

August 7, 2012
PQA 13_0029

To whom it may concern,

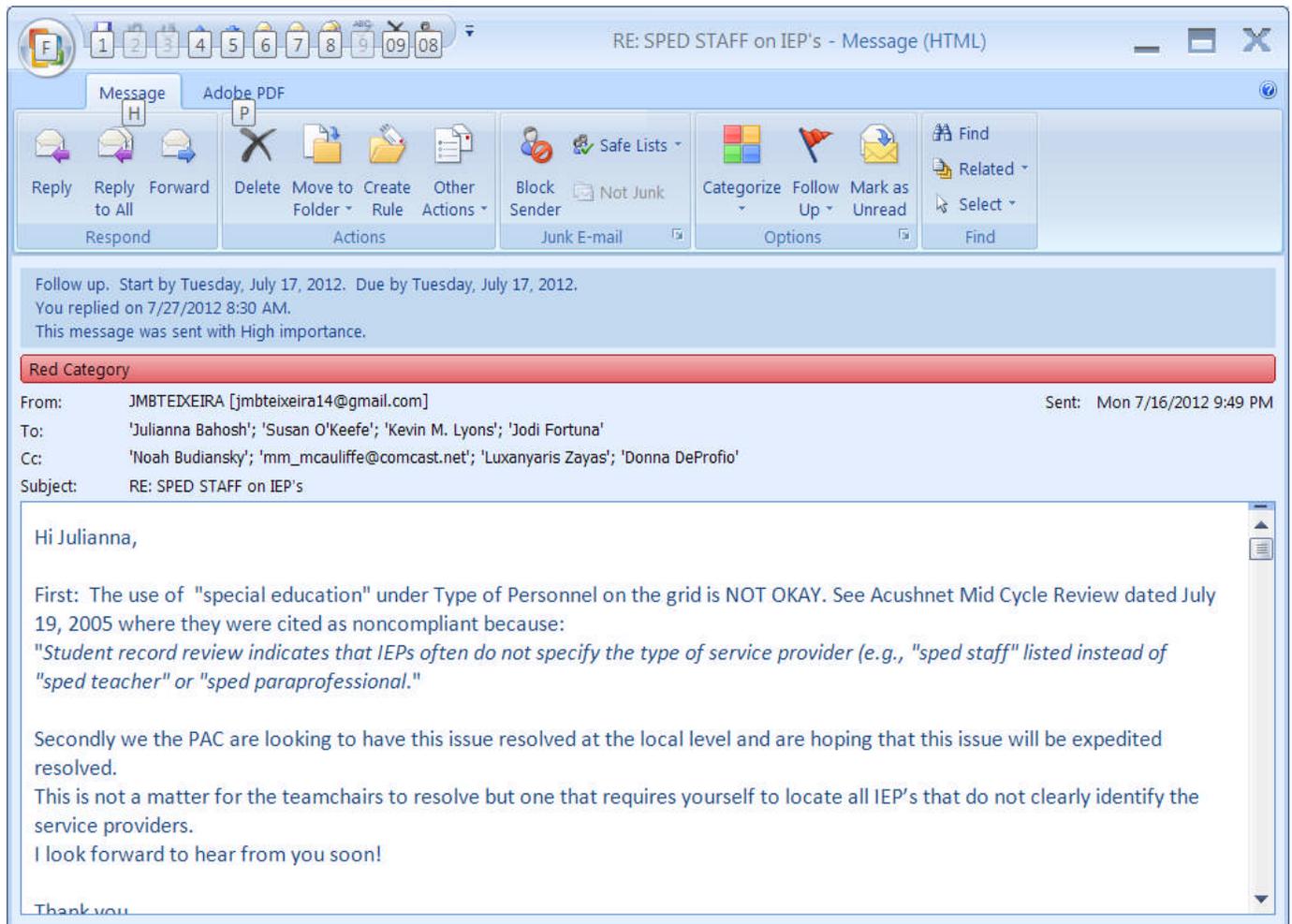
The Hudson Special Education Parent Advisory Council is filling this complaint on behalf of several parents as well as on the behalf of all special education students in the Hudson Public Schools and we are requesting that this issue be resolved as soon as possible.

The SEPAC has attempted to resolve this with the district by requesting that the district identify those students who have SPED STAFF on their IEP's and replace that with Special Education Teacher and or Paraprofessional.

There are a huge number of parents that have this concern and came to the PAC to address the issue. Hudson is unwilling to make these changes and left us no choice but to file this complaint.

We also want assurance that this type of personnel will not be used on any other IEP'S.

On July 6th I informed Ms. Bahosh of the parents concerns around having SPED STAFF listed on the IEP as service providers. See email below all of the emails starting from the bottom up:



Please see the email trail below:

Hi Julianna,

First: The use of "special education" under Type of Personnel on the grid is NOT OKAY. See Acushnet Mid Cycle Review dated July 19, 2005 where they were cited as noncompliant because:

"Student record review indicates that IEPs often do not specify the type of service provider (e.g., "sped staff" listed instead of "sped teacher" or "sped paraprofessional."

Secondly we the PAC are looking to have this issue resolved at the local level and are hoping that this issue will be expedited resolved.

This is not a matter for the teamchairs to resolve but one that requires yourself to locate all IEP's that do not clearly identify the service providers.

I look forward to hear from you soon!

Thank you,

Jorge

From: Julianna Bahosh [<mailto:jbahosh@hudson.k12.ma.us>]

Sent: Monday, July 16, 2012 11:37 AM

To: JMBTEIXEIRA; Susan O'Keefe; Kevin M. Lyons; Jodi Fortuna

Cc: 'Noah Budiansky'; mm_mcauliffe@comcast.net; 'Luxanyaris Zayas'; 'Donna DeProffio'

Subject: RE: SPED STAFF on IEP's

Hi Jorge,

I will talk to my teamchairs in the Fall about working with parents at meetings (or after IEPs have been proposed) about the service delivery grid and what parents may want to see differently in them. The determination about which staff may be appropriate to work with a child is still best determined at a building/Team level.

State certifications do not always directly correspond with service providers on a grid - for example, in some cases, a highly qualified paraeducator may be more than capable of providing services to a child in an inclusionary classroom - even though they are not "certified/licensed" by the state. So in regards to this I must respectfully disagree with your assertion in one of your prior emails that, "There is no certification for SPED STAFF that I am aware of, so there would be no accountability. This opens up the possibility of unlicensed personnel working with children who clearly have a huge need of having a licensed/certified professional to address their needs."

Given that I plan on addressing this with my staff in the Fall and will speak with them about working with parents to resolve disputes in this area, I feel that I am addressing your concerns. I will not deny any Team from deciding on using "sped staff" in their child's IEP if they so chose, but if parents wish further clarification the Team members will be made aware that they are to work with the parents around the specific classifications for service delivery providers. If you continue to hear of any parents who wish changes be made to their child's IEP in regards to service delivery providers, please have them contact me via email or phone and I will be happy to make sure the Teamchair in their building follows up with them (and holds a Team meeting if needed) in the Fall.

Regards,

Julianna Bahosh

Director of Pupil Personnel Services

Hudson Public Schools

155 Apsley Street

Hudson, MA 01749

(978) 567-6111 ext.7

(978) 567-6127 (fax)

From: JMBTEIXEIRA [jmbteixeira14@gmail.com]
Sent: Friday, July 13, 2012 7:43 PM
To: 'JMBTEIXEIRA'; Julianna Bahosh; Susan O'Keefe; Kevin M. Lyons; Jodi Fortuna
Cc: 'Noah Budiansky'; mm_mcauliffe@comcast.net; 'Luxanyaris Zayas'; 'Donna DeProfio'
Subject: RE: SPED STAFF on IEP's

Hi Julianna,

I am doing a follow up to find out where we stand with this?

Could you please advise?

Thank you,

Jorge

From: JMBTEIXEIRA [<mailto:jmbteixeira14@gmail.com>]
Sent: Friday, July 06, 2012 6:39 PM
To: 'Julianna Bahosh'; 'Susan O'Keefe'; 'Kevin M. Lyons'; 'Jodi Fortuna'
Cc: 'Noah Budiansky'; 'mm_mcauliffe@comcast.net'; 'Luxanyaris Zayas'; 'Donna DeProfio'
Subject: RE: SPED STAFF on IEP's

Julianna,

As we have discussed at previous meetings, I have always advised parents/guardians to proceed through the chain of command in seeking resolution to their problems. I wish you would see this as an opportunity to catch the needs of families who may have fallen through the cracks rather than to assume that I am not properly directing families. After all, we share the same goal which is the support and proper education of special needs children. I have and will continue to advise each family to try to resolve the issues directly. Unfortunately, many times the parents/guardians tell me that they have gone through all levels up to and including the Office of Pupil Services and still do not feel their child's needs are being addressed. You can trust that I will continue to direct families in this manner through the appropriate personnel, but when I am informed that the needs are not addressed subsequent to that, it must be brought to your attention an additional time.

In addition to myself, I am aware that another family had sought to have Special Education Teacher placed in the service grid, had it rejected at the Team level, placed a second request and had that rejected and signed by you. This family had also sought your help regarding IEP compliance and received no satisfaction only to have PQA find the District non-compliant. Would you like me to advise this family to contact you directly another time?

There is no certification for SPED STAFF that I am aware of, so there would be no accountability. This opens up the possibility of unlicensed personnel working with children who clearly have a huge need of having a licensed/certified professional to address their needs.

Please see information below:

Should you have any questions we will be available to discuss this.

Thank you,

Jorge

See Watertown:

SE
18A

IEP development and content

1. a. Upon determining that the student is eligible for special education, the Team, including the parent(s), develops an IEP at the Team meeting using the evaluation data to guide development of measurable, annual goals for the student. IEPs for students with significant cognitive disabilities contain a description of objectives or benchmarks; IEPs for all students contain a description of how progress toward meeting the annual goals will be measured and when progress reports will be provided.

(Note: For 2005-2006 Teams are required to continue to use objectives or benchmarks for all students to meet the requirement of a description of how progress will be measured.)

b. If the district chooses to draft any element(s) of the IEP for discussion, the Team Chairperson ensures that the Team fully discusses the ideas embodied in that draft, as well as any other ideas, before adopting the draft or any part of it at the Team meeting. All ideas about the academic, developmental, and functional needs of the child as expressed by all Team members, especially the parents, are genuinely considered by the district prior to proposing the IEP.

2. The IEP includes specially designed instruction to meet the needs of the individual student and related services that are necessary to allow the student to benefit from the specially designed instruction, or consists solely of related services that are necessary to allow the student to access the general curriculum, consistent with federal and state requirements. To the extent practicable, specially designed instruction and related services are based on peer-reviewed research.

3. In developing the IEP, the Team proposes specially designed instruction and related services according to the needs of the child and not according to the availability of such instruction or related services.

4. The IEP is completed addressing all elements of the most current IEP format provided by the Department of Education. Where applicable, the district includes in the IEP, or other notice to the parent, information regarding the implementation of any necessary restraint procedures for students as required under 603 CMR 46.00.

5. If the Team members are unable to agree on the IEP, the Team chairperson states the elements of the IEP proposed by the school district.

6. The school district ensures that whatever services are set out in the IEP will actually be provided and that the IEP will not be changed at a higher administrative level within the district.

7. The IEP is written in generally understandable language.

	<p>State Requirements</p> <p>603 CMR 28.05(3), (4), (6) and (7);</p> <p>28.06(2)</p> <p>614(d)(1)(A)(i);</p> <p>614(d)(3)(A)</p>	<p>Federal Requirements</p> <p>IDEA-97: 34 CFR 300.340-300.350;</p> <p>300.343(a)</p> <p>34 CFR Part 300, Appendix A, Question #22.</p> <p>IDEA 2004: Section</p>	
	<p>Rating: Partially Implemented</p>	<p>District Response Required:</p>	<p>Yes</p>

Department of Education Findings:

Record review indicates that IEP goals are not always measurable and, at the high school, are at times repeated from year to year and are not individualized. In some cases, goals contain no benchmarks. Service delivery grids do not always contain the specific school personnel (some are blank, some state "sped staff"), the frequency of services, and services are not always related to a specific goal. Behavior plans and behavior goals were not found in the records of students whose behaviors interfere with learning. Non-participation justification statements are not student-specific.

See SE 8 concerning the authority to commit resources.

From: Julianna Bahosh [<mailto:jbahosh@hudson.k12.ma.us>]

Sent: Friday, July 06, 2012 1:18 PM

To: JMBTEIXEIRA; Susan O'Keefe; Kevin M. Lyons; Jodi Fortuna

Cc: nbudiansky@gmail.com; mm_mcauliffe@comcast.net; luxanyaris@hotmail.com; dd5206@comcast.net

Subject: RE: SPED STAFF on IEP's

Hi Jorge,

This is something I will look in to, but do not know of specific regulations that prohibit "sped staff" being used on an IEP - nor have I received any correspondence from parents stating that they wish their child's IEP be changed because of this.

[Jorge Teixeira] Hi Julianna,

Thank you for your quick reply and sorry for taking long to reply but wanted to locate at least one CPR review that covered the SPED STAFF and the most recent one was Watertown.

<http://www.doe.mass.edu/pqa/review/cpr/reports/2006/0314.doc>

Additionally, we were not cited in our CPR or mid-cycle CPR as being out of compliance in our service delivery grid areas either. If you have documentation of regulations that state otherwise, please forward it to me.

[Jorge Teixeira] The PAC was not able to give any input on the CPR mid cycle review. See Watertown above.

As you know each IEP is unique and determined by the Team, and the Team can decide what is acceptable in an IEP (or not). If someone is having issues with their child's IEP I again would ask that you have them speak first with the Liaison. If no resolution is found there, they could then speak to the Teamchair, Principal, or even myself/Sue. I actively want to work with the parents to resolve their issues but cannot do so unless they are willing to let me know. I would again ask that you and the PAC support this process when parents ask for your intervention in individual cases.

[Jorge Teixeira] Julianna we are bringing this to your attention as the other steps were tried without any success. With that being I will be the first one to tell you that I personally have tried to address this with you without success.

Please reference my email\letter dated May 10, 2007 with word document attached and section 4.

4. Personnel for behavior consultation, Part A of the Service Delivery Grid.

Instead of "Special Education Staff," we would like the IEP to specify what was specified in the previous IEP, namely "consultation to Chris' parents involving the behavior consultant to the Hudson Public Schools and the Special Education Teacher of the Child Development Program."

There is no certification for SPED STAFF that I am aware of so there would be no accountability and a huge possibility of unlicensed personnel working with children that clearly have a huge need of having a professional to address their needs.

Regards,
Julianna Bahosh
Director of Pupil Personnel Services
Hudson Public Schools
155 Apsley Street
Hudson, MA 01749
(978) 567-6111 ext.7
(978) 567-6127 (fax)

From: JMBTEIXEIRA [jmbteixeira14@gmail.com]

Sent: Friday, July 06, 2012 12:44 PM

To: Julianna Bahosh; Susan O'Keefe; Kevin M. Lyons; Jodi Fortuna

Cc: nbudiansky@gmail.com; mm_mcauliffe@comcast.net; luxanyaris@hotmail.com; dd5206@comcast.net

Subject: SPED STAFF on IEP's

Hi Julianna,

It has come to our attention (**H-SEPAC**) from several parents that on their IEP's for service providers they have listed **SPED STAFF** and in most cases they have attempted to have this corrected by your office without any luck!

The PAC is requesting that this issue be resolved by removing SPED STAFF from the IEP's!

As you know SPED STAFF should not be utilized and the DESE has found several district's out of compliance with this.

Please let us know as soon as possible if you do not intend to take any action to correct this issue.

Thank you,

Jorge

The original emails can be supplied if it is necessary!

Thank you,



Chairperson: Jorge Teixeira August 6, 2012