



October 28, 2013

[REDACTED]  
District of Columbia Public Schools  
[REDACTED]

RE: State Complaint No. 013-006

## 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], an educational advocate, hereinafter “complainant,” against District of Columbia Public Schools (DCPS) alleging violations in the special education program of [REDACTED] (Student ID # [REDACTED]).

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 the complaint alleges that DCPS’ enrollment policies fail to ensure FAPE is made available to students between the ages of 18 and 21.

The complainant also raised student-specific concerns regarding failed attempts to register the student in DCPS educational programs. These concerns are not addressed in this letter because the same issue was subsequently raised in a due process complaint on behalf of the student, and the State Complaint Office must set aside any issues raised in a due process hearing for the duration of the hearing. (34 CFR §300.152(c))

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 issue under the jurisdiction of the State Complaint Office:

1. Whether DCPS failed to make a free appropriate public education available to all students residing in the State between the ages of 18 to 21, as required by 34 CFR §300.101(a) and 5-E DCMR §3002.1?

### **INVESTIGATIVE PROCEDURE**

The investigation included interviews with the following individuals:

1. [REDACTED], Office of Specialized Instruction, DCPS
2. [REDACTED]
3. [REDACTED], Office of Specialized Education, 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]

### **ISSUE ONE: PROVISION OF FAPE FOR ADULT STUDENTS**

#### **Findings of Fact**

1. DCPS allows adult students with disabilities to enroll in their neighborhood school.
2. DCPS allows adult students with disabilities to enroll in one of two STAY programs, which are adult education programs offering high school diploma completion, vocational training, and GED preparation.
3. If a STAY program is unable to provide FAPE to an adult student with a disability, then the student is referred to their neighborhood school for enrollment.

#### **Discussion/Conclusion**

**DCPS is in compliance with 34 CFR §300.101(a).**

The IDEA regulations require that a free appropriate public education be available to all children between the ages of 3 and 21 inclusive who reside in the State. (34 CFR §300.101(a)) District of Columbia regulation further entitles students with disabilities to the provision of special education services through the end of the semester in which they turn 22. (5-E DCMR §3002.1) The complaint alleged that DCPS does not allow students with disabilities who are over the age of 18 to register in regular high school programs. A review of enrollment information and interviews with DCPS personnel contradicted this allegation.

Interviews with DCPS central office and school-based personnel revealed that students with

disabilities who are over the age of 18 have two choices for enrollment: 1) they may enroll in their neighborhood schools; or 2) they may enroll in a STAY program.

DCPS' two STAY programs are specialized education programs that provide high school diploma completion, vocational training, and GED preparation to adult learners. For students completing a high school diploma, the STAY program curriculum is linked to common core standards and is the same as that offered in other DCPS schools. Both DCPS STAY programs have special education teachers on staff, and related service providers are brought in as necessary to fulfill student IEPs. STAY programs run on a different schedule than typical DCPS high schools, meeting four days per week and for fewer hours per day than a typical high school. STAY programs also have specific enrollment periods throughout the school year. When students with disabilities enroll in a STAY program, the STAY staff review IEP records to determine whether they are able to provide FAPE to the student. If the structure of a STAY program makes it impossible to provide FAPE to the student, then the student is referred to their neighborhood school for enrollment.

The State Complaint Office reviewed DCPS' enrollment packet and enrollment information for SY [REDACTED]<sup>1</sup>. None of the material restricted enrollment to students under the age of 18, or indicated in any way that adult students with disabilities were prohibited from enrolling in their neighborhood schools or STAY programs. In addition, to determine whether the enrollment information provided by DCPS personnel and the SY [REDACTED] enrollment packet is implemented properly, the State Complaint Office randomly reviewed a sample of DCPS high school and STAY program enrollment files focusing on students with disabilities aged 18 and over. OSSE located 1092 active DCPS students between the ages of 18 and 22 who have IEPs. OSSE randomly pulled 50 adult student files and identified 20 students with disabilities aged 18 and over who had enrolled in a high school or STAY program as adult students during SY [REDACTED]. This indicates that DCPS is allowing adult students with disabilities to enroll in regular high school programs and in STAY programs.

Therefore, DCPS is in compliance with 34 CFR §300.101(a).

### **CORRECTIVE ACTION**

There are no findings of noncompliance associated with this LOD, therefore, no corrective actions are ordered.

---

<sup>1</sup> See: <http://dcps.dc.gov/DCPS/Learn+About+Schools/Prepare+to+Enroll>

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], Advocate  
[REDACTED], Adult Student  
[REDACTED], DCPS [REDACTED]