



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

Oct. 18, 2022

VIA Electronic Mail

[REDACTED]
District of Columbia Public Schools
[REDACTED]

RE: State Complaint No. 022-002 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] (Student ID # [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 educate the student in the least restrictive environment.

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 the least restrictive environment. 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. **Least restrictive environment requirements at 34 CFR §300.114**
 - a. Failure to educate the student in the least restrictive environment.

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 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: LEAST RESTRICTIVE ENVIRONMENT

DCPS has complied with 34 CFR §300.114, because the student is placed in the least restrictive environment.

Pursuant to 34 CFR §300.114, each public agency must ensure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. The complainant alleges that the student was not allowed to enroll in advanced placement (AP) classes because the student had an IEP.

Findings of Fact and Discussion

The student's [REDACTED] IEP prescribes four hours per week of specialized instruction in the general education setting, two hours per week of specialized instruction for written instruction in the general education setting, two hours per week of specialized instruction for reading in the general education setting, and 30 minutes per month of behavioral support services. Following the meeting, DCPS issued prior written notice that the student was not eligible to take an AP English course because the IEP contained goals related to Reading and Written Expression, but the student could take AP classes in other content areas such as Math, History, or Science. This was the stance of the assistant principal who attended the IEP team meeting. The parent disagreed with this decision and raised the issue with the school principal. The principal confirmed that the student would be able to enroll in AP English.

On [REDACTED] the school held a meeting to discuss the student's class schedule. At this meeting, the assistant principal again stated that the student would not be allowed to enroll in AP classes for English and History because the student had IEP goals related to those content areas. Following that meeting, the parent filed this complaint. DCPS central office intervened and allowed the student to enroll in AP English and History. The student's schedule for the [REDACTED] school year shows the student is enrolled in the following AP classes: U.S. History, Computer Science Principles, Physics, Engineering: Digital Electronics, and English Language & Composition.

Although this issue was resolved for the student named in the complaint prior to the start of the [REDACTED] school year, OSSE had lingering concerns that the assistant principal's position that students may not enroll in an AP class when they have IEP goals in that content area may have impacted other students with IEPs. In interviews with other DCPS staff members, they reported that the only requirement to enroll in AP classes is to earn an A or B in the prerequisite classes and that students with IEPs can enroll in AP classes and they were not aware of any other students with an IEP who were told they could not enroll in an AP class. OSSE reviewed the class rosters for all AP classes at the school and found that 43 students with IEPs are enrolled in AP classes, including classes in content areas related to IEP goals. OSSE's investigation found that the assistant principal's position was an aberration, not a consistent policy or practice across DCPS. When the parent raised the issue, DCPS took steps to address it.

Therefore, DCPS has complied with 34 CFR §300.114.

Although OSSE's investigation ultimately identified no noncompliance, OSSE recommends that DCPS take steps to ensure that the assistant principal has the correct understanding of students with IEPs' ability to enroll in AP classes.

CONCLUSION

1. DCPS has complied with 34 CFR §300.114, because the student is placed in the least restrictive environment.

If you have any questions regarding this decision, please contact me at Kirstin.Hansen@dc.gov or 202-445-4893.

Sincerely,

Kirstin Hansen
State Complaints Manager, Division of Systems and Supports, K-12

cc: [REDACTED], Complainant
[REDACTED], DCPS
[REDACTED], DCPS