



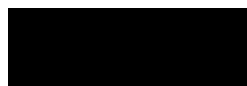
DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

Mar. 2, 2023

VIA Electronic Mail



District of Columbia Public Schools



RE: State Complaint No. 022-020 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 Virginia Howell (complainant) 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 provide speech language services.

The SCO for OSSE has completed its investigation of the State complaint. During the course of the investigation OSSE determined that DCPS failed to provide speech-language services to all students. 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 issues 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, specifically with regard to the provision of speech services during the [REDACTED] school year.

INVESTIGATIVE PROCEDURE

The investigation included interviews with the following individuals:

1. Complainant

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 developmental delay.
3. The student's local educational agency (LEA) is DCPS.

ISSUE: SPEECH LANGUAGE SERVICES

DCPS has not complied with 34 CFR §300.323(c)(2), because it failed to provide speech-language services for all students whose IEPs require those services.

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 has not received any of the IEP required speech-language services during the [REDACTED] school year.

Findings of Fact and Discussion

The student's [REDACTED] IEP prescribed 120 minutes per month of speech-language services and the student's [REDACTED] IEP prescribes 60 minutes per month of speech-language services. OSSE reviewed speech-language service trackers and found that DCPS provided no services to the student since the beginning of the [REDACTED] school year.

The complainant alleges that the student has not received any services due to a speech therapist shortage at the school. In its response to the complaint, DCPS admits that due to a provider shortage, some students have not received required speech-language services. For its investigation OSSE reviewed speech-language service trackers for a random sample of 19 students whose IEPs prescribe speech-language services and found three additional students who received no speech-language services during the [REDACTED] school year. OSSE finds that DCPS failed to provide speech-language services for all students.

Therefore, DCPS has failed to comply with 34 CFR §300.323(c)(2).

CONCLUSION

1. DCPS has not complied with 34 CFR §300.323(c)(2), because it failed to provide speech-language services for all students whose IEPs require those services.

CORRECTIVE ACTION

1. In order to correct the noncompliance with §300.323(c)(2), DCPS must do the following:
 - a. For all students at [REDACTED] whose IEPs require speech-language services, review service trackers to identify all students who have not received speech-language services during the [REDACTED] school year.
 - b. DCPS must create a services make-up plan for all students identified in 1a. If DCPS is unable to make-up all missed speech-language services before the end of the [REDACTED] school year, DCPS must offer the parents the option to be reimbursed for independent services.
 - c. Documentation of the completion of this corrective action is due to OSSE within 60 days of the date of this letter of decision.

All corrective actions must be completed by the date specified above, but in no case later than one year from the date of this letter. 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: Virginia Howell, Complainant
[REDACTED], Parents
[REDACTED], DCPS
[REDACTED], DCPS