



OFFICE OF THE STATE
SUPERINTENDENT OF EDUCATION

July 8, 2025

VIA Electronic Mail

[REDACTED]

District of Columbia Public Schools

[REDACTED]

RE: State Complaint No. 024-027 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 Strategic Funding for School Quality received a State complaint from [REDACTED] (parent or complainant) 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 follow initial evaluation procedures.

The SCO for OSSE has completed its investigation of the State complaint. During the course of the investigation OSSE determined that DCPS timely and appropriately conducted the student’s initial evaluation. This Letter of Decision is the report of the final results of OSSE’s investigation.

COMPLAINT ISSUES

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. **Initial evaluation requirements at 34 CFR §§300.301 and 300.304 and 5-A DCMR §3005.4**
 - a. Failure to follow initial evaluation procedures, which includes conducting an adequate evaluation and making an eligibility determination within 60 days of obtaining parental consent.

The complainant requested DCPS consider their child for both an IEP and 504 plan. Due to this,

DCPS commingled the processes. While the complainant raised multiple concerns regarding the 504 process during the course of the investigation, this falls outside the scope of the IDEA and is, therefore, not under the purview of the SCO. As such, this letter of decision solely focuses on the IEP eligibility process.

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 Programs data system:

[illegible]

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 Specific Learning Disability.
3. The student's local educational agency (LEA) during the [REDACTED] school year was DCPS.

ISSUE ONE: INITIAL EVALUATION

DCPS has complied with 34 CFR §§300.301 and 300.304 and 5-A DCMR §3005.4, because it conducted a timely and comprehensive initial evaluation of the student.

Pursuant to 34 CFR §300.301 and 5-A DCMR §3005.4, each public agency must conduct a full and individual initial evaluation before the initial provision of special education and related services to a child identified with a disability. An LEA must conduct an evaluation and make an eligibility determination within 60 days of receiving parental consent for the evaluation.

Pursuant to 34 CFR §300.304, in conducting the evaluation, the public agency must: (1) use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, (2) not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability, and (3) use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. The complainant alleges that DCPS did not conduct a timely and adequate initial evaluation.

Findings of Fact and Discussion

The student was referred for an initial evaluation on [REDACTED]. DCPS convened an AED meeting on [REDACTED]. During the meeting, the parent raised concerns regarding their child's inattention, executive function, and social, emotional, and behavioral skills. DCPS agreed to conduct an initial evaluation of the child to collect data on the areas of concern raised by the parent. DCPS provided the parent the consent for an initial evaluation form on [REDACTED], and the parent granted consent on that same date. Following the evaluation, the student's eligibility determination meeting was held on [REDACTED]. The complainant alleges that the evaluation and eligibility determination meeting were untimely due to not taking place within 60 calendar days from the date of referral. However, under IDEA and the DCMR, an LEA has 60 calendar days from the date in which parental consent is obtained to conduct the evaluation and make an eligibility determination. In this case, the evaluation and eligibility determination were completed 59 days following the date in which the parent provided consent. Therefore, OSSE finds that DCPS timely completed the student's initial evaluation.

At the [REDACTED] eligibility determination meeting, the child was found ineligible for special education services as the child did not meet criteria to be identified as a child with a specific learning disability and/or other health impairment as defined at 34 CFR §300.8. DCPS collected data from a variety of sources including interviews, classroom observations, the student's

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

1050 First Street NE, Washington, DC 20002

(202) 727-6436 TTY: 711 | osse.dc.gov

school record, standardized test scores, and a variety of psychological assessments. The complainant alleges that DCPS incorrectly found the child ineligible as the initial evaluation was inadequate due to incomplete student progress and testing data as well as inaccurate information provided by the child's teachers.

With regard to the student's progress monitoring data, the parent asserts that the evaluation was invalid due to the exclusion of dates on the progress monitoring graphs included in the report. The graphs in question are labeled by "week one, week two..." but do not contain specific calendar dates. In the accompanying report description and evaluation summary document, it can be ascertained that the graphs represent the student's progress in high-impact tutoring, which the student enrolled in at the end of Term 2 of the [REDACTED] school year. As such, the progress monitoring graphs included in the report are sufficient in demonstrating the student's positive progress since enrolling in high-impact tutoring. As a result, DCPS adequately included progress monitoring data in the report and appropriately referenced this data when determining that the student is benefitting from the interventions already in place. The parent also raised a concern regarding the evaluation report not documenting one instance where the child did not complete a test section. OSSE found no evidence to support this concern nor specific information on the test in question. Regardless, however, the evaluation report does contain information in other sections regarding the student's ability to complete tasks on time. On evaluation reports, an LEA does not have to include all data available but rather must include data the LEA deems relevant and allows for the LEA and parent to have sufficient information to determine if a child is a child with a disability. As such, OSSE finds that DCPS included adequate and comprehensive data across the areas of concern as it relates to the student's progress monitoring and ability to complete tasks.

Additionally, the parent asserts that the student's teachers provided inaccurate information on the student's ability which impacted the eligibility determination. For example, the parent stated that at one point during the school year, one of the child's teachers expressed that the child reads at a tenth-grade level but did not provide the parent with data to support this claim. Further, the parent noted that the same teacher provided conflicting information on the student's behavior during class time. OSSE found no evidence to support these claims. There were multiple tools and assessments, including but not limited to the Woodcock-Johnson Test of Achievement IV, student grades, and the Reading Inventory standardized test, that provided a comprehensive and accurate portrayal of the student's reading ability. Moreover, feedback on the student's performance and behavior in class was provided by multiple teachers and overall was consistent across staff members. As such, OSSE finds that the evaluation included

accurate information on the student's present level of performance on reading and their behavior during class time.

The parent ultimately disagreed with the child's eligibility determination and requested an independent educational evaluation (IEE). DCPS appropriately issued prior written notice (PWN) to the parent on [REDACTED] to authorize the IEE. The PWN indicates that while DCPS considered defending the appropriateness of the initial evaluation, it decided to issue the IEE authorization due to the proximity of the end of the [REDACTED] school year. The IEE took place in [REDACTED]. The student ultimately transferred LEAs at the start of the [REDACTED] school year, and the IEE was considered by the child's new LEA. The child's new LEA identified the child as a child with a disability in [REDACTED] after considering the results of the IEE and other relevant data. While the student was ultimately found eligible for special education services following the IEE, it does not automatically indicate the initial evaluation by DCPS was inadequate. Therefore, OSSE finds that DCPS appropriately followed initial evaluation procedures.

Therefore, DCPS has complied with 34 CFR §§300.301 and 300.304 and 5-A DCMR §3005.4.

CONCLUSIONS

1. DCPS has complied with 34 CFR §§300.301 and 300.304 and 5-A DCMR §3005.4, because it conducted a timely and comprehensive initial evaluation of the student.

If you have any questions regarding this decision, please contact me at Kirstin.Hansen@dc.gov or 202-741-0274.

Sincerely,

Kirstin Hansen

Kirstin Hansen
State Complaints Manager
Office of Special Education

cc: [REDACTED], Complainant

[REDACTED], DCPS
[REDACTED], DCPS

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

1050 First Street NE, Washington, DC 20002
(202) 727-6436 TTY: 711 | osse.dc.gov