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VIA FACSIMILE

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Michelle Staggs
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ATTN: Legal Division
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Re: Request for an Administrative Due Process Hearing Involving James T., Glenn D., Keneisha S. and a Class of All Similarly Situated and Treated Students with Emotional Disturbance in the Jefferson Parish Public School System.

I. Glenn D.

II. Keneisha S

III. James T.

Dear Ms. Beridon,

On behalf of Glenn D., Keneisha S. and James T.(hereinafter, Petitioners), and a class of similarly situated and treated students with emotional disturbance in Jefferson

Parish School System (hereinafter JPSS), the undersigned counsel are filing this Class Due Process Complaint versus the Louisiana Department of Education and the Louisiana Board of Elementary and Secondary Education. Petitioner Glenn D. is a student who attends -----
--. At all times relevant to this complaint he has been determined eligible for special education services under

social work\counseling\psychology services....levels that are unrelated to their individual needs but instead are cookie-cutter in nature and based upon the limited availability of such personnel at any given school.

JPSS has also denied Petitioners and other similarly situated ED students FAPE by its consistent failure to provide specially designed instruction and related services that are related to and address present levels of performance. JPSS has regularly drafted IEPs that are unrelated to and often ignore present levels of performance for Petitioners and other similarly situated ED

committees conduct appropriate functional behavioral assessments; and to draft, review, modify as necessary and implement behavior intervention plans that also include positive behavioral interventions, strategies and supports. *See* 20 U.S.C. § 1415 (k); 34 C.F.R. § 300.121(d) ; 34 C.F.R. § 519-526; *See also* 34 C.F.R. § 300.346 (a)(2), (d); Bulletin 1706 Subpart A § 519. At all times relevant, JPSS has failed to comply with these IDEA requirements.

Moreover, it bears emphasis that JPSS has consistently had the highest LEA out-of school suspension rate for students with disabilities in Louisiana. In 2001-2002, 29.30 % of students receiving special education services were subject to at least one out-of school suspension versus a statewide LEA average for special education students of 16.29%. JPSS rate was 180% of the state average and was also 2.96 times greater than the suspension rate for students without disabilities in the district. During the 2002-2003 school year JPSS out-of school suspension rate was 31.04% versus a state average of 16.44%. JPSS rate was 188% of the state average and was also 3.04 times greater than the suspension rate for students without disabilities in the district. During 2003-2004, JPSS out of school suspension rate was 29.26% versus a state average of 16.92%. JPSS rate was 173% of the state average and was 2.76 times greater than the rate for students without disabilities in the district. JPSS remarkably high and significantly disproportionate out-of school suspension rates the past several years reflect pervasive noncompliance with IDEA's disciplinary provisions and also raise the specter of pervasive discriminatory practices towards students with disabilities versus students without disabilities.²

4. JPSS has also violated IDEA by consistently failing to provide special education and related services to Petitioners and all other similarly situated ED students in the Least Restrictive Environment. Petitioners Glenn D. and Keneisha S. (and numerous other ED students) have spent several years in the most restrictive placement possible, John Martyn self-contained classes at ----. In these John Martyn classes, Petitioners have been deprived of any contact

has also been a woefully inadequate provision and use of Paraprofessional Aides, much less Special Education teachers with ED students in general education settings. Team or Co-teaching arrangements and coordination amongst General Education and Special Education teachers is essentially nonexistent in JPPS and this reality effectively denies students with disabilities and in particular, ED students, with opportunities to participate and progress in the general curriculum. General Education is not a place Special Education teachers work.

(c) Students with disabilities including ED students are moved to more restrictive environments in violation of the IDEA's requirements that supplemental aids, services, accommodations, and modifications are considered prior to any removal; that re-evaluations are conducted and IEP meetings are held prior to any removal.

(d)

5. JPSS has further denied Petitioners and other similarly situated ED students 14 years of age and older in Junior High School and High School FAPE by failing to provide necessary and appropriate transition services that will prepare them for employment and independent living as required by IDEA. Petitioners' and other similarly situated ED students' IEP objectives are not derived from, directly related to, nor indicative of the outcome/action steps listed on the Transition Services Form of the IEP. Indeed, little or no nexus exists between students' transition plan and their IEP goals and objectives. Moreover, there is an utter absence of coordination between special education teachers, school administrators and personnel at JPSS' vocational training schools (eg. Cuiller Vocational School). Often the vocational schools do not have copies of students IEPs nor do they consider themselves bound to provide IEP services within the vocational programs offered. *See 34 C.F.R. § 300.29 ; 34 C.F.R. § 300.340-348 ; 34 C.F.R. § 300.347(b); Bulletin 1706, Subpart A § 444(m).*⁷

6. JPSS has denied Petitioners and other similarly situated ED students FAPE by systemically failing to comply with

assistance and training necessary to assist them in this effort. *See* 34 C.F.R. § 300.555. In the event that LEAs violate the LRE mandate and rights of students with disabilities, LDE must assist them in planning and implementing necessary corrective action. 34 C.F.R. § 300.556 (b).

Pursuant to LDE's general supervisory responsibilities outlined above, LDE must implement an effective monitoring and enforcement system to ensure that all of the requirements of IDEA are implemented by LEAs across Louisiana. 34 C.F.R. § 300.600. As stated by Office of Special Education Programs (OSEP) in the U.S. Department of Education when releasing the IDEA regulations in 1999, “ a

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training schools, the admission criteria for these programs and their availability to students with disabilities.

(8) Payment of attorneys' fees and costs.

Sincerely,

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