

**NEW JERSEY DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION PROGRAMS  
AMENDED COMPLAINT FORM**

\*Date: 3/15/2017

To: **Director  
Office of Special Education Programs  
NJ Department of Education  
P.O. Box 500  
Trenton, NJ 08625-0500**

**The Office of Special Education Programs will NOT accept a request for mediation, a due process hearing, emergent relief, a complaint investigation, or enforcement of a mediation agreement or due process hearing decision through electronic mail or other electronic submission. All requests must be mailed or faxed to the OSEP to be accepted and processed.**

\*Relationship to Student(s): (Check One)

Parent/Guardian    Attorney    Advocate    Other: \_\_\_\_\_

Name: Education Law Center

Address: 60 Park Place, Suite 300, Newark, NJ 07102

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(In the case of a homeless child please provide available contact information)

Phone: (973) 624 -1815, ext. 20   Fax: (973) 624-7339

Email address: [eathos@edlawcenter.org](mailto:eathos@edlawcenter.org)

Provide the name of the student or specify the group of students affected by the alleged violation(s):

Students in Paterson Public Schools whose IEPs specify related services, including speech therapy, occupational therapy, physical therapy, and counseling.

School where the alleged violation(s) occurred: District-wide

\*District: Paterson   \*County: Passaic

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\* Items marked with an asterisk are not required; however, providing the requested information will assist in expediting your request.

\*1. Please check which statement applies:

I am currently involved in, or have recently requested, a due process hearing. I have enclosed a copy of the request.

I am considering filing for a due process hearing. I will send a copy of the request.

I am not planning on filing for a due process hearing.

**Note: Any issues contained in a request for a complaint investigation that are also the subject of a due process hearing will be set aside until the conclusion of the hearing. If the Administrative Law Judge makes a ruling on the issue(s), that ruling is binding.**

\*2. Briefly state the specific violation(s) of **special education law or regulation** that you believe occurred. If you choose to attach additional information or documentation, **you must nevertheless summarize the alleged violations**, as you see them.

Failure to provide related services as specified in students' IEPs. 20 U.S.C. § 1401(9) (a "free appropriate public education" includes related services that are "provided in conformity with" a student's IEP); 34 C.F.R. § 300.17 (same).

3. Specify the period of time or dates when the alleged violation(s) occurred.

2016-2017 school year

**Note: The complainant must allege a violation that occurred not more than one year prior to the date that the complaint is received.**

\*4. Is/Are the alleged violation(s) continuing at present?  Yes  No

5. **State the relevant facts**, including any claim that the district has failed to provide services required by the IEP of a student with disabilities. If you are claiming that the district has failed to implement the IEP, *please include a copy of the entire IEP*. (Attach additional pages, if necessary. If you have other written documentation from the school that you believe would assist in verifying the violation, please submit them with this request).

Education Law Center ("ELC") has received information from various reliable sources that large numbers of students with IEPs throughout the Paterson Public Schools ("PPS") district are not receiving related services as specified in their IEPs.

Staff and parents from multiple schools throughout the district have reported to ELC that PPS has failed to provide related services to numerous students repeatedly during the 2016-17 school year. The problem has existed due to inadequate staffing since at least the beginning of the 2016-17 school year. Recently, the lack of related services in the district has been severely exacerbated. ELC has been informed that, due to shortages of its own staff, PPS entered into a contract with a company called Kid Clan to fulfill various special education needs, including supplying a large number of personnel to provide related services. Estimates have been

provided that 60 Speech Language Specialists, Occupational Therapist, Physical Therapists, and Child Study Team members were serving Paterson students through its Kid Clan contract, starting around November 2016. Many Paterson students, who were not receiving related services at the beginning of the school year, began to receive related services under this contract, although we do not know whether all students with related services in their IEPs were covered by this contract. Unfortunately, the contracted services were temporary. ELC understands that as of early February, 2017, Kid Clan's services to PPS were terminated, and have not been replaced. This has left numerous students without any related services, including speech therapy, occupational therapy, physical therapy, and counseling.

ELC has received complaints about the district's failure to provide related services from staff and parents at the following schools: **Alexander Hamilton Academy** (no speech/language services); **Dale Avenue School** (no speech/language services for ½ students whose IEPs require same, no OT or PT services at all); **School 1** (14 students not receiving OT, 2-3 students not receiving PT, 2 students not consistently receiving counseling); **School 2** (no speech/language or OT services); **School 12** (no speech/language therapist as of February 2017, if not earlier), **School 16** (7 students requiring OT, PT, speech/language, and/or counseling had their services stop in February 2017), **School 28** (no speech/language therapist), **Edward W. Kirkpatrick** (no speech/language therapist), **Kennedy High School** (no speech/language therapist), and **Dr. Frank Napier Academy** (speech/language vacancy since December 2016, leaving approximately 34 students without services). **In almost all cases, those complaining to ELC were aware of similar problems at schools throughout the district.** ELC has also been informed by several parents and staff that preschool students throughout the district, both served by community providers and in-district schools, are not receiving related services in accordance with their IEPs. Enclosed is a list of community providers and in-district preschool programs, all of whom serve students with IEPs. ELC's understanding is that many district students with disabilities from preschool through grade 12 are currently not receiving related services required by their IEPs.

ELC requests immediate investigation of this urgent situation, which is likely affecting hundreds, if not thousands, of students with disabilities in PPS. ELC requests investigation of gaps in the provision of related services from September 6, 2016 to the present – including speech therapy, occupational therapy, physical therapy, and counseling – to all PPS students whose IEPs specify provision of such services.

6. Please describe how the issue(s) could be resolved. Attach additional pages as necessary.

PPS must immediately reinstate provision of related services to all students whose IEPs require them. All related services must be provided in conformance with the IEPs (length of sessions, number of sessions per week or month, individual or group therapy, etc.) and must be provided by personnel with appropriate training and qualifications.

Additionally, PPS must provide compensatory education to all students who the district has failed to provide with related services at any point during the 2016-17 school year. The amount of compensatory education for each student should be equivalent to the related services sessions that were missed by that student.

PPS must be prohibited from using online or telepractice speech therapist services to resolve this problem, except under very limited parameters that must be spelled out by NJDOE, OSEPP. These parameters must include: 1) the requirement that any change in services from direct to online or telepractice be done in accordance with IEP procedures, requiring an IEP team determination that such services will meet an individual child's needs and fully informed consent by the child's parent; and 2) the requirement that any use of online services or telepractice be done in accordance with recognized effective practices within the speech/language profession which restrict such services to: adults; fluency, voice, and articulation; and language cases only where the client is able to focus appropriately.

Please note that because PPS is a State-operated school district, ELC requests the designation of a neutral investigator not employed by the State to handle this complaint. See N.J.A.C. 6A:14-9.2 ("The State Director of the Office of Special Education Programs or designee(s) shall be responsible for reviewing, investigating and taking action on any signed written complaint regarding the provision of special education and related services . . . ." (emphasis added)).

\*7. Please list the district personnel you have already talked with to resolve this complaint, along with their response(s) to your request.

Many parents and district personnel have brought this matter to the district's attention, including to special education director Cheryl Coy, but the problem is ongoing.

**Complainants are required to forward a copy of the complaint to the Chief School Administrator of the district/education agency against which the complaint is directed at the same time the complaint is filed with the Department of Education.**

Check below to verify whether:

A copy of the complaint request, along with attachments, was mailed  
to: Superintendent Donnie Evans (name) on 3/15/17 (date);

or

A copy of the complaint request, along with attachments, was hand-  
delivered to: \_\_\_\_\_ (name) on \_\_\_\_\_ (date).

**Pursuant to N.J.A.C. 6A:14-9.2(b), please note that a complaint cannot be processed until the OSEP is notified that a copy was provided to the appropriate education agency.**

Signature: \_\_\_\_\_

  
(Person(s) Submitting Request)

## Frequently Asked Questions:

*Full Day Preschool Program Beginning September 2017*

### Who qualifies for the program?

All Paterson children who have reached the age of 3 or 4 by October 31, 2017.

### When do I register my child for the locations listed under Pre-School Centers?

For these locations registration is ongoing for the September 2017-2018 school year. Please call the individual locations to register your child.

### When do I register my child for the locations listed under In-District Locations?

For In-District Registration please call (973) 321-2501 for an appointment. Registration began February 8, 2017 for 2017-2018 school year.

### What do I need to bring to register my child?

- When You Register Your Child, You Need To Bring:
- Birth Certificate
  - 3 Proofs of Residence (PSE&G Bill, Cable Bill or Phone Bill)
  - Immunization Records
  - Child must be present

### What do you do if the center of your choice is full?

Call the Early Childhood Department at (973) 321-0674 to determine where there are openings.

### Is transportation provided? No.

Please contact the Department of Central Registration at (973) 321-2501 for information regarding the registration process at School #1, School #9, School #10, School #15 (Madison K Center), School # 16, School # 21, School #24, School # 27, School #28, Dale Avenue , Early Learning Center and EWK I if you have any questions regarding the State Mandated Preschool Program, please call (973) 321-0674.



## Participating STATE MANDATED Preschool Centers & In-District Locations

| Pre-School Center   | Address                | Phone        |
|---|------------------------|--------------|
| * B.J. Wilkerson I  | 437 W. Broadway        | 595-5272     |
| * B.J. Wilkerson III  | 124 Haledon Ave.       | 595-5272     |
| * Calvary Baptist   | 575 E. 18th St.        | 278-4130     |
| * El Mundo De Colores   | 44 Ward St.            | 523-0919     |
| * El Mundo Del Nino   | 433 Main St            | 279-7100     |
| * Friendship Corner II  | 186 Butler St.         | 405-6711     |
| * Gilmore   | 505 E. 22nd St.        | 977-8977     |
| * Gilmore II  | 69-72 Montclair Ave.   | 862-701-6303 |
| * Head Start- Eastside  | 500 E. 35th St.        | 546-2634     |
| * Head Start- Westside  | 265 Totowa Ave.        | 546-2634     |
| * Hogar Infantil  | 560 Main St.           | 279-4486     |
| * IEP Early Learning Ctr.                                     | 30 Michigan Ave.       | 881-1583     |
| * La Vida   | 396 Straight St.       | 345-6000     |
| * La Vida Too   | 116 Jackson St.        | 279-7067     |
| La Vida III   | 279 Carroll St.        | 569-0001     |
| * Memorial Day  | 397 Grand St.          | 742-3295     |
| * Memorial II   | 238 Straight St.       | 345-0281     |
| * Michael's Energy Factory of Greater Bergen Community Action | 101 Oliver St.         | 684-2278     |
| Omega Preschool   | 277-6th Ave.           | 278-8787     |
| * Paterson Day Care 100                                       | 363 Broadway           | 278-5200     |
| * Paterson Family Center                                      | 32 Spruce St.          | 413-1570     |
| * PCCC Child Dev. Center                                      | 1 College Blvd.        | 684-5915     |
| * St. Joseph's Child Care                                     | 800 Main St.           | 754-4433     |
| * YMCA  | 128 Ward St.           | 684-2320     |
| In-District Locations   |                        |              |
| School No. 1  | 589 11th. Ave.         |              |
| School No. 9  | 6 Timothy St.          |              |
| School No. 10   | 48 Mercer St.          |              |
| School No. 15 (Madison K Center)                              | 512 Market St.         |              |
| School No. 16   | 11-22nd Ave.           |              |
| School No. 21   | 322 10th Ave.          |              |
| School No. 24   | 50 19th. Ave.          |              |
| School No. 27   | 250 Richmond Ave.      |              |
| School No. 28   | 200 Presidential Blvd. |              |
| Dale Avenue School  | 21 Dale Ave.           |              |
| Early Learning Center   | 660-14th Ave.          |              |
| EWK   | 295-315 Ellison        |              |