



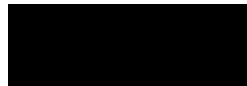
DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

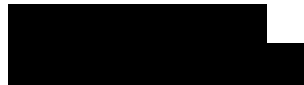
**EDUCATION**

March 27, 2023

*VIA Electronic Mail*



District of Columbia Public Schools



RE: State Complaint No. 022-023 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] (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 the special education and related services required by the child’s IEP.

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 provision of special education services. 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 provide the special education and related services required by the child’s IEP.

## **INVESTIGATIVE PROCEDURE**

The investigation included interviews with the following individuals:

1. Complainant
2. DCPS [REDACTED]
3. 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 developmental delay.
3. The student's local educational agency (LEA) is DCPS.

## **ISSUE: IEP SERVICES**

**DCPS has complied with 34 CFR §300.323(c)(2), because the mice infestation did not prevent the student's receipt of specialized instruction and related 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 DCPS failed to address a mouse infestation, which impacted the classroom teacher's ability to provide instruction and educational services to the student.

## **Findings of Fact and Discussion**

The student's [REDACTED] IEP prescribes 2.5 hours per week of specialized instruction inside the general education setting, 19.75 hours per week of specialized instruction outside the general education setting, 240 minutes per month of speech-language pathology services, 180 minutes per month of physical therapy, and 240 minutes per month of occupational therapy. The complainant alleges that the teacher spent 30 minutes every morning cleaning mouse feces in the classroom, which resulted in less instruction time for students. Additionally, students were not able to nap with the lights turned off because mice would come out if the classroom was dark.

[REDACTED] Elementary School (ES) administrators and staff members took steps to address the mice infestation but did not receive sufficient support from DCPS central office and the Department of General services staff members responsible for facilities concerns. School-level

efforts to address the issues involved classroom teachers taking part in the cleaning and preventative activities. In communications to parents, the [REDACTED] reported spending 30 minutes per day cleaning up mice feces and on occasion had to adjust planned activities to work around the mice infestation. In the interview for this investigation, the [REDACTED] reported that the time spent cleaning happened during morning prep time, not instruction time. The teacher confirmed that the student was provided all specialized instruction and related services required by the IEP.

Following the filing of this complaint, DCPS proposed an abatement plan on [REDACTED], which including temporarily relocating the students to another classroom, deep cleaning the classroom with the mice infestation, and ongoing preventative measures. Although DCPS's delayed action to address the mice infestation impacted the teacher and students, OSSE found no evidence that it resulted in a failure to provide special education services.

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

**CONCLUSION**

1. DCPS has complied with 34 CFR §300.323(c)(2), because the mice infestation did not prevent the student's receipt of specialized instruction and related services.

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: [REDACTED], Complainant  
[REDACTED], Deputy Chief of Compliance and Policy, DCPS  
[REDACTED], Deputy Chief of Specialized Instruction, DCPS