



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

**EDUCATION**

June 23, 2022

*VIA Electronic Mail*



RE: State Complaint No. 021-023 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 attending the [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 work-based learning opportunities.

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 services in accordance with students' 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 special education services at 34 CFR §300.323(c)(2)**
  - a. Failure to make available special education and related services in accordance with students' IEPs, specifically with regard to work-based learning opportunities.

**INVESTIGATIVE PROCEDURE**

The investigation included interviews with the following individuals:

- 1. Complainant
- 2. DCPS [REDACTED]
- 3. DCPS [REDACTED]
- 4. 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 students included in this 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 provided the special education services required by the students’ IEPs and made available work opportunities through the [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. The complainant alleges that the [REDACTED] principal denied students access to work-based learning opportunities.

**Findings of Fact and Discussion**

The [REDACTED] is a full-time, one-year, blend of classroom instruction and community-based experiences to reinforce learning and skill development. The [REDACTED] is designed to increase employment readiness for [REDACTED] with intellectual and other developmental disabilities and features training [REDACTED]

At the start of the [REDACTED] school year, no students were participating in community work placements due to the COVID-19 pandemic. Instead, the students participated in in-school internships, including acting as a student escort and assisting with custodial work in addition to continued classroom instruction. In [REDACTED] students began to return to community work placements. The complainant arranged for students to return to the [REDACTED]

however, the principal ultimately did not approve the placement. The students continued their in-school internships and had the opportunity for temporary community work opportunities, including a visit to [REDACTED] in [REDACTED] and weekly visits to the [REDACTED] starting in [REDACTED].

OSSE reviewed the IEPs for the seven students named in the complaint. The IEPs prescribed specialized instruction outside the general education setting [REDACTED] and various related services. The post-secondary transition plans list the students' participation in the [REDACTED], but do not require any specific community work opportunity. OSSE finds that DCPS provided the special education services required by the students' IEPs and made available work opportunities [REDACTED].

Five of the students' IEPs list an internship [REDACTED] under the extracurricular activities and community participation section. The [REDACTED] placement has not been available [REDACTED]. When the students' IEPs were reviewed annually, they should have been updated to reflect the actual extracurricular activities and community participation the students were involved in. [REDACTED] students' IEPs list other extracurricular activities and community participation.

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 provided the special education services required by the students' IEPs and made available community work opportunities [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]