



September 16, 2011

[REDACTED]
District of Columbia Public Schools
[REDACTED]

RE: State Complaint No. 011-002

LETTER OF DECISION

PROCEDURAL BACKGROUND

The State Complaint Office of the Office of the State Superintendent of Education (OSSE), Division of Special Education received a State Complaint from [REDACTED], hereinafter "complainant," on [REDACTED] alleging violations on behalf of all students with IEPs who attended [REDACTED] Middle School ([REDACTED] MS) during the [REDACTED] school year.

The complainant alleged that the school violated certain provisions of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1400 et seq. and regulations promulgated at 34 CFR Part 300, specifically, failure to determine whether conduct that prompted suspension of a child with a disability was a manifestation of the child's disability; failure to provide educational services upon the removal of a child with a disability for more than 10 days from their current placement; failure to conduct functional behavioral assessments; and, failure to permit a parent or representative of a parent to inspect and review any education records relating to their children without unnecessary delay.

The State Complaint Office for OSSE has completed its investigation of the State Complaint. This Letter of Decision is the report of the final results of OSSE's investigation.

COMPLAINT ISSUES

The allegations raised in the complaint, further clarified by a review of documents and interviews or revealed in the course of the investigation, raised the following issues under the jurisdiction of the State Complaint Office:

1. Whether DCPS failed to determine whether conduct that prompted suspension of a child with a disability was caused by or had a direct and substantial relationship to the child’s disability, or was the direct result of the LEA’s failure to implement the IEP according to the requirements of the IDEA promulgated at 34 CFR §§300.530(e) and 300.536?
2. Whether DCPS failed to provide educational services upon the removal of a child with a disability for more than 10 days from their current placement, as required by 34 CFR §300.530(b)(2) and (d)?
3. Whether DCPS failed to conduct functional behavioral assessments according to the requirements of 34 CFR §300.530(f)?
4. Whether DCPS failed to permit a parent or representative of a parent to inspect and review any education records relating to their children that are collected, maintained, or used by the agency without unnecessary delay, as required by 34 CFR §300.613?

INVESTIGATIVE PROCEDURE

This investigation included interviews with the following individuals:

1. Complainant
2. [REDACTED] MS [REDACTED]
3. [REDACTED] MS [REDACTED]
4. [REDACTED] MS [REDACTED]
5. [REDACTED] MS [REDACTED]
6. Thirty-six parents of [REDACTED] MS students with disabilities

The investigation also included review of the following documents which were either submitted by the complainant, submitted by DCPS or accessible via the Special Education Data System (SEDS):

[REDACTED]

GENERAL FINDINGS OF FACT

1. Eighty-nine students identified as children with disabilities under the IDEA were enrolled at [REDACTED] MS during a portion of or for the entire [REDACTED] school year.
2. At least 28 students with disabilities received either in-school or out-of-school suspensions while enrolled at [REDACTED] MS during the [REDACTED] school year.

3. At least 14 students with disabilities received more than 10 days of out-of-school suspension while enrolled at ██████ MS during the ██████ school year.
4. One student received more than 10 school days of in-school suspension and two students received more than 10 school days of in-school and out-of-school suspension combined while enrolled at ██████ MS during the ██████ school year.
5. Where these in-school and out-of-school suspensions were for nonconsecutive days, they appear to be part of a series of removals that constitute a pattern.
6. ██████ MS staff members indicated that the school uses the Student Behavior Tracker computer program to generate notices of disciplinary action and keep a running tally of the days of out-of-school suspension for students with disabilities. The system sends an email to the school's special education coordinator when a proposed suspension would cause a student's total days of out-of-school suspension to exceed ten.
7. ██████ MS staff members admitted that their records of disciplinary action and related documentation were incomplete due, in part, to the fact that the special education coordinator did not maintain accurate records.
8. ██████ MS staff members indicated that their records of disciplinary action and related documentation were incomplete due, in part, to the fact that for a portion of the school year, ██████ MS did not have a special education coordinator.

PRELIMINARY DISCUSSION AND RELIABILITY OF DATA

DCPS is out of compliance with 34 CFR §§300.211, 300.600(d) and 300.601(b).

This complaint raised issues concerning the policies, procedures and practices relating to the discipline of children with disabilities at ██████ MS. In addition to the particular student the complainant used as an example, the complainant filed this complaint as a systemic challenge to the disciplinary practices used at ██████ MS on behalf of all students who attended the school during the ██████ school year. As part of the investigation of this State complaint, OSSE assembled a list of 89 students who were identified as children with disabilities under the IDEA and were enrolled at ██████ MS during a portion of or for the entire ██████ school year. OSSE reviewed the documents available for these students in SEDS as well as any due process complaints filed on behalf of any of these students during the ██████ school year. OSSE also attempted to contact the parents of these 89 students. OSSE successfully conducted interviews with 36 parents of 37 students with disabilities who were enrolled at ██████ MS during the ██████ school year. From this review of records and parent interviews, OSSE identified 28 students with disabilities who received one day or more of either in-school or out-of-school suspensions at ██████ MS during the ██████ school year.

OSSE determined, based on parent interviews and available documentation, that at least 14 students with disabilities received more than 10 days of out-of-school suspension during their enrollment at ██████ MS during the ██████ school year. In order to confirm the parentally-reported student suspensions, OSSE requested the attendance records and Student Disciplinary Report for these students from ██████ MS. ██████ MS did not provide any Student Disciplinary Reports or attendance records in response to OSSE's request.

OSSE was unable to interview the parents of 52 of the 89 students with disabilities who attended ██████ MS during the ██████ school year. OSSE attempted to ascertain whether any of these 52 students received suspensions that were not apparent in the SEDS record. ██████ MS staff members indicated that the school uses the Student Behavior Tracker computer program to generate notices of disciplinary action and keep a running tally of the days of out-of-school suspension for students with disabilities. The system sends an email to the school's special education coordinator when a proposed suspension would cause a student's total days of out-of-school suspension to exceed ten. OSSE requested copies of notices of proposed or final disciplinary action sent to parents of students with disabilities during the ██████ school year in order to determine the exact number of special education students who received out-of-school suspensions and the number of special education students who received more than ten days of out-of-school suspension. In response to OSSE's request, ██████ MS provided a copy of only one notice of final disciplinary action although it is evident from the lists of documents considered in two hearing officer determinations that documents of this type were generated by the school and exist for at least two other special education students.

Based on parent interviews, OSSE identified one student who received more than 10 school days of in-school suspension and two students who received more than 10 school days of in-school and out-of-school suspension combined. OSSE also requested copies of in-school suspension student logs in order to identify other students with disabilities who received more than 10 total days of in-school suspension. ██████ MS did not provide in-school suspension student logs in response to OSSE's request.

The IDEA at 34 CFR §300.211 requires that a local educational agency (LEA) provide the state educational agency (SEA) with information necessary to enable the SEA to carry out its duties under Part B of the IDEA. Pursuant to 34 CFR §§300.600(d) and 300.601(b), the State must monitor the LEAs located in the State using quantifiable indicators including collecting valid and reliable data. ██████ MS staff members admitted that some students' records of disciplinary action and other documentation was incomplete due to the fact that the school did not have a special education coordinator for the entire ██████ school year and that the special education coordinator did not keep accurate records for the portion of the year when she was at ██████ MS. ██████ MS did not provide OSSE with the documentation that was explicitly requested as part of this investigation. Therefore, DCPS is out of compliance with 34 CFR §§300.211, 300.600(d) and 300.601(b).

ISSUE ONE: MANIFESTATION DETERMINATIONS

Findings of Fact

1. At ██████ MS, disciplinary actions are entered into a Student Behavior Tracker computer program.
2. The Student Behavior Tracker program keeps a running tally of the days of out-of-school suspension for students with disabilities and sends an email to the school's special education coordinator when a proposed suspension would cause a student's total days of out-of-school suspension to exceed ten.

3. The [REDACTED] MS [REDACTED] reported that the special education coordinator is responsible for ensuring that the school holds a manifestation determination meeting “within a few days” of the proposed disciplinary removal.
4. The [REDACTED] MS [REDACTED] indicated that the special education coordinator that was assigned to the school through [REDACTED] [REDACTED] did not promptly act to convene manifestation determination meetings or otherwise generate and disseminate paperwork related to the discipline of a student with a disability.
5. [REDACTED] MS staff members indicated that a student with a disability cannot be subject to a disciplinary removal that would cause their total days of out-of-school suspension to exceed ten unless action is taken by the special education coordinator, specifically, convening a manifestation determination meeting.
6. [REDACTED] MS staff members gave inconsistent responses when asked whether students with disabilities should be or were in practice removed from school or from the classroom pending manifestation determination meetings.
7. At least 14 students with disabilities received more than 10 days of out-of-school suspension while enrolled at [REDACTED] MS during the [REDACTED] school year.
8. Eleven manifestation determination meetings were held for seven of these 14 students. Four of the students received a single manifestation determination meeting; two students received two manifestation determination meetings, each for a different incident; and, one student received three manifestation determination meetings, each for a different incident.
9. There is no evidence to indicate that manifestation determination meetings were held for the other seven students, and no evidence, in the form of attendance records or student disciplinary reports, to indicate that disciplinary actions were not taken against these students.
10. Four of the 11 manifestation determination meetings were not held within 10 school days of the decision to change the student’s placement.
11. The notes from four of the 11 manifestation determination meetings showed that school staff members on the IEP Team believed that the student’s conduct cannot be a manifestation of their disability if the student’s disability category was specific learning disability; if the student did not exhibit the behavior on a regular basis; if the student knew what they were doing when they acted; or if the conduct was typical of a student of this age.
12. [REDACTED] MS staff members reported that only out-of-school suspension days are counted toward the 10 days of removal that trigger the need for a manifestation determination.
13. One student received more than 10 school days of in-school suspension and two students received more than 10 school days of in-school and out-of-school suspension combined while enrolled at [REDACTED] MS during the [REDACTED] school year.
14. [REDACTED] MS staff members described an in-school suspension system in which students receive work packets to cover the coursework missed during their absence from the regular classroom.
15. The special education teacher does not provide specialized instruction to students in the in-school suspension classroom.

16. The in-school suspension coordinator provides assistance to students in the in-school suspension classroom, including some accommodations.
17. The in-school suspension coordinator is not a special education teacher and does not have access to a copy of students' IEPs.

Discussion/Conclusion

DCPS is out of compliance with 34 CFR §§300.530(e) and 300.536.

Pursuant to 34 CFR §300.530(e), within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or if the conduct in question was the direct result of the LEA's failure to implement the IEP. A change of placement occurs if the removal is for more than 10 consecutive school days; or the child has been subjected to a series of removals that constitute a pattern because the series of removals total more than 10 school days in a school year; because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another. (34 CFR §300.536(a))

██████████ MS staff members described a system in which disciplinary actions are entered into the Student Behavior Tracker computer program. The program keeps a running tally of the days of out-of-school suspension for students with disabilities and sends an email to the school's special education coordinator when a proposed suspension would cause a student's total days of out-of-school suspension to exceed ten. At that point, according to school staff members, a student with a disability cannot be subject to a disciplinary removal without action by the special education coordinator. The ██████████ MS ██████████ reported that the special education coordinator is responsible for ensuring that the school holds a manifestation determination meeting "within a few days" of the proposed disciplinary removal. However, the ██████████ also indicated that the special education coordinator that was assigned to the school through ██████████ ██████████ did not promptly act to convene manifestation determination meetings or otherwise generate and disseminate paperwork related to the discipline of student with a disability. ██████████ MS staff members gave inconsistent responses when asked whether a student with a disability should be or were in practice removed from school or from the classroom pending a manifestation determination meeting.

OSSE determined that at least 14 students received more than 10 days of out-of-school suspension during their enrollment at ██████████ MS during the ██████████ school year. OSSE reviewed the SEDS records of these students and found that 11 manifestation determination meetings were held for seven of these 14 students. Four of the students received a single manifestation determination meeting; two students received two manifestation determination meetings, each for a different incident; and, one student received three manifestation determination meetings, each for a different incident. There is no evidence to indicate that manifestation determination meetings were held for the other seven students. In addition, four of the 11 manifestation

determination meetings were not held within 10 school days of the decision to change the student's placement. Therefore, DCPS is out of compliance with 34 CFR §§300.530(e) and 300.536 because the IDEA requires that manifestation determinations be made within 10 school days of the decision to change a student's placement.

A manifestation determination review involves examination of whether the student's conduct was caused by, or had a direct and substantial relationship to, the child's disability; or if the conduct in question was the direct result of the LEA's failure to implement the IEP. OSSE's review of the notes that were available for four of these 11 manifestation determination meetings showed that school staff members on the IEP Team believed that a student's conduct cannot be a manifestation of their disability if the student's disability category was specific learning disability; if the student did not exhibit the behavior consistently; if the student knew what they were doing when they acted; or if the conduct was typical of a student of this age. The Comments to the Federal Regulations express the belief that the factors to consider in determining whether a student's conduct is a manifestation of the disability are "broad and flexible, and would include such factors as the inter-related and individual challenges associated with many disabilities." (71 Federal Register 46540:46720 (14 August 2006)) Remarks by school staff members which express particular requirements in order to find that a student's conduct is a manifestation of the disability, such as disability classification, behavioral consistency, awareness, or behavior that is within the norms for a regular education student of a similar age, lack the flexibility that a manifestation determination is intended to contemplate. Manifestation determinations made on such a narrow basis constitute further noncompliance with 34 CFR §300.530(e).

MS reported that only days of out-of-school suspension are counted toward the 10 days of removal that trigger the need for a manifestation determination. In addition to the 14 students who received out-of-school suspensions totaling more than 10 school days in the school year, one student received in-school suspensions which totaled more than 10 school days in the school year and two students received in-school and out-of-school suspensions which combined for a total of more than 10 school days in the school year. An in-school suspension is not considered a part of the days of suspension addressed in 34 CFR §300.530 as long as the child is afforded the opportunity to continue to appropriately participate in the general curriculum, continue to receive the services specified on the child's IEP, and continue to participate with nondisabled children to the extent they would have in their current placement. (71 Federal Register 46540:46715 (14 August 2006))

MS staff members described an in-school suspension system in which students receive work packets to cover the coursework missed during their absence from the regular classroom. The special education teacher does not provide specialized instruction to students in the in-school suspension classroom. The in-school suspension coordinator provides assistance to students in the in-school suspension classroom, including some accommodations; however, the in-school suspension coordinator is not a special education teacher and does not have access to a copy of students' IEPs. OSSE finds that the system of in-school suspension described by MS staff members does not provide a student with disabilities the opportunity to continue to receive the services specified on their IEP. Therefore, MS should count days of in-school suspension when determining whether a student's placement is being changed pursuant to 34 CFR

§300.536(a) and their failure to conduct manifestation determinations for these three students represents further noncompliance with 34 CFR §300.530(e).

ISSUE TWO: PROVISION OF SERVICES DURING REMOVAL

Findings of Fact

1. At least 14 students with disabilities received more than 10 days of out-of-school suspension while enrolled at ██████ MS during the ██████ school year.
2. ██████ MS staff members reported that both general education and special education students receive work packets during removal for an out-of-school suspension.
3. ██████ MS did not provide documentation to demonstrate that these packets were made available to students during suspensions.

Discussion/Conclusion

DCPS is out of compliance with 34 CFR §300.530(b)(2) and (d).

Pursuant to IDEA at 34 CFR §300.530(b)(1), school personnel may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days. A public agency is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who is similarly removed. (34 CFR §300.530(d)(3)) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the public agency must provide services so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP. (34 CFR §300.530(b)(2) and (d)) Further, if the removal is a change of placement, the child's IEP Team determines what services are appropriate.

At least 14 students received more than 10 days of out-of-school suspension during their enrollment at ██████ MS during the ██████ school year. ██████ MS reported that both general education and special education students receive work packets during removal for an out-of-school suspension. Work packets are an insufficient substitute for hours of specialized instruction provided by a special education teacher. Even if such work packets were adequate substitutes for the hours of specialized instruction listed on a student's IEP, the description of the practice of providing work packets to both general education and special education students suggests that IEP Teams did not decide what would constitute appropriate services for each individual student during the term of a suspension. It appears that work packets were provided as part of the school's standard approach to students with extended absences, not as part of an individualized examination of each student's needs. In addition, even if work packets would have adequately provided these students with the specialized instruction required by their IEPs, ██████ MS did not provide documentation to demonstrate that these packets were made available to students during suspensions.

Therefore, DCPS is out of compliance with 34 CFR §300.530(b)(2) and (d).

ISSUE THREE: COMPLETION OF FUNCTIONAL BEHAVIORAL ASSESSMENTS

Findings of Fact

1. ██████████ MS conducted four manifestation determination meetings for three students at which it found a student's conduct was a manifestation of their disability.
2. One student whose conduct was found to be a manifestation of their disability did not already have a functional behavioral assessment (FBA) on file and did not receive a FBA after the manifestation determination meeting.
3. One student whose conduct was found to be a manifestation of their disability at two different manifestation determination meetings regarding two separate incidents had already received a FBA and had a behavioral intervention plan (BIP).
4. One student whose conduct was found to be a manifestation of their disability also had already received a FBA and had a BIP.
5. There is no evidence that the IEP Teams reviewed or modified the existing BIPs for these two students.

Discussion/Conclusion

DCPS is out of compliance with 34 CFR §300.530(f).

The IDEA at 34 CFR §300.530(f)(1) requires that if the LEA, the parent, and relevant members of the IEP Team make the determination that conduct was a manifestation of a child's disability, the IEP Team must either conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or if a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

OSSE identified three students with disabilities for whom a total of four manifestation determination meetings were held at which their conduct was found to be a manifestation of their disability. One of these students did not already have an FBA on file and did not receive an FBA after the manifestation determination meeting. Two students had already received an FBA and had a BIP. There is no evidence that the IEP Teams in the three manifestation determination meetings held for these two students reviewed or modified the students' BIPs.

Therefore, DCPS is out of compliance with 34 CFR §300.530(f) for failing to conduct an FBA and implement a BIP, or review and modify an existing BIP for a student whose conduct had been determined to be a manifestation of their disability.

ISSUE FOUR: PARENTAL REVIEW OF RECORDS

Findings of Fact

1. In interviews, five parents indicated that they had requested but were not provided with copies or an opportunity to review their child's education records, including notices of disciplinary action.

2. One parent reported that she did not receive written notice of a disciplinary action against her child unless she made a request for written notice.
3. ████████ MS did not provide copies of notices of disciplinary action issued for students with disabilities who were enrolled at the school during the ████████ school year.

Discussion/Conclusion

DCPS is out of compliance with 34 CFR §300.613 and 5 DCMR §B-2505.6.

Pursuant to 34 CFR §300.613(a), each participating agency must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under the IDEA. The agency must comply with a request without unnecessary delay and before any meeting regarding the IEP, or any due process or disciplinary hearing or resolution session, and in no case more than 45 days after the request has been made. The right to inspect and review education records under this section includes the right to have a representative of the parent inspect and review the records. (34 CFR §300.613(b)(3)) The IDEA at 34 CFR §300.530(h) requires that on the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision, and provide the parents with notice of the procedural safeguards available to them. The District of Columbia Municipal Regulations at 5 DCMR §B-2505.6 require written notice of a proposed or authorized suspension be sent to the parent or guardian no later than one school day after the decision to propose or authorize the suspension.

Of the 36 parents of 37 students with disabilities that OSSE interviewed as part of this investigation, five indicated that they requested but were not provided with copies or an opportunity to review their child's education records, including notices of disciplinary action. Another parent indicated that when her child was suspended, she did not receive written notice of the disciplinary action unless she made a request. ████████ MS did not respond to OSSE's request for copies of notices of disciplinary action; therefore, OSSE will not conclude that proper notice of disciplinary action was provided to these parents.

Therefore, DCPS is out of compliance with 34 CFR §300.613 for failing to comply with parents' requests for records and out of compliance with 5 DCMR §B-2505.6 for failing to provide written notice of a proposed or authorized suspension.

CORRECTIVE ACTION

DCPS is required to take the following actions:

1. In order to correct the noncompliance with 34 CFR §§300.211, 300.600(d), 300.601(b) and 5 DCMR §B2505.6:
 - a. DCPS must develop a corrective action plan to ensure that it maintains valid and reliable disciplinary data and disseminates written disciplinary notices to parents and guardians of students with disabilities. This plan must address the maintenance of paper files, the upload of required documentation into SEDS, the issuance of notices of disciplinary action and written invitations to manifestation determination

meetings within one business day of a proposed disciplinary action, identify individuals responsible for the generation of documents, issuance to parents and the maintenance of documents in paper and electronic form, include internal timelines for the upload of documents into SEDS which are consistent with OSSE's December 9, 2010 LEA Data Management Policy and include training of school principals and special education coordinators on the maintenance of disciplinary data. The plan must be submitted by [REDACTED] and is subject to the review of OSSE's Director of Compliance & Monitoring. DCPS must submit documentation showing that all steps of the plan have been implemented by [REDACTED].

2. In order to correct the noncompliance with 34 CFR §§300.530(b)(2), (d), (e) and (f), and 300.536 and 5 DCMR §B2505.6:
 - a. By [REDACTED], DCPS must send notice to all parents of students with disabilities who attended [REDACTED] MS during any portion of the [REDACTED] school year or who are currently attending [REDACTED] MS, explaining the requirements of the IDEA and 5 DCMR §B2505.6 to convene a manifestation determination meeting following a student's disciplinary removal for more than ten school days in a school year; conduct an FBA and develop a BIP for a student whose conduct was determined to be a manifestation of their disability, or if an FBA had already been conducted and BIP already developed for the student, review and revise the BIP; provide services to students with disabilities upon their removal for more than 10 days in a school year regardless of the outcome of the manifestation determination; provide parents with written notice of a proposed or authorized suspension within one school day of a decision to propose or authorize the suspension; and, provide parents with access to documents in their student's education record upon request. This letter must include an invitation to a meeting to explain the contents, led by DCPS Office of Special Education staff members, open to parents and their advocates or attorneys. The letter must also include contact information for the [REDACTED] MS special education coordinator and an invitation to parents to request an IEP Team meeting to review their student's record of disciplinary action for the [REDACTED] school year and determine if compensatory education is appropriate to address any failure on the part of DCPS to convene a manifestation determination meeting, to provide services upon removal for more than ten school days, to conduct an FBA or develop, review or revise a BIP, or to provide written notice of the disciplinary action to the student's parent or guardian.
 - b. By [REDACTED], a copy of the letter described in corrective action 2a must also be sent to the complainant and to the Deputy Director of Programs of Advocates for Justice and Education.
 - c. By [REDACTED], DCPS must convene meetings with the parents of the students identified in the addendum to this letter to review the students' records of disciplinary action for the [REDACTED] school year and determine the amount of compensatory education that is appropriate to address any failure on the part of DCPS to convene a manifestation determination meeting, to provide services upon removal for more than ten school days, to conduct an FBA or develop, review or

revise a BIP, or to provide written notice of the disciplinary action to the student's parent or guardian. By [REDACTED], DCPS must provide OSSE with the meeting notes and signed rosters from these meetings as well as any resulting compensatory education plans, or make these documents available in SEDS.

- d. By [REDACTED], DCPS must ensure that the [REDACTED] MS principal, assistant principals, dean of students and special education coordinator attend, with the prior approval of the OSSE Director of Quality Assurance & Monitoring, a nationally or locally recognized program on disciplinary procedures applicable to special education students. Documentation of attendance must be forwarded to OSSE by [REDACTED].
 - e. For the next six months from the date of this report, within five business days of any proposed or approved disciplinary removal of a student with disabilities at [REDACTED] MS, DCPS must notify OSSE that such a disciplinary action has occurred and provide OSSE with the student's name and identification number. DCPS must ensure that parents are provided with written notice of a proposed disciplinary removal within one school day and provide OSSE with evidence showing that such notice was given or make the notice available in SEDS. Within fifteen school days of the proposed disciplinary removal, DCPS must upload manifestation determinations and meeting notes into SEDS.
3. In order to correct the noncompliance with 34 CFR §300.613:
- a. By [REDACTED], DCPS must ensure that at least two [REDACTED] MS staff members, including the special education coordinator, attend, with the prior approval of the OSSE Director of Compliance & Monitoring, a nationally or locally recognized program on parental access to student education records. Upon release of OSSE's Training and Technical Assistance [REDACTED] calendar, DCPS may request to apply attendance at a relevant OSSE course to this requirement. Documentation of attendance must be forwarded to OSSE by [REDACTED].

If you have any questions regarding this report, please contact Mary Boatright, State Complaints Manager, at mary.boatright@dc.gov or 202-741-0264.

Sincerely,

Amy Maisterra, Ed.D., MSW
Interim Assistant Superintendent for Special Education

cc: [REDACTED], Complainant (without addendum)
[REDACTED], DCPS [REDACTED]