



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

**EDUCATION**

June 23, 2022

*VIA Electronic Mail*

[REDACTED]  
District of Columbia Public Schools  
1200 First Street NE  
Washington, DC 20002

RE: State Complaint No. 021-022 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 a violation in the special education program of [REDACTED] (Student ID # [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 include the student’s special education teacher in an IEP Team meeting.

The SCO for OSSE has completed its investigation of the State complaint. During the course of the investigation OSSE determined that DCPS has complied with its obligation related to meeting participants. 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 issues under the jurisdiction of the OSSE SCO:

1. **Required meeting participants at 34 CFR §§300.321(a) and 300.116(a)(1)**
  - a. Failure to include all required meeting participants.

## **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]
2. [REDACTED]
3. [REDACTED]
4. [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's local educational agency (LEA) is DCPS.

## **ISSUE: MEETING PARTICIPANTS**

**DCPS has complied with 34 CFR §§300.321(a) and 300.116(a)(1), because the [REDACTED] placement meeting included all required participants.**

Pursuant to 34 CFR §300.321(a), the public agency must ensure that the IEP Team for each child with a disability includes: 1) the parents, 2) not less than one regular education teacher of the child, 3) not less than one special education teacher of the child, 4) a representative of the public agency, 5) an individual who can interpret the instructional implications of evaluation results, 6) other individuals who have knowledge or special expertise of the child, and 7) the child, when appropriate. Placement decisions must be made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. (34 CFR §300.116(a)(1)) The complainant alleges that the school's LEA representative held an IEP Team meeting without the student's case manager.

## **Findings of Fact and Discussion**

The student's [REDACTED] IEP requires 5 hours per week of specialized instruction for reading outside the general education setting, 2.5 hours per week of specialized instruction for mathematics inside the general education setting, and 2.5 hours per week of specialized instruction for reading inside the general education setting.

DCPS held a meeting on [REDACTED] to review the student's strengths and concerns and to discuss placement for the upcoming school year. The people who attended the meeting were the parent, the LEA representative designee, the speech therapist, and three of the student's general education teachers. At the conclusion of the meeting, the team recommended a smaller classroom environment for the student, starting the next school year. The next steps

were to complete a more restrictive environment form then reconvene as a team to make the appropriate updates to the IEP for the change in placement. OSSE finds that this was a placement meeting. No changes were made to the student's IEP at this meeting and thus the full IEP Team was not required. A placement meeting requires only a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. The parent, LEA representative designee, general education teachers, and related service provider who met on [REDACTED] met this threshold.

Therefore, DCPS has complied with 34 CFR §§300.321(a) and 300.116(a)(1).

**CONCLUSION**

1. DCPS has complied with 34 CFR §§300.321(a) and 300.116(a)(1), because the [REDACTED] placement meeting included all required participants.

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