



November 10, 2025

*VIA Electronic Mail*

[REDACTED]  
District of Columbia Public Schools  
[REDACTED]

RE: State Complaint No. 025-006 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 the District of Columbia Public Schools (DCPS) alleging violations in the special education program of the student, [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 special education and related services in accordance with the student’s individualized education program (IEP), to timely provide documentation prior to the student’s IEP meetings, to timely provide a copy of the student’s amended IEP to the parent, and to provide prior written notice (PWN) regarding the [REDACTED] IEP Team decisions.

The SCO for OSSE has completed its investigation of the State complaint. During the course of the investigation OSSE determined that DCPS has not consistently provided the student’s weekly check-in accommodation during the [REDACTED] school year, timely provided a copy of the student’s amended IEP to the parent, and provided prior written notice regarding the [REDACTED] IEP Team decisions, but has complied with timely providing documentation to the parent prior to the student’s IEP Team meetings. 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. Requirement to provide IEP services at 34 CFR §300.323(c)(2)**
  - a. Failure to provide special education and related services, specifically reading intervention services.
- 2. Parental participation requirements at 5-A DCMR §3009.4**
  - a. Failure to timely provide the parent with documentation prior to the [REDACTED] and [REDACTED] IEP meetings.
- 3. IEP amendment requirements at 5-A DCMR §3009.8**
  - a. Failure to timely provide the parent with a copy of the child’s amended IEP following the [REDACTED] IEP meeting.
- 4. Prior written notice at 34 CFR §300.503**
  - a. Failure to provide the parent prior written notice regarding the [REDACTED] IEP Team decisions.

**INVESTIGATIVE PROCEDURE**

The investigation included interviews with the following individuals:

1. Complainant
2. Student’s Parent
3. DCPS [REDACTED]
4. 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:

[REDACTED]

## **FINDINGS OF FACT**

1. The student is [REDACTED] years old and qualifies for special education and related services under the primary classification of Multiple Disabilities as defined by 34 CFR §300.8.
2. The student's local education agency is DCPS.
3. Read 180 is a reading intervention that can be provided to students with low reading scores. Presently, at DCPS, eligibility to participate in Read 180 is dependent on a student's Measures of Academic Progress (MAP) scores. Participation in the Read 180 intervention is not dependent on a student having an IEP.
4. In the [REDACTED] school year, the student's [REDACTED] IEP prescribed the student to receive 90 minutes weekly of reading specialized instruction outside the general education environment and three hours of reading specialized instruction inside the general education environment. The student received the Read 180 intervention during the reading specialized instruction hours outside the general education environment.
5. On [REDACTED], the student's IEP Team reviewed and revised the student's IEP. The IEP prescribed six hours of reading specialized instruction inside the general education environment. The student's IEP did not specifically prescribe the student to receive the Read 180 intervention.
6. The student's [REDACTED] IEP prescribed the accommodation of weekly communication in the form of emails from the student's teachers to the parent.
7. On [REDACTED], the student's AP Psychology teacher provided a two-week update to the parent due to not providing an update the week prior.
8. During the [REDACTED] school year, the student's IEP Team convened on [REDACTED] at 9:00am for the student's annual review. The annual meeting date and time were confirmed on [REDACTED], which is four business days prior. DCPS provided a copy of the draft IEP to the parent on [REDACTED] at 6:49am via email.
9. The student's [REDACTED] IEP prescribes the student to receive three hours weekly of academic reading specialized instruction. The IEP also specifically states under accommodations that the student will receive Read 180 as a reading intervention.
10. The parent met with DCPS on [REDACTED] to review the student's end of year benchmark assessments. In attendance was the parent, the complainant, the DCPS [REDACTED], and a special education teacher serving as the LEA representative. The DCPS [REDACTED] attended only the second half of the meeting. A staff member of the Department of Disability Services (DDS) also attended half of the meeting. Not all of the required IEP Team members were in attendance and, therefore, this was not an IEP Team meeting.
11. The student's IEP Team convened on [REDACTED] for an IEP meeting. At this meeting, the IEP Team discussed amending the student's IEP to fix the student's present level of performance section which referenced another student's name. Following IEP Team

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- agreement, the DCPS ██████████ finalized the IEP amendment on ██████████.
12. The DCPS ██████████ sent the IEP amendment for signature through the Special Programs digital signature feature on ██████████. The document was routed, however, to be sent to school staff before non-school staff. As not all school staff members have signed the amendment, it has not been sent to the parent as of the date of the letter of decision.
  13. In addition to discussing the IEP amendment at the ██████████ meeting, the IEP Team discussed the parent's request for compensatory education as well as if the child should be evaluated in the area of social-emotional-behavioral development. The IEP Team determined the student would be evaluated.
  14. No PWN was issued to the parent regarding the ██████████ IEP amendment and other ██████████ IEP meeting decisions.
  15. The student's AED meeting was held on ██████████. The IEP Team determined to proceed with the evaluation. The PWN regarding the decision to evaluate the student is dated for ██████████; however, it was first sent to the parent on ██████████.
  16. The ██████████ IEP prescribes the student to receive guided notes as well as a scribe or text to speech on ELA and non-ELA assessments. The IEP does not specifically prescribe the student to receive access to a notetaking app.
  17. The ██████████ IEP does not prescribe the accommodation of weekly communication between the student's teachers and parent.
  18. The student's ██████████ MAP scores indicate the student's Lexile level as 1265L to 1415L.

### **ISSUE ONE: IEP SERVICES**

**DCPS has not complied with 34 CFR §300.323(c)(2), because it did not consistently provide the student's weekly communication accommodation during the ██████████ school year.**

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 failed to provide the student with the reading intervention prescribed by the student's IEP during the ██████████ school year.

### **Discussion**

#### **Reading Intervention**

Read 180 is a reading intervention designed to support students who are reading more than one grade level behind. Read 180 is designed to support both students with and without disabilities. At DCPS, eligibility for Read 180 is dependent on a student's MAP reading scores.

In this State complaint, the complainant and parent allege the student did not receive the Read 180 intervention in accordance with the student's IEP during the [REDACTED] school year. During the course of the investigation, the complainant and parent provided conflicting accounts regarding why they believe the student was entitled to receive the reading intervention service. The complainant reported that the reading intervention was inappropriately removed from the student's [REDACTED] IEP without parent consent whereas the parent reported in their [REDACTED] Reply to the DCPS Response that the "IEP was never modified to reflect that [the student] should be removed [from the reading intervention]." With regard to the complainant's assertion, the [REDACTED] IEP Team decisions occurred more than one year prior to the State complaint filing. Therefore, the SCO only looked at whether Read 180 was prescribed by the [REDACTED] IEP and thus should have been provided during the [REDACTED] school year, which falls within the investigation period.

The student received the Read 180 intervention during the [REDACTED] school year. All parties are in agreement that Read 180 was reflected on the student's [REDACTED] IEP in the form of 90 minutes of reading specialized instruction outside the general education environment. During the [REDACTED] school year, the [REDACTED] IEP was in effect. The [REDACTED] IEP did not prescribe any reading specialized instruction outside the general education environment. While the IEP did prescribe six hours of reading specialized instruction in the general education environment, the IEP does not specifically prescribe Read 180. Therefore, DCPS had flexibility in how the reading specialized instruction would be provided to the student such as through a standard co-taught English class. Therefore, DCPS was not required to provide Read 180 to the student during the [REDACTED] school year.

Notably, the student's most recent annual review meeting took place on [REDACTED]. Read 180 is specifically listed as an accommodation on the [REDACTED] IEP. OSSE confirmed with DCPS that the student was placed in the Read 180 intervention class at the beginning of the [REDACTED] school year. Importantly, the student took the MAP reading test on [REDACTED], and the results show the student had made tremendous progress in reading. While the parent has raised concern regarding the validity of the MAP results, DCPS reports that it has no concerns regarding the data. DCPS did acknowledge the student was tested individually instead of in a small group setting per the student's [REDACTED] IEP but this was done due to the student's IEP also prescribing a read aloud accommodation. Furthermore, DCPS reports that the [REDACTED] MAP test is an accurate reflection of the student's reading ability compared to previous MAP tests as the student reportedly would fall asleep during past testing. Ultimately, due to the

student's most recent MAP results indicating the student is reading on grade level, the student no longer qualifies for Read 180. The DCPS [REDACTED] reported to OSSE that the student has since been removed from the Read 180 intervention, but the IEP has not been amended to reflect such. While OSSE accepts DCPS's stance that the student is no longer eligible for Read 180, DCPS should have followed proper IEP revision and amendment procedures to remove this accommodation that is no longer representative of the student's needs.<sup>1</sup>

### Notetaking Accommodation

During the course of the investigation, the parent raised the allegation that the student has not been provided with the notetaking accommodation prescribed by the student's [REDACTED] IEP. More specifically, the parent asserts the student's IEP requires the student be provided with the notetaking app, [REDACTED], on the child's school devices.

The student's [REDACTED] IEP and [REDACTED] IEP amendment do not prescribe a notetaking app. The student's IEP prescribes the student to receive guided notes as well as a human scribe or speech to text on ELA and non-ELA assessments. There is no mention of [REDACTED] or a notetaking app on the student's IEP. Ultimately, since the accommodation is not on the student's finalized IEP, DCPS is not required under IDEA to provide it.

Of note, the student's AED meeting notes written by DCPS reference that [REDACTED] is on the student's IEP as an accommodation. Additionally, OSSE received conflicting reports during the DCPS interviews on whether a notetaking app was prescribed by the [REDACTED] IEP. As such, there is a clear lack of understanding on what is included on the student's IEP amongst all parties.

### Weekly Communication Accommodation

The parent raised an additional issue with regard to not receiving weekly communications from the student's teachers during the [REDACTED] and [REDACTED] school year. Specifically, the parent reports the student's IEP requires the student's teachers to send weekly emails to the parent with updates. The student's [REDACTED] prescribes the accommodation, "Consistent communication between home and school-weekly email from teachers to [the parent]." When asked about the implementation of this accommodation during the [REDACTED] school year, the DCPS [REDACTED] stated that the student did not have an accommodation requiring weekly

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<sup>1</sup> OSSE IEP Amendment Policy (2014)

communication with the parent. However, the DCPS [REDACTED] further reported that teachers still did communicate with the parent weekly, though it was not tracked. In a [REDACTED] email exchange, the parent communicated to the student's AP Psychology teacher that the weekly updates had not been provided in a few weeks. On that same date, the teacher provided an update that covered the previous two weeks. Following this, the parent asked the teacher, DCPS [REDACTED], and DCPS [REDACTED] how to ensure these updates are provided weekly per the IEP. The parent did not receive a response. Therefore, based on the [REDACTED] email, OSSE finds DCPS was inconsistent in providing this accommodation. With regard to weekly updates during the [REDACTED] school year, the student's [REDACTED] IEP does not prescribe this accommodation and, as such, DCPS is not required to provide it.

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

#### **ISSUE TWO: PARENTAL PARTICIPATION**

**DCPS has complied with 5-A DCMR §3009.4, because it provided the parent with a draft copy of the student's IEP more than 24 hours prior to the [REDACTED] IEP Team meeting.**

Pursuant to 5-A DCMR §3009.4, the LEA shall provide the parent an accessible copy of any evaluation, assessment, report, data chart, or other document that will be discussed at the meeting. Such copies shall be provided no fewer than five business days before a scheduled IEP Team meeting, if the purpose of which is to discuss the child's IEP or eligibility for special education services. However, if a meeting is scheduled fewer than five business days before it is to occur, such copies shall be provided no fewer than 24 hours before the meeting. The complainant alleges that DCPS did not timely provide the parent with documentation to be reviewed at the [REDACTED] and [REDACTED] IEP meetings.

#### **Discussion**

The student's IEP Team convened on [REDACTED] for the student's annual IEP review. The annual review meeting was scheduled on [REDACTED], 4 business days prior to the meeting date. Therefore, DCPS was required to provide applicable documentation to the parent at least 24 hours prior to the meeting. Although DCPS asserts in its [REDACTED] Response to the State Complaint that it had not provided a copy of the draft IEP, the SCO found that the DCPS Case Manager had emailed a draft IEP to the parent on [REDACTED] at 6:49am. Therefore, OSSE finds DCPS timely provided the draft IEP to the parent.

The parent asserts that DCPS did not timely provide the student's MAP scores ahead of the [REDACTED] meeting as it was provided 30 minutes prior. In DCPS's [REDACTED] Response to the State Complaint, DCPS asserts the [REDACTED] meeting was not an IEP Team meeting. In

reviewing the meeting participants log, OSSE is in agreement with DCPS that the [REDACTED] meeting was not an IEP meeting as not all required IEP Team members were in attendance. The meeting attendance log shows the parent, complainant, and the DCPS [REDACTED] in attendance for the full duration of the meeting. The DCPS [REDACTED] as well as a member of the Department of Disability Services (DDS) attended only half of the meeting. The attendance log indicates no other IEP Team members were in attendance for the full IEP meeting. Therefore, IDEA timelines regarding documentation prior to IEP Team meetings do not apply.

Therefore, DCPS has complied with 5-A DCMR §3009.4.

### **ISSUE THREE: IEP AMENDMENT**

**DCPS has not complied with 5-A DCMR §3009.8, because it did not timely provide a copy of the IEP amendment to the parent via the Special Programs data system.**

Pursuant to 5-A DCMR §3009.8, the LEA shall provide the parent with a copy of the child's new or amended IEP at no cost no later than five business days after the IEP Team meeting. The complainant alleges that DCPS has not provided the parent with a copy of the student's [REDACTED] amended IEP.

#### **Discussion**

On [REDACTED], the student's IEP Team convened to amend the student's IEP in an effort to fix an error on the student's present levels of performance section. This section contained accurate data but made reference to the wrong student's name.

In DCPS's [REDACTED] Response to the State Complaint, it asserts that the IEP amendment was sent to the parent on [REDACTED] through the Special Programs digital signature feature. While it is accurate that DCPS did in fact initiate the digital signature feature on that date, the IEP amendment was routed to be sent to school staff for signature prior to sending to the parent for signature. As of the date of this letter of decision, not all of the required school staff have signed the IEP amendment which has prevented it being sent to the parent for review and signature.

In an interview with the DCPS [REDACTED], it was reported that staff members are aware of this issue and have been told not to utilize the Special Programs digital signature feature for this very reason. Instead, student case managers have been instructed to send IEPs for signature through Adobe as all IEP Team would be able to provide signature at the same time. Despite this, the student's case manager did not follow this directive. As such, OSSE finds the parent has not been provided with an accessible copy of the student's IEP amendment.

Therefore, DCPS has not complied with 5-A DCMR §3009.8.

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#### **ISSUE FOUR: PRIOR WRITTEN NOTICE**

**DCPS has not complied with 34 CFR §300.503, because it did not appropriately provide prior written notice to the parent regarding the [REDACTED] IEP Team decisions.**

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 free appropriate public education (FAPE) to the child. The complainant alleges that the parent did not receive prior written notice regarding the IEP Team decisions from the [REDACTED] meeting.

#### **Discussion**

In addition to amending the student's IEP at the [REDACTED] IEP Team meeting, the IEP Team discussed the parent's request for compensatory education and if the student should be evaluated to determine if emotional and behavior supports are needed. In DCPS's [REDACTED] Response to the State Complaint, DCPS states it did not provide prior written notice to the parent regarding the [REDACTED] IEP Team meeting.

OSSE finds that DCPS did not provide prior written notice to the parent regarding the [REDACTED] IEP amendment. With regard to the [REDACTED] decision to initiate a reevaluation, DCPS did not issue this until [REDACTED], which is untimely. Additionally, this PWN was provided more than two weeks after the [REDACTED] AED meeting.

Therefore, DCPS has not complied with 34 CFR §300.503.

#### **COMPLAINT FINDINGS**

1. DCPS has not complied with 34 CFR §300.323(c)(2), because it did not consistently provide the student's weekly communication accommodation during the [REDACTED] school year.
2. DCPS has complied with 5-A DCMR §3009.4, because it provided the parent with a draft copy of the student's IEP more than 24 hours prior to the [REDACTED] IEP Team meeting.
3. DCPS has not complied with 5-A DCMR §3009.8, because it did not timely provide a copy of the IEP amendment to the parent via the Special Programs data system.
4. DCPS has not complied with 34 CFR §300.503, because it did not appropriately provide prior written notice to the parent regarding the [REDACTED] IEP Team decisions.

**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.<sup>2</sup> 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:		
1a. Convene an IEP Team meeting to review the student’s current IEP services and accommodations. If appropriate, the IEP Team should amend the student’s IEP to ensure it is reflective of the student’s needs.	DCPS shall provide the following to OSSE: <ul style="list-style-type: none"> <li>▪ Meeting notes reflecting discussion of all required topics and showing attendance of all required IEP Team members, or</li> <li>▪ PWN reflecting discussion of all required discussion topics and meeting roster showing attendance of all required IEP Team members, and</li> <li>▪ If applicable, a copy of the student’s revised IEP</li> </ul>	Documentation of the completion of this action shall be provided to OSSE within 45 days of this letter of decision.
In order to correct the noncompliance with 5-A DCMR §3009.8 and 34 CFR §300.503, DCPS must do the following:		
2a. Train relevant school staff members on the procedural requirements regarding IEP amendments and prior written notice.	DCPS shall submit training materials (i.e. slideshow) <u>prior</u> to conducting the training for approval.	Training materials shall be submitted to OSSE for approval within 20 days of this letter of decision.

<sup>2</sup> 34 CFR §300.152

	<p>Following approval and completion of training, DCPS shall provide:</p> <ul style="list-style-type: none"> <li>▪ A sign-in sheet, list, or email documenting required staff completed the training.</li> </ul>	Documentation of the completion of the training shall be provided to OSSE within 15 business days of approval of training materials.
2b. Provide a copy of the student's [REDACTED] IEP amendment to the parent.	DCPS shall submit a copy of the email correspondence demonstrating that the [REDACTED] IEP amendment was provided to the parent.	Documentation of the completion of this action shall be provided to OSSE within 5 business days of this letter of decision.
2c. Provide written notice to the parent regarding the [REDACTED] IEP amendment.	DCPS shall provide a copy of the prior written notice and the email correspondence demonstrating that the written notice was provided to the parent.	Documentation of the completion of this action shall be provided to OSSE within 5 business days of this letter of decision.

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**

The Decision of the SCO 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](mailto:Kirstin.Hansen@dc.gov) or 202-741-0274.

Sincerely,

*Kirstin Hansen*

Kirstin Hansen  
 State Complaints Manager  
 Office of Special Education

cc: [REDACTED], Complainant

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