior assessment documentation from multiple teachers. Those documents described behaviors including refusal to follow directions, work avoidance, difficulty remaining engaged during instruction, impulsive conduct, and avoidance of nonpreferred academic tasks.

Prior to the March 4, 2026 IEP meeting, the District issued written notice dated February 23, 2026 scheduling an IEP Team meeting for March 4, 2026 at Northwestern Middle School for purposes of developing, reviewing, or amending the Student's IEP and determining placement. The notice stated that the March 4 meeting date was agreed upon by the parties after rescheduling a previously scheduled February 20, 2026 meeting that had been canceled by the Parent. The notice further identified anticipated IEP Team participants and advised that the Parent would participate as an equal member of the IEP Team in reviewing each section of the IEP.

On March 4, 2026, the District convened an IEP Team meeting to amend the Student's IEP in response to parental concerns. The amended IEP documented parental concerns regarding accommodations, placement, academic performance, anxiety, social and emotional well-being, and requests for a full reevaluation. The IEP stated that the Student's declining academic performance and disability-related needs warranted increased instructional support and a smaller class setting for English and math beginning March 9, 2026. The services grid for the amended IEP reflected special education instructional services totaling 520 minutes weekly in a special education setting beginning March 9, 2026.

The March 4, 2026 IEP amendment also documented accommodations and supports associated with the Student's anxiety and educational functioning. The IEP referenced a health care plan, anxiety-related symptoms occurring during the school day, concerns regarding fatigue and sleeping during instruction, and supports intended to address those concerns, including access to breaks, access to the nurse, smaller instructional settings, and daily check-ins with school personnel.

On March 5, 2026, the Student's private mental health provider issued written documentation recommending that the Student participate in virtual instruction for the remainder of the school year due

to mental health concerns affecting the Student's ability to function in the traditional school environment. The provider's recommendation stated that the request was therapeutic and temporary in nature.

On March 6, 2026, the Parent provided the District with signed virtual enrollment paperwork and emailed District staff regarding virtual instruction. In that communication, the Parent stated that she was agreeable to amending the Student's IEP by phone to reflect a temporary virtual instructional placement based on the medical recommendation and referenced continuation of IEP services, accommodations, and progress monitoring during the virtual period. The Parent also requested a Monday morning time to complete the amendment.

The District provided written notice scheduling a virtual IEP meeting for March 9, 2026 at 8:00 a.m. The notice identified the purpose of the meeting as developing, reviewing, or amending the Student's IEP and determining placement. The notice further stated that the IEP Team would consider changing the Student to virtual education because the "Parent requests the student enrolling in Zachary's Virtual Learning Program through the end of the school year due to his emotional disregulation caused by the in-person school environment as noted by medical documentation submitted by the Parent."

On March 9, 2026, the District amended the Student's IEP following the Parent's request for virtual instruction through the District's Zachary Virtual Learning Program ("ZVLP"). The amended IEP stated that the amendment occurred because the Parent applied for and the District accepted the Student's enrollment in ZVLP through the end of the 2025-2026 school year due to medical documentation received by the District. The IEP further stated that the Student would complete coursework through Edgenuity while enrolled in ZVLP, that accommodations would be provided through the online program, and that the Student's "minutes will change to consult." The services grid reflected special education consult services totaling 10 minutes weekly beginning March 9, 2026. The amendment also identified expectations regarding lesson completion and grading and indicated that services would begin the same day.

The March 9 amendment retained substantial portions of the narrative language from the March 4 amendment concerning the Student's disability-related needs, academic struggles, [redacted] accommodations, behavioral concerns, and educational functioning.

On March 9, 2026, following communications with District personnel concerning virtual instruction, the Parent emailed District staff stating that she wanted the Student to move forward with ZVLP because the virtual placement was medically necessary and appropriate at that time. In the same communication, the Parent stated that her concern was ensuring that the Student continued to receive specially designed instruction while participating in virtual instruction. The Parent further stated that she was open to discussing options for delivering specially designed instruction virtually, including virtual instruction or one-to-one support, but that she was not agreeing to eliminate services because no designated virtual teacher was available.

On March 10, 2026, the District issued a Prior Written Notice ("PWN") regarding the Student's virtual programming and special education services. The PWN identified the District's refusal to change the Student's special education support services and stated that ZVLP was an asynchronous program through which students completed lessons using the Edgenuity platform. The notice stated that built-in supports and modifications were available through the online system and that lessons and assignments were "added/taken away/modified based on student accommodations and modifications on the IEP." The PWN

further stated that, "[w]ith this specially designed instruction, students have been very successful using the online Edgenuity platform without an assigned teacher to assist the student academically." The notice also stated that an administrator would monitor the Student's progress and provide updates regarding grades and assignment completion.

The PWN further stated that the District considered the Parent's request for an assigned teacher to provide virtual instruction or one-to-one support within ZVLP. The District explained that administrators and teachers believed the Student could be successful in ZVLP with the supports, accommodations, and specially designed instruction available through the program after modifications and accommodations were applied to meet the Student's needs. In the additional comments section, the PWN stated that the District approved the Student's move to virtual instruction through ZVLP but that "a teacher is not provided to teach the virtual lessons."

On March 11, 2026, the Parent emailed District personnel acknowledging receipt of the March 10, 2026 PWN and stating disagreement with the District's refusal to provide special education services beyond consult-only services in the virtual setting. In the same communication, the Parent stated that she did not agree that an online curriculum platform replaced specially designed instruction delivered by qualified personnel. The Parent also referenced the March 4, 2026 request for reevaluation and stated that no reevaluation had yet been completed.

IV. Conclusions of Law

Allegation 1: Whether the District implemented the Student's IEP, as in effect following the March 4, 2026 amendment, including the provision of special education services in the amounts and manner specified in the IEP, including following the Student's transition to a virtual setting.

Under Bulletin 1706 and the IDEA, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, and must ensure that services are provided in accordance with that IEP. 20 U.S.C. § 1414(d)(2)(A); 34 C.F.R. § 300.323(a). Pursuant to Bulletin 1706 §323(C)(2), as soon as possible but no later than 10 school days following the development of the IEP, special education and related services must be made available to the student in accordance with the student's IEP. The public agency must further ensure that the IEP is accessible to each regular education teacher, special education teacher, and related services provider responsible for its implementation, and that each such provider is informed of his or her specific responsibilities related to implementing the student's IEP. Bulletin 1706 §323(D)(1)–(2). These obligations do not end when a student's educational setting changes; each LEA remains responsible for making available a free appropriate public education to each eligible student within its jurisdiction. Bulletin 1706 §230(B); 34 C.F.R. § 300.101(a).

The March 4, 2026 IEP amendment specified special education instructional services totaling 520 minutes weekly in a special education setting, with services to begin March 9, 2026. However, on March 9, the same date those services were to commence, the District convened a noticed IEP Team meeting and amended the Student's IEP again. The March 9 amendment changed the Student's service delivery to consult and enrolled the Student in the ZVLP. Because the March 9 amendment superseded the March 4 IEP before the March 4 services ever took effect, the March 4 IEP was not the operative IEP at the time services were to be delivered. The District's obligation from March 9 forward was to implement the March 9 IEP, not the March 4 IEP.

A district cannot fail to implement an IEP that has been validly superseded before its services commenced. As discussed in Allegation 2, the March 9 amendment was effectuated through proper IEP Team meeting procedures. Accordingly, the March 4 IEP was no longer in effect at the time the alleged failure to implement occurred. The District's implementation obligation attached to the operative IEP, the March 9 amendment, under which the Student's services were defined as consult.

Accordingly, the March 4, 2026 IEP was superseded by the March 9, 2026 amendment before its services took effect. The District was obligated to implement the operative IEP as of March 9. Allegation 1 is unsubstantiated.

Allegation 2: Whether the District followed required procedures for the review and revision of the Student's IEP when issuing a subsequent amendment on March 9, 2026, including ensuring appropriate IEP team involvement or agreement to amend without a meeting, and basing any changes on the Student's individual needs.

State and federal law establish two procedural pathways for making changes to an IEP after the annual IEP Team meeting. First, pursuant to Bulletin 1706 §324(A)(4)(a), the parent and the public agency may agree not to convene an IEP Team meeting and instead develop a written document to amend or modify the student's current IEP. 34 C.F.R. § 300.324(a)(4)(i); 20 U.S.C. § 1414(d)(3)(D). Second, changes may be made through a convened IEP Team meeting. Bulletin 1706 §324(A)(6). When the IEP Team meeting process is used, the public agency must take steps to ensure that one or both parents are present or afforded the opportunity to participate. Pursuant to Bulletin 1706 §322(A)(1)–(2) and §322(B)(1), this includes notifying parents of the meeting early enough to ensure they will have an opportunity to attend, scheduling the meeting at a mutually agreed upon time and place, and providing notice that indicates the purpose, time, and location of the meeting and who will be in attendance. The IEP Team must review and revise the IEP, as appropriate, to address matters including lack of expected progress, information provided by the parents, reevaluation information, anticipated needs, and other relevant matters. Bulletin 1706 §324(B)(1)(a)–(b); 34 C.F.R. § 300.324(b)(1). When revisions occur through a properly convened IEP Team meeting, parental consent is not required for the resulting amendment; rather, the procedural requirement is that the parent be afforded the opportunity to participate in the decision-making process.

The record establishes that the District convened an IEP Team meeting on March 4, 2026 and amended the Student's IEP in response to concerns regarding academic performance [redacted] accommodations, placement, and educational functioning. Shortly thereafter, on March 5, 2026, the Parent obtained medical documentation recommending temporary virtual instruction through the remainder of the school year due to [redacted] affecting the Student's functioning in the traditional school environment. On March 6, 2026, the Parent requested that the District reconvene the IEP Team to consider virtual instruction and determine the appropriate placement and services necessary for the Student to receive FAPE. The Parent also informed the District that she was agreeable to amending the IEP by phone to reflect temporary virtual placement and requested a Monday morning time to complete the amendment.

The District thereafter provided written notice scheduling an IEP meeting for March 9, 2026, at 8:00 a.m. by phone conference for purposes of reviewing and amending the Student's IEP and determining placement. The record establishes that the District proceeded through the IEP Team meeting process rather than the amendment-without-meeting process contemplated by Bulletin 1706 §324(A)(4)(a). The Parent was afforded the opportunity to participate in that process. The record reflects written

communications between the Parent and District personnel on March 6 regarding scheduling and virtual placement, additional communications on March 9 concerning the Student's services within ZVLP, and written objections submitted by the Parent following the amendment. The IEP was amended following the March 9 process and documented in writing.

The Parent subsequently disagreed with the substance of the March 9 amendment, including the reduction of services to consult and the absence of a designated virtual teacher within ZVLP. However, disagreement with the outcome of an IEP Team decision does not, by itself, establish that the District failed to follow required IEP revision procedures. The record reflects that the District provided written notice identifying the purpose, time, and participants for the March 9 meeting, convened the meeting, and afforded the Parent the opportunity to participate in the review and revision process.

Accordingly, the Department finds that the District followed the procedural requirements governing review and revision of the Student's IEP under Bulletin 1706 §§322 and 324. Allegation 2 is unsubstantiated.

Allegation 3: Whether the District determined the type, amount, and delivery of the Student's special education services based on the Student's individual needs, rather than on the structure or limitations of a particular program.

Pursuant to Bulletin 1706 §320(A)(4), each student's IEP must include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to advance appropriately toward attaining annual goals, to be involved in and make progress in the general education curriculum, and to participate in extracurricular and other nonacademic activities. 34 C.F.R. § 300.320(a)(4). Bulletin 1706 §320(A)(7) further requires that the IEP specify the projected date for the beginning of services and the anticipated frequency, location, and duration of those services and modifications; *see also* 34 C.F.R. § 300.320(a)(7). Further, pursuant to Bulletin 1706 §324(A)(1)(a)–(d), in developing each student's IEP, the IEP Team must consider the student's strengths, the concerns of the parents for enhancing the education of their child, the results of the initial or most recent evaluation, and the academic, developmental, and functional needs of the student. Although school systems retain discretion regarding instructional methodologies and program operation, IDEA requires that individualized educational determinations drive the content of the IEP.

The March 10, 2026 PWN is central to this allegation. The PWN stated that the ZVLP was an asynchronous program through which students completed lessons using the Edgenuity platform and that "a teacher is not provided to teach the virtual lessons." The District further explained that "[w]ith this specially designed instruction, students have been very successful using the online Edgenuity platform without an assigned teacher to assist the student academically." This explanation described the general structure and operation of ZVLP and the supports available through the program. It did not, however, sufficiently explain how the District determined that the Student's individualized educational needs would be met through the significant reduction in direct special education instructional services reflected in the March 9 amendment.

The timing and sequence of the District's decisions are significant. On March 4, 2026, only days before the amendment at issue, the IEP Team reviewed the Student's individual needs and determined that the

Student required 520 weekly minutes of special education instruction in smaller instructional settings due to declining academic performance and disability-related concerns. The record reflects that the Parent thereafter obtained medical documentation recommending temporary virtual instruction due to [redacted] However, between the March 4 and March 9 amendments, the record does not reflect additional evaluation data, assessments, or individualized analysis explaining why the Student no longer required the previously identified level of direct instructional support. Instead, the March 10 PWN explained that the District considered the Parent's request for an assigned teacher but concluded that the Student could be successful within ZVLP using the accommodations, modifications, and supports available through the program.

The record establishes that the District considered individualized information concerning the Student, including [redacted], academic performance, accommodations, and the Parent's request for virtual placement. However, the District's written explanations for the reduction in services focused primarily on the structure and features of ZVLP and Edgenuity, including the asynchronous format, built-in accommodations, modified assignments, and the absence of assigned instructional staff within the program. The record does not sufficiently explain how the reduction from 520 weekly instructional minutes to 10 consult minutes was individually determined based on the Student's identified educational needs.

Accordingly, the record establishes that the District's determination regarding the type, amount, and delivery of the Student's special education services following the March 9 amendment was influenced by the existing structure of ZVLP rather than being sufficiently supported by an individualized explanation of the Student's need for substantially reduced instructional services. Therefore, Allegation 3 is substantiated.

Allegation 4: Whether the District: (a) provided prior written notice that adequately described any proposed or refused changes to the Student's educational program, including the reasons for the decision and the information relied upon; and (b) ensured that the Parent was afforded a meaningful opportunity to participate in decisions regarding the Student's educational program, including decisions related to the revision of services.

Pursuant to Bulletin 1706 §504(A), written notice must be given to the parents of a student with a disability no less than ten days before the public agency proposes to initiate or change the identification, evaluation, or educational placement of the student, or the provision of FAPE to the student, or refuses to initiate or change any of these. 34 C.F.R. § 300.503(a). The content of the notice must include: a description of the action proposed or refused by the agency; an explanation of why the agency proposes or refuses to take the action; a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action; a statement that the parents have protection under the procedural safeguards and the means by which a copy can be obtained; sources for parents to contact to obtain assistance; a description of other options that the IEP Team considered and the reasons why those options were rejected; and a description of other factors relevant to the agency's proposal or refusal. Bulletin 1706 §504(B)(1)–(7); 34 C.F.R. § 300.503(b)(1)–(7).

Regarding parental participation, Bulletin 1706 §322(A)–(B) requires the public agency to take steps to ensure that one or both parents of a student with a disability are present at each IEP Team meeting or are afforded the opportunity to participate. 34 C.F.R. § 300.322(a)–(b). As discussed in Allegation 2, the District provided written meeting notice for the March 9 IEP meeting identifying the purpose, time, and

anticipated participants. The Parent was afforded the opportunity to participate and engaged in communications with District personnel on March 6 and March 9 regarding the transition. The Parent's disagreement with the outcome does not establish that she was denied the opportunity to participate in the decision-making process.

Turning to the PWN requirement, the District issued a PWN on March 10, 2026 following the March 9 amendment process. The PWN identified the District's refusal to assign a teacher to provide virtual instruction or one-to-one support within ZVLP and described the District's rationale for determining that the Student could participate successfully in the program using Edgenuity supports, accommodations, modified assignments, and consult services. The notice also identified information considered by the District, including the Student's evaluation information, accommodations, medical concerns, and discussions among administrators and teachers.

However, the March 10 PWN did not adequately describe the District's separate decision to substantially reduce the Student's special education instructional services from the 520 weekly instructional minutes identified in the March 4, 2026 amendment to 10 weekly consult minutes reflected in the March 9 amendment. Although the PWN explained the structure and features of ZVLP and addressed the Parent's request for additional virtual instructional support, it did not clearly identify the reduction in direct instructional services as a distinct proposed action by the District or sufficiently explain the individualized basis for that reduction. Under Bulletin 1706 §504(B), a district must provide notice describing each proposed or refused action, the reasons for the decision, and the information relied upon in reaching that determination. A refusal to add services and a decision to substantially reduce previously identified services constitute distinct agency actions requiring adequate notice.

Accordingly, the Department finds a violation of Bulletin 1706 §504 with respect to the adequacy of prior written notice concerning the reduction in the Student's special education services, but does not establish a violation of Bulletin 1706 §322 regarding parental participation. Allegation 4 is substantiated in part.

V. Corrective Actions

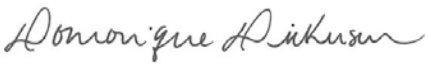
Based on the foregoing conclusions and to address the noncompliance identified in this decision and prevent recurrence, the District is ordered to complete the following corrective actions:

- Within 90 calendar days of the date of this decision, the District shall convene an IEP Team meeting, with appropriate parental notice and opportunity to participate, to review the Student's special education services and determine the type, amount, and delivery of services based upon the Student's individualized educational needs. In conducting this review, the IEP Team shall consider the Student's strengths, parental concerns, current evaluation information, academic performance, and functional and developmental needs. The IEP Team's determination shall not be limited by the configuration or availability of any particular program. The District shall provide the Department with documentation of the IEP Team's determinations, including a copy of the resulting IEP, within five business days of the meeting.
- Within 90 calendar days of the date of this decision, the District shall provide training to all relevant district and school administrators, and all relevant staff special education personnel on the requirements of prior written notice under Bulletin 1706 §504, including the obligation to clearly identify proposed and refused actions and the reasons supporting those determinations. Documentation demonstrating completion shall be included in the District's compliance submission.

The District shall submit all documentation required by this corrective action within 120 calendar days of the date of this decision.

All corrective action shall be completed as soon as possible, but in no case later than one year from the date of this decision.

Respectfully,



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CC: Ben Necaise, Superintendent, Zachary Community School District

Louisiana Special Education Complaint Investigation

56-C-99

Louisiana Special Education Complaint Investigation

56-C-100

DR. CADE BRUMLEY
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LOUISIANA DEPARTMENT OF EDUCATION

June 9, 2026

[redacted]

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Re: Decision in Special Education Formal Complaint No. 56-C-100 on behalf of [redacted]

I. Introduction

On March 20, 2026, the Louisiana Department of Education (the "Department") received a formal written complaint filed by the [redacted] (the "Student"), who is eighteen years of age and enrolled in the Caddo Parish School Board (the "District") at [redacted] (the "School"). Although the Student's educational decision-making rights have transferred to her under state and federal law, the Student authorized the Parent to file this complaint on her behalf.

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., 34 C.F.R Part 300; the Louisiana Children with Exceptionalities Act, La. R.S. 17:1941 et seq.; and Louisiana Bulletin 1706, Regulations for Implementation of the Children with Exceptionalities Act. The Department reviewed the complaint pursuant to Bulletin 1706 §§151–153, and by complaint notice issued on March 25, 2026, the Department identified the following allegation for investigation:

1. Whether the District denied the Student a free appropriate public education (FAPE) by failing to implement the Student's Individualized Education Program (IEP) with fidelity by failing to provide testing accommodations as required by the Student's IEP.

Pursuant to Bulletin 1706 §152(C), a complaint must allege a violation that occurred not more than two years before the date the complaint is received. The investigation was therefore limited to conduct occurring between March 21, 2024, and March 20, 2026.

The Department investigated the complaint in accordance with the formal written complaint procedures set forth in Bulletin 1706 §153. Pursuant to Bulletin 1706 §153(A)(2), the Department reviewed the allegations in the complaint and provided written notice to the District, including a request for the specific information needed for the Department to carry out its independent investigation, reasonable timelines for providing that information, and a statement of the District's opportunity to respond to the complaint, including the opportunity to propose a resolution and participate in mediation or neutral IEP facilitation. As required by Bulletin 1706 §153(B), the Department provided written notice to the complainant of the opportunity to submit additional information about the allegations in the complaint. Consistent with Bulletin 1706 §153(C) and (D), the Department has reviewed all information relevant to the allegation and has made an independent determination as to whether the District violated a requirement of Part B of the IDEA or Bulletin 1706.

In conducting its investigation, the Department reviewed the formal complaint and the supplemental documents submitted by the Parent, including messages, audio recordings, and a statement submitted on behalf of the Student; the District's written response and supplemental documents, including written statements from school personnel involved in the testing administration, the District's testing-administration exhibits, and audio recordings. The Department's findings and conclusions are limited to the allegation identified for investigation.

III. Findings of Fact

The Student is a child with a disability eligible for special education and related services under the IDEA, and at all times relevant to the events at issue received instruction from the District through a virtual placement following an extended absence from in-person attendance. The Student is served pursuant to an IEP developed and finalized at an IEP team meeting held on October 13, 2025, and amended on December 15, 2025, which identifies the Student's primary exceptionality as Other Health Impairment, as determined by her most recent re-evaluation, completed on January 31, 2024.

As initially developed on October 13, 2025, the IEP set goals for the Student in the content areas of Reading Comprehension, Mathematics, and Behavior, each to be measured through progress monitoring, and provided for Social Work Services in School, beginning October 14, 2025, in the special education setting for 30 minutes one time per month, and for Special Education Instruction, beginning October 14, 2025, in the special education setting for 30 minutes one time per week. The IEP noted that the Student "is currently a virtual student" and provided for Content Mastery Center (CMC) services, stating that "[redacted] will be afforded CMC time via ZOOM one day/week for 30 min by an inclusion teacher." With respect to the Student's participation in assessments, the IEP provided the Student a number of accommodations, including Individual Testing, Extended Time, access to the CMC, and the use of a calculators. The IEP's assistive technology section further provides that the Student "will be afforded the use of chrome books/laptops/computer to supplement instruction and for statewide testing," as well as the use of low-tech devices such as a calculator for math and science computations. The IEP does not name any specific individual, title, position, or credential for the person responsible for administering or proctoring the Student's assessments, and it does not require that the principal, an assistant principal, the school test coordinator, or any other particular employee serve in that role. At the December 15, 2025, IEP team meeting, the Student's IEP was reviewed and amended to remove social work services.

The administration at issue occurred on February 25, 2026, when the Student reported to the School to take the ACT WorkKeys assessment. In advance of that date, by a message dated February 20, 2026,

submitted by the Parent as part of the complaint, school personnel asked the Student to make arrangements to remain on campus to take the assessment, described as consisting of three parts, following [redacted] CMC session; the Student responded that [redacted] did not need to attend for CMC work and asked when [redacted] was scheduled to test. The Student ultimately declined the CMC session and reported to campus for the WorkKeys administration.

According to the written statement of the principal, in preparation for the test administration, [redacted] met with school staff to determine who would administer the assessment and who would be present for CMC services. The written statements of school personnel reflect that a career and technical education teacher served as the testing administrator, or primary examiner, for the Student's session, and that an instructional specialist served as the proctor; the proctor is the same individual who signed both the Student's the October 13, 2025, IEP and the December 15, 2025, amendment as the Officially Designated Representative (ODR). The statements of the principal and the test coordinator reflect that the test coordinator was not assigned to administer or proctor the Student's assessment. According to the written statement of the assistant principal of administration, he and a security officer met the Student at the front entrance of the School on the morning of February 25, 2026, and escorted her to Room A-130, which had been designated as the Student's testing site. His statement reflects that he spoke briefly with the Student about a bullying report before leaving the room. The statements of the testing administrator and the proctor reflect that both were present in Room A-130 to administer and proctor the Student's test, and that the Student was issued testing materials, including a computer and login credentials for the assessment.

Both the Parent and the District submitted audio recordings that the Student captured on her cellular telephone on the School's campus on February 25, 2026. The Department reviewed the recordings. In one recording, approximately one hour and twenty-eight minutes in length, the Student is heard interacting with school personnel at various intervals; the school personnel present use the Student's first name and the Student responds to it. In the course of the recording, the Student states that [redacted] is testing by herself, and a staff member responds that the test will begin once the monitor arrives. When the Student asks how long the test is, a staff member explains that it consists of three timed sessions of approximately fifty minutes each, that the time needed depends on how the Student works through them, and that the components are applied math, graphic literacy, and workplace documents; the Student remarks that [redacted] had been told the test would take only thirty minutes. After the Student expresses concern about passing, a staff member explains that the goal is to score at least a five, that her score alone would not cause her to fail or get her in trouble, but that not taking the test would prevent her from graduating and that [redacted] would have to complete all three parts. A staff member also explains that one person administers the test and another monitors it, and that they are waiting on the monitor, after which a second staff member's voice is heard in the room. The recording further reflects that the Student is asked whether [redacted] has a telephone and states that [redacted] does not have it, and that school personnel ask her to sign a form acknowledging that [redacted] does not have a telephone in her possession.

The recording reflects that the Student then experienced technical difficulties logging in to the WorkKeys assessment, and that school personnel attempted to troubleshoot the login problem, including by contacting the test coordinator. The Student is heard becoming agitated and stating that [redacted] would leave by 10:30 a.m. if [redacted] could not access the test. At approximately the thirty-six-minute mark of the recording, a staff member notes that the time is 10:05 a.m. At approximately the fifty-four-minute mark, the Student gains access to the assessment, and a staff member observes that they had beaten the

Student's stated deadline, noting the time as 10:23 a.m. and that the Student was beginning the workplace documents component. Morning announcements regarding school activities were broadcast over the school's public-address system during the period in which the login troubleshooting occurred.

The written statements of school personnel are consistent with the recording on the sequence of the login interruption. According to the proctor's statement, the test coordinator asked the testing administrator to come to the school library at approximately 10:05 a.m. to obtain corrected login credentials; the testing administrator left Room A-130 for that purpose while the proctor remained in the room with the Student; and the testing administrator returned, after which the Student was able to access the assessment. The testing administrator's statement reflects that the Student completed each session in a brief period, and the proctor's statement reflects that the Student completed all three sub-tests in approximately thirty minutes.

The District's testing-administration exhibits for the February 25, 2026, administration include an Irregularities Report, a Materials Sign-In/Sign-Out Sheet, an ACT WorkKeys roster identifying Room A-130 and listing the Student as the only examinee, a seating-diagram form for Room A-130, an absentee sheet marked "none," a Caddo Parish device-collection log on which the Student wrote "none," and ACT WorkKeys standard-time test-administration timing forms. The timing report reflects a standard duration of 55 minutes for each of the three components and records start times of approximately 10:24 a.m. for Workplace Documents, 10:32 a.m. for Applied Math, and 10:43 a.m. for Graphic Literacy. The Irregularities Report identifies the testing irregularity as a hidden cellular telephone and indicates that the irregularity resulted in a void of the Student's scores. The report reflects that the matter was brought to the District's attention by an outside agency two weeks after the administration and was reported by the principal on March 18, 2026.

The Parent also submitted a written statement attributed to the Student, together with a statement of her own. In the statement attributed to the Student, the Student indicates that [redacted] recorded audio notes during the WorkKeys administration because [redacted] was on campus testing by herself, and that [redacted] moved through the assessment quickly because [redacted] wanted to complete what was necessary to graduate. The Parent's statement indicates that the Student tested by herself and was monitored by two staff members, and that the recording was made to document how the Student is treated while on campus rather than to interfere with the test administration.

On March 20, 2026, the Parent filed the complaint that forms the basis of this decision.

IV. Conclusions of Law

Allegation 1: Whether the District denied the Student a FAPE by failing to implement the Student's IEP with fidelity by failing to provide testing accommodations as required by the Student's IEP.

Every child with a disability is entitled to a free appropriate public education under the IDEA and Louisiana law implementing it. Pursuant to Bulletin 1706 §101, FAPE shall be available to all students residing in the state between the ages of 3 and 21, inclusive. FAPE means "special education and related services that ... are provided at public expense, under public supervision and direction, and without charge; ... and ... are provided in conformity with an Individualized Education Program (IEP) that meets the requirement of §§320 through 324." Bulletin 1706 §905. The IEP is therefore the operative vehicle through which FAPE is provided, and Bulletin 1706 §§320 through 324 govern the development, content, accessibility, and implementation of that document. Pursuant to Bulletin 1706 §320, an IEP is a written statement for each

student with a disability that is developed, reviewed, and revised in a meeting in accordance with §§320 through 324 and that includes, among other things, a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments.

Bulletin 1706 §323 further requires that, at the beginning of each school year, each public agency have in effect an IEP, as defined in §320, for each student with a disability within its jurisdiction, and §323(D) governs the accessibility of that IEP to the persons responsible for implementing it. Section 323(D) provides that each public agency shall ensure that "the student's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation," and that each such teacher and service provider "shall be informed of … his or her specific responsibilities related to implementing the student's IEP … and … the specific accommodations, modifications, and supports that shall be provided for the student in accordance with the IEP."

The implementation obligation under Bulletin 1706 §323 is a fidelity obligation tied directly to the contents of the IEP defined in §320: the District is required to provide the special education, related services, supplementary aids and services, accommodations, and modifications that the IEP specifies, in the manner the IEP specifies. Where a parent alleges that an IEP has not been implemented with fidelity, the Department evaluates whether the services and accommodations the District actually provided departed from those required by the written IEP, and, if so, whether any departure was more than minor or technical such that it deprived the student of an educational benefit to which [redacted] was entitled. What is required is that the substantive special education and related services, including any specified testing accommodations, be delivered as written.

In this matter, the IEP that governed the Student's testing on February 25, 2026, is the operative IEP developed at the October 13, 2025, IEP team meeting and amended on December 15, 2025. With respect to assessments, the accommodations relevant to the Parent's complaint are the Individual Testing setting and Extended Time. The IEP does not designate a specific person, position, or credential for the test administrator or proctor, and does not condition the Individual Testing setting on the involvement or presence of any particular employee of the school or the District. The implementation question for this complaint is therefore whether, on February 25, 2026, the Student received the Individual Testing and Extended Time accommodations that her IEP requires.

Applying that standard to the record, the Department concludes that the District delivered the Individual Testing setting accommodation. The District's ACT WorkKeys roster for the February 25, 2026, administration identifies Room A-130 and lists the Student as the only examinee, and the corresponding seating-diagram and absentee forms reflect the same individual administration in Room A-130. The audio recording corroborates that the Student was tested individually, reflecting the Student's own acknowledgment that [redacted] was testing by herself and an explanation by school personnel that one person would administer the test while another monitored it. The written statements of the testing administrator and the proctor reflect that both were present in Room A-130 to administer and proctor the Student's test, and the recording reflects that a staff member was present with the Student and that a second staff member joined in the room. Consistent with the assistive technology provisions of the Student's IEP, which afford her the use of Chromebooks, laptops, or computers for statewide testing, the Student was issued a laptop or computer for the test administration. The proctor is also the individual who signed the Student's IEP as the ODR. Because Bulletin 1706 §323(D) requires the District to ensure that the IEP is

accessible to each person responsible for its implementation and that each such person is informed of his or her specific responsibilities for implementing the IEP and the accommodations to be provided, the presence throughout the administration of the District representative who participated in developing the Student's IEP and signed it on the District's behalf supports the conclusion that the persons responsible for implementing the Individual Testing accommodation were informed of, and delivered, the accommodation the IEP specifies. When a login error required the testing administrator to leave Room A-130 to obtain corrected credentials, the proctor remained in Room A-130 with the Student, so that the Student remained in the Individual Testing setting with a staff member present.

With respect to the Extended Time accommodation, the District's timing documentation for the test administration is a standard-time report reflecting the standard allotment of 55 minutes for each of the three WorkKeys components. The record does not affirmatively establish that the Student was provided additional time beyond the standard allotment, but it does establish that [redacted] received no less than the full standard testing window for each component and that [redacted] did not seek or use additional time. The timing report records start times of approximately 10:24 a.m., 10:32 a.m., and 10:43 a.m. for the three components, and the audio recording reflects that the Student obtained access to the assessment at approximately 10:23 a.m.; these records are consistent with the proctor's account that the Student completed all three components in approximately thirty minutes, which is well within the standard time allotted, and they confirm that the Student used substantially less than the standard testing time available to her. The record reflects that the Student's use of only a small portion of the available time is not attributable to any constraint imposed by the District; rather, the audio recording reflects that school personnel advised the Student that [redacted] was required to complete all three components in order to graduate and that her score would not, by itself, cause her to fail, and the Student proceeded through the three components in a brief period notwithstanding the full standard window available to her. The conditions of the administration were not ideal, in that the Student experienced a login delay before [redacted] was able to access the assessment. That delay, however, preceded the start of testing and did not reduce the testing time available to the Student once the assessment began. Because the Extended Time accommodation operates to make additional time available to a student who needs it, and because the record reflects that the Student used substantially less than the standard testing time and was not denied any time [redacted] sought, any deviation between the documented standard-time administration and the IEP's Extended Time accommodation was not more than minor or technical and did not deprive the Student of an educational benefit to which [redacted] was entitled.

The Parent contends that the testing arrangement amounted to abandonment of the Student because the Student was tested apart from her senior peers and because the test coordinator did not personally administer the assessment or remain with the Student. The complaint does not identify any accommodation listed in the IEP that was withheld; rather, it characterizes the individual testing arrangement itself, and the test coordinator's absence, as the asserted denial. Neither characterization establishes a failure to implement the IEP under Bulletin 1706 §323. The first is in tension with the IEP's own terms: an Individual Testing accommodation contemplates, by definition, that the Student will be tested in a setting separate from the broader testing population, and the record reflects that the Student was tested individually with staff members present throughout. The second identifies a circumstance the IEP does not address. The operative IEP does not designate the test coordinator, or any other particular employee, as the required administrator or proctor for the Student's assessments. The allocation of roles on February 25, 2026 and the determination that the test coordinator would assist with technical

troubleshooting rather than administer or proctor the assessment, were staffing decisions committed to the District's professional judgment and not governed by the IEP. The absence of the test coordinator from Room A-130 therefore does not, on this record, constitute a failure to implement an IEP requirement, because the IEP imposes no such requirement.

Because there has been no failure to implement the Student's IEP with fidelity as to the testing accommodations it specifies, there has been no resulting denial of FAPE on the allegation identified for investigation. The District's obligation to provide FAPE through the IEP, as set forth in Bulletin 1706 §§320 through 324, was satisfied on February 25, 2026, with respect to the accommodations at issue on that date. Accordingly, Allegation 1 is unsubstantiated.

V. Conclusion

With respect to the allegation presented in this matter, Department concludes that the District did not violate the Individuals with Disabilities Education Act, La. R.S. 17:1941 et seq., or the regulations set forth in Bulletin 1706. This investigation is therefore closed, and no further action is required.

Respectfully,

Domonique Dickerson

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Louisiana Special Education Complaint Investigation

56-C-101

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LOUISIANA DEPARTMENT OF EDUCATION

May 22, 2026

[redacted]

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Re: Findings-Decision in Special Education Formal Complaint No. 56-C-101 [redacted]

I. Introduction

On March 23 2026, the Louisiana Department of Education (the "Department") received a formal written complaint filed by [redacted]. (the "Student"), concerning a school under the jurisdiction of the Livingston Parish School System (the "District").

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.*, 34 C.F.R Part 300; the Louisiana Children with Exceptionalities Act, La. R.S. 17:1941 *et seq.*; and Louisiana Bulletin 1706, Regulations for Implementation of the Children with Exceptionalities Act. Specifically, the Parent alleges the following:

1. Whether the District, upon receiving the Parent's request for an evaluation, reviewed relevant existing data and information, including parental input, and determined whether the Student was suspected of having a disability requiring an initial evaluation, consistent with applicable evaluation procedures;
2. Whether the District responded to the Parent's request for an initial evaluation within a reasonable timeframe; and
3. Whether the District provided prior written notice that described any proposed or refused changes to the Student's educational program, including the reasons for the decision and the information relied upon.

Pursuant to Bulletin 1706 §152(C), a complaint must allege a violation that occurred not more than two years prior to the date the complaint is received. Accordingly, two-year limitations period applicable to

this investigation encompasses conduct occurring between March 24, 2024 and March 23, 2026. The investigation was conducted by reviewing the complaint and accompanying exhibits, the District's written response dated April 15, 2026, and the documentary record submitted by both parties, including but not limited to: the Parent's written request for an evaluation dated February 13, 2026, the Prior Written Notice ("PWN") issued March 13, 2026; School Building Level Committee ("SBLC") meeting notes dated February 12, 2026, and March 4, 2026; the Parental Notification of Intensive Academic Services dated February 12, 2026; iReady and DIBELS diagnostic and growth-monitoring data; Quick Phonics Screener Form A administrations; weekly Tier II and Tier III Response to Intervention ("RTI") intervention logs; written-expression progress monitoring; report cards and interim reports; the May 2024 LPPS dyslexia-risk notification; the August 2025 Individual Academic Support Plan; the October 17, 2025 Parent Conference Summary; and contemporaneous correspondence between the Parent and District personnel.

III. Findings of Fact

The Student is [redacted] enrolled at [redacted] during the 2025–2026 school year. At all times relevant to this complaint, the Student had not been referred for an initial evaluation under the IDEA, had not been determined eligible for special education and related services, and was not receiving services pursuant to an individualized education program.

During the 2025–2026 school year, the Student began [redacted] with a beginning-of-year iReady Reading scale score of 457, placing the Student in the "Approaching Grade 2" category. The mid-year diagnostic administration on December 10, 2025, produced an overall reading scale score of 480, again placing the Student in the "Approaching Grade 2" category and at the 46th percentile, with a Lexile measure of 470L. Domain-level placement on that diagnostic reflected Phonics at the Kindergarten level, Vocabulary at Grade 1, Comprehension–Informational Text at Grade 1, and Comprehension–Literature at Grade 3. The Student achieved the maximum score on the Phonological Awareness and High-Frequency Words subtests. The narrative report associated with the diagnostic stated that the Student "has not acquired fundamental decoding skills and is below grade level in Phonics" and that "Instruction in Phonics is a priority."

Concurrent DIBELS administrations during [redacted] produced an overall composite of 310 at the beginning of the year and 373 at mid-year, each below the corresponding [redacted] benchmark goals of 329 and 389. Mid-year sub-skill scores reflected Letter Sounds (NWF-CLS) at 67 against a benchmark goal of 68, Decoding (NWF-WRC) at 18 against a goal of 20, Word Reading Fluency (WRF) at 18 against a goal of 36, Oral Reading Fluency (ORF) at 50 against a goal of 78, and Basic Comprehension (Maze) at 4 against a goal of 9. The Student's third nine-weeks report card reflected grades of D in English Language Arts and D in Mathematics; an interim report dated February 6, 2026, reflected a 65 in English Language Arts.

An Individual Academic Support Plan for the Student was generated and signed in August 2025. On October 17, 2025, a parent–teacher conference occurred at which the Parent inquired about the Student's intervention status. The Parent Conference Summary Form documenting the October 17, 2025 conference, which is included in the record, indicates that the Student was to begin Tier 2 interventions.

On February 12, 2026, the SBLC convened with a teacher, the assistant principal, and the Parent in attendance. During the meeting, the committee reviewed the Student's mid-year DIBELS data and noted the Student's relative strength in mathematics. The SBLC meeting notes document the committee's stated intention to "look at doing dyslexia eval after about 3 weeks of data." Action items from the meeting

included completing a language screener, signing the Student into academic interventions, and initiating the WINGS behavioral support program. On the same day, the Parent executed a Parental Notification of Intensive Academic Services authorizing the Student's placement into intensive academic intervention.

The following day, on February 13, 2026, the Parent transmitted by electronic mail to the assistant principal, the Student's teacher, and a second teacher a written request for a comprehensive initial evaluation. The communication stated, in pertinent part: "I am writing to formally request a comprehensive evaluation for my child . . . to determine exact areas of needed support. I understand the school will begin Tier 3 intervention for 6 to 8 weeks, and I would like that to be concurrent with the start of the evaluation process." The communication further described parental concern regarding reading fluency, decoding, and spelling, with relative strengths in mathematics, vocabulary, and oral comprehension. That same day, the assistant principal acknowledged the request, stating: "I will refer this email to Pupil Appraisal and we will get back with you after the Mardi Gras break." The Livingston Parish Public Schools 2025–2026 academic calendar designates Monday, February 16, 2026, Tuesday, February 17, 2026, and Wednesday, February 18, 2026, as Mardi Gras holiday and identifies those three days as non-instructional, non-business days for the District.

On March 4, 2026, the SBLC reconvened with the Student's teacher, a second teacher, the assistant principal, the Parent, and a Pupil Appraisal representative in attendance. Meeting notes document that the committee reviewed the Parent's email requesting an evaluation under Bulletin 1508. The Parent reiterated her request that intervention data collection and the evaluation process proceed concurrently, expressed concern about dyslexia, and identified indicators she believed were consistent with dyslexia. The documented action item from the meeting was for the Pupil Appraisal representative to forward all information to the Pupil Appraisal Coordinator, who would "craft a response to the parent request for a full evaluation." No record before the Department reflects an intervening substantive communication from the District to the Parent between February 13, 2026, and the March 4, 2026 SBLC meeting regarding the evaluation request, beyond the initial acknowledgment of February 13, 2026.

On March 13, 2026, the District issued a PWN on its standard form, signed by the Pupil Appraisal Coordinator and approved by the Director of Special Education. On the form, the box designating the action as a refusal (rather than a proposal) is marked, and the line item "Initiate a comprehensive educational evaluation to determine initial eligibility for special education services" is also marked, identifying that as the action refused. The narrative accompanying that line item references an SBLC meeting at Live Oak Elementary held to discuss parent concerns and identifies the Parent's requested areas of evaluation as "language, Dyslexia, reading fluency, phonemic awareness, and general ELA skills. Spelling."

Under the section captioned "The LEA refuses to take this action because," two boxes are marked. The first marked reason states that "All data, including data from systematic interventions, indicates that the interventions are working and your child is making sufficient progress in the areas of concern. Because the response to intervention is favorable, a disability requiring specialized instruction is not suspected at this time." The accompanying narrative cites the Student's 46th-percentile iReady Reading and 88th-percentile iReady Math diagnostic placements, observes that the Student's "grades are all passing at this time," acknowledges that the Student "has recently started Tier 3 interventions, and data from the more intense interventions is limited and inconclusive at this time," and concludes that "achievement functioning at, near, or above benchmark does not lead the team to suspect a specific learning disability

under Louisiana Bulletin 1508." The second marked reason states that "There is insufficient data to suspect that your child has a disability that requires specialized instruction. Interventions of increasing intensity have not been implemented for a sufficient length of time to determine if your child will respond to such interventions." The accompanying narrative states that the Student "began Tier 3 interventions after a meeting on 2-12-26; data on progress with these interventions is inconclusive at this time as they have just begun," and that the Student has made "59% of progress toward typical growth expected of a student at this grade placement; which is comparable to the expected rate of growth for most students."

Under the section captioned "The following data was used in making this decision," six boxes are marked, identifying the data sources upon which the District relied: review of existing records, including previous special education evaluations and cumulative records; review of progress-monitoring data from systematic academic and/or behavior interventions; review of work samples, current and historical grades, and attendance data; information provided by the Student's teacher(s), including teacher interviews; information provided by the Parent, including parental concerns; and state or local assessment data, including benchmark achievement test data. The line items for additional screening conducted by the SBLC or IEP team, direct observation of the Student in the educational environment, outside evaluations or medical information, and current and historical discipline data are not marked.

Under the section captioned "The LEA considered the following other options prior to making this decision," three boxes are marked. The first marked option indicates that the District considered "Initiating an initial evaluation for special education eligibility," and states that this option was rejected because "interventions have not been implemented for a sufficient length of time to determine progress and rate of growth." The second marked option indicates that the District considered "Implementing or continuing interventions to address concerns in academics and/or behavior," recording that "Tier 3 interventions in the area of Reading continue for a sufficient length of time to determine the student's response to intervention." The third marked option, captioned "Other Considerations or Actions," identifies that the District is "Referring the student for a Core Battery Assessment for the diagnosis of Dyslexia." The accompanying narrative states that, "Although a Specific Learning Disability is not suspected," the data indicate that the Student "continues to struggle in the phonemic aspects of reading, as evidenced by his Below Level score on the recent DIBELS assessment," and recites the Bulletin 1903 framing for suspicion of dyslexia. The narrative concludes: "Based on this definition of Dyslexia, there is reasonable suspicion that [the student] may have Dyslexia, and . . . the district will request consent from the parent to initiate a Dyslexia Core Battery assessment."

Under the section captioned "The following additional factors are relevant to this proposed/refused action," two boxes are marked. The first marked factor states that the District "is proposing to initiate additional assessment in the area of Dyslexia," that parental consent is required to conduct that assessment, that a separate consent document will be provided by the Dyslexia Evaluation Coordinator, and that, in the absence of consent, the District "will NOT proceed with the Dyslexia evaluation." The second marked factor, designated "Other," states that the Parent had requested in an email "assessment in all areas of suspected disability, including full cognitive and academic testing." The narrative further states that, "[a]lthough the district does not suspect a specific learning disability nor a cognitive impairment at this time, in an effort to work collaboratively with the parent, the district will propose additional assessments to be included with the Dyslexia Core Battery," specifically including "assessment of mathematics calculation in addition to the tasks that typically comprise the Dyslexia Core Battery." The

narrative further states that, "[i]f these assessments indicate there is just cause to suspect a specific learning disability, the data will result in an immediate referral for full 1508 evaluation."

The PWN further states that the Parent retains procedural-safeguards protection under IDEA and Bulletin 1706, identifies the location at which a copy of those procedural safeguards may be obtained, and identifies two outside agencies the Parent may contact for assistance: Northshore FHF, with address, telephone number, email, and website provided; and Disability Rights Louisiana, with address, telephone number, email, and website provided. The PWN identifies the recipients of the notice as the Parent, the principal, the dyslexia examiner, the Pupil Appraisal school contact, and the Special Education Records Department.

The narrative on the PWN accompanying the refused-action line item references "an SBLC meeting [that] was held at Live Oak Elementary to discuss parent concerns" on March 2, 2026. The SBLC meeting notes produced by the District, however, are dated March 4, 2026. No SBLC meeting notes dated March 2, 2026, are in the record before the Department.

The contemporaneous progress-monitoring data produced by the District reflect the following iReady scale scores for the Student during the 2025–2026 school year. In reading: a baseline of 457 on August 28, 2025; 481 on October 2, 2025; 480 on December 10, 2025 (Diagnostic 2); 492 on February 24, 2026; and 462 on March 23, 2026. In mathematics: a baseline of 423 on August 26, 2025; 404 on October 1, 2025; 442 on December 4, 2025 (Diagnostic 2); 471 on February 24, 2026; and 427 on March 24, 2026. The District also produced Quick Phonics Screener Form A scoring sheets, with administrations dated February 25, 2026 and March 25, 2026, reflecting partial scoring across the Form A task categories. Written-expression progress-monitoring submitted by the District reflects correctly-written-sequences and total-words-written scores that remained below the established goal line across successive measurement points.

On March 23, 2026, the Parent filed the present formal complaint with the Department.

IV. Conclusions of Law

Allegation 2: The District's Response to the Parent's Request for an Initial Evaluation

The District's underlying Child Find duty is established by Bulletin 1706 §111, which requires each public agency to conduct ongoing identification activities to identify, locate, and evaluate each student suspected of having a disability and in need of special education and related services, including students "who are suspected of being students with a disability under §905 and in need of special education, even though they are advancing from grade to grade." Bulletin 1706 §111(C)(1). The federal Child Find provision is materially identical, requiring states and the LEAs they oversee to ensure that all children with disabilities "are identified, located, and evaluated." 34 C.F.R. § 300.111(a)(1)(i); 20 U.S.C. § 1412(a)(3). Child Find supplies the framework within which a parental request for an evaluation operates: a parental request is one of the means by which the LEA's identification obligation is triggered, and the LEA's response to such a request is the mechanism by which the duty is discharged. 34 C.F.R. § 300.301(b).

The specific timing rule that governs the District's response to a written parental request for evaluation is set out in Bulletin 1706 §301(A)(4). Pursuant to Bulletin 1706 §301(A)(4), "[w]ithin a reasonable amount of time, and not longer than 10 business days, from receipt of a written parental request for a special education evaluation, an LEA shall either request parental consent for evaluation or provide prior written notice of refusal." That provision establishes a fixed boundary on permissible LEA inaction following a

written parental request and limits the LEA's permissible responses to two: a request for parental consent to evaluate, or a PWN of refusal.

Applying Bulletin 1706 §301(A)(4) to the record, the Parent's February 13, 2026 email constituted a written parental request for a special education evaluation. The email, in its plain terms, stated: "I am writing to formally request a comprehensive evaluation for my child," identified the Parent's areas of concern, and requested that the evaluation proceed concurrently with the Tier 3 intervention scheduled to begin. The email was directed to the assistant principal, the Student's teacher, and a second teacher; the assistant principal acknowledged the email the same day and committed to refer it to Pupil Appraisal; and the District's March 13, 2026 PWN characterizes the action under review as a refusal of the Parent's request "to address concerns with language, Dyslexia, reading fluency, phonemic awareness, and general ELA skills," further confirming that the District understood the February 13, 2026 email as a written request for evaluation.

Counting from receipt of the Parent's written request on Friday, February 13, 2026, and excluding the day of receipt, and further excluding Monday, February 16, 2026 through Wednesday, February 18, 2026, which the District's 2025–2026 academic calendar designates as Mardi Gras holiday and as non-business days, the 10-business-day period under Bulletin 1706 §301(A)(4) expired on Wednesday, March 4, 2026. The District's March 13, 2026 PWN was issued on the seventeenth business day following receipt of the Parent's written request, seven business days beyond the deadline established by Bulletin 1706 §301(A)(4).

The District's next documented activity following the Parent's February 13, 2026 written request was the March 4, 2026 SBLC meeting, at which the documented action item was for a Pupil Appraisal representative to forward information to the Pupil Appraisal Coordinator, who would later "craft a response to the parent request for a full evaluation." That meeting did not produce either of the two outcomes Bulletin 1706 §301(A)(4) requires: it neither produced a request for parental consent to evaluate nor produced a PWN of refusal. The District's first written response to the Parent's request, the March 13, 2026 PWN, was issued seven business days after the regulatory deadline.

Bulletin 1508 §301(B) provides additional context for the analysis. Pursuant to Bulletin 1508 §301(B), "[s]pecial education and related services referrals and evaluations should not be delayed or denied based solely on the required movement through tiered intervention prior to referral." The Bulletin 1508 framework reinforces the Bulletin 1706 §301(A)(4) timing rule by foreclosing the use of RTI progression as a basis for delay. The fact that the SBLC had placed the Student in Tier 3 intervention on February 12, 2026, the day before the Parent's written request, does not extend or toll the 10-business-day period.

Accordingly, the District did not request parental consent for an evaluation or provide a PWN of refusal within 10 business days of its February 13, 2026 receipt of the Parent's written request. The District violated Bulletin 1706 §301(A)(4). Allegation 2 is substantiated.

Allegations 1 and 3: The District's Review of Existing Data and the Sufficiency of the Prior Written Notice

The substantive framework governing the District's decision whether to conduct the requested initial comprehensive evaluation is set out in Bulletin 1508. Bulletin 1508 §509(A) provides that "[e]ither a parent of a student or a public agency may initiate a request for an initial evaluation to determine if the student has an exceptionality." Bulletin 1508 §509(C) supplies the substantive standard governing the District's decision: "If the LEA suspects that the student is exceptional, an evaluation shall be conducted

with parental consent. If the LEA does not suspect that the student is exceptional, then it may refuse to conduct an evaluation. The SBLC, through interventions, may attempt to resolve the student's difficulties. When an LEA refuses to initiate an evaluation upon parental request, the parents must be given a written explanation of the reason for the decision according to the requirements listed in Chapter 5 of Bulletin 1706 and provided a copy of their rights, which includes the right to a due process hearing."

Bulletin 1508 §303(A) defines the SBLC as a "general education, data driven, decision-making committee" and identifies a non-exhaustive range of permissible courses of action available to it, including continuing current intervention and progress monitoring through the RTI process, conducting additional interventions through that process, referring the student for a Section 504 evaluation, referring the student to pupil appraisal personnel for support services, and referring the student to pupil appraisal personnel for an individual evaluation if an exceptionality is suspected. Bulletin 1508 §303(A)(1)–(6). The Bulletin 1903 framework, separately, authorizes a dyslexia screening and Dyslexia Core Battery process for students who exhibit characteristics of dyslexia. The Bulletin 1903 dyslexia screening track operates alongside, and is not displaced by, the Bulletin 1508 comprehensive evaluation framework: an LEA may permissibly pursue a dyslexia-focused assessment under Bulletin 1903 even where it does not, on the same data, suspect a Specific Learning Disability sufficient to require a comprehensive evaluation under Bulletin 1508.

The PWN obligation is found in Bulletin 1706 §504(A), which provides that written notice meeting the requirements of §504(B) shall be given to the parents within a reasonable amount of time, and no less than ten days, before the public agency refuses to initiate or change the identification, evaluation, or educational placement of the student. Bulletin 1706 §504(A)(2); 34 C.F.R. § 300.503(a). The notice must include each of the seven elements set out in Bulletin 1706 §504(B): (1) a description of the action proposed or refused; (2) an explanation of why the agency proposes or refuses to take the action; (3) a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action; (4) a statement that the parents have procedural-safeguards protection and the means by which a copy of the safeguards can be obtained; (5) sources for parents to contact for assistance in understanding the chapter; (6) a description of other options the IEP Team considered and the reasons those options were rejected; and (7) a description of other relevant factors. Bulletin 1706 §504(B)(1)–(7); 34 C.F.R. § 300.503(b); 20 U.S.C. § 1415(b)(3), (c)(1).

Applying these standards to the record, the District's March 13, 2026 PWN satisfies each of the seven content elements of Bulletin 1706 §504(B). As to §504(B)(1), the notice describes the action refused: the marked "refusal" box, in conjunction with the marked "Initiate a comprehensive educational evaluation to determine initial eligibility for special education services" line item, identifies the action refused as the requested initial comprehensive evaluation. As to §504(B)(2), the notice provides an explanation of why the District refused to take the action, identifying both that the District concluded the existing data did not support a suspicion of a disability requiring specialized instruction and that the District concluded the data from intensive intervention were not yet sufficient to determine the Student's response to intervention; the District further provides supporting narrative text in connection with each marked reason. As to §504(B)(3), the notice describes the categories of evaluation procedure, assessment, record, or report the District used as a basis for the refusal, identifying six such categories: existing records; progress-monitoring data from systematic academic and behavior interventions; work samples, current and historical grades, and attendance data; teacher information; parental input; and state and local assessment data. As to §504(B)(4), the notice references the Parent's procedural-safeguards protection

under IDEA and Bulletin 1706 and identifies the location at which a copy of those safeguards may be obtained. As to §504(B)(5), the notice identifies two outside agencies the Parent may contact for assistance: Northshore FHF and Disability Rights Louisiana. As to §504(B)(6), the notice describes three other options considered: an initial evaluation for special education eligibility, the continuation of intervention, and referral for a Bulletin 1903 Dyslexia Core Battery; and identifies which option was rejected and the reason for rejection. As to §504(B)(7), the notice describes additional factors relevant to the refusal, including the District's separate proposal to initiate a Bulletin 1903 dyslexia assessment with parental consent, and the District's proposal to add a mathematics calculation assessment to the Dyslexia Core Battery in response to the Parent's request for broader assessment.

The District's decision to refuse the requested initial comprehensive evaluation while contemporaneously referring the Student for a Bulletin 1903 Dyslexia Core Battery, although in some respects in tension on its face, is consistent with the dual framework of Bulletin 1508 and Bulletin 1903. Bulletin 1903 separately authorizes the dyslexia screening process, and a Dyslexia Core Battery referral under Bulletin 1903 is not, of itself, an admission that the District suspects an exceptionality requiring a comprehensive evaluation under Bulletin 1508. The District's further commitment, recorded on the face of the PWN, that "[i]f these assessments indicate there is just cause to suspect a specific learning disability, the data will result in an immediate referral for full 1508 evaluation," is consistent with the dual-track framework. The Department does not, in this decision, evaluate the substantive merits of the District's ultimate determination not to evaluate. The Department's analysis of Allegations 1 and 3 is limited to whether the District followed the procedural requirements applicable to that determination.

As to Allegation 1, the record reflects that the District reviewed an extensive set of existing data on the Student, including end-of-year DIBELS data from [redacted] beginning-of-year and mid-year DIBELS data with sub-skill scores, [redacted] iReady Reading and Math diagnostics with domain-level breakdowns, growth-monitoring scale scores, weekly intervention logs, the Quick Phonics Screener Form A, written-expression progress monitoring, report cards and interim reports, parental input, and the May 2024 dyslexia-risk notification. The data sources marked on the District's PWN reflect six of the ten enumerated categories, including parental input. The SBLC meetings convened on February 12, 2026 and March 4, 2026 demonstrate consideration of the data through the SBLC process contemplated by Bulletin 1508 §303. On the record before the Department, the District reviewed relevant existing data and information, including parental input, and reached a determination, consistent with the applicable Bulletin 1508 §509(C) standard, that resulted in a refusal communicated by PWN. The Bulletin 1903 Dyslexia Core Battery referral was contemporaneously offered as an alternative course of action consistent with the dual framework of Bulletin 1508 and Bulletin 1903. Allegation 1 is unsubstantiated.

As to Allegation 3, the District's March 13, 2026 PWN describes the action refused, the reasons for the decision, the categories of information relied upon, the procedural safeguards protections, the contacts for parental assistance, the other options considered, and the additional relevant factors. The notice satisfies each of the seven content elements of Bulletin 1706 §504(B); 34 C.F.R. § 300.503(b); 20 U.S.C. § 1415(b)(3), (c)(1). The Department notes that the narrative on the refused-action line item references "an SBLC meeting" held on March 2, 2026, while the SBLC meeting notes produced by the District are dated March 4, 2026; this is a factual error in the narrative that the District is directed to correct in any future PWN but does not, on this record, render the substantive content of the explanation deficient under §504(B)(2). Allegation 3 is unsubstantiated.

V. Corrective Action

To address the noncompliance identified in this decision, the District shall complete each corrective-action item set forth below and submit documentation of completion to the Department within 120 calendar days of the date of issuance of this decision.

- The District shall conduct mandatory training for all Pupil Appraisal personnel and all SBLC chairpersons (or designees), and relevant special education personnel who are responsible for receiving, processing, or responding to written parental requests for special education evaluation. The training shall, at a minimum, address the following topics: (1) the requirement under Bulletin 1706 §301(A)(4) that, within a reasonable amount of time and not longer than 10 business days from receipt of a written parental request for a special education evaluation, the LEA shall either request parental consent for evaluation or provide a PWN of refusal; and (2) the rule under Bulletin 1508 §301(B) that special education and related services referrals and evaluations shall not be delayed or denied based solely on the required movement through tiered intervention prior to referral.
- The District shall develop, adopt, and disseminate a written procedure governing the intake, tracking, and timely response to written parental requests for a special education evaluation.

Within 120 calendar days of the date of issuance of this decision, the District shall submit to the Department, through the Division of Special Populations, the following documentation evidencing completion of each corrective action set forth above: (1) a copy of the training materials used, together with the date(s) the training was conducted, the name and credentials of the trainer(s), and a signed attendance roster identifying each individual who attended; and (2) a copy of the written intake-and-tracking procedure, together with documentation of its dissemination to Pupil Appraisal personnel and to school administrators.

The Department retains jurisdiction over this matter for purposes of monitoring the District's compliance with the corrective action ordered in this decision until the Department has received and accepted the required documentation.

Respectfully,

Domonique Dickerson
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 School System

Louisiana Special Education Complaint Investigation

56-C-102

LOUISIANA DEPARTMENT OF EDUCATION

April 24, 2026

[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 Dismissal of Special Education Formal Complaint No. **56-C-102**

Dear Parties:

On April 20, 2026, the Louisiana Department of Education received notification that the parties to this formal complaint had 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 **56-C-102**. No further action is required by either party.

Sincerely,

Domonique Dickerson

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

CC: Dr. Fatema Fulmore, Superintendent, NOLA Public Schools
Nicholas Bijou, Interim Chief Executive Officer
Brownyl (Lance) Eden, District Director of Compliance, Einstein Charter Schools

Louisiana Special Education Complaint Investigation

56-C-103

Louisiana Special Education Complaint Investigation

56-C-104

LOUISIANA DEPARTMENT OF EDUCATION

April 16, 2026

[redacted]

Kristine Hargrave
Director of Special Programs
Central Community School System
11576 Sullivan Road
Central, LA 70818
khargrave@centralcss.org

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-104**

Dear Parties:

On April 16, 2026, the Louisiana Department of Education received notification that the parties to this formal complaint had 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 **56-C-104.** No further action is required by either party.

Sincerely,

Domonique Dickerson

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

CC: Dr. Jason Fountain, Superintendent, Central Community School System (email only)

Louisiana Special Education Complaint Investigation

56-C-105

June 17, 2026

[redacted]

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

RE: Formal Complaint Investigation on [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-105**

Dear Parties:

On May 21, 2026, the Louisiana Department of Education received notification that indicated that parties to this formal complaint had 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 **56-C-105**. 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: Jody W. Purvis, Superintendent, Livingston Parish Public Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-106

DR. CADE BRUMLEY
STATE SUPERINTENDENT

P.O. BOX 94064
BATON ROUGE, LA 70804-9064

LOUISIANA DEPARTMENT OF EDUCATION

June 27, 2026

[redacted]

Falin Key, Director of Special Education – Assessments and Compliance
Lafayette Parish School System
P.O. Drawer 2158
Lafayette, LA 70502
flkey@lpssonline.com

Re: Decision in Special Education Formal Complaint No. 56-C-106[redacted]

I. Introduction

On March 31, 2026, the Louisiana Department of Education (the "Department") received a formal written complaint filed by [redacted] against the Lafayette Parish School System (the "District").

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.*, 34 C.F.R. Part 300; the Louisiana Children with Exceptionalities Act, La. R.S. 17:1941 *et seq.*; and Louisiana Bulletin 1706, Regulations for Implementation of the Children with Exceptionalities Act. The Department reviewed the complaint pursuant to Bulletin 1706 §§151–153, and by complaint notice issued on April 2, 2026, the Department identified the following allegations for investigation:

1. Whether the District failed to implement the February 23, 2026 mediated agreement, to the extent the agreement required the development, revision, or implementation of the Student's individualized education program (IEP), including the Student's medically necessary reduced schedule and related supports.
2. Whether the District failed to provide the Student a free appropriate public education (FAPE) by not implementing the Student's IEP to ensure access to instruction and educational benefit.
3. Whether the District changed the Student's educational program, including instructional delivery, course access, or placement, without an IEP Team determination and/or without providing prior written notice to the Parent.

4. Whether the District failed to provide required related services and accommodations necessary for the Student to access FAPE, including school health or nursing services and medically necessary supports such as access to medical technology.

Federal regulations establish a one-year period for state complaints, under which a complaint may allege a violation occurring not more than one year before the complaint is received. See 34 C.F.R. § 300.153(c). Louisiana has expanded that period. Pursuant to Bulletin 1706 §152(C), a complaint may allege a violation occurring not more than two years before the date the complaint is received. Because the Department received this complaint on March 31, 2026, the conduct examined in this decision is that occurring between April 1, 2024 and March 31, 2026.

The Department conducted this investigation in accordance with the state complaint procedures set forth in Bulletin 1706 §§151–153. Pursuant to Bulletin 1706 §153, the Department provided written notice to both parties identifying the allegations accepted for investigation, requested the information necessary to conduct an independent investigation from the District, and afforded both parties the opportunity to submit relevant information. In reaching this decision, the Department reviewed the entire administrative record, including the complaint and supporting exhibits submitted by the Parent; the District's written response and supporting documentation; the Student's evaluation, IEPs, IEP amendments, prior written notices, Individualized Healthcare Plan, medication administration records, Edgenuity records, correspondence between the parties, the February 23, 2026 mediation agreement, and other relevant documentation submitted during the investigation.

III. Findings of Fact

At all times relevant to this complaint, the Student was enrolled in the Lafayette Parish School System and was eligible for special education and related services under the disability classification of Other Health Impairment. [redacted]

Prior to eligibility under the IDEA, the Student participated in a partial homebound arrangement. District communications from August 2025 reflect that the Student arrived after the beginning of the school day pursuant to that arrangement and that instructional staff were advised to collaborate directly with the Parent and Student regarding participation in English II Honors. The record reflects that the Student's attendance during the first portion of the school day and access to courses scheduled during that time were matters under consideration before the Student's initial eligibility determination.

The District conducted an initial evaluation of the Student, the results of which were disseminated on December 1, 2025. The evaluation determined that the Student met eligibility criteria as a student with an Other Health Impairment and identified a need for nursing services. The evaluation concluded that the Student's academic difficulties stemmed primarily from medically related absences and the resulting difficulty completing and making up coursework rather than from deficits in cognitive ability or academic skill; standardized achievement testing placed the Student's reading and written-expression abilities in the high-average range and her mathematics abilities in the average range. The evaluation further recommended allowing reasonable amounts of extended time for assignments missed because of medical conditions and absences, providing virtual learning tools during periods of absence, and periodically

reviewing the Student's schedule to address her academic and medical needs. An assistive technology screening conducted as part of the evaluation concluded that the Student did not require additional assistive technology services.

An initial IEP was developed for the Student at a meeting held on December 18, 2025. The written notice for that meeting, dated December 15, 2025, identified the purposes of the meeting as developing, reviewing, or amending an IEP; determining placement; considering the Student's transition service needs; and, where applicable, conducting a functional behavior assessment. The Parent signed and dated the meeting notice on December 18, 2025.

The initial IEP identified the Student's eligibility, incorporated an Individualized Healthcare Plan (IHP), and provided for special education instruction, related services, and accommodations. The IEP provided for school health services in the amount of 120 minutes per year, delivered in one yearly session, and for special education instruction delivered in both regular and special-class settings. As recorded in the IEP, special education instruction consisted of 50 minutes in the regular setting five times per week and 50 minutes in the special-class setting one time per week. The IEP also included accommodations such as modified, repeated, and modeled directions; extended time to complete assignments and tests; and modification of the Student's schedule. Within the section addressing special factors, the IEP states that the Student would continue receiving accommodations previously provided, including extended time for missed assignments, virtual learning tools during absences, breaks to visit the counselor, and a reduced quantity of assignments for skills already mastered.

A separate Assistive Technology Consideration form, dated December 18, 2020 but completed in connection with the December 18, 2025 IEP, contains inconsistent entries regarding the need for assistive technology. One portion of the form indicates that assistive technology was not required, while another reflects that assistive technology was required and would be addressed through an implementation plan. The IEP itself does not provide for assistive technology devices or services and does not include an assistive technology implementation plan.

The IHP, effective December 18, 2025, describes the Student's medical conditions and the care required during the school day. [redacted]. The IHP further notes that the Student wears a smart watch to monitor heart rate, but it does not reference or indicate that a cellular telephone must remain in the Student's possession during the school day to monitor heart rate. [redacted]. Following the meeting, the District issued a prior written notice dated December 18, 2025 in connection with the initial IEP. The notice states that the IEP Team proposed creation of an initial IEP and identifies student performance and behavior, parent information, teacher information and observations, evaluation results, and report card and assessment data as information considered by the team. The notice explains that the team agreed upon the Student's instructional plan and services.

A subsequent IEP Team meeting was held on February 9, 2026. The written notice for that meeting, dated January 29, 2026, identified its purpose as developing, reviewing, or amending the Student's IEP and

determining placement. The Parent acknowledged the notice and indicated by telephone on February 3, 2026 that she intended to participate. Following the meeting, the Student's program was amended to replace her in-person Spanish I course with instruction delivered through the Edgenuity platform. The IEP amendment log contains entries dated February 9, 2026 stating that the amendment addressed the Parent's concerns regarding Spanish instruction and that the Student would receive additional instructional support in a smaller setting. The Student began the Edgenuity Spanish course on February 11, 2026. In response to the complaint, the District subsequently reported that it was unable to locate a prior written notice associated with the February 9, 2026 amendment. The prior written notice produced by the District concerning the instructional change is dated March 25, 2026 and identifies the action as changing the Student's Spanish instruction to Edgenuity because she was behind in course assignments.

The Parent and District participated in mediation and executed a written mediation agreement on February 23, 2026. The agreement addressed attendance procedures, consideration of a later daily start time, completion of coursework, Spanish instruction through the Edgenuity platform, access to a certified teacher during the Student's resource period for English II Honors coursework, and consideration of information related to the Student's telecommunication device. Following mediation, the parties exchanged communications throughout March 2026 regarding scheduling another IEP Team meeting. In a March 17, 2026 email, the Parent expressed concern that the delay in convening the meeting was affecting the Student's ability to complete make-up work and requested additional support and time to help the Student complete coursework without academic penalty because of her medical condition. The Parent described the upcoming meeting as the Student's third IEP meeting since eligibility and identified the February 9, 2026 IEP Team meeting as the meeting during which the Student's Spanish instruction was changed to Edgenuity.

On March 16, 2026, the Parent provided the District with a letter from the Student's treating neurologist regarding the Student's use of electronic technology for medical monitoring. The neurologist stated that the Student required monitoring capable of alerting emergency services and providing vital-sign feedback and supported the Student's request that her phone or related technology remain powered on during the school day because it was medically indicated.

The IEP Team subsequently met on March 23, 2026. Written notice of the meeting was issued on March 17, 2026, and the Parent subsequently agreed to waive the ten-day notice requirement and signed the meeting notice on March 20, 2026. The District issued prior written notice on March 23, 2026, explaining that the IEP Team had reconvened to review the Student's progress and schedule and to determine whether the Student's services, placement, and instructional time remained appropriate. The notice reflects that the team discussed multiple options, including transitioning the Student to Edgenuity for completion of English II Honors, moving English II Honors to a later class period for in-person instruction, removing Spanish I from the Student's schedule for the remainder of the school year, and the Parent's request concerning the Student's cell phone. The prior written notice further states that, after considering the additional medical information provided by the Parent together with the Student's existing IHP, the team proposed allowing the Student to carry a cellular telephone on her person while requiring that it be placed in a designated location upon entering each classroom and retrieved when leaving the classroom. The notice identifies student performance and behavior, parent information, teacher information and observations, evaluation information, and medical information as sources considered by the team. The team ultimately determined that the Student would attend school beginning with fourth period for the remainder of the 2025-2026 school year and would revisit scheduling at the beginning of the 2026-2027

school year. The record reflects that the modified schedule was discussed in relation to the Student's medical needs, including the timing of medication administered before school and its effect on the Student's attendance during the earliest instructional periods.

The amended IEP reflects the Student's services in two implementation time frames. The first, beginning December 18, 2025, provides for 50 minutes of special education instruction in the regular setting five times per week and 50 minutes of special education instruction in the special-class setting five times per week. The second, effective March 23, 2026 for the remainder of the 2025-2026 school year, reflects revised special education instructional minutes of one-hundred minutes in the special-class setting five times per week while continuing school health services and the regular-setting instructional minutes. The amended IEP further states that the Student's instructional minutes would represent the full school day during which she was physically in attendance on campus for the remainder of the school year, that any request for an additional reduction in the Student's schedule would require the IEP Team to reconvene and would not be considered before the beginning of the 2026-2027 school year, and that the Student would have until June 26, 2026 to complete coursework necessary to earn credit for her enrolled courses.

The record reflects that the Student remained enrolled in English II Honors, which was scheduled during first period, while the Student's medically modified attendance pattern generally began with fourth period. Consistent with concerns that had existed before the Student's eligibility under the IDEA, the parties continued to address how the Student would access English II Honors while attending school on the modified schedule. During and following the March 23, 2026 IEP Team meeting, the District considered options that included moving the Student to an in-person English course that occurred later in the day, completing English coursework through the Edgenuity platform, and providing instructional support during the Student's study-skills or resource period. The Parent expressed concerns regarding the use of Edgenuity, maintained that the Student was not receiving sufficient instructional access to English II Honors while attending on the modified schedule, and asserted that the volume of coursework was difficult to complete given the Student's medically related attendance limitations.

In communications following the March 23, 2026 IEP Team meeting, the Parent also objected to suggestions that the Student remain after school to complete coursework, explaining that the Student's medical needs and the unavailability of nursing services during that time made the proposed arrangement unsuitable. The District maintained that the Student could continue completing coursework through the online classroom platform and receive assistance during the Student's study-skills or resource period. The Student remained enrolled in English II Honors throughout the period relevant to this complaint.

IV. Conclusions of Law

Allegation 1: Whether the District failed to implement the February 23, 2026 mediated agreement, to the extent the agreement required the development, revision, or implementation of the Student's individualized education program (IEP), including the Student's medically necessary reduced schedule and related supports.

Bulletin 1706 §506 establishes mediation as a voluntary process for resolving disputes arising under the IDEA. When mediation results in a written agreement signed by both parties, Bulletin 1706 §506(B)(7) provides that the agreement is legally binding and enforceable in a state court of competent jurisdiction or in a district court of the United States.

The Parent's complaint relies, in part, on provisions of the February 23, 2026 mediation agreement concerning the Student's schedule, coursework, instructional access, and related supports. To the extent the complaint requests a determination that the District failed to comply with the mediation agreement as a binding settlement agreement, that question is not resolved through this complaint investigation. The allegation accepted for investigation expressly limits review to the extent the mediation agreement implicated the development, revision, or implementation of the Student's IEP. Those issues are analyzed under the remaining allegations of this decision, which address the District's compliance with Bulletin 1706 regarding implementation of the Student's IEP, review and revision of the IEP, prior written notice, and related services. Accordingly, this decision does not determine whether the District complied with or breached the February 23, 2026 mediation agreement as an enforceable settlement agreement.

Allegation 3: Whether the District changed the Student's educational program, including instructional delivery, course access, or placement, without an IEP Team determination and/or without providing prior written notice to the Parent.

Pursuant to Bulletin 1706 §504(A), prior written notice that satisfies the requirements of §504(B) must be provided to the parents of a student with a disability within a reasonable amount of time, and no less than ten days, before a public agency proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education.

The allegation presents two questions: whether the District changed the Student's educational program without an IEP Team determination and whether the District complied with its obligation to provide prior written notice before implementing that change.

The record first establishes that the February 9, 2026 instructional change was made through the IEP Team process. In a March 17, 2026 email, the Parent identified February 9, 2026 as the Student's second IEP Team meeting since eligibility and stated that, during that meeting, the Student was removed from in-person Spanish I and placed into Edgenuity. The record further reflects that the District provided notice of the February 9, 2026 IEP Team meeting and that the Parent indicated her intent to participate. The IEP amendment log documents that the team addressed concerns regarding Spanish instruction and amended the Student's instructional program to provide Spanish instruction through the Edgenuity platform with additional instructional support in a smaller setting. Taken together, the contemporaneous record establishes that the February 9, 2026 instructional change occurred through the IEP Team process rather than as a unilateral administrative action. Accordingly, the record does not establish that the District changed the Student's educational program without an IEP Team determination.

However, the record differs with respect to prior written notice. The change from in-person Spanish I instruction to instruction delivered through the Edgenuity platform changed the manner in which the Student received instruction and therefore constituted a change in the provision of the Student's educational program. Accordingly, Bulletin 1706 §504(A) required the District to provide prior written notice before implementing that change. The Student began the Edgenuity course on February 11, 2026. The record reflects that the District was unable to locate a prior written notice associated with the February 9, 2026 IEP amendment, and the only prior written notice produced concerning the instructional change is dated March 25, 2026, after the change had already been implemented. Although the Parent participated in the February 9, 2026 IEP Team meeting and was aware that the Student's Spanish instruction would change, parent participation does not satisfy the District's separate obligation to

provide timely prior written notice under Bulletin 1706 §504. The procedural safeguard exists independently and requires formal written notice before implementation of a proposed action. Because the record does not establish that the District provided prior written notice before implementing the February 9, 2026 instructional change, the District did not comply with the requirements of Bulletin 1706 §504(A).

Accordingly, the Department concludes that the District changed the Student's instructional program through the IEP Team process but failed to provide prior written notice in accordance with Bulletin 1706 §504 before implementing that change. Therefore, Allegation 3 is substantiated in part.

Allegations 2 and 4: Whether the District failed to provide the Student a free appropriate public education by failing to implement the Student's IEP to ensure access to instruction and educational benefit consistent with the Student's IEP, and whether the District failed to provide required related services and accommodations necessary for the Student to access FAPE, including school health or nursing services and medically necessary supports such as access to medical technology.

Every child with a disability is entitled to a free appropriate public education under the IDEA and Louisiana law implementing it. Bulletin 1706 §101 requires that FAPE be made available to all eligible students residing in the state between the ages of three and twenty-one. Pursuant to Bulletin 1706 §905, FAPE consists of special education and related services that are provided at public expense, under public supervision and direction, without charge, and in conformity with an IEP that satisfies the requirements of Bulletin 1706 §§320 through 324. The IEP is therefore the operative framework through which FAPE is delivered.

Bulletin 1706 §§320 through 324 require a public agency not only to implement the special education, related services, supplementary aids and services, accommodations, and program modifications contained in the IEP, but also to ensure that the IEP remains responsive to the student's needs. Consistent with those obligations, Bulletin 1706 §324 requires the IEP Team to review and revise the IEP, as appropriate, to address any lack of expected progress toward the annual goals and in the general education curriculum, the results of any reevaluation, information provided by the parents, the student's anticipated needs, or other matters affecting the student's educational program. Accordingly, resolution of these allegations requires consideration of both whether the District implemented the Student's existing IEP and whether it appropriately reviewed and revised the IEP in response to the concerns raised during the 2025-2026 school year.

The record establishes that the Student's need for a modified instructional schedule and related accommodations arose from documented medical conditions that predated her eligibility under the IDEA. The December 2025 evaluation attributed the Student's academic difficulties primarily to medically related absences and recommended accommodations that included extended time for missed assignments, virtual learning tools during periods of absence, and periodic review of the Student's schedule. Those recommendations were incorporated into the Student's initial IEP through accommodations including extended time to complete assignments and modification of the Student's schedule.

One of the principal disputes in this complaint concerns whether the District appropriately implemented and, when necessary, revised the Student's IEP to address the Student's access to English II Honors while attending school on a medically modified schedule. In March 2026, the Parent expressed concern that the Student needed additional support, instructional access, and adequate time to complete make-up work

without academic penalty because of her medical condition. The District responded by convening the March 23, 2026 IEP Team meeting, during which the team reviewed the Student's schedule, considered multiple options for addressing English II Honors and the Student's instructional program, revised the Student's instructional minutes, and amended the IEP to allow the Student until June 26, 2026 to complete coursework necessary to earn credit for her enrolled courses. The March 23, 2026 IEP amendments reflect that the District responded to the Parent's concerns through the IEP process by modifying the Student's instructional program rather than maintaining the existing IEP without review.

The parties, however, disagreed regarding how those educational needs should be addressed. The Parent disagreed with several of the options considered by the District, including the use of Edgenuity, the instructional supports available for English II Honors, and proposed alternatives for completing coursework outside the regular school day. The IDEA distinguishes between a disagreement regarding the educational approach selected by the IEP Team and a failure to implement the services, accommodations, and supports contained in an IEP. Bulletin 1706 required the District to implement the services contained in the Student's IEP and to determine, through the IEP process, whether revision of the IEP was warranted in light of new information and the Parent's concerns. The record establishes that the District fulfilled those obligations by reconvening the IEP Team, reviewing the Student's educational program, considering alternative instructional and scheduling options, revising the IEP, and extending the timeframe for completion of coursework in recognition of the Student's medically related attendance needs.

The allegations likewise require consideration of the District's implementation of the Student's related services and accommodations. The Student's IEP included school health services supported by an Individualized Healthcare Plan requiring administration of medication during the school day. The medication administration logs correspond with the services described in the IHP and reflect implementation of those nursing services throughout the period relevant to this complaint. Accordingly, the record does not establish that the District failed to implement the nursing services required by the Student's IEP.

The complaint also challenges the District's implementation of accommodations related to the Student's medical technology. The Student's IHP identifies the Student's smart watch for monitoring purposes but does not include a cellular telephone as an accommodation or related service. After the Parent submitted additional medical documentation regarding the Student's need for access to a cellular telephone, the IEP Team considered the request during the March 23, 2026 meeting. The prior written notice and the District's response to the complaint reflect that, after considering the additional medical information together with the Student's existing IHP, the IEP Team proposed allowing the Student to carry a cellular telephone on her person while requiring that it be placed in a designated location upon entering each classroom and retrieved when leaving the classroom. The record therefore reflects that the District considered the Parent's request and proposed an accommodation through the IEP process rather than declining to address the request. Although the Assistive Technology Consideration form contains inconsistent markings, the evaluation concluded that additional assistive technology services were unnecessary, and the IEP itself does not identify assistive technology devices or services as part of the Student's educational program. Accordingly, the record does not establish that the District failed to implement an assistive technology service or accommodation required by the Student's IEP.

For these reasons, the record does not establish that the District failed to implement the services, accommodations, or related services contained in the Student's IEP or that it failed to review and revise

the Student's educational program as required by Bulletin 1706 §§320 through 324. Accordingly, Allegations 2 and 4 are not substantiated.

V. Corrective Action

Based on the foregoing conclusions, which substantiated Allegation 3 in part, the District shall complete the following corrective action. Unless otherwise stated, all timeframes run from the date of this decision.

- Within thirty (30) calendar days, the District shall develop and submit to the Department for approval a corrective action plan describing the procedures it will implement to ensure compliance with the prior written notice requirements of Bulletin 1706 §504. At a minimum, the plan shall establish procedures for documenting IEP Team decisions and issuing timely, compliant prior written notice before implementing proposed changes to a student's identification, evaluation, educational placement, or the provision of a free appropriate public education. The plan shall also identify any training or technical assistance to be provided to school-based personnel to ensure implementation of those procedures.

Within one hundred twenty (120) calendar days after the Department approves the corrective action plan, the District shall complete the approved corrective measures and submit verification of completion to the Department. Verification shall include, at a minimum, copies of the District's finalized procedures; any training materials or technical assistance materials developed or used to implement the corrective action plan; and documentation of all training conducted, including the names of participants and sign-in sheets or other attendance records. All noncompliance identified in this decision shall be corrected as soon as possible, but in no event later than one year from the date of this decision.

Respectfully,

Domonique Dickerson

Domonique Dickerson
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
Devin Soeseno, Director of Special Education – Curriculum and Instruction

Louisiana Special Education Complaint Investigation

56-C-107

Louisiana Special Education Complaint Investigation

56-C-108

LOUISIANA DEPARTMENT OF EDUCATION

May 5, 2026

[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: Formal Complaint Investigation on [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-108**

Dear Parties:

On May 1, 2026, the Louisiana Department of Education received notification that the parties to this formal complaint had 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 **56-C-108.** No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
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 (email only)
Drew Thomas, Great Hearts Harveston (email only)

Louisiana Special Education Complaint Investigation

56-C-109

LOUISIANA DEPARTMENT OF EDUCATION

April 16, 2026

[redacted]

Angela Westerburg
Director of Student Support
Ouachita Parish School Board
1600 North 7th
West Monroe, LA 71291
westerburg@opsb.net

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-109**

Dear Parties:

On April 16, 2026, the Louisiana Department of Education received notification that the parties to this formal complaint had 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 **56-C-109.** No further action is required by either party.

Sincerely,

Domonique Dickerson

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

CC: Todd Guice, Superintendent, Ouachita Parish School Board (email only)

Louisiana Special Education Complaint Investigation

56-C-110

LOUISIANA DEPARTMENT OF EDUCATION

April 23, 2026

[redacted]

Latrice Smith
Special Education Director
East Feliciana Public Schools
12732 Silliman Street
Clinton, LA 70722
lsmith@efschools.net

RE: Formal Complaint Investigation on [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-110**

Dear Parties:

On April 22, 2026, the Louisiana Department of Education received notification that the parties to this formal complaint had 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 **56-C-110.** No further action is required by either party.

Sincerely,

Domonique Dickerson

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

CC: Keisha L. Netterville, Superintendent, East Feliciana Public Schools (email only)

Louisiana Special Education Complaint Investigation

56-C-111

Louisiana Special Education Complaint Investigation

56-C-112

LOUISIANA DEPARTMENT OF EDUCATION

June 29, 2026

[redacted]

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

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-112**

Dear Parties:

On June 26, 2026, the Louisiana Department of Education received notification that the parties to this formal complaint had 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 **56-C-112.** No further action is required by either party.

Sincerely,

Domonique Dickerson

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

CC: Joseph Bartz, Superintendent, Vernon Parish School Board (email only)

Louisiana Special Education Complaint Investigation

56-C-113

Louisiana Special Education Complaint Investigation

56-C-114

Louisiana Special Education Complaint Investigation

56-C-115

Louisiana Special Education Complaint Investigation

56-C-116

DR. CADE BRUMLEY
STATE SUPERINTENDENT

P.O. BOX 94064
BATON ROUGE, LA 70804-9064

LOUISIANA DEPARTMENT OF EDUCATION

June 18, 2026

[redacted]

Falin Key, Director of Special Education – Assessments and Compliance
Lafayette Parish School System
P.O. Drawer 2158
Lafayette, LA 70502
flkey@lpssonline.com

Re: Decision in Special Education Formal Complaint No. 56-C-116 on behalf of [redacted]

I. Introduction

On April 17, 2026, the Louisiana Department of Education (the "Department") received a formal written complaint filed on behalf of the parent (the "Parent") [redacted] (the "Complainant"), against the Lafayette Parish School System (the "District").

II. Statement of the Case

In the complaint, the Complainant alleged that the District violated the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400, et seq., 34 C.F.R. Part 300; the Louisiana Children with Exceptionalities Act, La. R.S. 17:1941 et seq.; and Louisiana Bulletin 1706, Regulations for Implementation of the Children with Exceptionalities Act. The Department reviewed the complaint pursuant to Bulletin 1706 §§151–153, and by complaint notice issued on April 17, 2026, the Department identified the following allegations for investigation:

1. Whether the District failed to timely respond to the Parent's written request for an initial evaluation by failing to provide prior written notice and/or failing to timely seek parental consent for evaluation;
2. Whether the District failed to fulfill its Child Find obligation to identify, locate, and evaluate a student suspected of having a disability;
3. Whether the District failed to ensure required procedural safeguards related to disciplinary actions involving a student not yet determined eligible for special education and related services; and
4. Whether the District implemented a physical restraint on the Student, and if so, whether the use of restraint, including documentation and parent notification, was conducted in accordance with the requirements of Bulletin 1706.

Federal regulations establish a one-year period for state complaints, under which a complaint may allege a violation occurring not more than one year before the complaint is received. 34 C.F.R. § 300.153(c). Louisiana has expanded that period: under Bulletin 1706 §152(C), a complaint may allege a violation occurring not more than two years before the date the complaint is received. Because the Department received this complaint on April 17, 2026, the conduct examined in this decision is that occurring between April 16, 2024 and April 17, 2026.

In conducting this investigation, the Department reviewed the entire record submitted by both parties, including but not limited to the following. From the Complainant, a supplemental statement and correspondence, together with exhibits that include the Parent's evaluation request and the related staff replies, meeting notices, the Parent's suspension appeal, a contact log, the Section 504 evaluations and plans, and the disciplinary hearing packet. From the District, its written response and supporting exhibits, among them the Parent's written evaluation request, the prior written notice proposing an evaluation, the manifestation determination review notice and notes, the District's crisis intervention, seclusion, and physical restraint procedures, written witness statements, and the Student's cumulative grade, attendance, and discipline records.

III. Findings of Fact

During the period under review, the Student was enrolled in the Lafayette Parish School System, attending [redacted] during the 2024-2025 school year and [redacted] during the 2025-2026 school year. [redacted] in 2025-2026. Before the period under review, the Student had been diagnosed with attention deficit hyperactivity disorder and found eligible for a Section 504 Individual Accommodation Plan (IAP), under which [redacted] was served throughout the review period, and [redacted] Section 504 records identified behavior as an area of concern. The record also reflects that the Student [redacted] and had received early-intervention services through Early Steps. At the time the complaint was received, the Student had not been identified as a child with a disability in need of special education and related services.

The Student's Section 504 plan changed over the review period. At the annual review held September 9, 2024, the Student's plan included an attached behavior intervention plan (BIP), and the plan form stated that a structured BIP is required for students who exhibit recurrent problematic behavior or repeated suspensions; the Parent participated in and signed that plan. The BIP's progress reviews, recorded in October 2024 and March 2025, reported that the Student was meeting [redacted] behavioral goal. At the next annual review, held September 4, 2025, the committee removed the BIP and reduced the Student's accommodations, documenting satisfactory performance on beginning-of-year screenings.

Notwithstanding those notations, the District's records document a pattern of physically aggressive behavior throughout the review period. In May 2024, the Student bit another classmate and threw food on the floor. During the 2024-2025 school year, [redacted] struck nearby students by swinging [redacted] lunchbox, threw objects at classmates, kicked classmates on more than one occasion, flipped desks and chairs, and told a classmate that [redacted] wanted to kill him, which prompted a threat assessment that found no intent to harm; this conduct resulted in several in-school suspensions and, in October 2024, an out-of-school suspension. In April 2025, the Student again kicked a classmate, held a restroom stall door closed while another child was inside, and threw objects at other students.

At a School Building Level Committee (SBLC) meeting held November 11, 2024, the meeting record reflects that the Parent attended in person and stated that she would like to obtain a special education evaluation for the Student. At that same meeting, the classroom teacher reported that the Student's BIP did not fit [redacted] needs and that [redacted] became aggressive or physical when redirected to complete work. The committee recorded that no

changes were made at that time, and the District did not refer the Student for a special education evaluation following the meeting.

The Student's behavior continued into the 2025-2026 school year. On March 5, 2026, [redacted] flipped multiple desks and threw a laptop; on March 25, 2026, [redacted] punched a classmate; and on March 31, 2026, [redacted] chased, kicked, hit, and bit other students during recess and received an out-of-school suspension.

On March 24, 2026, the Parent sent a written request by email to the Student's teacher and other school staff, asking for an SBLC meeting and requesting that the school initiate a comprehensive evaluation to determine the Student's eligibility for an individualized education program. School staff acknowledged the request that same day: the classroom teacher replied that the Student needed additional support and that she would complete the request, and another staff member forwarded the request to the school's evaluation coordinator. Two days later, on March 26, 2026, the District scheduled an SBLC meeting for April 30, 2026 and notified the Parent of that meeting; the rights provided with that notice were those afforded under Section 504.

On April 14, 2026, the Student became upset during a classroom writing activity and ripped [redacted] materials, and, as [redacted] behavior escalated, the teacher removed the other students from the classroom. The Student then flipped desks and threw chairs and other objects in the direction of another teacher. Photographs included in the record depict the classroom afterward, showing overturned desks and chairs and materials and supplies scattered across the floor. After staff attempted to de-escalate the situation, and as the Student was biting, kicking, and hitting staff, two staff members applied holds, which they estimate in their written statements at approximately forty-five seconds and fifteen seconds, and at approximately forty-three seconds followed by two periods of about thirty seconds; the statements describe the holds as brief, one-person holds. The District maintains written crisis-intervention, seclusion, and physical-restraint procedures. The District's School Behavior Report and Suspension Form state that the Student was restrained by a special education teacher during the incident; in her written suspension appeal, the Parent stated that she learned of that restraint from the disciplinary notices.

The April 14, 2026 incident led the District to recommend a long-term suspension, and its disciplinary paperwork reflects that the matter was handled under Section 504. On April 16, 2026, the District issued a notice of a manifestation determination review, indicating that a change of placement had been recommended for the Student and again accompanied by the rights afforded under Section 504.The complaint that initiated this investigation was received the following day, on April 17, 2026. The District conducted the manifestation determination review under Section 504 on April 20, 2026, and the team determined that the Student's behavior was not a manifestation of [redacted] disability, a conclusion with which the Parent and her advocate disagreed. Following a disciplinary hearing on April 22, 2026, the Student was assigned to an alternative school for twenty days.

At an SBLC meeting held April 22, 2026, the District provided prior written notice proposing a special education evaluation of the Student and obtained the Parent's consent to evaluate. At that meeting, the District also initiated a functional behavioral assessment (FBA) and conducted a Section 504 reevaluation that added dysgraphia and suspected autism spectrum disorder to the Student's existing identification.

IV. Conclusions of Law

Allegation 1: Whether the District failed to timely respond to the Parent's written request for an initial evaluation by failing to provide prior written notice and/or failing to timely seek parental consent for evaluation.

Pursuant to Bulletin 1706 §301(A)(4), within a reasonable amount of time, and not longer than ten business days, from receipt of a written parental request for a special education evaluation, a public agency shall either request parental consent for evaluation or provide prior written notice of refusal.

In this matter, the Parent submitted a written request for a comprehensive evaluation on March 24, 2026, which the District acknowledged that same day. The District did not, however, request the Parent's consent to evaluate or provide prior written notice within the period Bulletin 1706 §301(A)(4) allows; instead, on March 26, 2026, it issued a notice scheduling an SBLC meeting for April 30, 2026, and it did not provide prior written notice or seek consent to evaluate until April 22, 2026, beyond the ten-business-day period. The District does not deny this allegation. The Department concludes that the District violated Bulletin 1706 §301(A)(4), and this allegation is substantiated.

Allegation 2: Whether the District failed to fulfill its Child Find obligation to identify, locate, and evaluate a student suspected of having a disability.

Bulletin 1706 §111 requires a public agency to ensure that students who are in need of special education and related services are identified, located, and evaluated, and to conduct ongoing activities to identify each student suspected of having a disability, including a student who is advancing from grade to grade. This duty to evaluate arises when a public agency has reason to suspect a disability and reason to suspect that special education may be needed. While Bulletin 1508 permits the use of response-to-intervention and Section 504 processes, those processes do not relieve a public agency of its Child Find duty or justify deferring an evaluation once a disability is suspected; Bulletin 1508 §307(B) further provides for an immediate referral for an individual evaluation of a student suspected of being likely to injure self or others.

Here, the District's own records reflect a sustained pattern of physically aggressive conduct beginning in May 2024, including biting, kicking, throwing objects, a documented threat that prompted a threat assessment, and suspensions, together with a Section 504 plan that identified behavior as an area of concern and a BIP that, by the District's own form, was required for students who exhibit recurrent problematic behavior or repeated suspensions. The record further reflects that, at the November 11, 2024 SBLC meeting, the Parent stated that she would like a special education evaluation and the classroom teacher reported that the BIP did not fit the Student's needs. Although the District's records also contain favorable notations, those notations coexisted with the recurring aggression documented in the same records and did not dispel the basis to suspect a disability. On this record, the District had reason to suspect a disability no later than November 11, 2024, yet it did not refer the Student for a special education evaluation until April 2026. The Department concludes that the District failed to fulfill its Child Find obligation under Bulletin 1706 §111, and this allegation is substantiated.

Allegation 3: Whether the District failed to ensure required procedural safeguards related to disciplinary actions involving a student not yet determined eligible for special education and related services.

Pursuant to Bulletin 1706 §534, a student who has not been determined eligible may assert the protections of these regulations if a public agency had knowledge that the student was a child with a disability before the behavior that precipitated the disciplinary action; a public agency is deemed to have had that knowledge where, among other circumstances, the parent requested an evaluation or expressed concern in writing that the student is in need of special education. That knowledge is not imputed where the parent has not allowed an evaluation or has refused services, or where the student has been evaluated and found ineligible, none of which occurred here.

In this matter, the Parent's written request for a comprehensive evaluation, made March 24, 2026, preceded the April 14, 2026 behavior, and the District had not evaluated the Student and found him ineligible. The District

therefore had knowledge, within the meaning of Bulletin 1706 §534, that the Student was a child with a disability before the behavior occurred, and the disciplinary protections of these regulations applied. Because the District recommended a long-term suspension and assigned the Student to an alternative school for twenty days, the disciplinary action was a change of placement, as a removal for more than ten consecutive school days is a change of placement under Bulletin 1706 §536. When such a change of placement occurs, Bulletin 1706 §530 requires a public agency, within ten school days of the decision, to conduct a manifestation determination, reviewing whether the conduct was caused by or had a direct and substantial relationship to the disability, or was the direct result of a failure to implement the student's program, to provide the procedural safeguards notice, and to provide services during the removal. The record establishes that the District instead processed the disciplinary action under Section 504: the suspension paperwork reflects that the matter was handled on the Section 504 track; the manifestation-determination notice issued April 16, 2026 provided the rights afforded under Section 504 rather than the procedural safeguards owed to a child with a disability; and the manifestation determination conducted was a Section 504 review. The District's election of the Section 504 framework was reflected in the record before the complaint was received on April 17, 2026. Because the District had knowledge that the Student was a child with a disability and nonetheless failed to afford him the disciplinary procedural safeguards required under Bulletin 1706 §§530 and 534, this allegation is substantiated.

Allegation 4: Whether the District implemented a physical restraint on the Student, and if so, whether the use of restraint, including documentation and parent notification, was conducted in accordance with the requirements of Bulletin 1706.

Bulletin 1706 §540 defines physical restraint as the use of manual restraint techniques that involve physical force applied to restrict the movement of all or part of a person's body, and provides that physical restraint does not include a school employee's holding of a student for less than three consecutive minutes within any given hour for the protection of the student or others. Whether the use, documentation, and parent-notification requirements that Bulletin 1706 §§542, 543, and 545 impose are implicated depends on whether the conduct at issue meets this definition. The threshold question is therefore whether the conduct that occurred on April 14, 2026 was a physical restraint as defined. A special education teacher applied brief holds, which the responding staff members estimated at between approximately fifteen and forty-five seconds each, to protect the Student and others while [redacted] was biting, kicking, hitting staff, and throwing objects, and after de-escalation had been attempted. Each hold lasted less than three consecutive minutes and was applied for the protection of the Student and others, and so falls within the conduct that Bulletin 1706 §540 excludes from the definition of physical restraint. Because the conduct does not meet that definition, the use, documentation, and parent-notification requirements that Bulletin 1706 attaches to a physical restraint were not implicated, and the absence of those steps does not, on this record, establish a violation. Based upon the record, the Department concludes that the conduct did not meet the definition of physical restraint under Bulletin 1706 §540, and this allegation is not substantiated.

V. Corrective Action

Based on the foregoing conclusions, which substantiated the first, second, and third allegations, the District shall complete the following corrective actions to address the noncompliance identified herein. Unless otherwise stated, all timeframes run from the date of this decision.

- Ensure that the special education evaluation initiated on April 22, 2026 is completed within applicable timelines, and convene a team to determine the Student's eligibility for special education and related services.

- Upon completion of the evaluation and the determination of eligibility, and in consultation with the Parent, determine whether the Student is entitled to compensatory services as a result of the delay in evaluating the Student and the disciplinary removal, and submit a proposed compensatory services plan to the Department for its review and approval within thirty calendar days of the eligibility determination. The proposed plan shall include a schedule for completing the compensatory services that reasonably accounts for the amount of services to be provided. Upon the Department's approval of the plan, the District shall deliver the compensatory services in accordance with the approved schedule and shall submit documentation of completion to the Department. If the District and the Parent cannot agree on a reasonable determination of compensatory services, the Department will make the determination.
- Complete an FBA and, if warranted, develop and implement a BIP.
- Provide training to pupil appraisal personnel and school administrators on the timeline for responding to written evaluation requests under Bulletin 1706 §301; Child Find obligations under Bulletin 1706 §111; and the disciplinary procedural safeguards under Bulletin 1706 §§530-536 that apply when the District has knowledge that a student is a child with a disability. The District shall submit to the Department a record of the training, including the date, training materials, and sign-in sheets.

Verification of completion of the corrective actions other than the compensatory services shall be submitted to the Department no later than one hundred twenty calendar days from the date of this decision. The compensatory services shall be completed in accordance with the approved plan and, in any event, no later than one year from the date of this decision; verification of their completion shall be submitted to the Department within thirty calendar days after those services are completed.

Respectfully,

Domonique Dickerson
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
Devin Soeseno, Director of Special Education – Curriculum and Instruction

Louisiana Special Education Complaint Investigation

56-C-117

Louisiana Special Education Complaint Investigation

56-C-118

LOUISIANA DEPARTMENT OF EDUCATION

May 18, 2026

[redacted]

Paulette Fairchild
Executive Director of Compliance
and Pupil Appraisal
Jefferson Parish Schools
501 Manhattan Boulevard
Harvey, LA 70058
paulette.fairchild@jpschools.org

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-118**

Dear Parties:

On May 14, 2026, the Louisiana Department of Education received notification that the parties to this formal complaint had 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 **56-C-118.** No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
Attorney
Office of Executive 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)

Louisiana Special Education Complaint Investigation

56-C-119

DR. CADE BRUMLEY
STATE SUPERINTENDENT

P.O. BOX 94064
BATON ROUGE, LA 70804-9064

LOUISIANA DEPARTMENT OF EDUCATION

June 15, 2026

[redacted]

Gayle Franklin - Interim SPED Director
Helix Artificial Intelligence and Medical Academy
220 Town Blvd.
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Alvado C. Willis - Director of Special Education
St. Landry Parish School Board
1013 E. Creswell Lane
Opelousas, LA 70571
awillis@slpsb.org

Re: Decision in Special Education Formal Complaint No. 56-C-119 on behalf of [redacted]

I. Introduction

On April 14, 2026, the Louisiana Department of Education (the "Department") received a formal written complaint filed by [redacted] on behalf of [redacted] (the "Student"), concerning Helix Artificial Intelligence and Medical Academy (the "Charter School"), a public charter school authorized by the St. Landry Parish School Board (the "District").

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., 34 C.F.R. Part 300; the Louisiana Children with Exceptionalities Act, La. R.S. 17:1941 et seq.; and/or Louisiana Bulletin 1706, Regulations for Implementation of the Children with Exceptionalities Act. The Department reviewed the complaint pursuant to Bulletin 1706 §§151–153, and by complaint notice issued to both parties, the Department identified the following allegations for investigation:

- Whether Helix Artificial Intelligence and Medical Academy failed to implement the Student's IEP by discontinuing or failing to provide agreed-upon accommodations, including "Test Read Aloud" and "Remediate and Retest," and by failing to provide required related services;

- Whether the Helix Artificial Intelligence and Medical Academy denied the Parent a meaningful opportunity to participate in the development and revision of the Student's IEP, including whether it failed to ensure participation of required IEP team members;
- Whether the Helix Artificial Intelligence and Medical Academy failed to review and revise the Student's IEP, as appropriate, to address any lack of expected progress toward the annual goals, the results of any reevaluation, information provided by the Parent, or the Student's individualized needs;
- Whether the Helix Artificial Intelligence and Medical Academy complied with reevaluation timelines and procedures following parental consent, including whether the evaluation was completed within required timelines.

Pursuant to Bulletin 1706 §152(C), the investigation is limited to alleged conduct occurring not more than two years before the date the complaint was received. The investigation was therefore limited to conduct occurring between **April 15, 2024, and April 14, 2026**.

In conducting its investigation, the Department reviewed the formal complaint and the supplemental Sdocuments submitted by the Parent, including but not limited to exhibits labeled 1 through 11, and the District's written response and supplemental documents, including but not limited to exhibits labeled A through G. The Department's findings and conclusions are limited to the allegations identified for investigation.

III. Findings of Fact

At all times relevant to this complaint, the Student was eligible for special education and related services under the IDEA as a child with a disability whose primary exceptionality is Multiple Disabilities, comprising Deafness and Other Health Impairment. During the period at issue, the Student was served under an Individualized Education Program ("IEP") developed on August 27, 2025. [redacted]

The IEP recorded that the Student's eligibility was based on a multidisciplinary evaluation disseminated on February 1, 2023, and it stated that the Student's next evaluation would be conducted by February 2026. The IEP set annual goals for the Student in the content areas of Auditory Discrimination, Articulation/Language, Sign Language, Reading, and Mathematics, and provided related services consisting of Special Education Instruction on a weekly basis and Speech/Language Pathology, Occupational Therapy, and School Health Services on a monthly basis. The IEP also provided classroom and testing accommodations, including modifying, repeating, and modeling directions; rephrasing test questions; extended time; prior notice of tests; cues and prompts to assist the Student with transitions; small-group testing; a specified area or seating; and a sound-field amplification system for use in the Student's classrooms. The IEP did not include a read-aloud or "test read aloud" accommodation, and it did not include a "remediate and retest" accommodation. The Student's IEP was later amended on November 14, 2025, to clarify the Student's accommodations, update the present levels of performance, and add the statewide assessment type. The amendment also added the Parent's stated concerns regarding the Student's access to education and cochlear-implant support, the extent of home-based support, the need for integrated language access, consideration of a change in placement, and the Student's social and emotional needs, and the IEP noted that the school would complete a counseling referral.

The Student enrolled at Helix Artificial Intelligence and Medical Academy and began attendance on January 6, 2026. On January 7, 2026, the Parent met with the pupil appraisal team and signed a written consent for a triennial evaluation. A Re-Evaluation Report bearing the date January 29, 2026, reflects a triennial reevaluation was conducted. The report records a parental permission notification and receipt date of January 7, 2026, a reevaluation meeting date of January 29, 2026, a dissemination date of January 29, 2026, and a next evaluation date of January 29, 2029. It continues the Student's eligibility as a child with Multiple Disabilities. The report's signature page, captioned "We have reviewed the information and agree with the findings in this report," bears a signature on the line designated for the Parent dated January 29, 2026, together with the signatures of the evaluation coordinator, the official designee of the school system, a regular education teacher, a special education teacher, a speech/language pathologist, and the school nurse.

The Charter School and the Parent submitted written timelines that give conflicting accounts of the January 29, 2026 reevaluation. The Charter School's timeline states that an "Evaluation review meeting [was] held" and that the "parent signed evaluation report in agreement." The Parent's timeline disputes this account, stating that the Parent "was not present on campus and was actively at work," that "No results were disseminated to the parent on this date," that "The signature and date on this form ... do not match the parent's handwriting," and that "the number '2' is written in two entirely different styles." In a written statement submitted to the Department, the Parent described the "evaluation review signature page dated January 29, 2026" as reflecting "a meeting that I never attended, on a day I was documented at work, featuring handwriting and dates that do not belong to me." The Parent's timeline states that the reevaluation results were "actually given and discussed for the first time" at a meeting on May 14, 2026, and that the draft the Parent received at that meeting had "the dissemination date left blank." These accounts present a direct and unresolved conflict in the record concerning whether the Parent attended the January 29, 2026 meeting and signed the report.

On February 27, 2026, the Charter School initiated a draft amendment to the operative August 27, 2025 IEP. The document is marked "draft," and its amendment page records two entries dated February 27, 2026, each made by telephone and explained as "Updated testing accommodations for LEAP." The draft amendment adds read-aloud accommodations that the operative IEP did not contain, including text-to-speech for classroom instruction and testing and for the online English language arts, mathematics, social studies, and science assessments, and a human reader for classroom instruction and testing; it also reflects an evaluation date of January 29, 2026. The Charter School's timeline states that the "Director of Special Education initiated a draft amendment in eSER to add text-to-speech accommodations," that the amendment "was conducted via phone," and that "the amendment was not finalized or submitted in eSER at that time." The Parent's timeline likewise states that "An active draft amendment with read-aloud accommodations was created on this date but left unsubmitted by the district." The Charter School's timeline states that a subsequent administrative review found that "The text-to-speech accommodation was not found in the finalized IEP record." The operative IEP was not amended at this time.

The Charter School's special education instruction service log for the Student reflects documented instructional sessions on most school days from January 6, 2026 through late March 2026, followed by blank entries on multiple dates in late March and April and no recorded entries from April 24, 2026 through the end of the log on May 15, 2026. During this period, the individual who maintained the log and served as the Student's special education service provider also assumed the role of interim special education director, following a change in special education leadership in March 2026. In a letter dated

April 23, 2026, that provider stated that, upon reviewing the data, "compensatory time will be required for the days I was unable to provide services," and that she would identify those dates and provide documentation. The compensatory service log enclosed with that letter was a blank form. In email correspondence that followed, the same provider stated that there were no daily log entries bearing the Student's signature after March 12, 2026, and that, although services were provided during that period, they "should not be counted due to the lack of verifiable documentation"; she stated that she was prepared to begin compensatory services on April 24, 2026.

Separately from the January 29, 2026 triennial reevaluation, the Charter School conducted a second reevaluation under the category of new academic concerns, prompted by the Parent's concern that a read-aloud accommodation was not included in the Student's IEP. On April 10, 2026, the Charter School issued a written notice of proposed action proposing to reevaluate the Student's continued need for special education and related services, and on that notice the Parent gave written consent to the reevaluation and to any additional tests needed; the meeting to review the results was scheduled for May 14, 2026. Also on April 10, 2026, the Student's School Building Level Committee documented a decision to refer the Student for a reevaluation for the IEP, with a next meeting date of May 14, 2026, and the Parent signed the committee's summary of discussion that day. This reevaluation included formal assessments administered in May 2026. The educational assessment reported weaknesses in decoding and basic reading that it described as "consistent with characteristics of dyslexia" and as supporting "the need for targeted reading intervention and accommodations (e.g., text-to-speech/read-aloud)," and the psychological assessment reported that the Student's verbal abilities were below [redacted] nonverbal abilities and that "A human read-aloud accommodation may also be beneficial." A determination of eligibility meeting was held on May 14, 2026; the committee continued the Student's eligibility as a child with Multiple Disabilities and determined that read-aloud accommodations were to be added to the Student's IEP. The report reflects a dissemination date of May 15, 2026.

IV. Conclusions of Law

Allegation 1: Whether Helix Artificial Intelligence and Medical Academy failed to implement the Student's IEP by discontinuing or failing to provide agreed-upon accommodations, including 'Test Read Aloud' and 'Remediate and Retest,' and by failing to provide required related services.

Every child with a disability is entitled to a free appropriate public education under the IDEA and Louisiana law implementing it. Pursuant to Bulletin 1706 §101, FAPE shall be available to all students residing in the state between the ages of 3 and 21, inclusive. FAPE means special education and related services that are provided at public expense, under public supervision and direction, and without charge, and that are provided in conformity with an IEP that meets the requirements of §§320 through 324. Bulletin 1706 §905. The IEP is therefore the operative vehicle through which FAPE is provided, and Bulletin 1706 §§320 through 324 govern the development, content, accessibility, and implementation of that document. Pursuant to Bulletin 1706 §320, an IEP is a written statement for each student with a disability that is developed, reviewed, and revised in a meeting in accordance with §§320 through 324 and that includes, among other things, a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments. Bulletin 1706 §323 further requires that, at the beginning of each school year, each public agency have in effect an IEP for each student with a disability within its jurisdiction, and §323(D) requires that the IEP be accessible to each regular education teacher, special education teacher, related service provider, and any other service provider responsible for its implementation, each of whom must be

informed of his or her specific responsibilities for implementing the IEP and of the specific accommodations, modifications, and supports to be provided in accordance with the IEP. The implementation obligation under §323 is a fidelity obligation tied to the contents of the IEP defined in §320: the Charter School is required to provide the special education, related services, supplementary aids and services, accommodations, and modifications that the IEP specifies, in the manner the IEP specifies. In evaluating a claim that an IEP was not implemented, the Department considers whether the services and accommodations actually provided departed from those required by the written IEP and, if so, whether any departure was more than minor or technical such that it deprived the Student of an educational benefit to which she was entitled.

Applying that framework, the operative IEP throughout the period at issue was the IEP developed on August 27, 2025, which did not include a read-aloud or "Test Read Aloud" accommodation and did not include a "Remediate and Retest" accommodation. The draft amendment of February 27, 2026 would have added read-aloud accommodations, but both parties acknowledge that it was never finalized or submitted and that it remained a draft. Because an accommodation that is not contained in the operative IEP cannot serve as the basis for a failure to implement that IEP, the Charter School did not fail to implement the Student's IEP when it did not provide the read-aloud or remediate-and-retest accommodations.

The Charter School's handling of the requested accommodations nonetheless implicates a separate obligation. Pursuant to Bulletin 1706 §504, prior written notice (PWN) must be provided to the parents within a reasonable time, and no less than ten days, before a public agency proposes or refuses to initiate or change the provision of FAPE to the student. The Parent requested that read-aloud accommodations be added to the Student's program; the Charter School began, but did not finalize, the February 27, 2026 amendment that would have added them. The Charter School's decision not to finalize or add the requested accommodations was a refusal to change the provision of FAPE, which required PWN within a reasonable time, and no less than ten days, before the Charter School acted on that refusal. The Charter School did not provide PWN within a reasonable time in connection with the requested accommodations and February 27, 2026 draft amendment.

The record developed during the investigation also bears on the related-services component of this allegation. The August 27, 2025 IEP required the provision of special education instruction on a weekly basis, and Bulletin 1706 §323 obligated the Charter School to provide those services as written. The Student's special education instruction service log contained no entries verifying the delivery of services after March 12, 2026, and the Charter School's own service provider acknowledged in writing that the services after that date should not be counted for lack of verifiable documentation and that compensatory time would be required. The Charter School's failure to provide and document the Student's required special education instruction during the period at issue departed from the services required by the written IEP in a manner that was more than minor or technical and that caused a deprivation of educational benefit.

In sum, the first allegation is substantiated in part. The allegation is unsubstantiated insofar as it asserts that the Charter School failed to implement the operative IEP by not providing the "Test Read Aloud" and "Remediate and Retest" accommodations, because those accommodations were never incorporated into the operative IEP. The allegation is substantiated insofar as it concerns the Charter School's failure to provide timely prior written notice regarding the requested accommodations and the Charter School's failure to provide and document the Student's required special education instruction.

Allegation 2: Whether the Helix Artificial Intelligence and Medical Academy denied the Parent a meaningful opportunity to participate in the development and revision of the Student's IEP, including whether it failed to ensure participation of required IEP team members.

Pursuant to Bulletin 1706 §502(B)(1), the parents of a student with a disability shall be afforded an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the student and the provision of FAPE to the student. To secure that opportunity, Bulletin 1706 §502(B)(2) requires the public agency to provide notice consistent with §322(A)(1). Further, pursuant to Bulletin 1706 §322(A), each public agency shall take steps to 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, including notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. Where neither parent can attend, Bulletin 1706 §322(C) requires the public agency to use other methods to ensure parent participation, including individual or conference telephone calls, consistent with §328.

With respect to the reevaluation and determination of eligibility associated with the January 29, 2026 reevaluation, the Charter School's records reflect that the Parent attended the meeting and signed the reevaluation report in agreement, while the Parent maintains that she did not attend, did not sign the report, and that the signature appearing on the report is not hers. This is a material factual dispute whose resolution depends on the authenticity of a signature, which the Department is not positioned to determine on the record before it; the Department therefore cannot find, on the basis of that disputed reevaluation, that the Charter School denied the Parent the opportunity to participate.

However, the Parent's opportunity to participate was nonetheless impeded in a separate and identifiable respect. As discussed in connection with the first allegation, the Charter School began but did not finalize the February 27, 2026 draft amendment that would have added the read-aloud accommodations the Parent requested, and it continued to provide only the accommodations contained in the operative IEP; that course of conduct amounted to a refusal to change the provision of FAPE with respect to the requested accommodations. The Charter School's failure to provide timely PWN of that refusal impeded the Parent's opportunity to participate in the decision-making process regarding the development and revision of the Student's IEP. The Charter School's noted change in special education leadership during this period does not relieve it of that obligation. The Department further notes that, if the Parent believes the January 29, 2026 reevaluation report or related records contain information that is inaccurate or misleading, she may request that the Charter School amend those records pursuant to Bulletin 1706 §618, which permits a parent who believes that information in the education records is inaccurate or misleading to request that the agency that maintains the information amend it.

For these reasons, the second allegation is substantiated in part: it is unsubstantiated insofar as it rests on the disputed January 29, 2026 reevaluation, and it is substantiated insofar as the Charter School's failure to provide timely PWN regarding the requested accommodations impeded the Parent's opportunity to participate in the development and revision of the Student's IEP.

Allegation 3: Whether the Helix Artificial Intelligence and Medical Academy failed to review and revise the Student's IEP, as appropriate, to address any lack of expected progress toward the annual goals, the results of any reevaluation, information provided by the Parent, or the Student's individualized needs.

Bulletin 1706 §324(B)(1) requires that the IEP Team review the Student's IEP periodically, but not less than annually, and revise it, as appropriate, to address, among other things, any lack of expected progress

toward the annual goals and in the general education curriculum, the results of any reevaluation, information about the Student provided to or by the parents, and the Student's anticipated needs.

In this matter, a triennial re-evaluation of the Student was conducted in January 2026. Accepting the Charter School's position that the Parent participated in the determination of eligibility following that reevaluation, the occurrence of the reevaluation, together with the information the Parent had provided, obligated the Charter School under §324(B)(1) to review the Student's IEP and to revise it, as appropriate, within a reasonable time. The Charter School itself initiated a review of the Student's IEP and a draft amendment on February 27, 2026, which reflects that a revision of the IEP was appropriate; it did not, however, finalize that amendment, and the Student's IEP was not revised until after a separate reevaluation that was finalized in May 2026. The Charter School's failure to complete a timely review and revision of the Student's IEP following the January 2026 reevaluation constitutes a violation of §324(B)(1). To this extent, the allegation is substantiated in part.

Allegation 4: Whether the Helix Artificial Intelligence and Medical Academy complied with reevaluation timelines and procedures following parental consent, including whether the evaluation was completed within required timelines.

Pursuant to Bulletin 1706 §304(A), the public agency shall ensure that a reevaluation is conducted, in accordance with §§305 through 308, if it determines that the student's educational or related-services needs warrant a reevaluation or if the parent or teacher requests one; and pursuant to Bulletin 1706 §304(B)(2), a reevaluation may occur not more than once a year unless the parent and the public agency agree otherwise, and shall occur at least once every three years unless the parent and the public agency agree that a reevaluation is unnecessary.

In this matter, the record reflects two separate reevaluations, each supported by its own parental consent: a triennial reevaluation, for which the Parent provided consent on January 7, 2026 and which was disseminated on January 29, 2026; and a separate reevaluation conducted under new academic concerns, for which the Parent provided signed consent on April 10, 2026 and which was disseminated on May 15, 2026. The record reflects two distinct consents, two distinct evaluative processes, and two distinct dissemination dates. The Student's prior evaluation was disseminated on February 1, 2023; the triennial reevaluation, disseminated on January 29, 2026, was therefore completed within three years of the prior evaluation and satisfied §304(B)(2). Each reevaluation was also completed promptly after the date of the Parent's consent: the triennial reevaluation was completed within sixteen business days of the January 7, 2026 consent, and the new-concerns reevaluation was completed within twenty-five business days of the April 10, 2026 consent. Each reevaluation was thus concluded well within sixty business days of consent. The Department therefore concludes that the Charter School complied with the applicable reevaluation timelines, and the fourth allegation is unsubstantiated as it relates to timelines. The procedural questions concerning the January 29, 2026 reevaluation, specifically the Parent's disputed participation and the dissemination of the results, are addressed in connection with the second and third allegations.

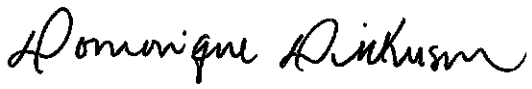
V. Corrective Action

Based on the foregoing conclusions, which substantiated the first, second, and third allegations in part, the Department orders the following corrective actions to address the noncompliance identified herein. Unless otherwise stated, all timeframes run from the date of this decision.

- Within forty-five calendar days, the Charter School shall provide to the Parent and the Department a date-by-date accounting of the special education instruction required by the operative August 27, 2025 IEP that was not provided or that could not be verified. The Charter School shall develop, in consultation with the Parent, a proposed plan to deliver compensatory special education instruction equal to the services not delivered, and shall submit that plan to the Department for review and approval. The proposed plan shall include a schedule for completing the compensatory services that reasonably accounts for the amount of services to be provided. Upon the Department's approval of the plan, the Charter School shall deliver the compensatory services in accordance with the approved schedule and shall submit documentation of completion to the Department.
- Within ninety calendar days, the Charter School shall develop and adopt written policies and procedures to ensure the continuity of prior written notice, the review and revision of IEPs, and the delivery and documentation of special education and related services during changes in special education leadership or staffing, and shall submit those policies and procedures to the Department. The Charter shall submit to the Department a record of the training, including the date, training materials, and sign-in sheets.
- Within one hundred twenty calendar days, the Charter School shall provide training to its administrators and special education staff on the prior written notice requirements of Bulletin 1706 §504, the IEP implementation and review-and-revision requirements of Bulletin 1706 §§320 through 324, and the documentation of special education services.

Verification of completion of the corrective actions other than the compensatory services shall be submitted to the Department no later than one hundred twenty calendar days from the date of this decision. The compensatory services shall be completed in accordance with the approved plan and, in any event, no later than one year from the date of this decision; verification of their completion shall be submitted to the Department within thirty calendar days after those services are completed.

Respectfully,



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

CC: Milton Batiste, III, Superintendent, St. Landry Parish School Board
Jennifer Gordon, Executive Director, Helix Artificial Intelligence and Medical Academy

Louisiana Special Education Complaint Investigation

56-C-120

LOUISIANA DEPARTMENT OF EDUCATION

May 5, 2026

[redacted]

Dr. Shalya 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 [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-120**

Dear Parties:

On May 1, 2026, the Louisiana Department of Education received notification that the complainant wished to withdraw the formal complaint investigation request.

Therefore, the LDOE is officially dismissing Special Education Formal Complaint **56-C-120.** No further action is required by either party.

Sincerely,

Domonique Dickerson

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

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

Louisiana Special Education Complaint Investigation

56-C-121

Louisiana Special Education Complaint Investigation

56-C-122

Louisiana Special Education Complaint Investigation

56-C-123

Louisiana Special Education Complaint Investigation

56-C-124

LOUISIANA DEPARTMENT OF EDUCATION

May 13, 2026

[redacted]

Nellie Brown
Special Education Supervisor
Assumption Parish School Board
4901 Highway 308
Napoleonville, LA 70390
nbrown@assumptionschools.com

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-124**

Dear Parties:

On May 12, 2026, the Louisiana Department of Education received notification that the parties to this formal complaint had 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 **56-C-124.** No further action is required by either party.

Sincerely,

Domonique Dickerson

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

CC: Dr. John Barthelemy, Superintendent, Assumption Parish School Board (email only)

Louisiana Special Education Complaint Investigation

56-C-125

Louisiana Special Education Complaint Investigation

56-C-126

LOUISIANA DEPARTMENT OF EDUCATION

June 2, 2026

[redacted]

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

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-126**

Dear Parties:

On May 21, 2026, the Louisiana Department of Education received notification that the parties to this formal complaint had 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 **56-C-126.** No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
Attorney
Office of Executive 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

56-C-127

LOUISIANA DEPARTMENT OF EDUCATION

June 12, 2026

[redacted]

Paulette Fairchild, Executive Director
Jefferson Parish Schools
501 Manhattan Boulevard
Harvey, LA 70058
paulette.fairchild@jpschools.org

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-127**

Dear Parties:

On June 11, 2026, the Louisiana Department of Education received notification that the parties to this formal complaint had 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 **56-C-127.** No further action is required by either party.

Sincerely,

Domonique Dickerson

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

CC: Dr. James Gray, Superintendent, Jefferson Parish School Board (email only)

Louisiana Special Education Complaint Investigation

56-C-128

Louisiana Special Education Complaint Investigation

56-C-129

Louisiana Special Education Complaint Investigation

56-C-130

Louisiana Special Education Complaint Investigation

56-C-131

Louisiana Special Education Complaint Investigation

56-C-132

Louisiana Special Education Complaint Investigation

56-C-133

Louisiana Special Education Complaint Investigation

56-C-134

Louisiana Special Education Complaint Investigation

56-C-135

LOUISIANA DEPARTMENT OF EDUCATION

June 26, 2026

[redacted]

Erin Redden
Special Education Director
Caddo Parish Public Schools
2226 Murphy Street
Shreveport, LA 71103
earedden@caddoschools.org

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-135**

Dear Parties:

On June 26, 2026, the Louisiana Department of Education received notification that the parties to this formal complaint had 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 **56-C-135.** No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
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

56-C-136

Louisiana Special Education Complaint Investigation

56-C-137

Louisiana Special Education Complaint Investigation

56-C-138

LOUISIANA DEPARTMENT OF EDUCATION

June 25, 2026

[redacted]

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

RE: Formal Complaint Investigation on behalf [redacted]
Dismissal of Special Education Formal Complaint No. **56-C-138**

Dear Parties:

On June 26, 2026, the Louisiana Department of Education received notification that the parties to this formal complaint had 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 **56-C-138.** No further action is required by either party.

Sincerely,

Domonique Dickerson

Domonique Dickerson
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

56-C-139

Louisiana Special Education Complaint Investigation

56-C-140