



OFFICE OF THE STATE
SUPERINTENDENT OF EDUCATION

January 7, 2026

VIA Electronic Mail

[REDACTED]
[REDACTED]

District of Columbia Public Schools

[REDACTED]

RE: State Complaint No. 025-012 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 students attending [REDACTED], hereinafter “students” or “children.”

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 educate students in their least restrictive environment based on their IEPs and 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 failed to comply with its obligations related to placement and prior written notice. 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. **Placement requirements at 34 CFR §§300.114(a) & 300.116(b)(2) and 5-A DCMR §§3021 & 3022**
 - a. Failure to educate students in the least restrictive environment

and ensure that their placement is based on their individualized education plans (IEPs), specifically with regard to the elimination of self-contained special education classes.

2. Requirement to provide prior written notice at 34 CFR §300.503

- a. Failure to issue prior written notice to the child's parents when changing their placement.

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 students in this complaint qualify for special education and related services under the various disability classifications as defined by 34 CFR §300.8.
2. The students' local education agency during the [REDACTED] school year is DCPS.
3. At the end of the [REDACTED] school year DCPS closed the [REDACTED] classroom at [REDACTED] due to budget issues.
4. At the start of the [REDACTED] school year, students whose IEPs required twenty or more hours of specialized instruction outside the general education setting were placed in outside general education classes.
5. After the first term of the [REDACTED] school year, DCPS changed [REDACTED] master schedule and all students with IEPs that required specialized instruction outside the general education setting were moved to inclusion classrooms with one general education teacher and one special education teacher.
6. The first term ended on [REDACTED] and the second term started on [REDACTED].
7. On [REDACTED] the [REDACTED] notified the special education staff members of the students who had

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experienced a change in placement due to the closure of the [REDACTED] self-contained classroom at the end of the [REDACTED] school year.

8. DCPS did not issue prior written notices regarding a change in placement for students who were moved from outside general education classes to inclusion classes at the start of the second term.

9. OSSE reviewed the IEPs for 33 students who the complainant alleged were impacted by the classroom closures and found that ten students had IEPs that required 20 or more hours of specialized instruction outside the general education setting and still attended [REDACTED] during the investigation.¹

10. OSSE reviewed the schedules for the ten students and found that they were in general education/inclusion classes for all subjects.

11. The [REDACTED] bell schedule includes four hours and twenty minutes of instruction time daily split among four periods.

12. DCPS reported that the outside general education classes had low attendance rates, ranging from 2 to 59% for the ten students whose IEPs were reviewed, with seven students attending less than 30% of the time.

ISSUE ONE: PLACEMENT

DCPS has not complied with 34 CFR §§300.114(a) & 300.116(b)(2) and 5-A DCMR §§3021 & 3022, because it failed to base the placement on the IEP for students whose IEPs require 20 or more hours of specialized instruction outside the general education setting.

Pursuant to 5-A DCMR §3021, an LEA shall provide a child with a disability a free and appropriate public education in an appropriate special education placement in accordance with 5-A DCMR §3021 and 34 CFR §300.114(a). Each public agency must ensure that the child's placement is based on the child's current level of need as documented in the child's IEP. (34 CFR §300.116(b)(2) and 5-A DCMR §3022.1) The LEA shall determine the child's placement based upon the child's needs, regardless of existing placement options, services, staff, or space that exists at the time. (5-A DCMR §3022.2) The complainant alleges that DCPS eliminated the outside of general education classes at [REDACTED].

Discussion

Self-contained and outside of general education classrooms were closed at [REDACTED] due to budgeting issues and low attendance rates for those classes. Starting with the second term of the [REDACTED] school year on [REDACTED], all students' whose IEPs prescribe specialized instruction outside the general education setting were moved to inclusion classes. DCPS reported that students receive pull out services for outside of general education specialized instruction. While this approach is plausible for students whose IEPs

¹ During the investigation, DCPS revised the IEPs for three students to have fewer hours per week of specialized instruction outside the general education setting and the remainder inside the general education setting.

require only a few hours of specialized instruction outside the general education setting per week, OSSE does not find it possible for any student whose IEP requires 20 or more hours, the total amount of instructional time provided each week, to be provided in this manner. DCPS provided no evidence that the special education teachers in the inclusion classes have the ability to provide pull out services for the entire class period each day for students who need specialized instruction outside the general education setting while simultaneously providing inclusion services to students who need specialized instruction inside the general education setting. OSSE's student file reviews identified ten students whose IEPs required 20 or more hours of specialized instruction outside the general education setting and still attended ██████████ ██████████ during the investigation. These students' placements are out of compliance with what is required by their IEPs.

Therefore, DCPS has not complied with 34 CFR §§300.114(a) & 300.116(b)(2) and 5-A DCMR §§3021 & 3022.

ISSUE TWO: PRIOR WRITTEN NOTICE

DCPS has not complied with 34 CFR §300.503, because it failed to issue written notice after changing the students' placement to inclusion classes from outside the general education setting.

Pursuant to 34 CFR §300.503, 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. The complainant alleges that DCPS failed to issue prior written notice after changing the students' placement.

Discussion

In its response, DCPS admitted, and OSSE confirmed via a review of student files in special programs, that prior written notices were not issued regarding a change in placement for any of the impacted students.

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

COMPLAINT FINDINGS

1. DCPS has not complied with 34 CFR §§300.114(a) & 300.116(b)(2) and 5-A DCMR §§3021 & 3022, because it failed to base the placement on the IEP for students whose IEPs require 20 or more hours of specialized instruction outside the general education setting.
2. DCPS has not complied with 34 CFR §300.503, because it failed to issue written notice after changing the students' placement to inclusion classes from outside the general education setting.

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 §§300.114(a), 300.116(b)(2), & 300.503, and 5-A DCMR §§3021 & 3022, DCPS must do the following:

| Corrective Action | Documentation Required to Demonstrate Compliance | Action Shall Be Completed No Later Than: |
|---|---|--|
| <p>1a. For the ten [REDACTED] students whose IEPs required more than 20 hours of specialized instruction outside the general education setting, DCPS must take steps to ensure these students' placements are in alignment with their IEPs.</p> | <p>A spreadsheet or other written document that summarizes actions DCPS took to ensure the student's placement aligned with the IEP and supporting documentation such as updated class schedule, revised IEP, or updated school of attendance.</p> | <p>Documentation of the completion of this action shall be provided to the SCO within 60 days of this letter of decision.</p> |
| <p>2a. Train relevant school staff members on prior written notice requirements.</p> | <p>DCPS shall submit training materials (i.e. slideshow) <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>Training materials shall be submitted to OSSE for 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 school days of approval of training materials.</p> |

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