



June 6, 2023

VIA Electronic Mail



District of Columbia Public Schools



RE: State Complaint No. 022-028 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] (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 follow placement requirements.

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 placement obligations. This Letter of Decision is the report of the final results of OSSE’s investigation.

COMPLAINT ISSUES

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. **Placement requirements at 34 CFR §300.116**
 - a. Failure to follow placement procedures, specifically with regard to ensuring that the parent is included in the meeting to determine the child’s placement and that the placement is as close as possible to the child’s home.

INVESTIGATIVE PROCEDURE

The investigation included interviews with the following individuals:

1. Complainant
2. 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 autism.
3. The student's local educational agency (LEA) is DCPS.

ISSUE: PLACEMENT

DCPS has complied with 34 CFR §300.116, because changing the location of services to [REDACTED] ES does not amount to a change in placement, and [REDACTED] ES can implement the student's IEP and is the closest school to the student's home.

Pursuant to 34 CFR §300.116, each public agency must ensure that the placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and that the child's placement is based on the child's IEP and is as close as possible to the child's home. The complainant alleges that DCPS assigned the student to a new school without the parent's input or agreement.

Findings of Fact and Discussion

The student's [REDACTED] IEP prescribes 25 hours per week of specialized instruction outside the general education setting, 180 minutes per month of speech-language pathology, 60 minutes per month of occupational therapy, and 60 minutes per month of behavioral support services. The IEP team discussed the student's placement at the [REDACTED] IEP team meeting, and the IEP meeting roster notes the parent attended by phone.

For the [REDACTED] school year, the student attended pre-K at [REDACTED] Education Campus (EC). On [REDACTED] DCPS notified the parent that it proposed to change the student's location of services to [REDACTED] Elementary School (ES) for the [REDACTED] school year. The notice stated that the student would continue to receive the specialized instruction and related services required by the IEP in the [REDACTED] program and that [REDACTED] ES is the school that is as close as possible to the child's home.

DCPS has the authority to make administrative decisions about how to distribute programming and resources among its schools. The IEP team must make the placement decision, including determining the least restrictive environment and service levels, but DCPS has the flexibility to assign the student to a particular school or classroom location that meets the child's special education and related services needs.¹ [REDACTED] ES is the child's neighborhood school and has the programming needed to implement the student's IEP. OSSE finds that changing the location of services to [REDACTED] ES does not amount to a change in placement, and that [REDACTED] ES can implement the child's IEP and is the closest school to the child's home.

Therefore, DCPS has complied with 34 CFR §300.116(b).

CONCLUSION

1. DCPS has complied with 34 CFR §300.116, because changing the location of services to [REDACTED] ES does not amount to a change in placement, and [REDACTED] ES can implement the child's IEP and is the closest school to the child's home.

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], Complainant
[REDACTED], DCPS
[REDACTED], DCPS

¹ Policy Letter to Breeskin p. 2, US Department of Education Office of Special Education and Rehabilitative Services (November 22, 2019).