

ABSTRACT
DPH 1314-35

Parent filed a due process request naming four Respondents: the SEA, LEA and two state-chartered charter schools. The action against the SEA was dismissed on grounds of lack of jurisdiction and Parent settled with the LEA. The remaining claims against the charter schools were that Student was denied FAPE because all suspected areas of disability had not been evaluated, IEPs were not properly developed or implemented, there was no continuum of services provided for special education students.

Student was diagnosed with possible Tourette's Syndrome (TS) when he was in first grade. Student is now in fourth grade. Student attended the first charter school for approximately five weeks during the statutory period. He was enrolled approximately five weeks (attending a total of 15 days) in the second charter school. Both schools followed an ED eligibility and not OHI, as did Student's previous LEA IEP. Parent disputed the eligibility designation, however, confirmation of TS or any other OHI disability was never confirmed.

The DPHO found that both charters did not follow IDEA procedures in the development of IEPs, both failed to implement Student's IEPs, both failed to properly evaluate in all suspected areas of disability, both considered a full inclusion model the LRE and did not offer a continuum of services. The second charter did not provide Student with any special education services except for limited OT services and blatantly ignored IDEA requirements. Student did not receive educational benefit in these placements. Both schools denied Student FAPE.

The DPHO ordered equitable relief in that schools were to share in the cost of a neurological evaluation. The second charter school was also ordered to provide very limited compensatory education (5 hours S/L) to be delivered in Student's latest LEA placement, and, if a new evaluation confirmed TS, some funds to assist Parent with meeting the educational needs of a student with TS.