



**CELINA PATTON**  
*Chief of Student Services*

1201 Main Street, Suite 300, Columbia, SC 29201

January 19, 2022

Gates School  
Stephanie Sams, Chairman of the Board of Directors  
Summer Brown, Principal  
5010 Wetland Crossing Road  
North Charleston, SC 29418

To School Leader and Board Members,

On November 4, 2021 the Institute requested that the South Carolina Department of Education, Office of Special Education Services (OSSES) provide technical assistance to the Institute as the Local Education Agency (LEA) with fulfilling its obligation to ensure the students with disabilities enrolled at Gates are receiving a Free and Appropriate Public Education (FAPE) as required by the Individuals with Disabilities Education Act (IDEA). As the State Education Agency, OSSES conducted an audit that included a review of Gates students' IEPs and has issued a formal response (*See Appendix A, Findings Letter*). Consequently, the SCDE has issued a corrective action plan to the Institute detailing the identified deficiencies and systematic patterns of noncompliance at Gates School. (*See Appendix A, Findings Letter pg.3*).

The Department's letter confirms the findings of noncompliance identified by the Institute and are aligned with the issues the Institute has addressed with the School since August 2021. In an effort to ensure the School is able to correct these deficiencies and fulfill its legal obligations to its students as required by federal law, the School must:

1. Based on the SCDE's CAP developed for the LEA, the Institute will develop a **new School level corrective action plan** with clear requirements and timelines prioritizing the correction of identified issues in a timely manner. The new School CAP will be sent to the School by January 21, 2022.
2. As the School continues to struggle with IDEA and the appropriate implementation of federal laws, the Institute requires that the School hire a special education consultant with the experience and capacity to implement charter school special education compliance. The Institute will assign a consultant to the School and will notify the School of next steps no later February 4, 2022.

Gates' current position and approach to Special Education along with the continued non-compliance has resulted in the School's continued enrollment freeze. However, if the School complies with the above requirements including the corrective action plan, the Institute will prioritize the items that need to be completed in order to determine when the enrollment freeze will be lifted. We are looking forward to moving forward positively for the benefit of the students and families at Gates School

Sincerely,

A handwritten signature in blue ink that reads "Celina Patton".

Celina Patton  
Chief of Student Services

CC: Cameron Runyan, Superintendent  
Vamshi Rudrapati, Director

# Appendix A



**STATE OF SOUTH CAROLINA**  
**DEPARTMENT OF EDUCATION**

**MOLLY M. SPEARMAN**  
*STATE SUPERINTENDENT OF EDUCATION*

January 13, 2022

Vamshi Rudrapati, Director ( [Director@erskinecharters.org](mailto:Director@erskinecharters.org) )  
Charter Institute at Erskine  
1201 Main Street, Suite 300  
Columbia, SC 29201

Re: Request for Technical Assistance Findings

Dear Mr. Rudrapati:

The Charter Institute at Erskine (“Charter Institute”) is the charter school sponsor of Gates School (the “School”). To fulfill this role and comply with the South Carolina Charter Schools Act of 1996 as amended and located at S.C. Code Ann. § 59-40-10 *et seq.* (the “Act”), the Charter Institute has a responsibility to regularly monitor the performance and legal and fiscal compliance of the School. The Charter Institute is a local educational agency (LEA) and Gates is a charter school within that LEA. As a recipient of Individuals with Disabilities Education Act (IDEA) funding, the Charter Institute is responsible for ensuring compliance from all of its schools with all requirements IDEA.

Based on information and evidence from a recent data collection, the Charter Institute notified the School on October 1, 2021 of deficiencies related to the provision of special education services, accommodations, and support as required by students’ individual education programs (IEPs) in the following areas:

- **Failure to provide special education services as required by IEPs;**
- **Failure to amend or change IEPs appropriately (removing services in the IEP unilaterally); and**
- **Failure to follow its own charter with respect to special education staff.**

On October 30, 2021, the Office of Special Education Services (OSES) staff met with Charter Institute staff to discuss a request for technical assistance. The OSES agreed to review data related to special education processes, implementation and documentation of special education services, progress monitoring, and compensatory services issues at the request of the Charter Institute. The OSES met with the Charter Institute on December 16, 2021 to discuss the data review. The following is a summary of the results of that review.

## **Policies and Procedures**

Based on the policies and procedures review, the OSES determined that the applicable provisions of the Charter Institute's policies and procedures comply with state and federal law. As a result, no policy and procedure revisions are required at this time. Some instances of failure to follow the policies and procedures were noted. Attention must be given to following applicable policies and procedures.

## **Individualized Education Program (IEP) Development**

The OSES team identified items that are non-compliant according to the IDEA for individual students. The individual student items are identified, along with the required individual student corrective actions, on the IEP development spreadsheet that is attached.

In addition to individual student corrections, the review team identified areas that require systemic correction by the Charter Institute. Systemic findings are issued when the OSES determines that the findings from individual student IEPs constitute a pattern of noncompliance. The authorizer of the School, in the role as LEA, will need to review all of the IEPs in the School to determine if there are similar patterns and to correct errors of noncompliance that are identified. Based on the data from the IEP development reviews and other information gathered in the review process, the specific IEP development areas in need of corrective action for the School include:

- Adherence to timelines and procedures for evaluations, reevaluations, IEP amendments, and comparable services decisions based on current data [34 C. F. R. §§ 300.303-300.311; C.F.R. § 300.323 and C.F.R. § 300.324];
- Development of present levels of academic and functional performance (PLAAFP), including academic and functional strengths and needs, a description of the impact of the disability, and findings that include baseline data [34 C.F.R. § 300.320(a) and 34 C.F.R. § 300.324];
- Development of appropriate, measurable annual goals consistent with current baseline data [34 C.F.R. § 300.320(a)];

- Identification of special education and related services, accommodations, and modifications based on specific student needs [34 C.F.R. § 300.320(a)];
- Designation of least restrictive environment (LRE) that includes removal justifications [34 C.F.R. § 300.320(a)(5); 34 C.F.R. § 300.114(a); 34 C.F.R. § 300.116(e)]; and
- Completion of prior written notices (PWNs) that are complete and individualized [34 C.F.R. § 300.503].

Relative to both individual and systemic areas of noncompliance, the team noted that there are a lack of data provided or described used to determine individual student services and documentation of the provision of indirect services to students. There are also statements describing the nature of the school program rather than the needs of the individual student used as the basis of service decisions.

### **IEP Implementation**

During the review, the OSES team reviewed general practices and procedures for implementation of IEPs. In some instances, the School is not providing specialized instruction and related services as delineated in IEPs. It was noted that the School is not consistent in providing appropriate sufficient progress information supported by data on the student progress reports.

### **Corrections and Verifications**

To address the identified issues of noncompliance, the District is directed to complete the following corrective actions:

- Provide School staff professional learning opportunities relative to IEP development based on timelines and procedures required by IDEA;
- Provide School staff professional learning opportunities relative to IEP Implementation based on timelines and procedures required by IDEA;
- Develop and maintain a documentation system for data used for service decisions and the documentation of provision of services;
- Review, revise, and submit for verification the individual IEPs as described in the IEP Development Shared Report spreadsheet; and
- Review and revise all of the IEPs in the School to correct errors of noncompliance that are identified.

**Pursuant to the Office of Special Education Programs (OSEP) Memorandum 09–02 dated October 17, 2008, all noncompliance items (individual student and systemic) must be corrected and verified as soon as possible, but in no case later than one year from the date of this letter.**

Vamshi Rudrapati, Director

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January 12, 2022

The OSES is committed to supporting the Charter Institute's efforts to improve results for students with disabilities and looks forward to working with you over the next year. If you have any questions or want to request technical assistance please contact Ann C Moore at [acmoore@ed.sc.gov](mailto:acmoore@ed.sc.gov) or 803-734-8006, or Carmen Willm at [cwillm@ed.dsc.gov](mailto:cwillm@ed.dsc.gov) , or 803-734-1281.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca C. Davis". The signature is written in a cursive style.

Rebecca C. Davis, Director  
Office of Special Education Services

Attachment: IEP development spreadsheet

cc: Laura Merrick, Executive Director of Student Services ( [LMerrick@erskinecharters.org](mailto:LMerrick@erskinecharters.org) )