

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN - 3 2010

Honorable Kerri L. Briggs
State Superintendent
Office of the State Superintendent of Education
810 First Street, N.E.
9th Floor
Washington, D.C. 20002

Dear Superintendent Briggs:

Thank you for the timely submission of the District of Columbia's (D.C.'s) Federal fiscal year (FFY) 2008 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA sections 616(d)(2)(A)(iii) and 642, D.C. needs intervention in implementing the requirements of Part C of the IDEA. The Department's determination is based on the totality of the State's data and information, including D.C.'s FFY 2008 APR and revised SPP, other State-reported data, information obtained through the November 2009 verification visit, D.C.'s submissions under the Special Conditions on D.C.'s FFY 2009 Part C grant, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Sections 616(d) and 642 of the IDEA in 2010: Part C" for further details.

The specific factor affecting the determination by the Office of Special Education Programs (OSEP) of needs intervention for D.C. under Part C of the IDEA is that D.C. failed to report FFY 2008 data under Indicator 9 of its FFY 2008 APR regarding the requirements to timely correct findings of noncompliance in IDEA section 635(a)(10)(A) and 34 CFR §303.501. Under these provisions, the D.C. Office of the State Superintendent (D.C. OSSE), as the State-level Part C lead agency, must monitor all programs and activities (including early intervention service (EIS) programs and EIS providers) that are used to carry out Part C in D.C. to ensure compliance with Part C requirements, enforce obligations required by Part C, and correct any deficiencies identified through monitoring. D.C. OSSE utilizes EIS programs to implement the 45-day timeline requirements in Indicator 7 and EIS providers to implement the timely service provision requirements in Indicator 1. In its FFY 2008 APR, D.C. reported that, in FFY 2007, it neither monitored, nor issued any findings of noncompliance to, EIS programs and providers. Given the lack of FFY 2008 data on the timely correction of FFY 2007 findings in Indicator 9 of D.C.'s FFY 2008 APR, OSEP cannot determine whether and how effective D.C. was in timely correcting noncompliance identified in FFY 2007.

OSEP also considered the length of time and magnitude of D.C.'s failure to meet the identification and timely correction requirements in Indicator 9. The timely correction requirements in Indicator 9 are also the subject of Special Conditions on D.C.'s FFYs 2008 and 2009 Part C grant awards and the August 1, 2009 Corrective Action Plan (CAP) that was required as a result of D.C. receiving a "needs intervention" determination in OSEP's June 1, 2009 letter. Under the CAP and the FFY 2009 Special Conditions, D.C. was required to submit, and submitted, on May 14, 2010, a final Special Conditions progress report. The FFY 2009

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Special Conditions final report indicated that D.C. OSSE had issued its first three Part C findings in FFY 2008 on April 30, 2009, and an additional finding on December 7, 2009, all in the area of 45-day timeline. D.C. OSSE did not report any findings against EIS providers for the timely service provision requirements in Indicator 1. For these reasons, OSEP has determined D.C. needs intervention in implementing the requirements of Part C of the IDEA.

Though not a basis for our determination, we also note that due to problems in D.C.'s fiscal and program accountability, management systems, and related areas, the Department designated D.C. a "high risk" grantee under all grants received from the Department. D.C. continues to work on the Department's fiscal and programmatic concerns, and its FFY 2010 grant award will again be subject to Department-wide Special Conditions.

The enclosed table provides OSEP's analysis of D.C.'s FFY 2008 APR and revised SPP, and identifies by indicator OSEP's review of any revisions made by D.C. to its targets, improvement activities (timelines and resources), and baseline data in D.C.'s SPP. The table also identifies, by indicator: (1) the State's reported FFY 2008 data; (2) whether such data met the State's FFY 2008 targets and reflect progress or slippage from prior year's data; (3) if applicable, that the State's data are not valid and reliable; and (4) whether the State corrected findings of noncompliance.

Under IDEA sections 616(e)(2) and 642, if the Secretary determines a State to need intervention for three or more consecutive years, the Secretary must take one or more of the six enforcement actions identified in IDEA section 616(e)(2)(B). In addition, the Secretary may, under IDEA section 616(e)(2)(A), take one of the three enforcement actions identified in IDEA section 616(e)(1). D.C. also received a determination of needs intervention for FFYs 2005, 2006, and 2007, and this is the fourth consecutive year that D.C. is receiving a determination of needs intervention. Accordingly, under IDEA sections 616(e)(2) and 642, the Secretary is requiring D.C. to submit a CAP and to utilize available sources of technical assistance.

The Secretary is requiring D.C. to submit a CAP under IDEA section 616(e)(2)(B)(i) because the Secretary has determined that D.C. should be able to correct the problem that is the basis for its "needs intervention" determination by February 1, 2011 (which is within one year from this determination letter), and that other enforcement remedies identified in IDEA section 616(e)(2)(B) are not appropriate at this time. D.C., in its May 14, 2010 final progress report, provided a list of findings identified and corrected in FFY 2008. As a result, the Secretary has determined that D.C. should be able to submit with its FFY 2009 APR valid and reliable data for Indicator 9.

D.C. must submit a CAP by August 1, 2010, that ensures that it can submit with its FFY 2009 IDEA Part C APR valid and reliable data for Indicator 9. D.C.'s CAP must include the specific actions (including utilizing available technical assistance sources) and timelines by which it will ensure that it will submit, with the State's FFY 2009 APR, due February 1, 2011, valid and reliable data from FFY 2009 for Indicator 9 (i.e., timely correction of findings identified in FFY 2008). The CAP must include provisions to ensure the following information is submitted to the Department by October 1, 2010: (1) a list of all findings issued in FFY 2008, 2009 and 2010; (2) a copy of all monitoring reports issued to EIS providers and programs for any finding of noncompliance with Part C requirements identified in FFY 2008, 2009 and 2010, including findings of noncompliance with the requirements of Indicators 1, 7, and 8; and (3) a summary of the data that D.C. requires of EIS programs and providers and that it reviews to determine that

the EIS program or provider has demonstrated correction of the finding, consistent with OSEP Memorandum, 09-02, dated October 17, 2008.

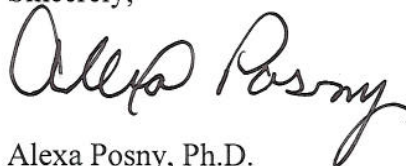
As required by IDEA sections 616(e)(7) and 642, D.C. must notify the public that the Secretary of Education has taken the above enforcement action, including, at a minimum, by posting a public notice on the State lead agency's website and distributing the notice to the media and through public agencies.

As you know, pursuant to IDEA sections 616(b)(2)(C)(ii)(I) and 642, D.C. must report annually to the public on the performance of each EIS program located in D.C. on the targets under Indicator 7 in its SPP and by posting your FFY 2008 APR on the State's web-site and making it available to the public, consistent with IDEA sections 616(b)(2)(C)(ii)(I) and 642. In addition, D.C. must, for Indicator 7: (1) review EIS program performance against targets in the State's SPP; (2) determine if each EIS program 'meets requirements' of IDEA Part C, or 'needs assistance,' 'needs intervention,' or 'needs substantial intervention' in implementing Part C of the IDEA; (3) take appropriate enforcement action; and (4) inform each EIS program of its determination. For further information regarding these requirements, see the SPP/APR Calendar at <http://spp-apr-calendar.rfcnetwork.org/explorer/view/id/656>. Finally, if your State included revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that your SPP is updated accordingly and that the updated SPP is posted on the State's web-site and made available to the public, consistent with IDEA sections 616(b)(2)(C)(ii)(I) and 642.

Pursuant to section 616(d)(2)(B) of the IDEA and 34 CFR §300.603(b)(2), a State that is determined to need intervention or need substantial intervention, and does not agree with this determination, may request an opportunity to meet with an appropriate Department official, as designated by the Department, to demonstrate why the Department should change the State's determination. To request a hearing, submit a letter to "IDEA Determination Appeal", Office of the Assistant Secretary for the Office of Special Education and Rehabilitative Services, United States Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202 within 15 days of the date of this letter. The letter must include the basis for your request for a change in the State's determination.

OSEP is committed to supporting D.C.'s efforts to improve results for infants and toddlers with disabilities and their families and looks forward to working with D.C. over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Jill Harris, the OSEP State Contact for D.C., at 202-245-7372.

Sincerely,



Alexa Posny, Ph.D.
Acting Director
Office of Special Education Programs

Enclosures

cc: Part C Coordinator

District of Columbia Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>Status of Public Reporting on EIS Program Performance:</p> <p>Prior to the FFY 2008 APR reporting period, DC Early Intervention Program (EIP) defined itself as a unitary system and was not required to comply with the public reporting requirements at sections 616(b)(2)(C) and 642 of the IDEA. However, beginning with the FFY 2008 APR, for APR Indicator 7 only, the Office of the District Superintendent of Education (OSSE) utilizes eight EIS programs and must report publicly for this indicator for each of these programs.</p>		
<p>1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.</p> <p>[Compliance Indicator]</p>	<p>The District's FFY 2008 reported data for this indicator are 81%. These data represent slippage from the FFY 2007 data of 86%. The District did not meet its FFY 2008 target of 100%.</p>	<p>The District must demonstrate, in the FFY 2009 APR due February 1, 2011, that the District is in compliance with the timely service provision requirements in 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1). Because the District reported less than 100% compliance for FFY 2008, the District must report on the status of correction of noncompliance reflected in the data the District reported for this indicator.</p> <p>When reporting the correction of noncompliance, the District must report, in its FFY 2009 APR, for noncompliance reflected in the data the District reported for this indicator, that the District: (1) is correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has initiated services, although late, for any child whose services were not initiated in a timely manner, unless the child is no longer within the jurisdiction of the District, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2009 APR, the District must describe the specific actions that were taken to verify the correction.</p> <p>If the District does not report 100%</p>

District of Columbia Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps									
		compliance in the FFY 2009 APR, the District must review its improvement activities and revise them, if necessary.									
<p>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings. [Results Indicator]</p>	<p>The District revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The District's FFY 2008 reported data for this indicator are 81.9%. These data represent slippage from the FFY 2007 data of 89%. The District did not meet its FFY 2008 target of 94.5%.</p>	OSEP looks forward to the District's data demonstrating improvement in performance in the FFY 2009 APR.									
<p>3. Percent of infants and toddlers with IFSPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationship); B. Acquisition and use of knowledge and skills (including early language/communication); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]</p>	<p>The District revised the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The District provided FFY 2008 baseline data, targets, and improvement activities for this indicator and OSEP accepts the District's submission for this indicator.</p> <p>The District's FFY 2008 reported baseline data for this indicator are:</p> <table border="1" data-bbox="548 857 1444 1299"> <thead> <tr> <th data-bbox="548 857 919 995">08-09 Infant and Toddler Outcome Baseline Data</th> <th data-bbox="919 857 1192 995"><u>Summary Statement 1</u>¹</th> <th data-bbox="1192 857 1444 995"><u>Summary Statement 2</u>²</th> </tr> </thead> <tbody> <tr> <td data-bbox="548 995 919 1133">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td data-bbox="919 995 1192 1133">75</td> <td data-bbox="1192 995 1444 1133">31</td> </tr> <tr> <td data-bbox="548 1133 919 1299">Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)</td> <td data-bbox="919 1133 1192 1299">71</td> <td data-bbox="1192 1133 1444 1299">36</td> </tr> </tbody> </table>	08-09 Infant and Toddler Outcome Baseline Data	<u>Summary Statement 1</u> ¹	<u>Summary Statement 2</u> ²	Outcome A: Positive social-emotional skills (including social relationships) (%)	75	31	Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	71	36	The District must report progress data and actual target data for FFY 2009 with the FFY 2009 APR.
08-09 Infant and Toddler Outcome Baseline Data	<u>Summary Statement 1</u> ¹	<u>Summary Statement 2</u> ²									
Outcome A: Positive social-emotional skills (including social relationships) (%)	75	31									
Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	71	36									

¹ Summary Statement 1: Of those infants and toddlers who entered or exited early intervention below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned three years of age or exited the program.

² Summary Statement 2: The percentage of infants and toddlers who were functioning within age expectations in each Outcome by the time they turned three years of age or exited the program.

District of Columbia Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues				OSEP Analysis/Next Steps																				
	Outcome C: Use of appropriate behaviors to meet their needs (%)	80	44																						
<p>4. Percent of families participating in Part C who report that early intervention services have helped the family:</p> <p>A. Know their rights; B. Effectively communicate their children’s needs; and C. Help their children develop and learn.</p> <p>[Results Indicator]</p>	<p>The District’s reported data for this indicator are:</p> <table border="1" data-bbox="550 367 1482 760"> <thead> <tr> <th></th> <th>FFY 2007 Data</th> <th>FFY 2008 Data</th> <th>FFY 2008 Target</th> <th>Progress</th> </tr> </thead> <tbody> <tr> <td>A. Know their rights (%)</td> <td>94</td> <td>93</td> <td>89</td> <td>-1.00%</td> </tr> <tr> <td>B. Effectively communicate their children’s needs (%)</td> <td>87</td> <td>91</td> <td>85</td> <td>4.00%</td> </tr> <tr> <td>C. Help their children develop and learn. (%)</td> <td>80</td> <td>81</td> <td>79</td> <td>1.00%</td> </tr> </tbody> </table> <p>These data represent progress for 4B and 4C and slippage for 4A from the FFY 2007 data. The District met all of its FFY 2008 targets for this indicator.</p>					FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress	A. Know their rights (%)	94	93	89	-1.00%	B. Effectively communicate their children’s needs (%)	87	91	85	4.00%	C. Help their children develop and learn. (%)	80	81	79	1.00%	<p>OSEP appreciates the District’s efforts to improve performance.</p>
	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress																					
A. Know their rights (%)	94	93	89	-1.00%																					
B. Effectively communicate their children’s needs (%)	87	91	85	4.00%																					
C. Help their children develop and learn. (%)	80	81	79	1.00%																					
<p>5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data.</p> <p>[Results Indicator]</p>	<p>The District revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The District’s FFY 2008 reported data for this indicator are 0.36%. These data represent progress from the FFY 2007 data of 0.28%. The District did not meet its FFY 2008 target of 1.30%.</p>				<p>OSEP looks forward to the District’s data demonstrating improvement in performance in the FFY 2009 APR.</p>																				
<p>6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data.</p> <p>[Results Indicator]</p>	<p>The District revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The District’s FFY 2008 reported data for this indicator are 1.37%. These data represent progress from the FFY 2007 data of 1.19%. The District did not meet its FFY 2008 target of 2.25%.</p>				<p>OSEP looks forward to the District’s data demonstrating improvement in performance in the FFY 2009 APR.</p>																				
<p>7. Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were</p>	<p>The District revised the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p>				<p>The District must demonstrate, in the FFY 2009 APR that the District is in compliance with the 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1),</p>																				

District of Columbia Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>conducted within Part C's 45-day timeline. [Compliance Indicator]</p>	<p>The District's FFY 2008 reported data for this indicator are 87%. These data represent progress from the FFY 2007 data of 74%. The District did not meet its FFY 2008 target of 100%.</p> <p>Although the District reported less than 100% compliance for this indicator for FFY 2007, the District did not report any findings of noncompliance for this indicator during FFY 2007. The District reported FFY 2007 actual target data for this indicator for the FFY 2007 APR and that it made three findings of noncompliance in FFY 2008 based on the FFY 2007 data. The District provided updated data and reported that all three findings of noncompliance identified in FFY 2008 had been already corrected in FFY 2008.</p>	<p>and 303.342(a). Because the District reported less than 100% compliance for FFY 2008, the District must report on the status of correction of noncompliance reflected in the data the District reported for this indicator.</p> <p>When reporting the correction of noncompliance, the District must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the data the District reported for this indicator: (1) is correctly implementing 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) (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 conducted the initial evaluation, assessment, and IFSP meeting, although late, for any child for whom the 45-day timeline was not met, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the District must describe the specific actions that were taken to verify the correction.</p> <p>If the District does not report 100% compliance in the FFY 2009 APR, the District must review its improvement activities and revise them, if necessary.</p>
<p>8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday</p>	<p>The District's FFY 2008 reported data for this indicator are 91%. These data represent slippage from the FFY 2007 data of 100%. The District did not meet its FFY 2008 target of 100%.</p>	<p>The District must demonstrate, in the FFY 2009 APR that the District is in compliance with the IFSP transition content requirements in 34 CFR §§303.148(b)(4) and 303.344(h). Because the District reported less than 100% compliance for</p>

District of Columbia Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>including: A. IFSPs with transition steps and services; [Compliance Indicator]</p>		<p>FFY 2008, the District must report on the status of correction of noncompliance reflected in the data the District reported for this indicator.</p> <p>When reporting the correction of noncompliance, the District must report, in its FFY 2009 APR, that it has verified, for noncompliance reflected in the data the District reported for this indicator, that the District: (1) is correctly implementing 34 CFR §§303.148(b)(4) and 303.344(h) (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 developed an IFSP with transition steps and services for each child, unless the child is no longer within the jurisdiction of the District (i.e., the child has exited the District's Part C program due to age or other reasons), consistent with OSEP Memo 09-02. In the FFY 2009 APR, the District must describe the specific actions that were taken to verify the correction.</p> <p>If the District does not report 100% compliance in the FFY 2009 APR, the District must review its improvement activities and revise them, if necessary.</p>
<p>8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including: B. Notification to LEA, if child</p>	<p>The District's FFY 2008 reported data for this indicator are 100%. These data remain unchanged from the FFY 2007 data of 100%. The District met its FFY 2008 target of 100%.</p>	<p>OSEP appreciates the District's efforts in achieving compliance with the LEA notification requirements in 34 CFR §303.148(b)(1).</p>

District of Columbia Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>potentially eligible for Part B; and [Compliance Indicator]</p>		
<p>8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including: C. Transition conference, if child potentially eligible for Part B. [Compliance Indicator]</p>	<p>The District's FFY 2008 reported data for this indicator are 95%. These data represent slippage from the FFY 2007 data of 96%. The District did not meet its FFY 2008 target of 100%.</p>	<p>OSEP appreciates the District's efforts and looks forward to reviewing in the FFY 2009 APR the District's data demonstrating that it is in compliance with the LEA notification requirements in 34 CFR §303.148(b)(1). Because the District reported less than 100% compliance for FFY 2008, the District must report on the status of correction of noncompliance reflected in the data the District reported for this indicator.</p> <p>When reporting the correction of noncompliance, the District must report, in its FFY 2009 APR, for noncompliance reflected in the data the District reported for this indicator, that the District: (1) is correctly implementing 34 CFR §303.148(b)(1) (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 provided notification to the LEA for each child, unless the child is no longer within the jurisdiction of the District (i.e., the child has exited the District's Part C program due to age or other reasons), consistent with OSEP Memo 09-02. In the FFY 2009 APR, the District must describe the specific actions that were taken to verify the correction.</p> <p>If the District does not report 100% compliance in the FFY 2009 APR, the District must review its improvement activities and revise them, if necessary.</p>

District of Columbia Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>9. General Supervision system (including monitoring complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>[Compliance Indicator]</p>	<p>The District revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The District did not report FFY 2008 data for this indicator (i.e., the District did not report on the correction in FFY 2008 findings it had made in FFY 2007) because the District reported it did not monitor EIS programs in FFY 2007.</p> <p><u>FFY 2008 Special Conditions.</u></p> <p>The timely correction requirements of this indicator are the subject of Special Conditions on the District's FFYs 2008 and 2009 IDEA Part C grant awards. In addition, the District received a determination on June 1, 2009 of being in need of intervention (NI) for three consecutive years based on the District's FFYs 2005, 2006 and 2007 APRs. Both the Special Conditions and the NI determination letters required the District to submit a Corrective Action Plan (CAP). The District submitted the CAP on August 1, 2009.</p> <p>As required by the Special Conditions progress report due February 1, 2010, the District reported that it had issued and corrected in a timely all three findings of noncompliance identified in FFY 2008. The District did not report that it made any findings during FFY 2009 under Indicator 7.</p> <p>The District reported that it continues to receive monthly technical assistance from Mid-South Regional Resource Center, the National Early Childhood Technical Assistance Center and the Data Accountability Center.</p> <p>OSEP will review and respond separately to the District's final progress report under the FFY 2009 Special Conditions, due May 14, 2010.</p>	<p>In reporting on correction of noncompliance in the FFY 2009 APR, the District must report that it verified that for noncompliance identified in FFY 2008, that the District (or for Indicator 7, the EIS program): (1) is 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 District or the EIS program, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the District must describe the specific actions that were taken to verify the correction.</p> <p>In addition, in responding to Indicators 1, 7, 8A, and 8B in the FFY 2009 APR, the District must report on correction of the noncompliance described in this table under those indicators.</p> <p>The District must use the Indicator 9 Worksheet to report on Indicator 9 on the FFY 2009 APR.</p> <p>The results of OSEP's verification visit to the District will also be set forth in a separate letter.</p>
<p>10. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</p>	<p>The District reported that it did not receive any signed written complaints during the reporting period.</p>	<p>OSEP looks forward to reviewing the District's data in the FFY 2009 APR.</p>

District of Columbia Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Compliance Indicator]		
<p>11. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.</p> <p>[Compliance Indicator]</p>	<p>The District's FFY 2008 reported data for this indicator are 100%. These data are based on the adjudication of one due process hearing. The District met its FFY 2008 target of 100%.</p>	<p>OSEP appreciates the District's efforts in achieving compliance with the due process hearing timeline requirements in 34 CFR §303.420(a).</p>
<p>12. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted).</p> <p>[Results Indicator]</p>	<p>The District reported that its one resolution session resulted in a settlement agreement.</p> <p>The District reported fewer than ten resolution sessions held in FFY 2008. The District is not required to provide targets or improvement activities until any fiscal year in which ten or more resolution sessions were held.</p>	<p>OSEP looks forward to reviewing the District's data in the FFY 2009 APR.</p>
<p>13. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The District reported that its one mediation resulted in a mediation agreement.</p> <p>The District reported fewer than ten mediations held in FFY 2008. The District is not required to provide targets or improvement activities except in any fiscal year in which ten or more mediations were held.</p>	<p>OSEP looks forward to reviewing the District's data in the FFY 2009 APR.</p>
<p>14. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The District's FFY 2008 reported data for this indicator are 97.1%. These data represent progress from the FFY 2007 data of 90%. The District did not meet its FFY 2008 target of 100%.</p>	<p>OSEP appreciates the District's efforts and looks forward to reviewing in the FFY 2009 APR, the District's data demonstrating that it is in compliance with the timely and accurate data reporting requirements in IDEA sections 616, 618, and 642 and 34 CFR §§76.720 and 303.540. If the District does not report 100% compliance in the FFY 2009 APR, the District must review its improvement activities and revise them, if necessary.</p> <p>In reporting on Indicator 14 in the FFY 2009 APR, the District must use the Indicator 14 Data Rubric.</p>