



October 27, 2025

VIA Electronic Mail

[REDACTED] PCS

RE: State Complaint No. 025-005 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] (complainant) against [REDACTED] Public Charter School (PCS) alleging violations in the special education program of the student, [REDACTED] (Student ID # [REDACTED] hereinafter “student” or “child.”

The complainant alleged that [REDACTED] PCS 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 ensure parent participation and issue prior written notice with regard to the student’s individualized education program (IEP) amendment as well as provide the child’s parent with a copy of the procedural safeguards notice.

The SCO for OSSE has completed its investigation of the State complaint. During the course of the investigation OSSE determined that [REDACTED] PCS has not complied with ensuring parent participation when amending the student’s IEP, with issuing prior written notice, and with providing a copy of the procedural safeguards. 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. **Parent participation requirements at 34 CFR §§300.501(b) and 300.503**

- a. Failure to ensure parental participation and provide written notice to the parents, specifically with regard to the [REDACTED] IEP amendment.
- 2. Procedural safeguards at 34 CFR §300.504**
- a. Failure to provide notice of procedural safeguards.

INVESTIGATIVE PROCEDURE

The investigation included interviews with the following individuals:

1. Complainant
2. [REDACTED] PCS Executive [REDACTED]
3. [REDACTED] PCS [REDACTED]

The investigation also included review of the following documents which were either submitted by the complainant, submitted by [REDACTED] PCS, or accessible via the Special Programs data system:



FINDINGS OF FACT

1. The student is [REDACTED] years old and qualifies for special education and related services under the primary classification of Autism as defined by 34 CFR §300.8.
2. The student's local education agency during the [REDACTED] school year was [REDACTED] PCS. The student is enrolled in a different LEA for the [REDACTED] school year.
3. The student's IEP Team convened on [REDACTED] for the child's annual review meeting. The [REDACTED] IEP was finalized on [REDACTED]. The student's parent and [REDACTED] PCS engaged in multiple conversations during the [REDACTED] school year regarding proposed changes to the [REDACTED] IEP; however, no amendments were executed until [REDACTED].
4. On [REDACTED], the student's [REDACTED] IEP was amended to include the student's eligibility for extended school year (ESY) services. The amendment was made without convening an IEP Team meeting nor obtaining written agreement from the child's parent. Prior written notice was also never issued regarding the IEP amendment.

5. On [REDACTED], an IEP Team meeting was held. ESY services were not discussed at this meeting; however, the student's parent did raise concern that the most recent progress report, dated [REDACTED], contained inaccurate IEP goals for the student. The progress report contains goals from the [REDACTED] IEP as well as goals from the student's prior [REDACTED] IEP.
6. On [REDACTED], the child's parent received notification that the child was to receive ESY services. On that same date, the complainant notified [REDACTED] PCS that the child should not be provided with ESY services as it was not prescribed by the student's [REDACTED] IEP.
7. On [REDACTED], the student's parent became aware of the [REDACTED] IEP amendment which included the student's eligibility for ESY services. On the following date, the child's parent received an ESY progress report.
8. On [REDACTED], [REDACTED] PCS provided the student's special education records to the child's parent following parent request.
9. On [REDACTED], the complainant raised concern to [REDACTED] PCS regarding the newly discovered amended IEP. [REDACTED] PCS responded on [REDACTED] to acknowledge the [REDACTED] IEP amendment was finalized in error and offered to delete the amendment and corresponding progress report from the student's record. However, [REDACTED] PCS had already transferred the record to the student's new LEA for the [REDACTED] school year.
10. On [REDACTED], [REDACTED] PCS deleted the amended IEP and progress report. However, as the documents already transferred to the student's new LEA, the IEP amendment and progress report are still part of the student's special education record in Special Programs. Importantly, while these documents are included in the student's record, the documents are not active.
11. There is no documentation in Special Programs that indicates [REDACTED] [REDACTED] PCS provided a copy of the procedural safeguards notice to the child's parent during the [REDACTED] school year.

ISSUE ONE: PARENTAL PARTICIPATION

[REDACTED] PCS has not complied with 34 CFR §§300.501(b) and 300.503, because it amended the student's IEP on [REDACTED] without the parent's knowledge and did not issue prior written notice.

Pursuant to 34 CFR §300.501(b), the parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the child as well as on the provision of free appropriate public education (FAPE). Moreover, pursuant to 34 CFR §300.503, 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, or the provision of FAPE to the child. A child's IEP may be amended by convening an IEP Team meeting

or by written agreement between the LEA and child's parent to amend the IEP without convening an IEP Team meeting. The complainant alleges that [REDACTED] PCS amended the child's IEP on [REDACTED] without convening an IEP Team meeting nor obtaining written consent from the parent to amend the IEP without a meeting. Additionally, the complainant alleges that [REDACTED] PCS did not provide prior written notice regarding the IEP amendment.

Discussion

[REDACTED] PCS amended the child's IEP on [REDACTED] to include eligibility for ESY services. The IEP amendment states that it was made through written agreement from the child's parent to amend the IEP without convening an IEP Team meeting. However, the parent was not aware that the IEP amendment existed until [REDACTED]. In response to the State complaint, [REDACTED] PCS acknowledges that the [REDACTED] IEP amendment was finalized inadvertently. Further, it asserts that it was also unaware that the amendment had been finalized until the complainant raised the issue on [REDACTED]. In their interview, the [REDACTED] PCS [REDACTED] stated that they had drafted an amendment for ESY services but were unaware of how the amendment became finalized.

While [REDACTED] PCS did take steps to try to rectify the issue in [REDACTED], there was the opportunity to address this issue earlier when the parent raised concern in [REDACTED] regarding why their child was enrolled in ESY services during the summer if the student's [REDACTED] IEP had not prescribed such services. Upon receipt of the parent's concerns, [REDACTED] PCS should have reviewed the student's active IEP in Special Programs and realized the amendment had been finalized. Ultimately, [REDACTED] PCS did amend the child's IEP inappropriately by not involving the child's parent in the process as well as by not issuing prior written notice.

Therefore, [REDACTED] PCS has not complied with 34 CFR §§300.501(b) and 300.503.

ISSUE TWO: PROCEDURAL SAFEGUARDS

[REDACTED] PCS has not complied with 34 CFR §300.504, because it did not provide a copy of the procedural safeguards notice to the student's parent during the [REDACTED] school year.

Pursuant to 34 CFR §300.504, copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents upon initial referral or parent request for evaluation, upon receipt by the LEA of the first State complaint or due process complaint in the school year, in accordance with the discipline procedures, and upon request by a parent. The complainant alleges that [REDACTED] PCS did not provide a copy of the procedural

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safeguards to the student’s parent during the [REDACTED] school year.

Discussion

[REDACTED] PCS did not provide a response to this allegation raised in the State complaint. OSSE reviewed the student’s special education file in Special Programs and found no evidence that [REDACTED] PCS provided the child’s parent a copy of the procedural safeguards notice during the [REDACTED] school year.

Therefore, [REDACTED] PCS has not complied with 34 CFR §300.504.

COMPLAINEE FINDINGS

1. [REDACTED] PCS has not complied with 34 CFR §§300.501(b) and 300.503 and OSSE’s IEP Amendment Policy, because it amended the student’s IEP on [REDACTED] without the parent’s knowledge and did not issue prior written notice.
2. [REDACTED] PCS has not complied with 34 CFR §300.504, because it did not provide a copy of the procedural safeguards notice to the student’s parent during the [REDACTED] school year.

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.

In order to correct the noncompliance with 34 CFR §§300.501(b), 300.503, 300.504 and OSSE’s IEP Amendment Policy, [REDACTED] PCS must do the following:

Corrective Action	Documentation Required to Demonstrate Compliance	Action Shall Be Completed No Later Than:
1a. Develop a corrective action plan (CAP) that effectively addresses the noncompliance identified in this letter of decision.	[REDACTED] PCS shall submit the CAP to OSSE for approval.	The CAP shall be submitted to OSSE for approval within 30 days of this letter of decision.
The CAP shall include specific actions [REDACTED]	Following approval, [REDACTED] [REDACTED] PCS shall	Documentation of the implementation of the CAP

¹ 34 CFR §300.152(b)(2)

<p>██████████ PCS will take to ensure appropriate procedures are followed by all relevant staff members pertaining to IEP amendments, parent participation in IEP meetings, the issuance of prior written notice, and the provision of the procedural safeguards notice.</p>	<p>implement the CAP and provide documentation illustrating the completion of each action item.</p>	<p>shall be provided to OSSE within 90 days of the approval of the CAP.</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: ██████████, Complainant