



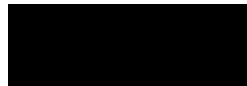
DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

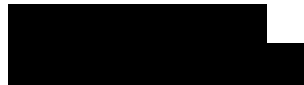
EDUCATION

Sep. 29, 2022

VIA Electronic Mail



District of Columbia Public Schools



RE: State Complaint No. 022-005 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 [REDACTED] [REDACTED] [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 follow child find and evaluation procedures.

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 child find and evaluations. 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. **Initial evaluation requirements at 34 CFR §§300.301, 304-306**
 - a. Failure to follow initial evaluation procedures.
2. **Child find requirements at 34 CFR §300.111**
 - a. Failure to perform child find obligations.

INVESTIGATIVE PROCEDURE

The investigation included interviews with the following individuals:

1. Complainant
2. DCPS [REDACTED]
3. DCPS [REDACTED]
4. [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 student has not been identified as a child with a disability as defined by 34 CFR §300.8.
2. The student's local educational agency (LEA) is DCPS.

ISSUE ONE: EVALUATION

OSSE declines to make a finding related to 34 CFR §§300.301, 304-306, because there was no request for evaluation within the one-year investigation period.

Pursuant to 34 CFR §§300.301, 304-306, each public agency must conduct a full and individual initial evaluation before the initial provision of special education and related services to a child with a disability. The initial evaluation must be conducted within 60 days of receiving parental consent for the evaluation. The complainant alleges that DCPS denied and delayed an evaluation for the student.

Findings of Fact and Discussion

On [REDACTED] the parent provided an independent educational evaluation and requested an initial evaluation to determine the student's eligibility for special education services. On [REDACTED] the evaluation team met and determined that the student was not eligible for special education services. State complaint investigations may look back one year from the date the complaint is filed. (34 CFR §300.153(c)) For this complaint, the investigation period starts [REDACTED]. Because the most recent referral and initial evaluation fall outside the

¹ Section 504 of the Rehabilitation Act of 1973

investigation period, OSSE did not investigate whether the evaluation followed the required procedures. OSSE's investigation found no evidence of an initial evaluation request within the one-year investigation period.

Therefore, OSSE declines to make a finding related to 34 CFR §§300.301, 304-306.

ISSUE TWO: CHILD FIND

DCPS has complied with 34 CFR §300.111 and OSSE's Comprehensive Child Find System Policy, because it appropriately assessed the student and relied on student data to determine that no evaluation was needed.

Pursuant to 34 CFR §300.111, the State must have in effect policies and procedures to ensure that all children with disabilities residing in the State, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated. OSSE's Comprehensive Child Find System Policy requires LEAs to have policies and procedures in effect to ensure that all children with disabilities, regardless of the severity of the disability, and who are in need of special education and related services, are identified, located, and evaluated. The complainant alleges that DCPS has denied the student an IEP and instead provided a Section 504 plan with minimal accommodations.

Findings of Fact and Discussion

DCPS reported that it has policies and procedures in effect related to child find, including professional development trainings, chancellor directives, building level requirements, and protocols and procedures to ensure staff responsibility for compliance. The school uses a multi-tiered support system. Based on assessment data, students are provided various levels of support and interventions. Teachers collaborate with each other and communicate with parents during this process. A student who may need special education services is referred for an evaluation.

The student has a Section 504 plan that provides accommodations [REDACTED]. [REDACTED] the evaluation team found that the student was not eligible for special education services, but determined that the student needed an occupational therapy evaluation. DCPS completed the occupational therapy evaluation [REDACTED]. The team reviewed the assessment and determined that the student did not need occupational therapy services.

During the [REDACTED] school year, the parent raised concerns about the student's reading levels to the teacher. DCPS reported that the student was performing solidly in all areas and able to meet grade level standards. This was based on student data collected at the beginning, middle, and end of the [REDACTED] school year. DCPS conducted two reading inventory assessments at the beginning and middle of the school year and the student showed great growth between the assessments. In prior school years the student received interventions through the multi-tiered support system but did not require any interventions during the [REDACTED] school year. OSSE finds that DCPS appropriately assessed the student and relied on student data to determine that no special education evaluation was needed during the [REDACTED] school year.

Therefore, DCPS has complied with 34 CFR §300.111 and OSSE's Comprehensive Child Find System Policy.

CONCLUSIONS

1. OSSE declines to make a finding related to 34 CFR §§300.301, 304-306, because there was no request for evaluation within the one-year investigation period.
2. DCPS has complied with 34 CFR §300.111 and OSSE's Comprehensive Child Find System Policy, because it appropriately assessed the student and relied on student data to determine that no evaluation was needed.

If you have any questions regarding this decision, please contact me at 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:

