REQUEST FOR STATE COMPLAINT INVESTIGATION
(This form is not the form to use to file for a due process hearing)

For federal regulations at 34 CFR 300.609, this form has been developed to assist parents and other parties in filing a State complaint. The use of this form is recommended, but not required. The completed form should be sent to the address, listed below, at the Illinois State Board of Education (ISBE). A copy of the form must also be forwarded to the child’s local school district or to the public agency that is serving the child.

For more information about the complaint investigation process, or for assistance in completing this form, please contact our agency at 217-782-5589, or use our agency’s toll-free number at 866-282-5663. More information about the complaint investigation process can also be found at http://www.isbe.net/essc-ed/ism/complaint_investigation.htm.

SECTION 1

To: Complaint Coordinator
Special Education Services Division
Illinois State Board of Education
100 N. First Street
Springfield, IL 62777-0001
Date Sent: 5/15/14

*You must also send a copy of this complaint to your local school district superintendent.

To: QPS #172
Name of School District
Date Sent: 5/15/14

SECTION 2

COMPLAINANT INFORMATION (Please Print or Type)

Name: Brandy Neiswender
Phone Number: [redacted]
Address: [redacted]
Email Address (Optional): [redacted]
Relationship to Student: [ ] Parent/Guardian [ ] Advocate [ ] Attorney [ ] Other (Explain)
Consent is Attached (see note below): [ ] Yes [ ] No [ ]

Note: Complaints regarding a specific child lodged by an individual other than the parent/guardian must be accompanied by a letter of consent from the parent/guardian in order for ISBE to share information with the complainant regarding the results of the complaint investigation. Likewise, if an individual files a complaint on behalf of a student who is eighteen (18) years of age or older, it must be accompanied by a letter of consent from the student in order for ISBE to share information with the complainant regarding the results of the complaint investigation.
SECTION 3

**STUDENT INFORMATION (Please Print or Type)**

Name: violations against QPS #172  
Phone Number: 

Address: 

SIS ID (if known): 
Gender: 
Race/Ethnicity: 

Birthday: 
Grade: 
Eligibility Category: 

Is the Child Currently Enrolled in School? Yes No

Name of School District: QPS #172  
Name of School: QPS #172

SECTION 4

**COMPLAINT INFORMATION**

Your complaint must allege a violation of a special education law, rule, or regulation contained in the Individuals with Disabilities Education Act (IDEA) or its implementing regulations, Article 14 of the Illinois School Code, or Title 23 of the Illinois Administrative Code. The violation that is alleged must have occurred not more than one year prior to the date the complaint is received by ISBE, and can involve an individual student or group of students.

A. **Date of alleged violation:** May 2013-May 2014

B. **Description of the Alleged Violation(s) and Supporting Facts (Attach additional pages if necessary)**

   Quincy Public School District #172 is violating special education rules and regs in the following way:
   1. All Students with IEPs are required to follow graduation requirements to earn a diploma.
   2. Most Special Education Teachers teach special education core curriculum. Students are segregated from non-disabled peers.
   3. Too many students with disabilities are not included in General Education with supplementary aids/accommodations to the maximum extent appropriate.
   4. Most students are not provided free services through QPS. Parents are seeking outside services and paying for the services.
   5. A majority of students with disabilities are not making progress despite IEP.
   6. The LRE is too restrictive for most of the students with IEP due to lack of services. (cont)

C. **Description of the Resolution or Action you are Seeking (Attach additional pages if necessary)**

   Note: The proposed resolution will be taken into consideration. However, the final resolution of the complaint will be determined by the Illinois State Board of Education.

   Hire District RTI Coordinator. Hire a knowledgeable, educated Special Education Director to collaborate with Curriculum Administration and District RTI Coordinator. Hire RTI Building Coordinators. RTI Coordinators train buildings on RTI. Create Universal, Tier 2, and Tier 3 Team per building. Select Universal Screeners and Diagnostic Assessments K-12. Train teachers to write Intervention Plans, progress monitor, and analyze data. Train Special Education Teachers and Special Education Coordinators in 2007 IEP Directions. (cont)
7. Special Education Teachers are completing Present Level Page with Special Education Classes information instead of Regular Education participation present level.
8. Goals are written for the special education core curriculum classes.
9. Goals pages do not have baseline diagnostic data.
10. Goals are not measured and recorded in IEP annually to determine progress.
11. Progress monitoring does not correlate with deficits.
12. Supplementary aids/ accommodations are for regular education and special education classes.
13. The minutes students are receiving for special education services does not reflect "actual" specialized instruction. The minutes are counted for every special education class due to all kids with IEPs and taught by a special education teacher. The class is not specialized in anything, nor is the class providing access to regular education with supplementary aids.
14. Students are provided special education minutes for the entire class in each of the following places/placements: Cross Cat, ED, Instructional, Inclusion, despite any special education services actually being provided.
15. LEA in IEP meetings is unable to make decisions without checking with Special Education Director first after IEP meeting.
16. Parents are handed Procedural Safeguards, but none of the rights are explained.
17. Parents are not informed of their right to an IEE.
18. LEAs are not trained in the special education laws, learning disabilities, or how to write an IEP.
19. IEP Meetings revolve around an IEP that is written incorrectly without making changes to placement despite no proof of progress.
20. Participants and implementers in IEP are not effectively utilized to implement goals with specialized instruction.
21. A data expert is not participating in every meeting.
22. Response to Intervention is not documented prior to student qualifying for special education services.
23. Changes to placement pages are made without parent involvement, but parents do receive written notice of the changes.
24. No evidence of Child Find Policy.
25. No qualified person to give FBA.
26. BIPs do not have goals to measure effectiveness in IEP.
27. Students are not provided special education services if they are in ISS or OSS.
28. Parents do not have participation in the IEP meetings due to IEP written prior to meeting.
29. Last documented Special Education training that was specialized was 2010.
30. Special Education Teachers may only participate in meetings concerning their special education core curriculum classroom, but not discuss specialized instruction the student may need, diagnostic assessments that should be given, or supplementary aids that should be provided.

C. Train Special Education teachers in specialized instruction
Train Teachers in Supplementary Aids/Accommodations
Train Special Education Teachers in Diagnostic Assessments and Progress Monitoring.
Train Regular Education Teachers in Universal Assessments and Common Assessments.
Train Special Education teachers to write measurable goals, with progress monitoring based on assessments.
Train LEAs in everything everyone else is trained in for special education and RTI.

After all of the above occur, every child with an IEP goes back to domains meeting to determine diagnostic assessments for baseline data for goal pages. Provide specialized instruction for goals and provide supplementary aids for regular.

Check for fidelity and integrity along the way.

D. Milcent Dempsey          Special Education Coordinator
Debbie Niederhauser         ROE Superintendent
Scott Stone                 Board Member
Rick Owsley                 Administration QJHS
D. Please list school officials you have contacted regarding these issues:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eryn Beswick</td>
<td>Special Education Director</td>
</tr>
<tr>
<td>Stephen Cobb</td>
<td>Superintendent</td>
</tr>
<tr>
<td>Dan Sparrow</td>
<td>LEA- QJHS</td>
</tr>
<tr>
<td>Stephanie Irwin</td>
<td>Board President</td>
</tr>
</tbody>
</table>

Signature of Person Filing Complaint (Required)  
5/15/14 (Date)

CHECKLIST

(Before mailing your request, please make sure that the items below have been completed.)

- [x] You have provided a copy of your complaint to the school district (Section 1).
- [x] You have provided your name, address, and contact information where you can be reached (Section 2).
- [x] You have provided the student's name, contact information, and name of the school district and school the student attends (Section 3).
- [x] You have mailed your complaint to ensure that ISBE receives the complaint no later than ONE YEAR from the occurrence of the alleged violation (Section 4).
- [x] You have provided detailed information as to when, where, and how the alleged violation took place (Section 4).
- [x] You have provided a proposed solution to the problem (Section 4).
- [x] You have signed the complaint (Section 4).
June 2, 2014

Ms. Eryn Beswick  
Director of Special Education  
Special Education Association of Adams County  
1416 Maine Street  
Quincy, IL 62301-4261

and

Mr. Steven Cobb  
Superintendent  
Quincy School District 172  
1416 Maine Street  
Quincy, IL 62301

Re: Systemic Complaint  
Case Number 2014-0435

Dear Ms. Beswick and Mr. Cobb:

This agency is in receipt of a complaint from Ms. Brandy Neiswender regarding the special education services for students with disabilities enrolled in the Quincy School District. Federal regulations require that the State Board of Education adopt procedures for investigating and resolving complaints alleging a violation of one of the statutes or regulations regarding the provision of special education to students.

Copy of Complaint for School District

The Federal Regulations at 34 CFR, 300.153(d) require that the party filing a complaint with this agency also forward a copy of the complaint to the school district that is serving the child. The Request for State Complaint Investigation form submitted to this agency indicated that a copy of the complaint has already been forwarded to the district.

Complaint Timelines

Federal regulations require that only alleged violations occurring not more than one year prior to the date on which the complaint is received be investigated. Any issues prior to that time will not become a part of the investigative process.

Federal regulations require that complaints be investigated and findings identified within sixty (60) days, unless exceptional circumstances require an extension of time to properly investigate and resolve the complaint. Such extensions will be determined on an individual
basis by the complaint investigator. An extension must be granted if the parties involved agree to extend the complaint timeline in order to engage in mediation or other alternative means of resolution.

Summary of Complaint

The complainant alleged the following violations of special education regulations:

1. Response to Intervention (Rti) data is not documented for Specific Learning Disability (SLD) eligibility.
2. The district failed to meet Least Restrictive Environment (LRE) requirements because students with disabilities are removed from the general education setting and do not have access to their nondisabled peers to the maximum extent appropriate.
3. The district failed to follow proper procedures for determining placement. Specifically:
   a. Parents are not included in the group that makes changes regarding a student’s placement.
   b. Placement determinations are not based on the child’s Individualized Education Program (IEP).
   c. Students with disabilities are removed from the general education setting solely because of needed accommodations and modifications.
4. The district does not follow proper procedures for developing IEPs. Specifically:
   a. Present levels of academic achievement and functional performance are insufficient.
   b. Goals are not measurable or individualized.
   c. Special education minutes are not documented correctly.
5. The Local Education Agency (LEA) representative lacks decision-making authority at IEP team meetings and is otherwise not qualified for the role.
6. Parents are not offered the opportunity to actively participate in IEP team meetings.
7. The district does not follow proper procedures for reviewing and revising IEPs because the IEP team does not address students’ lack of expected progress.
8. Parents are not informed of their right to an Independent Educational Evaluation (IEE).
9. Special education and related services are not provided to students during in-school and out-of-school suspensions.
10. The district does not have a child find policy.
11. The IEPs of students with disabilities are not implemented as written. Specifically:
   a. Progress toward annual goals is not measured based upon the evaluation criteria identified in the IEP.
   b. Accommodations and modifications are not provided.
12. Behavior intervention plans do not include all required components.

The following issues were also identified in the complainant’s letter but are not violations of the special education rules and regulations and/or are local matters outside the authority of the State and must be pursued through other avenues as explained below:

- The complainant alleged that all students with disabilities are required to follow graduation requirements to earn a diploma. Concerns regarding the course of study
determined on behalf of a student should be addressed with the IEP team which convenes on behalf of the student. In the event that such issues cannot be resolved through the IEP process, the parent may utilize the state-sponsored mediation and/or due process systems.

- The complainant indicated that parents of students with disabilities are seeking outside services at private expense. The type and amount of services provided to a student with a disability must be determined by the IEP team that convenes on behalf of the student. Programming concerns must also be addressed with the IEP team.

- The complainant stated that progress monitoring does not correlate with deficits. The manner in which a Response to Intervention (RtI) model is implemented is determined at the local level. This must be addressed with the school district administration and/or the school board.

- According to the complainant, procedural safeguards are provided to parents, but none of the rights are explained. While it is best practice for the district to address any questions or concerns regarding procedural safeguards, the regulations do not require a district to provide an explanation of the content.

- The complainant indicated that IEP participants and implementers are not effectively utilized to implement goals with specialized instruction. The manner in which staff and resources are utilized is determined at the local level. This concern must be addressed with school district administration.

- According to the complainant, a data expert does not participate in every meeting. Per the Federal Regulations at 34 CFR 300.321, a data expert is not a required IEP team member.

- There is no qualified person to give a Functional Behavioral Assessment (FBA). However, the regulations do not identify specific qualifications for the individual(s) that complete the FBA.

- The last documented special education training that was specialized occurred in 2010. Professional development needs are determined locally and such concerns must be addressed with district administration.

- The complainant also alleged that special education teachers may only participate in meetings regarding their curricular area. The role of each IEP team member is designated at the local level. Therefore, this issue must be addressed with district administration.

Possible Violations

The following requirements are relevant to the investigation of this complaint:

34 Code of Federal Regulations, §300.114, which states

a) General

2) Each public agency must ensure that-
   i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
   ii) Special classes, separate schooling, or other removal of children 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.

34 Code of Federal Regulations, §300.116, which states
In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that:

a) The placement decision-
   1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
b) The child's placement-
   2) Is based on the child's IEP; and
e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

34 Code of Federal Regulations, §300.311, which states
a) For a child suspected of having a specific learning disability, the documentation of the determination of eligibility, as required in §300.306(a)(2), must contain a statement of-
   7) If the child has participated in a process that assesses the child's response to scientific, research-based intervention-
      i) The instructional strategies used and the student-centered data collected; and

34 Code of Federal Regulations, §300.320, which states
a) General. As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§ 300.320 through 300.324, and that must include-
   1) A statement of the child's present levels of academic achievement and functional performance, including-
      i) How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or
   2) i) A statement of measurable annual goals, including academic and functional goals designed to-
      A) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
      B) Meet each of the child's other educational needs that result from the child's disability;
   4) 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 child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child-
      i) To advance appropriately toward attaining the annual goals;
      ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and
iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;

34 Code of Federal Regulations, §300.321, which states
a) General. The public agency must ensure that the IEP Team for each child with a disability includes-
   4) A representative of the public agency who-
      i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
      ii) Is knowledgeable about the general education curriculum; and
      iii) Is knowledgeable about the availability of resources of the public agency.

34 Code of Federal Regulations, §300.322, which states
a) Public agency responsibility—general. Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including—
   1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
   2) Scheduling the meeting at a mutually agreed on time and place.

34 Code of Federal Regulations, §300.324, which states
b) Review and revision of IEPs
   1) General. Each public agency must ensure that, subject to paragraphs (b)(2) and (b)(3) of this section the IEP Team—
      i) Review the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and
      ii) Revises the IEP, as appropriate, to address—
         A) Any lack of expected progress toward the annual goals described in 300.320(a)(2), and in the general education curriculum, if appropriate;

34 Code of Federal Regulations, §300.504, which states
c) The procedural safeguards notice must include a full explanation of all of the procedural safeguards available under 300.148, 300.151 through 300.153, 300.300, 300.502 through 300.503, 300.520, 300.530 through 300.536 and 300.610 through 300.625 relating to—
   1) Independent educational evaluations;

34 Code of Federal Regulations, §300.530, which states
d) Services.
   1) A child with a disability who is removed from the child's current placement pursuant to paragraphs (c), or (g) of this section must-
      i) Continue to receive educational services, as provided in §300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and

23 Illinois Administrative Code, 226.100, which states
This Section implements the requirements of 34 CFR 300.111.
a) Each school district shall be responsible for actively seeking out and identifying all children from birth through age 21 within the district (and those parentally-placed
private school children for whom the district is responsible under 34 CFR 300.131) who may be eligible for special education and related services. Procedures developed to fulfill the child find responsibility shall include:

1) An annual screening of children under the age of five for the purpose of identifying those who may need early intervention or special education and related services.

2) Ongoing review of each child's performance and progress by teachers and other professional personnel, in order to refer those children who exhibit problems which interfere with their educational progress and/or their adjustment to the educational setting, suggesting that they may be eligible for special education and related services.

3) Ongoing coordination with early intervention programs to identify children from birth through two years of age who have or are suspected of having disabilities, in order to ensure provision of services in accordance with applicable timelines. Each local school district shall participate in transition planning conferences arranged by the designated lead agency under 20 USC 1437(a)(9) in order to develop a transition plan enabling the public school to implement an IFSP or IEP no later than the third birthday of each eligible child.

b) When the responsible school district staff members conclude that an individual evaluation of a particular child is warranted based on factors such as a child's educational progress, interaction with others, or other functioning in the school environment, the requirements for evaluation set forth in this Subpart B shall apply.

23 Illinois Administrative Code, 226.200, which states
Each school district shall provide special education and related services to eligible children in accordance with their IEPs.

23 Illinois Administrative Code, 226.210, which states
The composition of the IEP Team for a particular child, and the participation, attendance, and excusal of the team members and other individuals in the IEP meeting, shall conform to the requirements of 34 CFR 300.321, 300.322, 300.324, and 300.325. The additional requirements of this Section shall also apply.

d) The representative of the public agency required by 34 CFR 300.321(a)(4) must, in addition to the requirements set forth in that portion of the federal regulations, have the authority to make commitments for the provision of resources and be able to ensure that the services set out in the IEP will be implemented.

23 Illinois Administrative Code, Section 226.230, which states
The content of each child's IEP shall conform to the requirements of 34 CFR 300.320. The additional requirements of this Section shall also apply.

b) The IEP of a student who requires a behavioral intervention plan shall:
1) Summarize the findings of the functional behavioral assessment;
2) Summarize prior interventions implemented;
3) Describe any behavioral interventions to be used, including those aimed at developing or strengthening alternative or more appropriate behaviors;
4) Identify the measurable behavioral changes expected and methods of evaluation;
5) Identify a schedule for a review of the interventions' effectiveness; and
6) Identify provisions for communicating with the parents about their child's behavior and coordinating school-based and home-based interventions.
Requested Information

In order to determine whether there have been any violations of any statutes or regulations, the district/cooperative must provide me with the following documents and information as soon as possible, but no later than July 2, 2014.

1. A response to each of the issues identified in the complaint.
2. A representative sample across grade levels of the documentation of eligibility for five students with specific learning disability (SLD) during the 2013-2014 school year, including the Documentation of Intervention/Evaluation Reports (ISBE 37-44C) and Eligibility Determination (ISBE 37-44D).
3. A representative sample of no more than 20 IEPs across grade levels and disabilities, including the Parent/Guardian Notification of Conference (ISBE 34-57D) and each progress report issued on behalf of the student during the 2013-2014 school year.
4. A written explanation from each special education coordinator within the district regarding how placement is determined at IEP team meetings.
5. A list of the names and titles of the individuals that typically act in the capacity of the LEA representative in IEP team meetings and a written explanation regarding their role.
6. Information regarding the district’s procedures for identifying and addressing a student’s lack of expected progress toward IEP goals.
7. Information regarding the district’s procedures for providing services to students with disabilities during in-school and out-of-school suspensions.
8. Suspension data for the 2013-2014 school year for students with disabilities, to include the student name, grade, disability, offense, type of suspension (in-school or out-of-school), and length of removal.
9. A copy of the district’s child find policy.
10. A copy of the Explanation of Procedural Safeguards provided to the parents of students with disabilities.
11. Documentation to verify the provision of accommodations (i.e., lesson plans, service logs, written statements from service providers, work samples, etc.) for no more than ten of the IEPs provided in response to number 3.
12. Any additional documentation you would like to provide relative to the issues in this case or an explanation of any resolutions regarding this complaint.

In order to fully investigate the identified issues, telephone interviews will be conducted with special education coordinators. The specific date and time for conducting the interviews will be confirmed in further communications with the district.

In accordance with the requirements of the 105 Illinois Compiled Statutes, 5/14-8.02e, the district/cooperative will be required to provide a copy of the written complaint response and supportive documentation to the complainant simultaneously with the submission of those materials to the investigator. In the event of a complaint filed by an individual other than a parent/guardian, the district/cooperative must secure an appropriate written and signed release prior to the issue of any child-specific documentation.
In the event that the requested documentation is not received within the identified time frame, the agency will proceed with the investigation based upon the information previously submitted by the parties and issue a letter of findings within the original timeline.

**Additional Issues/Findings**

If information reviewed during the course of the investigation identifies a possible additional area of noncompliance not alleged by the complainant, the assigned complaint investigator will contact the district/cooperative to request additional information/documentation to support or refute the suspected area(s) of concern. Additionally, if needed, the assigned complaint investigator will contact the complainant for further clarification of the issue(s). If, after reviewing the additional information, ISBE determines that the district is not in compliance with an additional area that was not alleged in the original complaint, the issue will be addressed in the letter of finding and corrective action will be required. This will occur within the required sixty (60) day timeline, unless extended due to exceptional circumstances.

**Retaliation**

All parties involved in the complaint are reminded that persons who may initiate a complaint or a due process hearing or provide information or testimony at such hearings are protected from retaliation. No person may discharge, intimidate, retaliate, threaten, coerce, or otherwise take adverse action against any person because such person has filed a complaint, testified, furnished information, assisted or participated in any manner in a meeting, hearing, review, investigation, or other activity related to the administration of, exercise of authority under, or right secured by the Individuals with Disabilities Education Act (IDEA), P.L. 108-446. Issues involving harassment, discrimination and/or retaliation may be addressed through the Office for Civil Rights at 312/730-1560.

**Closing**

Should either party have additional documentation which they would like to have reviewed as part of the investigation, please submit the information to my attention by the date previously noted. I look forward to working with you to resolve these issues in an expeditious manner. If you have any questions regarding this matter, I can be reached at 217/782-5589 or khandy@isbe.net.

Sincerely,

[Signature]

Karen Handy
Principal Education Consultant
Special Education Services Division

cc: Ms. Brandy Neiwender, Complainant
July 14, 2014

Ms. Eryn Beswick
Director of Special Education
Special Education Association of Adams County
1416 Maine Street
Quincy, IL 62301-4261

and

Mr. Steven Cobb
Superintendent
Quincy School District 172
1416 Maine Street
Quincy, IL 62301

Re: Systemic Complaint
Case Number 2014-0435

Dear Ms. Beswick and Mr. Cobb:

Federal regulations require that complaints be investigated and findings identified within sixty (60) days, unless circumstances require an extension of time to properly investigate and resolve the complaint. The timeline for the resolution of this complaint is being extended in order to ensure a thorough investigation into all of the issues identified in the complaint. A letter of findings will be issued upon completion of the investigation. If you have any questions regarding this matter, please feel free to contact me at (217) 782-5589 or khandy@isbe.net.

Sincerely,

Karen Handy
Principal Education Consultant
Special Education Services Division

cc: Ms. Brandy Neiswender, Complainant
Ms. Kamilah Parker, Attorney