



October 3, 2013

[REDACTED]  
District of Columbia Public Schools  
[REDACTED]

RE: State Complaint No. 013-002

## LETTER OF DECISION

### **PROCEDURAL BACKGROUND**

On [REDACTED], the State Complaint Office of the Office of the State Superintendent of Education (OSSE), Division of Specialized Education received a State Complaint from [REDACTED], [REDACTED] student (Student ID # [REDACTED]) hereinafter “complainant” or “student,” against District of Columbia Public Schools (DCPS) alleging violations in [REDACTED] special education program.

The complainant alleged that DCPS 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 to annually update postsecondary transition plan; and (2) failure to perform re-evaluations.

The complainant initially raised issue two in the context of events that occurred over the past four years. The State complaint process is limited to a one-year investigatory period from the date the complaint was filed, so no issues beyond the one-year timeline were investigated. In addition, the complainant raised concerns about whether [REDACTED] graduation track, which was alleged to be a certificate of completion rather than a diploma track, was appropriate. While the IDEA does not address graduation track issues, OSSE notes that prior to the filing of this complaint, the LEA changed the student’s graduation track from certificate of completion to diploma in accordance with a request from the student/parent.

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 annually update the transition plan, as required by 34 CFR §300.320(b)?
2. Whether DCPS failed to perform reevaluations as required by 34 CFR §300.303?<sup>1</sup>

**INVESTIGATIVE PROCEDURE**

The investigation included interviews with the following individuals:

1. Parent
2. [REDACTED], DCPS
3. [REDACTED], DCPS
4. [REDACTED], DCPS

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]

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<sup>1</sup> In the investigation initiation letter, this allegation was originally framed as 34 CFR §300.320(b)(1), failure to base postsecondary goals upon age appropriate transition assessments, but was changed during investigation to more accurately reflect the complaint.

[REDACTED]

**GENERAL FINDINGS OF FACT**

1. The student is a child with a disability as defined by 34 CFR §300.8.
2. The student's disability category is Autism Spectrum Disorder.

**ISSUE ONE: ANNUAL UPDATE OF TRANSITION PLAN**

**Findings of Fact**

1. The [REDACTED] IEP included a transition plan.
2. The IEP was updated on [REDACTED].
3. The [REDACTED] IEP includes modified functional and employment interests based on updated educational and vocational assessments.
4. The [REDACTED] IEP includes modified postsecondary goals in the areas of education and training.
5. The [REDACTED] IEP includes modified baseline performance and short-term goals in the area of education and training and employment.

**Discussion/Conclusion**

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

The IDEA regulations state that IEPs for students turning 16 and older must include appropriate measurable postsecondary transition goals and transition services which are based on age appropriate transition assessments, and updated annually. (34 CFR §300.320(b)) The complaint alleged that the student's transition plan had not been updated to determine whether the services were appropriate for [REDACTED]. This allegation is not supported by the record.

The [REDACTED] IEP included a transition plan which was updated in the [REDACTED] IEP. For example, the student's functional and employment interests are modified based on updated educational and vocational assessments. The student's postsecondary goals in the areas of education and training and employment are modified. The statement of the student's baseline performance and short-term goals in the area of education and training and employment are also modified.

The [REDACTED] IEP amendment changed the graduation plan for the student. While the transition plan was not updated at that time, the LEA was not required to update the transition plan at the same time the amendment to the IEP was made, and there was no evidence that a request to update the transition plan had been made during the time period under investigation. The IEP amendment does not change the [REDACTED] annual review date for the IEP. Therefore the LEA is not out of compliance with its duty to update the transition plan on an annual basis.

Therefore, DCPS is in compliance with 34 CFR §300.320(b) with respect to annually updating the transition plan.

## **ISSUE TWO: REEVALUATION**

### **Findings of Fact**

1. The student had a triennial evaluation/eligibility determination on [REDACTED].
2. The student had another evaluation/eligibility determination on [REDACTED].

### **Discussion/Conclusion**

#### **DCPS is in compliance with 34 CFR § 300.303**

The IDEA regulations require public agencies to conduct a reevaluation of each student with a disability at least once every three years unless the parent and public agency agree that a reevaluation is unnecessary. (34 CFR §300.303) The complaint alleged that the student had not been reevaluated properly. This allegation is contradicted by the record.

The student had a triennial evaluation/eligibility determination on [REDACTED]. The student had another evaluation/eligibility determination on [REDACTED], which is within the three year regulatory timeline. The IEP meeting notes from [REDACTED] indicate that the eligibility determination was discussed. The parent questioned the disability category (but not the need for special education services), and requested additional testing. The Psychological reevaluation from March of [REDACTED] shows that additional testing was performed starting in January of [REDACTED] but that ultimately, the disability category as determined by the student's [REDACTED] eligibility determination remained the same.

Therefore, DCPS is in compliance with 34 CFR §300.303.

### **CORRECTIVE ACTION**

No findings of noncompliance resulted from this investigation. Therefore there are no corrective actions associated with this LOD.

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

Sincerely,

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

cc: [REDACTED], Complainant

[REDACTED], DCPS [REDACTED]