



OFFICE OF SPECIAL EDUCATION

FINAL DECISION for State Complaint 13-00383
against the Education Achievement Authority of Michigan
December 4, 2013

BACKGROUND INFORMATION

Date Filed: September 30, 2013
MDE Case Manager: Robert Hove
Complainant: Marcie Lipsitt
Address: 27260 Willowgreen Court
Franklin, Michigan 48025
Telephone: 248-514-2101
Student: [REDACTED]
Date of Birth: [REDACTED]
Grade: [REDACTED]
Eligibility: Physical Impairment
Program/Service: Elementary resource program, physical
therapy, occupational therapy
District: Education Achievement Authority of
Michigan (District)

INDIVIDUALS CONTACTED

1. Complainant
2. Joseph Kulkulski, Special Education Director, District
3. Frances Lowe, Special Education Supervisor, District
4. Marquis Stewart, Principal, Brenda Scott Academy, District
5. Aimee Babbitt, Special Education Teacher, District
6. Deborah Ake, Compliance Supervisor, Detroit City School District (District 2)
7. Rose Mendola, Special Education Consultant, Wayne Regional Education Service Agency (Wayne RESA)

DOCUMENTS REVIEWED

1. Individualized Education Program (IEP) dated April 27, 2012
2. IEP dated November 11, 2012 (Version 1)
3. IEP dated November 11, 2012 (Version 2)
4. IEP goals and objectives dated November 11, 2012
5. Notice dated November 11, 2012
6. IEP Amendment dated March 5, 2013
7. Transportation directive for student signed by Special Education Supervisor and Team Leader dated March 5, 2013

8. Progress reports dated May 17, 2013
9. IEP dated May 17, 2013
10. IEP goals and objectives dated May 17, 2013
11. Email communications among district personnel regarding transportation for the student dated from March 13, 2013 through April 22, 2013
12. Summary of transportation issues for the student from the district general manager for transportation, undated
13. Review of existing evaluation data dated May 20, 2013
14. Occupational therapy goals dated May 31, 2013
15. Student Profile dated August 14, 2013
16. School psychologist report dated July 31, 2013
17. Multidisciplinary evaluation team (MET) report dated July 31, 2013
18. Meeting notice dated July 24, 2013
19. IEP dated July 31, 2013
20. Educational Entity Master Report for the Education Achievement Authority, undated
21. EAASpecialEducationDataPortraits_EducationalSettingandDemographicsSnapshot [1].pdf
22. IEP dated September 28, 2012 for student A.
23. IEP dated November 14, 2012 for student B.
24. IEP dated November 26, 2012 for student C.
25. IEP dated March 13, 2013 for student D.
26. IEP dated March 15, 2013 for student E.
27. IEP dated April 17, 2013 for student F.
28. IEP dated March 27, 2013 for student G.
29. IEP dated June 21, 2013 for student H.

ALLEGATION AND CONCLUSION

Conclusion	Allegation	
Noncompliant	Allegation 1	Whether the district provided a free appropriate public education (FAPE) or implemented the previous district's IEP when the student transferred to the district
Noncompliant	Allegation 2	Whether the district cancelled the student's transportation services when out of school due to asthma attacks and other medical issues related to the disability for more than three days
Noncompliant	Allegation 3	Whether the district provided progress reports that did not address several annual goals and short-term objectives
Compliant	Allegation 4	Whether the district conducted an IEP team meeting on May 17, 2013 without inviting the parent
Compliant	Allegation 5	Whether the district considered the student's individual educational needs in determining

		programs, services and educational placement in the IEP dated May 17, 2013
Compliant	Allegation 6	Whether the district makes a full continuum of programs and services available based on each student's individual educational needs
Noncompliant	Allegation 7	Whether the district did not provide access for the student to take district assessments because it did not provide transportation services
Compliant	Allegation 8	Whether the district reduced occupational therapy and physical therapy services for the student in the May 17, 2013 IEP without supporting evaluation data
Noncompliant	Allegation 9	Whether the district used program and caseload modifications in the Wayne RESA Plan without being a part of the Wayne RESA
Compliant	Allegation 10	Whether the district documented their consideration of extended school year services for the student in the May 17, 2013 IEP
Noncompliant	Allegation 11	Whether the district included measurable annual goals in the student's May 17, 2013 IEP
Dismissed	Allegation 12	Whether the district conducted an IEP team meeting and developed an IEP for the student after the student was dis-enrolled by the district
Dismissed	Allegation 13	Whether the school psychologist made an inappropriate recommendation in the MET report
Dismissed	Allegation 14	Whether the district worked on each student's goals and objectives during the MEAP testing time period

Corrective action and proof of compliance for the district's noncompliance will be directed in a document sent under separate cover.

INVESTIGATION

Allegation 1 Whether the district provided a FAPE or implemented the previous district's IEP when the student transferred to the district

Legal Requirement for Allegation 1:

Consistent with 34 CFR § 300.17 of the final regulations implementing the Individuals with Disabilities Education Act (IDEA), a FAPE means special education and related services that are provided in conformity with an IEP that meets the requirements of the IDEA.

Consistent with 34 CFR § 300.101(a), the district must make available a FAPE to all eligible students residing in the district.

Consistent with 34 CFR § 300.323(e), when a student with an IEP transfers from one district to another, the new district, in consultation with the parents, must provide a FAPE to the student (including services comparable to the previous district's services) until the new district either adopts the previous district's IEP or develops, adopts and implements a new IEP.

Consistent with R 340.1721b(5) of the Michigan Administrative Rules for Special Education (MARSE), when a student with an IEP from a previous district transfers to a new district the new district must immediately provide a FAPE and make a decision regarding implementation of an IEP within 30 school days of enrollment.

Findings of Fact for Allegation 1:

At the beginning of the 2012-2013 school year, the district took over several schools from district 2, including the school the student attended. In doing so, the students with an IEP transferred from district 2 into the district. The student's IEP dated April 27, 2012 was in effect at the time.

The special education director indicated that the district had difficulty obtaining records from district 2 at first. The special education director indicated that the student's records were probably obtained by mid-September 2012 but that there was no documentation as to the exact date.

The IEP dated April 27, 2012 indicated that the student was a student with physical impairment. The student's program was a program for physical or other health impairment for 28 hours per week. Related services included direct occupational therapy services for 30 minutes three times a month, physical therapy services for 30 minutes twice a month and medical services for 30 minutes once a month as well as special transportation. The district conducted an IEP team meeting and developed an IEP for the student on November 12, 2012.

The special education teacher indicated that the student was assigned to an elementary resource program that was designed as a push-in program. The student was in the resource program approximately two hours per day. The special education teacher indicated that the occupational therapist may have begun seeing the student in mid-October 2012 and that the physical therapist may have begun seeing the student in January 2013. The special education teacher was not aware of any medical service the student received. The principal indicated that the occupational therapist and the physical therapist may have begun providing services to students at the school in mid-October 2012.

No documentation was provided regarding the provision of physical therapy services for the entire 2012-2013 school year. No documentation was provided for medical services for the 2012-2013 school year through to the May 17, 2013 IEP when medical services were discontinued. The district provided the occupational therapy log for the student. This indicated that direct occupational therapy services were provided once in September 2012, three times in October 2012 and three

times in November 2012. The district provided transportation services beginning on September 4, 2012 according to an undated memo from the district transportation director.

Conclusion for Allegation 1:

The district failed to provide physical therapy services and medical services when the student transferred into the district and failed to provide the frequency of occupational therapy services required in September 2012. The program provided to the student was significantly different from that indicated in the student's IEP. The district failed to immediately provide a FAPE for the student and failed to either adopt the previous district's IEP or develop a new IEP within 30 school days of enrollment. The district is noncompliant with 34 CFR §§ 300.101(a), 300.323(e) and R 340.1721b(5).

Allegation 2 Whether the district cancelled the student's transportation services when out of school due to asthma attacks and other medical issues related to the disability for more than three days

Legal Requirement for Allegation 2:

Consistent with R 340.1722(2) the district shall provide special education and related services in accordance with the student's IEP.

Consistent with 34 § 76.731 of the federal Education Department General Administrative Regulations, the district is required to maintain records in sufficient detail to demonstrate compliance with the IDEA and the MARSE.

Findings of Fact for Allegation 2:

The complainant indicated that the student was hospitalized several times during the 2012-2013 school year due to severe asthma attacks and that when the student missed school for more than three days transportation was stopped. For example, transportation was stopped on February 1, 2013 and took days to reestablish. Transportation was also stopped on March 14, 2013 and was not reestablished until April 19, 2013.

The student's IEP dated April 27, 2012 includes special transportation as a related service. The IEP dated November 11, 2012 does not contain special transportation as a related service. The IEP amendment dated March 5, 2013 includes special transportation as a related service. The IEP dated May 17, 2013 includes special transportation as a related service.

The special education director stated that the district did not stop transportation for disability-related absences at any time, but did indicate that the student had many unexcused absences. The special education director acknowledged that

transportation was terminated on March 14, 2013 and not reinstated until April 30, 2013 but indicated that there was a question of residency involved rather than disability-related absences.

The complainant and district agree that the district provided transportation to the student, albeit inconsistently according to the complainant, between November 12, 2012 and March 5, 2013 although the student's November 11, 2012 IEP did not indicate special transportation as a related service. The district's documentation did not clarify whether transportation during this time period was special transportation or transportation as provided to any student with or without an IEP.

The district provided a numerical summary of the student's excused and unexcused absences but did not provide the student's day by day attendance record or transportation record. Without those records it was impossible to determine whether there was a relationship between disability-related absences and cessation of special transportation services.

Conclusion for Allegation 2:

The district was required to provide special transportation as a related service between the beginning of the 2012-2013 school year and November 11, 2012 and between March 5, 2013 and the end of the school year. The district was also required to maintain records in sufficient detail to demonstrate compliance with the IDEA and the MARSE. Because the district did not do so, and because of the gap in transportation between March 14, 2013 and April 30, 2013, the district is noncompliant with R 340.1722(2) in regard to the consistent implementation of special transportation services.

Allegation 3 Whether the district provided progress reports that did not address several annual goals and short-term objectives

Legal Requirement for Allegation 3:

Consistent with R 340.1722(2) the district shall provide special education and related services in accordance with the student's IEP.

Consistent with 34 CFR § 300.320(a)(3) the district must include in each student's IEP a description of when periodic reports on the progress the student is making towards meeting the annual goals will be provided.

Findings of Fact for Allegation 3:

The special education director and the special education teacher indicated that progress reports are sent out quarterly at approximately the same time as report cards. The special education teacher indicated that some short term objectives were not worked on during some quarters because of the student's absences.

The student's attendance summary for the 2012-2013 school year indicated that the student had 20 excused absences and 40 unexcused absences during the 2012-2013 school year. The district provided only Progress Reports as of May 22, 2013 and July 31, 2013. Short term objectives were worked on except for some isolated cases.

Conclusion for Allegation 3:

Documentation submitted by the district did not report on annual goals and short term objectives until May 22, 2013. The district is noncompliant with R 340.1722(2) and 34 CFR § 300.320(a)(3).

Allegation 4 Whether the district conducted an IEP team meeting on May 17, 2013 without inviting the parent

Legal Requirement for Allegation 4:

Consistent with 34 CFR § 300.322(a)(1) the district must take steps to ensure that the parent is present at the IEP team meeting or is afforded the opportunity to participate including notifying the parent of the meeting early enough to ensure they will have an opportunity to attend.

Consistent with 34 CFR § 300.322(c) if the parent cannot attend the district must use other methods to ensure parent participation including conference calls.

Findings of Fact for Allegation 4:

The special education teacher indicated that an invitation for the IEP team meeting was sent two weeks in advance of the meeting. In addition, the special education teacher made a phone call on May 14, 2013 to the parent to arrange transportation for the parent to attend. When the parent did not arrive, the special education teacher called the parent and the parent participated by conference call in the IEP team meeting.

The special education teacher indicated that she could not locate a copy of the letter to the parent that provided notification of the IEP team meeting. The special education teacher did provide a copy of the phone log which corroborated the details of the phone call. The special education teacher also provided a copy of the Verizon phone bill which indicated that a call was made from the special education teacher to the parent between 9:01 AM and 10:31 AM on May 17, 2013 at the time the IEP team meeting took place.

A review of the IEP dated May 17, 2013 indicates that the parent provided information to the IEP team regarding various health-related issues including asthma and the use of an inhaler, physical therapy outside of school, getting braces and special shoes and possible use of a walker.

Conclusion for Allegation 4:

The district notified the parent of the May 17, 2013 IEP team meeting on May 14, 2013 and facilitated the parent's participation in that meeting via a conference call. The district is compliant with 34 CFR §§ 300.322(a)(1) and 300.322(c).

Allegation 5 Whether the district considered the student's individual educational needs in determining programs, services and educational placement in the IEP dated May 17, 2013

Legal Requirement for Allegation 5:

Consistent with 34 CFR § 300.17(d) a FAPE means special education and related services that are provided in conformity with an IEP that meets the requirements of 34 CFR §§ 300.320 through 300.324.

Consistent with 34 CFR § 300.320(a) an IEP must contain a statement of the student's academic achievement and functional performance, including how the student's disability affects involvement and progress in the general curriculum; a statement of measurable annual goals designed to meet the student's that result from the disability and to be involved in and make progress in the general education curriculum and to meet each of the student's other educational needs that result from the disability. An IEP must also contain a statement of the special education and related services and supplementary aids and services to be provided to the student to enable the student to be involved in and make progress in the general education curriculum and to be educated and participate with other students with disabilities and nondisabled students.

Consistent with 34 CFR § 300.321(a) the district must ensure that the IEP team for each student includes the parents of the student, not less than one general education teacher of the student, not less than one special education teacher, a representative of the district and an individual who can interpret the instructional implications of evaluation results.

Findings of Fact for Allegation 5:

The complainant indicated that the IEP dated May 17, 2013 included a statement that "[the student] needs intensive support in the areas of both math and reading", but that the special education programs and services do not identify "intensive support in both math and reading." In addition, the IEP had a statement that "[the district] follows a model of full inclusion – therefore [the student] receives push in services from the special education teacher rather than being pulled out to a resource room." The complainant asserted that this was a violation of the student's right to an IEP that recognizes the student's unique educational needs.

The IEP dated May 17, 2013 identified several educational needs of the student including: reading; math skills; fine motor skills and gross motor skills. The IEP also

included annual goals and short-term objectives for: reading; math skills; fine motor skills and gross motor skills. Programs and services included elementary resource program five to seven hours per week, direct physical therapy for 30 minutes two times per month and direct occupational therapy for 30 minutes three times per month. Several supplementary aids and services were also included.

The IEP was developed with input from the IEP team including the parent. The IEP team included the parent, the special education supervisor, the special education teacher, two general education teachers, an occupational therapy assistant, and a physical therapist.

In the Federal Register, Volume 71, No. 156/ Monday, August 14, 2006/Rules and Regulations Analysis of Comments and Changes page 46665, it is noted that "There is nothing in the Act that requires an IEP to include specific instructional methodologies."

The special education director and the special education supervisor both indicated that the statement about full inclusion was a general statement and not intended to dictate or restrict options available to IEP teams.

Conclusion for Allegation 5:

The IEP was developed by an IEP team that included the parent, the special education supervisor, the special education teacher, two general education teachers, and occupational therapy assistant, and a physical therapist, was based on the student's individual educational needs and provided annual goals, short-term objectives, programs and services and supplementary aids and services to address those needs. The IEP team was not required to include intensive reading and math instructional methodologies in the IEP. The district is compliant with 34 CFR §§ 300.300.320(a) and 300.321(a).

Allegation 6 Whether the district makes a full continuum of programs and services available based on each student's individual educational needs

Legal Requirement for Allegation 6:

Consistent with 34 CFR § 300.115 the district must ensure that a continuum of alternative placements is available to meet the needs of students with disabilities for special education and related services, that the continuum must include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions, and make provision for supplementary services such as resource room or itinerant instruction to be provided in conjunction with regular class placement.

Findings of Fact for Allegation 6:

The special education director indicated that the district makes available the full continuum of alternative placements. Resource programs, home instruction, resource rooms and itinerant instruction in conjunction with regular class placement and a program for students with autism spectrum disorder are available within the district. Other special education classes, instruction in hospitals and institutions, and center-based programs are available through inter-district agreements with nearby districts that operate such programs. Supplementary aids and services are available to support students with an IEP in the general education classrooms.

The district was required to submit data to the MDE regarding educational environments for students with an IEP ages 6-21 in October 2012. The results are available through the MI School Data web site at <https://www.mischooldata.org/>.

The following table presents the results:

MI School Data			
2012-13 Special Education Data Portraits : Educational Setting and Demographics Snapshot			
Education Achievement System-EAS: Educational Setting Age 6-21			
	State	LEA	
Special Ed Count (Ages 6-21)	182,596	1,532	
Educational Setting Age 6-21	State %	LEA Count	LEA %
In Gen Ed Classroom 80% or more	64.25%	937	61.16%
In Gen Ed Classroom 40% - 79% of school day	17.10%	219	14.30%
In Gen Ed Classroom less than 40% of school day	11.38%	301	19.65%
Public or Private Special Education School at Public Expense	4.95%	73	4.77%

These data indicate that the district provides students with IEPs a variety of educational placements. In comparison with the entire state, for example, the district has slightly fewer students in general education classrooms 80% or greater, more students in general education classrooms less than 40% of the school day, and slightly fewer students in public or private special education schools at public expense.

A review of the IEP of eight students attending Brenda Scott Academy indicates that the students have a variety of placements, related services and supplementary

aids and services that are related to each student's individual educational needs as identified by the IEP team in the present level of academic achievement and functional performance in each IEP.

Conclusion for Allegation 6:

The district makes available a full continuum of programs and services available based on each student's individual educational needs. The district does not limit educational placements to full inclusion. The district is compliant with 34 CFR § 300.115.

Allegation 7 Whether the district did not provide access for the student to take district assessments because it did not provide transportation services

Legal Requirement for Allegation 7:

Consistent with 34 CFR § 300.320(a)(6) the student's IEP must include a statement of any appropriate accommodations that are necessary to measure the student's academic achievement and functional performance on district wide assessments. If the IEP team determines that the student must take an alternate assessment, the IEP must include additional documentation.

Consistent with R 340.1722(2) the district shall provide special education and related services in accordance with the student's IEP.

Findings of Fact for Allegation 7:

The special education director acknowledged that the student missed school for several weeks in March and April 2013 due to the district's transportation issues for this student. The IEP dated May 17, 2013 indicated that the district had several district wide assessments for students in the same grade as this student, including the DIBELS reading assessment.

In the Present Level of Academic Achievement and Functional Performance of the IEP dated May 17, 2013 there is the following statement: "In the area of reading DIBELS, [the student] did not complete all assessments due to being absent due to transportation issues." This IEP indicated that an alternate assessment was not necessary.

Conclusion for Allegation 7:

The district is required to administer district wide assessments to students with an IEP unless an alternate assessment is necessary. The district did not do so due to its own transportation issues. Therefore, the district is noncompliant with 34 CFR § 300.320(a)(6) and R 340.1722(2).

Allegation 8 Whether the district reduced occupational therapy and physical therapy services for the student in the May 17, 2013 IEP without supporting evaluation data

Legal Requirement for Allegation 8:

Consistent with 34 CFR § 300.324(b), the district is required to review the student's IEP periodically but not less than annually to determine whether annual goals are being achieved and to revise the IEP as appropriate.

Findings of Fact for Allegation 8:

The IEP dated November 11, 2012 indicated that occupational therapy services were to be direct for 30 minutes three times per month and that physical therapy services were to be direct for 30 minutes two times per month. The IEP dated May 17, 2013 indicated that occupational therapy services were to be direct for 30 minutes three times per month and that physical therapy services were to be direct for 30 minutes two times per month.

Conclusion for Allegation 8:

The district did not reduce occupational therapy and physical therapy services in the May 17, 2013 IEP. The district is compliant with 34 CFR § 300.324(b).

Allegation 9 Whether the district used program and caseload modifications in the Wayne RESA Plan without being a part of the Wayne RESA

Legal Requirement for Allegation 9:

Consistent with R 340.1832e an ISD may propose in its ISD plan alternative special education programs and services instead of those in the MARSE.

Consistent with R 340.1749a(2) an elementary resource program teacher shall serve not more than 10 students at any one time and not more than 18 different students.

Findings of Fact for Allegation 9:

According to the Educational Entity Master report, the district is not a part of Wayne RESA. The special education director acknowledged that for the 2012-2013 school year the district used the R 340.1832e modifications in the Wayne RESA Plan which include higher caseloads for several types of special education programs and service providers that the MARSE allows. The special education teacher indicated that her program was a non-departmentalized elementary level resource program, and her caseload during most of the year was 20 students, although occasionally it was as high as 25 students. A review of each IEP of seven students attending the

student's school indicates that each of the students was placed in elementary resource programs designated as having R 340.1832e modifications.

Conclusion for Allegation 9:

The district is not a part of Wayne RESA so cannot use Wayne RESA's R 340.1832e program modifications. However, it did so during the 2012-2013 school year. The district is noncompliant with R 340.1832e and R 340.1749a.

Allegation 10 Whether the district documented their consideration of extended school year services for the student in the May 17, 2013 IEP

Legal Requirement for Allegation 10:

Consistent with 34 CFR § 300.106(a) the district must ensure that extended school year services are available as necessary to provide a FAPE. Extended school year services must be provided only if a student's IEP team determines on an individual basis that the services are necessary for the provision of a FAPE for the student.

Consistent with R 340.1721e(2) when considering extended school year services the IEP team must determine if the student's current annual goals address one or more skills that require extended school year services.

Findings of Fact for Allegation 10:

The special education supervisor and the special education teacher participated in the IEP dated May 17, 2013. They indicated that the student's annual goals were reviewed and extended school year services discussed with the entire IEP team. The IEP team determined that extended school year services were not needed for any of the student's annual goals.

A review of the IEP dated May 17, 2013 indicates that a check mark was placed next to the statement "No goal areas of concern - ESY not needed." The IEP team included the parent, the special education supervisor, the special education teacher, two general education teachers, an occupational therapy assistant, and a physical therapist.

Conclusion for Allegation 10:

The IEP team reviewed the student's annual goals and determined that extended school year services were not necessary for the provision of a FAPE. The district is compliant with 34 CFR § 300.106(a) and R 340.1721e(2).

Allegation 11 Whether the district included measurable annual goals in the student's May 17, 2013 IEP

Legal Requirement for Allegation 11:

Consistent with 34 CFR § 300.320(a)(2)(i) each student's IEP must include a statement of measurable annual goals.

Findings of Fact for Allegation 11:

A review of the IEP dated May 17, 2013 indicates that none of the annual goals are measurable. All of the short term objectives are measurable.

Conclusion for Allegation 11:

The district did not include measurable annual goals in the student's IEP. Therefore the district is noncompliant with 34 CFR § 300.320(a)(2)(i).

Allegation 12 Whether the district conducted an IEP team meeting and developed an IEP for the student after the student was dis-enrolled by the district

Legal Requirement for Allegation 12:

There is no special education rule, regulation or law that governs the alleged violation as defined in R 340.1701a(c).

Findings of Fact for Allegation 12:

The special education director indicated that the student was not dis-enrolled by the district but rather the parent enrolled the student in district 2. The special education teacher indicated she called on July 11, 2013 and July 15, 2013 to enquire about whether the student was enrolled in district 2, because they had not received a request for the student's records. Each time she left a voicemail message but received no return call. Because the school had not received a request for the student's records the school staff believed that the student was still enrolled in the district on July 31, 2013 when the IEP team meeting was conducted.

The special education teacher's phone log confirms the calls on July 11, 2013 and July 15, 2013.

Conclusion for Allegation 12:

The allegation is not governed by the IDEA or the MARSE. The allegation is dismissed.

Allegation 13 Whether the school psychologist made an inappropriate recommendation in the MET report

Legal Requirement for Allegation 13:

There is no special education rule, regulation or law that governs the alleged violation as defined in R 340.1701a(c).

Findings of Fact for Allegation 13:

The school psychologist, in the psychological report dated July 31, 2013, recommended that the parent provide a tutor to improve the student's academic skills. The special education teacher indicated that this recommendation was not discussed at the IEP team meeting and that it was not included in the district's offer of a FAPE.

A review of the IEP dated July 31, 2013 indicates that the district did not include the recommendation in its offer of a FAPE.

Conclusion for Allegation 13:

Allegations of employee misconduct are not addressed in the IDEA or the MARSE. The allegation is dismissed.

Allegation 14 Whether the district worked on each student's goals and objectives during the MEAP testing time period

Legal Requirement for Allegation 14:

There is no special education rule, regulation or law that governs the alleged violation as defined in R 340.1701a(c).

Findings of Fact for Allegation 14:

34 CFR § 300.302(a)(6) requires that students with an IEP participate in State and district assessments. There is no requirement in the IDEA or the MARSE that districts work directly on a student's annual goals and short-term objectives during the administration of State assessments.

Conclusion for Allegation 14:

The allegation is not governed by the IDEA or the MARSE. The allegation is dismissed.