



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

[REDACTED]

VIA U.S. Mail & Electronic Mail

[REDACTED] PCS
[REDACTED]

RE: State Complaint No. 018-024 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 or parent) against [REDACTED] Public Charter School ([REDACTED] PCS) alleging violations in the special education program of [REDACTED] (Student ID # [REDACTED] hereinafter "student" or "child.")

The complainant alleged that [REDACTED] PCS 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 respond to an initial evaluation request.

The SCO for OSSE has completed its investigation of the State complaint. During the course of the investigation OSSE determined that [REDACTED] PCS has complied with its obligations related to initial evaluations. This Letter of Decision is the report of the final results of OSSE's investigation.

COMPLAINT ISSUES

The allegation raised in the complaint, further clarified by a review of documents and interviews revealed in the course of the investigation, raised the following issue under the jurisdiction of the OSSE SCO:

1. **Initial evaluation requirements at 34 CFR §300.301 and D.C. Official Code §38-2561.02(a)**
 - a. Failure to conduct a full and individual initial evaluation to determine if the child is a child with a disability, upon receipt of parent's request for an initial

evaluation.

INVESTIGATIVE PROCEDURE

The investigation included interviews with the following individuals:

1. Complainant
2. [REDACTED] PCS [REDACTED]

The investigation also included review of the following documents which were either submitted by the complainant, submitted by [REDACTED] PCS, or accessible via the Special Education Data System (SEDS):

[REDACTED]

GENERAL FINDINGS OF FACT

1. The student has not yet been determined to be a child with a disability as defined by 34 CFR §300.8.
2. The student's LEA is [REDACTED] PCS.

ONE: INITIAL EVALUATION

Findings of Fact

1. On [REDACTED] [REDACTED] PCS held a meeting with the parent to review and discuss the student's Section 504 plan.
 - a. The parent alleges that at this meeting [REDACTED] requested additional testing in order for the student to have supports in place for the start of the [REDACTED] school year, but the school told [REDACTED] that he did not meet the timeframe guidelines for testing.
 - b. [REDACTED] PCS asserts that the parent did not request additional testing or a special education evaluation at this meeting.
2. From [REDACTED] the parent and [REDACTED] PCS communicated

¹ The parent's letter requesting a special education evaluation was dated [REDACTED], but [REDACTED] PCS reported that he letter was provided to the school on [REDACTED], which is confirmed by a [REDACTED] email confirming receipt of the letter.

via email, phone, and in-person to discuss development of a BIP for the student.

- a. These communications contain no request for a special education evaluation.
3. On [REDACTED] the parent submitted a written request for evaluation.
4. On [REDACTED] [REDACTED] PCS and the parent met to review existing student data.
 - a. The parent and school agreed to complete a comprehensive psychological evaluation and functional behavioral assessment (FBA) and the parent signed consent to evaluate.
5. On [REDACTED] the student was determined eligible for special education services.
6. The 60-day timeline to complete the evaluation was [REDACTED].

Discussion/Conclusion

[REDACTED] PCS has complied with 34 CFR §300.301 and D.C. Official Code §38-2561.02(a), because there is no evidence that it ignored a request from the parent on [REDACTED] to evaluate.

Pursuant to 34 CFR §300.301, initial special education evaluations must be conducted within 60 days of receiving parental consent for the evaluation or within the timeframe established by the state. The District of Columbia requires LEAs to make reasonable efforts to obtain parent consent for evaluation within 30 days of the date of referral and to complete the initial evaluation within 60 days from the date the parent provides consent. (D.C. Official Code §38-2561.02(a)(2)(A)). The complainant alleges that [REDACTED] requested an initial evaluation for the student at the [REDACTED] meeting to review the Section 504 plan and the school took no action.

On [REDACTED] [REDACTED] PCS held a meeting with the parent to review and discuss the student's Section 504 plan. The parent alleges that at this meeting [REDACTED] requested additional testing in order for the student to have supports in place for the start of the [REDACTED] school year, but the school told [REDACTED] that he did not meet the timeframe guidelines for testing. [REDACTED] PCS asserts that the parent did not request additional testing or a special education evaluation at this meeting. From [REDACTED] the parent and [REDACTED] PCS communicated via email, phone, and in-person to discuss development of a BIP for the student. These communications contain no request for a special education evaluation.

On [REDACTED] the parent submitted a written request for evaluation. On [REDACTED] [REDACTED] PCS and the parent met to review existing data. The parent and school agreed to complete a comprehensive psychological evaluation and functional behavioral assessment and the parent signed consent to evaluate. The 60-day timeline to complete the evaluation ended on [REDACTED]. The student was determined eligible to receive special education services on [REDACTED]. OSSE did not find sufficient evidence to substantiate the complainant's contention that a request for evaluation was made at the [REDACTED] meeting. OSSE finds that [REDACTED] PCS met the required timeline to obtain parental consent to evaluate and completed the student's initial evaluation within the 60-day timeline.

Therefore, [REDACTED] PCS has complied with 34 CFR §300.301 and D.C. Official Code §38-2561.02(a).

CONCLUSION

1. [REDACTED] PCS has complied with 34 CFR §300.301 and D.C. Official Code §38-2561.02(a), because there is no evidence that it ignored a request from the parent to evaluate.

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

Sincerely,



Victoria Glick
State Complaints Manager, Division of Systems and Supports, K-12

cc: [REDACTED], Complainant