



October 30, 2020

Dr. Romules Durant, Superintendent  
Toledo Public Schools  
1609 N. Summit St.  
Toledo, OH 43604

**RE: Complaint #CP 0055-2020, Findings Letter**

Dear Superintendent Durant:

After reviewing information regarding the complaint concerning various students, (Students) the Office for Exceptional Children (OEC) determined the following:

- The Education Program Specialist (EPSs) assigned to the complaint reviewed and considered all documentation and information submitted by both parties.
- For the purposes of this investigation, Students are defined as students with a disability (SWD) under the Individuals with Disabilities Education Act (IDEA) at 34 C.F.R. 300.8 [Child with a disability] who had an individualized education program (IEP) in effect between March 17, 2020<sup>1</sup> and June 17, 2020, the date the complaint was filed.
- **Due to the large class of Students investigated in this complaint the OEC selected a random sample of Students to review prior to the issuance of the letter of allegations:**
  - On June 29, 2020, the EPSs provided the District a list of randomly selected school buildings that would be examined for this investigation.
  - On July 7, 2020, the District provided the EPSs a list of each intervention specialist (IS) assigned to the selected buildings. On the same day, the EPSs provided the names of **randomly selected ISs to the District.**
  - On July 7, 2020, the District provided the EPSs the names of Students on the IS's caseloads.
  - On July 8, 2020, the EPSs provided the District a list of **randomly selected Students** from each IS. One Student for every five students was selected from each IS's case list. **For example, if an IS had 12 students on their caseload, two Students were randomly selected.**
- The EPSs interviewed the Complainant via telephone on June 30, 2020.
- The Complainant submitted a letter in response to the OEC's Letter of Allegations on July 29, 2020.
- On August 7, 2020 and August 11, 2020, the OEC mailed letters to the Parents of Students who were sampled for the investigation.
- The District provided documentation in response to this complaint on August 17, 2020.
- EPSs contacted Parents for interviews via telephone and e-mail between August 24, 2020 and September 1, 2020. Parents who responded to the EPSs attempts to contact them for an interview are listed below.
- The EPSs interviewed the Director of Student Services (Director) via telephone on June 17, 2020, June 29, 2020, August 6, 2020 and October 13, 2020.

---

<sup>1</sup> The date the Governor of Ohio ordered statewide school building closures in response to the COVID-19 pandemic.

- The EPSs interviewed the Transformational Leader for Early Childhood and Special Education (Transformational Leader) via telephone on June 17, 2020 and October 13, 2020.
- For the purposes of this letter, facts will be listed per school building. A separate key will be provided to the District that contains the unique identifiers for each staff member and Student used in this letter.
- The sample of Students is as follows:
  - Five Students from Aerospace and Natural Science Academy of Toledo who will be identified as Students A1 through A5;
    - The following Students' Parents responded to the OEC for telephone interviews:
      - A1 on August 26, 2020; and
      - A2 and A4 on August 25, 2020.
    - One IS worked with the Students. The IS will be identified as IS 1. IS 1 was interviewed by OEC staff on October 5, 2020.
    - None of the Students investigated at this school had related services on their IEPs.
  - 20 Students from Bowsher High School who will be identified as Students B1- B20.
    - The following Students' Parents responded to the OEC for telephone interviews:
      - B4 on August 25, 2020;
      - B10 on August 27, 2020;
      - B11 on August 26, 2020; and
      - B19 on August 27, 2020.
    - Four ISs worked with the Students. They will be identified as IS 2 - IS 5 and were interviewed on the following dates:
      - IS 2 and IS 3 on October 5, 2020;
      - IS 4 on October 6, 2020; and
      - IS 5 retired from the District at the end of the 2019-2020 school year. The District was unable to contact IS 5 for an interview.
    - Three of the Students receive speech and language services. The speech and language pathologist (SLP) that worked with these Students will be identified as SLP 1 and was interviewed on October 5, 2020.
    - One Student receives physical therapy as a related service. The physical therapist (PT) will be identified as PT 1 and was interviewed on October 5, 2020.
  - Three Students from Deveaux Elementary School who will be identified as Students D1- D3.
    - None of the Students' Parents or guardians responded to OEC staff's attempts to contact them for an interview via mail, email or telephone.
    - One IS worked with the Students and will be identified as IS 6. IS 6 was interviewed by OEC staff on October 6, 2020.
    - None of the Students investigated at this school had related services on their IEPs.
  - Three Students from Garfield Elementary School who will be identified as Students G1- G3.

- None of the Students' Parents or guardians responded to OEC staff's attempts to contact them for an interview via mail, email or telephone.
  - One IS worked with the Students and will be identified as IS 7. IS 7 was interviewed by OEC staff on October 5, 2020.
  - Two Students received speech and language services. The SLP will be identified as SLP 2 and was interviewed on October 7, 2020.
  - Two Students received occupational therapy. The Occupational Therapist (OT) will be identified as OT 1 and was interviewed on October 7, 2020.
- Three Students from Keyser Elementary School who will be identified as Students K1-K3.
  - The Parent of Student K3 responded to the OEC for a telephone interview on August 27, 2020.
  - One IS worked with the Students and will be identified as IS 8. IS 8 was interviewed by OEC staff on October 6, 2020.
  - None of the Students investigated at this school had related services on their IEPs.
- Nine Students from McTigue Elementary School who will be identified as M1- M9.
  - The Parents of Student M1 and M6 responded to the OEC for telephone interviews on August 27, 2020.
  - Three ISs worked with the Students. They will be identified as IS 9 - IS 11 and were interviewed on the following dates:
    - IS 9 and IS 10 were interviewed October 5, 2020; and
    - IS 11 no longer works in the District and was unable to be contacted for an interview.
  - Three Students received speech and language services. The SLP will be identified as SLP 3 and was interviewed on October 6, 2020.
  - One Student received physical therapy as a related service from PT 1.
- Three Students from Pickett Academy School who will be identified as P1- P3.
  - The Parent of Student P1 responded to the OEC for a telephone interview on August 27, 2020.
  - One IS worked with the Students and will be identified as IS 12. IS 12 is no longer employed with the District and was unable to be interviewed for this complaint.
  - Two of the Students received speech and language services. The SLP will be identified as SLP 4. SLP 4 was not interviewed for this complaint.
- Three Students from Rosa Parks Elementary School who will be identified as R1-R3.
  - None of the Students' Parents or guardians responded to OEC staff's attempts to contact them for an interview via mail, email or telephone.
  - One IS worked with the Students and will be identified as IS 13. IS 13 was interviewed on October 5, 2020.

- One Student received speech and language services and occupational therapy. The SLP will be identified as SLP 5 and was interviewed on October 6, 2020. The OT will be identified as OT 2 and was interviewed on October 5, 2020.
  - 24 Students from Bright Start High School who will be identified as S1- S23.
    - The following Students' Parents responded to the OEC for telephone interviews:
      - S2 on August 28, 2020;
      - S5 on August 27, 2020;
      - S6 on August 28, 2020;
      - S12 on August 28, 2020;
      - S20 on August 27, 2020; and
      - S21 on August 28, 2020.
    - Five ISs worked with the Students. They will be identified as IS 14 - IS 18 and were all interviewed by OEC staff on October 7, 2020.
    - None of the Students investigated at this school had related services on their IEPs.
  - 15 Students from Woodward High School who will be identified as W1-W16.
    - The following Students' Parents responded to the OEC for telephone interviews:
      - W2 on August 27, 2020;
      - W3 on August 26, 2020;
      - W9 on August 28, 2020; and
      - W14 on August 26, 2020.
    - Three ISs worked with the Students. They will be identified as IS 19 - IS 21 and were interviewed by OEC staff as follows:
      - IS 19: October 6, 2020;
      - IS 20: October 6, 2020; and
      - IS 21 is no longer employed by the District and was not interviewed for this complaint.
    - None of the Students investigated at this school had related services on their IEPs.

**Issue:**

The Complainant alleges the District "failed to provide a free appropriate public education (FAPE), including special education and related services, based on each individual student's unique needs, by adopting a blanket policy of providing all students with disabilities with only one weekly contact with an intervention specialist" during the COVID-19 school building closure. This is an alleged violation of 34 C.F.R. 300.17 [Free appropriate public education (FAPE)].

**Facts:**

Based on the information and documentation provided by both parties, the following facts were determined:

1. The Complainant provided the following information during a telephone interview with the EPSs on June 30, 2020 and letters sent to the EPSs dated July 29, 2020 and September 18, 2020:

- a. The Complainant had two meetings with the Director and Transformational Leader to discuss how the District was serving Students during the Governor's mandated school closure.
  - b. On April 20, 2020 a meeting was held to discuss the District's guidance for teachers and the District's expectations. During the meeting, the Complainant asked about the District's plan to contact Students once per week. The Complainant was concerned this would not provide Students a FAPE. The Complainant stated the District responded, "this is our good faith effort, and this is what we are doing."
  - c. On May 14, 2020, another meeting was held where the Complainant expressed concern that the District's plan to document three attempts to contact Students per week was not enough to provide a FAPE.
  - d. The Complainant received feedback from Parents and the community that Students were not receiving IEP services.
  - e. The District issued its school building closure policy five weeks after the Governor's order to close school buildings.
2. The Director and Transformational Leader provided the following information specific to the complaint over the course of several telephone interviews with the EPSs:
    - a. The District provided education to Students in the District with its "best faith effort." There was no time to plan for the school building closures, and by the last week in March 2020, the special education administration put together PowerPoint trainings to give teachers and related service providers tools to instruct online.
    - b. The District attempted to collaborate with the Complainant at the beginning of the school building closures. However, meetings became contentious and stopped.
    - c. The District provided ongoing support and check-ins to all staff to make sure their needs were met. The Director also made random calls to the Parents of special education Students to make sure their needs were met.
    - d. Multiple administrators, including the Director delivered needed items to staff and families, such as laptops and related services equipment.
  3. The District provided copies of the following communications and updates it provided to special education staff<sup>2</sup> (staff) specific to this issue:
    - a. March 16, 2020: The Director emailed staff that the District is "truly striving to provide services and supports to our [S]tudents during this unprecedented time...Please make sure you take your laptops home and check them frequently. This is the manner in which [the District] will be updating you about changes and information."
    - b. March 31, 2020: A 17-page PowerPoint training titled "Special Education Services during Covid-19 Closures" contained the following information specific to this issue:
      - i. A summary statement based on guidance from the U.S. Department of Education stated, "the basic premise is: Because [the District is] offering education opportunities to all students [in the form of] learning packets, [the District is] obligated to provide specially designed instruction, to the best of [the District's] ability, so that our [S]tudents can access those materials."

---

<sup>2</sup> Special education staff means intervention specialists, school psychologists, related service providers, or any other staff that work with students with disabilities.

- ii. “Connecting with Families: This is the MOST<sup>3</sup> important thing we can do right now.” This slide stated that an IS would “contact each family once per week.” Questions for the IS to ask included:
  - 1. How the Student and the Parent were doing;
  - 2. Did the Student have access to “some” curriculum materials and did the Parent have questions about the materials; and
  - 3. Were there any other things the IS could “help” with.
 The slide instructed the IS to document the communication on “the spreadsheet provided by the [Director of Student Services (SAC Director)],” and if the IS was unable to contact [a] Parent to “document at least two attempts each week...and continue to try.”
- iii. “Educational Opportunities...The extent to which you individualize for your [S]tudents is up to you. [The District has] heard some amazing stories of what some of you have already done and are so proud to have you on our team.”
- c. April 6, 2020: A 25-page PowerPoint training titled “[District] Special Education during Covid-19 Updates,” which contained the following specific to this issue:
  - i. If a district “continues to provide educational opportunities to the general student population during a school closure, the school must ensure that [S]tudents with disabilities also have equal access to the same opportunities, including the provision of FAPE.”
  - ii. “Schools must ensure that, to the greatest extent possible, each [S]tudent with a disability can be provided the special education and related services identified in the[S]tudent’s IEP...”
  - iii. “It is required that schools track and document services pursuant to the IEP.”
  - iv. “It is required that schools provide related services such as occupational therapy, physical therapy and speech language therapy in an online format to the extent practicable.”
  - v. A page titled “Documentation Updates” stated the following in part:
    - 1. “Equity of services for [S]tudents with disabilities is especially complex at this time; while [the District] cannot control what legal ramification may come as a result of this, we CAN control what we are doing right now- and documenting is the best thing we can do.”
    - 2. As an IS completes documentation, “it is best if you can reference a goal from the IEP that was addressed or discussed during your weekly connection.”
  - vi. The District provided three options for documentation of contact and instruction for Students as follows:
    - 1. Option 1, which was noted as “preferred if possible,” stated to “Document in a manner that is convenient for you, making sure you reference IEP goals when documenting. Each week upload your weekly documentation for each [S]tudent into IEP Plus<sup>4</sup>. This is a great way to be proactive and prevent you from getting backlogged and having to gather information when we return... it will all be uploaded already.”

<sup>3</sup> Emphasis added by the District.

<sup>4</sup> IEP Plus is special education software and is a way for students’ IEPs to be obtained in an electronic record.

2. Option 2: "Document weekly communication on the spreadsheet provided by your [School Assistance Center (SAC) Director]. Please remember that simply saying 'talked to mom' is not sufficient. Please reference IEP goals that were discussed and supported in your conversation."
  3. Option 3: "Document in a manner of your choice and provide weekly copies of that documentation for each [Student] to your [SAC Director] via email."
  - vii. ISs continued to be responsible for IEP progress reports and as Students "continue to work on assignments at home during this time and you have documented attempts of communication, making 'minimal progress' would be an acceptable rating on progress reports for those [S]tudents using the following statement of justification:"

"Due to Governor DeWine's mandated closure of schools due to the COVID-19 global pandemic on March 16, [2020], progress is difficult to determine at this time. Progress will be revisited upon the reopening of schools."
  - viii. ISs "should be developing some activities for [their] [S]tudents to support them with the learning packets and [S]tudents' IEP goals."
  - d. April 10, 2020: The Director emailed [SAC Directors] and stated ISs and related service providers who complete progress reports should use the following statement on progress reports entered for April 2020 IEP progress reports and "will cover ALL GOALS" as follows:

"Due to Governor DeWine's mandated closure of schools due to the COVID 19 global pandemic on March 16, progress is difficult to determine at this time. Progress will be revisited upon the reopening of schools. This applies to all progress reporting for all goals of the IEP at this time."
  - e. May 13, 2020 through May 27, 2020: The District provided a "Google Classroom<sup>5</sup> Online [Professional Development] Schedule." The top of the schedule stated the trainings "are being offered as an introduction/ refresher to Google Classroom."
4. The District provided copies of the following communications and updates to Parents as follows:
- a. March 20, 2020: An "Initial Letter to Families" from the Director and Transformational Leader stated "in light of closures due to COVID-19, education for all our students is being altered.... We are committed to making sure that your child's individualized education is provided to the best of our ability." Additionally, the District included the following information:
    - i. "All communication between your [S]tudent's teacher(s) and you will be documented throughout the closure. When school reopens, a copy of all documentation will be sent to you, with a Prior Written Notice Form (PR-01) which documents that you received the notice."
    - ii. "You can expect your child's [IS] to contact you at least once per week to 'check in' and see how things are going. This may be via email or via phone."
    - iii. Parents will "now have access to" the [SAC Director] in their area." Corresponding contact information was included with each letter.

---


<sup>5</sup> Google Classroom is a web-based service that creates, distributes and grades assignments and has the capability of sharing files between teachers and students.

- iv. Learning packets would be available to each Student “just as for any other child.” The IS “can recommend differing grade level material for your student, if needed.”
      - v. “While related services cannot be provided face-to-face, therapists are involved in the creation of learning packets, and related service activities are included, when possible.”
      - vi. A “Teacher Hotline” can be called “any time for assistance” and “Special Education representatives will be available.”
    - b. The week of April 20, 2020: The District sent a letter via regular U.S. mail to “200+ families who had not yet been reached,” continued distribution of Chromebooks<sup>6</sup> and Wi-Fi, and “learning materials for May 1, 2020 and beyond [were] created.”
    - c. The week of April 27, 2020: A third letter was sent via regular U.S. mail to Parents who had not responded to attempts by teachers to provide instruction. The District provided a copy of the letter for this investigation to Parents, which in part states:
      - i. “Your student is our top priority and we want to confirm the needs outlined in your [S]tudent’s IEP are being met to the extent possible during this time.”
      - ii. “It is important that the [IS] assigned to your [S]tudent along with any therapist he/she sees on a regular basis, is able to connect with your [S]tudent.”
      - iii. “Please call or email your [S]tudent’s [SAC] Director to update your contact information...it is important that [the District] know[s] he/she [is] receiving help to be successful with the schoolwork that has been provided.”
    - d. The week of May 4, 2020: The “Learning Packet” was available for pick-up for “all” students and “supplemental materials [were] provided for all [S]tudents with disabilities [based on] grade levels, and through guidance of their teachers.”
  5. The District provided documentation which stated that in addition to the above communication to Parents, the SAC Director “randomly” reached out to one family per week per building and the Director “randomly” reached out to one family per week per “feeder pattern” to ensure that special education services were provided to Students. The District provided a few examples of this contact via email communication with staff on the Student’s IEP teams.
  6. In order for the OEC to make a determination regarding the provision of FAPE, including special education and related services, based on each individual Student’s unique needs, the following items were considered:
    - a. Disability category;
    - b. Goals on the IEPs in effect From March 17, 2020 through June 1, 2020;
    - c. Specially Designed Instruction (SDI) minutes provided based on the IEP and by whom the minutes were provided;
    - d. Any documentation that demonstrated SDI was provided;
    - e. IEP progress reports;
    - f. Interviews with the Parents of Students, who were in summary asked the following questions:
      - a. How did the IS provide your child with a Learning Packet (refer to Fact 4(a)(iv) above)?
      - b. Was your child provided with a Learning Packet based on their assigned grade, or was the Learning Packet modified based on the needs of your child’s IEP?

---

<sup>6</sup> Chromebooks are laptop computers.  
25 South Front Street  
Columbus, Ohio 43215



- c. How often were you and your child contacted by your child's IS or related service provider and did the IS or related service provider give work outside of the Learning Packet?
- d. How were you and your child contacted by your child's IS or related service provider? Was it by telephone, text, or email?
- e. Did the IS or related service provider work on any goals from your child's IEP?
- f. Did you receive any IEP progress reports for the period of March 17, 2020 - June 1, 2020?
- g. Did you have any issues with distance learning in terms of access to technology or the internet during the Governor's school building closure period?
- g. Interviews with assigned ISs and Related Service providers of the Students, who were in summary asked the following questions: 
  - a. When did the District inform you of your responsibilities following the Governor's school building closure period?
  - b. What resources did the District give you and were you provided with the needed materials to provide instruction?
  - c. Were you provided with any training or instruction to teach remotely?
  - d. How did you communicate with Parents during the Governor's school building closure period?
  - e. Did your Parents use the Learning Packets, or did you provide separate modified work for your Students and if work was modified, how was this done?
  - f. Did you have any virtual in-person classes?
  - g. Did you collect data on Students' progress and how did you complete progress reports?
  - h. Were there Students or Parents who did not respond to attempts to contact them and how did you address this issue?

Following review of the above, a determination was made regarding the provision of FAPE to the Students, using a scaled rating system as follows:

Green (7-9 points): There was individualized documentation which demonstrated the Students received SDI, or documentation which demonstrated that despite multiple attempts, the Student and Parent did not respond to any efforts to engage the Students. Students in this category had IEP progress reports, which provided data that supported a FAPE was provided during the school building closure. Finally, the Parent, IS and related service provider interviews supported the documentation submitted by the District.

Yellow (4-6 points): There was some documentation which demonstrated the Students received SDI or related services, or documentation which demonstrated individual contact or attempts were made to contact the Student and Parent. Students in this category had IEP progress reports that contained either the "statement of justification" (see Fact 3(c)(vii) above) or no reported progress. Finally, the Parent, IS and related service provider interviews supported that some services were provided, and FAPE was attempted, despite inconclusive documentation.

Red (0-3 points): There was no documentation provided which demonstrated the Students received SDI or related services, or that contact was made consistently with Students and Parents. Students in this category had no progress reports, or blank progress reports. Finally, the Parent, IS and related service provider interviews supported the documentation submitted by the District.

**7. The following information is specific to the five Students at the Aerospace and Natural Science Academy of Toledo (ANSAT):**

	<b>A1</b>	<b>A2</b>	<b>A3</b>	<b>A4</b>	<b>A5</b>
Documentation of SDI	Y= Yes	Y	Y	Y	Y
Documentation of Student Contact	Y	Y	Y	Y	Y
Documentation of Parent Contact	Y	Y	Y	Y	Y
Progress Report Submitted	Y	Y	Y	Y	Y
Specific Comments on Progress Report	Y	Y	Y	Y	Y
Data Submitted on Progress Report	Y	Y	Y	Y	Y
Evidence of SDI Based on IS Interview	Y	Y	Y	Y	Y
Evidence of SDI Based on Related Service Provider Interview	n/a= not applicable	n/a	n/a	n/a	n/a
Evidence of SDI Based on Parent Interview	Y	N= No	n/a	Y	n/a
Total	9	8	9	9	9

**Overview of Parent and IS Interviews for ANSAT:**

- a. Three Parents provided the following information via telephone interviews with the OEC on August 25, 2020 and August 26, 2020:
  - i. Two Parents reported weekly contacts from an IS as well as “continued” support via phone calls, emails and text messages. Work was provided via paper packets and was also posted online via Google Classroom.
  - ii. One Parent reported the IS did not provide instruction and that it was the Student’s responsibility to reach out to the IS for help with work.
- b. IS 1 stated the following during his October 5, 2020 interview with the OEC:
  - i. The District instructed IS 1 to “continue to service Students” to the best of his ability. IS 1 “took everything from the classroom home to use remotely.”
  - ii. The District provided contact information for Parents, and “links” for various online trainings. IS 1 had at a minimum weekly contact with families.
  - iii. The District provided learning packets for all Students and especially those that did not have internet access. All students at ANSAT had laptops and all of IS 1’s Students had internet, with “a few” that had “spotty” internet connections.
  - iv. IS 1 was able to use Google Classroom “the whole time,” and was able to continue with the curriculum instead of the District’s work packets. IS 1 called and emailed Students who did not have online video access.
  - v. IS 1’s Students are “in all inclusion” classrooms and many of his Students do not require modifications to their work. IS 1 was able to provide accommodations and SDI as needed.
  - vi. IEP progress data was collected and progress reports were completed. Data was tracked through completed assignments.
  - vii. The Transformational Leader stated if the District “had a whole staff of [IS 1]’s they would be all set.”

**8. The following information is specific to the 20 Students and four ISs at Bowsher High School:**

	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>B5</b>	<b>B6</b>	<b>B7</b>	<b>B8</b>	<b>B9</b>	<b>B10</b>
Documentation of SDI	Y	Y	N	Y	Y	N	N	N	N	N
Documentation of Individual Student contact	Y	Y	N	Y	Y	N	N	N	N	N
Documentation of Parent Contact	Y	Y	Y	Y	Y	N	Y	Y	N	N
Progress Report Submitted	Y	Y	Y	Y	Y	N	Y	Y	Y	N
Specific Comments on Progress Report	Y	Y	N	Y	Y	N	N	N	N	N
Data submitted on Progress Report	Y	Y	N	Y	Y	N	N	N	N	N
Evidence of SDI based on IS interview	Y	Y	Y	Y	Y	N	Y	N	Y	N
Evidence of SDI based on Related Service Provider Interview	n/a	n/a	n/a	N	n/a	n/a	Y	Y	n/a	n/a
Evidence of SDI based on parent Interview	n/a	n/a	n/a	Y	n/a	n/a	n/a	n/a	n/a	N
<b>Total</b>	<b>9</b>	<b>9</b>	<b>5</b>	<b>8</b>	<b>9</b>	<b>2</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>1</b>

	<b>B11</b>	<b>B12</b>	<b>B13</b>	<b>B14</b>	<b>B15</b>	<b>B16</b>	<b>B17</b>	<b>B18</b>	<b>B19</b>	<b>B20</b>
Documentation of SDI	N	N	N	N	N	N	N	N	Y	N
Documentation of Student contact	N	N	N	N	N	Y	N	N	Y	Y
Documentation of Individual Parent Contact	N	N	N	N	N	N	Y	N	Y	N
Progress Report Submitted	N	N	N	N	N	N	Y	N	Y	N
Specific Comments on Progress Report	N	N	N	N	N	N	N	N	Y	N
Data submitted on Progress Report	N	N	N	N	N	N	N	N	Y	N
Evidence of SDI based on IS interview	N	N	N	N	Y	Y	Y	N	Y	Y
Evidence of SDI based on Related Service Provider Interview	Y	n/a	n/a	n/a	n/a	n/a	Y	n/a	n/a	n/a
Evidence of SDI based on parent Interview	N	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Y	n/a
<b>Total</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>9</b>	<b>4</b>

### **Overview of Parent and IS Interviews for Bowsher High School**

- a. The Parents provided the following information during telephone interviews with OEC staff on August 26, 2020 and August 27, 2020:
  - i. The Parents of Students B4 and B19 reported that IS 2 maintained consistent contact, “tried to individualize” the Learning Packets, worked individually with the Students and called the Parents weekly. IS 2 also utilized Google Classroom and Seesaw<sup>7</sup>.
  - ii. The Parents of Students B11 and B12 reported IS 5 did not contact the Parents or individualize Learning Packets for the Students.
- b. IS 2 stated the following during an October 5, 2020 interview with OEC staff:
  - i. There was almost “daily” contact with Parents and Students beginning March 13, 2020. IS 2 utilized Zoom<sup>8</sup> to have individual meetings with Students.
  - ii. With the assistance of two paraprofessional staff, they amended the District provided Learning Packets and modified each packet to match Students’ “skill levels.”
  - iii. Data was obtained through Parents’ input.
  - iv. The Director specified IS 2 “did an amazing job” working with Students during this time period.
- c. IS 3 stated the following during an October 5, 2020 interview with OEC staff:
  - i. IS 3 had difficulty accessing online tools because of his skillset working with various online platforms. District staff was helpful in attempting to get IS 3 “set up” with internet connectivity, but he had difficulty. IS 3 has gone through significant training and does not have these problems for the current school year.
  - ii. IS 3 was able to modify Learning Packets and “tried” to “copy and paste” other items for Students on the internet to supplement learning. IS 3 dropped Learning Packets off to those Students who were unable to get to school to pick them up.
  - iii. Most of the contact made with Students and Parents was over the phone. Due to the technological difficulties, IS 3 kept handwritten notes of contacts and what Students were working on.
  - iv. Data was kept “anecdotally.”
  - v. There were Students IS 3 could not get in touch with and noticed that after 5 weeks, it was difficult to get in touch with Parents and Students and “felt like [IS 3] was bothering them,” but he “chased after some who were not responding.”
- d. IS 4 stated the following during an October 5, 2020 interview with OEC staff:
  - i. Contact was made with Parents through email and telephone.
  - ii. IS 4 modified her own packets, but not the Learning Packets provided by the District. “S
  - iii.

<sup>7</sup> Seesaw is a web-based platform that allows students to complete schoolwork and work with peers and adults virtually.

<sup>8</sup> Zoom provides voice and video communication through a web-based platform.  
25 South Front Street  
Columbus, Ohio 43215

- iv. IS 4 did not complete IEP progress reports. “Per the pandemic, no accurate report could be given.”
- v. If Students did not return calls, IS 4 “didn’t know what else [she] was supposed to do... [IS 4] mostly did emails [and] calls not as often as [she] probably could have.”
- e. PT 1 stated the following during an October 5, 2020 interview with OEC staff:
  - i. PT 1 contacted Parents through “mostly” email, but also telephone and text messages. PT 1 did meet one Student at the school to provide them with needed equipment.
  - ii. PT 1 provided activities through word documents with different activities and gave Parents information via email or text message about how to implement different activities.
  - iii. PT 1 collected data based on Parent feedback. One of the ways PT 1 needed to collect data was through observation, so the only way this could be done was through the Parents.
  - iv. On October 7, 2020, PT 1 sent an email that provided examples of various activities used with Students during the school building closure period.

**9. The following information is specific to the three Students at Deveaux Elementary School:**

	<b>D1</b>	<b>D2</b>	<b>D3</b>
Documentation of SDI	N	N	N
Documentation of Student Contact	Y	Y	Y
Documentation of Parent Contact	Y	Y	Y
Progress Report Submitted	Y	Y	Y
Specific Comments on Progress Report	Y	Y	Y
Data submitted on Progress Report	N	N	N
Evidence of SDI Based on IS Interview	Y	Y	Y
Evidence of SDI Based on Related Service Provider Interview	n/a	n/a	n/a
Evidence of SDI Based on Parent Interview	n/a	n/a	n/a
Total	7	7	7

**Overview of Parent and IS Interviews for Deveaux Elementary School**

- a. As of the date this letter was issued, Parents had not responded to the OEC’s attempts to contact them.
- b. IS 6 provided the following information during a telephone interview with OEC staff on October 6, 2020:
  - i. The District reached out to IS 6 “immediately” to inform her of her responsibilities during the school building closure. The District provided staff members with online training on teaching remotely and how to document the provision of services.
  - ii. IS 6 was told to contact Parents at least once per week to work on IEP goals and objectives. IS 6 mailed printed copies of modified work to Students who did not have computers at the start of the school building closure and to Students that did not respond to IS 6’s attempts to contact them. Additional Learning Packets were mailed throughout the closure. Each packet was modified to the Student’s ability level. IS 6 provided resources with differentiated reading levels and other

resources she knew the Students would be interested in. Students were asked to use iReady<sup>9</sup> for 3 hours per week.

- iii. IS 6 used the completed Learning Packets and discussions with general education teachers to track the Students' progress. IS 6 used the District's statement of justification on IEP progress reports for Students who did not respond to IS 6's contact attempts. IS 6 was able to contact 10 of her 12 Students.

**10. The following information is specific to the three Students at Garfield Elementary School:**

	<b>G1</b>	<b>G2</b>	<b>G3</b>
Documentation of SDI	Y	Y	Y
Documentation of Student Contact	N	N	N
Documentation of Parent Contact	Y	Y	Y
Progress Report Submitted	Y	Y	Y
Specific Comments on Progress Report	N	N	N
Data Submitted on Progress Report	N	N	N
Evidence of SDI Based on IS Interview	N	N	N
Evidence of SDI Based on Related Service Provider Interview	Y	Y	Y
Evidence of SDI Based on Parent Interview	n/a	n/a	n/a
<b>Total</b>	<b>5</b>	<b>5</b>	<b>5</b>

**Overview of Parent and IS Interviews for Garfield Elementary School**

- a. A series of emails sent between April 1, 2020 and April 3, 2020 from the District's Transformational Leader to the County Department of Developmental Disabilities (DD) and other District staff members demonstrated the Parent for Student G3 informed the DD that the IS had not provided "guidance on any type of school activities for [Student G3]." The District staff members worked to contact the Parent to assist the Parent with setting up the necessary technology."
- b. IS 7 provided the following information during a telephone interview with OEC staff on October 5, 2020:
  - i. The District provided information regarding staff responsibilities during the school building closure as soon as the District received the information. Staff were provided "lots" of emails that included directions, answers to questions and schedules. The District provided "some" training at the time of the closure on how to instruct Students remotely. More extensive training was provided at the beginning of the 2020-2021 school year.
  - ii. IS 7 spoke to each Parent "at least once" during the school building closure via email and telephone.
  - iii. IS 7 used the District's Learning Packets. IS 7 did not modify the packets but they may have been modified by the SAC Director based on information provided by the Parents. IS 7 only met with Students via telephone.
  - iv. IS 7 did not complete IEP progress reports during the closure.
- c. SLP 2 provided the following information during a telephone interview with OEC staff on October 7, 2020:

<sup>9</sup> i-Ready is an online program that provides instruction in reading and math.  
25 South Front Street  
Columbus, Ohio 43215

- i. The District instructed staff to check email three times per day and to contact families on her caseload via email, text message and telephone. SLP 2 was instructed that she was responsible for providing “at least some services” during the closure. SLP 2 contacted half of her caseload, which were the Students she was responsible for directly serving, the first week and the other half of her caseload the following week.
  - ii. SLP 2 provided a lot of support in the beginning with helping Parents access materials and resources. SLP 2 followed-up with Parents weekly to ensure Parents received and understood the materials. SLP 2 used information provided by the Parents to complete and issue IEP progress reports. 25 IEP progress reports were sent by email and 13 were sent by regular U.S. mail.
- d. OT 1 provided the following information during a telephone interview with OEC staff on October 7, 2020:
  - i. The District reached out to staff regarding their responsibilities during the school building closure “within the day” of the announcement. Staff were instructed to prepare work for Students to take home. The District provided updates and guidelines for supporting families and how to record the provision of services.
  - ii. OT 1 contacted Parents regarding the work that was sent home and assisted Parents with accessing technology for Students to work virtually.
  - iii. OT 1 had access to a laptop provided by the District and worked with her department to develop an approach to work with families. As a department, OTs developed Google Classrooms to add OT resources. However, “no families requested Student specific work.”
  - iv. Some Parents did not respond to OT 1’s contact attempts. For Parents who responded, OT 1 provided virtual “push-in services” where she discussed strategies to help with assignments, demonstrated how to hold pencils, how to deal with sensory needs while “shut” in the house, and demonstrated to Parents how to mark on OT worksheets.
  - v. OT 1 completed IEP progress reports by collecting information from Parents and teachers. OT 1 was able to interact with some Students and use that data. OT 1 mailed the IEP progress reports via regular U.S. mail.
  - vi. OT 1 was “pleased” with how the District supported Students and staff to “the best of [its] ability.” The District is “still struggling” to contact the same Students who could not be contacted during the building closure, despite building Principals’ attempts to drive to Students’ homes to connect with families.

**11. The following information is specific to the three Students at Keyser Elementary School:**

	<b>K1</b>	<b>K2</b>	<b>K3</b>
Documentation of SDI	N	N	N
Documentation of Student Contact	N	Y	Y
Documentation of Parent Contact	Y	Y	Y
Progress Report Submitted	N	N	N
Specific Comments on Progress Report	N	N	N
Data submitted on Progress Report	N	N	N
Evidence of SDI Based on IS Interview	N	N	N
Evidence of SDI Based on Related Service Provider Interview	n/a	n/a	n/a
Evidence of SDI Based on Parent Interview	n/a	n/a	N
Total	3	4	3

**Overview of Parent and IS Interviews for Keyser Elementary School**

- a. The Parent of K3 provided the following information during a telephone interview with OEC staff:
  - i. The District provided a laptop, Google Classroom, and Learning Packets. The Parent was told to pick up a 6<sup>th</sup> grade packet, even though the Student was in the 7<sup>th</sup> grade, because the Student was on an IEP. The Learning Packet was not modified per the Student's IEP and an IS did not assist with modifying the work. The IS responded to the Parent's questions, but it was "not helpful."
- b. IS 8 provided the following information during an October 6, 2020 interview with OEC staff:
  - i. IS 8 was able to modify the Learning Packets for Students. Students on IS 8's caseload were not "significantly delayed" so packets were modified by "providing a lower grade level" of packets.
  - ii. IS 8 contacted "all parents at the beginning of the week" to inform them "what was going on. If [the Parents] responded, that was the communication... and if not [IS 8] would make Parent phone calls."
  - iii. IS 8 collected data from the Learning Packets and determined what the Students' "struggles" were from the packets. IS 8 also collected data through i-Ready<sup>10</sup> if the Students had access to this program. IS 8 entered data onto a spreadsheet that was not completed through i-Ready.
  - iv. IS 8 had one Student that was difficult to contact and utilized the Principal to make contact with the Student.

<sup>10</sup> I-Ready is an interactive online learning environment designed to assess students and provide instruction based on each student's unique needs.



**12. The following information is specific to the nine Students at McTigue Elementary School:**

	M1	M2	M3	M4	M5	M6	M7	M8	M9
Documentation of SDI	Y	Y	Y	Y	Y	Y	Y	Y	N
Documentation of Student contact	N	N	N	Y	Y	N	Y	Y	Y
Documentation of Parent Contact	Y	Y	Y	Y	Y	Y	Y	Y	Y
Progress Report Submitted	Y	Y	Y	Y	Y	Y	Y	Y	N
Specific Comments on Progress Report	Y	Y	Y	Y	Y	Y	Y	Y	N
Data Submitted on Progress Report	Y	Y	Y	Y	Y	Y	Y	Y	N
Evidence of SDI Based on IS Interview	Y	n/a	Y	n/a	n/a	Y	n/a	Y	Y
Evidence of SDI Based on Related Service Provider Interview	Y	n/a	Y	n/a	n/a	n/a	Y	n/a	Y
Evidence of SDI Based on Parent Interview	N	n/a	n/a	n/a	n/a	N	n/a	n/a	N
Total	7	8	8	9	9	7	9	9	4

**Overview of Parent and IS Interviews for McTigue Elementary School**

- a. The Parents provided the following information during telephone interviews with OEC staff between August 31, 2020 and September 1, 2020:
  - i. The Parent of Student M1 reported the Student did not receive speech services and was not aware whether the Student received instruction from IS 9.
  - ii. The Parent of Student M6 stated she chose the Learning Packets instead of a laptop computer and the packets did not appear to be modified per the Student's needs. IS 10 contacted the Parent, and the Parent contacted IS 10. The Parent reported she did not "have any issues with [IS 10]."
- b. IS 9 provided the following information during an interview with OEC staff on October 5, 2020:
  - i. The District reached out the day it learned about the school building closures to inform IS 9 it did not know how long the closure would last and to "put together as much [work for Students] as he could."
  - ii. The District provided additional paper to print copies and developed a process for staff to access printers. Students were permitted to take home all books and binders.
  - iii. IS 9 used his personal computer, ClassDojo<sup>11</sup> and Google Classroom to contact Parents and Students. IS 9 did not immediately receive any training or instruction on how to instruct students remotely. IS 9 received directives from the District "within a couple of weeks."
  - iv. Parents picked up and returned Learning Packets which were modified for the Students who required it.
  - v. IS 9 would call, text message and video chat with Parents and Students in order to provide instruction. IS 9 was directed to submit a weekly contact log to the District that detailed Parent and Student communication.
- c. IS 10 provided the following information during an interview with OEC staff on October 5, 2020:

<sup>11</sup> ClassDojo is a school communication platform that teachers, students and families use to communicate and share information learned in the classroom.

- i. When IS 10 was informed of the building closure, she assembled individualized packets for each student that contained two weeks of school work. Staff were provided with information on how to assist Parents with accessing technology.
  - ii. IS 10 had a District-issued computer and was not initially provided training on how to instruct Students remotely. In late May of 2020, staff received “Google training.”
  - iii. IS 10 reached out to Parents immediately by telephone. One Parent never responded. Initially, Parents used the Learning Packets. IS 10 directed Parents which grade level packet to select for Students who were performing below grade level. IS 10 developed “individual planning” for each Student and worked with Parents to develop individual worksheets for IEP goals and objectives. IS 10 created interactive Word documents for which she received positive feedback from the Parents of Students who completed the work.
  - iv. Initially, most Parents were not comfortable with technology and were not comfortable with leaving the house to pick up a laptop. Now, Parents seem more comfortable leaving the house to pick up work.
  - v. IS 10 tracked IEP progress through work samples and Parent feedback.
- d. SLP 3 provided the following information during a telephone interview with OEC staff on October 6, 2020:
- i. SLP 3 developed packets to send home for the Students’ grade levels. The District did not provide additional resources or training on providing services remotely. District SLPs researched teletherapy options as a group.
  - ii. SLP 3 contacted Parents via telephone and “went to some homes” because Parents had not picked up materials from school. The District distributed laptops to Students “later.” Some Parents worked with the SLP on the computer and returned Learning Packets. The “lower Multiple Disability” Students did not return Learning Packets.
  - iii. SLP 3 individualized her work based on grade level and IEP goals for each Student. The Students were “on so many different levels” so SLP 3 distributed other packets to Parents who said the initial Learning Packets were “too hard for their kids.”
  - iv. SLP 3 was instructed by her supervisor to “indicate minimal progress” on IEP progress reports “due to COVID.” One Student mastered an SLP goal, so SLP 3 indicated that on the IEP progress report.
  - v. Refer to Fact 8(e) regarding the information provided by PT 1.

**13. The following information is specific to the three Students at Pickett Academy School:**

	<b>P1</b>	<b>P2</b>	<b>P3</b>
Documentation of SDI	N	N	N
Documentation of Student Contact	N	N	N
Documentation of Parent Contact	Y	N	N
Progress Report Submitted	N	N	N
Specific Comments on Progress Report	N	N	N
Data Submitted on Progress Report	Y	N	N
Evidence of SDI Based on IS Interview	n/a	n/a	n/a
Evidence of SDI Based on Related Service Provider Interview	Y	Y	n/a
Evidence of SDI Based on Parent Interview	N	n/a	n/a
Total	4	2	3

**Overview of Parent and IS Interviews for Pickett Academy**

- a. The Parent of P1 provided the following information during a telephone interview with OEC staff on August 27, 2020:
  - i. P1 received a laptop computer “with no instruction.” SLP 4 contacted the Parent “three or four times.” IS 12 and an OT<sup>12</sup> did not contact the Parent. The Parent did not receive IEP progress reports.

**14. The following information is specific to the three Students at Rosa Parks Elementary School:**

	<b>R1</b>	<b>R2</b>	<b>R3</b>
Documentation of SDI	N	Y	N
Documentation of Student Contact	N	N	N
Documentation of Parent Contact	Y	Y	Y
Progress Report Submitted	Y	Y	Y
Specific Comments on Progress Report	N	Y	N
Data Submitted on Progress Report	N	Y	N
Evidence of SDI Based on IS Interview	Y	Y	Y
Evidence of SDI Based on Related Service Provider Interview	n/a	Y	n/a
Evidence of SDI Based on Parent Interview	n/a	n/a	n/a
Total	5	8	5

**Overview of Parent and IS Interviews for Rosa Parks Elementary School**

- a. As of the date this letter was issued, no Parents had not responded to the OEC’s attempts to contact them.
- b. IS 13 stated the following during an October 5, 2020 interview with OEC staff:
  - i. At the beginning of the closure, the District informed her it would be sending out Learning Packets. After the first few weeks, she was told “to meet IEP goals as best as possible and to send things home for that.”

<sup>12</sup> No OT services were listed in Student P1’s IEP.  
25 South Front Street  
Columbus, Ohio 43215

- ii. The District surveyed teachers to see who needed internet or a computer. The special education department sent out Blackboard<sup>13</sup> videos that explained how to meet Student IEP goals and “things” to record.
  - iii. IS 13 communicated with Parents and Students via text messages, emails and telephone. Some families were not able to pick up laptops and others had trouble using them.
  - iv. IS 13 modified Student work and “lots” of Parents contacted her to provide additional work. She also provided digital books based on reading level.
  - v. IS 13 was unable to collect reading data but collected behavioral data via Parent input. The first IEP progress reports issued during the closure contained language that she was unable to report progress due to the closure. The second IEP progress reports issued during the closure contained data that she obtained from Parents.
- c. SLP 5 stated the following during an October 6, 2020 interview with OEC staff:
- i. The District informed staff of their responsibilities “right away.” Staff was instructed to contact families and to try to set up phone call meetings with them.
  - ii. The District sent “many” emails regarding training resources for staff and provided training on how to instruct Students remotely “right away.”
  - iii. SLP 5 called and emailed Parents. SLP 5 developed packets for her Students, but not all were picked up by Parents. SLP 5 was concerned about “ethical ramifications” of providing services via video. She gave Parents tips for working with the Students and collected data on Student progress via her own notes and then later Google Sheets<sup>14</sup>.
  - iv. SLP 5 was instructed to include the IEP progress report statement of justification on IEP progress reports for each Student for whom progress could not be reported at that time.
- d. OT 2 stated the following during an October 5, 2020 interview with OEC staff:
- i. The District informed staff of their responsibilities “immediately.” The District sent staff emails and PowerPoints and she believed the District provided her with what she needed to instruct Students remotely.
  - ii. OT 2 communicated with Parents via telephone and email. OT 2 did not meet with Students over the computer.
  - iii. OT 2 completed IEP progress reports using her notes from Parent contacts and included the information in a PR-01 that was sent to her supervisor.

---

<sup>13</sup> Blackboard Learn is a virtual learning environment and learning management system.

<sup>14</sup> Google Sheets is an online platform used to develop spreadsheets.

**15. The following information is specific to the 23 Students at Bright Start High School who were served by five different ISs:**

	S1	S2	S3	S4	S5	S6	S7	S8	S9	S10	S11	S12
Documentation of SDI	Y	Y	N	Y	Y	N	Y	Y	N	Y	Y	Y
Documentation of Student Contact	N	Y	N	Y	Y	N	N	Y	N	Y	N	Y
Documentation of Parent Contact	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Progress Report Submitted	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Specific Comments on Progress Report	N	Y	N	Y	Y	N	Y	Y	N	Y	Y	Y
Data Submitted on Progress Report	N	Y	Y	Y	Y	N	Y	Y	N	N	N	Y
Evidence of SDI Based on IS Interview	Y	Y	Y	N	Y	N	Y	Y	N	Y	Y	Y
Evidence of SDI Based on Related Service Provider Interview	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Evidence of SDI Based on Parent Interview	n/a	N	n/a	n/a	N	Y	n/a	n/a	n/a	n/a	n/a	N
Total	6	9	6	9	8	4	8	9	4	8	7	8

	S13	S13	S14	S15	S16	S17	S18	S19	S20	S21	S22	S23
Documentation of SDI	Y	Y	Y	Y	Y	Y	N	Y	N	Y	N	Y
Documentation of Student Contact	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
Documentation of Parent Contact	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Progress Report Submitted	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Specific Comments on Progress Report	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y
Data Submitted on Progress Report	Y	Y	Y	Y	N	N	N	Y	N	Y	N	Y
Evidence of SDI Based on IS Interview	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Evidence of SDI Based on Related Service Provider Interview	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Evidence of SDI Based on Parent Interview	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	N	N	n/a	n/a
Total	9	9	9	9	8	8	5	8	3	7	6	8

**Overview of Parent and IS Interviews for Bright Start High School**

- a. The Parents provided the following information during a telephone interview with OEC staff on August 27, 2020, August 28, 2020:
  - i. The Parents of Students S2, S5, S20 and S21 reported Learning Packets and a laptop computer were provided to the Students. The Learning Packets were not individualized to the Students' needs and although the ISs contacted the Parents, the ISs did not "assist" the Students with accommodations. Student S20 was supposed to have one-on-one "help" but "everything was in big groups."
  - ii. The Parent of Student S6 reported the District utilized Learning Packets and online classrooms depending on the teacher and "everything was fine."
- b. IS 14 provided the following information during a telephone interview with OEC staff on October 7, 2020:

- i. IS 14 was informed of her responsibilities during the closure “around March 16 [2020].” IS 14 received “various” contacts on a weekly basis that explained the District’s expectations.
  - ii. IS 14 was instructed to contact Parents on a regular basis and to “communicate adjustments that would be made based on IEPs.” IS 14 “was to make sure [she] provided SDI.”
  - iii. The District provided Learning Packets to Students that could also be accessed through the District’s website. IS 14 “adjusted” the packets and forwarded them to Students and communicated with the Students’ teachers. IS 14 used the ALEKS<sup>15</sup> program to work directly with Students.
  - iv. IS 14 collected IEP progress data from the Student’s teachers, the ALEKS program and the learning packets.
  - v. “Going online right away would not have worked because so many people didn’t have access [to the internet]. Now it has been provided, we are able to do a lot more digitally.”
- c. IS 15 provided the following information during a telephone interview with OEC staff on October 7, 2020:
- i. The District informed IS 15 of her responsibilities immediately. IS 15 was told to check in with families as least once per week. The District provided staff with information about Learning Packets, resources for families and how to access Google Meets<sup>16</sup>. The District also created Blackboard videos to answer staff questions.
  - ii. IS 15 used her own computer and a lot of her Students had computers but some did not. The District did not provide training on how to instruct Students remotely to the extent the District is now. IS 15 received training that was available at the time during the closure.
  - iii. IS 15’s Student are “all on different levels” so some Students completed packets that were modified for their individual needs. Some Students used Google Classroom to complete individualized work.
  - iv. IS 15 collected IEP progress data and issued IEP progress reports to Parents.
- d. IS 16 provided the following information during a telephone interview with OEC staff on October 7, 2020:
- i. Staff was made aware of their responsibilities “right away.”
  - ii. The District focused on getting initial work out and then “got more specific to areas like special education.” The District did not provide training on how to instruct Students remotely until the summer prior to the 2020-2021 school year.
  - iii. IS 16 was directed to communicate with families at least once per week and that Learning Packets would be available for Students. Staff was not providing direct instruction in the beginning. Later the “directive changed to provide instruction.” IS 16 created work on his own and made accommodations available to his classes.
  - iv. The District “made a strong effort to provide [laptops] and Wi-Fi to Students.”
  - v. IS 16 modified his grading and used websites “that could change reading levels” for Students.

<sup>15</sup> The Assessment and Learning in Knowledge Spaces (ALEKS) program is a Web-based, artificially intelligent assessment and learning system.

<sup>16</sup> Google Meets is an online video conferencing platform.  
25 South Front Street  
Columbus, Ohio 43215

- vi. IS 16 recorded communications with Parents but not IEP progress. IEP progress reports were sent out that stated “we did not have data.”
- vii. The District made “a strong effort to provide [laptops] to families. They used busses to provide mobile Wi-Fi... the District did a lot to try to fix [technology] barriers.”
- e. IS 17 provided the following information during a telephone interview with OEC staff on October 7, 2020:
  - i. The District reached out to inform IS 17 of staff responsibilities “within a day or two.” As soon as the District received information it was “relayed” to staff. IS 17 had a District issued laptop computer and the District provided information regarding Google Classroom. The District sent emails with resources that might assist with working with Students remotely and “tips” for modifying assignments virtually. The District provided training “numerous times” on how to instruct Students remotely. The Student Services department created and sent Blackboard videos with downloadable PowerPoints that walked staff through their responsibilities and provided step-by-step instructions and tools that staff could use.
  - ii. IS 17 was directed to contact Students at least once per week and to be available when Students needed assistance. Staff was to document any contact with Parents and Students and to document IEP goals that were worked on.
  - iii. IS 17 communicated with Students daily. Only Students without internet access used Learning Packets. Individualized work was available to Students online and IS 17 worked through packets with Students who did not have internet access.
  - iv. IS 17 collected data for IEP goal progress but did not record the number of minutes provided. IS 17 is now recording minutes as well. When the school building reopened for staff, IEP progress reports were printed and mailed to Parents.
- f. IS 18 provided the following information during a telephone interview with OEC staff on October 7, 2020:
  - i. IS 18 was informed of her responsibilities on Friday, March 13, 2020. IS 18 was told to develop Learning Packets for Students to cover the anticipated closure, which at that time was until April 6, 2020. The District did not provide IS 18 with a computer, but she had her own. IS 18 received training regarding Google Classroom the previous year.
  - ii. IS 18 modified Students’ packets based on their individual needs because most of the Students were not on grade level. Many Students did not have access to a computer or the internet, so IS 18 did not utilize Google Classroom.
  - iii. IS 18’s IEP progress reporting was limited because she did not receive “anything back in any way” from Students or Parents. IS 18 set up an ALEKS account for her Student’s and no one accessed it.

**16. The following information is specific to the 15 Students and three ISs at Woodward High School:**

	W1	W2	W3	W4	W5	W6	W7	W8	W9	W10
Documentation of SDI	N	N	N	Y	Y	Y	Y	Y	Y	N
Documentation of Student Contact	N	N	N	N	Y	Y	Y	Y	Y	N
Documentation of Parent Contact	N	Y	N	Y	Y	Y	Y	Y	Y	N
Progress Report Submitted	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Specific Comments on Progress Report	N	N	N	Y	Y	Y	Y	Y	Y	N
Data Submitted on Progress Report	N	N	N	Y	Y	Y	Y	Y	Y	N
Evidence of SDI Based on IS Interview	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Evidence of SDI Based on Related Service Provider Interview	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Evidence of SDI Based on Parent Interview	n/a	N	N	n/a	n/a	n/a	n/a	n/a	Y	n/a
Total	4	4	4	8	9	9	9	9	9	3

	W11	W12	W13	W14	W15
Documentation of SDI	N	Y	Y	N	Y
Documentation of Student contact	N	N	Y	N	N
Documentation of Parent Contact	N	Y	Y	N	Y
Progress Report Submitted	N	Y	Y	Y	Y
Specific Comments on Progress Report	N	Y	N	N	N
Data submitted on Progress Report	N	N	N	N	N
Evidence of SDI based on IS interview	N	N	N	N	N
Evidence of SDI based on Related Service Provider Interview	n/a	n/a	n/a	n/a	n/a
Evidence of SDI based on parent Interview	n/a	n/a	n/a	N	n/a
Total	2	6	6	2	5

**Overview of Parent and IS Interviews for Woodward High School**

- a. The Parents provided the following information during a telephone interview with OEC staff between August 26, 2020 and August 28, 2020:
  - i. The Parents of Students W4 and W9 reported regular contact from IS 20 and “modifications” of the learning packets through the IS.
  - ii. The Parent of Student W2 reported the District provided learning packets and a laptop computer, but the laptop did not work. IS 19 contacted the Parent one time and the Parent received no responses to her attempts to contact “the school.”
- b. IS 19 stated the following during an October 5, 2020 interview with OEC staff:
  - i. IS 19 was informed of her responsibilities on March 17, 2020. The District provided staff with guidance documents, links for staff to use in class and instructional websites. The District did not provide training on how to instruct



- Students remotely, but emailed links on how to use Zoom and remote learning resources.
- ii. IS 19 modified the Student's Learning Packets to meet their individual needs and grade level. Her Students were sent laptops, but they are nonverbal and have low fine motor skills. However, Parents were not logging onto the computers or responding to IS 19's attempts to contact them.
  - iii. None of the IS's Students returned any work so she was not able to collect data on IEP progress. IS 19 did not complete IEP progress reports but this was her "fault" because the District instructed how to complete reports when data was not available and she "didn't."
- c. IS 20 stated the following during an October 5, 2020 interview with OEC staff:
- i. IS 20 was informed of her responsibilities the day she was informed of the building closure. IS 20 was instructed to contact Parents once per week and to check email regularly.
  - ii. The District provided an "overwhelming amount of links to be able to try." IS 20 used the Remind<sup>17</sup> application because her Students had phones and she was able to send pictures of work and assist Students through the application.
  - iii. IS 20 was not provided with training on remote instruction between March and May 2020. The District Provided links and videos but not "official" training until August 2020.
  - iv. Only a couple of Students responded to her contact attempts. She tried Google Hangouts<sup>18</sup> and to hold a Zoom class, but there were too many technical issues and Parents didn't want to download Zoom.
  - v. IS 20 modified Learning Packets by reducing the number of questions, writing key words, underlining, etc. Using the Remind application, she was able to comment on questions via video.
  - vi. IS 20 collected and reported IEP progress data based on the work Students returned and interactions with the Students who responded to her. She was instructed to "put minimum progress and given [the statement of justification]" for Students who did not respond to her contact attempts.

**Finding:**

The District is in violation of 34 C.F.R. 300.17 [Free appropriate public education (FAPE)]. Section 34 C.F.R. 300.17 states a free appropriate public education or FAPE means special education and related services that:

- Are provided at public expense, under public supervision and direction, and without charge;
- Meet the standards of the stated educational agency, including the requirements of this part;
- Include an appropriate preschool, elementary school, or secondary school education in the State involved; and
- Are provided in conformity with an IEP that meets the requirements of §§ 300.320 through 300.324.

Here, the documentation submitted for the complaint and interviews conducted by OEC staff demonstrated the following regarding the provision of special education and related services in conformity with Students' IEPs:

<sup>17</sup> Remind is a private mobile messaging application that allows teachers to communicate with students.

<sup>18</sup> Google Hangouts is an online video conferencing platform.

- Upon notice of the Governor's order to close school buildings, the District took action to ensure all staff were informed of their duties related to serving students with disabilities remotely and how to record the provision of services to Students;
- The District maintained updated resources for staff to access;
- Some Students and Parents did not respond, or stopped responding, to the District's attempts to contact them;
- The quality of IS and Related Service Provider records varied between each individual staff member;
- Based on individual IS and Related Service Provider records, the OEC determined some Students received a FAPE during the Governor's ordered school building closure; and
- The OEC also determined, based on the documentation, there were Students who did not receive a FAPE because they received little or no services from ISs and Related Service Providers during the closure.

As part of its determination, the OEC considered guidance provided by the Office for Special Education Programs (OSEP) that noted the provision of services required by a student's IEP may look different in light of the unprecedented nature of the COVID-19 school building closures. However, due to the quality of records maintained by some individual staff members, there were three categories of Students determined. First, the documentation demonstrated FAPE was substantially provided to some Students. Second, there were Students for whom the documentation did not conclusively demonstrate FAPE was provided. Finally, there were Student's for whom the records conclusively demonstrated that the Students did not receive a FAPE. Therefore, the District is in violation.

### **Corrective Action:**

1. For the Students investigated in this complaint, the District is required to refer to the Student Services Charts (rubric) developed by the OEC (refer above to Facts 7 through 16). The District must complete the following:

- a. For Students whose scores are between 1 and 3, the District will provide minute-for-minute compensatory SDI and related services to address the 44 school days that occurred between March 17, 2020 and May 22, 2020. The District will incorporate the compensatory minutes into the Students' current IEPs. Please refer to Corrective Action item #5 for information related to amending the Student's IEPs.

**EXAMPLE:** John Doe received a cumulative score of 3 and is entitled to minute-for-minute compensatory education services. John has three goals on his IEP in Math, Reading and Writing. John had 60 minutes per week of SDI for each goal.

$$60/5= 12 \text{ minutes per day}$$

$$12 \times 44= 528 \text{ minutes}$$

John's amended IEP will have an additional 528 compensatory minutes of SDI for each goal.

- b. For Students whose scores are between 4 and 6, the District will provide one-half the number of SDI and related services minutes required by the Students' IEPs as compensatory education to address the 44 school days that occurred between March

17, 2020 and May 22, 2020. The District will incorporate the compensatory education and services into the Students' current IEPs. Please refer to Corrective Action item #5 for information related to amending the Student's IEPs.

**EXAMPLE:** Mary Jane received a cumulative score of 5 and is entitled to one-half the number of SDI and related services minutes as compensatory education. Mary Jane has three goals on her IEP in Math, Reading and Writing. Mary Jane had 60 minutes per week of SDI for each goal.

$60/5= 12$  minutes per day

$12/2= 6$  minutes per day

$6 \times 44= 264$  minutes

Jane's amended IEP will have an additional 264 compensatory minutes of SDI for each goal.

- c. For Students whose scores are between 7 and 9, the District is not required to provide compensatory SDI and related services.

**PLEASE NOTE:** The above is in reference to compensatory education and *not* recovery services. However, this does not preclude the District from determining on its own that these Students require Districtwide recovery services due to the COVID-19 school building closures. All students in the District are eligible to receive recovery services as determined by the District. Information about recovery services can be found at [this link](#), or by going to [www.education.ohio.gov](http://www.education.ohio.gov) and searching "reset-and-restart."

2. The District will utilize the rubric, developed by the OEC in its investigation of this complaint (refer above to Corrective Action item #1), to determine the extent to which SDI and related services were provided to all other students with disabilities enrolled in the District from March 14, 2020 to May 22, 2020 and who were still enrolled in the District as of October 30, 2020. The District will apply the same scoring method as the OEC used for the sample Students and will use the scores to amend students' IEPs as required under Corrective Action item #1. The District will complete its determination by **January 4, 2021**.
3. The District will submit to the OEC a list of all Students who require compensatory education and related services based on the results of its Student Services Chart review.
4. The District will submit a copy of the list to the OEC by **January 4, 2021**.
5. To amend Students' IEPs, the District will take the following actions:
  - a. The District will draft a letter and a Prior Written Notice to the Parent/Guardian of each Student who received a score of 6 or lower on the Student Service Chart through both the OEC's records review and the District's records review. The letter and notice will state that the Student is entitled to compensatory education and/or related services, how the determination was made, and that the Student's IEP will be amended to include the compensatory time. The District will provide a date and time by which the



Parents/Guardians need to respond to the District to either agree to the IEP amendment, decline the compensatory education and related services, or to schedule an IEP team meeting. The District will send a copy of the letter and notice to parents via regular U.S. mail and via email by **January 4, 2021**.

- b. If the District does not receive a response from a Parent/Guardian, the District may amend a Student's IEP and note the Parent/Guardian's lack of response in a Prior Written Notice. The District is not required to contact the Parents/Guardians of Students whose IEP annual reviews are due prior to or on January 29, 2021. The IEP amendments may be made during the IEP annual review.
6. The District will amend the applicable Students' IEPs by **January 29, 2021**.
7. The District will no longer use a "statement of justification" regarding the COVID-19 closure to report Student progress on IEP progress reports. Progress reports must include data unless teachers are unable to contact Students despite multiple attempts. Teachers may note in the progress report that the Student did not respond to the teacher's contact attempts.
8. The OEC will conduct quarterly record reviews of randomly selected Student records. The record reviews will include both Students who were randomly selected for this complaint and Students included on the District's compensatory education and related services list provided to the OEC.

The District will be required to provide copies of the following:

- a. A copy of the Student's previous and amended/current IEP;
- b. A copy of IEP progress reports; and
- c. A copy of SDI and related services logs.

The District will have 5 school days, from the date of OEC's request, to gather and submit the records to the OEC.

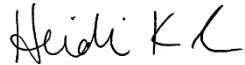
**PLEASE NOTE:** Upon completion of the corrective action for this complaint, the District will continue its regular ongoing work with the OEC's Urban Support team.

The District's final corrective action is due by **January 29, 2021**.

Please submit all corrective action by the above due dates to the Office for Exceptional Children, attention Kelly Walker. Please reference the complaint number on all correspondence.

We appreciate your cooperation in the resolution of the complaint investigation.

Sincerely,

A handwritten signature in black ink that reads "Heidi KK". The signature is written in a cursive, slightly slanted style.

Heidi Kleinman, Assistant Director  
Office for Exceptional Children

cc: Taylor Burns, Esq., Complainant  
Amy Allen, Transformational Leader of Early Childhood and Special Education  
Beth Barrow, Special Education Director  
Shawn Nelson, Esq., Attorney for Toledo Public Schools  
Kelly Walker, Education Program Specialist  
Lyndsay Havey, Education Program Specialist- Urban Support Team  
Andrea Faulkner, Assistant Director- Urban Support Team  
Monica Drvota, Associate Director- Office for Exceptional Children  
Jo Hannah Ward, Director- Office for Exceptional Children  
Lynn McKahan, Director- State Support Team 1