



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

[REDACTED]

VIA U.S. Mail & Electronic Mail

[REDACTED]

RE: State Complaint No. 018-011 Letter of Decision

LETTER OF DECISION

PROCEDURAL BACKGROUND

On [REDACTED], the State Complaint Office (SCO) of the Office of the State Superintendent of Education (OSSE), Division of Systems and Supports, K-12 received a State complaint from [REDACTED] (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 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, failure to implement a hearing officer decision (HOD).

The SCO for OSSE has completed its investigation of the State complaint. During the course of the investigation OSSE determined that DCPS has complied with the HOD. 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 revealed in the course of the investigation, raised the following issues under the jurisdiction of the OSSE SCO:

1. Implementation of a due process hearing decision

- a. Failure to implement the [REDACTED] Hearing Officer Decision (HOD) issued pursuant to 34 CFR §300.515(a), specifically with regard to the requirement to provide the student a laptop with Microsoft Office suite and reasonable educational software, within 30 days of the decision.

INVESTIGATIVE PROCEDURE

The investigation 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]
- [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 specific learning disability.
3. The student's local educational agency (LEA) is DCPS.

ISSUE: HOD IMPLEMENTATION

Findings of Fact

1. On [REDACTED] the hearing officer issued a decision for the due process complaint filed on behalf of the student.
 - a. The HOD ordered DCPS to 1) fund the cost of a barbering program within four years, 2) fund 100 hours of tutoring or mentoring within four years, and 3) provide the student with a laptop computer with specified software within 30 days.
 - b. One year from the HOD issuance date is [REDACTED].
2. On [REDACTED] the student's attorney emailed DCPS requesting the laptop computer and received no response.
3. The HOD deadline for providing the laptop computer was [REDACTED].
4. On [REDACTED] the student's attorney filed this State complaint seeking enforcement of the laptop provision of the HOD.
5. On [REDACTED] DCPS delivered a laptop to the student and the student signed acknowledgement of receipt.

Discussion/Conclusion

DCPS has complied with the [REDACTED] HOD.

Pursuant to 34 CFR §300.600(e), the State Education Agency (SEA) must ensure the correction of noncompliance as soon as possible and in no case later than one year after the State's identification of the noncompliance. Additionally, pursuant to 34 CFR §300.152(c)(3), the SEA is required to resolve a complaint alleging a public agency's failure to implement a due process hearing decision.¹ The complainant alleges that DCPS has failed to implement the HOD issued for the student because it did not deliver a laptop with Microsoft Office suite and reasonable educational software, within 30 days as required by the decision.

¹ (See also OSEP Questions and Answers on IDEA Part B Dispute Resolution Procedures (Revised July 2013) at question B-29, p.30).

On [REDACTED] the hearing officer issued a decision for the due process complaint filed on behalf of the student. The HOD ordered DCPS to 1) fund the cost of a barbering program within four years, 2) fund 100 hours of tutoring or mentoring within four years, and 3) provide the student with a laptop computer with specified software within 30 days. On [REDACTED] the student's attorney emailed DCPS requesting the laptop computer and received no response. Following the [REDACTED] HOD deadline for providing the laptop computer, the student's attorney filed this State complaint on [REDACTED] seeking enforcement of the laptop provision (provision 3) of the HOD. On [REDACTED] DCPS delivered a laptop to the student and the student signed acknowledgement of receipt.

Although DCPS delivered the laptop computer after the due date specified in the HOD, the IDEA ultimately requires only that HOD implementation to take place, "as soon as possible and in no case later than one year after the State's identification of the noncompliance." (34 CFR §300.600(e)) OSSE interprets this requirement to mean that LEAs must make efforts to implement the HOD within the timeframe specified in the HOD, and implementation may not exceed one-year from the date the HOD is issued. In this instance, following the filing of this State complaint, DCPS took steps to comply with the HOD. DCPS delivered the laptop computer on [REDACTED], 22 days after the [REDACTED] due date specified in the HOD. OSSE's review of the totality of the circumstance finds that although DCPS delivered the laptop to the student after the HOD stated deadline, DCPS implemented provision 3 within the IDEA required one-year timeframe. OSSE finds that DCPS has complied with HOD provision 3 by delivering a laptop to the student.

CONCLUSION

1. DCPS has complied with the [REDACTED] HOD requirement to deliver a laptop to the student.

If you have any questions regarding this decision, please contact Victoria Glick, Manager, State Complaints at Victoria.Glick@dc.gov or 202-724-7860.

Sincerely,

Handwritten signature of Elisabeth M. Morse in cursive script, followed by the initials EMM.

Elisabeth M. Morse

Interim Assistant Superintendent, Division of Systems and Supports, K-12

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]