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 31, 2017 REPORT
ON NUMERICAL AND PROGRAMMATIC REQUIREMENTS

A. NUMERICAL REQUIREMENTS

Annual Reporting

Order Reference	**Metric**	**FFY 2015 (July 1, 2015-June 30, 2016)**	**FFY 2016 (July 1, 2016-June 30, 2017)**
Paragraph 1 (Subclass 1)	Percentage of Preschool Children Aged 3 through 5 Ever Enrolled in Special Education Services Under Part B of IDEA or [Ever] Enrolled in Special Education Services through the Extended IFSP Option Under Part C	9.0%	10.2%
Paragraph 2 (Subclass 3)	Percentage of Preschool Children Aged 3 through 5 Referred for Part B Services who Received a Timely Eligibility Determination	94.3%	93.5%
Paragraph 3 (Subclass 4)	Percentage of Part C Graduates who are Found Eligible for Part B Services, who have Received a Smooth and Effective Transition to Part B by their Third Birthday	33.3%	31.0%

Monthly Reporting: Subclass 1 ("enrollment percentage")

Month	Enrollment Percentage
June 2016	6.5%
July 2016	6.0%
August 2016	6.3%
September 2016	6.7%
October 2016	6.7%
November 2016	6.7%
December 2016	6.6%
January 2017	6.7%
February 2017	6.7%
March 2017	7.0%
Apr 2017	6.9%
May 2017	6.8%
June 2017	6.7%

B. PROGRAMMATIC REQUIREMENTS

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 track communications with primary referrers and maintain the Early Stages database in the manner described in the December 2016 report to the Court.

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.*

Early Stages continues to distribute three main outreach documents: Frequently Asked Questions, Developmental Milestones, and Social Emotional Development as described in the December 2016 report to the Court. There have been no changes to content.

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.

Early Stages continues to use the handouts, materials for specific types of primary referrers, and our quarterly newsletter for outreach with primary referrers. Early Stages also continues to offer professional development trainings and parent workshops in both English and Spanish as described in the December 2016 report to the court.

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).

Early Stages continues (1) to target primary referrers to build new referral relationships and (2) to maintain existing relationships in the manner described in the December 2016 report.

Early Stages continues to manage outreach compliance with the Court's order through its database. Managers are able to track outreach work in an ongoing, "real-time" manner, so that action has been taken prior to a relationship falling out of compliance. This monitoring occurs during supervisory check-ins on a monthly basis.

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.

Early Stages' processes for facilitating and responding to referrals remain the same as described in the December 2016 report. Families are engaged using a due diligence procedure that requires a minimum of three communication attempts in two or more modalities. Additionally, Early Stages contacts relevant third parties for additional support to engage families in cases where such action is compliant with FERPA. Referrers are contacted more than once in the process in order to confirm (1) receipt of the referral, (2) completion of the screening, and (3) case closure.

In order to support compliance with this requirement, OSSE has issued guidance (*see* Appendix A) to all LEAs clarifying that the date of referral is defined as the date on which a written or oral request for assessment of a three through five year old is received. The guidance also reminds LEAs that pursuant to D.C. Code § 38-2561.02(3) and 5-E DCMR 3004.1(b), an LEA must accept both oral and written referrals, and must document any oral referral within three (3) business days of receipt. The guidance further clarifies that in evaluating whether an untimely evaluation is due a delay on behalf of the parent or the LEA, any instance in which the LEA did not complete its efforts to contact the parent in accordance with State policy, within five business days before the 120 day evaluation deadline, will be considered an LEA delay.

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.

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

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.

Early Stages maintains two locations: 1125 New Jersey Avenue NW and 4058 Minnesota Avenue NE, and all of the services detailed in the Court's order are available at each. Early Stages staff members continue to assist families of children found eligible for special education with enrollment in DCPS.

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.

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

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.

Early Stages continues to facilitate and promote regular developmental screening across the District in all the ways described in the December 2016 report to the Court, as well as continuing to target organizations in every ward for training and technical assistance to support screening efforts.

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 Special Education Data System (SEDS). The internal policies of 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.

Early Stages continues to operate in alignment with this requirement. There have been no changes since December 2016 to the way Early Stages works with OSSE's Strong Start program to provide a smooth transition for Part C enrolled children into the Early Stages eligibility process.

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.

Early Stages and Strong Start continue to work together in all the ways described in the December 2016 report to ensure timely transition meetings for Part C children.

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.

OSSE continues to maintain SEDS as the single system of record for tracking each child's referral and progress through the special education process. All LEAs are required to use SEDS, and active use is verified by OSSE. All data collection, integrity, maintenance and support processes originally described in the December 2016 report remain ongoing.

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.

DCPS ensures availability of general education placements in schools by reserving seats into which only Early Stages can enroll newly-eligible children. The method of determining projections for both general education and special education placements, as well as the dedicated staff member who monitors all placements, remain the same as reported in December 2016.

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 above and will be provided to plaintiffs along with the data underlying the calculations, as required by paragraph 24 of the Court's Order.

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.

To support compliance with this requirement, OSSE has issued guidance to all LEAs clarifying reporting requirements and definitions which are relevant to the case, as noted above. *See* Appendix A.

In addition, on August 4, 2017, OSSE hosted a Start of School summit for stakeholders to review key data systems and provide LEA staff with clarity regarding their reporting obligations and the tools and technical assistance resources available to help them ensure compliance.

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.

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

As noted in the District's prior report, OSSE has in effect an LEA data management policy to support accurate, timely, and complete reporting.

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 serve as the basis for the District's August 31, 2017 submission.