



May 8, 2013

[REDACTED]  
[REDACTED]  
District of Columbia Public Schools  
[REDACTED]  
[REDACTED]

RE: State Complaint No. 012-024

## LETTER OF DECISION

### PROCEDURAL BACKGROUND

The State Complaint Office of the Office of the State Superintendent of Education (OSSE), Division of Specialized Education received a State complaint on [REDACTED], from [REDACTED] (complainant) against the District of Columbia Public Schools (DCPS) alleging violations of the Individuals with Disabilities Education Act (IDEA) in regard to the education of [REDACTED] (Student ID [REDACTED]).

The complainant alleged that DCPS violated certain provisions of the IDEA, 20 U.S.C. §1400 et seq. and regulations promulgated at 34 CFR Part 300. Specifically, (1) failure to conform to the procedural requirements for initial evaluations and failure to issue written notice before refusing to initiate or change the identification, evaluation, educational placement, or the provision of FAPE to the student<sup>1</sup>; and (2) failure to allow the parent an opportunity to inspect or review all education records with respect to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education.

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 conform to procedural requirements to complete initial evaluations, and failed to issue written notice to the parent of a child with a disability a reasonable time before the public agency refuses to initiate or change

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<sup>1</sup> Note that this issue was treated as two separate issues in the initiation letter but is combined in this Letter of Decision for analytical purposes.



2. Whether DCPS failed to allow the parent of a child with a disability an opportunity to inspect or review all education records with respect to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education to the child, as required by 34 CFR §300.501(a)?

The investigation included interviews with the following individuals:

- 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):

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[REDACTED]  
[REDACTED]  
[REDACTED]

## **GENERAL FINDINGS OF FACT**

1. The student is a general education student in [REDACTED] grade.
2. As of the date of this LOD, the LEA is still performing an initial evaluation to determine whether the student qualifies as a student with a disability as defined by 34 CFR §300.8.

## **ISSUE ONE: INITIAL EVALUATION & WRITTEN NOTICE**

### **Findings of Fact**

1. The school received a parental referral for special education services on [REDACTED].
2. The school arranged an MDT meeting on [REDACTED] to discuss the student's needs, but the parent did not attend.
3. The school formally acknowledged the referral for initial evaluation in a letter to the parent on [REDACTED].
4. The school arranged an MDT meeting on [REDACTED] to discuss the student's needs, but the parent did not attend.
5. The student switched school campuses on [REDACTED].
6. The parent consented to a special education evaluation on [REDACTED].
7. The parent was provided with prior written notice of the evaluations to be performed on [REDACTED].

### **Discussion/Conclusion**

**DCPS is in compliance with 34 CFR §§ 300.301(c)(1)(ii), 300.304(a), & 300.503(a)(2).**

The IDEA regulations require public agencies to conduct initial evaluations within the State's established timeframe for conducting initial evaluations. (34 CFR §300.301(c)(1)(ii)) The District of Columbia has established a timeline of 120 days from the date of referral for conducting initial evaluations. (D.C. Official Code § 38-2561.02) Public agencies must provide parents with notice prior to conducting or refusing to conduct an evaluation that identifies the student as eligible to receive special education services. (34 CFR §§ 300.304 & 300.503(a)(2)) The parent alleged that [REDACTED] requested that [REDACTED] be evaluated for special education in November [REDACTED] and again in December [REDACTED] and that there was no response to [REDACTED] requests.

Neither the school nor the parent had records confirming a parental referral to special education services or request for evaluation prior to [REDACTED]. The SEDS phone log shows that after receiving the [REDACTED] referral, school staff contacted the parent on [REDACTED] and attempted to schedule a meeting with the parent. On [REDACTED], the phone log shows that the parent requested that the team meet at 2:00 p.m. that afternoon

to discuss the student's record and needs. The school scheduled the MDT meeting and the team assembled at 2:00 p.m., but the parent did not show up for the meeting and did not respond to phone calls. The school formally acknowledged the referral for initial evaluation in a letter to the parent on [REDACTED], and outlined the steps that the school would take to determine whether an evaluation was warranted. The phone log indicates that another meeting was scheduled with the parent for [REDACTED]. The parent did not show up for the meeting. The team was unable to get the parent's consent for a special education evaluation, and therefore the team was unable to proceed with evaluations.

The student transferred from one DCPS elementary school to another elementary school on [REDACTED]. The parent was provided with legally sufficient prior written notice of the evaluation procedures, on [REDACTED], and the parent consented to the special education evaluation on the same day. A review of records indicates that assessments in several areas of concern have already taken place. Under the District of Columbia's 120-day timeline for evaluations, the initial evaluation must be completed by [REDACTED].

To this point, the evaluative process is occurring in a timely manner, and the parent received formal notice describing the evaluation procedures and the assessments to be performed.

Therefore, DCPS is in compliance with 34 CFR §§ 300.301(c)(1), 300.304(a), & 300.503(a)(2).

## **ISSUE TWO: INSPECTION OF RECORDS**

### **Findings of Fact**

1. There is no record of a request for records by email or postal mail.
2. LEA staff who were asked about the records request did not recall any verbal requests for records.

### **Discussion/Conclusion**

**DCPS is in compliance with 34 CFR §300.501(a).**

The parent of a student with a disability must be afforded an opportunity to inspect and review all educational records. (34 CFR §300.501(a)) Records must be provided without unnecessary delay. (34 CFR §300.613(a)) The parent alleged that [REDACTED] made several requests for [REDACTED] educational records, including requesting the records by email and postal mail. This allegation is not supported by the record.

Neither the parent nor the school had any record of email or postal mail requests for the student's records. School staff did not recall any verbal requests for records, and the parent was not able to furnish specific dates or other details about records requests. The student is now enrolled at a new school campus, and all of [REDACTED] educational records should be accessible through the new school. The parent may access the student's records by making a request for records at the school in which the student is currently enrolled.

Therefore, DCPS is in compliance with 34 CFR §300.501(a).

**CORRECTIVE ACTION**

OSSE found no evidence of noncompliance related to this State complaint. Therefore, no corrective actions are required.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Amy Maisterra', is written over a light blue horizontal line.

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

cc: [REDACTED], Complainant  
[REDACTED], DCPS [REDACTED]