



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

**EDUCATION**

December 21, 2021

*VIA Electronic Mail*



District of Columbia Public Schools



RE: State Complaint No. 021-003 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 with disabilities attending [REDACTED] High School ([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, failure to provide testing accommodations during the PSAT and SAT standardized tests.

The SCO for OSSE has completed its investigation of the State complaint. During the course of the investigation OSSE determined that DCPS complied with its obligation to implement students' IEPs. 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. **Requirement to provide IEP accommodations at 34 CFR §300.323(c)(2)**
  - a. Failure to provide accommodations in accordance with the students' IEPs, specifically with regard to [REDACTED] students and testing accommodations during the PSAT or SAT standardized tests on [REDACTED].

### **INVESTIGATIVE PROCEDURE**

The investigation included interviews with the following individuals:

1. Complainant
2. DCPS [REDACTED]
3. 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]

### **GENERAL FINDINGS OF FACT**

1. The local educational agency (LEA) for this complaint is DCPS.

### **ISSUE: IEP ACCOMMODATIONS**

**DCPS has complied with 34 CFR §300.323(c)(2), because there were no IEP violations with regard to the [REDACTED] administration of the SAT and PSAT at [REDACTED].**

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. Each child's IEP must include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments. (34 CFR §300.320(a)(6)(i)) The complainant alleges that DCPS failed to provide testing accommodations in accordance with IEPs for the students taking the SAT and PSAT standardized tests at [REDACTED] on [REDACTED].

### **Findings of Fact and Discussion**

The SAT and PSAT standardized tests are managed by the College Board. DCPS does not have authority to approve or refuse requested accommodations for tests administered by the College Board, including the SAT and PSAT. These decisions are made by the College Board. DCPS assists students in applying for testing accommodations, and the accommodations requested typically match the statewide testing accommodations listed on the student's IEP; however, statewide testing accommodations on an IEP do not automatically carry over to testing accommodations for College Board standardized tests. Students must apply for these accommodations directly with the College Board, and prior to the test date, the College Board provides the onsite testing coordinator with a roster of students with approved testing accommodations. Although a College Board test may be administered in a DCPS school building and overseen by DCPS staff members, the College Board sets the testing procedures, including

which students are granted testing accommodations.

For an IEP violation to occur with regard to the administration of the SAT or PSAT, the IEP must include a specific requirement with regard to those tests. DCPS reported that for the [REDACTED] administration of the SAT and PSAT at [REDACTED], 79 students were granted testing accommodations. Through student file reviews, OSSE confirmed that 76 of those students have an IEP. OSSE reviewed the 76 IEPs and found only one that contained accommodations for all standardized testing written into the IEP. DCPS reported that that student did not show up for the SAT or PSAT on [REDACTED]. OSSE did not identify any IEP violations with regard to the administration of the SAT or PSAT. Therefore, there was no IDEA violation with regard to the [REDACTED] administration of the SAT and PSAT at [REDACTED].

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

Although OSSE finds that the concerns raised in the complaint did not result in IDEA noncompliance, in its response to the complaint, DCPS admits that late planning and communication about the administration of the SAT and PSAT led to a failure to provide some testing accommodations approved by the College Board. To address these issues, [REDACTED] plans to develop an improvement plan for the administration of standardized tests.

**CONCLUSION**

1. DCPS has complied with 34 CFR §300.323(c)(2), because there were no IEP violations with regard to the [REDACTED] administration of the SAT and PSAT at [REDACTED].

If you have any questions regarding this decision, please contact me at [Kirstin.Hansen@dc.gov](mailto: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], DCPS  
[REDACTED], DCPS  
[REDACTED], DCPS