



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

July 27, 2021

VIA Electronic Mail

[REDACTED]
District of Columbia Public Schools
[REDACTED]

RE: State Complaint No. 020-005 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 students eligible for special education services who attending [REDACTED] High School.

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 provide specialized instruction and post-secondary transition services.

The SCO for OSSE has completed its investigation of the State complaint. During the course of the investigation OSSE determined that DCPS provided the special education required by student's IEPs. This Letter of Decision is the report of the final results of OSSE's investigation.

COMPLAINT ISSUE

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. **Requirement to provide IEP services at 34 CFR §300.323(c)(2)**
 - a. Failure to make available special education and related services in accordance with the IEP of students eligible for special education services who attend [REDACTED] High School; specifically, with regard to specialized instruction in Math and English, and post-secondary transition

services during the [REDACTED] school year.

INVESTIGATIVE PROCEDURE

The investigation included interviews with the following individuals:

1. Complainant
2. DCPS [REDACTED]

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):

1. [REDACTED] DCPS Reopening Strong Together: A Family Guide to Learning at Home
2. [REDACTED] school year DCPS Special Education Programs and Resources Guide for Families
3. [REDACTED] school year teaching schedule for complainant
4. Sample students' current IEPs
5. Sample students' [REDACTED] school year schedules
6. Sample students' transition coursework
7. Sample students' IEP progress reports
8. Career exploration class curriculum and assignment list

GENERAL FINDINGS OF FACT

1. The students included in OSSE's investigation are children with a disability as defined by 34 CFR §300.8.
2. The students' local educational agency (LEA) is DCPS.

ISSUE: IEP SERVICES

DCPS has complied with 34 CFR §300.323(c)(2), because it made available the specialized instruction and post-secondary transition services required by [REDACTED] High School students' IEPs.

Pursuant to 34 CFR §300.323(c)(2), each public agency must ensure that as soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP. The complainant alleges that some students did not receive specialized instruction in English or Math for an entire semester due to scheduling, special education teachers are unable to provide specialized instruction due to burdensome administrative responsibilities, and there are no coordinated activities established to enable special education teachers to implement students' post-secondary transition plans.

Findings of Fact and Discussion

For this investigation, OSSE reviewed education records for a random sample of fourteen (14) special education students (10% of special education students) at [REDACTED] High School. OSSE reviewed the students' current IEPs, [REDACTED] school year class schedules, transition coursework, and [REDACTED] school year IEP progress reports.

Specialized Instruction

Special education means specially designed instruction to meet the unique needs of a child with a disability. Specially designed instruction means adapting, as appropriate to the needs of an eligible child, the content, methodology, or delivery of instruction. (34 CFR §300.39) In its response and interviews, DCPS reported that for the [REDACTED] school year, students received live instruction four days per week, with one day per week used for teachers' officer hours, small group instruction, independent work time, and supplemental programming. DCPS provided specialized instruction through co-teaching and consultation methods. For co-teaching, special education teachers provide direct differentiated instruction alongside general education teachers. For consultation, general education teachers consult with special education teachers to develop differentiated lessons aligned to students' IEP goals and the general education teacher delivers the instruction. Ongoing collaboration and co-planning between special education teachers and general education teachers ensures that students receive the specialized instruction and classroom accommodations required by their IEPs. The DCPS director of specialized instruction additionally reported that teachers meet for content-specific learning communities to provide coaching and help plan lessons.

Students enrolled in up to four classes per semester. Students were required to take at least one semester of English and at least one semester of Math. Students who were enrolled in both English and Math one semester may not have been enrolled in either subject for the other semester, but DCPS provided specialized instruction in other subjects, including co-taught classrooms for subjects such as History and Geography. Students received specialized instruction through the co-teaching or consultation method in any class where reading or math was required. For the fourteen (14) students files reviewed, OSSE found that all students were enrolled in English and Math for at least one semester.

The complainant reported that administrative responsibilities limited her ability to consult and plan with co-teachers, but reported that she provided the required specialized instruction to the students she taught. The complainant had two (2) planning periods on her schedule during the first semester of the [REDACTED] school year and one (1) planning period during the second semester. The complainant also reported time spent planning and providing support outside of the work day. OSSE did not investigate concerns regarding administrative, scheduling, or staffing issues because these concerns did not allege a violation of Part B of the IDEA. OSSE's investigation focused on the provision of specialized instruction to students and found no evidence that DCPS failed to provide the specialized instruction required by students' IEPs.

Post-Secondary Transition Services

Transition services means a coordinated set of activities for a child with a disability that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment, continuing and adult education, adult services, independent living, or community participation. Transition services must be based on the individual child's needs, taking into account the child's strengths, preferences, and

interests; and includes instruction; related services; community experiences; the development of employment and other post-school adult living objectives; and, if appropriate, the acquisition of daily living skills and provision of a functional vocational evaluation. (34 CFR §300.43)

In its response and interviews, DCPS reported that the one day per week used for teachers' officer hours, small group instruction, independent work time, and supplemental programming, included college and career exploration and advisory time. Special education case managers are required to monitor the provision of transition services to students, which may be provided by special education teachers or by other staff members. [REDACTED] High School also has a transition coordinator who is dedicated to providing transition services. The transition coordinator teaches transition classes and collaborates with other staff members, including special education case managers, guidance counselors, and the college and career coordinator to provide transition services to students. The DCPS Guide includes information on post-secondary transition services and programs offered by DCPS.

For the fourteen (14) students files reviewed, OSSE found that all students had post-secondary transition services on their IEPs and related coursework on their schedules. The complainant reported that although she scheduled sessions with students on her caseload to work on transition goals, not all of the students regularly attended the sessions. IDEA requires only that LEAs make services available to students in accordance with their IEPs. OSSE finds that DCPS established coordinated activities to ensure that students had the opportunity to receive the transition services required by their IEPs.

Therefore, DCPS has complied with 34 CFR §300.323(c)(2).

CONCLUSION

1. DCPS has complied with 34 CFR §300.323(c)(2), because it made available the specialized instruction and post-secondary transition services required by [REDACTED] High School students' IEPs.

If you have any questions regarding this decision, please contact me at Kirstin.Hansen@dc.gov or 202-445-4893.

Sincerely,

Kirstin K Hansen

Kirstin Hansen
State Complaints Manager, Division of Systems and Supports, K-12

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