

**PENNSYLVANIA DEPARTMENT OF EDUCATION
BUREAU OF SPECIAL EDUCATION
COMPLAINT INVESTIGATION REPORT**

LOCAL EDUCATIONAL AGENCY: Pittsburgh Public Schools

DATE RECEIVED: December 21, 2023

DATE OF REPORT: May 6, 2024

COMPLAINANT: Attorneys

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RE: Multiple Students

SPECIFIC COMPLAINT(S):

- Issue 1: From December 21, 2022, to the present, the Pittsburgh Public Schools (PPS) failed to provide a Free Appropriate Public Education (FAPE) to all similarly situated students, who were incarcerated in the Allegheny County Jail (ACJ), when ACJ did not implement the students' Individualized Education Programs (IEPs), specifically including transition services and related services.
- Issue 2: From December 21, 2022, to the present, the PPS failed to provide a FAPE to all similarly situated students, 18-years or older, who were incarcerated in the ACJ, when ACJ did not implement the students' IEPs, with regards to the special education services.
- Issue 3: From December 21, 2022, to the present, the PPS failed to provide FAPE to all similarly situated students, placed in isolation units at ACJ when these students did not receive special education services.
- Issue 4: From December 21, 2022, to the present, the PPS failed to ensure implementation of comparable IEP services to similarly situated students with existing IEPs upon admission to the ACJ.
- Issue 5: From December 21, 2022, to the present, the PPS failed to conduct IEP team reviews of the similarly situated ACJ students' IEPs periodically, but not less than annually, to determine whether the annual goals for the students are being achieved.
- Issue 6: From December 21, 2022, to the present, the PPS failed to include the parents/guardians of similarly situated students within the ACJ as members of the IEP team to address concerns and formulate individualized program determinations.
- Issue 7: From December 21, 2022, to the present, the PPS failed to adhere to requirements for issuing progress reports on the similarly situated ACJ students' IEP goals.

Issue 8: From December 21, 2022, to the present, the PPS failed to meet similarly situated students' reevaluation, biennial, and triennial timelines within the ACJ placement.

Issue 9: From December 21, 2022, to the present, the PPS failed to remedy the loss of the FAPE of current and former similarly situated students within the ACJ regarding the COVID-19 crisis.

APPLICABLE AUTHORITY:

Issues 1-3, and 9:

34 CFR Individuals with Disabilities Education Act (IDEA) §300.101 FAPE.

(a) General. A recipient that operates a public elementary or secondary education program or activity shall provide a free appropriate public education to each qualified handicapped person who is in the recipient's jurisdiction, regardless of the nature or severity of the person's handicap.

(b) Appropriate education.

- (1) For the purpose of this subpart, the provision of an appropriate education is the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of handicapped persons as adequately as the needs of nonhandicapped persons are met and (ii) are based upon adherence to procedures that satisfy the requirements of §§ 104.34, 104.35, and 104.36.
- (2) Implementation of an Individualized Education Program developed in accordance with the Education of the Handicapped Act is one means of meeting the standard established in paragraph (b)(1)(i) of this section.
- (3) A recipient may place a handicapped person or refer such a person for aid, benefits, or services other than those that it operates or provides as its means of carrying out the requirements of this subpart. If so, the recipient remains responsible for ensuring that the requirements of this subpart are met with respect to any handicapped person so placed or referred.

...

34 CFR IDEA § 300.323 When IEPs must be in effect.

(a) General. At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in § 300.320.

...

(d) Accessibility of child's IEP to teachers and others. Each public agency must ensure that—

- (1) The child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and
- (2) Each teacher and provider described in paragraph (d)(1) of this section is informed of—
 - (i) His or her specific responsibilities related to implementing the child's IEP; and
 - (ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

34 CFR IDEA § 300.39 Special education.

(a) General.

- (1) Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including—
 - (i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
 - (ii) Instruction in physical education.
- (2) Special education includes each of the following, if the services otherwise meet the requirements of paragraph (a)(1) of this section—
 - (i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards;
 - (ii) Travel training; and

- (iii) Vocational education.
- (b) Individual special education terms defined. The terms in this definition are defined as follows:
 - (1) At no cost means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.
 - (2) Physical education means—
 - (i) The development of—
 - (A) Physical and motor fitness;
 - (B) Fundamental motor skills and patterns; and
 - (C) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and
 - (ii) Includes special physical education, adapted physical education, movement education, and motor development.
 - (3) Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction—
 - (i) To address the unique needs of the child that result from the child's disability; and
 - (ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.

34 CFR IDEA § 300.320 Definition of Individualized Education Program.

- (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
 - (ii) For preschool as appropriate, how the disability affects the child's participation in appropriate activities;
 - (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;
 - (ii) For children with disabilities who take alternate assessments aligned to alternate academic achievement standards, a description of benchmarks or short-term objectives;
 - (3) A description of—
 - (i) How the child's progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and
 - (ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;
 - (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;

- (5) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(4) of this section;
 - (6)
 - (i) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments consistent with section 612(a)(16) of the Act; and
 - (ii) If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or districtwide assessment of student achievement, a statement of why—
 - (A) The child cannot participate in the regular assessment; and
 - (B) The particular alternate assessment selected is appropriate for the child; and
 - (7) The projected date for the beginning of the services and modifications described in paragraph (a)(4) of this section, and the anticipated frequency, location, and duration of those services and modifications.
- (b) Transition services. Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include—
- (1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
 - (2) The transition services (including courses of study) needed to assist the child in reaching those goals.
- (c) Transfer of rights at age of majority. Beginning not later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child's rights under Part B of the Act, if any, that will transfer to the child on reaching the age of majority under § 300.520.
- (d) Construction. Nothing in this section shall be construed to require—
- (1) That additional information be included in a child's IEP beyond what is explicitly required in section 614 of the Act; or
 - (2) The IEP Team to include information under one component of a child's IEP that is already contained under another component of the child's IEP.

22 Pa. Code § 14.131. IEP.

- (a) In addition to the requirements incorporated by reference (see 34 CFR 300.320—300.324), the IEP of each student with a disability must include:
- (1) A description of the type or types of support as defined in this paragraph that the student will receive, the determination of which may not be based on the categories of the child's disability alone. Students may receive more than one type of support as appropriate and as outlined in the IEP and in accordance with this chapter. Special education supports and services may be delivered in the regular classroom setting and other settings as determined by the IEP team. In determining the educational placement, the IEP team must first consider the regular classroom with the provision of supplementary aids and services before considering the provision of services in other settings.
 - (i) Autistic support. Services for students with the disability of autism who require services to address needs primarily in the areas of communication, social skills or behaviors consistent with those of autism spectrum disorders. The IEP for these students must address needs as identified by the team which may include, as appropriate, the verbal and nonverbal communication needs of the child; social interaction skills and proficiencies; the child's response to sensory experiences and changes in the environment, daily routine and schedules; and, the need for positive behavior supports or behavioral interventions.
 - (ii) Blind-visually impaired support. Services for students with the disability of visual impairment including blindness, who require services to address needs primarily in the areas of accessing print and other visually-presented materials, orientation and mobility, accessing public and private accommodations, or use of assistive technologies designed for

individuals with visual impairments or blindness. For students who are blind or visually impaired, the IEP must include a description of the instruction in Braille and the use of Braille unless the IEP team determines, after the evaluation of the child's reading and writing needs, and appropriate reading and writing media, the extent to which Braille will be taught and used for the student's learning materials.

- (iii) Deaf and hard of hearing support. Services for students with the disability of deafness or hearing impairment, who require services to address needs primarily in the area of reading, communication, accessing public and private accommodations or use of assistive technologies designed for individuals with deafness or hearing impairment. For these students, the IEP must include a communication plan to address the language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and assistive technology devices and services.
 - (iv) Emotional support. Services for students with a disability who require services primarily in the areas of social or emotional skills development or functional behavior.
 - (v) Learning support. Services for students with a disability who require services primarily in the areas of reading, writing, mathematics, or speaking or listening skills related to academic performance.
 - (vi) Life skills support. Services for students with a disability who require services primarily in the areas of academic, functional or vocational skills necessary for independent living.
 - (vii) Multiple disabilities support. Services for students with more than one disability the result of which is severe impairment requiring services primarily in the areas of academic, functional or vocational skills necessary for independent living.
 - (viii) Physical support. Services for students with a physical disability who require services primarily in the areas of functional motor skill development, including adaptive physical education or use of assistive technologies designed to provide or facilitate the development of functional motor capacity or skills.
 - (ix) Speech and language support. Services for students with speech and language impairments who require services primarily in the areas of communication or use of assistive technologies designed to provide or facilitate the development of communication capacity or skills.
- (2) Supplementary aids and services in accordance with 34 CFR 300.42 (relating to supplementary aids and services).
 - (3) A description of the type or types of support as defined in § 14.105 (relating to personnel).
 - (4) The location where the student attends school and whether this is the school the student would attend if the student did not have an IEP.
 - (5) For students who are 14 years of age or older, a transition plan that includes appropriate measurable postsecondary goals related to training, education, employment and, when appropriate, independent living skills.
 - (6) The IEP of each student shall be implemented as soon as possible, but no later than 10 school days after its completion.
 - (7) Every student receiving special education and related services provided for in an IEP developed prior to July 1, 2008, shall continue to receive the special education and related services under that IEP, subject to the terms, limitations and conditions set forth in law.
- (b) In addition to the requirements incorporated by reference in 34 CFR 300.324 (relating to development, review, and revision of IEP), each school entity shall designate persons responsible to coordinate transition activities.

Based on the United States Department of Education (USDE) Guidance dated March 12, 2020, LEAs, in consultation with IEP teams, must make an individualized determination on how much compensatory services may be needed as a result of the extended school closure and provide evidence of any compensatory services determinations that were made. To expand upon USDE's guidance, the Pennsylvania Department of Education (PDE) issued its CCS guidance, which was

updated on June 15, 2021, that SDP may refer to as a resource in making compensatory services determinations.

Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak. March 2020 (PDF) (ed.gov)

Issue 4:

34 CFR IDEA § 300.323 When IEPs must be in effect.

...

- (e) IEPs for children who transfer public agencies in the same State. If a child with a disability (who had an IEP that was in effect in a previous public agency in the same State) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency either—
- (1) Adopts the child's IEP from the previous public agency; or
 - (2) Develops, adopts, and implements a new IEP that meets the applicable requirements in §§ 300.320 through 300.324.

Issue 5:

34 CFR IDEA § 300.324 Development, review, and revision of IEP.

...

- (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) Reviews 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;
 - (B) The results of any reevaluation conducted under § 300.303;
 - (C) Information about the child provided to, or by, the parents, as described under § 300.305(a)(2);
 - (D) The child's anticipated needs; or
 - (E) Other matters.

Issue 6:

34 CFR IDEA § 300.322 Parent Participation.

- (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.
- (b) Information provided to parents.
- (1) The notice required under paragraph (a)(1) of this section must -
 - (i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and
 - (ii) Inform the parents of the provisions in § 300.321(a)(6) and (c) (relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child), and § 300.321(f) (relating to the participation of the Part C service coordinator or

other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C of the Act).

- (2) For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, the notice also must -
 - (i) Indicate -
 - (A) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with § 300.320(b); and
 - (B) That the agency will invite the student; and
 - (ii) Identify any other agency that will be invited to send a representative.
- (c) Other methods to ensure parent participation. If neither parent can attend an IEP Team meeting, the public agency must use other methods to ensure parent participation, including individual or conference telephone calls, consistent with § 300.328 (related to alternative means of meeting participation).
- (d) Conducting an IEP Team meeting without a parent in attendance. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case, the public agency must keep a record of its attempts to arrange a mutually agreed on time and place, such as -
 - (1) Detailed records of telephone calls made or attempted and the results of those calls;
 - (2) Copies of correspondence sent to the parents and any responses received; and
 - (3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.
- (e) Use of interpreters or other action, as appropriate. The public agency must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.
- (f) Parent copy of child's IEP. The public agency must give the parent a copy of the child's IEP at no cost to the parent.

Issue 7:

34 CFR IDEA §300.320 Definition of IEP.

- (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—
...
 - (3) A description of—
 - (i) How the child's progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and
 - (ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided ...

Issue 8:

34 CFR IDEA §300.303 Reevaluations.

- (a) General. A public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with §§ 300.304 through 300.311 -
 - (1) If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
 - (2) If the child's parent or teacher requests a reevaluation.
- (b) Limitation. A reevaluation conducted under paragraph (a) of this section -
 - (1) May occur not more than once a year, unless the parent and the public agency agree otherwise; and

- Corresponded via email with [REDACTED] on February 1-2, 2024.
- Interviewed [REDACTED] via telephone on February 2, 2024.
- Interviewed [REDACTED] via telephone on February 5, 2024.
- Corresponded via email with [REDACTED] on February 6, 2024.
- Corresponded via email with [REDACTED] on February 7, 2024.
- Completed student file reviews on-site with multiple Special Education Advisers on February 7, 2024.
- Corresponded via email with [REDACTED]
- Emailed and interviewed [REDACTED] on February 8, 2024.
- Corresponded via email with [REDACTED] on February 12, 2024, and February 22, 2024.
- Interviewed [REDACTED] via Microsoft Teams on February 15, 2024. [REDACTED] participated in the interviews, too.
- Surveyed the following [REDACTED] during the period between February 22-27, 2024:
 - [REDACTED]
 - [REDACTED]
- Corresponded via email with [REDACTED]
- Corresponded via email [REDACTED] on February 23, 2024.
- Corresponded via email with the Complainants, [REDACTED] on March 29, 2024.
- Corresponded via email with [REDACTED] on April 4, 2024, and April 29, 2024.
- Corresponded via email with the following individuals from April 29-30, 2024:
 - [REDACTED]
 - [REDACTED]

- Interviewed [REDACTED]
- Interviewed [REDACTED] on April 30, 2024.
- Reviewed the following numbered documents:

Rec.	Document	Date	Source
1.	AIU School Board Policy (SBP) Alternative Education	Adopted: February 28, 2011	AIU
2.	AIU SBP 113.3 Screening and Evaluations for Students with Disabilities	Adopted: February 12, 2012	AIU
3.	AIU SBP 113.1 Discipline of Students with Disabilities	Adopted: February 27, 2012 Revised: January 27, 2014	AIU
4.	AIU SBP 113 Special Education	Adopted: February 27, 2012 Revised: August 25, 2014	AIU
5.	County of Allegheny Continuing Operations Plan Memo	May 21, 2020	AIU
6.	Alternative Education and Adult Basic Education Health & Safety Plan	August 2020	AIU
7.	AIU Protocols for Alternative Education Program (AEP) Staff	August 2020	AIU
8.	Emergency Instructional Time Template	August 25, 2020- June 4, 2021	AIU
9.	Allegheny County Prison (ACP) Correctional Facilities: Facilitated Self-Assessment (FSA)	September 22, 2021	AIU
10.	Corrective Action Verification/Compliance and Improvement Plan	January 5, 2022	AIU
11.	Executive Summary BSE Compliance Monitoring Review of the ACP	January 5, 2022	AIU
12.	ACJ and COVID: COVID-19 Information	October 20, 2022	ACJ Website
13.	Complaint Form	Received: December 21, 2023	Complainants
14.	17-Year-Olds and Under Student File Review Summary	February 7-8, 2024	AIU
15.	18-Year-Olds and Older Student File Review Summary	February 7-8, 2024	AIU
16.	Isolated Student File Review Summary	February 7-8, 2024	AIU
17.	AIU Personnel Survey: IDEA Survey Involving: Implementation of IEPs, Comparable Services, Evaluation-Reevaluation Timelines, Parent Participation, Progress Monitoring, and Remedying Loss of FAPE	February 22-28, 2024	BSE
18.	PPS Response to the Complaint	February 23, 2024	PPS
19.	Complainant Response to PPS Response with Exhibits A and B	March 8, 2024	Complainants
20.	AIU Response to PPS Response	March 15, 2024	AIU

21.	ELC Response to AIU Response to PPS Response	March 29, 2024	Complainants
22.	AEP School Calendar	2022-2023 school year	AIU
23.	17-Year-Olds and Under Student Report Cards and Schedules	2022-2023 school year 2023-2024 school year	AIU
24.	18-Year-Olds and Older Student Report Cards and Schedules	2022-2023 school year 2023-2024 school year	AIU
25.	Isolated Student Daily Attendance Records	2022-2023 school year 2023-2024 school year	AIU
26.	Isolated Student Report Cards and Schedules	2022-2023 school year 2023-2024 school year	AIU
27.	Samples of Pod Visit Logs	2022-2023 school year 2023-2024 school year	AIU
28.	Academic Institute Student Resource Guide	2023-2024 school year	AIU
29.	AEP School Calendar	2023-2024 school year	AIU
30.	AEP Staff Handbook	2023-2024 school year	AIU
31.	Example of Student Progress Reports	2023-2024 school year	AIU
32.	PPS Special Education Plan	2023-2026	PPS Website
33.	Academic Institute Survey Form	Undated	AIU
34.	Continuity of Education Plan	Undated	AIU
35.	Disciplinary Housing Custody Status Definitions	Undated	AIU
36.	ACJ Educational Programs Information	Undated-Currently posted	ACJ Website
37.	ACJ Inmate Information	Undated-Currently posted	ACJ Website
38.	Rise Up Program Overview	Undated	AIU
39.	Rise Up Daily Check-in/Check-Out Worksheet	Undated	AIU
40.	The Academic Institute Policies and Procedures	Undated	AIU

INTRODUCTION:

During the time period of December 21, 2022, through the present time of this investigation, approximately 74 special education students were identified to be confined to the ACJ for some period of time ranging from a few days to months. PPS served as the LEA, and AIU acted in the capacity of service provider.

FINDINGS:

Issue 1:

1. The ACJ website (<https://www.alleghenycounty.us/Government/County-Jail/Programs-and-Services>) specifies the following information regarding the Educational Programming involving Juvenile Services:

“Juvenile Services

Juveniles at the Allegheny County Jail attend the Academic Institute School on a daily basis. The school is managed by the Allegheny Intermediate Unit (AIU) and partners with Pittsburgh Public Schools to enable students the opportunity to achieve credits toward a high school diploma. Courses offered are in line with the curriculum at the Pittsburgh Public Schools. The

staff are Pennsylvania-certified teachers employed by the AIU. A licensed professional counselor and a special education teacher are also on staff...”

2. A random sampling review of files for 10 of the 17-year-old or younger, special education students was conducted on February 7, 2024. The results regarding the area of transition indicate:

- Section III, Transition Services, of the most recent IEPs of the students include the following data:
 - 7 of 10 files reviewed, or 70 percent of the files reviewed, indicate evidence that the measurable postsecondary goal(s) were based on age-appropriate transition assessment. (Most of the assessments were found in the previous school district’s IEPs or RRs that were provided when the students transitioned to ACJ.)
 - 8 of 10 files reviewed, or 80 percent of the files reviewed, indicate an appropriate measurable postsecondary goal or goals that covers education or training, employment, and as needed, independent living.
 - 8 of 10 files reviewed, or 80 percent of the files reviewed, indicate evidence that the postsecondary goal(s) that covers education or training, employment, and as needed, independent living are updated annually.
 - 8 of 10 files reviewed, or 80 percent of the files reviewed, indicate location, frequency, projected beginning date, anticipated duration, and person(s)/agency responsible for activity/service.
 - 8 of 10 files reviewed, or 80 percent of the files reviewed, indicate transition services include courses of study that will reasonably enable the student to meet his/her postsecondary goal(s).
 - 8 of 10 files reviewed, or 80 percent of the files reviewed, indicate transition services in the IEP that will reasonably enable the student to meet the student’s postsecondary goal(s).
 - 8 of 10 files reviewed, or 80 percent of the files reviewed, indicate annual goals are related to the student’s transition service.
 - 3 of the 10 student files, or 30 percent of the files reviewed, indicate that three of the students were enrolled for less than 9 days.

3. This Special Education Adviser surveyed the students’ 2023-2024 school year instructors regarding the area of transition. This AIU Personnel Survey indicates the following:

<p>Please explain what occurs with regards to the consideration of transition services for the students within ACJ.</p> <ul style="list-style-type: none">• “Goals are developed based on the student’s needs and levels. The team works with the student and parent to develop goals in the appropriate areas of transition.”• “Transition planning starts with the special ed teacher and student. We find the interests and strengths of the students to develop a plan. Teacher input is also involved in the process as well as any parent feedback. We then develop goals to help guide the student.”• “Transition services are tailored to the requirements of a shared vision with the student(s) and family.”

<ul style="list-style-type: none"> • “Students are assessed as to their abilities and then programs are implemented to overcome their weaknesses and build on their strengths.” • “Transition services begins with gathering a student’s strengths, needs, preferences and interests. Goals are developed in required areas and the IEP becomes a shared vision with the student and family.” • “We help students prepare for life after high school by assessing needs, creating personalized plans, providing social-emotional support, and community connections for successful transitions.” • “We begin transition planning by gathering information based on the student’s interests as well as their strengths and needs. The goals are developed for the IEP based on collaboration with the student, parent(s), and IEP team.” • “For my part I am asked about how the students abilities in my class”
<p>Have you been provided trainings involving transition services?</p> <ul style="list-style-type: none"> • 4 out of 8 personnel, or 50 percent of the personnel, answered, “Yes.”

4. As a part of a random sampling file review, this Adviser and another BSE Adviser reviewed an assortment of SDI that was specified in the students’ IEPs for the time period of December 21, 2022, through the present. The SDI was unique to each student’s file that was reviewed.
5. A random sampling review of files for 10 of the 17-year-old or younger, special education students was conducted on February 7, 2024. The results of the file review reveal:
 - Regarding the Special Education/Related Services/Supplementary Aids and Services/Program Modifications, the data reveals:
 - 4 of 10 files reviewed, or 40 percent of the files reviewed, indicate if related services are included in the IEP, the location, frequency, projected beginning date, and anticipated duration of services are present.
 - 6 of 10 files reviewed, or 60 percent of the files reviewed, did not indicate any related services.
 - With regards to the types of Related Services, the data indicates:
 - 4 of 4 files reviewed, or 100 percent of these files reviewed, indicate counseling services are included in the IEP.
 - 4 of 4 files reviewed, or 100 percent of these files reviewed with counseling services did not demonstrate compliance with the provision of the counseling services. The required amount of counseling services was not met for the students reviewed. Based on the counseling logs, counseling was provided, but the required number and duration of sessions were not achieved.
6. This Special Education Adviser surveyed the students’ 2023-2024 school year instructors about the implementation of the SDI. The AIU Personnel Survey indicates the following:

<p>Upon the students’ enrolling in ACJ, did the LEA (local education agency) provide guidance with regards to the delivery of special education services to ensure that the students’ IEPs were implemented?</p> <ul style="list-style-type: none"> • 8 out of 8 personnel, or 100 percent of the personnel, answered, “Yes.”
<p>Did the LEA provide special education and related services to students from December 21, 2022, through the present?</p>

<ul style="list-style-type: none"> • 8 out of 8 personnel, or 100 percent of the personnel, answered, "Yes."
<p>If you answered, "yes" to Question 4, what related services were provided?</p> <ul style="list-style-type: none"> • "Vision services, counseling services" • "Counseling services, Vision, services, Psychological services" • "Vision Services, counseling services, individual tutoring services, small group and individualized instruction." • "Assessments, vision, reading support" • "Vision/Trauma Counseling" • "Sessions with school counselors, vision service" • "Vision support services, counseling services, psychological services" • "Hearing, Vision, and ESL assistance"

7. A random sampling review of files for 10 of the 17-year-old or younger, special education students was conducted on February 7, 2024. The results of the file review reveal:

- Concerning the Progress Reporting, the data reveals:
 - 5 of 10 files reviewed, or 50 percent of the files reviewed, include documentation of progress reporting.
 - 4 of 10 files reviewed, or 40 percent of the files reviewed, indicate documentation of progress reporting; however, the progress reports did not report progress on the specific individual measurable annual goals. The progress reports provided progress related primarily to the students' grades. The progress reports were not directly correlated with the students' IEPs' measurable annual goals.
 - 5 of 10 files reviewed, or 50 percent of the files reviewed, did not indicate progress reporting due to the following: under 9 days of enrollment, newly implemented IEPs, or recently enrolled into ACJ.

8. The Academic Institute Schedule includes:

Academic Institute Schedule for Juveniles	
Period	Time
Homeroom	08:00-08:15
Period 1	08:15-09:00
Period 2	09:00-09:45
Period 3	09:45-10:30
Period 4	10:30-11:15
Period 5	11:15-11:45
Period 6	11:45-12:15
Period 7	12:15-01:00
Period 8	01:00-01:45
Period 9	01:45-02:15

9. As a part of the file review, 10 of the 17-year-old or younger, special education students were randomly chosen for the time period of December 21, 2022, through the present. The schedules of these students include the following classes:

Student A	Enrolled only 9 days. Received instruction on the Housing Pod.
Student B	Enrolled only 6 days. Didn't receive educational records until after release.
Student C	US History, Health 1, Physical Education, Algebra II, Personal Finance 12, English 3, Journalism, and Earth Science.

Student D	Current Events, US History, Health 1, Physical Education, Algebra II, Personal Finance 12, English 3, and Chemistry.
Student E	Civics, Health 1, Physical Education, Geometry, Personal Finance 12, English 2, Journalism, and Biology.
Student F	Civics, Health 1, Physical Education, Algebra I, English I, Journalism, Earth Science, and Microsoft Office.
Student G	At the time of the file review, just transitioned into ACJ.
Student H	Social Studies, Health 1, Physical Education, Math, English, Science, Sociology, and Applied Engineering.
Student I	World History, Health 1, Physical Education, Geometry, English 2, Biology, Sociology, and Applied Engineering.
Student J	Enrolled only 5 days. Didn't receive educational records until after release.

10. As a part of the file review, 10 of the 17-year-old or younger, special education students were randomly chosen for the time period of December 21, 2022, through the present. The most recent report cards of these students include the following grades:

Student A	Enrolled only 9 days. Received instruction on the Housing Pod.
Student B	Enrolled only 6 days. Didn't receive educational records until after release.
Student C	US History: A/91, Health 1: A/91, Physical Education: A/95, Algebra II: A/98, Personal Finance 12 A/90, English 3: B/87.1, Journalism: A/90, and Earth Science: B/84.
Student D	Current Events: A/90, US History: A/91, Health 1: A/98, Physical Education: A/98, Algebra II: A/100, Personal Finance 12: A/95, English 3: A/100, and Chemistry: A/98.
Student E	Civics C/77, Health 1: B/83, Physical Education: A/95, Geometry: E/55, Personal Finance 12: A/90, English 2: B/85.2, Journalism: A/95, and Biology: D/64.
Student F	Civics C/74, Health 1: B/88, Physical Education: A/91, Algebra I: C/75, English I: A/92.3, Journalism: A/90, Earth Science: C/70, and Microsoft Office: A/90.
Student G	At the time of the file review, just transitioned into ACJ.
Student H	Social Studies: B/85, Health 1: B/81, Physical Education: A/90, Math: E/55, English: A/93, Science: C/71, Sociology: A/90, and Applied Engineering: B/83.5.
Student I	World History: A/92, Health 1: A/95, Physical Education: A/95, Geometry: A/100, English 2: A/97.5, Biology: A/100, Sociology: A/90, and Applied Engineering: A/95.
Student J	Enrolled only 5 days. Didn't receive educational records until after release.

11. As a part of the file review, 10 of the 17-year-old or younger, special education students were randomly chosen for the time period of December 21, 2022, through the present. The enrollment information, most recent IEPs, NOREPs/PWNs, and the AIU3/AEP Academic Institute Record of Access Forms indicate that PPS/ACJ unilaterally changed FAPE from supplemental level to itinerant level of special education services. Additional data includes:

- Current newly developed IEPs by the AIU IEP teams, of the 17-year-old or younger, special education students include the following information regarding the designated LEA representative.
 - 3 of 10 files reviewed, or 30 percent of the files reviewed, indicate that the AIU IEP team met to develop a new IEP upon enrolling within the ACJ-AIU3-AEP Academic Institute of High School Program.

- 3 of 10 files reviewed, or 30 percent of the files reviewed, indicate the LEA representative on the signature pages was the AIU-ACJ Principal on 2 instances, and a PPS Counselor on the other instance.
- 5 of 10 files reviewed, or 50 percent of the files reviewed, indicate that the IEPs of the students were not revised to reflect any updates in the educational placement.
- Newly issued NOREPs/PWNs by the AIU indicate:
 - 8 of 10 files reviewed, or 80 percent of the files reviewed, indicate that the AIU issued new NOREPs/PWNs upon enrolling within the ACJ-AIU3-AEP Academic Institute of High School Program.
 - 8 of 10 files reviewed, or 80 percent of the files reviewed, indicate the LEA representative on the NOREPs/PWNs was either the AIU-ACJ Director of Alternative Education or the AIU-ACJ Principal.
 - 8 of 10 files reviewed, or 80 percent of the files reviewed, indicate the provision of either itinerant ES or LS services, regardless of previous special education services being provided prior to enrollment.

12. The AEP Staff Handbook for the 2023-2024 school year includes:

“Academic Institute

Report Cards are issued quarterly for those students who have been enrolled a minimum of 20 school days. Grade Reports are issued for those students who have been enrolled for at least 20 days when they are released from jail or at the end of the school year. Students enrolled fewer than 20 days receive a progress to date letter.”

13. The AIU implements a school-wide positive behavior support program within the Academic Institute, as evidenced by the Rise Up Overview:

“Students earn points throughout the school day in the categories listed below:

Respect

In-Control

Safe & Appropriate Effort

UP- completion of class work

Student points from each day are placed into a pie graph. Each morning two students are chosen from a spin done using the previous day's pie graph. The spin winner's reward is to pick a snack off of the snack cart to eat in the counselor's office.

At the end of the week student point totals are calculated. The top two point earners from the week are able to choose from the following rewards:

-Phone call home in an administrator's office

-Coffee with [Inmate Program Administrator]

-Special Lunch

Students use their weekly earned points to shop in the school store each Friday. Students spend a maximum of 200 points in the store, and unused points carry over to the following week for spending purposes.”

The students also utilize daily Rise Up Daily Check-in/Check-Out Worksheet which review the following for each period: Respect, In-Control, Safe and Appropriate, Effort, and Completed Work.

During the PPS-AIU Personnel interviews via Microsoft Teams, the team reported that the special education instructors provide instruction within the regular education classrooms and individualized instruction outside of the regular education classroom. The team also discussed that they have begun to reach out to the Office of Vocational Rehabilitation (OVR) to secure a representative to participate in the students' IEP meetings. The Inmate Program Administrator participates as the community representative in the students' IEP team meetings; and there was evidence of this in the student file review. Connections are with regards to transition services through the Hope and Mental Health Pods that the students area assigned. The team explained that the instructors are utilizing AZTEC Program for transition and a couple of courses are geared toward careers. Counselors are working on career exploration. Additionally, the Advisers observed the special education students, within the Academic Institute, moving in and out of various classrooms on February 7, 2024.

Finally, regarding the related services, it was reported that it does sometimes take time to contract specific related services or to work out schedules for the provision of these services, such as orientation & mobility services.

Issue 2:

1. The ACJ website (<https://www.alleghenycounty.us/Government/County-Jail/Programs-and-Services>) specifies the following information regarding the Educational Programming involving Adult Education Programming:

“Adult Education Program

Allegheny County Jail inmates 18 and older are eligible for the Adult Education Workforce Program, also managed by the Allegheny Intermediate Unit (AIU). Adults interested in pursuing opportunities in the Adult Education Workforce Program, have two tracks available:

AIU GED (General Education Diploma) Track: Upon entering the AIU GED Track, individuals go through an assessment and are placed in one of three classes. Each class is designed to put the incarcerated individual on a path to earn his or her GED.

AIU Workforce Track: Designated only for individuals with a high school diploma or the equivalent, the AIU Workforce Track has two options. An eight-week Computer Workforce Literacy program helps individuals learn computer skills, including resume writing to basic keyboarding to Word, Excel and PowerPoint. The second option is a Pre-Apprenticeship program designed to prepare the incarcerated individuals for acceptance into a building trade union.”

2. A random sampling review of files for 10 of the 18-year-old or older, special education students was conducted on February 7, 2024. The results regarding the area of transition indicate:
 - Section III, Transition Services, of the most recent IEPs of the students include the following data:
 - 2 of 10 files reviewed, or 20 percent of the files reviewed, indicate evidence that the measurable postsecondary goal(s) were based on age-appropriate transition assessments. (Most of the assessments were found in the previous school district's IEPs or RRs that were provided when the students transitioned to ACJ.)

- 2 of 10 files reviewed, or 20 percent of the files reviewed, indicate an appropriate measurable postsecondary goal or goals that covers education or training, employment, and as needed, independent living.
 - 2 of 10 files reviewed, or 20 percent of the files reviewed, indicate evidence that the postsecondary goal(s) that covers education or training, employment, and as needed, independent living are updated annually.
 - 2 of 10 files reviewed, or 20 percent of the files reviewed, indicate location, frequency, projected beginning date, anticipated duration, and person(s)/agency responsible for activity/service.
 - 2 of 10 files reviewed, or 20 percent of the files reviewed, indicate transition services include courses of study that will reasonably enable the student to meet his/her postsecondary goal(s).
 - 2 of 10 files reviewed, or 20 percent of the files reviewed, indicate transition services in the IEP that will reasonably enable the student to meet the student's postsecondary goal(s).
 - 2 of 10 files reviewed, or 20 percent of the files reviewed, indicate annual goals are related to the student's transition service.
 - 3 of 10 files reviewed, or 30 percent of the files reviewed, indicate that three of the students were enrolled for less than 5 days.
 - 5 of 10 files reviewed, or 50 percent of the files reviewed, indicate that 5 students did not have compliant IEPs or transition components present in their IEPs.
3. As a part of a random sampling file review, this Adviser and another BSE Adviser reviewed an assortment of SDI was specified in the students' IEPs for the time period of December 21, 2022, through the present. The SDI was unique to each student's file that was reviewed.
4. A random sampling review of files for 10 of the 18-year-old or older, special education students was conducted on February 7, 2024. The results of the file review reveal:
- Regarding the Special Education/Related Services/Supplementary Aids and Services/Program Modifications, the data reveals:
 - 10 of 10 files reviewed, or 100 percent of the files reviewed, did not indicate any related services.
5. This Special Education Adviser surveyed the students' 2023-2024 school year instructors about the implementation of the SDI. The AIU Personnel Survey indicates the following:

<p>Upon the students' enrolling in ACJ, did the LEA (local education agency) provide guidance with regards to the delivery of special education services to ensure that the students' IEPs were implemented?</p> <ul style="list-style-type: none"> ● 8 out of 8 personnel, or 100 percent of the personnel, answered, "Yes."
<p>Did the LEA provide special education and related services to students from December 21, 2022, through the present?</p> <ul style="list-style-type: none"> ● 8 out of 8 personnel, or 100 percent of the personnel, answered, "Yes."
<p>If you answered, "yes" to Question 4, what related services were provided?</p>

- “Vision services, counseling services”
- “Counseling services, Vision, services, Psychological services”
- “Vision Services, counseling services, individual tutoring services, small group and individualized instruction.”
- “Assessments, vision, reading support”
- “Vision/Trauma Counseling”
- “Sessions with school counselors, vision service”
- “Vision support services, counseling services, psychological services”
- “Hearing, Vision, and ESL assistance”

6. A random sampling review of files for 10 of the 18-year-old or older, special education students was conducted on February 7, 2024. The results of the file review reveal:

- Concerning the Progress Reporting, the data reveals:
 - 3 of 10 files reviewed, or 30 percent of the files reviewed, include documentation of progress reporting.
 - 3 of 10 files reviewed, or 30 percent of the files reviewed, indicate documentation of progress reporting; however, the progress reports did not report progress on the specific individual measurable annual goals. The progress reports provided progress related primarily to the students’ grades. The progress reports were not directly correlated with the IEPs’ measurable annual goals.
 - 3 of 10 files reviewed, or 30 percent of the files reviewed, did not indicate progress reporting due to the following: under 5 days of enrollment, newly implemented IEPs, and one student’s records were not received until after release from the ACJ.
 - 4 of 10 files reviewed, or 40 percent of the files reviewed, did not indicate progress reporting due to the following: student in regular education, not known to be eligible at the time of enrollment, and two students moved at the age of 18-years old to adult programming/general education programming.

7. As a part of the file review, 10 of the 18-year-old or older, special education students were randomly chosen for the time period of December 21, 2022, through the present. The schedules of these students include the following classes:

Student AA	English 4, African American History, Financial Algebra, Chemistry, Physical Education, and Health 1.
Student BB	Enrolled only 5 days.
Student CC	Chemistry, African American History, CVCS, Health 1, Physical Education, Algebra II, Financial Algebra, English 4, and Physics.
Student DD	Enrolled only 1 day.
Student EE	Civics, Health 1, Physical Education, Algebra II, English 3, and Chemistry.
Student FF	Enrolled only 4 days.
Student GG	Enrolled 16 days; and Student no longer wants services.
Student HH	US History, Health 1, Physical Education, Geometry, English 3, and Earth Science.
Student II	English, Social Studies, Math, Science, Physical Education, and Health 1.
Student JJ	English 4, African American History, Financial Algebra, Physics, Chemistry, Physical Education, and Health 1.

8. As a part of the file review, 10 of the 18-year-old or older, special education students were randomly chosen for the time period of December 21, 2022, through the present. The most recent report cards of these students include the following grades:

Student AA	English 4: B/87.5, African American History: A/98, Financial Algebra: A/100, Chemistry: B/83, Physical Education: A/98, and Health 1: A/96.
Student BB	Enrolled only 5 days.
Student CC	Chemistry: D/61.5, African American History: E/55, CVCS: E/55, Health 1: A/90, Physical Education: A/92, Algebra II: E/20, Financial Algebra: E/18.8, English 4: A/90, and Physics: D/62.5. Comment: Absences are affecting grades.
Student DD	Enrolled only 1 day.
Student EE	Civics: E/55, Health 1: E/55, Physical Education: E/55, Algebra II: E/55, English 3: E/55, and Chemistry: E/55. Comment: Absences are affecting grades.
Student FF	Enrolled only 4 days.
Student GG	Enrolled 16 days; and Student no longer wants services.
Student HH	US History D/60, Health 1: A/97, Physical Education: E/55, Geometry: E/55, English 3: C/70, and Earth Science: C/76.
Student II	English: E/55, Social Studies: E/55, Math E/55, Science: E/55, Physical Education: E/55, and Health 1: E/55.
Student JJ	English 4: E/55, African American History: B/82, Financial Algebra: C/78, Physics: B/84, Chemistry: B/87, Physical Education: A/95, and Health 1: A/95.

9. As a part of the file review, 10 of the 18-year-old or older, special education students were randomly chosen for the time period of December 21, 2022, through the present. The following information pertains to the students 18-years old or older.

- 3 of 10 files reviewed, or 30 percent of the files reviewed, indicates that three students were enrolled less than 5 days in the ACJ.
- 6 of 10 files reviewed, or 60 percent of the files reviewed, indicate that the students were provided general education, as result of “aging out of the Academic Institute” when the students turned 18-years old, or in one case, the student was not known to be eligible due to lapse in time with regards to receiving special education documents.
- 1 of 10 files reviewed, or 10 percent of the files reviewed, documented that the student did not want to receive any educational services.

10. As a part of the file review, 10 of the 18-year-old or older, special education students were randomly chosen for the time period of December 21, 2022, through the present. The enrollment information, most recent IEPs, NOREPs/PWNS, and the AIU3/AEP Academic Institute Record of Access Forms indicate that AIU-PPS did not officially recognize that students had IEPs unless they transitioned from the Academic Institute to the adult side of the ACJ. Students were visited by AIU personnel and provided worksheets/packets. In the majority of the 18-year- old or older file reviews, AIU3/AEP Academic Institute Record of Access Forms do not exist. Additional information includes:

- The 18-year-old or older, special education students’ file review include the following information regarding instruction.
 - 0 of 10 files reviewed, or 0 percent of the files reviewed, indicate that the students, upon turning 18-years of age, participated in the ACJ-AIU3-AEP Academic Institute of High School Program. The AIU3/AEP Academic Institute Record of Access Forms provided information of items such as: visits that included dropping off work, collection of work, and assistance with assignments.

- 3 of 10 files reviewed, or 30 percent of the files reviewed, indicate three of the students were enrolled less than 5 days.

11. The Academic Institute Policies and Procedures includes:

“High School Diploma

If a student is enrolled at the time that he or she is a senior or while enrolled earns senior status, a written agreement with the student's home school district for a high school diploma is pursued. If the home school district cannot provide a diploma, the student will have the ability to earn a diploma from Pittsburgh Public Schools based upon an agreement the AIU has with PPS.”

12. During the PPS-AIU Personnel interviews via Microsoft Teams, the team reported that the 18-year-old students recently started accessing the Academic Institute during the physical education afternoons, when the juveniles were not in the Academic Institute. This was also explained during the interviews by the PPS-AIU Personnel that the US government has passed legislation- the Juvenile Justice and Delinquency Prevention Act of 1974 (“JJDP A”) and the Prison Rape Elimination Act of 2003 (“PREA”) which require that juvenile offenders be housed separately from adults. Additionally, the special education instructors and the AIU-ACJ Principal shared the Pod Visit Logs with the Advisers, on February 7, 2024. Finally, they explained how visits were made to the Pods to provide work to the students in the common areas of the Housing Pod.

Issues 3 and 9:

1. Inmate Information currently posted on (<https://www.alleghecounty.us/Government/County-Jail>) states:

“General housing pods at the jail have returned to full recreation.

The jail continues to test for COVID-19. Every person brought into the intake department receives a rapid antigen test upon their arrival to the facility.

If the person tests positive for COVID, the individual is placed into isolation while the arraignment process is completed. If committed to the jail, the person is then assigned to a designated housing unit for an isolation period of up to 10 days. Use of this designated unit ensures that incarcerated individuals have access to showers, commissary, and tablets during their period of isolation. Individuals do not have access to recreation during their isolation period. Following the appropriate isolation, the person is reassigned to a housing unit based on their classification status.

If a person on a housing pod tests positive, that individual is then isolated for up to 10 days.

If widespread exposure is not presumed on a housing unit, the entire unit will not be placed onto isolation status. This allows the other individuals on the unit to continue to receive recreation, make court appearances and receive visitors.”

2. As a part of a random sampling of files for 10 of the 17-year-old or younger, special education students with some period of time in isolation with ACJ, this Adviser and another BSE Adviser reviewed an assortment of SDI that was specified in the students' IEPs throughout the specified time period of December 21, 2022, through the present. The SDI was unique to each student's file that was reviewed.

3. A random sampling review of files for 10 of the 17-year-old or younger, special education students with some period of time in isolation with ACJ, was conducted on February 7, 2024. The results of the file review reveal:

- Regarding the Special Education/Related Services/Supplementary Aids and Services/Program Modifications, the data reveals:
 - 1 of 10 files reviewed, or 10 percent of the files reviewed, indicate if related services are included in the IEP, the location, frequency, projected beginning date, and anticipated duration of services are present.
 - 9 of 10 files reviewed, or 90 percent of the files reviewed, did not indicate any related services.
- With regards to the types of Related Services, the data indicates:
 - 1 of 1 file reviewed, or 100 percent of these files reviewed, indicates 1:1 paraprofessional, vision, orientation & mobility, and transportation services are included in the IEP.

4. This Special Education Adviser surveyed the students' 2023-2024 school year instructors about the implementation of the SDI. The AIU Personnel Survey indicates the following:

<p>Upon the students' enrolling in ACJ, did the LEA (local education agency) provide guidance with regards to the delivery of special education services to ensure that the students' IEPs were implemented?</p> <ul style="list-style-type: none"> • 8 out of 8 personnel, or 100 percent of the personnel, answered, "Yes."
<p>Did the LEA provide special education and related services to students from December 21, 2022, through the present?</p> <ul style="list-style-type: none"> • 8 out of 8 personnel, or 100 percent of the personnel, answered, "Yes."
<p>If you answered, "yes" to Question 4, what related services were provided?</p> <ul style="list-style-type: none"> • "Vision services, counseling services" • "Counseling services, Vision, services, Psychological services" • "Vision Services, counseling services, individual tutoring services, small group and individualized instruction." • "Assessments, vision, reading support" • "Vision/Trauma Counseling" • "Sessions with school counselors, vision service" • "Vision support services, counseling services, psychological services" • "Hearing, Vision, and ESL assistance"

5. A random sampling review of files for 10 of the 17-year-old or younger, special education students with some period of time in isolation with ACJ, was conducted on February 7, 2024. The results of the file review reveal:

- Concerning the Progress Reporting, the data reveals:
 - 8 of 10 files reviewed, or 80 percent of the files reviewed, include documentation of progress reporting.
 - 8 of 10 files reviewed, or 80 percent of the files reviewed, indicate documentation of progress reporting; however, the progress reports did not report progress on the specific individual measurable annual goals. The progress reports provided

progress related primarily to the students' grades. The progress reports were not directly correlated with the IEPs' measurable annual goals.

- 2 of 10 files reviewed, or 20 percent of the files reviewed, did not indicate progress reporting due to the following: enrolled for less than one marking period.

6. The Academic Institute Schedule includes:

Academic Institute Schedule for Juveniles	
Period	Time
Homeroom	08:00-08:15
Period 1	08:15-09:00
Period 2	09:00-09:45
Period 3	09:45-10:30
Period 4	10:30-11:15
Period 5	11:15-11:45
Period 6	11:45-12:15
Period 7	12:15-01:00
Period 8	01:00-01:45
Period 9	01:45-02:15

7. As a part of the file review, 10 of the 17-year-old or younger, special education students with some period of time in isolation with ACJ, were randomly chosen for the time period of December 21, 2022, through the present. The schedules of these students include the following classes:

Student AAA	Algebra II, Chemistry, Current Events, English 3, Health 1, Personal Finance 12, Physical Education, and US History.
Student BBB	World History, Health 1, Physical Education, Geometry, Personal Finance 12, English 2, Journalism, and Biology.
Student CCC	Current Events, US History, Health 1, Physical Education, Algebra II, English 3, Earth Science, and Physical Education (Needs 2 credits).
Student DDD	African American History, Health 1, Physical Education, Geometry, English 3, and Chemistry.
Student EEE	US History, Health 1, Physical Education, Algebra II, English 3, Journalism, Chemistry, and Microsoft Office.
Student FFF	US History, Health 1, Physical Education, Algebra II, English 3, and Chemistry.
Student GGG	Personal Finance 12, Current Events, US History, Health 1, Physical Education, Algebra II, English 3, and Chemistry.
Student HHH	African American History, Current Events, Health 1, Physical Education, Financial Algebra, English 4, Physics, and Physical Education (Needs 2 credits).
Student III	Enrolled for 9 days.
Student JJJ	Current Events, US History, Health 1, Physical Education, Financial Algebra, English 4, Biology, and Physical Education (Needs 2 credits).

8. As a part of the file review, 10 of the 17-year-old or younger, special education students with some period of time in isolation with ACJ, were randomly chosen for the time period of December 21, 2022, through the present. The most recent report cards of these students include the following grades:

Student AAA	Algebra II: D/64, Chemistry: E/52, Current Events: A/90, English 3: A/92, Health 1: B/85, Personal Finance 12: A/95, Physical Education: A/92, and US History: C/73.
Student BBB	World History: B/81, Health 1: B/80, Physical Education: A/92, Geometry: C/70, Personal Finance 12: A/90, English 2: A/90.7, Journalism: A/90, and Biology: B/84.
Student CCC	Current Events: A/90, US History: C/71, Health 1: A/91, Physical Education: A/92, Algebra II: D/60, English 3: D/60, Earth Science: E/55, and Physical Education: A/90 (Needs 2 credits).
Student DDD	African American History: E/55, Health 1: E/55, Physical Education: E/55, Geometry: E/55, English 3: E/55, and Chemistry: E/55. Comment: Absences are affecting grades.
Student EEE	US History: B/82, Health 1: C/71, Physical Education: C/79, Algebra II: E/55, English 3: B/81.8, Journalism: A/90, Chemistry: D/61.5, and Microsoft Office: A/90.
Student FFF	US History: E/55, Health 1: E/55, Physical Education: E/55, Algebra II: E/55, English 3: E/55, and Chemistry: E/55. Comment: Absences are affecting grades.
Student GGG	Personal Finance 12: A/90, Current Events: A/90, US History: C/70, Health 1: B/80, Physical Education: A/90, Algebra II: B/80, English 3: C/78.9, and Chemistry: B/84.
Student HHH	African American History: A/91, Current Events: A/90, Health 1: A/95, Physical Education: A/95, Financial Algebra: A/90, English 4: A/91.8, Physics: A/94.5, and Physical Education: A/90 (Needs 2 credits).
Student III	Enrolled for 9 days.
Student JJJ	Current Events: A/90, US History: B/82, Health 1: A/91, Physical Education: B/88, Financial Algebra: A/95, English 4: A/92.7, Biology: A/91, and Physical Education: A/90 (Needs 2 credits).

9. The Disciplinary Housing Custody Status Codes include:

"Definitions	
Administrative Custody Tier #1:	Custody level given to inmates that are designated by administration as high risk. This designation includes but is not limited to severity of charges, escape risk, requests from law enforcement agencies, inmates that are current or former law enforcement personnel...
Administrative Custody Tier #2:	Custody level assigned to inmates that have behavioral issues inside the facility, are a continued threat to themselves, others or the orderly operation of the facility. Under this status an inmate will remain on a segregation unit following all Restrictive Housing Unit (RHU) protocols. Privileges will be restored on a case-by-case basis through...
Disciplinary Segregation:	Custody level given to inmates that have committed an infraction within the facility and have been placed in segregation for a specific period of time.
Protective Custody:	Custody level given to inmates (PC) that fear for their safety in general population."

10. As a part of the file review, 10 of the 17-year-old or younger, special education students with some period of time in isolation with ACJ, were randomly chosen for the time period of

December 21, 2022, through the present. The students were in isolation for the following approximate days:

Student AAA	1-PM Pod Quarantine, 3-Days of Pod Quarantined, and 5-Days of Quarantined ACJ COVID-19 Regulations = 8.5 Days of Isolation.
Student BBB	1-Day of Pod Quarantine, Days of Administrative Custody Tier #2/RHU, and 1-Day of Locked = 8 Days of Isolation.
Student CCC	3-Days of Institutional Lock Down-No Movement, 1-Day of Modified Lockdown/Class on Pod, 5 Days of Quarantined ACJ COVID-19 Regulations, and 3-Days of Pod Quarantined, 1-PM Pod Quarantine, 3 Days of Administrative Custody Tier #2/RHU = 15.5 Days of Isolation.
Student DDD	35-Days of Locked Discipline, 5-Days of Locked Discipline/Institutional Lockdown, and 35-Days of Administrative Custody Tier #2/RHU = 80 Days of Isolation.
Student EEE	3-Days of Quarantined ACJ COVID-19 Regulations, 33-Days of Locked Discipline, 4-Days of Locked Discipline/Institutional Lockdown, 2-Days of Institutional Lock Down-No Movement, 1-Day of Modified Lockdown/Class on Pod, and 4-Days of Administrative Custody Tier #2/RHU = 47 Days of Isolation.
Student FFF	67-Days of Administrative Custody Tier #1 = 67 Days of Isolation.
Student GGG	5-Days of Quarantined ACJ COVID-19 Regulations, 3-Days of Pod Quarantined/ Administrative Custody Tier #2/RHU, 7.0-Days of Locked Discipline/Institutional Lockdown, 1-Day of Modified Lockdown/Class on Pod, and 5.5-Days of Locked Administrative Custody Tier #2/RHU = 21.5 Days of Isolation.
Student HHH	8-Days of Administrative Custody Tier #2/RHU, 23-Days of Locked/Administrative Custody Tier #2, 3.5-Days of Locked Discipline/Institutional Lockdown, 1-Day Modified Lockdown/Class on Pod, 2-Day ACJ Institutional Lockdown-No Movement, 4-Days of Quarantined ACJ COVID-19 Regulations, and 3.5-Days of Pod Quarantined = 22 Days of Isolation.
Student III	2-Days of Quarantined ACJ COVID-19 Regulations, 7-Days of Locked Discipline/Institutional Lockdown, and 2-Day of ACJ Institutional Lockdown-No Movement = 11 Days of Isolation.
Student JJJ	5-Days of Locked Discipline/Administrative Custody Tier #2, 5-Days of Quarantined ACJ COVID-19 Regulations, 3.5-Days of Pod Quarantined, and 2-Days of Administrative Custody Tier #2/RHU = 10.5 Days of Isolation.

11. Pod Visit Logs were reviewed by the Advisers. The Pod Visit Logs provided the following: Direct Contacts, Tutoring Notes, Instructor/Counselor Notes, Student Signatures, Instructor Signatures, and Pod Correction Officer Signatures.

12. The AEP Staff Handbook for the 2023-2024 school year includes:

“STUDENT DISCIPLINE

Staff is required to report and document student disciplinary incidents using the forms provided. Please submit the report by the end of the day in which the incident occurred.

In the event of repeated or serious incidents a counselor/liaison or the principal will contact parents/guardians, school district, and agency personnel. Staff are all responsible for documenting and ensuring information is maintained in a complete student file of all disciplinary documents and related communications.

IDEA and all regulations addressing special needs students apply to student discipline procedures in our program.

SUSPENSION AND EXPULSION PROCEDURES

NOTE: This section applies to the Community Schools. When a student engages in unsafe behavior at the Academic Institute, staff will follow procedures as outlined by the principal and/or the institution.

When students engage in behavior that could possibly warrant a suspension and the principal is not on site., the following procedures should be followed:

(Please Note: Special Education rules and regulations are to be followed for all special needs students.)

The principal or designee (usually the school counselor/liaison or student support specialist) will:

1. Meet with the student to de-escalate the behavior and/or discuss the behavior of concern.
2. Assess whether the behavior may warrant suspension from school the same day or for the following day.
3. If the principal is not available on-site, the designee will call the principal regarding the student's behavior. The principal decides and is responsible for issuing any suspension.
4. The designee or principal will call the student's parent/guardian regarding the suspension (reason and duration). The parent/guardian must give permission if the student needs to be sent home the same day. (NOTE: If the parent/guardian cannot be reached, the student may not be sent home. The student's teachers will send work for the student to complete in the counselor's office for the remainder of the day.)
5. The school secretary will complete the suspension letter and forward to parents/guardians.
6. Staff who observed the student's behavior will document the incident on an incident report and submit the form to the principal by the end of the day in which the incident occurred.

When a student engages in behavior that may warrant a dismissal from the program and the principal is not on site, the following procedures should be followed:

The principal's designee (usually the school counselor or liaison) will:

1. Meet with the student to de-escalate the behavior and discuss the possibility of additional consequences.
2. Call the principal immediately. If the principal is not: available, call another program administrator.
3. Staff will contact the police if warranted and notify administration immediately.
4. Only upon the administrator's directive, suspend the student for the remainder of the day (as above).
5. Inform the student and the parent/guardian that a meeting will be scheduled within three days to address additional consequences.
6. The teacher and/or counselor who observed the incident will document the incident on the Incident Report form and submit it to the principal before the end of that school day.
7. The principal, counselor or liaison will contact the student's parent/guardian, liaison, P.O. [Parole Officer], school district, and other critical parties regarding the dismissal meeting.”

13. With regards to COVID-19 Procedures, the AEP Staff Handbook for the 2023-2024 school year indicates:

“Safety Policies and Procedures-COVID 19

Please view the Health and Safety Plan on Insight.”

14. This Special Education Adviser surveyed the students' 2023-2024 school year instructors regarding the isolation of students for a variety of reasons, such as quarantines, lockdowns, etc. This AIU Personnel Survey indicates the following:

If a student is not provided the required special education services, due to isolation or even a delay in securing related service providers, are compensatory services offered to remedy this?

- 8 out of 8 personnel, or 100 percent of the personnel, answered, “Yes.”

Issue 4:

1. The AIU has procedures for processing special education students transitioning into the ACJ. These procedures are included in the Academic Institute Survey Form. The form includes the following information that is confidential and complies with the PDE Directive 376-Juveniles Housed in County Prisons:

“Student Name, Date, Date Committed, Age, Birthdate, Department of Corrections #, Pod/Cell, Race, Parent/Guardian, Address, Phone Number, Current Grade Level, Last School Attended, School District of Residence, Provision of Information from All Schools Attended, Including Placements.

The Academic Institute Survey Form also includes the following question, “Have you ever received Special Education or 504 Services?”

Upon completion, the student and AIU Personnel must sign the form.

2. A random sampling review of files for 30 special education students (10- 17-year-old or younger, 10-18-year-old or older, and 10-students in students in isolation requiring special education servicer) was conducted on February 7, 2024. The results of the file review indicate:
- Prior to transitioning into ACJ, Students had been receiving a variety of programs and supports, as evidenced by NOREP/PWNs.
 - The review of NOREPs/PWNs that were issued to the parents/guardians to provide them with the opportunity to approve or disapprove the recommended program and placement following each initial IEP meeting held within 30-calendar days of student enrollment. The NOREPs/PWNs indicate:
 - 25 of 30 files reviewed, or 83 percent of the files reviewed, indicate that NOREPs/PWNs were present in the students' files.
 - 5 of 30 files reviewed, or 17 percent of the files reviewed, indicate that the students were only enrolled for a few days and recently issued NOREPs/PWNs were not present in the students' files.
 - 21 of 25 files reviewed, or 84 percent of the files reviewed, indicate a date the LEA sent current NOREPs/PWNs.
 - 8 of 25 files reviewed, or 32 percent of the files reviewed, indicate a date the LEA received signed NOREPs/PWNs.

- 21 of 25 files reviewed, or 84 percent of the files reviewed, indicate that a type of action taken was present on the reviewed NOREPs/PWNs.
- 21 of 25 files reviewed, or 84 percent of the files reviewed, indicate that a description of the action proposed or refused was present on the reviewed NOREPs/PWNs.
- 21 of 25 files reviewed, or 84 percent of the files reviewed, indicate that an explanation of why the LEA proposed or refused to take the action was present on the reviewed NOREPs/PWNs.
- 21 of 25 files reviewed, or 84 percent of the files reviewed, indicate that a description of each evaluation procedure, assessment, records, or report used as the basis for the proposed action was present on the reviewed NOREPs/PWNs.
- 21 of 25 files reviewed, or 84 percent of the files reviewed, indicate that a description of other factor(s) relevant to LEA's proposal or refusal was present on the reviewed NOREPs/PWNs.
- 21 of 25 files reviewed, or 84 percent of the files reviewed, indicate that an educational placement recommended (including amount and type) was present on the reviewed NOREPs/PWNs.
- 21 of 25 files reviewed, or 84 percent of the files reviewed, indicate that a signature of a school district superintendent or charter school chief executive officer was present on the reviewed NOREPs/PWNs.
- 13 of 25 files reviewed, or 52 percent of the files reviewed, indicate that a parent signature or documentation of reasonable efforts to obtain consent was present on the reviewed NOREPs/PWNs.
- 8 of 25 files reviewed, or 32 percent of the files reviewed, indicate that a parent/guardian selected a consent option on the reviewed NOREPs/PWNs.
- 15 of 25 files reviewed, or 60 percent of the files reviewed, indicate that the NOREPs/PWNs reflect the educational placements indicated on the students' IEPs.

3. Other pertinent information, resulting from the random sampling file review indicate the following information related to the issued NOREPs/PWNs:

- 3 of 25 files reviewed, or 12 percent of the files reviewed, indicate that the student received supplemental emotional support; and upon enrollment at the ACJ, the AIU issued a NOREP/PWN offering itinerant emotional support services.
- 2 of 25 files reviewed, or 8 percent of the files reviewed, indicate that the student received full-time emotional support; and upon enrollment at the ACJ, the AIU issued a NOREP/PWN offering itinerant emotional support services.
- 1 of 25 files reviewed, or 4 percent of the files reviewed, indicate that the student received supplemental learning support; and upon enrollment at the ACJ, the AIU issued a NOREP/PWN offering itinerant learning support services.

- 1 of 25 files reviewed, or 4 percent of the files reviewed, indicate that the student received itinerant emotional support; and upon enrollment at the ACJ, the AIU issued a NOREP/PWN offering itinerant learning support services.
4. The results of the random sampling file review indicate that only 11 students were proposed to receive special education services comparable to their previous educational placements.
 5. This Special Education Adviser surveyed the students' 2023-2024 school year instructors regarding NOREPs/PWNs and comparable services. This survey indicates the following:

<p>Are Notices of Recommended Educational Placements/Prior Written Notices (NOREPs/PWNs) issued to the parents' of the newly enrolled students to signify the provision of services and the educational placement of the students?</p> <ul style="list-style-type: none"> • 8 out of 8 personnel, or 100 percent of the personnel, answered, "Yes."
<p>Upon the students enrolling in ACJ, are the students' IEPs reviewed to provide comparable services?</p> <ul style="list-style-type: none"> • 7 out of 8 personnel, or 88 percent of the personnel, answered, "Yes."
<p>If you answered "yes" to Question 6, are the services provided to students within ACJ comparable to the previous students' IEPs? Please explain.</p> <ul style="list-style-type: none"> • "We provide services comparable to those from in the previous IEP until we adopt the previous IEP or develop a new IEP" • "We provide the services that are comparable in the previous IEP when we use the students' SDI's and modifications in and out of the classrooms for each individual student. We look at the goals of the individual student and work towards meeting them. We look at the related services that are applicable to our school/environment and set up plans to put services into place." • "Yes, we provide services with individualized instruction that meets the needs of all of our learners." • "We provide services comparable to those described in the previously held IEP, in consultation with the parents, until we adopt the previous IEP or develop, adopt, and implement a new IEP. Services can mean related services, specially designed instruction, level of support or anything else outlined in the IEP." • "We provide services in relation to the previous IEP, in consultation with the parents, until we develop and implement a new IEP." • "We adopt and implement services listed in the student's current IEP, or the special education teachers create a new one. This includes personalized instruction and/or behavior supports." • "Upon discussion with the parent(s), we provide services that are comparable to the services that were listed in the IEP that is current when the student is enrolled with us. We refer to these services until we adopt the previous IEP or develop, adopt, and implement a new IEP." • "They are comparable to the best way that can be facilitated in the jail. Otherwise parents/guardians are notified about adjustments"

Issue 5:

1. The results of the random sampling file review of students (10- 17-year-old or younger, 10-18-year old or older, and 10-students in students in isolation requiring special education services), which indicated the following data regarding annual IEP meeting timelines:
 - 15 out of 30 files reviewed, or 50 percent of the files reviewed, indicate that the IEP teams reviewed the students' IEPs periodically, but not less than annually, to determine whether the annual goals for the students are being achieved.

- 9 out of 30 files reviewed, or 30 percent of the files reviewed, indicate that the IEP teams did not review the students' IEPs periodically, but not less than annually, to determine whether the annual goals for the students are being achieved.
- 6 out of 30 files reviewed, or 20 percent of the files reviewed, indicate that students were enrolled for less than 10 days.

Issue 6:

1. A random sampling review of files for (10- 17-year-old or younger, 10-18-year old or older, and 10-students in students in isolation requiring special education servicers) which indicated the following data regarding the inclusion of parents/guardians being involved in the IEP meetings being held with the AIU personnel at the ACJ:
 - Six parents/guardians participated via telephone or in person.
 - Ten parents/guardians did not participate. (Reasonable documented efforts were present in some cases.)
 - Fourteen of the students did not have IEP meetings due to recently enrolling, minimal days enrolled and transitioned out of ACJ already, or annual IEP is still within the annual timelines.
2. This Special Education Adviser surveyed the students' 2023-2024 school year instructors regarding parent participation in IEP team meetings. This AIU Personnel survey indicates the following:

What occurs to ensure the parents' participation in the students' annual IEP meetings and IEP team meetings? Please explain the process.

- "Parents are contacted via phone, email, and mail to determine a time for the IEP and a venue (virtual, over the phone, etc.)"
- "When a student is detained we meet with the student to get contact information for parent/guardian. We then try to establish contact with parent as soon as possible. This is usually due in part to sending out the NOREP. If a student comes in with an outdated IEP we also mention that we will need to hold an IEP meeting to update the documents. If the IEP is in the timeframe and no changes look like they are immediately needed we will call, email and at times even mail the parents to try to get parent input and to set up a meeting day and time."
- "The parents are contacted as soon as possible by mail, phone, and or email."
- "Contact with the parents is established as readily as possible. Phone, email and regular mail is used to communicate. In addition, multiple options are available for the IEP meeting including, in person and virtual options."
- "Contact with parents by phone, email, mail. Options for in person and virtual are made available."
- "Contact with parents is established through phone, email, and mail. IEP meetings offer in-person and virtual options."
- "We contact the parents as soon as possible. We contact the parents through phone, email, and regular mail. For offer several options for attending IEP meetings including in person, phone, and virtual options. Any accommodations needed by the parent(s) to participate are provided."
- "Contact with parents happens as soon as possible"

Issue 7:

1. The results of the random sampling file review of 10- 17-year-old or younger, 10-18 year old or older, and 10-students in students review of progress reporting during the time period of December 21, 2022 through the present indicate:
 - 16 of 30 files reviewed or 53 percent of the files reviewed indicate that progress reports were available. Even though the progress reports were available, the reporting did not directly report some type of progress concerning the measurable annual goals.
 - 4 of 30 files reviewed or 14 percent of the files reviewed indicate that progress reports were not available.
 - 10 of 30 files reviewed or 33 percent of the files reviewed did not indicate progress reporting due to the following: recently being enrolled, newly implemented IEPs, or minimal days enrolled and transitioned out of ACJ already.
2. This Special Education Adviser surveyed the students' 2023-2024 school year instructors regarding progress reporting. This survey indicates the following:

How do you collect data to measure the progress towards the students' progress towards the annual measurable goals? Please explain.

- "Special education teachers get feedback and progress data from the general education teachers. The data collected depends on what is indicated in the student's IEP."
- "The data collection depends on the individual goals. Some of the data for behavioral goals are collected from our RISE UP points system, which is our PBIS system. The educational goals are based off of data from assignments/work which are graded by the teachers. Any and/or all teachers may be included in the process of collection."
- "The special education teacher collect data from our PBIS points system as well as obtaining scores and other data from teachers."
- "Special education teachers work with all teachers that have the student and that will be providing instruction related to a student's goals. They get feedback and progress data from the classroom teachers."
- "The special education teachers work with all the teachers that have the student and help provide instruction related to a student's goals. Teachers provide feedback and progress data to the special education teachers."
- "Special education teachers work with all educators to gather feedback and monitor progress according to the student's IEP."
- "The special education teachers collaborate with the regular education teachers on student goals. We get information, data, and feedback from the classroom teachers. The data collected reflects their progress on the goals stated in the IEP."
- "Special Ed teachers work with core teachers to gather information"

How do you collect data to measure the progress towards the students' progress towards the annual measurable goals? Please explain.

- "Special education teachers get feedback and progress data from the general education teachers. The data collected depends on what is indicated in the student's IEP."
- "The data collection depends on the individual goals. Some of the data for behavioral goals are collected from our RISE UP points system, which is our PBIS system. The educational goals are based off of data from assignments/work which are graded by the teachers. Any and/or all teachers may be included in the process of collection."

<ul style="list-style-type: none"> • “The special education teacher collect data from our PBIS points system as well as obtaining scores and other data from teachers.” • “Special education teachers work with all teachers that have the student and that will be providing instruction related to a student's goals. They get feedback and progress data from the classroom teachers.” • “The special education teachers work with all the teachers that have the student and help provide instruction related to a student's goals. Teachers provide feedback and progress data to the special education teachers.” • “Special education teachers work with all educators to gather feedback and monitor progress according to the student's IEP.” • “The special education teachers collaborate with the regular education teachers on student goals. We get information, data, and feedback from the classroom teachers. The data collected reflects their progress on the goals stated in the IEP.” • “Special Ed teachers work with core teachers to gather information”
<p>When are the students' progress reports issued to the parents and guardians?</p> <ul style="list-style-type: none"> • 8 out of 8 personnel, or 100 percent of the personnel, answered, “Quarterly.”
<p>How are the progress reports issued? Please explain.</p> <ul style="list-style-type: none"> • “Quarterly, sent both via mail and email” • “the most frequent progress report is quarterly. If it indicates otherwise in an IEP the special education teachers will abide by the frequency. For quarterly reports, the special education teachers will send them out with the report cards.” • “Progress reports are distributed at the end of the four marking periods throughout the year.” • “Quarterly sent to home address” • “According to the schedule in a student's IEP” • “Teachers add student grades and comments to PowerSchool. These are then given to students. Students with IEPs may require more frequent data, and is given to special education teachers when requested.” • “Progress reports are completed according to the content of the IEP. We generally complete progress monitoring quarterly, with the student's report card.” • “However it is stated in the IEP”

Issue 8:

1. The results of the random sampling file review of 10- 17-year-old or younger, 10-18-year-old or older, and 10-students in students review of the students' evaluation timelines, including biennial and triennial timelines for the time period of December 21, 2022, through the present, which indicates the following overall summary:
 - 14 of 30 files reviewed or 47 percent of the files reviewed indicate that the students' evaluations, upon admission, were already in compliance within evaluation timelines, including biennial and triennial timelines.
 - 6 of 30 files reviewed or 20 percent of the files reviewed indicate that the students, if a biennial or triennial timeline occurred, upon enrollment into ACJ, that waivers were issued. No reevaluations occurred.
 - 5 of 30 files reviewed or 17 percent of the files reviewed indicate that the students were out of compliance regarding the biennial and triennial timelines.
 - 5 of 30 files reviewed or 17 percent of the files reviewed indicate that the students were enrolled for minimal days and/or records not received within the enrollment period.

2. This Special Education Adviser surveyed the students' 2023-2024 school year instructors regarding the area of evaluations. This survey indicates the following:

Does the ACJ School Program have procedures in place for an oral or written request for an initial evaluation or reevaluation? <ul style="list-style-type: none">• 8 out of 8 personnel, or 100 percent of the personnel, answered, "Yes."
Is a School Psychologist assigned to the ACJ Program for the 2023-2024 school year? <ul style="list-style-type: none">• 8 out of 8 personnel, or 100 percent of the personnel, answered, "Yes."

3. During the PPS-AIU Personnel interviews via Microsoft Teams, the team reported that a school psychologist was recently contracted in December 2023 until the end of the 2023-2024 school year.

CONCLUSIONS:

Issue 1:

PPS, the LEA, and AIU, the service provider, are unable to demonstrate compliance with the regulations cited above.

Overall, the Academic Institute and student schedules indicate instruction was provided. The 17-year old and younger students participate in the Academic Institute from 8:00am-2:15pm daily which equates to 6.25 hours a day within an educational setting. Report cards primarily indicate progress. Responses to Personnel Survey indicate FAPE was provided/IEPs were implemented.

With regards to transition services, the students' IEPs indicate a need for evidence that the measurable postsecondary goal(s) were based on age-appropriate transition assessments. Most of the assessments were found in the previous school district's IEPs or RRs that were provided when the students transitioned to ACJ. Additionally, the AIU personnel are in the process of engaging the OVR Representative in the students' IEP team meetings.

With regards to the review of related service provider logs, students were found to not be afforded the amount of counseling services prescribed in the students' IEPs.

Issue 2:

PPS, the LEA, and AIU, the service provider, are unable to demonstrate compliance with the regulations cited above.

AIU provided AIU3/AEP Academic Institute Record of Access Forms for the 18-year-old students, which indicates that the AIU-ACJ Principal and special education instructors provided instructional work and visits. The 18-year-old students did not have Academic Institute schedules because they accessed the Adult Programming options. The random sampling of the students' assortment of SDI was unique, but the grades on the students' report cards were not favorable.

It was reported that the students are being provided instruction within the common areas of the Housing Pods.

The lack of progress reporting and progress reporting that directly correlates with the measurable annual goals indicate that IEPs were not delivered with fidelity.

Based on the student file review, 6 of 10 files reviewed, or 60 percent of the files reviewed, there was no evidence that the provision of FAPE was afforded to the 18-year-old students, one of these students was not known to be eligible due to lapse in time with regards to receiving special education

documents. Additionally, 1 of 10 files reviewed, or 10 percent of the files reviewed, documented that the student did not want to receive any educational services. The other three students were only admitted for a time period of 5 or less days.

Issue 3:

PPS, the LEA, and AIU, the service provider, are unable to demonstrate compliance with the regulations cited above.

Even though students were placed in Administrative Custody Tier #1, Administrative Custody Tier #2, Disciplinary Segregation, and Protective Custody; the AIU did provide visits to the students' Pods to drop off instructional packets, but in some instances the instructors were able to provide instruction within the common areas of the Housing Pods. Since the AIU3/AEP Academic Institute Record of Access Forms only evidenced dropping off instructional packets, this documentation provided no evidence that the provision of FAPE was afforded to the students placed in isolation.

The AIU did provide schedules; and the students' grades are mainly satisfactory, for the students that did not spend extended periods of time in isolation.

Issue 4:

PPS, the LEA, and AIU, the service provider, are unable to demonstrate compliance with the regulations cited above.

Based on the random student file review, in a number of cases, the students' previous IEPs and the NOREPs/PWNs issued by AIU did not indicate comparable services were being considered or provided by the AIU. For example, at least 5 students were unilaterally proposed to receive itinerant emotional support services within ACJ; however, these students were previously receiving either supplemental or full-time emotional support.

Additionally, non-compliance was identified in several areas of the NOREPs/PWNs which include: issues involving the date of receipt, parent/guardian consent, parent/guardian signatures, and the corresponding of the recommended educational placements in the NOREPs/PWNs that was recommended in the students' IEPs.

Issue 5:

PPS, the LEA, and AIU, the service provider, are unable to demonstrate compliance with the regulations cited above.

Based on the random student file review, with regards to the review of the students' IEPs periodically, but not less than annually, AIU has met this requirement for 15 out of 30 files reviewed or 50 percent of the files. Finally, 9 out of 30 files reviewed, or 30 percent of the files reviewed, indicate that the IEP teams did not review the students' IEPs periodically, but not less than annually, to determine whether the annual goals for the children are being achieved.

Issue 6:

PPS, the LEA, and AIU, the service provider, are unable to demonstrate compliance with the regulations cited above.

Based on the random student file review, several parents/guardians were not involved/included in IEP meetings and reasonable documented efforts were not made to obtain their involvement/inclusion.

Issue 7:

PPS, the LEA, and AIU, the service provider, are unable to demonstrate compliance with the regulations cited above.

Based on the random student file review, 16 of 30 files reviewed, or 53 percent of the files reviewed, indicate that progress reports were available, but they did not directly report some type of progress concerning the measurable annual goals. In addition, 4 of 30 files, or 14 percent of the files, reviewed indicate that progress reports were not available.

Issue 8:

PPS, the LEA, and AIU, the service provider, are unable to demonstrate compliance with the regulations cited above.

Based on the random student file review, indicate that 5 biennial timelines were out of compliance. Additionally, no reevaluations occurred, because a school psychologist was not available until December 2023. Only waivers were issued.

Issue 9:

PPS, the LEA, and AIU, the service provider, are unable to demonstrate compliance with the regulations cited above.

Even though students were quarantined, as a result of ACJ COVID-19 protocols, the student files indicate that the students' grades are mainly satisfactory, for the students that did not spend extended periods of time in isolation. Since the AIU3/AEP Academic Institute Record of Access Forms evidenced the dropping off of instructional packets, the documentation provided no evidence that the provision of FAPE was afforded to the students placed in this type of isolation.

DISCUSSION:

To ensure that PPS and AIU are implementing the strategies learned in the required trainings and corrective action, the BSE will be conducting a file review specifically regarding the evaluation/biennial/triennial timelines, annual IEP review timelines, transition, NOREPs/PWNs, and progress reporting, during the 2024-2025 school year.

Based on these ongoing oversight efforts, the BSE will determine if any further corrective action is warranted.

CLOSURE/CORRECTIVE ACTION:

Issue 1:

The Superintendent or Designee is directed to convene a meeting and review the counseling logs and determine for the students identified on the confidential student list a determination of the compensatory education owed to remedy educational loss of counseling services and, to issue a NOREP/PWN to the parents to approve or disapprove of the compensatory education agreement. Additionally, all students with related services identified in their IEPs, during the identified time period of December 21, 2022, through the present, need related service provider logs reviewed, and an IEP team decision needs made regarding, the determination of the compensatory education owed to remedy any educational loss of the identified related services and, to issue a NOREP/PWN to the parents to approve or disapprove of the compensatory education agreement.

The calculation for compensatory education services excludes student absences, holidays, and school closings. The compensatory education shall be in addition to and shall not supplant special education services that should appropriately be provided by the AIU through the student's IEP to assure a meaningful educational process. The exact nature, delivery schedule and logistics of the compensatory education are to be determined at the meeting, based on the student's needs.

Should the parents and PPS be unable to come to an agreement, PPS will submit a written request for assistance from the BSE by **October 25, 2024**, to include a list of the proposals for compensatory education from each party and signed by both parties. This request is to be sent to Alyse M. Watson, Chief, Division of Monitoring and Improvement – East, Pennsylvania Department of Education, Bureau of Special Education, 607 South Drive, 5th Floor, Harrisburg, PA 17120.

The Superintendent or Designee shall provide a training to relevant personnel on the requirements related to transition service requirements, as per 22 Pa. Code § 14.131 (a)(5) and 34 CFR § 300.320 (b)(1)(2).

The Superintendent or Designee will issue a memorandum/email to all relevant staff to direct and guide them in the compliance with the regulation cited above, ensuring that PPS verifies the development, revision, or review of procedures required, as per 34 CFR § 300.323(d), specifically including the notification provided to each regular education teacher, special education teacher, related service provider, and any other service provider of their responsibility for the implementation of each student's IEP, specifically with regards to the implementation of the accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

Issue 2:

The Superintendent or Designee will develop a procedure to provide students with disabilities who are 18-21 years of age with FAPE.

The Superintendent or Designee is directed to convene an IEP team meeting for all special education students who are over 18-years old to determine the amount of compensatory education owed to each of the students for any related services and special education services not provided during the time period of December 21, 2022 through the present within ACJ. The PPS needs to issue a NOREP/PWN to the parents to approve or disapprove of the compensatory education agreement.

The calculation for compensatory education services excludes student absences, holidays, and school closings. The compensatory education shall be in addition to and shall not supplant special education services that should appropriately be provided by the AIU through the student's IEP to assure a meaningful educational process. The exact nature, delivery schedule and logistics of the compensatory education are to be determined at the meeting, based on the student's needs.

Should the parents and PPS be unable to come to an agreement, PPS will submit a written request for assistance from the BSE by **October 25, 2024**, to include a list of the proposals for compensatory education from each party and signed by both parties. This request is to be sent to Alyse M. Watson, Chief, Division of Monitoring and Improvement – East, Pennsylvania Department of Education, Bureau of Special Education, 607 South Drive, 5th Floor, Harrisburg, PA 17120.

Issue 3:

The Superintendent or Designee will issue a memorandum/email to all relevant staff to direct and guide them in the compliance with the regulation cited above, ensuring that PPS verifies the development, revision, or review of procedures required, as per 34 CFR § 300.323(d), specifically including the notification provided to each regular education teacher, special education teacher, related service provider, and any other service provider of their responsibility for the implementation of each student's

IEP, specifically with regards to the implementation of the accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

The Superintendent or Designee is directed to convene an IEP team meeting for all special education students who were placed in isolation to determine the amount of compensatory education owed to each of the students for any related services and special education services not provided during the identified time period of December 21, 2022, through the present, within ACJ. The PPS needs to issue a NOREP/PWN to the parents to approve or disapprove of the compensatory education agreement.

The calculation for compensatory education services excludes student absences, holidays, and school closings. The compensatory education shall be in addition to and shall not supplant special education services that should appropriately be provided by the AIU through the student's IEP to assure a meaningful educational process. The exact nature, delivery schedule and logistics of the compensatory education are to be determined at the meeting, based on the student's needs.

Should the parents and PPS be unable to come to an agreement, PPS will submit a written request for assistance from the BSE by **October 25, 2024**, to include a list of the proposals for compensatory education from each party and signed by both parties. This request is to be sent to Alyse M. Watson, Chief, Division of Monitoring and Improvement – East, Pennsylvania Department of Education, Bureau of Special Education, 607 South Drive, 5th Floor, Harrisburg, PA 17120.

Issue 4:

The Superintendent or the Designee must train relevant personnel in the development and issuance of NOREPs/PWNs, specifically involving the date of receipt, parent/guardian consent, parent/guardian signatures, and the matching recommended educational placement that was recommended in the students' IEPs.

The Superintendent or the Designee must develop a procedure for adopting students' IEPs from previous agencies or developing, adopting, and implementing new IEPs that meet the applicable requirements in §§ 300.320 through 300.324.

Issue 5:

The Superintendent or the Designee shall provide training to relevant personnel on the requirements related to the review of students' IEPs periodically, but not less than annually, to determine whether annual measurable goals are being achieved, and issue a follow-up memorandum/email to all relevant staff to ensure compliance with the regulation cited above.

Issue 6:

The Superintendent or Designee shall develop, or review and revise, procedures on the IEP Team and parent participation requirements, as per 34 CFR § 300.321(a) and 34 CFR § 300.322 (a), train relevant staff, and issue a follow-up memorandum/email to all relevant staff to ensure compliance with the regulation cited above.

Issue 7:

The Superintendent or Designee shall provide training to all relevant personnel on the requirements for progress reporting, as per 34 CFR § 300.320(a)(3), regarding the collection of data along with the development and issuance of progress reports and issue a follow-up memorandum/email to all relevant staff to ensure compliance with the regulation cited above.

Issue 8:

The Superintendent or the Designee shall provide training to all relevant personnel and issue a follow-up memorandum/email to all relevant staff to ensure compliance with the regulation cited above. Specifically, the training and follow-up memo/email must address (1) evaluations being completed and reports provided to parents/guardians no later than 60 days after receiving parent consent, except that the calendar days from the day after the last day of the spring school term up to and including the day before the first day of the subsequent fall school term will not be counted, and (2) biennial/triennial timelines.

Issue 9:

PPS, the LEA, and AIU, the service provider, are unable to demonstrate compliance with the regulations cited above.

The Superintendent or Designee is directed to convene an IEP team meeting for all special education students who were placed in isolation due to COVID-19 protocols to determine the amount of compensatory education owed to each of the students for any related services and special education services not provided during the identified time period of December 21, 2022, through the present, within ACJ. The PPS needs to issue a NOREP/PWN to the parents to approve or disapprove of the compensatory education agreement.

The calculation for compensatory education services excludes student absences, holidays, and school closings. The compensatory education shall be in addition to and shall not supplant special education services that should appropriately be provided by the AIU through the student's IEP to assure a meaningful educational process. The exact nature, delivery schedule and logistics of the compensatory education are to be determined at the meeting, based on the student's needs.

Should the parents and PPS be unable to come to an agreement, PPS will submit a written request for assistance from the BSE by **October 25, 2024**, to include a list of the proposals for compensatory education from each party and signed by both parties. This request is to be sent to Alyse M. Watson, Chief, Division of Monitoring and Improvement – East, Pennsylvania Department of Education, Bureau of Special Education, 607 South Drive, 5th Floor, Harrisburg, PA 17120.

VERIFICATION OF COMPLETION OF CORRECTIVE ACTION:

As verification of completion, the Superintendent or Designee will forward the following documents to Sherri L. Campbell, 607 South Drive, 5th Floor, Harrisburg, PA 17120, shercampbe@pa.gov, on or before **October 25, 2024**:

- Copies of the memorandum/email, training agenda(s), and sign-in sheets/electronic attendance records of the participation of relevant personnel in a training to all relevant staff to ensure compliance with 34 CFR § 300.323(d), specifically accessibility of child's IEP to teachers and others.
- Copies of the memorandum/email, training agenda(s), and sign-in sheets/electronic attendance records of the participation of relevant personnel in a training on the requirements related to transition service requirements, as per 22 Pa. Code § 14.131 (a)(5) and 34 CFR § 300.320 (b)(1)(2).
- Copies of the memorandum/email, training agenda(s) provided to the relevant personnel, and sign-in sheets/electronic attendance verification pertaining to those who attended the training(s) in the understanding, development, and issuance of NOREPs/PWNs.

- Copies of the memorandum/email, training agenda(s), and sign-in sheets/electronic attendance records of the participation of relevant personnel in training on the requirements related to the review of the students' IEPs periodically, but not less than annually, to determine whether the annual goals for the children are being achieved.
- Copies of the memorandum/email, training agenda(s), and sign-in sheets/electronic attendance records of the participation provided to all relevant personnel on adherence to the requirement of the IEP Team and parent participation requirements, as per 34 CFR § 300.321 (a) and 34 CFR § 300.322 (a).
- Copies of the memorandum/email, training agenda(s), and sign-in sheets/electronic attendance records of the participation of all relevant personnel in training on the requirements for progress reporting, including the collection of data, understanding, development, completion, and issuance of progress reports.
- Copies of the memorandum/email, training agenda(s), and sign-in sheets/electronic attendance records of the participation of relevant personnel in training on adherence to the requirements for initial evaluations and reevaluations.
- Copy of the procedure for adopting students' IEPs from previous agencies or developing, adopting, and implementing new IEPs that meet the applicable requirements in 34 CFR §§ 300.320 through 300.324.
- Copy of the procedure to provide students with disabilities who are 18-21 years of age with FAPE.
- Copies of the student lists for each sub-group, plans for compensatory education, and copies of the compensatory education NOREPs/PWNs which have been issued to the parents of students confined to ACJ from December 21, 2022, through the present:
 - For all 17-year old or younger students reviewing the related service provider logs determining needs regarding, the determination of the compensatory education owed to remedy any educational loss of the identified related services, including counseling and other related services to make a determination of the compensatory education owed to remedy educational loss.
 - For all 18-year old students within ACJ, from December 21, 2022 through the present.
 - For all students placed in isolation within ACJ, from December 21, 2022, through the present.

Sherri L. Campbell

Sherri L. Campbell
 Special Education Adviser
 Division of Monitoring and Improvement – East
 717-329-2251
shercampbe@pa.gov

NOTICE: In accordance with federal regulations, this report constitutes the Pennsylvania Department of Education's final decision with regard to this complaint.

If either party disagrees with the conclusions in the CIR, the party has the right to submit a written request for reconsideration with additional information either not considered or not available at the time of the investigation. The written request for reconsideration must be submitted within 10-calendar days of the date of the CIR. The BSE will determine if the

additional information is sufficient to warrant a review of the conclusions reached as a result of the investigation. Upon determining the sufficiency of the information, the BSE will notify the parties in writing of its decision to reconsider the conclusions reached. The BSE will issue its decision on the request for reconsideration within 30-calendar days from BSE's receipt of the request.

A local educational agency must implement any corrective actions ordered in the CIR without waiting for the BSE's decision on the request for reconsideration.

ENCLOSURES: Form – Completion of Corrective Action
 Form – Compensatory Education Plan Format
 Basic Education Circular – Special Education
 Confidential Student List – Non-Compliance Items (AIU and PPS)

cc: Dr. Wayne Walters, Superintendent
 Patti Camper, Assistant Superintendent, Program for Students with Exceptionalities
 Dr. Robert Scherrer, Executive Director, Allegheny Intermediate Unit
 Dr. James Palmiero, AIU Assistant Executive Director for Special Education & Pupil Services
 Dr. Licia Lentz, AIU Director of Alternative Program
 Alyse M. Watson, Chief, Division of Monitoring and Improvement – East
 Casey B. Marsh, Special Education Adviser, Division of Monitoring and Improvement – East
 Central file