



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

[REDACTED]

VIA Electronic Mail

[REDACTED]

RE: State Complaint No. 022-019 Letter of Decision

LETTER OF DECISION

PROCEDURAL BACKGROUND

On Dec. 22, 2022, 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 his son, [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 special education services.

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 IEP supports. 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 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 a student’s IEP, [REDACTED]

INVESTIGATIVE PROCEDURE

The investigation included interviews with the following individuals:

1. Complainant
2. DCPS director of specialized instruction
3. DCPS teacher

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 is a child with a disability as defined by 34 CFR §300.8.
2. The student's disability category is autism.
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 classroom supports and accommodations required by the student's IEP.

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 DCPS failed to provide required IEP supports in the student's [REDACTED]

Findings of Fact and Discussion

The student's [REDACTED] IEP prescribes four hours per week of specialized instruction inside the general education setting, four hours per week of specialized instruction for written expression inside the general education setting, [REDACTED] behavioral support services, and the use of a dedicated laptop device. The IEP includes the following classroom accommodations: access to a safe space, breaks when upset or dysregulated, extended time, clear expectations and examples, check lists, access to a fidget, checks for understanding, modification of instructions and directions, small group instruction, one-on-one assistance, worksheets with a reduced amount of information, graphic organizers or templates, modified assignments, access to a keyboard for all stages of writing, and use of a weekly communication log to track progress on classroom and homework assignments. [REDACTED] DCPS updated the student's IEP to prescribe four hours per week of specialized instruction inside the general education setting and 120 minutes per month of behavioral support services. The IEP team

updated the language of the classroom accommodations, but the accommodations remained substantively the same.

[REDACTED] The complainant alleges that the low grade in [REDACTED] was due to a failure to provide the classroom supports and accommodations required by the IEP. All teachers were provided with a copy of the student's IEP accommodations at the start of the 2022-23 school year. After the complainant raised concerns, the student's special education case manager met with the [REDACTED] teacher to ensure the provision of IEP classroom accommodations. The director of specialized instruction reviewed the teacher's lesson plans and saw multiple modalities for completing writing assignments offered, including options that aligned with the student's IEP accommodations. The teacher reported designing the curriculum to scaffold materials for students of varying needs, and providing accommodations for all students with IEPs, including the student named in the complaint. The teacher reported speaking with the parent about the student's IEP [REDACTED] at the beginning of the school year, showing awareness of required accommodations from the start of the school year. The teacher reported providing various accommodations, such as checking in with the student, office hours with one-on-one support, and giving extended time to complete assignments. The teacher reported that the student's low grade was due to missing assignments and assignments being turned in two to three weeks late, which is beyond the extended time deadline.

DCPS and the complainant met in [REDACTED] to discuss concerns and determine how to support the student in the class, including how to make check-ins with the teacher more effective. The parents raised concerns that although the teacher checks in with the student, the student has a hard time verbalizing questions in the moment. The teacher offered additional support during office hours. At the [REDACTED] IEP team meeting, the [REDACTED] ELA teachers noted an issue with the student turning in assignments and multiple teachers raised concerns about the student's cell phone use being a distraction during class. OSSE reviewed examples of classwork with accommodations in alignment with the student's IEP. In addition, OSSE reviewed email communication between the parent and LEA, among LEA staff members, and between the student and teachers and saw evidence of detailed instructions for assignments and the teacher checking in with the student and providing support and feedback.

OSSE's investigation found that DCPS provided the classroom supports and accommodations required by the student's IEP. 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 classroom supports and accommodations required by the student's IEP.

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:

[REDACTED]