



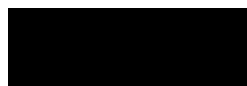
DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

**EDUCATION**

July 29, 2022

*VIA Electronic Mail*



District of Columbia Public Schools



RE: State Complaint No. 021-027 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 [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 transition services, make IEPs accessible to teachers, and ensure assistive technology devices are made available.

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 obligations related to transition services, teacher access to IEPs, and assistive technology. 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 make available special education and related services in accordance with the IEPs of students at [REDACTED], specifically with regard to transition services.
2. **Requirement to provide teachers access to IEPs at 34 CFR §300.323(d)**

- a. Failure to ensure that students' IEPs are accessible to teachers and others.
3. **Assistive technology requirements at 34 CFR §300.105**
  - a. Failure to ensure that assistive technology devices are made available as required by a student's IEP.

**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):



**GENERAL FINDINGS OF FACT**

1. The students in this complaint are children with a disability as defined by 34 CFR §300.8.
2. The students' local educational agency (LEA) is DCPS.

**ISSUE ONE: TRANSITION SERVICES**

**DCPS has complied with 34 CFR §300.323(c)(2), because it has various methods to provide transition services to students.**

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 [REDACTED] failed to establish coordinated activities to provide transition services to students as required by their IEPs.

**Findings of Fact and Discussion**

Transition services means a coordinated set of activities for a child with a disability that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment, continuing and adult education, adult services, independent living, or community participation. Transition services must be based on

the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes instruction; related services; community experiences; the development of employment and other post-school adult living objectives; and, if appropriate, the acquisition of daily living skills and provision of a functional vocational evaluation. (34 CFR §300.43) In guidance, the US Department of Education refers to coordination in relation to the set of transition goals and services within a student's IEP, not school-wide or district-wide coordination of transition activities for all students.<sup>1</sup>

In its response and interviews, DCPS reported that each student's IEP case manager is responsible for ensuring that the student meets transition goals and receives transition services. Most transition services are delivered through enrollment in a Career and Technical Education/Transition course or direct pull-out services by the IEP case manager. DCPS offers a variety of Career and Technical Education/Transition courses on topics including self-advocacy, independent living, and general exploration. In addition, guidance and career counselors meet with students about post-secondary plans and goals. The part-time transition teacher plans programming and ensures students are aware of various opportunities related to internships, college fairs, summer employment, RSA services, and other community services.

In the interview for this investigation, the complainant asserted that busy schedules and large caseloads make it difficult for IEP case managers to meet with all assigned students to work on transition goals and provide transition services. The complainant has designed her own system to address these challenges and provide transition services and planning for students on her caseload but criticized the lack of a school-wide system or coordination and does not know how other teachers complete the work. The complainant did not identify any specific students who did not receive transition services.

OSSE reviewed IEPs for ■ students and found that the transition plans required transition services ranging from 90 minutes per year to two hours per month. It is reasonable that these amounts of transition services are provided through the methods outlined above. DCPS provided internal school email communication showing that the transition teacher helped case managers provide transition services to students with specific interests, such as careers in the arts, and students at specific milestones, such as applying for college, as well as reminders and support for case managers responsible for providing transition services. OSSE's investigation found no evidence of a systemic failure to provide transition services for students. DCPS made an administrative decision to make case managers responsible for implementing postsecondary transition plans but other staff members and classes provide support to case managers in meeting their responsibilities.

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

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<sup>1</sup> See USDE Questions and Answers on Increasing Postsecondary Opportunities and Success for Students and Youth with Disabilities Q4 (Sep. 17, 2019): "Transition services' means a coordinated set of activities for a student with a disability designed within a results-oriented process..." and "The coordinated set of activities is based on each student's needs, taking into account the student's strengths, preferences and interests..."

## **ISSUE TWO: TEACHER ACCESS TO IEPs**

**DCPS has complied with 34 CFR §300.323(d), because it had a process by which all student IEPs were distributed to teachers.**

Pursuant to 34 CFR §300.323(d)(1), each public agency must ensure that the child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation. Each teacher and provider must be informed of his or her specific responsibilities related to implementing the child's IEP and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP. (34 CFR §300.323(d)(2)) The complainant alleges that [REDACTED] did not promptly provide copies of students' IEPs to all teachers at the beginning of the [REDACTED] school year when instruction began.

### **Findings of Fact and Discussion**

The complainant [REDACTED] year and as a result, the IEPs for students on the complainant's caseload were not distributed to their teachers until the complainant returned to work. Upon the complainant's return to work, the general education teacher for classes co-taught with the complainant reported receiving IEPs for students in those classes in late Sep. [REDACTED]

In its response, DCPS reported that at the start of the [REDACTED] school year all IEP case managers were assigned a caseload and from [REDACTED] provided all teachers a copy of the student's IEP via email. The [REDACTED] reported that the complainant's caseload was assigned to other case managers for the beginning of the school year [REDACTED] and those case managers were responsible for distributing IEPs to the students' teachers. Case managers were required to distribute IEPs to teachers [REDACTED]. The [REDACTED] explained that a one-month deadline for IEP distribution is given because students' schedules change, and some students are enrolled after the start of school; however, case managers are encouraged to distribute all IEPs at the beginning of the school year. DCPS provided internal school email communication that showed IEP distribution according to the process outlined by the [REDACTED].

The complainant asserted that the [REDACTED] deadline meant that some teachers taught the first month of the school year without knowing what was in a student's IEP or their responsibilities for implementation. [REDACTED]

[REDACTED]. The [REDACTED] articulated the process by which all student IEPs were distributed to teachers and provided emails in support of those claims. OSSE finds that DCPS's plan to distribute student IEPs within the first three weeks of the start of the [REDACTED] school year is reasonable.

Therefore, DCPS has complied with 34 CFR §300.323(d).

## **ISSUE THREE: ASSISTIVE TECHNOLOGY**

**DCPS has complied with 34 CFR §300.105, because the IEP for the student identified by the**

**complainant does not require assistive technology and thus DCPS was not required to provide access to a keyboard in class.**

Pursuant to 34 CFR §300.105, each public agency must ensure that assistive technology devices or assistive technology services are made available to a child with a disability if required as a part of the child's special education, related services, or supplementary aids and services. The complainant alleges that DCPS failed to provide a laptop or tablet for a student whose occupational therapy services require access to a keyboard.

### **Findings of Fact and Discussion**

In its response, DCPS reported that during the [REDACTED] school year seven students [REDACTED] [REDACTED] had IEPs that required assistive technology and confirmed the assistive technology device that was provided to each student. In the interview for this investigation, the complainant reported that DCPS denied a request for tablets for all students in one of the complainant's classes, and that one of the student's IEP required access to a keyboard as part of an occupational therapy goal.

OSSE reviewed the [REDACTED] IEP for the student identified by the complainant. Under assistive technology the IEP states: "The student doesn't require assistive technology devices and services in order to access the general education curriculum." The IEP requires [REDACTED] per month of occupational therapy and contains three associated goals:

[REDACTED]

None of these goals and nothing else in the IEP require the student to have access to a keyboard in class. OSSE finds that the IEP for the student identified by the complainant does not require assistive technology and thus DCPS was not required to provide access to a keyboard in class.

Therefore, DCPS has complied with 34 CFR §300.105.

### **CONCLUSIONS**

1. DCPS has complied with 34 CFR §300.323(c)(2), because it has various methods to provide transition services to students.
2. DCPS has complied with 34 CFR §300.323(d), because it had a process by which all student IEPs were distributed to teachers.

3. DCPS has complied with 34 CFR §300.105, because the IEP for the student identified by the complainant does not require assistive technology and thus DCPS was not required to provide access to a keyboard in class.

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: Venola Rolle, Complainant  
[REDACTED], DCPS  
[REDACTED], DCPS