



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

**EDUCATION**

July 11, 2022

*VIA Electronic Mail*



RE: State Complaint No. 021-026 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 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 student’s IEP. 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 IEP services at 34 CFR §300.323(c)(2)**
  - a. Failure to make available special education and related services in accordance with students’ IEP, specifically with regard to work-based learning opportunities.

**INVESTIGATIVE PROCEDURE**

The investigation included interviews with the following individuals:

- 1. DCPS [REDACTED]
- 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 intellectual disability.
- 3. The student’s 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 student’s IEP and made available community 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 student was denied the opportunity to work at the [REDACTED].

**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. [REDACTED] is designed to increase employment readiness for [REDACTED] adult students 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. The student named in the complaint acted as a student escort [REDACTED]. [REDACTED], students began to return to community work placements. A teacher arranged for students to return [REDACTED]

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

OSSE reviewed the student's [REDACTED] and [REDACTED] IEPs. The IEPs prescribed [REDACTED] specialized instruction outside the general education setting. The post-secondary transition plan lists the student's participation in the [REDACTED] but does not require any specific community work opportunity. OSSE finds that DCPS provided the special education services required by the student's IEP and made available work opportunities [REDACTED].

The student's [REDACTED] IEP lists an internship at the [REDACTED] under the extracurricular activities and community participation section. [REDACTED] placement has not been available since the [REDACTED] school year due to the COVID-19 pandemic. When the student's IEP was reviewed, it should have been updated to reflect the actual extracurricular activities and community participation the student was involved in.

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 student's IEP 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]