



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

**EDUCATION**

June 30, 2022

*VIA Electronic Mail*



RE: State Complaint No. 021-024 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 base the student’s placement on the IEP.

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 placement obligations. 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 issues under the jurisdiction of the OSSE SCO:

1. **Placement requirements at 34 CFR §300.116**
  - a. Description Failure to ensure that the educational placement is based on child’s IEP.

#### **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: PLACEMENT**

**DCPS has complied with 34 CFR §300.116, because the student’s placement is based on the IEP and can provide all required special education and related services.**

Pursuant to 34 CFR §300.116, each public agency must ensure that the child’s placement is determined at least annually, is based on the child’s IEP, and is as close as possible to the child’s home. The complainant alleges that the student was transferred to a different school location after enrollment and that the school caused a delay in enrollment in the vision program.

**Findings of Fact and Discussion**

The complaint alleges that the parent enrolled the student [REDACTED], but that school sent the student’s enrollment paperwork to [REDACTED] without the parent’s consent. In its response to the complaint, DCPS reported that [REDACTED] was the student’s previous school and has a primary [REDACTED] program, but not a secondary program and so the student was assigned to the secondary [REDACTED] program [REDACTED]. This switch occurred at the start of the [REDACTED] school year, which falls outside of the one-year investigation timeline for this complaint. However, DCPS has the authority to make the location assignments within the LEA and does not need additional parent consent for access to student records at another school within the DCPS system.

For the [REDACTED] school year, the student was assigned to [REDACTED]. On [REDACTED] DCPS held an IEP Team meeting. At this meeting the team discussed the student’s placement and agreed that the [REDACTED] program at [REDACTED] would continue to be the student’s placement for the [REDACTED] school year. Accordingly, DCPS submitted the transportation request for the following school year. The student’s [REDACTED] IEP prescribes [REDACTED] specialized instruction outside the general education setting, [REDACTED]

[REDACTED] of adapted PE, [REDACTED] speech-language services, [REDACTED] occupational therapy, and the support of a dedicated aide [REDACTED]. At the end of the meeting, the parent promised to email documentation of the student's [REDACTED] diagnosis. The DCPS representative from the IEP Team stated that the request for visual supports would be considered by the IEP Team upon receipt of the documentation.

The parent provided to DCPS a note from the student's primary care doctor that states that the student [REDACTED]. DCPS uploaded the doctor's note to the student's SEDS file. DCPS responded that to request vision services, it needs an eye medical report completed by an ophthalmologist that includes a comprehensive assessment that states visual acuity in each eye with and without correction, identifies if there is any loss of field vision, and states the diagnosis of the eye condition, including cortical vision impairment, if applicable. As of the date of this letter of decision, the parent has not submitted the needed information to DCPS.

On the [REDACTED], under the Blind/Visually Impaired section it states that documentation was received that the student [REDACTED].

OSSE finds that the student's placement is based on the IEP and can provide all required special education and related services. The parent has not submitted documentation to DCPS that the student's placement needs to change [REDACTED], which is not a vision program.

Therefore, DCPS has complied with 34 CFR §300.116.

### CONCLUSION

1. DCPS has complied with 34 CFR §300.116, because the student's placement is based on the IEP and can provide all required special education and related 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]