



DISTRICT OF COLUMBIA  
OFFICE OF THE STATE SUPERINTENDENT OF

# EDUCATION

December 21, 2021

*VIA Electronic Mail*

[REDACTED]

District of Columbia Public Schools

[REDACTED]

[REDACTED]

Public Charter School

[REDACTED]

RE: State Complaint No. 021-006 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 (PCS) and 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 [REDACTED] PCS and 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 information about home and hospital instruction services. The complainant raised an additional concern regarding improper withdrawal of the student, but later withdrew that allegation.

The SCO for OSSE has completed its investigation of the State complaint. During the course of the investigation OSSE determined that [REDACTED] PCS and DCPS have met their obligation to provide the information requested by the parent. This Letter of Decision is the report of the final results of OSSE's investigation.

**COMPLAINT ISSUE**

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 issue under the jurisdiction of the OSSE SCO:

1. **Requirement to provide services at 34 CFR §§300.115 and 300.323(c)(2)**
  - a. Failure to address the student’s need for home and hospital instruction services.

**INVESTIGATIVE PROCEDURE**

The investigation included interviews with the following individuals:

1. [REDACTED] PCS [REDACTED]
2. [REDACTED] PCS [REDACTED]
3. [REDACTED] PCS [REDACTED]
4. [REDACTED] PCS [REDACTED]
5. DCPS [REDACTED]

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

[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 autism spectrum disorder.
3. The student attends [REDACTED] PCS [REDACTED]

**ISSUE: Home and Hospital Instruction Services**

[REDACTED] PCS and DCPS have complied with 34 CFR §300.115 and 300.323(c)(2), because [REDACTED] PCS provided information to the parent about home and hospital instruction services. Pursuant to 34 CFR 34 CFR §300.115, each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services, including home instruction and instruction in hospitals and institutions. 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. (34 CFR §300.323(c)(2)) The complainant alleges that [REDACTED] PCS failed to respond to a request for information about home and hospital instruction for the student.

**Findings of Fact and Discussion**

On [REDACTED] the parent emailed [REDACTED] PCS to request information about home and

hospital instruction services. The next day, On [REDACTED], [REDACTED] PCS provided the requested information as well as information about continued distance learning and homeschooling options and offered additional assistance via a phone call. On [REDACTED] the parent spoke with [REDACTED] PCS staff members about home and hospital instruction and medical certification for distance learning. [REDACTED] PCS followed up via email to reiterate the information discussed, including links to the eligibility requirements and application process for both programs.

The parent has not submitted any of the required documentation for home and hospital instruction nor provided information about why the student needs those services. OSSE finds that [REDACTED] PCS provided the requested information to the parent and the parent failed to follow-up.

Therefore, [REDACTED] PCS and DCPS have complied with 34 CFR 34 CFR §§300.115 and 300.323(c)(2).

**CONCLUSION**

1. [REDACTED] PCS and DCPS have complied with 34 CFR §300.115 and 300.323(c)(2), because [REDACTED] PCS provided information to the parent about home and hospital instruction services.

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