



December 10, 2025

*VIA Electronic Mail*

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

RE: State Complaint No. 025-010 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 the behavioral interventions required by the student’s individualized education program (IEP), ensure that each teacher and service provider responsible for implementing the child’s IEP has access to it, and provide the parent an opportunity to inspect and review the child’s education records.

The SCO for OSSE has completed its investigation of the State complaint. During the course of the investigation OSSE determined that DCPS has complied with implementing the student’s IEP, ensuring that school staff responsible for the child’s IEP implementation have access to the IEP, and with providing the parent the opportunity to review records with regard to the [REDACTED] incident. 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 behavioral interventions required by the student’s IEP, specifically with regard to the [REDACTED] incident.
2. **Requirement to provide IEP at 34 CFR §300.323(d)**
  - a. Failure to ensure each teacher and service provider responsible for the implementation of the child’s IEP have access to the child’s IEP, specifically with regard to the staff member on the school’s behavioral support team involved with the [REDACTED] incident.
3. **Access to educational records requirements at 34 CFR §300.501(a)**
  - a. Failure to provide an opportunity to inspect and review education records, specifically with regard to records related to the [REDACTED] incident.

**INVESTIGATIVE PROCEDURE**

The investigation included interviews with the following individuals:

1. Complainant
2. 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 Autism as defined by 34 CFR §300.8.
2. The student’s local education agency is DCPS.
3. The student’s [REDACTED] IEP prescribes the following services and accommodations:
  - a. Five hours weekly of specialized instruction outside the general education environment.
  - b. Five hours weekly of specialized instruction inside the general education

- environment.
- c. Two hours monthly of occupational therapy outside the general education environment
  - d. One hour monthly of speech-language pathology inside the general education environment.
  - e. Three hours monthly of speech-language pathology outside the general education environment.
  - f. Assistive technology for communication in the form of a core based AAC system with dynamic display; dynamic voice output device
  - g. Individual and small group testing accommodations
4. The student's [REDACTED] IEP does not contain any services, accommodations, or goals specifically for behavior. The IEP does contain an adaptive daily living goal on imitating self-regulation techniques (i.e. belly breaths).
  5. The student does not have a behavior intervention plan (BIP).
  6. On [REDACTED], an incident occurred during the class transition to dismissal. The student along with their classmates were exiting the building for dismissal when the student got into dispute with another child over a hat. The student proceeded to lay on the ground by the exit door and refused to move. One of the teachers responsible for helping the child's class with dismissal gave multiple verbal and non-verbal directions in an effort to have the student safely stand up; however, the student did not. During the transition to dismissal, there were multiple staff members stationed throughout the school building and at exit doors to support as needed. The door that the incident occurred at was located by the school's security desk. As the teacher was responsible for helping more than 20 kids be dismissed, the teacher requested support from one of the school's security guards so that the child would not be injured. The DCPS restorative justice coordinator was stationed by the security desk and intervened. The DCPS restorative justice coordinator waited with the student to ensure the child did not get hurt while individuals were exiting the building and doors were opening and closing. The student's grandmother arrived at this time, which is when the DCPS restorative justice coordinator told the grandparent that a non-physical intervention strategy was being utilized but should the situation escalate, a physical intervention like picking up or restraining the child may be used. The child, however, was never restrained.
  7. The DCPS restorative justice coordinator works with specific students as need arises; however, the staff member does not work with the complainant's child in any capacity. The staff member only interacted with the child as there was an immediate safety concern that required quick intervention.
  8. The student has not been involved in a similar incident prior to and following [REDACTED].

9. DCPS has no behavior concerns regarding the child. As the incident was considered a safety concern and not behavioral, DCPS did not document the incident in the student's educational record. The only record that exists regarding the [REDACTED] incident is an email from the DCPS principal and LEA Representative sent to the parent on [REDACTED].
10. DCPS provided the staff members responsible for implementing the student's [REDACTED] IEP with access to the IEP on [REDACTED].

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

**DCPS has complied with 34 CFR §300.323(c)(2), because the student's [REDACTED] IEP does not prescribe any behavior interventions or 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. The complainant alleges that DCPS did not appropriately provide the behavior interventions prescribed by the student's IEP during the [REDACTED] incident.

### **Discussion**

The complainant alleges that DCPS staff members did not use the appropriate behavior intervention strategies prescribed by the student's [REDACTED] IEP when responding to the [REDACTED] incident. More specifically, the complainant raised concerns regarding the DCPS restorative justice coordinator suggesting that the child may be restrained. Importantly, however, the child was never restrained by any DCPS staff member on [REDACTED].

The student's [REDACTED] IEP does not prescribe any behavioral services, accommodations, or interventions. Additionally, the student does not have a BIP. Further, DCPS does not have any behavioral concerns regarding the student, and the child's actions on [REDACTED] was an isolated incident. As such, there were no specific behavioral interventions that DCPS was required by the student's IEP to implement during the [REDACTED] incident.

Therefore, DCPS has complied with 34 CFR §300.323(c)(2).

### **ISSUE TWO: PROVIDE IEP**

**DCPS has complied with §300.323(d), because it made available the child's IEP to the staff members responsible for its implementation.**

Pursuant to 34 CFR §300.323(d), each public agency must ensure that the child's IEP is accessible to each regular education, special education, and related service provider, and any other service provider who is responsible for its implementation. The complainant alleges that

DCPS failed to ensure all staff members responsible for the child's IEP implementation were aware of the behavioral interventions prescribed by it which contributed to the [REDACTED] incident.

### **Discussion**

As noted under Issue One, the student's [REDACTED] IEP does not prescribe any behavioral interventions. At DCPS, the classroom teachers support their students with dismissal; however, additional staff members are located around the building and exits to provide support as necessary. The DCPS restorative justice coordinator was in close proximity to where the student was located and provided immediate non-physical support to ensure the child would not be injured. The DCPS restorative justice coordinator does not directly work with the student in any capacity and is not responsible for implementing the child's IEP.

In DCPS' [REDACTED] Response to the State Complaint, it states that the student's IEP was provided to all staff members responsible for providing IEP services to the child on [REDACTED]. DCPS does not provide access to all school personnel in order to follow applicable student record and confidentiality requirements. As the DCPS restorative justice coordinator does not provide any IEP services to the child, the student's [REDACTED] IEP need not be provided to the staff member.

Therefore, DCPS has complied with 34 CFR §300.323(d).

### **ISSUE THREE: EDUCATIONAL RECORDS**

**DCPS has complied with 34 CFR §300.501(a), because it provided all records regarding the [REDACTED] incident to the parent.**

Pursuant to 34 CFR §300.501(a), the parents of a child with a disability must be afforded an opportunity to inspect and review all education records with respect to the identification, evaluations, and educational placement of the child and the provision of free appropriate public education (FAPE) to the child. The complainant alleges that DCPS did not provide the parent with a record of the [REDACTED] incident.

### **Discussion**

On [REDACTED], the complainant and DCPS engaged in an email communication regarding the incident that occurred on [REDACTED]. The parent requested a written incident report on that date. The DCPS principal responded to the parent on that same date that DCPS did not consider the situation a behavioral incident as no harm or injury occurred. Therefore, there was no formal incident report or disciplinary action. However, the parent continued to express concern that there was no formal documentation. As such, the DCPS principal and student's teacher sent emails with information pertaining to what occurred on [REDACTED] and requested the parent accept the emails as official documentation. In an interview with the DCPS [REDACTED], it was stated that no additional documentation exists regarding the

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[REDACTED] situation beyond the [REDACTED] email exchange. Ultimately, DCPS provided the parent with all available documentation regarding the [REDACTED] situation. As what occurred on [REDACTED] is not part of a pattern of behavioral concerns related to the child's disability nor was the child disciplined, DCPS is not required to add documentation to the student's special education record regarding it.

Of note, although DCPS reports that it has no concerns regarding the student's behavior, it is open to convening an IEP Team meeting with the parent to discuss the incident.

Therefore, DCPS has complied with 34 CFR §300.501(a).

### **COMPLAINT FINDINGS**

1. DCPS has complied with 34 CFR §300.323(c)(2), because the student's [REDACTED] IEP does not prescribe any behavior interventions or services.
2. DCPS has complied with §300.323(d), because it made available the child's IEP to the staff members responsible for its implementation.
3. DCPS has complied with 34 CFR §300.501(a), because it provided all records regarding the [REDACTED] incident to the parent.

### **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