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**FOR IMMEDIATE RELEASE**

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**HUMAN RIGHTS AUTHORITY - PEORIA REGION**  
**REPORT OF FINDINGS**

**Case # 19-090-9018**  
**Quest Charter Academy Middle School**

**INTRODUCTION**

The Human Rights Authority (HRA) opened an investigation after receiving a complaint of possible rights violations at Quest Charter Middle School. Complaints alleged the following:

1. Inadequate IEP/504 Plans, including facility not updating plans.
2. Facility not following IEP accommodations.

If found substantiated, the allegations will represent violations of (23 Il Admin Code 226) and federal (34 CFR 300) regulations pertaining to special education.

Quest Charter Academy Middle School is a 5<sup>th</sup>-8<sup>th</sup> grade charter school that serves a maximum of 300 students but there were 260 children enrolled in the 2018-2019 school year. Quest Charter Academy also operates a high school in the Peoria area which serves grades 9<sup>th</sup>-12<sup>th</sup> with a maximum enrollment of 300. There are currently 284 students enrolled in the high school. Quest schools are charter schools that are identified as a public school option for Peoria Public School district students. The middle school currently has twenty-four special education students, twenty-one of these students with Individualized Education Plans and three with 504 Plans. Students who attend Quest school have their names placed into a lottery by their parent or guardian via their home school and choose to attend Quest school or remain at their identified public school if their name is picked via the lottery process.

**COMPLAINT STATEMENT**

The complaint alleges that Quest Academy Middle School is using inadequate Individualized Education Plans (IEP), in the middle school program. Students' IEPs are not being followed as written and are not up to date. The Principal has told staff to not update IEPs. Additionally, students who are eligible for extended time for state tests have had their time cut short. The HRA reviewed the facility policy but does not have a consent to review specific student records.

## **Staff Interviews (6.12.19)**

The HRA team arrived at Quest Charter Academy Middle School for a scheduled site visit. The HRA staff met with the Executive Director and the Principal of the middle school attended. The school building was formerly Columbia Middle School operated by Peoria Public Schools but is now Quest Charter Academy Middle School. Currently there is not a full time Special Education Teacher on staff at Quest. This has been an area of need as they have not been able to hire anyone. The Executive Director indicated the school has had a representative attend six job fairs, offered a signing bonus for teachers and dealt with staff turnover in this past 2018-2019 school year. Peoria Public Schools is their local education agency (LEA) and empty teaching positions is an issue in the whole school district. The students arrive at Quest with their IEP and 504 plans already in place. The Individualized Education Plan team meeting is facilitated by the Special Education Director hired by the Peoria Public Schools. Quest staff does not coordinate the initial IEP meeting. Quest school staff has not had to modify or change any special education services in the past school year and Quest staff would not do this anyway. Staff explained it would be the responsibility of the Special Education Director for Peoria Public Schools to modify or change the services. When a student is picked to attend Quest via the lottery, and has special education needs, the Peoria Public School Special Education Director speaks with the family about whether Quest would be able to accommodate or meet the needs of the IEP or 504 plans. Currently, the school is supporting individuals who have diagnosed learning disabilities, need life skills classes, need extra reading and math supports, and some speech supports/services. These students require inclusion minutes of 200 or less. If a family feels that their student would be able to have their special educational needs met by Quest, then they accept admission to the choice school. There have been instances of local area families desire to attend Quest school, but their students need special education services and the family waived services because Quest is unable to accommodate their needs. The Executive Director shared that due to the school size, they do not have space for a full behavior disorder classroom. They do have a student diagnosed with high-functioning autism, one student whose behaviors require a 1:1, and other students requiring extra time on tests, strategic/corrective reading, writing prompts and speech fluency supports. The school does not currently have a special education teacher on staff and is meeting the needs of children's IEPs or 504 plans by training the teachers during their grade level meetings and providing an aide to support the classroom needs. The Executive Director explained that due to the staffing issue with special education teachers, they have a teacher who is planning to attend school this summer to earn the special education certificate and will be their special education teacher for the next 2019-2020 school year. Quest is paying for this teacher's certification classes. For the students who are currently attending Quest and are receiving special education services, some of these children require weekly phone calls or meetings with the parent to discuss progress or behaviors. The school does offer extra access to the library for strategic reading supports for nonreaders, this is typically 40 minutes long. When an IEP meeting is facilitated at the end of the school year, the Peoria Public School Special Education Director organizes this and documents the meeting and changes the special education needs during the meeting in a program called

Skyward. The data is entered by the Peoria Public School Special Education Director, Quest staff do not enter information into this computer system. Quest encourages student led meetings and those who typically attend the IEP meetings are Elite officers, family liaisons, mentors, parents, student and teacher. They had one student with a behavior plan and IEP that was withdrawn from Quest by their parent and placed back at his home school. Quest is transparent and recommends that if a child requires a full day behavior classroom, they should remain at their home school. The Executive Director discussed challenges of not having the special education teacher in-house and that a letter was sent to all parents of students receiving special education services stating this was an area of need at the school. The letter also addressed how the school was meeting the curriculum needs of their student. The Executive Director was candid and stated they are not "following the letter of the law" since they do not have a certified special education teacher/staff. The facility staff is working on meeting the need. Staff stated that the Peoria Public School Board is aware of this issue, and again it is a chronic issue with in the school district. The HRA inquired about the complaint that stated the principal directed staff to not update IEPs. The Principal answered stating Quest staff would not do this, it would need to be done by the Peoria Public Schools Special Education Coordinator.

Quest staff involved in the site visit gave examples of two of the three students' 504 plans that are enrolled at the school. One child has a severe food allergy and has to eat in a room outside of the lunch room. They have another student with anxiety that requires leaving an area and sitting with an aide when he becomes anxious. They provide accommodations for students who require writing prompts. These students typically go to the Spanish room with an aide who will read the prompts to the students. They have no modifications for students taking state testing but do have students who are English-Language Learners (ELL) that need alternative testing for state tests. The Curriculum Director manages the accommodations required for state testing and ensures compliance with the timed test. This person also completes the state required documentation and submits the documentation. Staff explained that teachers and aides do not enter documentation into Skyward, but they do make anecdotal notes and administrative staff review "At A Glance" documents that identify what the "label" is for the student and how many minutes he/she requires. Every teacher signs off on these sheets and the sheets are reviewed during the team grade level staff meetings. If a student requires weekly supports to take a test the teacher would email to ask for an aide to assist with providing extra time to take the test. If an issue is discovered during these meetings and the student requires an intervention or accommodation, then the principal notifies the executive director who then reaches out to Peoria Public School Special Education Coordinator. The school does not have a school psychologist or social worker on staff.

Finally, Quest representatives reported that Quest school does not receive all of a student's funding for attending school and/or special education services. The Executive Director was unable to say how much the school receives for each student receives, but Peoria Public Schools takes a portion since they provide special education Director supports and a social worker.

## **FINDINGS (Including record review, mandates, and conclusion)**

### **Complaint #1 – Inadequate IEP/504 Plans, including facility not updating plans.**

Quest provided four redacted IEPs as requested by the HRA. The first student's IEP was for a fifth-grade student diagnosed with a Specific Learning Disability (SLD). The original evaluation of this IEP was March 9, 2017. There was an IEP meeting held on January 10, 2019 at a Peoria Public School elementary school location. The members of the IEP Team for this meeting were the parent, LEA Representative, General Education Teacher and "other" who would have been the Quest principal based on the signature.

The HRA Reviewed an IEP Conference Summary Report and IEP Plan for another fifth-grade student and the IEP Review/Revision meeting was held on 1/10/19. This student's diagnoses are Other Health Impairment (OHI) and Specific Learning Disability (SLD). The original IEP Evaluation took place on 2/14/2017. The individuals attending the IEP meeting were the parent, the student, the LEA Representative, General Education Teacher, and Principal. These names are typed onto the report with no formal signature noted next to the typed name, but a box is checked to indicate they were in attendance. It also appears that the Special Education Teacher, the School Social Worker and the Speech-Language Pathologist was not in attendance.

The HRA reviewed a third student's IEP Conference Summary Report dated January 10, 2019. This one was for a sixth-grade student of Quest Middle School for an IEP Review/Revision. The original IEP evaluation was completed June 13, 2017. Again, there is no formal signature on the section of the conference summary report to indicate whether those listed attended the meeting and it appears the student and parents did not attend based on the IEP box not being checked. The staff noted that a notice was sent to the parent on 12/13/19 and on 1/8/19. On 1/10/19 staff attempted to reach the parents twice and left a message both times. Those in attendance to this meeting were the LEA Representative and the Principal of Quest.

The fourth student IEP that was reviewed by the HRA was for a student in the eighth grade with a Specific Learning Disability (SLD). This student's most recent evaluation was completed April 23, 2018 and was reviewed on February 12, 2019. The Conference Summary Report indicates that two parents, the LEA Representative, General Education Teacher and Quest Assistant Principal attended the meeting. There was not a school social worker or special education teacher in attendance.

All four IEPs provided to the HRA indicate that the person responsible for implementation of the goals is the Special Education Teacher.

The HRA reviewed three redacted 504 plans. First they reviewed a document provided by Quest titled Section 504 Conference Summary for a sixth grader held on 5/13/18. The committee participants were: Principal, Counselor, SEL Teacher, Classroom Teacher, and Parent. The parent's full name is not redacted on this form. The

purpose of the conference was to consider eligibility of services under Section 504. This student was determined by the team to need 504 Accommodations. The appropriate services/accommodations to be provided were: “Daily use of a planner or agenda for homework assignments and parent communication. Teachers will have [student] put the information in the planner and teachers will sign the agenda. Teachers will prompt [student] to take out his planner. [Student] will receive a reward of his choice after 10 sign off by teachers/parent. 2. Teachers will provide a verbal/physical reminder to redirect [student] attention or focus to task. 3. Implementation of a care pass to have access to take a break when he feels the need. Teachers will monitor student use of the pass. 4. Teachers will provide a “reset” seat in the classroom for [student] to regroup and focus before returning to the peer group. 5. Provide the access to noise cancelling headphones.”

The second 504 Conference Summary reviewed by the HRA was for a fifth-grade student of Quest Academy and the meeting was held on June 12, 2018. The parent and the principal attended this meeting. The parent’s name is not redacted on this form. This student was determined to be appropriate for a 504 plan due to the diagnosis of ADHD and anxiety. The services and accommodations recommended were, “1. Providing in class/grade level peer support, to explain routines, procedures and support as a positive role model. This would be described as a classroom ‘learning’ buddy. 2. A classroom to home communication log-between family and teacher. The agenda/planner will be used for the communication tool. 3. Preferential seating in the classroom-flexible seating options, [student] will meet with her advisory teacher, who will allow for ‘choice’ and this information will be shared with other classroom teachers. (side note of socially sophisticated peer). 4. Implement a care pass to provide [student] the opportunity to rest or take a break from the classroom. The school social worker will create and instruct [student] on the use of the care pass. 5. [Student] will participate in weekly session with the school social worker, for 15-20 minutes. The session will be individually. She will participate in the young ladies, Prestige program. 6. For the first 3-4 weeks of school, the transition to 6<sup>th</sup> grade, [student] will be allowed to carry a bag with her from class to reduce anxiety. Teachers will provide an anticipatory guide or classroom notes ahead of a new learning to assist in preparation and anxiety reduction.” This same conference summary has a review/revision handwritten on it in January 2019. The changes were, “8. Extended time for testing. 9. Testing/Assessment in small group, quiet setting. 10. Monitor for anxiety during testing and allow brief breaks as needed.” This summary only has one signature page included that was originally signed July 2018 at the original meeting. There is not another parent signature from the January 2019 review.

The last Section 504 Conference Summary received and reviewed by the HRA was for a sixth grade student and was held on February 7, 2019. The individuals participating in this conference were: the Principal, Assistant Principal, School Psychologist. There is a line that also says, “General Education Teacher” but there is not a school personnel listed, so it is unclear if a teacher participated. The student was determined to be appropriate for accommodations based on the diagnosis of Attention Deficit Hyperactivity Disorder. This student’s accommodations were listed as: “check-in-check-out with a preferred adult. Use multiple redirections before implementing the

GATOR system. Use of an appropriate fidget to assist with concentration. Movement breaks, as needed. Able to choose whether to stand or sit during class. One additional day to complete assignments when absent. Extended time for testing, up to 50%. Small group setting for testing.” There was no parent signature on the conference summary or listed as a committee participant.

Quest Charter Academy sent two pages from a Family and Student Handbook from the 2018-2019 school year numbered F25 and F26. Page F25 provides the focus of Quest and the Education of Students with Disabilities and it reads “It is the intent of Quest Charter Academy and the Peoria Charter School Initiative to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 or the Individuals with Disabilities Education Act are identified, evaluated and provided with appropriate educational services. The school provides a free appropriate public education in the least restrictive environment and necessary related services to all children with disabilities enrolled in the school. The term ‘children with a disability’ means children between ages 3 and the day before their 22<sup>nd</sup> birthday for whom it is determined that special education services are needed. It is the intent of the school to ensure that students with disabilities are identified, evaluated, and provided with appropriate educational services. A copy of the publication ‘Explanation of Procedural Safeguards’ is available upon request to parents of students with disabilities. It can be obtained from each school’s administration.”

The HRA reviewed another section of this same Family and Student Handbook that speaks to accommodating individuals with a disability. In summary, individuals with disabilities can participate in all school-sponsored services, programs or activities and to contact the Quest Executive Director or principal if they need assistance prior to the school-sponsored event.

Quest Charter Academy also provided the Faculty Staff Handbook from the 2018-2020. On pages 28 and 29 of the documents there is a section titled Special Education and communicates the following information, “What does the IDEA statute require? The regular education teacher of the child as a member of the IEP Team, shall to the extent appropriate, participate in the development of the IEP of the child, including the determination of appropriate behavioral interventions and strategies and the determination of supplementary aids and services, program modifications, and support for school personnel consistent with paragraph (I)(A)(iii). Sec. 1414 (d)((2)(C): Requirement with respect to regular education teacher.”

Page 28 of the same document communicates an answer to the following question “What do the federal IDEA regulations provide?” The document reads “The public agency shall ensure that the IEP team for each child with a disability includes...At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment.” Page 28 also speaks to the IEP team stating, “the regular education teacher of a child with a disability, as a member of the IEP team must, to the extent appropriate participate in the development, review and revision of the child’s IEP, including assisting in the determination of appropriate positive behavioral

interventions and strategies for the child; and supplementary aids and services, program modifications or supports for school personnel that will be provided for the child consistent with 3003.47(a)(3).”

Lastly, this same document page number 29 identifies the school’s inclusion teaching expectations. It states the following about Special Education Teachers, “The Special Education Teacher Should: provide more individualized instruction. Provide more individual attention to students. Adapt materials to meet the needs of specific IEP accommodations. Monitor IEP goals. Develop alternative assessments. Share the responsibility of preparing and delivering lessons. Share the responsibility of assigning grades to students.” This same page clearly communicates that that a Special Education Teacher “should NOT be solely responsible for a classroom”.

Quest Charter Academy provided the Charter School Renewal Application for Special Education Services. This is the legal agreement between Quest charter Academy and District 150 and was created in February of 2015. On page 4 of this contract, ISBE Requirements are noted on the referral process for an initial evaluation and reevaluation document in the section titled, Proposed Steps for Implementation of Services According to Required Information. The section states, “...Quest will follow and support all District 150 Special Education policies and procedures. District 150 will be responsible for completing all initial and tri-annual reevaluations for students.” This same page under the section, it states that the Quest Special Services Coordinator, District 150 Special Services Personnel and Quest Administration will work together to ensure the implementation of services. Page 6 of the Charter School Renewal Application states timelines of services and how they will be met. The HRA is focusing on one year initial evaluation, development of IEPs, sending required Notice and Consent forms to parents and progress reported on IEP annual goals that is identified under ISBE Requirements. The Proposed Steps for Implementation of Services According to Required Information states, “Initial evaluations, yearly reviews, development of IEPs..., required notice and consent forms to parents/guardians, and progress reports of IEP annual goals, will be the responsibility of District 150 Special Service Coordinator assigned to Quest. Quest Special Services Coordinator will work in collaboration with the District 150 Special Services Coordinator and staff to ensure time lines are met.” These job titles match the titles of staff who will ensure implementation of services that are stated in the last paragraph.

Page 17 of this Charter School Renewal Application under ISBE Requirements identifies ISAT/PSAE [Illinois Standards Achievement Test/Prairie State Achievement Examination] accommodations and how accommodations will be made for students with disabilities whose IEP require accommodations. Proposed Steps for Implementation of Services According to Required Information section states, “Modifications and accommodations listed on the assessment page of the IEP will be provided to students with disabilities during testing.” Staff responsible are “Quest special Services Coordinator and District 150 Special Services Coordinator.”

The school also provided a copy of a letter that was issued to parents in August

2018 that notified them that their students did not have a highly qualified teacher teaching in the classroom. It is unclear to the HRA if these letters were sent to parents of students receiving special education services or to parents of all students of Quest Charter Academy Middle School. This letter also references the No Child Left Behind Act of 2001 that is the federal law that requires the school to notify their students' parents of not meeting this legal requirement.

**23 Ill. Adm. Code 1.610. Personnel Required to be Qualified** All professional employees of public schools and school districts shall be properly licensed as required by Section 21B-15 of the School Code [105 ILCS 5/21B-15]. a) No one shall teach or supervise in a public school unless that individual holds an educator license appropriate for the position to which that individual has been assigned. (See Appendix A of this Part.) Schools' and districts' compliance with these requirements shall be a factor in their recognition status, as discussed in Section 1.20 of this Part.

**23 Ill. Adm. Code 226.60 Charter Schools For purposes of IDEA and this Part**, charter schools established pursuant to Article 27A of the School Code [105 ILCS 5/Art. 27A] shall be treated either as schools within school districts or as local educational agencies in their own right. a) When a school's charter is issued by a local board of education pursuant to Section 27A-8 of the School Code [105 ILCS 5/27A-8], that charter school shall be considered as a school within the district over which that board of education exercises jurisdiction. b) When a school's charter is issued by the State Charter School Commission pursuant to Section 27A-7.5 of the School Code [105 ILCS 5/27A-7.5], that charter school shall be considered as a local educational agency.

**23 Ill. Adm. Code 226.200 General Requirements** Each school district shall provide special education and related services to eligible children in accordance with their IEPs.

**34 C.F.R. 300.209 Treatment of charter schools and their students.** (a) Rights of children with disabilities. Children with disabilities who attend public charter schools and their parents retain all rights under this part. (b) Charter schools that are public schools of the LEA.

In carrying out Part B of the Act and these regulations with respect to charter schools that are public schools of the LEA, the LEA must—(i) Serve children with disabilities attending those charter schools in the same manner as the LEA serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such services on the site to its other public schools;

**34 C.F.R. 300.321 IEP Team.** (a) General. The public agency must ensure that the IEP Team for each child with a disability includes—(1) The parents of the child;(2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment); (3) Not less than one special education teacher of the child, or where appropriate, not less than one special education



provider of the child; (4) A representative of the public agency who—(i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;(ii) Is knowledgeable about the general education curriculum; and(iii) Is knowledgeable about the availability of resources of the public agency. (5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (a)(6) of this section; (6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and (7) Whenever appropriate, the child with a disability.

**34 C.F.R. 300.156 Personnel qualifications.** (a) General. The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities. (c) Qualifications for **special education** teachers. (1) The qualifications described in paragraph (a) of this section must ensure that each person employed as a public school **special education** teacher in the State who teaches in an elementary school, middle school, or secondary school—(i) Has obtained full State certification as a **special education** teacher (including certification obtained through an alternate route to certification as a special educator, if such alternate route meets minimum requirements described in 34 CFR 200.56(a)(2)(ii) as such section was in effect on November 28, 2008), or passed the State **special education** teacher licensing examination, and holds a license to teach in the State as a **special education** teacher, except that when used with respect to any teacher teaching in a public charter school, the teacher must meet the certification or licensing requirements, if any, set forth in the State's public charter school law;

## **CONCLUSION:**

The HRA concludes the allegation against Quest Charter Academy Middle School that there is inadequate IEP/504 planning is **SUBSTANTIATED**. The HRA is substantiating this allegation based on staff admitting during the site interview that the school does not have a qualified special education teacher on staff and all four IEPs reviewed indicated that a special education teacher is needed to implement the IEP. Without a special education teacher, the school is not in compliance with 23 Il Admin Code 226.200 which states that schools must follow the student's IEPs. Additionally, the laws regarding IEP teams state "The public agency must ensure that the IEP Team for each child with a disability includes—(1) The parents of the child;(2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment); (3) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child" (34 C.F.R. 300.321). In reviewing the 4 IEPs provided to the agency, there does not appear to be a special education teacher or staff that could be considered a special education provider, and on one occasion, there was not even a general education teacher who signed that they attended the meeting. This also does not comply with special education mandates.

The school provided a letter to the HRA that indicated they notified parents and guardians of the issue with not having a “highly qualified teacher” such as a certified special education teacher on staff as early as August 30, 2018 but in this letter they reference the Federal No Child Left Behind Act of 2001 which was no longer in effect and had been replaced in 2015 with Every Student Succeeds Act.

The HRA makes the following **recommendations**:

- The school stated that they are attempting to find a special education instructor and they are also in the process of sending a current staff member to receive the proper certification to instruct special education. Quest Charter Academy Middle School must provide documentation of certified special education staff employed by their school for the 2019-2020 school year to assure compliance with 23 IL Admin Code 226.200 and 34 C.F.R. 300.321.
- The facility is not providing an adequate special education team per 34 CFR 300.321. The school must ensure that this is occurring with each special education student going forward. Provide the HRA with evidence that the school has began compliance with the regulations and each student has all needed representatives on their IEP team.

The HRA makes the following suggestion:

- Quest Charter Academy should continue an active campaign to hire qualified and certified teachers for their charter school. This could be done but continuing their participation in job fairs, advertising with local news outlets and social media. With the goal of creating an applicant pool to prevent further concerns of not having qualified staff to meet the educational needs of their special education students.
- Quest Charter Academy should work with the Peoria Public School District to ensure that legal information is accurately reported to district parents. The letter that was sent out in August of 2018 references old federal law that is no longer in effect as to how to communicate a teacher being employed and teaching students but not considered “highly qualified”.
- Ensure parents are notified and formally engaged in the IEP process.
- That the school encourages student lead IEP meetings as noted during the site visit. All four IEP conference summary reports provided to the HRA do not have the student documented as part of the IEP meeting.
- During the interview, staff explained that it was up to the Special Education Director of the Peoria Public Schools to change services but the HRA wants to assure that staff know that this is not a decision by school staff but rather the student’s IEP team.

## **Complaint #2- Facility not following IEP accommodations.**

The HRA reviewed IEP accommodations for four students and three 504 Conference Summary plans for Quest Charter Academy Middle School students. The

first student was a fifth grader and had Supplementary Aids, Accommodations, and Modifications noted at his IEP Review. The following is documented, "extra time up to 50%, calculator or multiplication chart when appropriate, preferential seating, sections read to him, directions clarified/simplified, shortened/accommodated assignments/assessments (i.e. give examples to take home, I do you do practice, fewer problems, less reading, less writing), help with organization, small group, visual schedules, visual prompts, assignments written down, alert mom to schedule or routine changes so he can be prepared, graphic organizers, modified writing rubric." The section titled Supports for School Personnel identifies that "program trainings and/or supports for school personnel are needed for the student to advance appropriately toward attaining the annual goals, participate in the general curriculum, and be educated and participate with other students in educational activities. If yes, specify what trainings and/or supports are needed, included when appropriate, the information that clarifies when the trainings and/or supports will be provided, by whom, in what location, etc." The box is marked "yes" to answer this and then the following is typed, "Special Education Teacher will provide 'student at a glance' to familiarize teacher with needs the special education teacher and general education teacher will collaborate on weekly basis." The three Goals and Objectives/Benchmarks identified in this student's IEP identifies that the "Title of Goal Implementer" is the "Special Education Teacher". The section of this IEP that focuses on Classroom Based Assessments, District Wide and State Assessments identifies this student requires accommodations for classroom and district wide assessments and for state testing to "Participate in PARCC [The Partnership for Assessment of Readiness for College and Careers] assessment with accessibility features turned on in advance and/or accommodations." This was an area of need for any Math state testing. This same IEP has goals for "Participation in General Education Classes" with no supplementary aides provided for the subjects of lunch, PE, Spanish, art and music. Specific to "General Education with Supplementary Aids" the subjects of ELA [English Language Arts], math, writing, social studies and science are identified on the IEP plan for a total of 1410 minutes per week, in setting. This student requires "Special Education and Related Services within the General Education Classroom" for the subjects of ELA and math for a total time of 300 minutes per week. The IEP determines "Placement Considerations" and it states this individual requires greater than 80% of the school day in general education setting. The team accepted placement of the student after reviewing the "Potentially Harmful Effect/Reasons Rejected" and stated, "Due to [student] specific learning disability he requires supports and accommodations from the special education teacher within the general education setting. This setting offers the most success." This student was also recommended for extended school year (ESY) services based on the "lack of a Special Education Teacher at Quest" this student would be eligible for the ESY provided by the district.

The second IEP reviewed was also for a fifth grade student. This student is diagnosed with Attention-Deficit/Hyperactivity Disorder (ADHD) and receives speech services. The four Goals and Objective/Benchmarks noted for him in his IEP have three which identify the "Special Ed Teacher" to be the implementer of the goals. The fourth objective has the "Speech Language Pathologist" identified as the implementer. This student requires classroom, district, and state testing accommodations. The Assessment

Accommodations this student requires for classroom based assessments is, “Small group, redirection, visual prompts, directions repeated and or clarified, portions read aloud as allowable, extended time up to 50%, study guides sent home 3-7 days ahead of time, chunking of material, provide additional positive reinforcement to help build confidence, math manipulatives, shortened writing assignments, if student gets an ‘F’ on his test, allow him make corrections or retest.” For district based assessments the student’s requirements were, “presentation accommodations simplify or clarify directions read and reread aloud the test directions non-reading tests read aloud as allowable or text-to-speech feature if available chunking if allowed, small group setting. Timing/Schedule Accommodations requires ‘extended time up to 50% offer breaks flexible scheduling, math manipulative calculator.’ For state testing such as PARCC the student needs “text to speech for math text and graphics, extended time up to 50% and calculator and math tools.” He also has Science Assessment noted and needs the following accommodations: “presentation accommodations to simplify or clarify directions read and reread aloud the test directions non-reading tests read aloud as allowable or text-to-speech feature if available chunking if allowed, small group setting and for time he requires extended time up to 50% offer breaks flexible scheduling and math manipulatives calculator.” This student benefits from 340 minutes per week, in the general education class with no supplementary aides for the subjects of lunch, physical activity, encore classes (art, music, PE, technology). The student needs 1430 minutes per week of “General Education with Supplementary Aids” for the subjects of ELA, math, science and social studies. This student needs 300 minutes per week (mpw) in the “Special Education and Related Services within the General Education Classroom” for ELA (reading, written language) 150 minutes per week (MPW), Math (150 MPW). This student requires thirty minutes of speech therapy outside of the general education program. Extended School Year services was another recommendation for this student due to Quest Middle School not having a special education teacher.

The third IEP reviewed by the HRA was for a student in the sixth grade. This student’s section of the IEP titled Supplementary Aids, Accommodations, and Modifications specifies that this student needs “small groups, extended time up to 50%, redirection, check for understanding, directions restated and clarified, preferential seating.” The section titled Supports for School Personnel has the box marked “yes” to indicate that this student is in need of program trainings and/or supports...and the following is written “Special Education Teacher will collaborate with the general education teacher, especially in regard to accommodations.”

The fourth IEP reviewed by HRA was for a student in the eighth grade. This section of the IEP titled “Supplementary Aids, Accommodations, and Modifications” does not have anything listed. The section titled “Supports for School Personnel” has the box marked “yes” to the statement “Program trainings and/or supports for school personnel are needed for the student to advance appropriately toward attaining the annual goals, participate in the general curriculum and be educated and participate with other students in educational activities. If yes, specify what trainings and/or supports are needed, including when appropriate, the information that clarifies when the trainings and/or supports will be provided, by whom, in what location, etc.” The typed response in

this section is "Collaboration between the special education teacher and the general education teachers especially regarding accommodations."

Quest Charter Academy sent a two page form for review numbered F25 and F26. It is unclear to the HRA if this information is from a teacher handbook or another in-house policy source. Page F25 and F26 speaks to Accommodating Individuals with Disabilities and states, "Individuals with disabilities will be provided an opportunity to participate in all school-sponsored services, programs, or activities. Individuals with disabilities should notify the Quest Executive Director or principal if they have a disability that will require special assistance or services and, if so, what services are required. This notification should occur as far in advance as possible of the school-sponsored function, program or meeting.

Quest Charter Academy provided another two page form that appears to provide information on 504 plans for K-12 public students with disabilities. It is unclear to the HRA if this information is from a teacher handbook or another in-house policy source. Page 28 of this document states the following:

"504 plans are for K-12 public school students with disabilities. Section 504 defines 'disability' in very broad terms. That is why children who aren't eligible for an IEP may qualify for a 504 plan. Section 504 defines a person with a disability as someone who: Has a physical or mental impairment that 'substantially' limits one or more major life activity (such as reading or concentrating). Has a record of the impairment. Is regarded as having an impairment, or a significant difficulty that isn't temporary. For example, a broken leg isn't an impairment, but a chronic condition, like a food allergy, might be. This definition covers a wide range of issues, including ADHD and learning disabilities. However, Section 504 doesn't specifically list disabilities by name. Having a disability doesn't automatically make a student eligible for a 504 plan. First the school has to do an evaluation and decide if a child's disability "substantially" limits ability to learn and participate in the general education classroom.

This evaluation can be initiated by either the parent or the school. If the school initiates the evaluation, it must notify the parent and get the parents' consent to evaluate a child for a 504 plan. If the school wants to move ahead without the parents' consent, it must request a due process hearing to get permission to work around the parent's refusal.

When doing an evaluation for a 504 plan, the school considers information from several sources, including: documentation of the child's disability (such as a doctor's diagnosis), evaluation results (if the school recently evaluated the child for an IEP), observations by the student's parents and teachers, academic record, and Independent evaluations (if available).

Section 504 requires evaluation procedures that prevent students from being misclassified, incorrectly labeled as having a disability or incorrectly placed."

Quest Charter Academy Middle school provided heavily redacted documentation to the HRA for review. One document titled 5<sup>th</sup> Grade (Extended Time) had eleven

redacted names listed but did not detail how much time and for what subject extended time was used. 6<sup>th</sup> Grade (Extended Time) with seven redacted names listed did not detail how much time and for what subject extended time was used. 7<sup>th</sup> Grade (Extended Time) with eight redacted names listed did not detail how much time and for what subject extended time was use. Lastly, 8<sup>th</sup> Grade (Extended Time) with seven redacted names listed did not detail how much time and for what subject extended time was used. The HRA was unable to connect the extended time lists to IEPs or 504 plans due to lack of consent but two of the IEPs reviewed indicated that students were supposed to receive accommodations and extended time per their IEPs.

**23 Ill. Adm. Code 226.200. General Requirements** Each school district shall provide special education and related services to eligible children in accordance with their IEP goals.

**23 Ill. Adm. Code 226.220 Development, Review, and Revision of the IEP** The development, review, and revision of each child's IEP shall conform to the requirements of 34 CFR 300.324 and 300.328. The additional requirements of this Section shall also apply. a) When an IEP has been developed or revised, the district shall provide notice in accordance with 34 CFR 300.503(b) and (c) immediately to the parents, and implementation of the IEP shall occur no later than 10 school days after the provision of this notice or by the beginning of the following school year if the IEP is developed or revised with fewer than 10 school days remaining in the school year. If the new or revised IEP requires extended-year services, those services shall be provided in accordance with the provisions of the IEP. b) Either a child's educational provider or a child's parent may request an IEP meeting at any time. Within 10 days after receipt of a request, the district shall either agree and notify the parent in accordance with 34 CFR 300.503 or notify the parents in writing of its refusal, including an explanation of the reason no meeting is necessary to ensure the provision of FAPE for the child. c) The development of an IEP for a child who has a disability on the autism spectrum shall include consideration of the factors specified in Section 14-8.02(b)(1) through (7) of the School Code.

**23 Ill. Adm. Code 226.230 Content of the IEP** The content of each child's IEP shall conform to the requirements of 34 CFR 300.320. The additional requirements of this Section shall also apply. a) Each IEP shall include: 1) A statement of measurable annual goals that reflect consideration of the State Goals for Learning and the Illinois Learning Standards (see 23 Ill. Adm. Code 1), as well as benchmarks or short-term objectives developed in accordance with the child's present levels of academic and functional performance. 2) A statement regarding the child's ability to participate in State and district-wide assessments. 3) A statement as to the languages or modes of communication in which special education and related services will be provided, if other than or in addition to English. 4) A statement as to whether the child requires the provision of services beyond the district's normal school year in order to receive FAPE ("extended school year services") and, if so, a description of those services that includes their amount, frequency, duration, and location.

**34 C.F.R. 300.324 Development, review, and revision of IEP.**(a) Development of IEP—(1) General. In developing each child's IEP, the IEP Team must consider—(i) The strengths of the child;(ii) The concerns of the parents for enhancing the education of their child;(iii) The results of the initial or most recent evaluation of the child; and (iv) The academic, developmental, and functional needs of the child.(2) Consideration of special factors. The IEP Team must—(i) In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior; (ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP; (iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child; (iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and (v) Consider whether the child needs assistive technology devices and services. (3) Requirement with respect to regular education teacher. A regular education teacher of a child with a disability, as a member of the IEP Team, must, to the extent appropriate, participate in the development of the IEP of the child, including the determination of— (i) Appropriate positive behavioral interventions and supports and other strategies for the child; and (ii) Supplementary aids and services, program modifications, and support for school personnel consistent with § 300.320(a)(4).(4) Agreement. (i) In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP. (ii) If changes are made to the child's IEP in accordance with paragraph (a)(4)(i) of this section, the public agency must ensure that the child's IEP Team is informed of those changes. (5) Consolidation of IEP Team meetings. To the extent possible, the public agency must encourage the consolidation of reevaluation meetings for the child and other IEP Team meetings for the child. (6) Amendments. Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting, or as provided in paragraph (a)(4) of this section, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.(b) Review and revision of IEPs— (1) General. Each public agency must ensure that, subject to paragraphs (b)(2) and (b)(3) of this section, the IEP Team—(i) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and(ii) Revises the IEP, as appropriate, to address—(A) Any lack of expected progress toward the annual goals described in § 300.320(a)(2), and in the general education curriculum, if appropriate;(B) The results of any reevaluation conducted under § 300.303; (C) Information about the child provided to, or by, the parents, as described under §

300.305(a)(2); (D) The child's anticipated needs; or (E) Other matters. (2) Consideration of special factors. In conducting a review of the child's IEP, the IEP Team must consider the special factors described in paragraph (a)(2) of this section.(3) Requirement with respect to regular education teacher. A regular education teacher of the child, as a member of the IEP Team, must, consistent with paragraph (a)(3) of this section, participate in the review and revision of the IEP of the child.

The HRA reviewed the Illinois State Board of Education website and the handbook titled "Instructions for Individualized Education Program (IEP) Forms" to explore how schools are to track the minutes per week that students are entitled to. This information is called "Educational Environmental (EE) Calculation" and is defined as "This area is to identify the total amount of time spent outside the general education setting." It is broken into two age groups, for the age group 6-21 the following school time should be tracked for a student who receives special education services: "Bell to Bell Minutes- The total amount of time a child spends during his school day from the beginning to the end, including lunch, recess, passing time, etc." This same document provides a definition for "Minutes Outside General Education- The total number of special education and related services per week provided outside general education as indicated on the form".

### **CONCLUSION:**

The HRA was provided student IEPs and 504s, some of which indicated that the students needed extended time for testing. The HRA was also provided a heavily redacted document which tracked that some students were receiving extended time. Due to the lack of release for a specific student's records, the HRA lacked evidence to connect specific students to specific extended times but the documents did indicate that extended time was being tracked and provided. Because of this, the HRA had no specific findings on the extended time. The HRA did determine that the IEPs indicated that a special education teacher was to implement aspects of the plans, and it was determined that the facility has no special education teacher. Because of this, the HRA **substantiates** the complaint that the facility is not following IEP accommodations. Because the recommendation from the first complaint would also resolve this situation, the facility needs to follow the same recommendations as stated above with the first complaint to assure that students are receiving proper service in accordance with their IEPs. Regarding recommendations for complaints, the facility needs to follow the same recommendations as stated above with the first complaint to assure that students are receiving proper service in accordance with their IEPs and does make the following suggestions.

The HRA makes the following suggestions:

- Improve documentation for tracking the minutes per week for their students receiving special education services.
- Review the Illinois State Board of Education website to keep up to date on current federal and state law changes and also to assist with completing the necessary documentation for their student's with IEP and 504 plans.



The website can be found at the following world wide web address:  
<https://www.isbe.net>

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## RESPONSE

Notice: The following page(s) contain the provider response. Due to technical requirements, provider responses appear verbatim in retyped format.

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**REGIONAL HUMAN RIGHTS AUTHORITY**

**HRA CASE NO. 19-090-9018**

**SERVICE PROVIDER: – Quest Charter Academy Middle School**

Pursuant to Section 23 of the Guardianship and Advocacy Act (20 ILCS 3955/1 *et seq.*), we have received the Human Rights Authority report of findings.

**IMPORTANT NOTE**

**Human Rights Authority reports may be made a part of the public record. Reports voted public, along with any response you have provided and indicated you wish to be included in a public document will be posted on the Illinois Guardianship and Advocacy Commission Web Site. (Due to technical requirements, your response may be in a verbatim retyped format.) Reports are also provided to complainants and may be forwarded to regulatory agencies for their review.**

We ask that the following action be taken:

We request that our response to any recommendation/s, plus any comments and/or objections be included as part of the public record.

We do not wish to include our response in the public record.

No response is included.

/s/ Dr. Taunya Jenkins

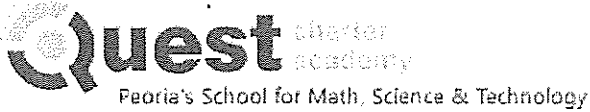
NAME

Executive Director

TITLE

Feb 15, 2020

DATE



February 14, 2020

Meri Tucker, Chairperson  
Regional Human Rights Authority  
401 Main Street, Suite 620  
Peoria, Illinois 61602

Re: Quest Charter Academy Middle School  
HRA No. 19-090-9018

Dear Ms. Tucker,

Thank you to you and the Human Rights Commission for your time and attention to this matter. Quest welcomes any opportunity to improve the quality of education provided to its students.

Enclosed, please find a response to the recommendations and suggestions contained in the HRA's Report of Findings and letter dated January 17, 2020.

Should you require any additional response or documentation or have any questions, please do not hesitate to call me at 309-402-0030, ext. 206 or via email at [tjenkins@questpeoria.org](mailto:tjenkins@questpeoria.org).

Sincerely,

A handwritten signature in cursive script that reads "Dr. Taunya Jenkins".

Dr. Taunya Jenkins  
Executive Director

**QUEST CHARTER ACADEMY'S RESPONSE  
TO  
HUMAN RIGHTS AUTHORITY REPORT OF FINDINGS  
Case # 19-090-9018**

Quest takes seriously its responsibility to educate students in accordance with their Individualized Education Program ("IEP") and continually strives to improve upon the high quality of education that it provides to its students.

**I. Response to Substantiated Findings**

Despite substantial recruiting efforts, Quest was unable to retain a certified special education teacher for the 2018-2019 school year at its middle school. During that time, Quest took extraordinary measures to ensure that students were served in accordance with their IEP, albeit without a special education teacher, including hiring extra staff and providing extra training for certified general education staff. Despite the lack of a special education teacher, Quest strove to provide and believes that it did provide an appropriate education for each student and that each student made meaningful educational progress.

Unfortunately, Quest is not alone in its struggle to hire certificated special education staff – there is simply a small pool of candidates. That fact notwithstanding, Quest undertook and will continue to undertake recruiting efforts and steps to ensure that a special education teacher is on staff for all school years moving forward.

Since the HRA's January 17<sup>th</sup>, 2020 correspondence and Report of Findings, Quest has completed or taken steps to ensure compliance with all recommendations and suggestions made by the HRA. Quest will continue to strive to provide services to all of its students not only in accordance with the law, but pursuant to best practices and the highest educational standards.

**II. Response to HRA Recommendations**

**A. HRA Recommendation No. 1 – Certified Special Education Teacher**

As of the beginning of the 2019-2020 school year, Quest has two certified special education teachers on staff. Please see the information from the Educator Licensure Information System attached hereto evidencing the credentials of Quest's two special education teachers.

As it always has, Quest will continue in its active campaign to recruit and retain certified special education staff. Just some of Quest's efforts in this regard include the following:

- Providing special education teacher tuition reimbursement;
- Posting job openings online;
- Offering sign-on bonuses;

- Going to job fairs; and
- Using services such as TalentEd and working with recruiting firms to find and hire special education certified teachers.

In addition, Quest will continue in its advertising efforts with local news outlets and social media, with the goal of creating a robust applicant pool.

#### **B. HRA Recommendation No. 2 - IEP Team Representatives**

Quest has taken active steps to ensure that the IEP Team for each child with a disability includes all individuals required by 34 CFR § 300.321. Attached, please find portions of an example IEP conference report demonstrating that the required IEP Team members, including a special education teacher, were present and participating as IEP Team members.

### **III. Response to HRA Suggestions**

In addition to the above two recommendations, the HRA made several suggestions. Quest has embraced each suggestion and taken affirmative steps towards implementation.

- As noted above, Quest has and will continue to actively recruit qualified and certified special education teachers.
- Quest and Peoria Public School District 150 are currently actively engaged in process improvement discussions to improve upon the provision of education to Quest students, including re-examining the process by which Quest and the District communicate and provide special education services to students attending Quest.

Quest has also worked with the District to ensure that it has up-to-date legal documentation to be sent out to parents, as necessary. Quest is committed to working with the District to ensure that correct information is provided to parents and that it stays abreast of any new changes to the law.

- The District's Special Education Coordinator calls, mails, and often emails letters and correspondence to parents as necessary, as evidenced by the attached IEP Conference Report notes and Notification Letter. Moving forward, a greater emphasis will be placed on parent and student participation both in IEP meetings and in the development of 504 plans.
- With the hiring of special education staff, Quest is now able to have full representation on IEP Teams. Quest recognizes that the changes to student services in an IEP is a decision for the entire IEP Team.
- Finally, service minutes are tracked weekly on forms developed by and maintained by special education staff. Quest will continue to place an emphasis on the documentation of accommodations provided to students and completeness of IEP reports.