

Colorado Department of Education
Decision of the State Complaints Officer
Under the Individuals with Disabilities Education Act (IDEA)

State-Level Complaint 2019:560
Colorado Charter School Institute

DECISION

INTRODUCTION

This state-level complaint (Complaint) was filed on September 9, 2019 by a related services provider (Occupational Therapist) who previously worked for Charter School as a contract employee.

Based on the written Complaint, the SCO determined that the Complaint identified one allegation subject to the jurisdiction of the state-level complaint process under the Individuals with Disabilities Education Act (IDEA) ¹ and its implementing regulations at 34 C.F.R. §§ 300.151 through 300.153.² The SCO has jurisdiction to resolve the Complaint pursuant to these regulations.

RELEVANT TIME PERIOD

Pursuant to 34 C.F.R. § 300.153(c), CDE has the authority to investigate allegations of violations that occurred not more than one year from the date the original complaint was filed. Accordingly, this investigation will be limited to the period of time from September 9, 2018 through September 9, 2019 for the purpose of determining if a violation of IDEA occurred. Additional information beyond this time period may be considered to fully investigate all allegations. Findings of noncompliance, if any, shall be limited to one year prior to the date of the complaint.

SUMMARY OF COMPLAINT ALLEGATION

1. Whether Charter School Institute (“CSI”) failed to ensure that its special education directors, teachers, and related services providers possessed required certifications and

¹ The IDEA is codified at 20 U.S.C. § 1400, *et seq.* The corresponding IDEA regulations are found at 34 CFR § 300.1, *et seq.*

² Hereafter, only the IDEA regulation and any corresponding Exceptional Children’s Educational Act (ECEA) rule will be cited (e.g., § 300.000, Section 300.000 or Rule 1.00).

licenses during the 2018-19 school year, consistent with 34 C.F.R. § 300.156 and ECEA Rule 3.04.

FINDINGS OF FACT

After thorough and careful analysis of the entire record,³ the SCO makes the following FINDINGS:

Background and CSI/Charter School Policy

1. This Complaint concerns whether CSI failed to ensure that certain employees were properly licensed and credentialed at Charter School during the 2018-19 school year. Occupational Therapist—the complainant here—worked as a contract employee of Charter School from August 2018 to March 2019, and raised the at-issue allegation following an online query related to licensing and credentials.
2. In April of 2019, Occupational Therapist utilized CDE’s online “Educator Credential Search” to verify whether certain employees at Charter School were properly licensed to provide special education and related services. Based on that search, Occupational Therapist alleges that Coordinator, Head of School, Director of Support Services, Special Education Teacher 1, Special Education Teacher 2, Special Education Teacher 3, and Occupational Therapist 2 did not possess licenses and credentials required by IDEA and Colorado law. *Complaint*, p. 16. To resolve this issue, the SCO first examines the relationship between CSI and Charter School, specifically as it pertains to special education licensing requirements.
3. Charter School is a public charter school authorized by CSI. *Exhibit A.3*, p. 2. CSI operates as an administrative unit—Colorado’s term for local educational agency—and is responsible for ensuring delivery of special education and related services for students served by the charter schools it contracts with. *Exhibit A.5*, p. 4. Though charter schools authorized by CSI retain a certain amount of autonomy, CSI is ultimately responsible for ensuring delivery of special education and related services to students at the charter schools it authorizes. *Exhibit A.5*, p. 3; ECEA Rule 2.02.
4. All charter schools authorized by CSI operate pursuant to a charter contract. C.R.S. 22-30.5-507(1)(a). The charter contract is the foundational agreement that establishes a charter school’s autonomy and accountability as well as CSI’s rights and obligations. Relevant to the allegation accepted for investigation here, section 7.16 of Charter School’s charter contract requires it to provide special education services pursuant to Colorado and Federal law. *Exhibit A.1*, p. 3. As part of this obligation, Charter School

³ The appendix, attached and incorporated by reference, details the entire record.

must “assign special education support staff as necessary to meet student needs, which staff shall be licensed in accordance with Colorado law.” *Id.*

5. Charter School’s charter contract also requires it to abide by a Special Education Program Plan (“Program Plan”) developed jointly with CSI. *Exhibit A.2*, p. 3. The Program Plan outlines the administration of Charter School’s special education program, and is meant to be used as a reference guide and training resource for new and established employees. *Id.* at 3. Pursuant to its Program Plan, Charter School must employ “personnel who are appropriately licensed and endorsed and fully qualified to ... provide appropriate special education instruction, accommodations, and related services in order to implement all IEPs/504’s for children with disabilities.” *Id.* at 14.
6. In addition to the Program Plan, CSI and its authorized charter schools enter into a “Memorandum of Understanding” (“MOU”) at the beginning of each school year. Charter School’s MOU requires that all special education support staff be “appropriately licensed in accordance with Colorado Law.” *Exhibit A.3*, p. 5. Additionally, the MOU mandates that Charter School “develop and consistently implement a process to ensure that all of its special education personnel or contracted personnel are appropriately credentialed and licensed.” *Id.* at 6. This requirement is also contained in CSI’s Special Education Human Resource Handbook. *Exhibit A.5*, p. 5. Head of School signed Charter School’s MOU for the 2018-19 school year on August 10, 2018. *Exhibit A.3*, p. 13.
7. The process developed by Charter School to ensure that its special education staff possess required licenses and credentials consists of a checklist system. *Interview with Head of School*. As part of the initial hiring process for all new employees, Charter School utilizes a document titled “Employee Onboarding Check List.” *Exhibit B*. This document has three sections: applicants, new hires, and after hiring. Each section contains various requirements. In the “applicants” section, one of the checklist items is “Teaching/Other license as required.” In addition to this checklist, any offer of employment at Charter School is contingent upon the applicant providing proof of all required licenses and credentials. *Interview with Head of School*.
8. After Charter School hires a new employee to provide special education services, Head of School completes and sends an “instructor form” to Special Education Director. *Interview with Special Education Director*. Special Education Director is the CSI employee who is responsible for overseeing all CSI charter school special education programs. *Id.* Charter School’s contract mandates that it use CSI’s “special education forms and procedures and . . . document compliance with the requirements of federal and state laws and regulations . . .” *Exhibit A.1*, p. 4. The instructor form is one of the documents developed by CSI that Charter School is required to use. This form contains—among other things—a section to document a newly hired employee’s professional licenses. *Exhibit A.6*, p. 3.

9. Once he receives an instructor form from a charter school, Special Education Director utilizes CDE's online license verification system to personally verify that the individual's license is valid and appropriate for the position he or she has been hired for. *Interview with Special Education Director.* Special Education Director explained that he occasionally discovers problems with an applicant's license, which are typically typos or miscoding. For instance, the position and license may not match on the instructor form. When this happens, Special Education Director contacts the charter school and works to resolve the inconsistency. *Id.*
10. In addition to these requirements, CSI takes other steps to ensure its authorized charter schools understand State and Federal special education requirements. For instance, CSI conducts multiple training sessions throughout the year for special education staff and administrators, in addition to a new hire orientation at the beginning of every school year. These trainings are typically presented by regional coordinators, and address a variety of issues relating to special education, including licensure requirements. *Interview with Special Education Director.* Among other materials, CSI's policies and procedures pertaining to special education, as well as CSI's special education handbook, are used as training materials. Also, CSI makes its Special Education Manual and Special Education Human Resource Handbook available online. *Id.* Head of School confirmed that he is familiar and well-versed with both documents. *Interview with Head of School.*
11. Consistent with federal reporting requirements, CDE collects special education staff data annually from all administrative units in Colorado as part of its general supervisory and monitoring responsibilities. This collection—known as the “December count”—is used in part to verify appropriate licensure and endorsement of all special education staff employed by administrative units. See https://www.cde.state.co.us/datapipeline/snap_sped-december. CDE uses this data to verify that the administrative units are in compliance with IDEA and Colorado law, and notifies administrative units of any lapsed licenses or unlicensed personnel.
12. Once CDE receives the December count data, it utilizes the Staff Approval Matrix (SAM) to verify staff are qualified based on staff assignment approval data. See <http://www.cde.state.co.us/cdesped/personnel-status-webinar>. This process identifies staff who do not possess valid CDE licenses, and staff who do not possess appropriate endorsements based on their reported job classification code. When irregularities are identified, CDE works with special education directors to remedy any licensing issues. For instance, if the December count identifies licensing issues at a CSI charter school, personnel from CDE's general supervision and monitoring department contact Director of Special Education. Director of Special Education then works with the charter school to remedy the issue. *Interview with Director of Special Education; CSI Response, p. 3.*
13. Based on the information above, the SCO finds that CSI has in place appropriate procedures to ensure that its charter schools employ special education and related

services providers that are properly licensed and credentialed. The SCO now examines Occupational Therapist 2's license and credentials in light of these procedures.

Qualifications for Occupational Therapist 2

14. Prior to the 2018-19 school year, Occupational Therapist 2 had worked as a contract employee of Charter School for several years. During the 2017-18 school year, Occupational Therapist 2 possessed a current license through CDE as a special services provider, with an endorsement as a School Occupational Therapist (0-21). That license had an effective date of October 7, 2015, and expired on October 7, 2018. *Exhibit B.1*, p. 11.
15. At the end of the 2017-18 school year, Occupational Therapist 2 decided to focus on private practice and adult care, and did not renew her contract with Charter School. *Exhibit A*, p. 1. Because she was no longer working in a school setting, Occupational Therapist 2 did not renew her license with CDE when it expired in October 2018. *Id.*
16. In August 2018, Charter School hired Occupational Therapist—the complainant in this matter—as a contract employee for the 2018-19 school year. *Exhibit 14*. However, Charter School terminated Occupational Therapist's contract on March 6, 2019. *Exhibit 27*, p. 1. Following the termination of Occupational Therapist's employment, Charter School reentered into a contract with Occupational Therapist 2 on March 6, 2019 to provide services for the remainder of the school year. *Interview with Head of School*.
17. In the process of rehiring Occupational Therapist 2, Head of School did not follow Charter School's typical hiring practices. Because of the time pressure to hire an occupational therapist, and the fact that Occupational Therapist 2 had recently worked for Charter School, Head of School did not have her complete a new hire application, and did not utilize the "Employee Onboarding Checklist." Rather, Head of School simply re-activated her personnel file. *Interview with Head of School; Exhibit A*, p. 1. Because Occupational Therapist 2 had current credentials at the time of her most recent employment with Charter School, Head of School did not check the status of her license in March 2019. Additionally, since Occupational Therapist 2 did not complete a new application, a license check was not triggered, and no one realized that her license as a school occupational therapist ("school OT license") issued by CDE had expired in October 2018. *Exhibit A*, p. 1.
18. In late May 2019, Occupational Therapist 2 and Head of School began discussing the 2019-20 school year. Occupational Therapist 2 expressed interest in working full time at Charter School, as both an occupational therapist and a paraprofessional. To apply for this position, Head of School required Occupational Therapist 2 to complete a new application, which triggered a license review. At this point they discovered that her school OT license had lapsed. *Exhibit A*, p. 1. Head of School explained that

Occupational Therapist 2 seemed surprised when she realized that her school OT license had expired. *Interview with Head of School*. Occupational Therapist 2 then quickly renewed her school OT license with CDE as a special services provider, with an endorsement as a School Occupational Therapist. This renewed license became effective on June 12, 2019, and expires on June 12, 2022. *Exhibit B.1*, p. 10.

19. During the period from March 6 to May 22, 2019, Occupational Therapist 2 provided a total of 40.5 hours of services to 11 different students. *Exhibit A*, pp. 3-6. The SCO independently verified that Occupational Therapist 2 maintained a valid professional occupational therapy license through the state of Colorado during the period in question. See *DORA online license verification*, found at: <https://apps.colorado.gov/dora/licensing/Lookup/LicenseLookup.aspx>. Therefore, the SCO finds that during the period of March through May 2019, though Occupational Therapist 2's school OT license had lapsed, she maintained a current state license as a professional occupational therapist ("professional OT license").
20. On October 2, 2019, Head of School sent a letter to the parents of the students who received services from Occupational Therapist 2 from March to May 2019. The letter informed parents about Occupational Therapist 2's expired school OT license, and offered to answer any questions or concerns. *Exhibit A*, p. 9. Head of School also attempted to contact all of these parents by phone, and spoke to most of them. At the time of this Decision, none of the parents who were contacted had raised concerns regarding the services their students received from Occupational Therapist 2. *Interview with Head of School*.
21. In response to the oversight regarding Occupational Therapist 2's school OT license, Charter School made changes in how it tracks employee licenses. Charter School added all staff licenses to its electronic human resources (HR) files. The HR system now sends alerts at six months, three months, one month, and the day an employee's license expires. These alerts are sent to Charter School HR employees, as well as to the license holder. Also, all employees now remain in Charter School's HR system indefinitely, and thus if an individual is rehired his or her license status is readily available. *Exhibit A*, p. 1.
22. As further action taken, CSI is also in the process of amending its Special Education Human Resource Handbook to include a section advising its authorized charter schools to use similar HR procedures to ensure staff licenses are checked in expedited hiring situations. Additionally, CSI plans to address the risks of expedited hiring procedures, and the need to double check an applicant's license at future trainings offered to school-level staff. *Interview with Special Education Director; CSI Response*, p. 5.
23. The SCO now turns to the qualifications of Coordinator, Head of School, Special Education Teacher 1, Special Education Teacher 2, Special Education Teacher 3, and Director of Support Services.

Qualifications for Coordinator, Head of School, Special Education Teacher 1, Special Education Teacher 2, Special Education Teacher 3, and Director of Support Services

24. Coordinator is a CSI employee who serves as a designee to Special Education Director and a liaison between CSI and its authorized charter schools. *Exhibit A.7*, p. 2. Coordinator reports directly to Special Education Director, and has a variety of responsibilities. *Interview with Special Education Director*. Namely, for the charter schools in Coordinator’s region, she is responsible for all “school-level administrative, compliance, and programmatic tasks with regard to special education, and . . . for ensuring [] that the special education program of the Charter School is effectively and lawfully carried out and [] that the needs of students with disabilities and at risk for disabilities are met.” *Exhibit A.5*, p. 6.
25. To qualify for this position, CSI requires candidates to have a Master’s degree or higher in special education. *Exhibit A.7*, p. 2. Prior to working for CSI, Coordinator worked as a special education director for a different administrative unit. *Interview with Special Education Director*. Coordinator possesses a CDE administrator’s license with an endorsement as a Director of Special Education (K-12). This license has an effective date of July 26, 2015 and an expiration date of July 26, 2020. *Exhibit B.1*, p. 4.
26. Head of School is the principal administrative employee at Charter School. He reports directly to Charter School’s Board of Directors, and has eight administrators to whom he delegates responsibilities. *Interview with Head of School*. Head of School began in his current role at the beginning of the 2018-19 school year. Though he is responsible for administrative oversight of all programs at Charter School, including the special education program, he does not provide special education and related services to students. Importantly, Head of School does not act as CSI’s Special Education Director or designee. Head of School possesses a CDE school principal license with an effective date of November 18, 2016 and an expiration date of November 18, 2019. *Exhibit B.1*, p. 2. Additionally, Head of School is a CDE licensed teacher with several endorsements, including as a Special Education Generalist (5-21). *Exhibit B.1*, p. 3.
27. Special Education Teacher 1, Special Education Teacher 2, and Special Education Teacher 3 all serve as special education case managers at Charter School. In this role, they help develop IEPs, as well as provide direct special education instruction. They primarily provide direct instruction to students in the form of “pull out” services outside the general education classroom. As case managers, these teachers also direct and advise paraprofessionals and other related services personnel who provide services to students inside the general education classroom.
28. Special Education Teacher 1 is responsible for kindergarten through fourth grade, Special Education Teacher 2 is responsible for fourth grade through seventh grade, and Special Education Teacher 3 is responsible for eighth grade through twelfth grade.

Interview with Head of School. CSI submitted verification that these three teachers—as well as Head of School and Director of Support Services—possessed active CDE teacher’s licenses during the 2018-19 school year, and had endorsements as Special Education Generalists (5-12). *Exhibit B.1*, pp. 5-9. The SCO also contacted CDE’s licensing department and independently verified this information. Accordingly, the SCO finds that each of these teachers possessed active teacher’s licenses during the 2018-19 school year, and were endorsed as Special Education Generalists (5-12). *Exhibit B.1*, pp. 5-9.

29. Director of Support Services serves as a building level administrator responsible for program oversight for special education, section 504, and programs for gifted and talented students. While Director of Support Services provides oversight at Charter School, like Head of School, she is not a CSI Special Education Director or designee. Because Director of Support Services does not provide special education and related services, Charter School does not require the employee in this position to be licensed as a special education teacher. *Interview with Head of School.* However, Director of Support Services previously worked as a special education case manager, and possesses a teacher’s license with an endorsement as a Special Education Generalist (5-21). This license has an effective date of February 23, 2017 and an expiration date of February 23, 2022. *Exhibit B.1*, p. 5.
30. Based on this information, the SCO finds that Coordinator, Head of School, Special Education Teacher 1, Special Education Teacher 2, Special Education Teacher 3, and Director of Support Services possessed required licenses and certifications during the 2018-19 school year.

CONCLUSIONS OF LAW

Based on the Findings of Fact above, the SCO enters the following CONCLUSIONS OF LAW:

Conclusion to Allegation 1: CSI failed to ensure that Occupational Therapist 2 possessed a valid school OT license upon her rehiring, resulting in a procedural violation.

IDEA requires that State Educational Agencies—here CDE—“establish and maintain qualifications to ensure that personnel . . . are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.” 34 C.F.R. § 300.156(a). In Colorado, administrative units—here CSI—are responsible for ensuring personnel are appropriately licensed and certified to provide special education and related services. ECEA Rule 3.03.

Before turning to Occupational Therapist 2, the SCO first discusses the qualifications—as verified by a staff person with CDE’s licensure department—of Coordinator, Head of School,

Special Education Teacher 1, Special Education Teacher 2, Special Education Teacher 3, and Director of Support Services.

First, the SCO concludes that Coordinator possessed an appropriate license and endorsement during the 2018-19 school year. Colorado law requires special education coordinators to have “at least a Bachelor’s degree and certification and/or licensure in a relevant field.” ECEA Rule 3.04(1)(c). As noted above, during the period in question, Coordinator had a valid CDE administrator’s license with a special education director endorsement. Additionally, because CSI requires any coordinator to hold a Master’s degree or higher, the SCO finds that Coordinator possessed at least a Master’s degree.

Next, the SCO concludes that Head of School was not required to be licensed or endorsed in special education. Neither IDEA nor Colorado law require that school administrators who do not provide special education services to be licensed or endorsed to do so. Rather, in Colorado, “all personnel providing special education services to children with disabilities shall be qualified.” ECEA Rule 3.04. Because Head of School does not provide special education services, there is no requirement that he possess an endorsement as a special education teacher. Additionally, because Head of School does not act as CSI’s Special Education Director or designee, he is not required to hold credentials consistent with ECEA Rule 3.04(1)(d). Though not required, Head of School still possessed a current CDE teaching license with an endorsement as a special education generalist during the 2018-19 school year.

Next, the SCO concludes that the three special education teachers who function as case managers possessed appropriate CDE licenses and credentials during the 2018-19 school year. Colorado law mandates that “all special education teachers shall hold Colorado teacher’s certificates or licenses with appropriate endorsements in special education.” ECEA Rule 3.04(1)(a)(i).⁴

As noted in FF #28, these three teachers each possessed current CDE teacher’s licenses with endorsements as special education generalists (5-21). Special Education Generalist is Colorado’s cross categorical K-12 special education endorsement. To qualify for this endorsement, teachers must complete an approved university licensing preparation program for special education generalists (or 24 semester hours), as well as earn passing scores on both elementary education and special education generalist content exams. See *CDE Endorsement Requirements*, found at: www.cde.state.co.us/cdeprof/endorsementrequirements. Based on the duties and responsibilities of these three special education teachers discussed at FF #27, the SCO finds and concludes that the special education generalist endorsement held by each special education teacher here is appropriate and sufficient to satisfy ECEA Rule 3.04(1)(a)(i).

⁴ With the adoption of the Every Student Succeeds Act (ESSA) in 2015, the “highly qualified” requirement was eliminated from IDEA and is thus not applicable here. Under ESSA, special education teachers must meet full state certification requirements, or meet emergency, temporary or provisional licensure and have at least a bachelor’s degree. 20. U.S.C. 9214(d)(2)(A)(i).

Finally, the SCO concludes that Director of Support Services was not required to be licensed or endorsed in special education. Because Director of Support Services does not provide direct special education services to students, IDEA and Colorado law do not require that she possess an endorsement in special education. Additionally, because Director of Support Services does not act as CSI's Special Education Director or designee, there is no requirement she hold credentials consistent with ECEA Rule 3.04(1)(d). Though she was not required to hold any special education credentials, Director of Support Services did have a valid CDE teacher's license during the 2018-19 school year with an endorsement as a special education generalist.

The SCO now turns to address the qualifications of Occupational Therapist 2.

Again, IDEA requires that State Educational Agencies—here CDE—“establish and maintain qualifications to ensure that personnel . . . are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.” 34 C.F.R. § 300.156(a). To achieve this aim, the qualifications for related services personnel must be consistent “with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services.” 34 C.F.R. § 300.156(b). In Colorado, related services personnel are required to “hold Colorado special services licenses or certificates with appropriate endorsements.” ECEA Rule 3.04(1)(b). Thus, as related services personnel, occupational therapists are required to maintain CDE special services provider licenses with endorsements as school occupational therapists.

As detailed above, Head of School failed to check the status of Occupational Therapist 2's school OT license when rehiring her in March 2019. As noted at FF # 15, Occupational Therapist 2 did not renew her school OT license when it expired in October 2018. As a result, Occupational Therapist 2 provided services to students at Charter School without a valid school OT license from March 6 to May 22, 2019. Because related services personnel in Colorado—such as Occupational Therapist 2—must hold CDE special services licenses with appropriate endorsements, CSI's failure to follow established hiring policies here resulted in a procedural violation of IDEA.

At the outset, the SCO notes that this investigation did not involve student-specific allegations, and thus there is no evidence that this procedural violation impeded a child's right to FAPE, significantly impeded a parent's opportunity to participate in the decision-making process, or caused a deprivation of educational benefit, in violation of 34 C.F.R. § 300.513(a)(2). Nevertheless, based on several factors discussed below, the SCO concludes that this procedural violation did not result in substantive harm.

First, there is no evidence in the record that during the period when her school OT license lapsed, Occupational Therapist 2 was not qualified or trained to provide occupational therapy services in a school setting. To the contrary, Occupational Therapist 2 had worked for Charter School for years prior to this under a valid school OT license issued by CDE.

Second, after realizing in late May 2019 she had let her school OT license lapse, Occupational Therapist 2 renewed her school OT license on June 12, 2019. This indicates that she was not lacking any substantive requirement to renew her school OT license, including a valid professional OT license issued by Colorado's Department of Regulatory Agencies.

Third, the fact that parents of students who received services from Occupational Therapist 2 have not raised any concerns, despite being notified by Head of School on October 2, 2019, weighs in favor that Occupational Therapist 2 provided appropriate services during this time.

Fourth, the fact that all of the other at-issue individuals here had correct licenses and endorsements during the relevant timeframe indicates that Charter School has appropriate policies and procedures to ensure its special education staff is properly licensed and trained. The efficacy of these policies and procedures was demonstrated in May 2019 when Head of School adhered to Charter School's normal hiring practices, and thus immediately discovered Occupational Therapist 2's school OT license had expired. Occupational Therapist 2 then quickly reinstated her school OT license.

These actions also indicate that CSI has appropriate procedures for overseeing its charter schools' special education programs, including licensing requirements. The SCO further concludes that CSI's effective policies and procedures, combined with the unique facts of Occupational Therapist 2's rehiring, indicate that there are no systemic concerns of noncompliance with teacher and staff licensing, consistent with 34 C.F.R. § 300.151(b).

Finally, as noted above, Head of School did not follow Charter School's established hiring practices when renewing Occupational Therapist 2's contract in March 2019. This expedited hiring process was attributed to the pressing need to hire an occupational therapist on a forthwith basis, as well as Charter School's familiarity with Occupational Therapist 2's qualifications. Had Head of School followed Charter School's normal hiring practice by completing the new employee onboarding checklist, he would have immediately discovered that Occupational Therapist 2's school OT license had expired. Following this incident, Charter School took the initiative to alter its human resources practices to ensure this error does not happen again moving forward.

Overall, the SCO concludes that the remedial action taken by CSI—discussed in FF #21-22—sufficiently addresses this one instance of noncompliance. Notably, CSI voluntarily instituted preventative measures that apply globally to all charter schools it authorizes despite the one-time, localized nature of its hiring error. Because CSI's response effectively addresses the

procedural violation such that it is not likely to reoccur, no further remedy is warranted at this time.

REMEDIES

Because the procedural violation consists of one documented instance of non-compliance with effective and established policies, combined with the remedial action already taken by CSI and Charter School, no further remedy is ordered.

CONCLUSION

The Decision of the SCO is final and is not subject to appeal. If either party disagrees with this Decision, their remedy is to file a Due Process Complaint, provided that the aggrieved party has the right to file a Due Process Complaint on the issue with which the party disagrees. *See*, 34 C.F.R. § 300.507(a) and Analysis of Comments and Changes to the 2006 Part B Regulations, 71 Fed. Reg. 46607 (August 14, 2006).

This Decision shall become final as dated by the signature of the undersigned State Complaints Officer.

Dated this 8th day of November, 2019.

Thomas Treinen
State Complaints Officer

Appendix

Complaint, pages 1-17

- Exhibit 1: February 4-5, 2019 email correspondence
- Exhibit 2: Photos and email correspondence re: audio books
- Exhibit 3: Meeting agenda
- Exhibit 4: OT evaluation 9/7/18
- Exhibit 5: OT evaluation 1/9/19
- Exhibit 6: OT evaluation 2/7/19
- Exhibit 7: OT caseload March 2019; OT caseload August 2018
- Exhibit 8: OT evaluation 1/28/19
- Exhibit 9: OT evaluation 2/7/19
- Exhibit 10: Email correspondence 1/12/19
- Exhibit 11: OT evaluation 2/18/19
- Exhibit 12: Meeting invitation 2/4/19
- Exhibit 13: Billing and timesheets
- Exhibit 14: OT services contract dated 8/9/18
- Exhibit 15: Academic Impact of Neurological Deficits form
- Exhibit 16: Observation request forms
- Exhibit 17: CDE license look up screen shots
- Exhibit 18: Email correspondence 3/5/19
- Exhibit 19: Email correspondence 2/26/19
- Exhibit 20: Email correspondence 2/13/19
- Exhibit 21: Email correspondence March and April 2019
- Exhibit 22: Email correspondence 4/4/19

School's Response, pages 1-7

- Exhibit A: Email correspondence; Board of Directors report; letter to parents
- Exhibit B: Charter School "employee onboarding check list"

CSI's Response, pages 1-5

- Exhibit A.1: Excerpt of Charter School's charter contract
- Exhibit A.2: Charter School Special Education/504 Program Plan
- Exhibit A.3: Memorandum of Understanding
- Exhibit A.4: CSI Special Education Manual
- Exhibit A.5: CSI Special Education Human Resource Handbook
- Exhibit A.6: Instructor form
- Exhibit A.7: Special Education Coordinator job description
- Exhibit A.8: Occupational Therapist 2 instructor form

- Exhibit A.9: Phone call notes dated 3/27/19
- Exhibit B.1: CDE license look up screen shots
- Exhibit C: CSI and Charter School staff members

Reply, pages 1-11

- Exhibit 23: Special Education Endorsement qualifications chart
- Exhibit 24: Email correspondence 10/10/19
- Exhibit 25: Email correspondence 10/11/19
- Exhibit 26: Email correspondence 2/8/19
- Exhibit 27: Email correspondence 3/6-8/19

Interviews with:

Special Education Director
Head of School
Occupational Therapist