



October 27, 2025

VIA Electronic Mail

[REDACTED]
[REDACTED]
District of Columbia Public Schools
[REDACTED]
[REDACTED]

RE: State Complaint No. 025-004 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 provide dedicated aide services and extended school year services (ESY) in accordance with the child’s individualized education program (IEP) as well as failure to provide prior written notice.

The SCO for OSSE has completed its investigation of the State complaint. During the course of the investigation OSSE determined that DCPS has not complied with providing IEP services, including ESY services, in accordance with the child’s IEP and timely providing prior written notice regarding the child’s change in service location. 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. IEP Services at 34 CFR §300.323(c)(2)

- a. Failure to provide special education and related services, including dedicated aid services and extended school year (ESY) services.
- 2. Prior Written Notice at 34 CFR §300.503 and 5-A DCMR §3032.1**
 - a. Failure to provide prior written notice to the parent regarding a change in service location as well as written notice of refusal to change the student’s eligibility identification.

INVESTIGATIVE PROCEDURE

The investigation included interviews with the following individuals:

- 1. Complainant
- 2. DCPS [REDACTED]
- 3. DCPS [REDACTED]
- 4. OSSE [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:

[REDACTED]

FINDINGS OF FACT

- 1. The student is [REDACTED] years old and qualifies for special education and related services under the primary classification of Other Health Impairment as defined by 34 CFR §300.8.
- 2. The student’s local education agency is DCPS. The student attended [REDACTED] EC during the [REDACTED] school year. The student is currently enrolled at [REDACTED] Elementary School (ES) for the [REDACTED] school year.
- 3. The student’s IEP Team met on [REDACTED] to review the results of the student’s

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initial evaluation. The IEP Team determined the student was eligible for special education services and developed a draft IEP. The IEP was finalized on [REDACTED].

4. The student's [REDACTED] IEP prescribed the following special education and related services:

Type of IEP Service	Amount	Setting
Academic Specialized Instruction in Reading	Four hours weekly	General Education Environment
Academic Specialized Instruction in Reading	Four hours weekly	Outside General Education Environment
Academic Specialized Instruction in Math	Four hours weekly	General Education Environment
Academic Specialized Instruction in Math	Four hours weekly	Outside General Education Environment
Occupational Therapy	Two hours monthly	Outside General Education Environment
Behavioral Support Services	Four hours monthly	Outside General Education Environment

5. The student's [REDACTED] IEP indicates the student was found eligible for extended school year services. The student's IEP Team determined "Though [the child] is currently enrolled in the 1st grade and was retained in kindergarten, [the child's] critical skills essential to [the student's] educational progress in reading, math, executive functioning and self management have decreased when there is a break in service. [The child] would benefit from continued supports throughout the summer as there is a likelihood of regression." As part of the student's ESY eligibility, the IEP Team determined the student shall receive:

Type of IEP Service	Amount	Setting	Begin Date	End Date
Academic Specialized Instruction in Reading	Four hours weekly	General Education Environment	[REDACTED]	[REDACTED]
Academic Specialized Instruction in Reading	Four hours weekly	Outside General Education Environment	[REDACTED]	[REDACTED]
Academic Specialized Instruction in Math	Four hours weekly	General Education Environment	[REDACTED]	[REDACTED]

Academic Specialized Instruction in Math	Four hours weekly	Outside General Education Environment		
Transportation Services				

- The student did not receive any ESY services prescribed by the child's [REDACTED].
- The student's IEP was reviewed and revised on [REDACTED]. The [REDACTED] IEP prescribes the following services:

Type of IEP Service	Amount	Setting
Specialized Instruction	20 hours weekly	Outside General Education Environment
Occupational Therapy	Two hours monthly	Outside General Education Environment
Behavioral Support Services	Four hours monthly	Outside General Education Environment
Transportation Services		

- Both the student's [REDACTED] and [REDACTED] IEPs do not prescribe dedicated aide services. A dedicated aide was considered under the child's previous 504 plan, but the student was determined ineligible.
- The [REDACTED] PWN indicates DCPS proposed to change the educational placement of the child. The PWN does not indicate there will be a change in service location for the child; however, the [REDACTED] IEP meeting notes indicate that the IEP Team determined the student would attend a new school during the [REDACTED] school year in order to implement the child's IEP. [REDACTED] EC was unable to provide the services prescribed by the [REDACTED] IEP due to the student being placed in a more restrictive environment.
- The student was enrolled at [REDACTED] ES on or around [REDACTED]. The student's enrollment at [REDACTED] ES on this date was not due to the My School DC application and lottery process.
- [REDACTED] EC did not refer the child to the DCPS Central Office Location of Service Team until [REDACTED]. The DCPS Central Office Team determines a student's new service location based on information provided by a child's IEP Team. [REDACTED] EC referred the child to be placed in a specific learning support (SLS) self-contained classroom; however, the student was not eligible for this placement due to age and

grade-level.

12. [REDACTED] EC issued prior written notice to the parent to propose to change the service location of the child for the first time on [REDACTED]. The written document, however, was dated [REDACTED].
13. On [REDACTED], DCPS determined the child would be placed in a behavior and education support (BES) classroom, and the child's service location would be at [REDACTED] ES. [REDACTED] EC does not have a BES classroom.
14. On [REDACTED], DCPS issued the LOS letter to the parent indicating [REDACTED] ES would be the child's new service location.

ISSUE ONE: IEP SERVICES

DCPS has not complied with 34 CFR §300.323(c)(2), because it did not provide the child with ESY services during [REDACTED] as well as specialized instruction and related services from [REDACTED] through [REDACTED].

Pursuant to 34 CFR §300.323(c)(2), each public agency must ensure as soon as possible following development of the IEP, special education and related services are made available to a child with a disability in accordance with the child's IEP. The complainant alleges that DCPS did not provide the student with ESY during the [REDACTED] and dedicated aide services in accordance with the child's IEP during the [REDACTED] school year.

Discussion

The student was found eligible for special education services on [REDACTED]. DCPS developed the child's initial IEP on that same date. In developing the student's initial IEP, DCPS considered if the student was eligible to receive ESY services. In response to the State complaint, DCPS reports that the student was found ineligible for ESY services and, therefore, was not provided such. However, the student's [REDACTED] found the child was in fact eligible for ESY services. As such, DCPS inappropriately did not make available these services to the student during [REDACTED] and [REDACTED].

With regard to the parent's assertion that DCPS did not appropriately provide dedicated aide services, the student's [REDACTED] and [REDACTED] IEPs do not prescribe such services. Therefore, DCPS was not required to provide a dedicated aide to the student.

During the course of the investigation, the complainant raised that DCPS has not made available IEP services during the [REDACTED] school year. On [REDACTED], the IEP Team revised the student's IEP to place the student in a more restrictive environment. The student's [REDACTED] IEP prescribes the student to be placed in a self-contained classroom for 20 hours per week. Based on the level of restrictiveness of the student's educational placement and student need, the student required a new service location for the [REDACTED] school year as [REDACTED].

EC does not have the ability to implement the new IEP. Although the [REDACTED] IEP meeting notes indicate the student would receive a new school assignment, the [REDACTED] EC IEP Team did not refer the student to the DCPS Central Office LOS process until [REDACTED]. The DCPS [REDACTED], who oversees the LOS process, reported that after receiving the referral, there was a delay in assigning the student a service location as the [REDACTED] EC IEP Team had recommended a type of self-contained classroom that the student was ineligible for. Ultimately, the student was assigned to the BES self-contained classroom at [REDACTED] ES on [REDACTED].

Of note, the student's enrollment reflected [REDACTED] ES beginning on or around [REDACTED] in District systems despite the student not yet being referred through the LOS process. OSSE determined the enrollment originated outside of the My School DC lottery and application process and likely stemmed from an internal DCPS action. Ultimately, OSSE finds the student's enrollment should not have reflected [REDACTED] ES until the completion of the LOS process by [REDACTED] EC and DCPS Central Office on [REDACTED]. Additionally, the parent reported that [REDACTED] ES expressed to the parent at the beginning of the [REDACTED] school year that the student should remain at [REDACTED] EC until the completion of the LOS process. [REDACTED] ES did not respond to OSSE's inquiry regarding this. Ultimately, due to the LOS process not being initiated timely, the student was not able to access the services prescribed by their IEP from [REDACTED], the first day of the [REDACTED] school year, through [REDACTED], the day in which the parent was notified of the new service location assignment.

Therefore, DCPS has not complied with 34 CFR §300.323(c)(2).

ISSUE TWO: PRIOR WRITTEN NOTICE

DCPS has not complied with 34 CFR §300.503 and 5-A DCMR §3032.1, because it did not timely provide prior written notice to the parent regarding the child's change in service location.

Pursuant to 34 CFR §300.503 and 5-A DCMR §3032.1, prior written notice must be given to the parents of a child with a disability a reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, educational placement, service location, or the provision of free appropriate public education (FAPE) to the child. The complainant alleges that DCPS failed to provide prior written notice regarding a change in service location as well as on DCPS's refusal to change the student's eligibility determination.

Discussion

In response to the State complaint, DCPS asserts it timely provided prior written notice to the parent on [REDACTED]. However, OSSE finds this was untimely. On [REDACTED], DCPS provided prior written notice pertaining to a change in child's educational placement but did not include notice of a change in service location. As mentioned under Issue One, the [REDACTED]

██████ IEP meeting notes indicate the student would require a new school of attendance to implement the child's IEP. Therefore, DCPS should have included in the ██████████ written notice that DCPS was proposing a change in service location in addition to the change in educational placement.

As previously mentioned, DCPS referred the child through the LOS process on ██████████. At that time, the parent had still not received prior written notice from DCPS that the child would be receiving a new service location. Ultimately, DCPS provided written notice of a service location change on ██████████ but did not identify a service location until ██████████. At that time, the student's enrollment had already reflected ██████████ ES. OSSE finds that a delay of more than 45 days to provide prior written notice of the change in service location was unreasonable. Therefore, DCPS did not appropriately and timely provide prior written notice to the complainant.

The complainant also raised allegations pertaining to prior written notice documenting a refusal to provide dedicated aide services and the consideration of another disability classification. The ██████████ IEP meeting notes indicate the student was considered for a dedicated aide under the 504 plan, which the student had prior to the IEP. 504 plans are outside the scope of IDEA and the State complaint process. OSSE found no evidence that the parent requested consideration of a dedicated aide during the IEP process. Additionally, OSSE found no evidence that the complainant requested DCPS consider a different disability classification. Therefore, DCPS was not required to provide prior written notice pertaining to dedicated aide services and the student's disability classification.

Therefore, DCPS has not complied with 34 CFR §300.503 and 5-A DCMR §3032.1.

COMPLAINT FINDINGS

1. DCPS has not complied with 34 CFR §300.323(c)(2), because it did not provide the child with ESY services during ██████████ as well as specialized instruction and related services from ██████████ through ██████████.
2. DCPS has not complied with 34 CFR §300.503 and 5-A DCMR §3032.1, because it did not timely provide prior written notice to the parent regarding the child's change in service location.

CORRECTIVE ACTION

IDEA requires that State complaint procedures include those for effective implementation of decisions made as a result of a State complaint investigation, including corrective actions to

achieve compliance.¹ Accordingly, the SCO has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner. The SCO will follow up with the public agency to ensure that it completes the required actions and provides the documentation of the completion of the corrective actions listed below.

Corrective Action	Documentation Required to Demonstrate Compliance	Action Shall Be Completed No Later Than:
In order to correct the noncompliance with 34 CFR §300.323(c)(2), DCPS must do the following:		
<p>1a. Develop a make-up plan, in collaboration with the parent, to provide:</p> <ul style="list-style-type: none"> ▫ 61 hours of specialized instruction ▫ 2 hours of occupational therapy ▫ 4 hours of behavioral support services 	<p>DCPS shall provide a copy of the make-up plan and documentation (e.g. emails, meeting notes) indicating the parent was given the opportunity to provide input on the plan.</p> <p>Following the development of the make-up plan, DCPS shall provide:</p> <ul style="list-style-type: none"> • A monthly service log documenting progress towards completion of hours; and, • Upon completion of services, a service log documenting its completion. <p>All service logs provided shall include the date, the duration, and a brief description of the service.</p>	<p>The make-up plan shall be provided to OSSE within 30 days of this letter of decision.</p> <p>Following the development of the make-up plan, DCPS shall provide a monthly log to the OSSE State Complaint Investigator on the first of each month until the completion of services.</p> <p>DCPS shall provide a copy of the completed service log within 10 days of the completion of all services.</p>
In order to correct the noncompliance with 34 CFR §300.503 and 5-A DCMR §3032.1, DCPS must do the following:		
2a. Train relevant school staff members on the procedural requirements regarding the	DCPS shall submit training materials (i.e. slideshow)	Training materials shall be submitted to OSSE for

¹ 34 CFR §300.152(b)(2)

<p>timely issuance of prior written notice and referrals to the DCPS Central Office LOS Team.</p>	<p><u>prior</u> to conducting the training for approval.</p> <p>Following approval and completion of training, DCPS shall provide:</p> <ul style="list-style-type: none"> ▪ A sign-in sheet, list, or email documenting required staff completed the training. 	<p>approval within 20 days of this letter of decision.</p> <p>Documentation of the completion of the training shall be provided to OSSE within 15 business days of approval of training materials.</p>
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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. Failure by the LEA to meet any of the timelines set forth above may adversely affect the agency’s annual determination under the IDEA and subject the LEA to enforcement action by OSSE.

CONCLUSION

This Letter of Decision is final and is not subject to further agency administrative review. Pursuant to 5-A DCMR §3048.6, if an issue is still in dispute, the parent or LEA may, to the extent permitted under IDEA, request mediation or file a due process complaint on the issue with which the party disagrees. This Decision shall become final as dated by the signature of the undersigned. 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