



August 10, 2012

[REDACTED]  
District of Columbia Public Schools  
[REDACTED]

RE: State Complaint No. 011-034

## 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, against the District of Columbia Public Schools (DCPS), alleging violations in the special education program of [REDACTED] (Student ID # [REDACTED] hereinafter “student” or “child.”

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, (1) failure comply with IDEA’s disciplinary procedures; (2) failure to issue written notice before initiating a change in the identification, evaluation, or placement of a student with a disability; (3) failure to provide special education and related services in accordance with the IEP; (4) failure to consider the use of positive behavior interventions and supports to address behavior that impedes student learning; (5) failure to assess the student in all areas related to the suspected disability; (6) failure to conduct transition assessments necessary for the creation of appropriate transition goals; and (7) failure to review the IEP at least annually. In addition, the complainant alleged that DCPS denied enrollment to a child on the basis of the child’s disability. Although the denial of enrollment based on a student’s disability is unlawful discrimination under District of Columbia law (see D.C. Official Code §2-1402.41(1) and 5E DCMR §2000.6), such action does not constitute a violation of the IDEA. Accordingly, the OSSE State Complaint Office has no jurisdiction to investigate this claim.

Complainant specifically alleged a violation of child find requirements; however, the factual statements associated with this allegation relate to the requirements to consider the use of positive behavioral interventions and supports, addressed in Issue 4, and to assessment of the child in all areas of suspected disability, addressed in Issue 5. The complainant also alleged that DCPS failed to provide the child with a free appropriate public education (FAPE); however, a failure to provide FAPE need not be separately alleged in a State complaint. A discussion of the failure to provide FAPE is addressed concurrently with the issues enumerated above as



necessary.

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 comply with the disciplinary procedures outlined in 34 CFR §300.530?
2. Whether DCPS failed to issue written notice to the parent of a child with a disability a reasonable time before the public agency refused to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE to the child, as required by 34 CFR §300.503(a)?
3. Whether DCPS failed to provide special education and related services to the child in accordance with the child's IEP as required by 34 CFR §300.323(c)(2)?
4. Whether in developing the child's IEP, DCPS failed to consider the use of positive behavioral interventions and supports and other strategies to address behavior which impedes the child's learning, as required by 34 CFR §300.324(a)(2)(i)?
5. Whether DCPS failed to ensure that the child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities, as required by 34 CFR §300.304(c)(4)?
6. Whether DCPS failed to conduct appropriate transition assessments necessary for the IEP Team to develop appropriate transition goals for the student, as required by 34 CFR §300.320(b)(1)?
7. Whether DCPS failed to ensure that the IEP Team reviewed the child's IEP periodically; but not less than annually, to determine whether the annual goals for the child are being achieved; as required by 34 CFR §300.324(b)(1)(i)?

### **INVESTIGATIVE PROCEDURE**

This investigation included interviews with the following individuals:

1. [REDACTED] SHS
2. [REDACTED], [REDACTED] SHS
3. [REDACTED]

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]

[REDACTED]

**GENERAL FINDINGS OF FACT**

1. The student qualified as a student with a disability as defined by 34 CFR §300.8 between [REDACTED] and [REDACTED].
2. The student’s disability category was Specific Learning Disability (SLD).
3. The student disenrolled [REDACTED] from special education on [REDACTED].
4. The student started attending [REDACTED] High School on [REDACTED], and was a student there for the duration of the [REDACTED] school year.

**ISSUE ONE: DISCIPLINARY PROCEDURES**

**Findings of Fact**

1. The student’s [REDACTED] IEP entitled the student to 75 minutes of specialized instruction per day outside of the general education environment.
2. [REDACTED] High School sent an undated letter to the student’s parent stating that [REDACTED] was not eligible to re-enroll at [REDACTED] during the [REDACTED] school year because [REDACTED] had not complied with [REDACTED] attendance policy, had not shown academic progress throughout the [REDACTED] school year, had exhibited unacceptable behavior during school year [REDACTED], or the parent guardian does not live within the school’s boundary.
3. The letter from [REDACTED] High School included a list of alternative schools the student could enroll in.
4. The letter from [REDACTED] High School did not identify a new location where the student would receive special education and related services in accordance with [REDACTED] IEP.
5. [REDACTED] High School administration stated that the student was barred from returning to [REDACTED] because [REDACTED] had too many absences, [REDACTED] grades were too low, [REDACTED] had gotten into fights in the neighborhood, and [REDACTED] lived out of the boundary area.
6. No manifestation determination was held to determine whether the student’s poor attendance, low grades, and other problematic behaviors were manifestations of the

student's disability.

7. The first day of school for the [REDACTED] school year was [REDACTED].
8. The student enrolled at [REDACTED] on [REDACTED].
9. [REDACTED] was the 18<sup>th</sup> school day of the [REDACTED] school year.

### **Discussion/Conclusion**

#### **DCPS is out of compliance with 34 CFR §300.530**

The IDEA regulations at 34 CFR §300.530 provide that when disciplining students with disabilities, school personnel may remove a student 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.

At the start of the [REDACTED] school year, DCPS authorized the [REDACTED] High School administration to bar the enrollment of students who had attended [REDACTED] during the [REDACTED] school year if they were over the age of 18 and had excessive absences, had not shown academic progress, exhibited unacceptable behavior, or if the parent/guardian did not live within the school's boundary. A school may create school-wide disciplinary policies, and students with disabilities are subject to such policies, however, a school-wide disciplinary policy does not override the protections a special education student is entitled to under the IDEA.

Under the IDEA, where a disciplinary change in placement exceeds 10 consecutive school days, the school must conduct a manifestation determination. (34 CFR §300.530(e)) If the behavior is not a manifestation of the student's disability, the school may apply the relevant disciplinary procedures in the same manner and for the same duration as the procedures would be applied to students without disabilities, except the student must continue to receive educational services. (34 CFR §300.530(c-d)) If the behavior is a manifestation of the student's disability, the student must be returned to the placement unless the parent and school agree to a change of placement. (34 CFR §300.530(f)(2)) DCPS did not ensure that school staff observed these requirements when implementing the school-wide disciplinary policy.

In this case, school administrators stated that the student was barred from returning to [REDACTED] because [REDACTED] had too many absences, [REDACTED] grades were too low, [REDACTED] had gotten into fights in the neighborhood, and [REDACTED] lived out of the boundary area. The student was mailed an information packet that instructed [REDACTED] not to come back to [REDACTED] and listed alternative placements, but no other action was taken to ensure that DCPS would meet its obligation to provide FAPE in accordance with the student's IEP. DCPS made no attempt to secure a new location for the student or to ensure that another school received the student's IEP, and the onus for finding a new placement was placed entirely on the student. This is an unacceptable practice, and must be revised to ensure that DCPS meets the requirements of the IDEA.

To properly apply this policy to students in special education DCPS should have taken the

following steps, and must take these steps in the future where similar school-wide discipline policies are implemented:

1. Identify all affected students who receive special education services.
2. For each affected special education student, determine whether the change constitutes a change in location or change in placement.
3. If the change is a change in location, then in the information packet sent to the student DCPS must identify the student's new location, and explain why DCPS believes the change of location will not materially alter the student's educational program. (OSEP, Letter to Fisher, July 6, 1994) DCPS must also coordinate with the receiving school to ensure that the IEP will be implemented in the new location. If DCPS initiates a change in the location of special education services, DCPS is responsible for ensuring that a new, appropriate location is identified and secured for the student.
4. If the change is a change in placement, then the procedures and protections enumerated in 34 CFR §300.530 apply and must be implemented.

OSEP has provided guidance on the difference between a change in location and a change in placement under the IDEA. Educational placement includes consideration of the special education and related services listed on the IEP, the option on the continuum of services in which the IEP is to be implemented, and the facility, or location, in which the student's IEP is to be implemented. (OSEP, Letter to Fisher, July 6, 1994) Educational placement for a student with disabilities is determined by a group of persons with knowledge of the child, including the parent, and once determined, the LEA cannot use a school-wide disciplinary policy to change the student's placement unilaterally unless a student possesses, uses, or sells a controlled substance, carries or possesses a weapon, or inflicts serious bodily injury on another person at school or a school function. (34 CFR §300.530(g)) An LEA may change the location of special education services without triggering the protections of 34 CFR §300.530, but the LEA must carefully determine whether a proposed change is truly a change in location or whether it constitutes a change in placement.

Determining whether a change is a change in location is a three-step process:

1. The LEA must first consider the reason(s) for the change, and determine whether the IDEA disciplinary procedures at 34 CFR §300.530 are automatically triggered. If the disciplinary procedures are triggered, and the behavior is determined to be a manifestation of the student's disability, then the change would be considered a change of placement and the school may not make a unilateral change, but must follow all disciplinary procedures mandated by the IDEA regulations at 34 CFR §300.530.

If the reason(s) for the change do not trigger the disciplinary procedures, or if after following the disciplinary procedures at 34 CFR §300.530 the behavior in question is

determined NOT to be a manifestation of the student's disability, the LEA must then;

2. Determine whether the proposed placement will substantially or materially affect the educational program and services available to the student. If there will be no substantial or material alteration to the student's program and services, then;
3. The LEA must coordinate with the receiving school to ensure that the IEP will be implemented in the new location, and send an information packet to the parent/student which identifies the student's new location, and explains why the LEA believes the change of location will not materially alter the student's educational program.

When conducting the analysis required by the first step in the change of location protocol, the LEA must be aware that any long-term disciplinary removal that may be interpreted as denying the student access to his or her educational program as a consequence of student behavior or academic performance will automatically trigger the disciplinary procedures and protections at 34 CFR §300.530. For example, three of the four reasons that [REDACTED] disciplinary policy used to bar students, including excessive absences, lack of academic progress, and unacceptable behavior automatically trigger the disciplinary procedures of IDEA, and require the school to determine whether the behavior/outcome is a manifestation of the student's disability. (34 CFR §300.530(e)) The fourth reason, that the student lived out of boundary, does not automatically trigger the disciplinary protections of the IDEA, but when coupled with any of the other reasons, the school is obligated to implement the disciplinary procedures at 34 CFR §300.530.

To determine whether a change will materially or substantially alter the student's educational program, OSEP has provided the following guidance: a change in location should not affect the student's annual goals; special education and related services to be provided to the student; the extent of the student's participation in regular education programs; the dates for the initiation of services, or anticipated duration of services. (OSEP, Letter to Dixon, April 5, 1984) In a change of location the student will receive the same program options; will receive equivalent nonacademic and extracurricular services, including access to community services; will be provided the same least restrictive environment option; will be able to be educated to the same extent with his or her nondisabled peers; will have access to the same procedural safeguards, including notice and hearing rights, nondiscriminatory evaluation and confidentiality; and the student will have available the same total educational program in comparable facilities. (OSEP, Letter to Dixon, April 5, 1984)

Here, the school barred enrollment of a student with disabilities because of [REDACTED] attendance, [REDACTED] lack of educational progress, and [REDACTED] behavior, yet made no attempt to determine whether the behaviors and educational outcomes were the result of [REDACTED] disability. The disciplinary procedures of the IDEA are in place to ensure that students with disabilities are not denied

FAPE by virtue of behaviors and educational outcomes related to their disabilities. IDEA's disciplinary procedures allow for appropriate discipline of students with disabilities, but do not allow schools to use discipline policies as a way to skirt the fundamental obligation to provide FAPE.

Even if the school had implemented the proper disciplinary procedures under the IDEA and determined that the student's behavior and educational outcomes were not a manifestation of the student's disability, the school's process was inadequate, and DCPS could not reasonably call this a change of location. Beyond mailing the student a list of schools, DCPS did nothing to meet its obligation to provide FAPE to the student. DCPS failed to identify an alternative location for the student to receive [REDACTED] special education services without substantial or material alteration. When the student attempted to enroll at another school on the list [REDACTED] was given, [REDACTED] was told that the school was full and could not accept [REDACTED] [REDACTED] ultimately enrolled at [REDACTED] [REDACTED] on [REDACTED], after 17 school days had passed. By failing to properly manage the change of location for this student, DCPS made a constructive unilateral change of placement and the student was denied access to the education and services [REDACTED] was entitled to for more than 10 consecutive days, which is forbidden under the IDEA. (34 CFR §300.327; 34 CFR §300.530)

Therefore, DCPS is out of compliance with 34 CFR §300.530.

## **ISSUE TWO: PRIOR WRITTEN NOTICE**

### **Findings of Fact**

1. The student's [REDACTED] IEP entitled the student to 75 minutes of specialized instruction per day outside of the general education environment.
2. [REDACTED] High School sent an undated letter to the student's parent stating that [REDACTED] was not eligible to re-enroll at [REDACTED] during the [REDACTED] school year because [REDACTED] had not complied with [REDACTED] attendance policy, had not shown academic progress throughout the [REDACTED] school year, had exhibited unacceptable behavior during school year [REDACTED], or the parent guardian does not live within the school's boundary.
3. The student was prevented from enrolling at [REDACTED] High School for the [REDACTED] school year.
4. The student was not provided with an alternative location where [REDACTED] could access [REDACTED] special education services.
5. The first day of school for the [REDACTED] school year was [REDACTED].
6. The student enrolled at [REDACTED] on [REDACTED].
7. [REDACTED] was the 18<sup>th</sup> school day of the [REDACTED] school year.
8. The student was not provided a prior written notice of the school's proposal to change the student's placement.

### **Discussion/Conclusion**

#### **DCPS is out of compliance with 34 CFR §300.503(a).**

The IDEA regulations at 34 CFR §300.503(a) require public agencies to provide written notice that conforms to 34 CFR §300.503(b) before the public agency proposes to initiate or change the educational placement of a student with a disability.

The school sent a letter to the student's parent which said the student could not reenroll at ██████████ High School for the ██████████ school year. If after following the proper procedures the school had determined that the change was a change in location, and not a change in placement, the IDEA prior written notice requirement would not have been triggered. In that case, notice identifying the new location of services and explaining why the school believed it was not a change in placement would have been adequate notice. Here, however, proper procedures were not followed, and the change became a constructive change in placement. A proposed change in placement triggers the IDEA's prior written notice requirement, and the student was entitled to notice that conformed to 34 CFR §300.503(b).

Therefore, DCPS is out of compliance with 34 CFR §300.503(a).

### **ISSUE THREE: PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES**

#### **Findings of Fact**

1. The student's ██████████ IEP entitled the student to 75 minutes of specialized instruction per day outside of the general education environment.
2. The student was prevented from enrolling at ██████████ High School for the ██████████ school year.
3. The student was not provided with an alternative location where ██████████ could access ██████████ special education services.
4. The first day of school for the ██████████ school year was ██████████.
5. The student enrolled at ██████████ on ██████████.
6. ██████████ was the 18<sup>th</sup> school day of the ██████████ school year.
7. The student disenrolled ██████████ from special education on ██████████.

### **Discussion/Conclusion**

#### **DCPS is out of compliance with 34 CFR §300.323(c)(2).**

The IDEA regulations at 34 CFR §300.323(c)(2) specify that public agencies must ensure that as soon as possible following development of the IEP, special education and related services are delivered to the student in accordance with the IEP.

The student's ██████████ IEP entitled ██████████ to 75 minutes of specialized instruction per day outside of the general education environment. When the student attempted to enroll at ██████████ High School for the ██████████ school year, the school used a school-wide disciplinary policy to bar ██████████ from re-enrolling. The school did not provide the student with an



alternative location to receive special education services. The student received no special education or related services until [REDACTED], when [REDACTED] enrolled at [REDACTED]. There is insufficient evidence to support a finding that the student failed to receive services between [REDACTED], the date [REDACTED] enrolled at [REDACTED], and [REDACTED], the date [REDACTED] disenrolled from special education services.

Therefore, DCPS is out of compliance with 34 CFR §300.323(c)(2) for the dates [REDACTED].

#### **ISSUE FOUR: POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS**

##### **Findings of Fact**

1. The student's [REDACTED] IEP entitled the student to 75 minutes of specialized instruction per day outside of the general education environment.
2. The [REDACTED] IEP does not indicate any concern with student's behavior or emotional needs.
3. The student's [REDACTED] Report to Parents on Student Progress includes several positive comments from teachers about the student's behavior and affect.

##### **Discussion/Conclusion**

**DCPS is in compliance with 34 CFR §300.324(a)(2)(i).**

The IDEA regulations at 34 CFR §300.324(a)(2)(i) provide that in developing a student's IEP, if a student's behavior impedes his or her learning or the learning of others, the IEP team must consider the use of positive behavioral interventions and supports to address that behavior.

The complaint alleges that DCPS failed to provide the student counseling to deal with the frustrations [REDACTED] felt because of [REDACTED] learning disability. The record does not support this claim. The [REDACTED] IEP entitled the student to 75 minutes of specialized instruction per day outside of the general education environment. The IEP did not entitle the student to any counseling services.

No concerns about the student's behavior or emotional state are mentioned in the [REDACTED] IEP. There are no requests for counseling services in the record. The student's [REDACTED] Report to Parents on Student Progress includes several positive comments from teachers about the student's behavior and affect, including 2 - "pleasure to have in class," 1 - "excellent behavior" 1 - "excellent initiative" and 1 - "good participation." Considered as a whole, the record does not support a claim that the student displayed behaviors that required the IEP team to consider the use of positive behavioral interventions and supports.

Therefore, DCPS is in compliance with 34 CFR §300.324(a)(2)(i).

#### **ISSUE FIVE: ASSESSMENT IN ALL AREAS OF SUSPECTED DISABILITY**

### **Findings of Fact**

1. The student's last triennial eligibility determination was [REDACTED].
2. The student's reevaluation and triennial eligibility determination was due by [REDACTED].
3. The record does not include any requests for reevaluation prior to [REDACTED].
4. The student disenrolled from special education on [REDACTED].

### **Discussion/Conclusion**

#### **DCPS is in compliance with 34 CFR §300.304(c)(4).**

The IDEA regulations at 34 CFR §300.304(c)(4) require public agencies to ensure that students are evaluated in all areas related to a student's suspected disability. Evaluations may occur annually, but must occur at least once every 3 years unless the public agency and parent agree it is unnecessary. (34 CFR §300.303(b)(1-2))

The student's last triennial determination was [REDACTED]. The student was due for reevaluation by [REDACTED]. Before reevaluations were due, on [REDACTED], the student disenrolled from special education. There is nothing in the record indicating that the student requested any evaluations in the time period covered by this complaint.

Therefore, DCPS is in compliance with 34 CFR §300.304(c)(4).

### **ISSUE SIX: TRANSITION ASSESSMENTS**

#### **Findings of Fact**

1. The [REDACTED] IEP transition plan shows that the student was formally assessed using the Woodcock Johnson III, and informally assessed using the SunRaye Job Interest Inventory.
2. The [REDACTED] IEP transition plan includes measurable goals in the area of post-secondary transition.

#### **Discussion/Conclusion**

#### **DCPS is in compliance with 34 CFR §300.320(b)(1).**

The IDEA regulations at 34 CFR §300.320(b)(1) provide that beginning not later than the first IEP to be in effect after the student turns 16, the IEP must include appropriate measurable postsecondary goals based upon age appropriate transition assessments.

The complaint alleged that the student was not given a vocational assessment. This allegation is contradicted by the student's record, which shows that [REDACTED] was assessed formally and informally for transition purposes. The student's assessments related to training, education, and employment skills. The [REDACTED] IEP also includes appropriate and measurable

postsecondary goals.

Therefore, DCPS is in compliance with 34 CFR §300.320(b)(1).

### **ISSUE SEVEN: ANNUAL REVIEW OF IEP**

#### **Findings of Fact**

1. The Student's [REDACTED] IEP was in effect until [REDACTED].
2. The Student's [REDACTED] IEP was due for review by [REDACTED].
3. The student enrolled from special education on [REDACTED].
4. The [REDACTED] and [REDACTED] IEP teams did not include a regular education teacher or an individual capable of interpreting evaluation results.
5. The [REDACTED] IEP team did not include an individual knowledgeable about the public agency's resources and curriculum.
6. The [REDACTED] IEP team did not include a special education teacher.

#### **Discussion/Conclusion**

**DCPS is in compliance with 34 CFR §300.324(b)(1)(i).**

**DCPS is out of compliance with 34 CFR §300.321(a).**

The IDEA regulations at 34 CFR §300.324(b)(1)(i) require public agencies to ensure that IEP teams review each student's IEP periodically, but not less than annually to determine whether goals for the child are being achieved. The IEP team must include the parent or adult student, at least one regular education teacher, at least one special education teacher, a representative of the public agency who is knowledgeable about the public agency's resources and curriculum, and an individual who can interpret evaluations. (34 CFR §300.321(a))

The student's [REDACTED] IEP was due for review no later than [REDACTED]. The [REDACTED] IEP was reviewed just over four months later, on [REDACTED]. The [REDACTED] IEP was due for review no later than [REDACTED]. On [REDACTED], before the [REDACTED] IEP was due for renewal, the student disenrolled from special education services. The IDEA does not require public agencies to review the IEPs of students who are no longer enrolled in special education. Therefore, DCPS is in compliance with 34 CFR §300.324(b)(1)(i).

DCPS must ensure that each special education student's unique educational strengths and needs are considered by a full complement of required IEP team members. The variety of factors that contribute to a well-made IEP are beyond the expertise of any single individual, which is why the IDEA requires a team of experts be assembled to create each IEP. (34 CFR §300.321(a)) Together, the required members of the IEP team have the breadth of skills, knowledge, and expertise which make it possible to determine how to provide the array of instruction and services necessary for a student with a disability to derive benefit from his or her education.

The IEP teams for both the [REDACTED] IEP and the [REDACTED] IEP were incomplete. A complete IEP team includes, at a minimum, the parent or adult student, a regular education teacher, a special education teacher, a representative of the public agency who is knowledgeable about the public agency's resources and curriculum, and an individual who can interpret evaluations. (34 CFR §300.321(a)) In this case, neither the February nor the [REDACTED] IEP team included a regular education teacher. Neither IEP team included a person qualified to interpret evaluation results. The [REDACTED] IEP team did not include an individual knowledgeable about the agency's resources. The [REDACTED] IEP team did not include a special education teacher. The parent/adult student did not give written permission excusing any team members, and the absent team members did not submit written input into the development of the IEP. (34 CFR §300.321(e)(2)(i-ii)) Therefore, DCPS is out of compliance with 34 CFR §300.321(a).

### **CORRECTIVE ACTION**

DCPS is required to take the following actions:

1. To correct noncompliance with 34 CFR §§300.530, 300.503, and 300.323(c)(2), DCPS must issue a memo to all DCPS high school principals which clearly explains and enumerates the procedures a school must follow before making any change in the location of services for a student in special education, to include actually identifying a new location and ensuring that comparable special education services will be provided there. The memo must describe how a change of location can become a change of placement if not handled correctly, and must describe the proper process to follow if a change of placement is attempted.

The memo must make clear that if a school cannot show that it followed all proper procedures for a change of location or change of placement, it is obligated to contact each special education student who received a notice of disenrollment for the upcoming school year, and reenroll them during the [REDACTED] school year unless or until the proper procedures for a change of location or change of placement are followed.

The memo must instruct principals that under no circumstances can the provision of special education services simply be stopped by the school. The memo must outline the proper procedures and appropriate times for giving prior written notice. Finally, the memo must identify at least two contacts at DCPS who can provide advice and assistance to principals as they implement the change of location/change of placement protocol.

DCPS must provide a copy of the memo to OSSE by Friday [REDACTED], and indicate at what point during August's professional development week this information will be delivered to high school principals. DCPS must provide copies of letters and proof of

mailing for each student contacted with an offer of re-enrollment by [REDACTED]. DCPS must provide a list of all students who received a letter of disenrollment but who will not be offered re-enrollment by [REDACTED]. OSSE will examine a random sample of these students' files in SEDs to ensure that all proper procedures for a change in location or a change in placement were followed.

2. To correct noncompliance with 34 CFR §300.323(c)(2), DCPS must contact the student and offer to provide 22 hours of compensatory education. The student may decide whether the hours should be all mathematics instruction, all reading and written instruction hours, or a combination of both, depending on what would most benefit [REDACTED] educationally. All compensatory education hours must be provided by an individual certified to teach high school mathematics and/or an individual certified to teach high school English/Language Arts. DCPS must provide proof of the offer of services to OSSE by [REDACTED].
3. To correct noncompliance with 34 CFR §300.321(a), DCPS must ensure that the [REDACTED] High School principal, SECs, school psychologists, special education teachers, and general education teachers are provided training on the proper composition of IEP teams. DCPS must provide proof of this training to OSSE by [REDACTED].

If you have any questions regarding this report, please contact Jennifer Masoodi, State Complaints Manager, at [jennifer.masoodi@dc.gov](mailto:jennifer.masoodi@dc.gov) or 202-741-0479.

Sincerely,

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

cc: [REDACTED], Complainant  
[REDACTED], Adult Student