



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

June 30, 2022

VIA Electronic Mail



RE: State Complaint No. 021-020 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 the District of Columbia Public Schools (DCPS) alleging violations in the special education program of her [REDACTED] [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 provide home and hospital instruction services.

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 provide special education and related services and a continuum of alternative placement. 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 services at 34 CFR §300.323(c)(2)**
 - a. Failure to provide special education and related services in accordance with the child’s IEP.
2. **Continuum of alternative placements requirements at 34 CFR §300.115**
 - a. Failure to ensure a continuum of alternate placements is available to meet

the needs of children with disabilities for special education and related services.

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):

[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 other health impairment.
- 3. The student’s local educational agency (LEA) is DCPS.

ISSUE: HOME AND HOSPITAL INSTRUCTION SERVICES

DCPS has complied with 34 CFR §§300.323(c)(2) and 300.115, because it made special education and related services available to the student at the school and provided information to the parent about alternatives to in-person learning whenever asked, but the parent never provided the required forms or medical documentation to show that the student needed an alternative placement.

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 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 instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. (34 CFR §300.115) The complainant alleges that DCPS delayed in providing home and hospital instruction program

(HHIP) services to the student for the [REDACTED] school year.

Findings of Fact and Discussion

At the [REDACTED] IEP Team meeting at the end of the [REDACTED] school year, the parent did not raise any concerns about the student's need for HHIP services. On [REDACTED] the parent re-enrolled the student in DCPS for the [REDACTED] school year. Following a request for information, the principal spoke with the parent about alternative placement options, including HHIP and virtual learning. No other staff members spoke with the parent about HHIP services. The parent provided no medical documentation to the school showing the student's need for HHIP services and so the school expected the student to attend in-person classes at the start of the [REDACTED] school year.

The student did not attend school at the start of the [REDACTED] school year. On [REDACTED] the school made a phone call to the parent about the student's nonattendance. On [REDACTED] DCPS sent an initial notice to the parent warning that the student would be withdrawn due to nonattendance and that a referral to the Child and Family Services Agency (CFSA) would be made, and on [REDACTED] DCPS sent a final notice. The school made a referral to CFSA on [REDACTED] because the student continued to not attend school. The CFSA social worker assigned to the case contacted the parent and attempted to coordinate a meeting between the parent and school [REDACTED]. A meeting was eventually held [REDACTED]. Following a renewed request for information on HHIP services, [REDACTED] the school principal emailed the parent all required HHIP forms and instructed the parent to return the completed forms to the principal. The parent and principal exchanged multiple emails about coordinating a time for the principal to pick-up the forms from the parent's house or for the parent to drop off the forms at the school. [REDACTED] the CFSA social worker reported that the student's doctor reported faxing medical documentation to the school on [REDACTED]. [REDACTED] The director of specialized instruction responded that after checking with DCPS central office and the school nurse, no medical documentation was received. As of the date the complaint was filed, the parent had not provided the completed forms to the school.

OSSE finds that DCPS made special education and related services available to the student at the school. DCPS provided information to the parent about alternatives to in-person learning whenever asked, but the parent never provided the required forms or medical documentation to show that the student needed an alternative placement.

Therefore, DCPS has complied with 34 CFR §§300.323(c)(2) and 300.115.

CONCLUSION

1. DCPS has complied with 34 CFR §§300.323(c)(2) and 300.115, because it made special education and related services available to the student at the school and provided information to the parent about alternatives to in-person learning whenever asked, but the parent never provided the required forms or medical documentation to show that the student needed an alternative placement.

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]