

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

D.L., et al.,)
)
 Plaintiffs,)
)
 v.) **Civil Action No. 05-1437 (RCL)**
)
 DISTRICT OF COLUMBIA, et al.,)
)
 Defendants.)
 _____)

**DEFENDANTS’ AUGUST 30, 2019 REPORT
ON NUMERICAL AND PROGRAMMATIC REQUIREMENTS**

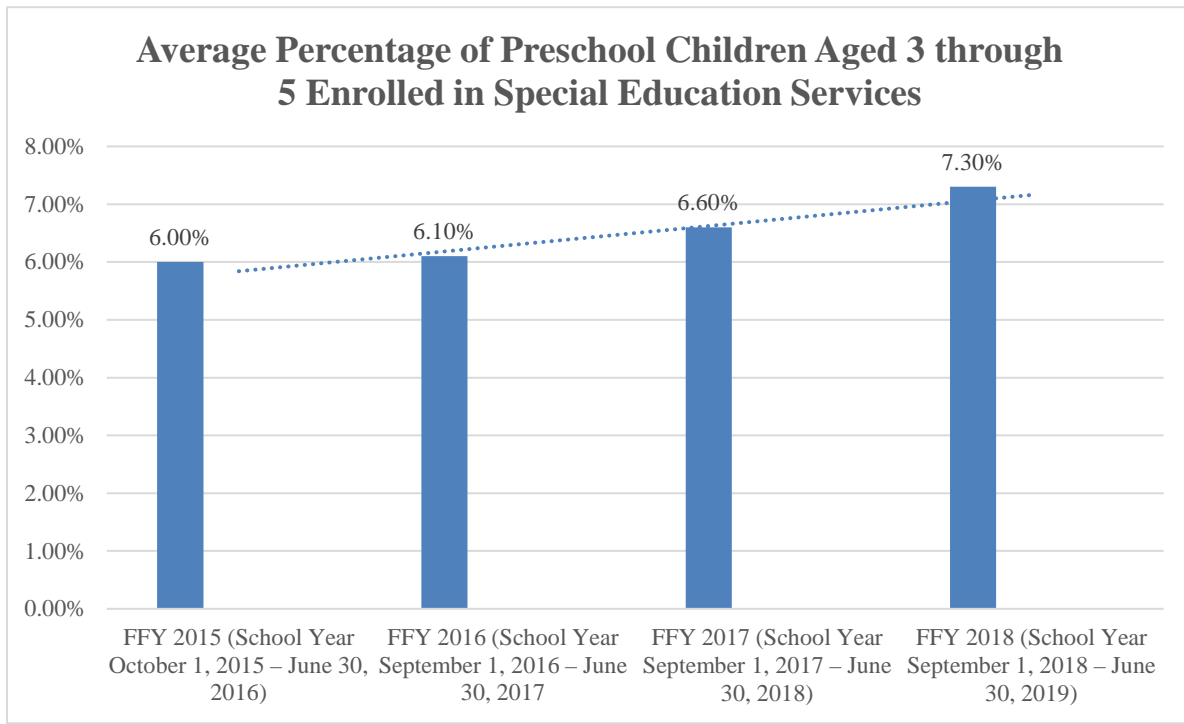
INTRODUCTION

During this reporting year, the District of Columbia (the District), through the Office of the State Superintendent of Education (OSSE) and District of Columbia Public Schools (DCPS) took several noteworthy, affirmative steps to elevate the level of engagement between the plaintiffs and key District education personnel and to address programmatic barriers to achieving and sustaining compliance with the injunction across the full education sector. As plaintiffs explained in their August 22, 2019 notice [601], this included engaging a third-party neutral—Clarence Sundram—to work with both Parties in the interest of developing a more efficient, collaborative approach to the Parties’ relationship. This crucial shift is well underway and has already proven constructive: The Parties held the first of a series of quarterly meetings on August 21, 2019, to engage on high-level programmatic challenges, and the initial meeting resulted in a number of concrete actions-items, including, for example, OSSE improving its engagement of the Public Charter School Board (PCSB) in an effort to better support public charter schools serving members of the plaintiff class.

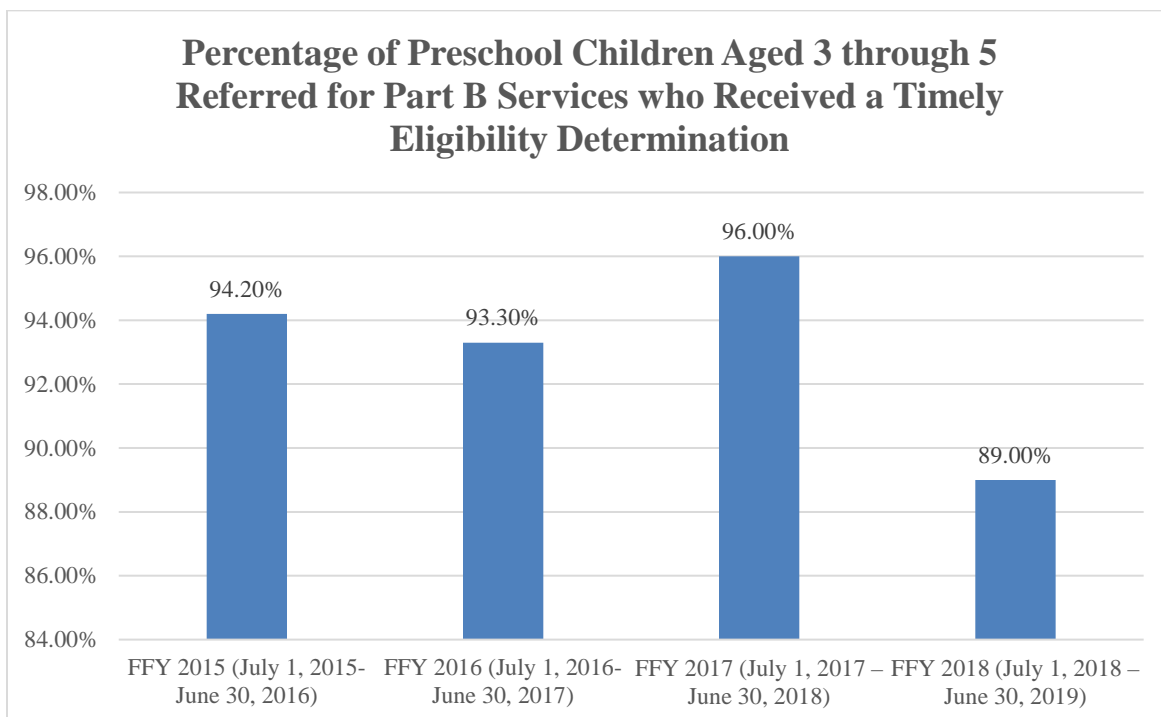
Based in part on recommendations from Mr. Sundram, the District also identified four focus areas for system-wide programmatic improvement, beginning during the 2019-20 school year, including focused LEA monitoring, technical assistance and LEA capacity building, specialized instruction tracking, and the development of a data visualization dashboard. Two of these already are in an implementation phase and are likely to earn near-term gains for compliance with the Court’s injunction: OSSE’s revised monitoring framework, which ranks LEAs into compliance “tiers” focusing on subclass-specific outcomes and offers corresponding supports, rolled out on August 5, 2019, with the start of school; and city-wide tracking of specialized instruction delivery, which will eliminate the use of a “proxy” for receipt of specialized instruction, is likewise underway. OSSE’s enhanced focused monitoring ensures a sustainable State oversight system, designed to improve student outcomes by directly linking data to LEA support resources. The District consulted with, and will continue to consult with, plaintiffs regarding these initiatives, and will update the Court on any developments in its next regular reporting.

NUMERICAL REQUIREMENTS

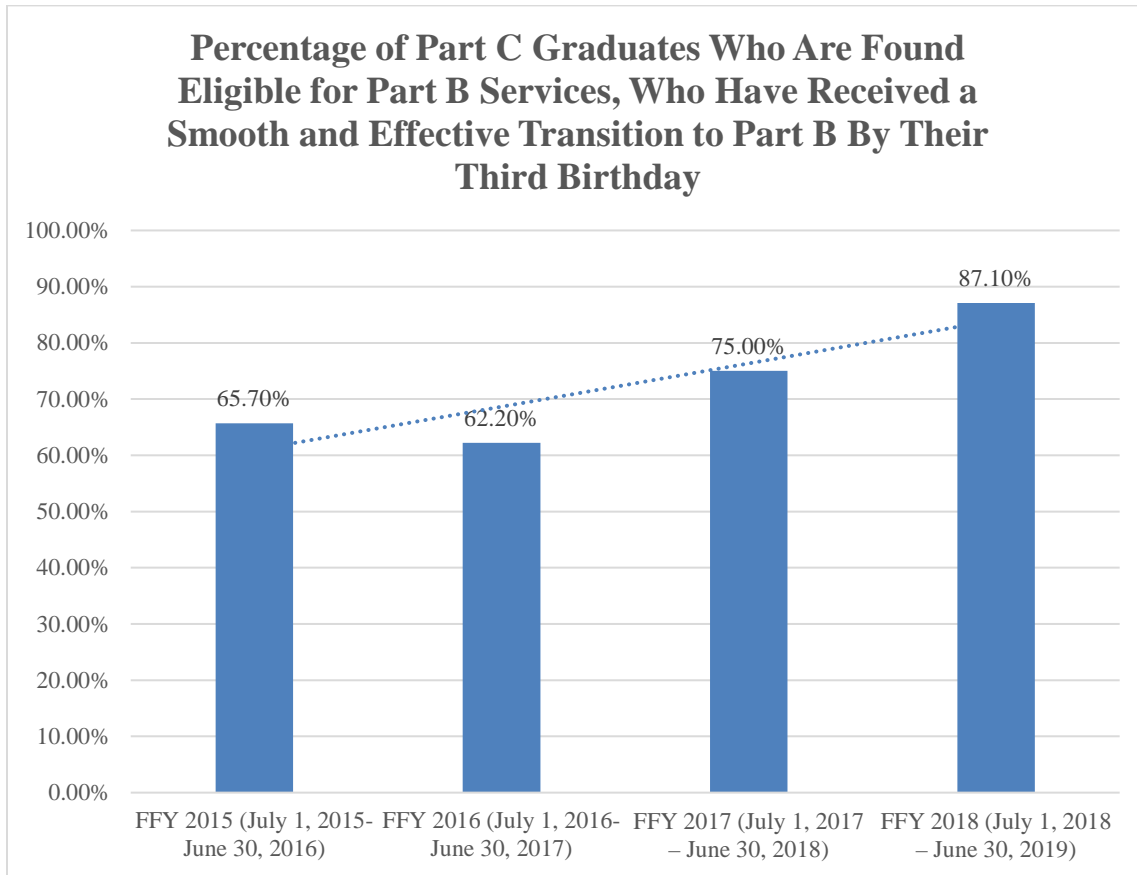
FFY 2015-2018 Annual Numerical Performance: Subclass I



FFY 2015-2018 Annual Numerical Performance: Subclass III



FFY 2015-2018 Annual Numerical Performance: Subclass IV



FFY 2018 Monthly Performance for Subclass I (Enrollment Percentage)

Month	Enrollment Percentage
July 2018	0.8%
August 2018	0.9%
September 2018	6.3%
October 2018	6.8%
November 2018	7.0%
December 2018	7.0%
January 2019	7.2%
February 2019	7.6%
March 2019	7.7%
April 2019	7.9%
May 2019	7.9%
June 2019	7.8%
Average of September 2018 – June 2019	7.3% = (1,881/25,679)

FFY 2015-2017 Monthly Performance for Subclass I (Enrollment Percentage)

FFY 2015	
Month	Enrollment Percentage
October 2015	5.6%
November 2015	5.8%
December 2015	5.9%
January 2016	5.9%
February 2016	6.0%
March 2016	6.1%
April 2016	6.0%
May 2016	6.2%
June 2016	6.3%
Average of October 2015 – June 2016 ¹	6.0% = (1,438/24,040)

FFY 2016	
Month	Enrollment Percentage
July 2016	0.6%
August 2016	0.6%
September 2016	5.6%
October 2016	5.9%
November 2016	6.1%
December 2016	6.1%
January 2017	6.0%
February 2017	6.1%
March 2017	6.2%
April 2017	6.3%
May 2017	6.3%
June 2017	6.3%
Average of September 2016 – June 2017	6.1% = (1,535/25,235)

¹ As noted in the August 31, 2018 report, for FFY 2015, this metric includes only those months for which the District has available data (October – June 2016).

FFY 2017	
Month	Enrollment Percentage
July 2017	0.8%
August 2017	0.9%
September 2017	5.9%
October 2017	6.4%
November 2017	6.6%
December 2017	6.6%
January 2018	6.6%
February 2018	6.7%
March 2018	6.8%
April 2018	6.7%
May 2018	6.9%
June 2018	6.9%
Average of September 2017 – June 2018	6.6% = (1,675/25,346)

Discussion of Data

The updated business rule for Subclass I reflects the agreement of the Parties to include in the monthly enrollment percentage those students meeting the enrollment requirements as of the first day of each month from September through June of the reporting year. In prior reports, the Subclass I metric had been calculated as cumulative annual enrollment. All monthly enrollment percentages reported above (FFY 2015-2018) are based on the revised business rule for Subclass I. As noted above, the reported annual enrollment metrics are averages of the 3- to 5-year-olds enrolled on the first day of each school-year month—September through June.

The business rule for Subclass III has been updated to align with DC Code § 38-2561.02 and 5-E DCMR § 3005.2(a), which changed the initial evaluation timeline under local law. Under the revised law, as of July 1, 2018, an eligibility determination is considered timely if it is completed within 60 days from the date that the student’s parent or guardian provides consent for the evaluation or assessment, reducing this time from 120 days from referral to eligibility determination.² As a result of this new requirement, the Subclass III data reported above for children referred on or after July 1, 2018 reflects the percentage of timely eligibility determinations for children based on the 60-day initial evaluation timeline, measured from the date of consent for evaluation to the date of the child’s eligibility determination.

Following discussions between the Parties, beginning in FFY 2019, the District will include in its Subclass III calculation the additional requirement that LEAs make reasonable efforts to obtain parental consent within 30 days from the date of referral. D.C. Code § 38-2561.02(a)(2)(A). The District will report the Subclass III data inclusive of the reasonable efforts requirements for FFY

² The LEA also must “make reasonable efforts to obtain parental consent within 30 days from the date the student is referred for an assessment or evaluation.” D.C. Code § 38-2561.02(a)(2)(A).

2019 (2019-20 school year) in the August 2020 Court report. This is a good faith effort at collaboration and compromise, made without prejudice to either party's position as to whether the Subclass III numerical requirement of the Court's injunction was intended to encompass a reasonable efforts requirement for obtaining parental consent, as implemented by D.C. Code § 38-2561.02.

PROGRAMMATIC REQUIREMENTS

The following report summarizes the District's continued adherence to the programmatic requirements of the Court's May 18, 2016 Order.

Paragraph 308(a): The District shall maintain and regularly update a list of primary referral sources, including physicians, hospitals, and other health providers; day care centers, child care centers, and early childhood programs; District departments and agencies; community and civic organizations; and advocacy organizations. The District shall also develop a system to track frequency of contacts with the referral sources to ensure that outreach occurs on a regular basis.

DCPS continues to maintain and regularly update a list of primary referrers in the DCPS Early Stages database and track communications with these primary referrers as described in the December 2016 Report. Since March 1, 2019, 30 new organizations have been added (15 child development centers/home-based/cooperatives, eight community organizations, including transitional housing and family support centers, and seven medical and mental health centers). One third of these new organizations are current outreach targets for which DCPS is in the process of establishing referral relationships.

Paragraph 308(b): The District shall develop and publish printed materials targeted to parents and guardians that inform them of the preschool special education and related services available from DCPS, the benefits and cost-free nature of these services, and how to obtain the services. These materials shall be written at an appropriate reading level and be translated into the primary languages spoken in the District. These materials shall be distributed to all primary referral sources (e.g., medical professionals and child care staff), public and public charter schools, public libraries, Income Maintenance Administration Service Centers, public recreation facilities, and other locations designed to reach as many parents or guardians of preschool children who may be eligible for special education and related services as possible.

DCPS Early Stages developed three main outreach documents that inform parents and guardians of preschool special education and related services available from DCPS. The documents, described in the December 2016 Report, are: Frequently Asked Questions, Developmental Milestones, and Social Emotional Development. These documents are written at an appropriate reading level. Additionally, DCPS translated these documents into the primary languages spoken in the District and continues to post them to the DCPS Early Stages website. DCPS also distributes these documents city-wide to medical professionals, child care staff, public schools and public charter schools, public libraries, social service agencies, and other types of primary referrers and community organizations.

DCPS Early Stages redesigned and launched its website in late April 2019. The goals of this redesign were to: (1) create dedicated pages in each of the primary languages spoken in the District, in order to provide greater ease of access to materials in other languages; (2) make the website easier to navigate for all users, with a focus on those areas most useful to visitors based on page visit analysis; (3) make the website more functional on mobile devices in response to the need of many families who access it that way; and (4) enhance the referral form to capture data required

for enrollment earlier in the referral process. The website address remains the same—earlystagesdc.org.

Paragraph 308(c): The District shall develop, publish, and distribute tailored printed materials targeted at primary referral sources to inform them of the preschool special education and related services available from DCPS, the benefits and cost-free nature of these services, and how to make a referral. These materials shall be used in conjunction with regular contacts with primary referral sources to increase the usefulness of the materials.

DCPS Early Stages developed and continues to publish and distribute the handouts, tailored materials, and professional development trainings described in the December 2016 Report. It uses these handouts, materials, and trainings in conjunction with outreach and regular contacts with primary referrers. During spring 2019, DCPS updated its professional development brochure, highlighting opportunities for primary referring agencies and noting DCPS' ability to partner with them to deliver parent workshops as well. This brochure is available for download on the DCPS website.

Paragraph 308(d): The District shall ensure that Early Stages outreach staff (e.g., the Child Find Field Coordinators) contact primary referral sources or a staff member in the primary referral source's office who are instrumental in making referrals at least once a month until a referral relationship is established and then every three months thereafter. The initial meeting shall be face-to-face whenever possible when pursuing referrals from new referral sources and then less frequently thereafter, using the method of contact preferred by the referral sources (e.g., e-mail, texting, or telephone calls).

DCPS Early Stages continues to build and maintain relationships with primary referrers using the approach described in the December 2016 Report, which includes tracking and monitoring outreach via the DCPS Early Stages database. In addition, the DCPS child find team strengthens referral source relationships by targeting referrers with whom DCPS Early Stages has a referral relationship but who are not referring as anticipated (e.g., those who received training from DCPS Early Stages within the last year but have not referred). Each ward-based Child Find Field Coordinator (CFFC) selects three of these referrers every six months to target for a needs assessment with the goal of understanding and resolving any barriers to referral.

One recent example of the value of this approach was the targeting of the two high-volume medical clinics in Wards 1 and 8 with the highest rates of parental disengagement after referral. Working in partnership with primary medical providers at these sites, an agreement was reached to pilot two strategies: (1) a referral checklist for physicians to use in discussing the Early Stages process with their clients, and (2) a reminder postcard that the physician can provide to the client that contains the Early Stages employee's direct contact information. **During the six-month period of study, disengagement rates for referrals from these two sites dropped from 60% to 16%, and referrals from the Ward 8 site more than doubled.**

Paragraph 308(e): The District shall accept both oral and written referrals at the start of the eligibility determination process, make multiple attempts using different forms of communication (e.g., telephone, postal mail, and e-mail) to contact the parent or guardian of a referred child, and,

upon obtaining consent of the parent or guardian, provide feedback to the referral source regarding the outcome of the referral in a timely manner.

The processes for facilitating and responding to referrals remains consistent with the information reported in December 2016. Families are engaged using a due diligence procedure that requires a minimum of three communication attempts in two or more modalities (including phone, email, or text), all of which must begin no later than ten (10) business days from the referral date. The ten-business-day requirement was included in revisions to 5-E DCMR § 3005.2(c).

In March 2018, DCPS Early Stages began sending an initial letter to families being scheduled for evaluations that provides additional context for parent engagement efforts, further improving communication between families and DCPS Early Stages staff. DCPS Early Stages also continues to engage relevant third parties to assist in the evaluation process and provide feedback to third-party referrers as described in the December 2016 Report. The DCPS Early Stages database ensures that this feedback occurs by generating reminders for CFFCs to initiate communication at the point of initial referral and again at the conclusion of the referral. In cases where referrals that come to Early Stages are being managed by the school where the child is enrolled, Early Stages tracks the progress of the referral and updates the referrer when the school has completed its work. This preserves the referral relationship between the referrer and the CFFC. Feedback to referrers is tailored on a case-by-case basis to the core aspects of each child's referral and evaluation.

OSSE continues to collaborate with multiple parties to ensure smooth implementation of the Enhanced Special Education Services Amendment Act of 2014. OSSE also continues to provide real-time student-level data to LEAs via the LEA Performance & Planning report. OSSE continued to convene the Early Childhood Education Working Group, focusing on aligning C-B transition practices across the education sector. Each of these efforts and initiatives are described in greater detail in prior reporting.

Paragraph 308(f): The District shall assign each family served by Early Stages a single staff member to act as its "case manager" throughout the screening, evaluation, eligibility determination, and IEP process to ensure that families have the necessary information to understand the purposes and functions of all aspects of the Early Stages process and procedures.

DCPS Early Stages continues to assign a dedicated Family Care Coordinator (FCC) to each child find (Part B) family and a dedicated Evaluation Coordinator (EC) to each transition (Part C) family whose child is recommended to complete the DCPS Early Stages evaluation process. The role of the dedicated staff member remains the same as described in the December 2016 report.

As reported in February 2018, OSSE Strong Start restructured the service coordination model for Part C to Part B transitions, such that a single Part C service coordinator is assigned to each family throughout the duration of the transition or extended Individual Family Service Plan (IFSP) process. OSSE Strong Start conducted internal trainings and holds regular monthly internal meetings with the service coordination teams. OSSE Part C service coordinator training includes more in-depth transition training, extended IFSP option trainings, and a joint workshop with DCPS Early Stages to prepare for the children with an Extended IFSP who must exit. OSSE Strong Start

utilizes previously reported Subclass data to promote consistency throughout the referral, initial evaluation, IFSP development, and transition process, ensuring Part C staff have the tools to deliver necessary information regarding the transition to Part B processes to families.

OSSE further developed a Standard Operating Procedure (SOP) to ensure consistency in transition notification to charter LEAs, among others. This safeguard was pursued, in part, in response to a request for further clarity identified in defendants' Supplemental Memorandum Regarding Defendants' August 31, 2017 Report [589]. This SOP requires service coordinators to contact the LEA within three business days after a family communicates the intent to access a free and appropriate public education (FAPE) at the LEA. Documentation of the family's intent to discontinue Early Intervention services and to receive FAPE through an IEP is maintained in the child's Part C services record. OSSE continues to provide technical assistance to charter LEAs on best practices for participation in transition conferences through the Early Childhood Special Education working group and the Early Childhood Transition FAQ. OSSE engaged charter LEAs and DCPS in a collaborative discussion of the legal requirements and practical benefits of sharing LEA program information and coordinating a charter school's role in the evaluation process when a child is pre-enrolled in a charter LEA. Additional information on the topic areas addressed by the working group are discussed below in section 309(b).

Paragraph 308(g): The District shall maintain a central location that: accepts formal and informal referrals; conducts initial meetings, screenings, assessments, eligibility determinations, IEP development, and offers of placement; and permits parents to register their child with DCPS.

DCPS Early Stages continues to maintain two locations: 1125 New Jersey Avenue NW and 4058 Minnesota Avenue NE. All of the services described in paragraph 308(g) are still available at each location as explained in the December 2016 Report.

Paragraph 308(h): The District shall regularly assess the need for and, as necessary, open additional satellite sites to perform the same functions in other wards or use a mobile evaluation unit that is able to perform these functions at multiple locations throughout the District as more children are located who may be in need of preschool special education.

DCPS Early Stages continues to monitor trends in caseload assignments and initial eligibility timeliness as described in the December 2016 report and remains appropriately staffed and located.

During the 2019-20 school year, DCPS will continue its policy of placing responsibility for the evaluation process for preschool-age children with the DCPS elementary schools in which they are enrolled. As reported previously, this aligns with existing DCPS procedures for older children and the evaluation process for charter schools PK3-12. DCPS Early Stages will continue to perform all the functions it currently performs, including accepting and confirming referrals from any source and providing updates to referrers about child outcomes. During the 2018-19 school year, Early Stages played a significant role in building capacity and providing technical assistance to schools and developed tools in collaboration with central office staff to monitor and report school performance. In July 2019, DCPS conducted mandatory policy sessions with all school leaders and their teams to review core special education requirements, including child find obligations. Sessions held for elementary principals included a refresher on key requirements

outlined in the Order and also previewed OSSE's new requirements for LEAs related to tracking specialized instruction. Principals are required to provide turnkey training on the content during pre-service week.

In addition, DCPS Early Stages and the Division of Specialized Instruction conducted mandatory training with all elementary school principals in July 2019 to review school-level and DCPS-level performance from the 2018-19 school year, and to discuss areas for improvement during the 2019-20 school year.

DCPS' summer pre-service sessions for teachers include mandatory training from Early Stages and the Office of Early Childhood in the administration of the ASQ screening tool. Central office and school-based staff received trainings and resources to support this work. Also as a part of annual work to support DCPS-level child find efforts, the Pre-K Child Find Policies and Procedures Manual that was developed last year is being reviewed and updated as necessary.

Paragraph 308(i): The District shall conduct regular screenings of preschool-age children in each ward of the District, and especially in wards in which children experience multiple risk factors.

DCPS Early Stages continues to facilitate and promote regular developmental screening across the District and target organizations in every ward for training and technical assistance to support screening efforts as described in the December 2016 Report. As previously reported, during the 2018-19 school year, DCPS newly required that developmental screening for all PK3 and PK4 children be completed within 45 days of the start of school or the first day the child attends school for all children newly enrolling in all DCPS schools, and **97.3% of enrolled children were screened within that time period.** The strategies employed to achieve that goal last year will remain in place this year, including onsite visits to each school team within the first few weeks of school to monitor screening progress and support implementation. DCPS principals and LEA representative designees will retain access to a dashboard so they can easily monitor completion of the screening work as well as any follow up actions that were required by the LEA. Additionally, the 45-day screening requirement is enforced at child care centers, specifically Pre-K Enhancement and Expansion programs. Child care centers are required to report screening results to either OSSE Strong Start or DCPS Early Stages and this is monitored by the OSSE Division of Early Learning (DEL).

Paragraph 308(j): The District shall use existing data (e.g., medical records and reports of prior assessments) at the time of referrals to the extent possible, especially for children from Part C to Part B services, to eliminate unnecessary and duplicative screenings and assessments for eligibility determination purposes.

The analysis of existing data remains an IDEA and state-level requirement of the special education evaluation process for all LEAs, and compliance is ensured via the State's SEDS database. To reinforce these requirements, the mandatory OSSE Child Find and Initial Evaluation professional development sessions described above included guidance to LEAs related to the importance of analyzing a broad range of existing data, including health records, data from early childhood settings, and early intervention data, as applicable. Additionally, OSSE released clarifying guidance on this process in the 2018-19 School Year Special Education Updates Guidance, and

added, “Part C or other early childhood data or information,” as a data source option available when completing each area of concern on the analysis of existing data page in SEDS. In conjunction with the above described enhancement of Part C referral source specificity in SEDS, these changes contribute to ensuring LEAs consider a broad range of existing data throughout the initial evaluation process.

As described in prior reporting, OSSE Strong Start now uses the Battelle Developmental Inventory, Second Edition (BDI-2) instead of the Bayley Scales of Toddler Development (Bayley), as the assessment tool for children who are transitioning to Part B. At the time of transition, the most recent BDI-2 evaluation report (conducted within the past six months), along with information from the Assessment, Evaluation and Programming System (AEPS) is submitted to DCPS Early Stages to assist with determining eligibility for the Part B program.

In addition, OSSE continues to review and revise its guidance related to students transitioning from Part C to B, including clarification on the use of existing data during the part B eligibility determination process and other procedural matters of importance to the Court. In this effort, OSSE released clarifying guidance to LEAs in the 2018-19 School Year Special Education Updates Guidance as discussed above.

The internal policies of DCPS Early Stages remain the same as described in the December 2016 report, for both child find and Part C transition referrals.

Paragraph 308(k): The District shall accept all children exiting Part C who have identified disabilities or significant developmental delays as presumptively eligible for Part B in order to ensure that they do not experience a disruption in services. Presumptively eligible for preschool education means that the information available at the time of the referral of a child—when he or she is nearly three years old and is about to transition from Part C to Part B—shall be presumed to be sufficient to make a decision about the child's eligibility for Part B special education services, unless indicated otherwise by the Part B IEP Team. The Part B IEP Team may find, after reviewing the information available at the time of the referral of the child, that additional data is needed in order to make an eligibility determination. If the Part B IEP Team finds that additional data is needed in order to make an eligibility determination, the child may not begin receiving Part B services prior to an evaluation to determine the child's eligibility for such services. In all cases, including where the existing data are sufficient and where the Part B IEP Team determines that additional data are needed, defendants shall ensure that the Part B eligibility determination is completed prior to the child's third birthday, so that children eligible for Part B special education and related services experience no disruption in the receipt of services.

The District continues to operate in alignment with this requirement. Programmatically, there have been no changes since December 2016 in how DCPS Early Stages works with OSSE's Strong Start program to provide a smooth transition for Part C enrolled children into the DCPS Early Stages eligibility process. Early Stages has continued the practice of describing the review of a child's Part C record in a SEDS module as opposed to entering a separate report related to the review in SEDS. Because of this change, SEDS now clearly reflects when an evaluation team proceeded directly to an eligibility meeting based on Part C data versus when additional assessments were required.

As noted in previous reports, the mandatory Child Find and Initial Evaluation professional development sessions conducted by OSSE clarified requirements related to paragraph 308(k). Additionally, OSSE Strong Start and DCPS Early Stages leadership continue monthly meetings to discuss the transition process overall and a variety of more specific service and process related topics. During this reporting period the focus continued to be on monitoring the system for careful tracking and documentation of transition meeting invitations and referral dates, the monthly review of children who did not receive a transition meeting to ensure that no children were left behind in the transition process without a documented reason, the review of specific case scenarios, and the analysis of changes needed in the Strong Start Child Find Data System to improve the transition process documentation and monitoring.

Paragraph 308(l): The District shall maintain a reliable data-sharing system between Part C and Part B to ensure that Early Stages receives an ongoing monthly report of all children who will be aging out of Part C within the following six months in order to ensure timely transition meetings.

DCPS Early Stages and OSSE Strong Start continue to work together to ensure timely transition meetings for Part C children in the ways described in the December 2016 Report. Effective August 1, 2018, the invitation to the transition conference serves as each transitioning student's referral date, beginning the evaluation timeline. OSSE communicated this process modification to LEAs in the 2018-19 School Year Special Education Updates Guidance, LEA Special Education Point of Contact webinars, and at the OSSE Start of School Summit. Notification from OSSE Strong Start continues to be received monthly by DCPS Early Stages through a secure file transfer site, acting as a backstop to ensure all students receive a timely transition. Children on this list are immediately entered into the Early Stages database and tracked in a report that is managed by the Transition Analysts at Early Stages. This report groups children into four categories ("Awaiting Invitation," "2.8 with No Meeting Invitation," "2.9 with No Meeting Invitation," and "Meeting Invitation Received"), and children remain in this report until a meeting invitation or other outcome is documented for each one. Additionally, this report is available at any time to Strong Start leadership directly through the Early Stages database, and it can be updated to include information that might impact the transition process (e.g., a child on the notification list has moved out of the District and no transition conference will be held). Review of this report is a standing agenda item of the monthly Strong Start/Early Stages coordination meeting so that every child is accounted for.

In addition to these safeguards, OSSE maintains an enhanced data review protocol for monitoring transitions from the State level to ensure that they are smooth and effective. Effective July 30, 2018, the State provided the special education coordinator at each LEA with notice of 3- to 5-year-old students with an IEP or Extended IFSP who are transitioning into their LEAs. Based on LEA feedback, OSSE has incorporated this data into the existing, LEA-facing Early Access to Students with Disabilities Data application available to assist with the coordination of special education services at the start of school. Additional information regarding this application is discussed below in section 308(m). The continuous and real-time availability of this data allows LEAs to plan for the anticipated service needs of 3- to 5-year-olds during start of school resource planning. OSSE also developed a Start of School Checklist for LEA Special Education Points of Contact document addressing LEAs' receipt of transitioning students at the start of the school year. Through this

approach, OSSE continues to provide technical assistance to charter LEAs regarding the transition process and service delivery implementation requirements.

Paragraph 308(m): The District shall maintain a reliable database system for tracking children through the Child Find process: from referral to eligibility determination and, if eligible, IEP development, placement, and provision of identified services.

All data collection, integrity, maintenance, and support processes originally described in the December 2016 report remain in place. In addition, as shared in meetings with plaintiffs' counsel, during the 2016-17 school year, OSSE introduced a Unified Data System Error (UDE) Report. The UDE process continues to provide LEAs access to real-time reporting of current and historical data anomalies and is supported by guidance (e.g., actions and timeframes for resolving anomalies) and ongoing technical assistance from OSSE.

OSSE also continues to make the Qlik Related Services Management Report (RSMR) available to LEAs. This tool provides student level and aggregate related service data to LEA service providers and administrative staff, which allows LEAs to make more informed decisions around staffing needs, scheduling, and accountability for service delivery. LEAs continue to provide OSSE with feedback indicating that the Qlik RSMR is a well-received enhancement to the existing related services logging module in SEDS.

In May 2017, OSSE further implemented the Qlik Early Access Students with Disabilities Data application to ensure compliance with the requirement for tracking students through the child find and evaluation processes. This tool provides LEAs with access to student records for completion of the evaluation process during a summer term in which access would typically be delayed until the start of the next school year. The 2019-20 Early Access to Students with Disabilities Data Application included a notification for LEAs of children who were under the age of 6 by September 30, 2019 and who had previously received IDEA Part C services. Due to student record protections, students were excluded from the notification in the application if the parents had either opted-out of sharing Part C data with Part B during the transition process or had subsequently revoked consent for IDEA services. The inclusion of this information in the Qlik Early Access Tool will further enhance charter LEA and DCPS coordination for transitioning children.

The OSSE LEA Data Management Policy issued in December 2017 remains in effect, clarifying OSSE and LEA data management roles and responsibilities as part of the District's ongoing efforts to ensure valid, reliable, and timely data collection and reporting.

Paragraph 308(n): The District shall maintain a reliable system for tracking the number and type of placements available for preschool special education and related services throughout the year and expanding the number and types of placement as needed.

The District continues to comply with these requirements as described in the December 2016 Report. During 2018, DCPS Early Stages developed a dynamic tracking system that displays available preschool special education seats and allows DCPS to make more accurate preschool placement projections. This system worked effectively during the past school year and was updated in June to include all placements for the 2019-20 school year.

Paragraph 309(a): The District shall develop and apply consistent operational definitions for each of the numeric benchmarks.

The District has developed operational definitions, also referred to as “business rules,” for each of the numerical benchmarks. These definitions serve as the basis for the annual and monthly figures reported under the Court’s Order and were initially provided to plaintiffs along with the data underlying the calculations in the August 2017 and 2018 reports. As described in the August 2018 and 2019 reports, the District conducts ongoing review of all relevant business rules and underlying data systems to enhance reporting and continued accuracy. The District provided plaintiffs with drafts of the FFY 2018 data business rules used for the above numerical reporting and incorporated their feedback into the revised versions prior to finalizing them. The District still relies on an updated version of its SOP for LEA efforts to contact parents, as described in prior reporting.

Paragraph 309(b): The District shall understand and ensure that its staff understand the purpose of the benchmarks and the IDEA requirements so that it can comply with them.

As previously reported, OSSE issued guidance to all LEAs through an August 30, 2017 Dear Colleague Letter, which clarifies relevant reporting requirements and definitions.

OSSE also continues to host monthly data manager and special education coordinator meetings to keep key staff abreast of requirements and available resources in these areas. During the 2016-17, 2017-18, and 2018-19 school years, OSSE further conducted a monthly webinar support series covering the following relevant technical assistance areas: UDE procedures; child count; data systems and reports availability; early access to students with disabilities data for child find and evaluation; logging and oversight of related service provision through the RSMR; managing quality data and compliance; overview of child find requirements for LEAs; implementing the revised initial evaluation timeline; student enrollment procedures; student transfer of records procedures; extended school year (ESY) service eligibility determinations and service provision; end of school year and start of school year data system training; initial evaluation practice deep-dive and data quality improvement; and Part C to B transition monitoring process updates.

The mandatory Child Find and Initial Evaluation professional development sessions described above likewise included instruction regarding child find requirements, DL case benchmarks, and the OSSE Model Child Find Policy, which was implemented with accompanying LEA Child Find Guidance in January 2018. In particular, these sessions reinforced OSSE’s expectations around logging related service delivery in SEDS, which was intended, in part, to address documentation issues identified in defendants’ October 31, 2017 supplemental memorandum. These issues also were the subject of LEA training provided by OSSE in October 2017 and February 2018. All LEA resources related to child find and timely evaluation procedures remain available through a consolidated resource page on the OSSE website. OSSE continues to update the consolidated resources page and dedicated early childhood transition page to ensure all relevant resources easily accessible to LEAs and families in a single location. Furthermore, OSSE continues to make available a Special Education Parent Information Brochure, providing clarifying information on

the role of Response to Intervention (RTI) in the special education process; this resource is also available on the consolidated resource website.

OSSE additionally held its third annual Start of School Summit on June 11, 2019 for all key LEA points of contact. The summit was designed to deliver key information to support seamless transition from the end of the 2018-19 school year to the beginning of the 2019-20 school year. Sessions included the following relevant technical assistance areas: enrollment audit training; preparing to serve students with disabilities and Part C to B transition focused components for LEA use of the Qlik Early Access to Students with Disabilities Data application; and quality data and data outcomes training. Special Education focused training was provided again on August 5, 2019 to ensure school staff hired during the summer months were able to attend.

Furthermore, OSSE provided an IEP Quality-capacity building school year training and summer series, including full-day sessions designed to enhance school-staff development of data-driven IEPs. OSSE provided targeted versions of this training to DCPS Early Stages teams and the District's largest 3- to 5-year-old serving charter LEA.

Also, as noted above, OSSE provided several updates to LEAs beginning in June 2018 and throughout the summer, in order to ensure their readiness to implement the new evaluation timeline effective July 1, 2018. In addition to these efforts to support all LEAs, OSSE meets monthly with DCPS Early Stages to address procedural questions, receive feedback, review data, and continuously refine practices to ensure a smooth and effective transition. Beginning in fall 2018, OSSE initiated the Early Childhood Special Education Workgroup with LEA early childhood special education leaders to discuss strategies and create guidance related to common issues encountered when children transition from receiving early intervention services to school-based programs. Additional information regarding OSSE's development of the Early Childhood Transition FAQ for all LEAs with pre-K programs as a result of this workgroup is discussed above.

Beginning in the 2019-20 school year, OSSE is enhancing existing monitoring structures to focus on key areas of compliance for 3- to 5-year-olds, including child find requirements, local and federal initial evaluation requirements, and smooth and effective transitions from IDEA Part C to B. In collaboration with plaintiffs, OSSE developed a monitoring framework designed to identify LEAs in critical need of supports to enhance their capacity to serve 3- to 5-year-olds. The monitoring framework ranks LEAs into compliance tiers based on threshold rates, and includes corresponding supports for each tier. Supports are designed to correct student level and systemic concerns identified throughout the monitoring process and will be specially designed to address LEA needs based on their data. OSSE will annually review child find and data consistent with Subclass I business rules to identify LEA noncompliance and provide tiered supports. LEA data consistent with Subclasses III and IV will be reviewed quarterly, including review of compliance with the 60-day initial evaluation timeline and reasonable efforts requirements under local law as discussed above, and IDEA Part C to B transition.

OSSE's enhanced focused monitoring approach ensures a sustainable State oversight system that will enhance LEA capacity to identify, timely evaluate, and smoothly and effectively transition 3- to 5-year-olds into IDEA Part B services. The District will utilize this data to inform efforts toward enhancing charter LEA capacity to implement these requirements across the District.

Paragraph 309(c): The District shall improve its data collection policies so that reporting can be accurate.

As noted above in response to paragraph 308(m), OSSE continues to have in effect an LEA data management policy to support accurate, timely, and complete reporting. To further ensure compliance with this requirement, the District has implemented a system of support for LEA data points of contact. Each LEA data point of contact is assigned an OSSE data liaison, who provides continuous and LEA specific technical assistance to support correction of data errors and compliance with reporting requirements. OSSE continues to improve data collection practices and accuracy by auditing all data and flagging errors through the unified data error (UDE) and correction process. The UDE process will be applied to the new requirement for specialized instruction tracking discussed above, beginning in the 2019-20 school year. OSSE continues to convene monthly LEA Data Management meetings to provide LEA data points of contact with technical assistance on data quality, data system enhancement training, and structured time to meet with assigned OSSE data liaisons to resolve LEA specific concerns.

As an additional measure to ensure agency understanding of compliance requirements, OSSE executes a cross-divisional work group to review data and consider strategies and practices for improvement. This work includes OSSE leadership from Part B and C programs; the Division of Data, Assessment and Research; and the Division of Teaching and Learning. During the FFY 2018 reporting year, these coordination efforts have focused on deploying the specialized instruction tracking requirements, enhancing monitoring structures to address subclass specific requirements, and in-depth review of previously reported subclass data to identify areas for programmatic improvement. OSSE's in-depth review and understanding of subclass data informed the tiered technical assistance monitoring design discussed above for all subclasses, including the necessity for targeted LEA supports to respond to the variety of barriers LEAs experience throughout implementation of requirements. OSSE reviewed C-B transition data trends and identified programmatic areas for practitioner improvement in communication with families regarding the availability of Part C Extended Option and LEA charter school involvement in the transition process. The District will utilize this information and ongoing data reviews to inform the ongoing focus on LEA capacity building, identified above as a priority established in coordination with plaintiffs. These meetings are ongoing and include consultation with LEA counterparts to receive input, support ongoing planning, and ensure follow-up. OSSE continues to execute a cross-divisional policy focused team to inform coordination efforts undertaken by the larger OSSE work group. The policy focused team also has collaborated with DCPS to respond to practice-based questions regarding compliance with IDEA and Court requirements and is engaged in the OSSE policy revisions discussed above.

DCPS' revisions to the DCPS Early Stages database described in the February 2018 report remain in place and having now run for a year under the new timeline, DCPS considers them to be accurate and reliable.

Paragraph 309(d): The District shall collect the necessary data to indicate when all services begin, including special education and related services.

The District continues to collect these data, which have served as the basis for the District's reporting.

On July 11, 2019, OSSE issued a Dear Colleague letter on IDEA Part C to B transition, specifically regarding documentation of specialized instruction service delivery. This letter notified all LEAs serving 3- through 5-year-olds that beginning in school year 2019-20, their school staff will be required to document the first date of specialized instruction service delivery for these students. The letter was made available on the OSSE website consolidated resource page for Initial Evaluation and Child Find Resources and IDEA Part C to B resources. OSSE is partnering with the D.C. Public Charter School Board to facilitate implementation of this requirement across the charter LEA school sector. OSSE provided in-person training on August 5, 2019, and via webinar posted on the OSSE website, on the regulatory and logging requirements to ensure LEAs are positioned to accurately record the delivery of specialized instruction services to transitioning students at the start of the 2019-20 school year. Training attendance was mandatory for all LEAs serving students ages 3- to 5-years-old. DCPS also has taken steps to incorporate training of these requirements into school-staff level professional development conducted in August 2019. OSSE additionally provided turnkey training materials posted on the agency website for further training of LEA staff.

OSSE's implementation of the new specialized instruction requirement was conducted in collaboration with plaintiffs, including consideration of their feedback to the agency's memorandum on scope and functionality, implementation, and staggered reporting. As a result of plaintiffs' feedback on this and Subclass I and IV business rules, the District is requiring LEAs to track the initial delivery of specialized instruction services for each 3- to 5-year-old after child find or IDEA Part C to B transition. During the 2019-20 school year, OSSE is closely reviewing LEA compliance with the new tracking requirement to ensure fidelity and resulting data accuracy. OSSE will conduct LEA data reviews to ensure tracking requirements are met for eligible children, provide targeted support to LEAs for correction of student files in instances of documentation failures, and to address barriers to service delivery and appropriate documentation.

The District's reporting of Subclass I and IV for FFY 2018 (July 1, 2018 – June 30, 2019) above continues to use the Stage 5 proxy discussed in the August 2018 report. The District's FFY 2019 (July 1, 2019 – June 30, 2020) data, reported in the August 2020 Court report, will also include the Stage 5 proxy. The District will begin reporting Subclass I and IV data using the new SEDS specialized instruction delivery data point discussed above for FFY 20 (July 1, 2020 – June 30, 2021), in the August 2021 Court report. This staggered approach to the deployment and reporting of this requirement will result in more accurate and reliable data reported to the Court in August 2021 for Subclasses I and IV, and allow OSSE to better identify barriers and solutions for timely service delivery across DCPS and LEA charter schools.