



Office of the



State Superintendent of Education

**U.S. DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS**

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)
PART B SPECIAL CONDITIONS
PROGRESS REPORT #3
REPORTING PERIOD JANUARY 1, 2012 – MARCH 31, 2012

SUBMITTED: MAY 1, 2012

AMENDED: MAY 15, 2012

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STATE SUPERINTENDENT

I. Reporting Requirements

The Office of the State Superintendent of Education (OSSE) is pleased to submit this third progress report pursuant to the special conditions imposed by the USDE Office of Special Education Programs (OSEP) on OSSE's FFY 2011 IDEA Part B grant award.

As outlined in Enclosure E of OSEP's FFY 2011 grant award notice to OSSE, OSSE is required to submit evidence that it has directed use of funds as appropriate and must provide documentation on the status of the use of these funds. This information is provided via OSSE's Corrective Action Plan (CAP) third progress report, also due May 1, 2012¹.

In addition, OSSE must submit specific data and information related to:

- Compliance with the requirement to conduct timely initial evaluations and reevaluations,
- Compliance with the requirement to implement HODs in a timely manner,
- Demonstration of a general supervision system that is reasonably designed to effectively correct noncompliance in a timely manner,
- Compliance with secondary transition requirements, and
- Compliance with early childhood transition requirements.

OSEP has also required the District to reduce the backlog of overdue initial evaluations and re-evaluations each reporting period, anchored in the calculations reported in OSSE's May 2, 2011 Memorandum of Agreement (MOA) final report. For this reporting period, OSSE must reduce the percentage of students remaining in the backlog at the end of reporting period #2 by 75%. OSSE submits this third progress report to satisfy the above reporting requirements.

OSSE is pleased to note significant progress related to several of the core reporting areas outlined above. Specifically, the District's rate of timely transition from Part C to Part B is **95%** in this reporting period. OSSE believes that this progress reveals that the additional policies, practices and procedures that have been established related to this work are proving to be effective.

In addition, OSSE is pleased to note continued progress in its rate of timely initial evaluations and placements, reported as **94%**, as well as timely reevaluation rates, reported at **89%** for this period.

OSSE continues to report District gains in the area of secondary transition compliance. OSSE continues to work with LEAs to achieve 100% compliance with this requirement and is pleased to note that compliance with requirements increased to **41%** in this

¹ Please note that OSSE has addressed the fiscal reporting requirements within its Corrective Action Plan (CAP) report for the same period.

reporting period. In addition, the compliance rate for IEPs developed after the launch of OSSE's updates to SEDS, which were in part designed to clarify transition requirements and documentation for users, improved to **53%**.

While the District's rate of timely implementation of HODs and settlement agreements remained flat in this reporting period, OSSE believes that the trends are due to more rigorous implementation guidelines issued this school year.

In addition, the data reveals the District has begun to make headway on backlog implementation. A "deep dive" into the data to improve outcomes related to initial evaluation, re-evaluation, and HOD backlogs over the course of this reporting period is showing an impact as the District aligns resources to address the identified root causes of delays.

Specifically, OSSE accelerated its continuous improvement effort during this reporting period, via its release of individualized letters to each LEA from the Assistant Superintendent of Specialized Education, that made available an individualized data snapshot and the provision of targeted data sessions to assist LEAs in determining and addressing the root cause of all untimely cases. During the individual LEA data resolution sessions, LEA representatives worked with the SEDS team to (1) review data, (2) receive analysis for problem cases, and (3) meet with SEDS representatives to develop a resolution plan based on SEDS team resolution protocols.

OSSE continues to take actions that build upon this data quality effort, and looks forward to continuing to report on its accomplishments and improved outcomes, to be reported on August 1, 2012.

1. Compliance with the Requirement to Conduct Initial Evaluations and Placements

Summary of Data for this Reporting Element:

| Reporting Period for Initial Evaluations and Placements | | 1/1/12-3/31/12 |
|--|--|-----------------------|
| A | The number of children who, as of the end of the previous reporting period, had been referred for, but not provided, a timely initial evaluation and placement: | |
| | | 62 |
| | 1. Previous Report Untimely ² | 81 |
| | 2. Late Data Entry Adjustment | -19 |
| | 3. Total Adjusted Untimely | 62 |
| B | The number of children referred for initial evaluation and placement whose initial evaluation and placement became overdue during the reporting period | |
| | | 28 |
| C | The number of children, from (a) and (b) above, who were provided initial evaluations and placements during the reporting period: | |
| | | 46 |
| | 1. Old Late | 34 |
| | 2. New Late | 12 |
| D | The number of children who had not been provided a timely initial evaluation and placement at the conclusion of the reporting period: | |
| | | 44 |
| | 1. Old Late | 28 |
| | 2. New Late (Due and held during current reporting period but held late) | 16 |
| E | The average number of days the initial evaluations and placements that had not been provided in a timely manner were overdue | |
| | | 23 |
| F | The percentage of timely initial evaluations and placements provided to children with disabilities whose initial evaluation deadlines fell within the reporting period: | |
| | | 94% |
| | 1. New Due | 431 |
| | 2. Timely | 403 |

² Data as reported in OSSE's Second FFY 2011 Progress Report submitted to OSEP on February 1, 2012.

| Reporting Period for Initial Evaluations and Placements | | 1/1/12-3/31/12 |
|---|---|----------------|
| G | The percent of children (a) who, as of the end of the previous reporting period, had not been provided a timely initial evaluation and placement (backlog) and (b) whose initial evaluation and placement became overdue during the period, that were provided initial evaluations and placements during the reporting period (c) / (a) + (b) X 100 | 51% |

Discussion of Reported Data:

Timeliness: **94%** of initial evaluations and placements provided to children with disabilities whose initial evaluation deadlines fell within the reporting period were conducted in a timely manner. The calculation used to derive that percentage is 403/431. This rate of timeliness represents progress as compared to the **84%** rate of timeliness reported in the second FFY 2011 progress report submitted to OSEP on February 1, 2012.

Backlog of Overdue Initial Evaluations: **51%** of children (a) who, as of the end of the previous reporting period, had not been provided a timely initial evaluation and placement (62) and (b) children whose initial evaluation and placement became overdue during the reporting period (28), were provided initial evaluations and placements during the reporting period. The calculation used to derive the percentage is: 46/ (62+28) X 100. This rate of completion is an improvement compared to the **43%** rate of completion reported in the second FFY 2011 progress report submitted to OSEP on February 1, 2012.

Progress Related to the Reduction of the Backlog: Based on the second FFY 2011 progress report submitted to OSEP on February 1, 2012, as adjusted for late data entry, the baseline data for the total number of students in the backlog is **81 62**. Therefore, in order to reduce the backlog by **75%**, **61 47** cases would need to be completed in this reporting period, which would leave **20 15** in the backlog.

As evidenced in the above table, the District is reporting a **46 29%** rate of reduction of the total number of students in the backlog for this period as compared to the baseline from the last reporting period. The calculation used to derive this percentage is: $(8162 - 44) / 8162 \times 100$.

OSSE notes that the District's rate of backlog reduction has increased as compared to the prior reporting period, and it is expected that the impact of OSSE's targeted assistance efforts will result in accelerated progress.

OSSE believes that continued progress will be contingent upon ongoing technical assistance provided to LEAs in the areas of policy issuance, training, and monitoring.

Reasons for Delays in Conducting Initial Evaluations in a Timely Manner:

Reasons for delay for children who were not provided a timely initial evaluation and placement during the reporting period:

| Reason | Count |
|---|--------------|
| LEA delay | 22 |
| Parental delay | 5 |
| Need for additional evaluator/evaluator not available | 1 |
| TOTAL | 28 |

As outlined above, a review of the data indicates that for this reporting period, the majority of the late initial evaluations and placements are due to general delays on the part of the LEA, including timely scheduling of meetings. Parental delays are the second largest cause of delay.

Actions the State is Taking to Address Noncompliance: As noted above, OSSE conducted a case-by-case analysis of the remaining students in the backlog and continues to work directly with each LEA to achieve continued improvement. OSSE also continues to work with LEAs to ensure a shared understanding of SEDS data entry requirements and confirm that staff are properly coding reasons for any delays.

Last, OSSE is continuing to work closely with its Parent Training Center, the State Advisory Panel, and other key partners to ensure that parents are knowledgeable about the evaluation and IEP process and can be actively engaged in, and supported throughout, the process.

2. Compliance with the Requirement to Conduct Reevaluations

Summary of Data for this Reporting Element:

| Reporting Period for Reevaluations | | 1/1/2012-3/31/2012 |
|---|--|---------------------------|
| A | The number of children who, as of the end of the previous reporting period, had not been provided a timely triennial reevaluation | 64 |
| | 1. Previous Report Untimely ³ | 62 |
| | 2. Late Data Entry Adjustment | 2 |
| | 3. Total Adjusted Untimely | 64 |
| B | The number of children whose triennial reevaluation became overdue during the reporting period | 98 |
| C | The number of children, from (a) and (b) above, who had been provided triennial reevaluations during the reporting period | 114 |
| | 1. Old Late | 54 |
| | 2. New Late | 60 |
| D | The number of children who had not been provided a timely triennial reevaluation at the conclusion of the reporting period | 48 |
| | 1. Old Late | 10 |
| | 2. New Late | 38 |
| E | The average number of days the reevaluations that had not been provided in a timely manner were overdue | 26 |
| F | The percent of triennial reevaluations provided to children with disabilities whose reevaluation deadlines fell during the reporting period that were conducted in a timely manner | 89% |
| | 1. New Due | 871 |
| | 2. Timely | 773 |
| G | The percent of children (a) who, as of the end of the previous reporting period, had not been provided a timely triennial reevaluation (backlog) and (b) whose triennial reevaluation became overdue during the period, that were provided triennial reevaluations during the reporting period $(c/(a+b) \times 100$ | 70% |

³ Data as reported in OSSE's Second FFY 2011 Progress Report submitted to OSEP on February 1, 2012.

Discussion of Reported Data:

Timeliness: **89%** of reevaluations provided to children with disabilities whose reevaluation deadlines fell within the reporting period were conducted in a timely manner. The calculation used to derive this percentage is $773/871$. This rate of timeliness represent progress as compared to the **87%** rate of timeliness reported in the second FFY 2011 progress report submitted to OSEP on February 1, 2012.

Backlog of Overdue Reevaluations: **70%** of children (a) who as of the end of the previous reporting period had not been provided a timely triennial evaluation (64), and (b) whose triennial evaluation became overdue during the reporting period (98), were provided triennial reevaluations during the reporting period. The calculation used to derive the percentage is: $114 / (64+98) \times 100$. This rate of completion represents progress as compared to the **59%** rate of completion reported in the second FFY 2011 progress report submitted to OSEP on February 1, 2012.

As noted in prior sections, OSSE conducted a case-by-case analysis of the root causes of delay with each LEA and provided targeted technical assistance related to problem resolution. The District's largest LEA, DCPS also engaged in targeted data analysis and allocated resources to address challenges. In OSSE's most recent technical assistance session with DCPS, a review of the data revealed that the greatest challenge related to timely reevaluations occurred for students in residential and surrounding county placements. OSSE is working with DCPS to identify strategies and resources to best address this challenge.

Progress Related to the Reduction of the Backlog for the Third FFY 2011 Progress Report: Based on the second FFY 2011 progress report submitted to OSEP on February 1, 2012, **as adjusted for late data entry**, the baseline data for the total number of students in the backlog is **64**. Therefore, in order to reduce the backlog by **75%**, **48** cases would need to be completed in this reporting period, which would leave **16** in the backlog.

As evidenced in the above table, the District did not meet this target. A review of the data indicates that for this reporting period, the majority of late reevaluations and placements are due to general delays on the part of the LEA. By reducing the number of students in the backlog to 48, the District is reporting a **25%** rate of reduction of the total number of students in the backlog for this period as compared to the baseline from the last reporting period. The calculation used to derive the percentage is: $(64-48)/64 \times 100$.

OSSE has continues its targeted technical assistance sessions and case-by-case analysis of the root causes of delays and, as a result, expects accelerated progress reflected in the upcoming reporting period.

Reasons for Delays in Conducting Reevaluations in a Timely Manner:

Reasons for delay for children who were not provided a timely initial evaluation and placement during the reporting period:

| Reason for delay | Count |
|---|--------------|
| LEA delay | 84 |
| Parental delay | 14 |
| Need for additional evaluator/evaluator not available | 0 |
| TOTAL | 98 |

A review of the data indicates that for this reporting period, the majority of late reevaluations and placements are due to general delays on the part of the LEA.

Actions the State is Taking to Address Noncompliance: As noted above, OSSE continues its case-by-case analysis of the remaining students in the backlog and is providing ongoing, targeted technical assistance to each LEA to share the results of its review.

Last, OSSE continues to work closely with its Parent Training Center, State Advisory Panel, and other key partners to ensure that parents are aware of both LEA obligations and their role in the process so that they can actively engage in the reevaluation process.

3. Compliance with the Requirement to Implement Hearing Officer Determinations (HODs) in a Timely Manner

| Reporting Period for Implementation of Hearing Officer Determinations | | 1/1/12 - 3/31/12 |
|--|---|-------------------------|
| A | The number of children whose hearing officer determinations, as of the end of the previous reporting period, had not been implemented within the time frame established by the hearing officer or by the State ⁴ | 56 |
| B | The number of children whose hearing officer determinations had not been implemented within the time frame established by the hearing officer or by the State (became overdue) during the reporting period | 33 |
| C | The number of children from (a) and (b) above whose hearing officer determinations were implemented during the reporting period | 32 |
| D | The number of children whose hearing officer determinations had not been implemented in a timely manner at the conclusion of the reporting period | 57 |
| E | The percent of hearing officer determinations that had been implemented in a timely manner during the reporting period | 26% |
| F | The percent of children whose HODs, as of the end of the previous reporting, had not been implemented within the required timeframe (backlog) and whose HODs had not been implemented within the required timeframe during the reporting period that had HODs implemented during the reporting period | 2836% |

Discussion of Reported Data:

In accordance with OSEP requirements for this benchmark, the data above reflects “hearing officer determinations” and does not include settlement agreements; the benchmark is also calculated on a per child basis, not per hearing officer determination, in cases where the same child has more than one hearing officer determination. A student with multiple HODs within the reporting period is only counted once. If the

⁴ The number of students reported as overdue at the conclusion of the previous period (61) differs from the number reported at the beginning of the current period (56). This is due to the fact that documentation evidencing HOD timeliness was submitted after the HOD due date for several HODs. This changed the status of 5 students from untimely to timely between reporting periods.

student has both timely and untimely/overdue HODs, he/she is only counted once as having been overdue.

Timeliness of HODs: 26% of hearing officer determinations were implemented in a timely manner during the reporting period. This represents neither significant progress nor slippage compared to the 26% rate of timeliness reported in the most recent progress report submitted to OSEP as of February 1, 2012. The calculation used to derive this percentage is: 44/170.

Implementation of Backlog of HODs: 36% of children (a) who, as of the end of the previous reporting period, had hearing officer determinations that not been implemented within the required time frame (56), and children (b) whose hearing officer determinations had not been implemented within the required time frame during the reporting period (33), had hearing officer determinations implemented during the reporting period. The calculation used to derive the percentage is: $32 / (56+33) \times 100$.

This represents progress as compared to the 0% rate of implementation reported in the most recent progress report submitted to OSEP on February 1, 2012. OSSE believes that the District's targeted quality improvement efforts, detailed above, contributed to the demonstrated progress in this area.

OSSE issued new guidelines regarding implementation of Hearing Officer Decisions and Settlement Agreements effective September 1, 2011. The lack of progress in the timely percentage of HODs, as well as the increase in the backlog, is attributed to the new guidelines in place. OSSE notes, however, that there was a decrease in the number of HODs that became overdue during the January 1- March 31, 2012 reporting period.

OSSE believes that the new state guidelines and targeted training will ultimately support improved overall compliance with implementation requirements.

Reasons for Delays: A review of the data indicates that for this reporting period, the majority of late HOD implementation is due to general delays on the part of the LEA. Parental delays are the second largest cause of delay.

In addition, one of the changes made to the documentation requirements for HOD closure includes proof of payment for the delivery of any agreed upon services. The District of Columbia has 30 days to process payments of complete, approved invoices. In some cases, although payments are remitted within 30 days, the documentation demonstrating that payment has been made may not be available within 30 days. In such cases, the HOD will be categorized as untimely. OSSE is currently examining its internal procedures for documenting proof of payment in order to identify a solution that will ensure LEAs continue to provide payment for services but which acknowledges legitimate delays in the collection of documentation. Based on a review of the current

backlog, it has become apparent that approximately 20% of cases include services for which proof of payment is required to close out a required action.

Actions the State is taking to Address Noncompliance: As noted in its previous report, OSSE has taken several steps to address noncompliance related to this item. OSSE has issued State level guidance to support implementation of required actions related to HOD implementation and provided extensive training on the use of the guidance. OSSE has also augmented its team to ensure a dedicated resource is in place to provide ongoing technical assistance in both the implementation of HODs and the documentation of such implementation.

Last, as outlined above, OSSE conducted a case-by-case analysis of unimplemented HODs and continues to provide targeted technical assistance to each LEA on an individual basis. OSSE will continue to review HOD data to determine the root causes for delays and address the delays with each relevant LEA.

4. Demonstration of General Supervision System Reasonably Designed to Correct Noncompliance

Summary of Data for This Reporting Element:

| Reporting Period for Verification of Noncompliance | | 1/1/12 – 3/31/12 |
|---|--|-------------------------|
| A | The number of findings of noncompliance DC made during FFY 2010 (July 1, 2010-June 30, 2011) | 4399 |
| B | The number of findings included in (a) for which the State verified the noncompliance was corrected as soon as possible and in no case later than one year after the State’s identification of noncompliance | 2512 |
| C | The number of findings included in (a) for which the State verified the noncompliance was corrected more than one year after the State’s identification of noncompliance (i.e., “subsequent correction”) | 262 |
| D | The number of findings included in (a) for which the one year timeline for correction has not yet expired | 233 |

Discussion of Reported Data:

Of 4399 total findings of noncompliance made in FFY 2010 (July 1, 2010- June 30, 2011), 2512 were verified as corrected pursuant to Memo 09-02 within one year of the date of the issuance of the finding. 262 findings of noncompliance were verified more than one year after the State’s identification of noncompliance. Of the 1625 findings of

noncompliance that the State has not yet been able to verify as corrected pursuant to Memo 09-02, the one year timeline for correction has not yet expired for 233 findings.

OSSE notes that, year over year, a growing percentage of findings of noncompliance result from monitoring activities rather than dispute resolution processes. Specifically, of the 1122 findings made during FFY 2008, 8 (.72%) were from monitoring activities and 1114 findings were from dispute resolution processes. Of the 1101 findings made during FFY 2009, 781 (70.94%) were from monitoring activities and 320 findings were from dispute resolution processes. During FFY 2010, OSSE made 3991 (90.73%) findings from monitoring activities and 408 findings from dispute resolution processes.

Pursuant to OSEP guidance, States must decide, on a case-by-case basis, whether it is appropriate to apply both “prongs” of verification of correction of noncompliance outlined in OSEP Memo 09-02 to findings made through dispute resolution processes. OSSE conducted a review of each hearing officer determination and letter of decision that resulted from a due process hearing complaint or State complaint in FFY 2008, FFY 2009, and FFY 2010 and determined that it was not appropriate to apply both prongs of verification of correction of noncompliance outlined in OSEP Memo 09-02. As a result, the State was able to verify correction of findings made through dispute resolution more expediently. For this reason, the shift in the proportion of findings from primarily dispute resolution to primarily findings from monitoring activities may explain a substantial portion of this slippage.

Actions Taken to Verify the Correction of Noncompliance Consistent with OSEP Memo 09-02:

OSSE’s 2011-2012 Monitoring Manual and training design clarifies how the State will use all components of its general supervision system, including data the State receives through its on-site monitoring, LEA self-assessments, the statewide database, State complaints, and due process hearings, to timely identify and notify LEAs of noncompliance and the responsibility to ensure that all such noncompliance is corrected as soon as possible and in no case later than one year after the date of the State’s identification of the noncompliance (i.e., written notification to the LEA of the noncompliance).

The updated manual and training also outline the process for identification and correction of noncompliance in accordance with OSEP Memorandum 09-02. Specifically, the process ensures that when the State collects or receives information indicating noncompliance, the State will: (1) make a finding of noncompliance; or (2) verify whether the data demonstrate noncompliance and then issue a finding if the State concludes the data do demonstrate noncompliance; or (3) verify that the LEA has corrected the noncompliance, using both prongs of OSEP Memorandum 09-02 (examining updated data to ensure the LEA is correctly implementing the specific

regulatory requirements) before determining that the LEA has corrected student level and LEA level noncompliance.

OSSE also took significant steps to ensure that it verifies the correction of noncompliance by verifying that each LEA with noncompliance is correctly implementing the specific regulatory requirements and that each individual case of noncompliance has been corrected unless the child is no longer within the jurisdiction of the LEA, and that it reviews updated data, which may be from subsequent on-site monitoring or data collected with the database, when determining whether an LEA is correctly implementing the specific regulatory requirements.

In order to verify findings as corrected, OSSE takes the following actions to verify the correction of noncompliance to ensure that each LEA with noncompliance is: (1) correctly implementing the specific regulatory requirements (i.e. achieved 100% compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA consistent with OSEP Memo 09-02:

- To verify the correction of student level citations, OSSE selects a sample of the original student files reviewed to verify that the required action has been completed. The number of files sampled will be proportionate to the number of files reviewed. For example, OSSE may review five student files for LEAs serving 70 or fewer students with disabilities and 15 student files for LEAs serving 71+ students with disabilities. Correction of noncompliance will be complete when the LEA can demonstrate that it is correctly implementing the specific regulatory requirement. Additionally, OSSE selects a sample of student files that were not originally reviewed or generates a report from SEDS to verify correction of noncompliance. The number of files sampled will be proportionate to the number of files reviewed. For example, OSSE may review five student files for LEAs serving 70 or fewer students with disabilities and 15 student files for LEAs serving 71+ students with disabilities. Correction of noncompliance will be complete when the LEA can demonstrate that it is correctly implementing the specific regulatory requirement.
- For LEA level noncompliance, OSSE reviews documents submitted by the LEA that evidence the completion of required corrective actions and selects a sample of student files that were not originally reviewed or generates a report from SEDS to verify correction of noncompliance. The number of files sampled will be proportionate to the number of files reviewed. For example, OSSE may review five student files for LEAs serving 70 or fewer students with disabilities and 15 student files for LEAs serving 71+ students with disabilities. Correction of noncompliance will be complete when the LEA can demonstrate that it is correctly implementing the specific regulatory requirement.

In order to verify database findings (i.e. evaluations and secondary transition) as corrected, OSSE reviews the database to ensure that each student level finding has been corrected (i.e. the child has received the evaluation, although late or the secondary transition plan has all required elements) and requires the LEA to demonstrate that it is now correctly implementing the specific regulatory requirement by achieving 100% compliance on the following quarterly review.

Pursuant to OSEP guidance, in order to verify dispute resolution findings as corrected, OSSE reviews all corrective actions received by the LEA and conducts a case-by-case assessment as to whether additional data must be reviewed in order to verify correction.

In order to address any findings of noncompliance that are not corrected within one year of the State's identification of noncompliance, OSSE utilizes its Quality Assurance & Monitoring Team to follow-up with the LEA to assess whether the LEA is in need of technical assistance and uses its Annual LEA Determinations process to levy appropriate sanctions. Noncompliance identified through information collected for APR reporting, for other U.S. Department of Education reporting, during on-site monitoring visits, during record reviews, during database reviews, for audits, through dispute resolution processes, and from other information available to OSSE is considered in making LEA determinations. In addition, OSSE considers the timely correction of noncompliance identified through these methods in making LEA determinations. Pursuant to IDEA regulations, OSSE imposes the same sanctions on LEAs as the U.S. Department of Education for each Determination level.

To support LEA compliance with obligations related to correction, OSSE initiated the issuance of regular LEA compliance summaries. On a quarterly basis, OSSE monitors produce a written summary of all outstanding noncompliance and remaining requirements for correction and distribute these summaries to LEAs. In addition, OSSE expects to provide LEAs with further support related to timely correction via the upcoming launch of its online compliance monitoring system. The online system will allow LEAs to upload documentation of correction of identified noncompliance and receive feedback on the sufficiency of correction immediately following the review of documentation by their assigned monitor. The system will also support the sampling of student files in order to determine whether an LEA is correctly implementing the specific regulatory requirements.

5. Compliance with Secondary Transition Requirements

Summary of Data for This Reporting Element:

| Secondary Transition Compliance Item | % Compliant 2/1/11- 3/31/11 | % Compliant 4/1/11- 9/30/11 | % Compliant 10/1/11- 12/31/11 | % Compliant 1/1/12- 3/31/12 |
|---|--|--|--|--|
| Total # of Files with All Items Compliant | 12% | 21% | 22% | 41% |
| Total # of LEAs Reviewed | 12 | 11 | 11 | 10 |
| Number of LEAs in Compliance | 2 | 3 | 1 | 0 |

Discussion of Reported Data:

OSSE's review of a sample of 100 IEPs for required secondary transition content for the second CAP reporting period was completed on April 24, 2012. DSE will notify LEAs of the findings of this review by June 30, 2012. OSSE will issue findings of noncompliance to 10 of the 10 LEAs reviewed. These reports provide written notification to LEAs to correct identified noncompliance as soon as possible and in no case later than one year from identification. These reports also include corrective action plans for LEAs pursuant to each identified area of noncompliance. Forty-one percent (**41%**) of IEPs reviewed included the required secondary transition content, representing progress from the prior reporting period in which twenty-two percent (**22%**) of IEPs reviewed included the required secondary transition content.

OSSE believes that this progress is the result of monitoring, training, and technical assistance provided to LEAs to support compliance. OSSE also notes its role in leading the State Secondary Transition Community of Practice (CoP) to support a culture of increased accountability and urgency related to the need to ensure post-secondary success for youth with disabilities.

OSSE's analysis of the data from this review showed that improvements in secondary transition compliance corresponded to a recent release of new features in the Special Education Data System (SEDS). The October 15, 2011 SEDS release included improvements to the interface for secondary transition plan creation and OSSE provided training and guidance to all LEAs supporting this release. OSSE notes that while its compliance rate for IEPs in effect during the reporting period overall was **41%**, the compliance rate based on IEPs that were revised or developed after the October 15, 2011 SEDS release was **53%**.

OSSE is dedicated to continuing to provide targeted technical assistance to LEAs regarding secondary transition content until the State reaches 100% compliance with secondary transition content. OSSE is committed to continuing this practice until LEAs are able to demonstrate substantial compliance with all secondary transition requirements.

6. Compliance with Early Childhood Transition Requirements

| Reporting Period for Early Childhood Transition | 1/1/2012-3/31/2012 |
|--|---------------------------|
| a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination | 61 |
| b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday | 13 |
| c. # of those found eligible who have an IEP developed and implemented by their third birthdays | 37 |
| d. # for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied | 5 |
| e. # of children who were referred to Part C less than 90 days before their third birthdays. | 4 |
| # in a but not in b, c, d, or e | 42 |
| Percent of children referred by Part C prior to age 3 who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays Percent = [(c)/(a-b-d-e)] x 100 | 95% |

Discussion of Reported Data:

Indicate the Range of Days Beyond the Third Birthday and the Reasons for the Delays:

| Reason for Delay | Count |
|-------------------------|--------------|
| LEA Delay | 2 |

The range of days beyond the third birthday for a student to have an IEP developed and implemented is 3-78 days. The instances of untimely early childhood transition are due to general delays on the part of the LEA, including scheduling meetings.

Timeliness: A review of the data from this reporting period indicates an overall rate of timeliness of **95%** which represents improvement from the rate of timeliness of **82%** as reported in the previous report submitted to OSEP on February 1, 2012 and amended via Appendix A, attached.

As noted in OSSE’s second FFY 2011 progress report, OSSE has continued to routinely analyze the data used for this calculation in order to address areas in which business rules and processes can be clarified and strengthened. In addition, OSSE’s Part C

leadership team continues to meet regularly with DCPS Early Stages staff to review early childhood transition issues and data to proactively address challenges.

To support continuous improvement in this area, the Assistant Superintendent has included the Director of Special Education Data in these meetings as necessary. Last, the Assistant Superintendent has requested that data validation checklists for both Part C and Part B be developed for the purpose of continued improvement and sustained quality assurance. These checklists are currently being finalized for use in the upcoming reporting period.

II. Certification

This report reflects OSSE's good faith efforts in reporting accurate and reliable data to the extent possible and was reviewed by several members of the OSSE to ensure a full and comprehensive submission.

The District of Columbia Assistant Superintendent of Specialized Education, Amy Maisterra, hereby certifies that this report is complete and appropriate for submission to the Office of Special Education Programs.

**Appendix A:
Amendment to the Special Conditions Report Submitted February 1, 2012**

The District of Columbia notes that there was a typographical error in its report related to reevaluations (see Table 1, below). In addition, OSSE has amended its report related to HOD implementation by adding a clarifying footnote (see Table 2, below). Last, pursuant to a clarification from OSEP, OSSE recalculated its early childhood transition numbers based on the time frame of 7/1/2011 – 12/31/2011. An amendment is provided in Table 3, below.

Table 1: Compliance with the Requirement to Conduct Reevaluations

Summary of Data for this Reporting Element:

| Reporting Period for Reevaluations | | 10/1/2011- 12/31/2011 |
|---|--|----------------------------------|
| A | The number of children who, as of the end of the previous reporting period, had not been provided a timely triennial reevaluation | 76 |
| | 1. Previous Report Untimely | 65 |
| | 2. Late Data Entry Adjustment | 11 |
| | 3. New Untimely | 76 |
| B | The number of children whose triennial reevaluation became overdue during the reporting period | 74 |
| C | The number of children, from (a) and (b) above, who had been provided triennial reevaluations during the reporting period | 88 |
| | 1. Old Late | 53 |
| | 2. New Late | 35 |
| D | The number of children who had not been provided a timely triennial reevaluation at the conclusion of the reporting period | 61 62 |
| | 1. Old Late | 22 21 |
| | 2. New Late | 39 41 |
| E | The average number of days the reevaluations that had not been provided in a timely manner were overdue | 32 |

| Reporting Period for Reevaluations | | 10/1/2011-12/31/2011 |
|------------------------------------|---|----------------------|
| F | The percent of triennial reevaluations provided to children with disabilities whose reevaluation deadlines fell during the reporting period that were conducted in a timely manner | 87% |
| | 1. New Due | 590 |
| | 2. Timely | 516 |
| G | The percent of children (a) who, as of the end of the previous reporting period, had not been provided a timely triennial reevaluation (backlog) and (b) whose triennial reevaluation became overdue during the period, that were provided triennial reevaluations during the reporting period | 59% |

Table 2: Compliance with the Requirement to Implement Hearing Officer Determinations in a Timely Manner

| Reporting Period for Implementation of Hearing Officer Determinations | | 10/1/11 - 12/31/11 |
|---|--|--------------------|
| A | The number of children whose hearing officer determinations, as of the end of the previous reporting period, had not been implemented within the time frame established by the hearing officer or by the State | 12 ⁵ |
| B | The number of children whose hearing officer determinations had not been implemented within the time frame established by the hearing officer or by the State (became overdue) during the reporting period | 49 |
| C | The number of children from (a) and (b) above whose hearing officer determinations were implemented during the reporting period | 0 |
| D | The number of children whose hearing officer determinations had not been implemented in a timely manner at the conclusion of the reporting period | 60 61 |
| E | The percent of hearing officer determinations that had been implemented in a timely manner during the reporting period | 26% |

⁵ The number of students reported as overdue at the conclusion of the previous period (19) differs from the number reported at the beginning of the current period (12). This is due to the fact that documentation evidencing HOD timeliness was submitted after the HOD due date for several HODs. This changed the status of 7 students from untimely to timely between reporting periods.

| | | |
|---|---|----|
| F | The percent of children whose HODs, as of the end of the previous reporting, had not been implemented within the required timeframe (backlog) and whose HODs had not been implemented within the required timeframe during the reporting period that had HODs implemented during the reporting period | 0% |
|---|---|----|

Table 3: Compliance with Early Childhood Transition Requirements

| Reporting Period for Early Childhood Transition | 10/1/2011- 7/1/2012 2011- 12/31/2012 2011 |
|--|---|
| a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination | 72 159 |
| b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday | 4 15 |
| c. # of those found eligible who have an IEP developed and implemented by their third birthdays | 55 103 |
| d. # for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied | 6 14 |
| e. # of children who were referred to Part C less than 90 days before their third birthdays. | 4 5 |
| # in a but not in b, c, d, or e | 3 22 |
| Percent of children referred by Part C prior to age 3 who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays Percent = [(c)/(a-b-d-e)] x 100 | 95% 82% |