

State Department of Education
 Bureau of Education
 P.O. Box 2219 – Room 364
 Hartford, CT 06145-2219

Re: Special Education Complaint
 SOP/ Portland School District [REDACTED] [REDACTED]

To Whom It May Concern,

Not surprisingly, the hope that our relationship with the Portland School District might end on a good note didn't materialize. As has happened repeatedly since the beginning of the 2007-08 school year, the district student services staff yet again submitted an SE document rife with errors, incomplete, and devoid of understanding of my daughter's educational status. With the exception of "Part 5 – Student Input" (which [REDACTED] completed with her PHS tutor during the last semester of her senior year), the SOP provided outdated and insufficient representation of her present level of performance and therefore is meaningless to [REDACTED]

[REDACTED] [REDACTED] selected post-high school environment. It also essentially ignored 34 CFR 300.30. That being said, I submit the following:

1. The SOP is dated 6/24/14 (and was mailed), about a week after [REDACTED] had graduated--and more than a month after the final PPT was held (5/22/14), which the PHS counselor had assured me, in April, would be available for discussion at the upcoming (and final) PPT.
2. [REDACTED] is not familiar with and has never met or spoken to the person assigned to complete the SOP document. I asked [REDACTED] senior-year tutor if, other than the "Student Input" section (Part 5), she had collaborated with Ms. Collins on the SOP. She said she hadn't and expressed surprise and dismay at the comments posted in the finalized document's "Present Level of Performance" category. Why would someone who doesn't know [REDACTED] has never observed or spoken to her, be given the responsibility to develop a Summary of Performance?
3. The "Date of the most recent IEP:" (8/8/13) is wrong. Actually, the most recent IEP had been 10/9/13 which was held at G.H.A.A. and included G.H.A.A. staff. Nonetheless, it appears that "current performance area strengths, concerns or impact of student's disability" comments from page 4 of that 8/8/13 IEP found their way onto the SOP even though neither [REDACTED] nor I recollect any of those comments being discussed during the PPT of 8/8/13. This has been an ongoing complaint from our family about Portland SD for years--information that was never discussed during a PPT seemed to appear on subsequent, finalized IEP documents.

4. While the "Student's primary disability:" was correctly noted as OHI, the secondary disability was left blank; it should probably have said 504 (see following comment).
5. "When was the student's disability (or disabilities) formerly diagnosed?" The response "1999" is wrong and disingenuous. Following is the sequence of actual diagnostic occurrences: 1999 – entered Portland School District as SE-S&L designation; 2004 – medical diagnosis of [REDACTED] (504 qualification—but we were never notified of that); 2008 – medical diagnosis of [REDACTED] 8/2010 - Portland finally recognized that medical condition with SE-OHI designation--after I'd hired an attorney. "Child find" appeared not to be on the agenda.
6. As far as "Please attach copies of the most recent assessment reports that address academic, cognitive and functional performance and were instrumental in making a determination of the student's disability or diagnosis, and/or that will assist in postsecondary planning", **nothing** was included. However, medical correspondence **IS** available regarding treatment in the event [REDACTED] medical condition activates while in the educational environment. We have prepared the necessary documentation to provide [REDACTED] prior to [REDACTED] starting there.
7. In "Part 3 – Summary of Performance", no grade level and/or standard scores were submitted in the "Present Level of Performance" section relating to the "Academic Content Area." Why? Because Portland's student services director had no interest or idea about how [REDACTED] was doing academically—not only during her senior year, but since his appointment to that position. In fact, [REDACTED] was deprived of algebra and higher math learning throughout her senior year, necessitating remedial college math courses and causing great consternation for [REDACTED]. In fact, excepting the notation, "Has an interest in music and the arts" associated with "Summary of Performance Career/Vocational/Transition" section, "Desires to be independent" associated with "Independent Living Skills," and "Good sense of humor, Willing to express opinions and Respectful" associated with "Social Skills and Behavior," the entire Present Level of Performance sections are not only out of date but indicative of non-interest or lack of knowledgeable of [REDACTED] present status.
8. Perhaps the most grievous omission per CFR 300.30, was that "Part 4 – Recommendations to assist student in meeting post secondary goals; What are the **essential** accommodations, modifications, assistive technology or general areas of support that students will need to be successful in the following post-high school environments:" was ignored completely. What Portland never "got" (and used HIPPA as excuses many times) could have easily rectified hard feelings had Portland paid attention to CSDE, Bureau of Special Education's Topic Brief-SOPFAQ.pdf explanation, "...permits the sharing of...medical information if there is a legitimate educational interest...recommendations/accommodations should be stated in functional terms...such as child has difficulty breathing..."[and may require administration of supplemental oxygen] is allowed.

Thankfully [REDACTED] staff demonstrates a much better understanding and respect for the SE-OHI category than Portland School District ever did. [REDACTED]

facilities, special services and medical personnel recognized that OHI does not necessarily mean an SE educational environment is required. They are already on board and have shared product

[REDACTED]
[REDACTED] with us while Portland SD never took [REDACTED] medical condition or the severity of Portland school [REDACTED]

At this point, the "ship has sailed" with regard to the [REDACTED]/Portland School District involvement and while CSDE, BSE has helped us many times in the past, Portland's disturbing lack of attention to detail and demonstrated non-interest in SE students' SE/504 requirements (our two SE children survived, not without scars, the Portland system) is notorious. If nothing else, Portland's director of student services and the newly hired superintendent should be made aware that CSDE is aware of Portland's sloppy non-compliance--even flouting--state and federal laws when it comes to SE students' rights.

I thank the entire CSDE, especially the Bureau of Special Education for all of the support you have provided to me and my children over the years.

Very truly yours,

[REDACTED]

Encl.

c: Superintendent, Portland School District

**Connecticut State Department of Education - Bureau of Special Education
Special Education Complaint Form**

This is a recommended form for the filing of special education complaints. You do not have to use this form to file a complaint although it will help you to include the required information. (Questions may be directed to Bureau staff at 860-713-6928.) Please complete this form and forward to the parents or school district (as appropriate) and send a copy to:

**State Department of Education
Bureau of Special Education
P.O. Box 2219 – Room 364
Hartford, CT 06145-2219**

Date: * 8/1/2014 Person/Agency filing the complaint: _____

Address: _____ Phone: _____

_____ Email: _____

Parent's Name (if different): * _____ Phone: * _____

Child's Name _____

Education Agency (school district)* Portland

Name of School the Child Attends Portland High Disability Category* OHI

Child's Address: _____

Be specific as to why you believe that a requirement of the Individuals with Disabilities Education Act has been violated. Include a description of the relevant facts, the nature of the child's problem and a proposed resolution of the problem to the extent known and available at this time. Please forward a copy of this complaint to the education agency. If necessary, you may attach additional sheets as well as documentation of your complaint allegations.

Portland's non-compliance and flouting of 34 CFR 300.30 requirements to provide accurate, up-to-date information to assist _____ in her transition to post-secondary college environment. See attached w/enclosures.

Signature of Complainant _____

*Information requested is optional



STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



October 27, 2014

Mr. William Knies
Student Services Director
Portland Public Schools
95 High Street
Portland, CT 06480

[REDACTED]
Complaint: #15-0111

Dear Mr. Knies,

A complaint was filed on August 22, 2014, with the Bureau of Special Education (BSE) by [REDACTED] (the "complainant") on behalf of [REDACTED] (the "student").

In the complaint, the complainant alleges that Portland Public Schools (the "district") violated 34 CFR Section 300.305(e)(3) when the district failed to adequately prepare the student's summary of performance (SOP). The pertinent issues of the complaint were as follows:

Issue 1:

The complainant alleges that almost all of the information contained in Part 3 – *Present Level of Performance* column of the SOP was out of date and therefore inadequate.

Issue 2:

The complainant alleges that the district failed to complete Part 4 – *Recommendations to assist student in meeting postsecondary goals* of the student's SOP.

The following material was submitted and reviewed:

- Complaint as submitted by complainant,
- District response to complaint,
- Email correspondence between home/school re: SOP,
- Three copies of the Summary of Performance dated 6/24/2014,
- Student's psychological evaluation dated June 2013,
- Student's psychological evaluation dated June 2013 with notations from Portland school staff cross-referencing items from the report to items on the student's SOP.
- Student's instructor's report dated September 2014,
- Student's Individualized Education Program (IEP) dated 5/22/2014.

Findings of Fact:

1. Information on the student's Summary of Performance is overall consistent with information found on the student's most recent evaluation material dated June 2013.

2. This office has received three copies of the student's Summary of Performance dated 6/24/2014, with inconsistencies between copies. Specifically, both the complainant and the district have provided a copy of the student's Summary of Performance dated 6/24/2014, that does not include information related to 'recommendations to assist student in meeting post-secondary goals'. However, the district has provided one additional copy of the student's Summary of Performance dated 6/24/2014, that does include information related to 'recommendations to assist student in meeting post-secondary goals'.

Conclusions:

1. Sufficient documentation has been received to determine that the student's Summary of Performance contains information consistent with the student's most recent evaluative reports and meets the requirements for 34 CFR Section 300.305(e)(3). Therefore, the district is found to be in compliance with this regulation. No required corrective action will be issued.
2. There exist multiple copies of the student's Summary of Performance bearing the same completion date of 6/24/2014, yet containing different information. The complainant's copy did not contain all of the information required by 34 CFR Section 300.305(e)(3), while a copy provided by the district did. Clearly, the district and the parent have different copies of the SOP bearing the same completion date.

While there is no regulation that prohibits the school district from making changes or updates to the SOP, the expectation is that a changed or updated SOP must also bear the date when the change or update was made. Further, the changed or updated SOP must be subsequently shared with the parent/student. This did not occur, making the document that the parent/student possessed incomplete and less effective toward its intended use.

Since ultimately the district did include recommendations to assist student in meeting post-secondary goals in the SOP, the district is found to be in compliance with 34 CFR Section 300.305(e)(3). However, the issue of dating any changes or updates and then providing copies of the SOP to the parent/student are addressed in the required corrective actions that follow.

Required Corrective Action(s):

1. No later than November 30, 2014, the district must update the student's Summary of Performance to reflect the actual date that the 'recommendations to assist student in meeting post-secondary goals' were added to that document. This information must be placed on Page 1 of the SOP in the section designated as: *Date Summary was completed*.
2. No later than November 30, 2014, a copy of the SOP outlined in required corrective action 1 above must be forwarded to both the complainant and this office.
3. No later than November 30, 2014, a copy of the district's protocol for updating students' SOPs as well as providing copies of updated SOPs to parents/students, must be received for review by this office.

I will serve as the BSE's liaison for the purpose of monitoring the implementation of the Required Corrective Actions for this complaint. Please contact me at jay.brown@ct.gov or (860) 713-6918 if you have any questions or concerns.

All documents may be submitted to the Bureau of Special Education in any of the following manner:

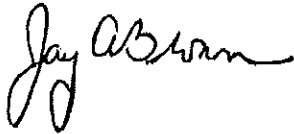
U.S. Postal Service:

Jay A. Brown
Bureau of Special Education, RM 369
Connecticut State Department of Education
165 Capitol Avenue
Hartford, CT 06145-222

Fax:

Jay A. Brown
Bureau of Special Education
860-713-7051

Sincerely,

A handwritten signature in cursive script that reads "Jay A. Brown". The signature is written in black ink and is positioned below the word "Sincerely,".

Jay A. Brown
Bureau of Special Education
Connecticut State Department of Education

JAB:jb

cc: Complainant
Complaint file
Dr. Philip O'Reilly, Superintendent of Schools