



November 21, 2025

*VIA Electronic Mail*

[REDACTED]

District of Columbia Public Schools

[REDACTED]

RE: State Complaint No. 025-008 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 their child, [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 transportation services.

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 appropriately determining the student’s special education needs, amending the student’s individualized education program (IEP) and issuing prior written notice (PWN). 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 implementation requirements at 34 CFR §§300.323(c)(2) and 300.503 and OSSE’s IEP Amendment Policy**
  - a. Failure to appropriately consider the student’s eligibility for transportation

services, issue prior written notice, and follow IEP amendment procedures.

**INVESTIGATIVE PROCEDURE**

The investigation included interviews with the following individuals:

- 1. Complainant
- 2. DCPS [REDACTED]
- 3. DCPS [REDACTED]
- 4. [REDACTED] Public Charter School (PCS) [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 Specific Learning Disability as defined by 34 CFR §300.8.
- 2. The student’s local education agency during the [REDACTED] school year is DCPS. The student attended a [REDACTED] PCS during the [REDACTED] school year.
- 3. The student’s [REDACTED] PCS IEP Team held the student’s annual IEP review meeting on [REDACTED]. The student’s [REDACTED] IEP prescribes the student to receive the following services:

Type of IEP Service	Amount	Setting
Specialized Instruction	Five hours weekly	Inside the General Education Environment
Specialized Instruction	20 hours weekly	Outside the General Education Environment
Speech-Language Pathology	Two hours monthly	Outside the General Education Environment
Extended School Year (ESY) Services	Three hours daily from [REDACTED] to [REDACTED]	Outside the General Education Environment

ESY-Related  
Transportation Services [REDACTED]

4. The student's [REDACTED] PCS IEP Team convened again on [REDACTED] to review and revise the student's IEP in response to new information from the student's triennial evaluation. The student was found eligible for special education services under a new disability classification.
5. The [REDACTED] IEP was not finalized in Special Programs due to a system error. Although it was not finalized, the [REDACTED] PCS implemented this IEP. The [REDACTED] IEP prescribes the following services:

Type of IEP Service	Amount	Setting
Specialized Instruction	24 hours weekly	Inside the General Education Environment
Speech-Language Pathology	Two hours monthly	Outside the General Education Environment
Extended School Year (ESY) Services	Three hours daily from [REDACTED] to [REDACTED]	Outside the General Education Environment
ESY-Related Transportation Services	[REDACTED]	

6. The student received transportation services during the entire [REDACTED] school year.
7. The student attended DCPS beginning on [REDACTED], which is the same date that DCPS received the student's special education documents through Special Programs. Both the [REDACTED] and [REDACTED] IEPs were sent to DCPS; however, the [REDACTED], [REDACTED] was reflected as the active IEP in the Special Programs database due to the [REDACTED] IEP status not reflecting as final.
8. In [REDACTED], the student did not show as transportation eligible in OSSE DOT's Parent Portal.
9. DCPS adopted the student's [REDACTED] IEP on [REDACTED] in order to add an amendment to prescribe regular school year transportation services in response to the parent's request. The amendment was made through written agreement over email. The IEP amendment was finalized on [REDACTED].
10. DCPS did not provide the parent with a written explanation, which contained current data, to support the proposed change.
11. DCPS did not provide prior written notice to the parent regarding the [REDACTED] IEP amendment.
12. DCPS did not contact the student's prior LEA to discuss the student's file nor inquire about the two different IEPs.

## **ISSUE ONE: IEP IMPLEMENTATION**

**DCPS has not complied with 34 CFR §§300.323(c)(2) and 300.503 as well as the OSSE IEP Amendment Policy, because it did not follow proper procedures in its decision to find the student eligible for regular school year transportation services.**

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 the child in accordance with the child's IEP. 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. If it becomes necessary to make changes to a student's IEP after the annual review occurs during the school year, changes to an IEP may be made by amending the relevant section of the IEP rather than by redrafting the entire IEP.<sup>1</sup> A parent and LEA may agree to amend an IEP through documented written agreement rather than convening an IEP Team meeting. When proposing to revise a student's specialized instruction or related services through documented written agreement, the LEA must provide written input from the appropriate related service provider or specialized instructor.<sup>2</sup>

In the District of Columbia, OSSE, as the state education agency (SEA), and a student's LEA share responsibilities related to the transportation of students with disabilities. A student's LEA determines a student's eligibility for transportation services as well as accommodations to ensure a student can be transported safely. OSSE DOT provides the transportation services. The complainant alleges that DCPS failed to make available transportation services to the student in [REDACTED].

### **Discussion**

The student transferred to DCPS at the beginning of the [REDACTED] school year. Prior to enrolling at DCPS, the student attended [REDACTED] PCS. On [REDACTED], the student's special education documents were transferred to DCPS via Special Programs. Included in the documents sent to DCPS are the child's finalized [REDACTED] IEP and the student's [REDACTED] IEP, which was not finalized but was implemented by [REDACTED] PCS. The student's [REDACTED] IEP was developed based on the results of the student's triennial reevaluation which found the student qualified for special education services under a new disability classification. The [REDACTED] IEP was signed by all required IEP Team members; however, due to a Special Programs system error, the IEP could not be marked as finalized.<sup>3</sup> Due to this, the

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<sup>1</sup> 34 CFR §300.324(a)(6)

<sup>2</sup> OSSE Individualized Education Program Amendment Policy (Jan. 27, 2014)

<sup>3</sup> The student's [REDACTED] IEP was sent to IEP Team members through the Special Programs digital signature feature. While all of the IEP Team members signed the IEP, Special Programs is not recognizing that. The [REDACTED]

██████████ IEP reflects as the student's active IEP in Special Programs.

When a student transfers between District LEAs, the new LEA should collect and review available data regarding the student to determine the appropriateness of the existing IEP within 30 calendar days.<sup>4</sup> As part of the determination, the child's new LEA shall review documentation provided by the student's parent and from the student's prior LEA. Ultimately, DCPS adopted the student's ██████████ IEP on ██████████. Importantly, it is evident that DCPS did not do its due diligence in determining if the ██████████ was appropriate for the student. The DCPS ██████████, who is the individual that manually adopted the ██████████ IEP and drafted the ██████████ IEP amendment in Special Programs, stated in their interview that they only made these changes on ██████████ because the DCPS ██████████ told them to add transportation services to the student's IEP. The DCPS ██████████ was unable to speak to the student's IEP services and stated that they primarily reviewed the transportation section of the IEP. Further, the DCPS staff member stated that they would never adopt an IEP that prescribed regular school year ESY services yet the student's ██████████ IEP does in fact prescribe such. As such, OSSE finds the ██████████ IEP was not thoroughly reviewed to determine its appropriateness and rather was adopted with the sole purpose of amending the student's IEP, at parent request, to add transportation services. Further, had DCPS conducted a review of the student's special education record, it would have noticed the student's ██████████ IEP was developed when the student was eligible for special education services under a different disability classification and since its development, and that the student had a new evaluation, eligibility determination, and a more recent IEP that was drafted and signed. Importantly, the ██████████ IEP reflects a significant change in the student's least restrictive environment. Additionally, ██████████ PCS reports it never received any inquiries from DCPS regarding the student's IEPs or eligibility determination.

In addition to DCPS not sufficiently reviewing student data to determine the appropriateness of the student's ██████████ IEP, OSSE finds DCPS also did not follow appropriate procedures regarding the ██████████ IEP amendment. The IEP amendment process began with the parent's request for DCPS to add transportation services to the student's IEP. The parent provided a copy of the student's IEP and eligibility report to DCPS. In an interview with the DCPS ██████████, it was asserted multiple times that the ██████████

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██████████ IEP is in "review" status. In Special Programs, all signatures must be registered as received before the document's status can be manually changed from "review" to "final."

<sup>4</sup> 5-A DCMR §3020.9

IEP amendment was the result of an IEP Team meeting in addition to the parent providing written consent via email. OSSE finds that an IEP Team meeting did not take place as not all required IEP Team members were in attendance.<sup>5</sup> Instead, only an informal conversation was had between the parent and the [REDACTED]. As such, the [REDACTED] IEP amendment was the result of written agreement to amend the IEP. In response to the parent's email request for regular school year transportation services, DCPS stated, "At this time, the IEP states that [the student] is not eligible for transportation services. However, we can move forward with amending the IEP to include transportation services if you are in agreement. If you consent to this change, please reply to this email stating that yes, you give permission to add transportation services to [the student's] IEP." Although DCPS did obtain consent from the parent to amend the IEP, it inappropriately did not provide the parent with a written explanation, containing current data, to support the proposed change.<sup>6</sup> Additionally, DCPS did not issue prior written notice regarding the [REDACTED] IEP amendment.

Furthermore, during the course of the investigation, it was evident that DCPS did not appropriately consider and make a determination of the student's eligibility for regular school year transportation services based on student need or by reviewing the eligibility criteria under OSSE's special education transportation policy.<sup>7</sup> Both the DCPS [REDACTED] and the DCPS [REDACTED] were unable to detail student specific information that was considered as part of the determination. For example, the DCPS staff members cited the student was found eligible for transportation services due to the student's [REDACTED] IEP prescribing a dedicated aide and the student transferring from a nonpublic school. However, both of those data points raised by DCPS do not pertain to the student as neither the [REDACTED] nor the [REDACTED] IEPs prescribe dedicated aide services and the student transferred from a PCS, not a nonpublic school. Additionally, DCPS expressed that the student was eligible for transportation services due to the student having a wheelchair; however, the [REDACTED] IEP amendment states that the student does not have a medical device or equipment, including a wheelchair, that needs to be transported. As such, if it is accurate that the student requires a wheelchair, DCPS should have included this on the student's IEP as part of the student's transportation needs. Therefore, OSSE finds DCPS did not follow appropriate procedures in determining if the student was eligible for transportation services.

Therefore, DCPS has not complied with 34 CFR §§300.323(c)(2) and 300.503 as well as OSSE's

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<sup>5</sup> IEP Team at 34 CFR §300.321

<sup>6</sup> OSSE Individualized Education Program Amendment Policy (Jan. 27, 2014)

<sup>7</sup> OSSE Special Education Transportation Policy p. 3.

IEP Amendment Policy.

### **COMPLAINT FINDINGS**

1. DCPS has not complied with 34 CFR §§300.323(c)(2) and 300.503 as well as the OSSE IEP Amendment Policy, because it did not follow proper procedures in its decision to find the student eligible for regular school year transportation services.

### **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>8</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.

In order to correct the noncompliance with 34 CFR §§300.323(c)(2) and 300.503 as well as OSSE's IEP Amendment Policy must do the following:

<b>Corrective Action</b>	<b>Documentation Required to Demonstrate Compliance</b>	<b>Action Shall Be Completed No Later Than:</b>
1a. Train relevant school staff members on the procedural requirements regarding transfer students, IEP amendments, transportation eligibility criteria, and the timely issuance of prior written notice.	DCPS shall submit training materials (i.e. slideshow) <u>prior</u> to conducting the training for approval.  Following approval and completion of training, DCPS shall provide: <ul style="list-style-type: none"><li>▪ A sign-in sheet, list, or email documenting required staff completed the training.</li></ul>	Training materials shall be submitted to OSSE for approval within 20 days of this letter of decision.  Documentation of the completion of the training shall be provided to OSSE within 15 business days of approval of training materials.
1b. Convene an IEP Team meeting to review the student's [REDACTED] IEP, [REDACTED] IEP, and the student's most recent eligibility documents. The IEP	DCPS shall submit the following to OSSE: <ul style="list-style-type: none"><li>▪ Meeting notes reflecting discussion of all required topics and showing</li></ul>	Documentation of the completion of this action shall be provided to OSSE within 45 days of this letter of decision.

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<sup>8</sup> 34 CFR §300.152

<p>Team shall, as appropriate, develop an IEP that appropriately meets the student's needs.</p>	<p>attendance of all required IEP Team members, or</p> <ul style="list-style-type: none"> <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 new or amended IEP</li> </ul>	
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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**

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  
 [REDACTED], DCPS  
 [REDACTED], DCPS