

**District of Columbia**  
**Part B State Annual Performance Report (APR) for FFY 2008 (SY 2008-2009)**  
**Overview of the Annual Performance Report Development:**

The District of Columbia Office of the State Superintendent of Education (OSSE), as the State Education Agency (SEA) for the District of Columbia, is responsible for ensuring Local Educational Agency (LEA) compliance with the Individuals with Disabilities Education Act (IDEA, at 20 U.S.C. § 1400, et seq.).

OSSE's Division of Special Education (DSE) is responsible for overseeing the development and promulgation of state policy governing special education; monitoring LEAs for compliance with IDEA as well as other federal and local regulations and court-ordered consent decrees; allocation and administration of IDEA grant funds to LEAs and other public agencies; provision of training and technical assistance to LEAs; and investigation and resolution of state complaints relating to special education. OSSE also administers the District's due process hearing system, through the Student Hearing Office (SHO), in a reporting line separate from the DSE.

DSE is also responsible for the regulation of nonpublic placements under local statute. This includes setting rates for nonpublic schools; budgeting for, processing, and paying the invoices from nonpublic schools; monitoring the quality of nonpublic schools serving District children; taking corrective action against schools not meeting District standards; and issuing Certificates of Approval (COA) to nonpublic special education schools.

The Department also houses the DC Early Intervention Prevention/Infants and Toddlers with Developmental Disabilities (EIP/ITDD) Unit, which serves as the lead agency for early intervention services in the District of Columbia. As such, DSE is responsible for ensuring the delivery of high quality services to children with disabilities birth through twenty-one.

The District's Part B State Performance Plan (SPP) serves as a road map that outlines performance goals and annual targets that ensure accelerated reform. Progress in key performance areas is reviewed and reported on annually via the Annual Performance Report (APR). This annual data collection and review process allows OSSE to make data-based decisions that ensure the appropriate allocation of resources to areas of greatest need. The SPP and the APR are the critical levers for assisting OSSE in meeting its special education reform goal as outlined in its five-year strategic plan, which is to "ensure students with disabilities receive an excellent education and life-skills training to become well-educated, independent, and productive members of their community."<sup>1</sup> As a practical matter, perhaps no other jurisdiction is moving to reform practices on so many aspects of the education of children with disabilities.

OSSE ensures that stakeholders and the public are engaged in its activities through monthly meetings of the State Advisory Panel on Special Education (SAP), quarterly meetings with LEA representatives, expansion of OSSE's special education web page, and a weekly newsletter to LEAs and other stakeholders from OSSE. Together, these tools create a feedback loop which allows for continuous improvement at both the state and local levels.

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<sup>1</sup> The District of Columbia State-Level Education Strategic Plan, Fiscal Years 2009-2013:  
<http://www.osse.dc.gov/seo/frames.asp?doc=/seo/lib/seo/osse20strategic20plan2011-05-08.pdf>

As a relatively new state education agency, OSSE is pleased to note that it made tremendous progress in FFY 2008. Key initiatives that were completed include:

- Consolidation of the IDEA Part C program (early intervention services) into DSE;
- Creation of a Placement Oversight Unit and implementation of a change in placement policy designed to decrease over-reliance on separate placements and ensure appropriate referrals, which has achieved an overall diversion rate of 40%<sup>2</sup>;
- Creation of a Fiscal Grants Management Unit which developed a robust LEA grant application process and proactively assists LEAs in managing funding;
- Continued implementation and refinement of the Special Education Data System (SEDS);
- Onsite focused monitoring of 10 LEAs, with issuance of letters of finding and required corrective action plans as warranted;
- Development of a plan to monitor all residential treatment centers in which District students reside (monitoring executed in summer, 2009);
- Implementation of a comprehensive training and technical assistance plan for all LEAs, with additional onsite coaching and technical assistance provided to LEAs upon request or referral;
- Implementation of a Response to Intervention (RTI) initiative pilot program, designed in partnership with national experts in academic and behavior intervention and support, which is demonstrating a significant impact<sup>3</sup>;
- Implementation of an electronic docketing system for the Student Hearing Office (SHO) which supports effective management of the due process hearing system and timely provision of hearings and issuance of hearing officer decisions ;
- Implementation of the requirements outlined in the Memorandum of Agreement with the United States Department of Education (USDE) regarding reducing the number of students inappropriately receiving read aloud accommodations on the DC CAS state assessment;
- Development of community forums and attendance at local conferences to ensure that LEAs, parents, and the community were kept abreast of progress and current activities; and
- Creation of foundational policies designed to align local practice with federal requirements.

OSSE recognizes that these achievements are a starting point only, and that sustainable reform requires proactive problem solving to address many systemic challenges. In particular, OSSE continues to face challenges with the development of a comprehensive data collection system and reporting tools. In order to report data for the FFY 2008 APR, OSSE relied upon a combination of data collection tools, including SEDS, the Interim Collection Tool (ICT) and the Interim Data Collection Tool (IDCT) to gather the majority of LEA data from SY 2007-2008 and SY 2008-2009. The remaining data were collected via spreadsheets from LEAs. The FFY 2007 graduation, dropout and discipline data provided in this report were submitted directly from the District of Columbia Public Schools and the Public Charter School Board. Personnel, discipline, and exiting data, which are reported in the FFY 2008 618 submissions (and some of which will be used in the FFY 2009 APR) were collected utilizing the Interim Data Collection Tool (IDCT).

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<sup>2</sup> The diversion rate reflects the percentage of students for which a change in placement to a more restrictive setting was initially considered by the IEP team, but placement into a nonpublic school was subsequently diverted once the LEA received technical assistance, and other supportive resources from OSSE.

<sup>3</sup> Students scoring proficient on curriculum –based reading assessments jumped from 9.0% in the fall to 20.5% in the winter, representing an 11.5% increase, and a 5% decrease was documented in the percentage of students performing at below basic level on the assessments from fall to winter.

OSSE is pleased to note that the data collected for this reporting period reflects a much higher degree of accuracy in reporting from LEAs in the District of Columbia than in prior reporting years. This report incorporates the most comprehensive collection of data possible at present using multiple data collection methods, and is a significant improvement over previous years. It is our expectation, however, that OSSE must continue to improve its data collection for performance reporting in future reporting years. As barriers are identified, OSSE will continue to improve its data collection procedures and work with LEAs to improve data accuracy and reliability.

As reported in the FFY 2007 APR, OSSE has implemented and continues to refine SEDS, a comprehensive data system designed to support high quality, seamless service delivery for children with disabilities within the District. SEDS is available to all LEAs to support the goal of optimizing the ability to track the District of Columbia's delivery of special education services to all students. In FFY 2008, SEDS was in its first phase of implementation, with a basic IEP development and management system in use by LEAs. While OSSE encouraged all LEAs to utilize SEDS beginning in fall 2009, only about 30% of LEAs fully implemented the system in SY 2008-2009.

In September 2009, OSSE implemented a set of core module improvements for SEDS, resulting in improved eligibility and progress reporting processes aligned with state and federal regulations. Direct user training on these core module improvements was provided to LEAs from August through October, 2009. OSSE provided LEA training to over 900 participants and is currently training nonpublic school staff and offering additional Train the Trainer modules to LEAs. All LEAs were informed by OSSE that full usage of the SEDS system would become mandatory in SY2009-2010 and those LEAs who had not done so previously were provided intense technical assistance to bring all student records current in SEDS in time to conduct the District's December 1, 2009 child count. On December 4, 2009, OSSE issued final regulations mandating SEDS usage for all LEAs.

Via its continued development and refinement of SEDS, OSSE continues to make significant progress toward meeting the following objectives:

1. To automate and streamline Individualized Education Program (IEP) development, management, and historical record keeping for LEAs and school sites;
2. To improve service delivery by reducing the burden of paperwork and allowing staff to focus on delivering quality instruction and services to students with disabilities;
3. To support best practice in special education management by providing real-time district-wide reporting, and accurate and reliable state and federal reporting;
4. To facilitate compliance and quality assurance through improved data accuracy, auditing, and timeline management; and
5. To support seamless transitions for students via an improved process for student special education records transfer between schools and districts.

While SEDS was fully operational in September 2008, few LEAs actually used SEDS consistently during SY 2008-2009. This necessitated OSSE using multiple data sources for the FFY 2008 APR submission. By mandating SEDS usage in December 2009, OSSE expects that data collection for the FFY 2010 APR will come primarily from SEDS. OSSE will report to the public on 1) the State's progress and/or slippage in meeting the measurable and rigorous targets found in the SPP; and 2) the performance of each LEA located in the District of Columbia on the targets in the SPP. These data will be reported on the OSSE website after the APR clarification process and before the end of FFY 2009.

Each indicator in this report includes a discussion of the target data, the actual data, the data source, the progress or slippage in that area, implemented improvement activities from the FFY 2007 APR, a justification of those improvement activities not yet implemented, and a discussion of planned future improvement activities.

This report is designed to provide a comprehensive update on SEA efforts to meet both federal and local objectives for all students with disabilities to achieve at high levels and receive timely and effective support. Together with the SPP, this report will be disseminated on the OSSE website at <http://osse.dc.gov/seo/site/default.asp>

**Monitoring Priority: FAPE in the LRE**

**Indicator 1:** Percent of youth with IEPs graduating from high school with a regular diploma.  
(20 U.S.C. 1416 (a)(3)(A))

**Measurement: Measurement for youth with IEPs should be the same measurement for all youth.**

**# of graduates with IEPs receiving a regular diploma**

**# of graduates with IEPs receiving a regular diploma + # of 9<sup>th</sup> grade students who dropped out in SY04-05 + # of 10<sup>th</sup> grade students who dropped out in SY05-06 + # of 11<sup>th</sup> grade students who dropped out in SY06-07 + # of 12<sup>th</sup> grade students who dropped out in SY07-08**

FFY	Measurable and Rigorous Target
<p><b>2008</b> 2008-2009</p>	<p><i>66.23 percent of youth with IEPs graduating from high school will receive a standard diploma.</i></p>

**Actual Target Data for FFY 2008: 68.19%**

For Indicator 1, the SEA must examine data for the year before the reporting year and compare the results to the target. Using the above graduation calculation formula, the 2007-2008 graduation rate for students with disabilities is 68.19%. The data are presented in the following calculation:

$$\frac{328}{328 + 38 + 46 + 39 + 30} = 68.19\%$$

**The target for Indicator 1 of 66.23 % was met.**

While the rate of 68.19% represents an increase from the 53.2% reported FFY 2007 (SY 2007–2008), this is the first year that OSSE used the graduation rate calculation used for Title I adequate yearly progress determinations. Thus, the data are not comparable to previous years.

**Data Source:**

Indicator 1 data predates OSSE's implementation of the Special Education Data System (SEDS). The data used in reporting this indicator are aligned with ESEA standards were supplied to OSSE via spreadsheets completed by the District of Columbia Public Schools (DCPS) and the Public Charter School Board (PCSB). These data are the same as reported by the OSSE under the ESEA. The special education status of children dropping out and graduating was validated, to the extent possible, using SEDS, which incorporates data imported from Encore, DCPS's legacy special education database.

OSSE used the "leaver rate" methodology created by NCES for determining graduation rate in SY 2007-2008. The calculation for determining the graduation rate for SY 2007-2008 was: (total number of graduates in 2008) / (total number of graduates in 2008 + total number of dropouts in grade 12 in 2007-2008 + total number of dropouts in grade 11 in 2006-2007 + total number of dropouts in grade 10 in 2005-2006 + total number of dropouts in grade 9 in 2004-2005). The data used in the calculation are presented in the following chart:

<b># of graduates with IEPs receiving a regular diploma</b>	328
<b># of 9<sup>th</sup> grade students who dropped out in SY04-05</b>	38
<b># of 10<sup>th</sup> grade students who dropped out in SY05-06</b>	46
<b># of 11<sup>th</sup> grade students who dropped out in SY06-07</b>	39
<b># of 12<sup>th</sup> grade students who dropped out in SY07-08</b>	30

**Response Table Issued from OSEP's June 1, 2009 Determination Letter to OSSE:**

OSEP appreciates the State's efforts to improve performance.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008 (SY 2008-2009):**

OSSE continues to views Indicators 1 and 2 as intertwined. Therefore, the discussion of progress or slippage in these areas will be similarly linked.

The graduation rate of 68.19% represents an increase of 14.99% from 53.2% as reported in FFY 2007 (SY 2005-2006). The District exceeded its target for FFY 2008 as defined in the FFY 2006 APR revisions.

Discussion of District Graduation Requirements:

Under current District law, all students must have a graduation plan by the beginning of ninth grade.<sup>4</sup> Graduation plans must be completed with the assistance and signed approval of a school counselor. The purpose of the graduation plan is to outline the projected course-load required for high school completion. To graduate with a regular diploma, a student must complete twenty-four (24) Carnegie Units.<sup>5</sup> Students with disabilities who do not achieve a regular diploma are eligible to receive a Certificate of Individual Educational Program (IEP) Completion.

On January 5, 2010, OSSE issued a Secondary Transition Policy that clarifies what is expected of LEAs in regards to preparing students with disabilities for postsecondary education, vocational education,

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<sup>4</sup> 5 DCMR §2203.1

<sup>5</sup> 5 DCMR § 2203.2

integrated employment (including supported employment), continuing and adult education, adult services, independent living, and/or community participation upon graduating or exiting high school. The policy specifically outlines the LEAs responsibilities that correspond to a student's decision to pursue a program leading to an IEP Certificate of Completion (as opposed to a regular diploma). OSSE requires LEAs to include a statement in the student's IEP that explains why a regular diploma is not appropriate. LEAs must also ensure that the student's parents have been fully informed of such a decision. The Policy states:

Prior to entering the ninth grade, but no earlier than eighth grade, the IEP team must determine the course of study and develop a graduation plan. A course of study is defined as a description of the coursework necessary to prepare the student for post-school activities. The course of study must be reviewed annually and modified, when necessary, to reflect the student's changing needs, interests, and performance. The LEA must provide all students with disabilities, including students with significant disabilities, the opportunity to earn a high school diploma. If the IEP team determines a high school diploma is not appropriate, then the course of study must assist the student in achieving an alternative to a high school diploma. The LEA must provide information in understandable language to the parents and student about the difference between having a diploma versus a non-diploma course of study. Additionally, the LEA must provide the parents with written notification that the IEP team has determined that the student will be placed on a non-diploma course of study. The LEA must obtain the parents' written acknowledgement that the parents have been informed and understand that the student will be placed on a non-diploma course of study. The IEP must contain a statement on why a standard diploma is not appropriate and that the parents and student have been fully informed of such decision. A transition plan and graduation plan are required regardless of whether the student is on a non-diploma or diploma track.<sup>6</sup>

#### Discussion of FFY 2008 Improvement Activities:

Please note: Each improvement activity is marked as "(TTA)" for the Training and Technical Assistance Unit, "(DATA)" for the Data Unit or "(QAM)" for the Quality Assurance and Monitoring Unit.

#### Completed Indicator 1 Improvement Activities:

1. LEAs received training on the United States Department of Education High School Graduation Rate Non-Regulatory Guidance. (TTA)
  - OSSE disseminated and reviewed the United States Department of Education High School Graduation Rate Non-Regulatory Guidance to those LEAs who were in attendance at the *Dropout Prevention* professional development. This professional development opportunity was held for special education coordinators, teachers and administrators in June 2009.
2. Technical assistance was provided to all LEAs on the 15 Strategies for Dropout Prevention from the National Dropout Center. (TTA)
  - OSSE provided ongoing technical assistance to the LEAs which incorporated the 15 Strategies for Dropout Prevention from the National Dropout Center.

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<sup>6</sup> OSSE Secondary Transition (January 5, 2010), available at [http://osse.dc.gov/seo/frames.asp?doc=/seo/lib/seo/Secondary\\_Transition\\_Policy\\_FINAL.pdf](http://osse.dc.gov/seo/frames.asp?doc=/seo/lib/seo/Secondary_Transition_Policy_FINAL.pdf)

3. Training workshops were conducted for LEAs on creating and implementing Short-Term, Measurable, Attainable, Realistic, and Timely (S.M.A.R.T.) IEP and secondary transition goals to guarantee the success of students with disabilities in high school and during post secondary transition. (TTA)
  - OSSE conducted workshops for the LEAs on ways to create and implement S.M.A.R.T. IEP and secondary transition goals to support the success of students with disabilities in high school and during post secondary transition.
4. Training workshops were conducted for LEAs on supporting students to become advocates for themselves in high school and beyond. (TTA)
  - In conjunction with District of Columbia Public Schools (DCPS) and School Talk, OSSE conducted a series of secondary transition workshops for students which link school experiences to post-school education, skills needed to secure employment opportunities, self advocacy and independence.
  - In conjunction with DCPS and School Talk, OSSE conducted conferences for students with disabilities highlighting how self-advocacy in high school and beyond with interagency collaboration. OSSE partnered with School Talk to provide professional development on self-advocacy skills for school personnel supporting secondary transition for students.
5. Creation of a uniform data collection tool for all LEAs. OSSE is no longer using ENCORE, the previous special education data tracking system, to capture 618 exit data. OSSE is in the process of transitioning to SEDS as a unified primary data collection tool for students with disabilities. SEDS is available to all LEAs, unlike ENCORE, which was limited to DCPS student data. (DATA)
  - SEDS was made available to all LEAs for use on a voluntary basis in school year 2008-2009. All LEAs are required to use SEDS in school year 2009-2010.
6. Training workshops have been conducted for LEAs on analyzing results from the Transition IEP Goals and Objectives and Services Checklist in order to ensure compliance with IDEA 2004. (TTA)
  - This training is ongoing; it is being facilitated by the National Secondary Transition Technical Assistance Center (NSTTAC) and National Post-School Outcome (NPSO) Technical Assistance Center.

Proposed Improvement Activities for FFY 2009:

Please note: The training activities noted below will also assist with the improvement activities of Indicators 2, 13, and 14.

1. Conduct training workshops for the LEAs on developing measurable annual goals and objectives for transition services utilizing SEDS. (TTA)
2. Conduct training workshops for the LEAs on integrating best practices for addressing the needs of students with disabilities into professional learning and teaching activities. (TTA)
3. Support school administrators, teachers, and other support staff to determine progress and key activities related to increasing the graduation rate for students with disabilities. (TTA)



4. Conduct trainings and technical assistance sessions to build a school-wide framework for Service Learning and Extended Learning Opportunities. (TTA)
5. Create a Dropout Prevention Newsletter to disseminate to LEAs quarterly. (TTA)
6. Conduct workshops for LEAs on the Response to Intervention (RTI) framework for success in secondary schools. (TTA)
7. Conduct workshops for LEAs on secondary school reading interventions. (TTA)
8. Assist LEAs in identifying programs and activities that will help students reach their post secondary school goals. (TTA)
9. Conduct workshops on linking graduation, dropout, secondary transition, and post-school outcomes to drive student improvement. (TTA)
10. Continue to provide technical assistance to LEAs on the 15 Strategies for Dropout Prevention from the National Dropout Center. (TTA)
11. Conduct trainings for all LEAs on developing measurable annual goals and objectives for transition services. (TTA)
12. Offer focused technical assistance based on the results of the needs assessment for the LEAs that have a high dropout rate. (TTA)
13. Assist LEAs with high suspension rates with effective behavior intervention planning. (TTA)
14. Require all LEAs to use SEDS. (DATA)
15. Continue to support school administrators, teachers, and other support staff to determine progress and key activities related to increasing the graduation rate for students with disabilities within the LEA monitoring framework. (QAM)

**Revisions, with Justification, to Proposed Targets and Improvement Activities for FFY 2008:**

OSSE has revised graduation targets in the State Performance Plan to reflect the target used for Title I adequate yearly progress determinations. Revisions to improvement activities are discussed in the improvement sections above.

**Monitoring Priority: FAPE in the LRE**

**Indicator 2:** Percent of youth with IEPs dropping out of high school.  
(20 U.S.C. 1416 (a) (3) (A))

**Measurement: The total number of students with IEPs dropping out grades 7-12 divided by the total membership in grades 7-12.**

$$\frac{\text{Total \# of dropouts (students with IEPs) from grades 7-12}}{\text{Total enrollment in grades 7-12}}$$

The dropout rate is calculated from data pulled from grade seven through grade twelve. A dropout is defined as any student who was in attendance on the date of the official count of one school year and not in attendance on the official date the of the following school year. Students may have left school for any one of the following reasons:

- No show/ Nonattendance
- Whereabouts unknown
- Work
- Voluntary (e.g. marriage, military, hardship)
- Adult education that is not part of the District instructional program

FFY	Measurable and Rigorous Target
<p><b>2008</b> <i>2008-2009</i></p>	<p><i>The dropout rate for students with disabilities will decrease to 6.6 percent.</i></p>

**Actual Target Data for FFY 2008: 5.03%**

Using the above calculation formula, the 2007-2008 District dropout rate for students with disabilities is 5.03%. The data are presented in the following calculation:

$$\frac{217}{4317} \times 100 = 5.03\%$$

**The target for Indicator 2 of 6.6% was met.**

**Data Source:**

OSEP requires OSSE to use state-level dropout data for the year before the reporting year (e.g. for the FFY 2008 APR, OSSE will report data from 2007-2008). Data for Indicator 2 dropouts were reported to the OSSE via spreadsheet from DCPS and the PCSB. The special education status of children dropping out was validated using SEDS. The total enrollment in grades seven through twelve was extracted from the Annual Public School Enrollment Audit, an independent audit of enrollment conducted by a contracted vendor on October 5, 2007. The data used in the calculations are as follows:

	<b>Enrollment</b>	<b>Dropouts</b>
<b>7<sup>th</sup> grade students with IEPs</b>	772	31
<b>8<sup>th</sup> grade students with IEPs</b>	873	14
<b>9<sup>th</sup> grade students with IEPs</b>	1021	65
<b>10<sup>th</sup> grade students with IEPs</b>	700	40
<b>11<sup>th</sup> grade students with IEPs</b>	488	37
<b>12<sup>th</sup> grade students with IEPs</b>	463	30
<b>Total students with IEPs</b>	<b>4317</b>	<b>217</b>

**Response Table Issued from OSEP’s June 1, 2009 Determination Letter to OSSE:**

OSEP appreciates the State’s efforts to improve performance.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008 (2008-2009):**

OSSE witnessed slippage in this indicator as the state dropout rate for students with disabilities increased from 2.9% to 5.03%. OSSE is concerned about this slippage and will continue to address it through its monitoring activities and LEA outreach.

**Discussion of What Counts as Dropping Out:**

According to the District of Columbia Consolidated State Application Accountability Workbook Plan submitted to the United States Department of Education (USDE) on March 2, 2009, OSSE currently defines dropouts based on the criterion established by the National Center for Educational Statistics (NCES) and as reported in the Common Core of Data. The NCES does not have different standards for students with IEPs. The District of Columbia Consolidated State Application Accountability Workbook Plan can be found at:

[http://osse.dc.gov/seo/frames.asp?doc=/seo/lib/seo/Accountability\\_Workbook\\_final\\_6\\_24\\_09.pdf](http://osse.dc.gov/seo/frames.asp?doc=/seo/lib/seo/Accountability_Workbook_final_6_24_09.pdf)

**Discussion of FFY 2008 Improvement Activities:**

Please note: Each improvement activity is marked as “(TTA)” for the Training and Technical Assistance Unit, “(DATA)” for the Data Unit or “(QAM)” for the Quality Assurance and Monitoring Unit.

#### Completed Indicator 2 Improvement Activities:

1. Trainings and workshops were conducted on instructional and behavioral supports and accommodations needed for students with disabilities in the general education setting. (TTA)
  - OSSE conducted trainings and workshops on instructional and behavioral supports and accommodations needed by students with disabilities in the general education setting.
2. LEAs received training and technical assistance to address high suspension rates with effective behavior intervention planning. (TTA)
  - OSSE provided technical assistance to LEAs on the creation and implementation of Behavior Intervention Plans (BIPs) for LEAs with high suspension rates.

#### Completed and Ongoing Indicator 2 Improvement Activities:

1. Professional development workshops were conducted for LEAs on Least Restrictive Environment (LRE), Response to Intervention (RTI), Inclusion and Positive Behavior Intervention and Supports (PBIS), with an emphasis on best practices to reduce dropout rates in secondary schools. (TTA)
  - OSSE conducted workshops for LEAs on LRE, RTI, Inclusion and PBIS. These workshops focused on methods that could be utilized as school-wide initiatives to reduce dropout rates in secondary schools.
  - TTA has partnered with the NSTTAC and NPSO to conduct a series of professional developments and trainings to address this improvement activity.
  - OSEP PBIS Technical Assistance Center has conducted professional development workshops on school-wide PBIS to pilot schools and LEAs on the following dates:
    - July 17, 2010 – Positive Behavior Intervention Supports Leadership Team Training.
    - July 22, 23 and 24, 2010 – Positive Behavior Intervention Supports to OSSE Leadership Team Training
    - August 18 and 19, 2010 – Response To Intervention and Positive Behavior Intervention Supports Pilot Schools Boot Camp.
    - September 22, 23 and 24, 2010 – School Wide Positive Behavior Supports Leadership Team Training
    - January 25, 2010 – Why Do Schools Need Positive Behavior Supports.
    - February 10, 2010 – Positive Behavior Intervention Supports in a Preschool Setting.
    - February 25, 2010 – Functional Behavior Assessments (FBAs) and Behavior Intervention Plans (BIPs)
    - March 16, 2010 – Functional Behavior Assessments (FBAs) and Behavior Intervention Plans (BIPS)
    - March 19, 2010 – Why Do School Need Positive Behavior Supports.
    - March 30, 2010 – Functional Behavior Assessments (FBAs) and Behavior Intervention Plans (BIPs)
    - May 19, 2010 – Positive Behavior Intervention Supports in Preschool Settings

#### Proposed Improvement Activities for FFY 2009:

Please note: The training activities noted below will also assist with the improvement activities of Indicators 1, 13, and 14.

1. Conduct an Annual Transition Resource Fair and Dropout Prevention/Intervention Forum which will increase the awareness of Career and Technical Schools within the District of Columbia for students with disabilities and provide an overview of dropout issues to include: predictors, prevention strategies, and dropout prevention programs. (TTA)
2. Support schools in assessing their dropout prevention strategies by examining the suspension and expulsion rates for LEAs with high dropout rates as one of the causal factors for students dropping out and forward this information to TTA. (TTA/QAM)
3. Support schools in assessing their dropout prevention strategies by ensuring that accurate student data are maintained by all LEAs. OSSE is collaborating with NSTTAC and NPSO to conduct a series of professional development opportunities and trainings to address this improvement activity. (TTA/QAM)
4. Conduct trainings on IDEA-appropriate exit interviews and procedures for students with disabilities. (TTA)
5. Conduct trainings and workshops on supports and accommodations needed for students with disabilities in grades 7-12 in conjunction with secondary transition planning. (TTA)
6. Conduct workshops on how LRE, RTI, Inclusion and Positive Behavior Supports should be utilized as school wide initiatives to reduce dropout rates in secondary schools. OSSE's focus on behavior supports has resulted in an increased awareness of the role of effective behavior interventions, RTI, and more specifically PBIS, in preventing students with disabilities from leaving school. OSSE will continue to focus on behavior interventions and will direct more resources to dropout prevention activities. (TTA)
7. Conduct trainings and workshops on the instructional supports, behavioral supports and accommodations needed for students with disabilities in the general education setting. (TTA)
  - In August 2010, OSSE will conduct trainings on procedures for pre-high school orientation for all students graduating from middle school identified with disabilities. This orientation will allow the LEA the opportunity to conduct an accurate needs assessment of students, allow the students to have input in choosing their coursework, as well as initiate secondary transition goal planning. (TTA)
8. Provide BIP development assistance to LEAs with high suspension rates. (TTA)
9. Offer technical assistance based on the results of the needs assessment for the schools that have a high dropout rate. (TTA)

**Revisions, with Justification, to Proposed Targets and Improvement Activities for FFY 2008:**

No revisions to proposed targets are planned at this time. Revisions to improvement activities are discussed in the improvement sections above.

**Part B State Annual Performance Report (APR) for FFY 2008 (2008-2009)**

**Monitoring Priority: FAPE in the LRE**

**Indicator 3:** Participation and performance of children with disabilities on statewide assessments:

- A. Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup.
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

**Measurement:**

- A. **AYP Percent = [(# of districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup) divided by the (total # of districts that have a disability subgroup that meets the State’s minimum “n” size)] times 100.**
- B. **Participation rate percent = [(# of children with IEPs participating in the assessment) divided by the (total # of children with IEPs enrolled during the testing window, calculated separately for reading and math)]. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.**
- C. **Proficiency rate percent = [(# of children with IEPs enrolled for a full academic year scoring at or above proficient) divided by the (total # of children with IEPs enrolled for a full academic year, calculated separately for reading and math)].**

FFY	Measurable and Rigorous Target
<b>2008</b> 2008-2009	<ul style="list-style-type: none"> <li>A. <i>At least fifty percent (50%) of the District of Columbia’s LEAs will meet AYP objectives for the ‘students with disabilities’ sub-group.</i></li> <li>B. <i>At least ninety-five percent (95%) of students with disabilities will participate in state assessments.</i></li> <li>C. <i>At least 38 percent (38%) of students with disabilities will achieve proficiency or above on the DC-CAS assessment.</i></li> </ul>

**Actual Target Data for FFY 2008:**

<b>A. AYP</b>		<b>13.33%</b>
<b>B. Participation</b>	<b>Math</b>	<b>93.06%</b>
	<b>Reading</b>	<b>93.39%</b>
<b>C. Proficiency</b>	<b>Math</b>	<b>16.93%</b>
	<b>Reading</b>	<b>18.37%</b>

**Data Source:**

The data for this indicator were based on the results of the DC CAS, the statewide assessments in reading/language arts and mathematics and the DC CAS-Alt, a portfolio-based assessment used to measure achievement of students with the most significant cognitive disabilities on alternate achievement standards. The data were calculated by the OSSE Office of Assessments and Accountability and are the same data as reported for ESEA purposes.

**A. AYP**

**Clarification of Definitions for Indicator 3A:**

The minimum number of students (“n” size) for an LEA to be included in this indicator is 25, based on the *District of Columbia Office of the State Superintendent Accountability Plan*; previously the FFY 2007 APR used an n-size of 40 students. This change is due to the alignment of this indicator with Adequate Yearly Progress (AYP) data used for accountability reporting under Title I of the ESEA. This calculation only takes into account AYP assessment targets for reading/language arts and mathematics proficiency, not targets for graduation or other elements of AYP. The definition of meeting the state’s AYP target for the disability sub-group is found in section 1111(b)(2)(C) of Title I of the ESEA. The data derived for this analysis is found at: <http://www.nclb.osse.dc.gov/reportcards.asp>.

**Display 3A-1: LEAs Making AYP**

	<b>FFY 2008</b>
<b>No. of LEAs with the minimum “n” size of students with disabilities</b>	15
<b>No. of LEAs that met AYP</b>	2
<b>Percent of LEAs that met AYP</b>	13.33%

**The target for Indicator 3A of 50% was not met.**

OSSE is concerned that of the 15 LEAs who have more than 25 special education students, only 2 met AYP targets for this subgroup. However, 13.33% does represent an improvement from FFY 2007 when 0% of LEAs with a qualifying subgroup made AYP. OSSE is encouraged by the slight improvement and will continue to engage in a range of comprehensive training and technical assistance activities to help LEAs make AYP. These improvement activities are described below.

**Response Table Issued from OSEP's June 1, 2009 Determination Letter to OSSE:**

OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.

**B. Participation**

The calculation provides separate reading/language arts and mathematics participation rates, inclusive of all NCLB grades assessed (3-8 and high school), for all students with IEPs, including students not participating in assessments and those not enrolled for a full academic year.

**Display 3B-1: NCLB Participation in FFY 2008**

Reading	Math
93.39%	93.06%

**Display 3B-2: Calculation**

FFY 2008 <i>2008-2009</i>	Reading	Math	Participation Rate (Math and Reading participation rates are averaged)
a. # of children with IEPs in assessed grades	5,965	5,965	
b. # of children with IEPs in regular assessment with no accommodations	1,444	1,434	24.12%
c. # of children with IEPs in regular assessment with accommodations	3,562	3,552	59.63%
d. # of children with IEPs in alternate assessment against grade level achievement standards	0	0	0%
e. # of children with IEPs in alternate assessment against alternate achievement standards *	565	565	9.47%
<b>Totals b. through e.</b>	<b>5,571</b>	<b>5,551</b>	
<b>Overall = [(b+c+d+e) divided by (a)]</b>	<b>93.39%</b>	<b>93.06%</b>	

**The target for Indicator 3B of 95% was not met.**

The District experienced slippage in the percentage of students with disabilities who participated in the state assessment. In FFY 2007, 95.6% of students with disabilities participated in the state assessment. OSSE understand and appreciates the value of annually testing all students, particularly students with disabilities. It is only through periodic assessments that schools, teachers, parents and students have an accurate understanding of the student's knowledge and skills. Without that understanding, it is not possible to provide the supports necessary to address areas of need and raise student achievement. Assessing all students is a vital first step. OSSE is concerned about this slippage and plans to address it through its monitoring and technical assistance activities.



OSSE would like to note that the percentage of children with IEPs in the regular assessment with no accommodations rose from 17.3% in FFY 2007 to 24.1% in FFY 2008. This increase is one indication that the District is improving its delivery of a free and appropriate education (FAPE) delivered in the LRE.

**Response Table Issued from OSEP’s June 1, 2009 Determination Letter to OSSE:**

OSEP appreciates the State’s efforts to improve performance.

**C. Proficiency**

**Display 3C-1: DC-CAS Proficiency**

Reading	Math
18.37%	16.93%

**Display 3C-2: Calculation**

Year	School Level	Reading Proficiency Target	Math Proficiency Target
<b>2008</b>	Elementary	22.58%	20.67%
	Secondary	13.38%	12.50%
	<b>All Students</b>	<b>18.37%</b>	<b>16.93%</b>

**The target for Indicator 3C of 38% was not met.**

The District experienced slippage in reading proficiency, dropping from 21.3% in FFY 2007 to 18.37% in FFY 2008. The District experienced slight progress in mathematics proficiency, rising from 16.8% in FFY 2007 to 16.93% in FFY 2008. These overall low rates of proficiency and the lack of progress are disappointing; OSSE will continue to work with LEAs to improve the level of instruction and support given to all students in the District.

**Response Table Issued from OSEP’s June 1, 2009 Determination Letter to OSSE:**

OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008 (SY 2008-2009):**

Completed and Ongoing Indicator 3 Improvement Activities:

1. All administrators were provided an opportunity to meet with TTA staff to take a close look at individual school performance data to discuss where the LEAs are with respect to meeting AYP. (TTA)

2. All LEAs received a copy of the core professional development calendar outlining training offerings for administration, teaching staff, and support personnel (offerings were be aligned to QAM calendar activities). (TTA)
3. Training and support was provided to all general and special education teachers as well as support staff on the creation and use of the item-skills analysis for the DC-CAS and DC-CAS-Alt assessments in English and math (e.g. "Making Sense of State Exam Results") was provided to all LEAs. (TTA)
4. Professional development workshops were conducted on interpreting data (e.g. "So What Does This All Mean?"). As a result, attendees learned how to identify sources of student data, and based on the data, isolate area(s) of deficiency, create goals and/or determine the appropriateness of existing goals, create interim assessments to determine instructional effectiveness, and track student progress over time. (TTA)
5. Ongoing professional development opportunities are offered to teachers, paraprofessionals, and support staff on lesson-planning and the use of UDL. Participants learn to plan lessons using information about student competencies and deficiencies. (TTA)
6. Professional development workshops were conducted on strategies to increase parent involvement around the issue of literacy. Participants learn to plan, implement and report on family literacy activities. (TTA)
7. Professional development workshops were conducted on strategies to increase student attendance. Workshop participants learned to convene an attendance committee, create an attendance plan, and develop a system that would track student attendance, and thereby help to ensure that every student is in school every day. (TTA)

Proposed Improvement Activities for FFY 2009:

1. Offer professional development for school administrators and key instructional staff in the use of item-analysis to guide and improve instruction and suggest appropriate remediation. TTA will lead participants through the use of item analysis to identify patterns in student performance across subgroups, as well as to isolate recurring instructional factors in performance levels. TTA will use the information gleaned from the data from the training and support sessions to assist in developing meaningful opportunities for state and LEA sponsored professional development. (TTA)
2. Work in conjunction with QAM to analyze data both at the LEA and school level to determine appropriate technical assistance, and provide resources for increasing the participation and improving the performance of students with disabilities on statewide assessments. (TTA)
3. Offer all LEAs training in comprehensive testing accommodations and modifications. An accompanying comprehensive accommodations manual will be provided to all LEAs. (TTA)
4. Increase training and support for LEAs in the RTI Pilot. Selected schools and/or LEAs within the District will receive ongoing training and support in implementing RTI. The support will begin

with a summer 2009 “Boot Camp” that has been designed to introduce all teaching and administrative personnel to the tenets of RTI while assisting personnel in transitioning into the first days of school armed with tools to assist in school-wide intervention. Training and resources will be funded by OSSE. In addition to training and technical support offered by TTA, all participating campuses will receive training from nationally recognized experts in academic and behavioral interventions. (TTA)

5. Provide professional development in reading training and technical assistance with a focus on needs of special education teachers. (TTA)
6. Provide leadership, coordination, and support for personnel who provide special education to students with disabilities in incarcerated youth programs, with an emphasis on effective literacy instruction and transition. (TTA)
7. Provide an ongoing *Leadership Training* series aimed at assisting school leaders to build capacity, develop and articulate their vision and mission, shape school culture, achieve data sophistication, and develop and support master teachers (as well as parent and community outreach initiatives). (TTA)
8. Modify SEDS to align with the policy guidance issued during FFY 2008. (DATA)

**Revisions, with Justification, to Proposed Targets and Improvement Activities for FFY 2008:**

OSSE has revised the target for indicator 3A in its State Performance Plan. This change is due to the alignment of this indicator with Adequate Yearly Progress (AYP) data used for accountability reporting under Title I of the ESEA. Revisions to improvement activities are discussed in the improvement activities sections above.

**Monitoring Priority: FAPE in the LRE**

**Indicator 4A: Rates of Suspension and Expulsion**

Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs.  
(20 U.S.C. 1416 (a) (3) (A); 1412(a) 22))

**Measurement: Percent = [(# of districts that have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs) divided by the (# of districts in the State)] times 100.**

**The state defines 'significant discrepancy' as the suspension and expulsion of any child with a disability for 10 or more cumulative days in a school year by an LEA with a qualifying subgroup at a rate that is higher than the equivalent rate for non-disabled peers.**

<b>FFY</b>	<b>Measurable and Rigorous Target (4A)</b>
<b>2008</b> 2008-2009	<i>0% of LEAs will have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs.</i>

**Actual Target Data FFY 2008: 42.9%**

FFY 2008 is the first year for which OSSE is able to report data for this indicator. These data are derived from SY2007-2008 (FFY2007) as required. Data are analyzed and reported for LEAs with a qualifying subgroup. A qualifying subgroup is defined as an LEA serving a minimum of 40 students with disabilities. The OSSE has not yet completed review of policies and procedures, and if appropriate, required revisions of policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports and procedural safeguards. OSSE will report on this review in the FFY2009 APR.

**The target for Indicator 4A of 0% was not met.**

**Display 4A-1: Percent of LEAs with Significant Discrepancy**

<b>LEAs with qualifying subgroup</b>	14
<b>Number of LEAs with significant discrepancy</b>	6

<b>Percent of LEAs with significant discrepancy</b>	42.9%
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<b>LEAs with qualifying subgroup</b>	<b>General education discipline rate</b>	<b>Special education discipline rate</b>	<b>Number of special education students disciplined</b>
1	1.18%	1.17%	121
2	0%	2.5%	1
3	.29%	0%	0
4	1.09%	0%	0
5	0%	0%	0
6	7.49%	5.74%	14
7	4.21%	1.23%	1
8	.76%	1.79%	1
9	.32%	1.52%	1
10	0%	3.7%	2
11	0%	0%	0
12	0%	0%	0
13	0%	4.0%	2
14	0%	1.32%	1

**Data Source:**

In July, 2008, shortly after the close of the FFY 2007 IDEA reporting period, OSSE launched the Interim Collection Tool (ICT), a web-based application that enabled LEAs to report discipline data for the purpose of 618 reporting. While FFY 2007 special education discipline data were collected by the ICT, corresponding general education discipline data were incomplete. To comply with reporting FFY 2007 discipline data in accordance with OSSE’s definition of significant discrepancy for the FFY 2008 APR, OSSE subsequently requested that all LEAs submit via spreadsheet FFY 2007 general education discipline data on students subject to suspensions or expulsions of greater than ten days. For FFY 2008, to be reported on February 1, 2011, OSSE simultaneously collected general and special education discipline data using a revised web-based application, the Interim Data Collection Tool (IDCT).

**Response Table Issued from OSEP’s June 1, 2009 Determination Letter to OSSE:**

The State did not submit FFY 2007 data for this indicator. The State has not provided valid and reliable data for this indicator, although required, for four years. This raises concerns about the State’s compliance with the requirements in 34 CFR §76.720(c).

The State provided a plan to collect and report the required data beginning with the FFY 2008 APR. The State must provide the required data in the FFY 2008 APR, due February 1, 2010.

As noted in the revised Part B Indicator Measurement Table, in reporting on this indicator in the FFY 2008 APR, due February 1, 2010, the State must describe the results of the State’s examination of data from FFY 2007 (2007-2008).

In addition, the State must describe the review, and if appropriate, revision of policies, procedures and practices relating to the development and implementation of the IEPs, the use of positive behavioral

interventions and supports, and procedural safeguards to ensure compliance with the IDEA for LEAs identified with significant discrepancies based on the FFY 2007 data, as required by 34 CFR §300.170(b).

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008 (SY 2008-2009):**

As this is the first year that OSSE has submitted data for this indicator, it is impossible to measure progress or slippage. OSSE realizes that some LEAs need more intensive interventions to equip them to handle the behavioral needs of their students. OSSE will provide multiple technical assistance opportunities for all LEAs to help address these issues. These technical assistance opportunities will offer a wide range of supports. These supports include, but are not limited to, PBIS training, training regarding FBAs and BIPs and professional development workshops on compliance issues related to student behavior, including the manifestation process for students with disabilities and de-escalation training.

Completed and Ongoing Indicator 4A Improvement Activities:

OSSE will offer recurring cycles of professional development in order to deliver training and technical assistance to decrease the number of students being suspended or expelled. In many cases, the activities listed for improvement are ones that should *be* required for the LEAs to increase the level of IDEA compliance in all districts.

1. Provided ongoing professional development workshops to all LEAs on IDEA.
  - Training and Technical Assistance was provided to all LEAs on IDEA and basic requirements. (TTA)
2. Provided professional development to Student Support Teams from all LEAs regarding addressing behavioral and academic concerns that could potentially lead to suspension and expulsions. (e.g. Positive Behavior Supports, Functional Behavior Assessment training (FBA)).
  - TTA provided training to all LEAs regarding addressing behavioral and academic concerns through the Student Support Team. (TTA)
3. Conducted professional development workshops on compliance issues related to student behavior (i.e. manifestation processes for students with disabilities, De-escalating Student Behavior)
  - Targeted training was provided to LEAs requiring training and/or technical assistance sessions on compliance issues related to managing student behavior. (TTA)
4. Consulted with national experts to further the skill set of LEA staff and understanding of students who experience severe emotional difficulties. OSSE consulted with national experts during its annual Special Education Symposium. (TTA)
5. Partnered with LEAs and the Department of Mental Health to review alternative approaches for addressing the needs of students who lack social competency skills, experience severe emotional difficulties; writing school-wide discipline goals for school improvement plans. (TTA)

6. Researched other state models for addressing the behavioral needs of students with disabilities utilizing research tools, participation in webinars and conference calls with other states. (TTA)

Proposed Improvement Activities for FFY 2009:

1. Continue to provide technical assistance with the use of SEDS as a data collection tool to support the PBIS initiative. (TTA)
2. Survey LEAs to determine needs for more intensive behavioral supports and subsequent training including, but not limited to, Crisis Prevention Institute training. (TTA)
3. Partner with QAM to provide training for LEAs on alternatives to suspension and train LEA staff on how to write appropriate positive behavior goals for IEPs. (TTA)
4. Provide bi-weekly technical assistance sessions with targeted LEAs participating in the RTI model to promote the integration of positive behavior supports as a form of tiered intervention. (TTA)
5. Provide technical assistance sessions for targeted LEAs on how to collect data to inform the FBA process and development of BIPs. (TTA)
6. In conjunction with QAM, develop a LEA survey to determine potential need for more intensive supports and subsequent training from other agencies. (TTA)
7. Provide trainings to all LEAs to determine factors which contribute to significant discrepancies in the rates of suspension and expulsion of students with disabilities. (TTA)
8. Provide trainings and continuous technical assistance sessions to help LEAs analyze data on suspension and expulsion rates and correction of any significant discrepancies. (TTA)
9. Continue to consult with national experts to increase the SEA and LEA staff skill set and understanding of students who experience severe emotional difficulties. (TTA)

**Revisions, with Justification, to Proposed Targets and Improvement Activities for FFY 2008:**

OSSE set a new target for indicator 4A and it has revised its State Performance Plan accordingly. Revisions to improvement activities are discussed in the improvement activities sections above.

**Monitoring Priority: FAPE in the LRE**

**Indicator 5: Percent of children with IEPs aged 6 through 21 served:**

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.  
(20 U.S.C. 14116(a)(3)(A))

**Measurement:**

- A. Percent = [# of children with IEPs served inside the regular class 80% or more of the day] divided by the (total # of students age 6 through 21 with IEPs)] times 100.
- B. Percent = [# of children with IEPs served inside the regular class less than 40% of the day] divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- C. Percent = [(# of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students age 6 through 21 with IEPs)] times 100.

FFY	Measurable and Rigorous Targets
2008 2008-2009	<ul style="list-style-type: none"> <li>A. 13.5% of children with disabilities will be served inside the regular class 80% or more of the day.</li> <li>B. 13.5% of children with disabilities will be served inside the regular class less than 40% of the day.</li> <li>C. 27% of children with disabilities will be served in separate schools, residential facilities, or homebound/hospital placements.</li> </ul>

**Actual Target Data for FFY 2008**

- A. 17.9%
- B. 28.2%
- C. 22.8%

The target for Indicator 5A of 13.5% was met.  
 The target for Indicator 5B of 13.5% was not met.  
 The target for Indicator 5C of 27% was met.

**Display 5-1: Percent of Students with Disabilities in Various Settings**

	5A	5B	5C
Target	13.5%	13.5%	27%
Total number of students	10,128	10,128	10,128



<b>Number of students in this setting</b>	1,810	2,855	2,309
<b>Percentage of students in this setting</b>	17.9%	28.2%	22.8%
<b>Met Target</b>	Yes	No	Yes

**Display 5-2 Percent of Students with Disabilities in Various Settings**

	<b>FFY 2006</b>	<b>FFY 2007</b>	<b>FFY 2008</b>
<b>Number of students with disabilities</b>	10,359	10,296	10,128
<b>5A. Inside the regular class 80% or more of the day</b>	14.4%	17.34%	17.9%
<b>5B. Inside of the regular class less than 40% of the day</b>	27.2%	19.49%	28.2%
<b>5C. Served in public or private separate schools, residential placements or homebound or hospital places</b>	21.7%	12.15%	22.8%

The FY 2008 target for students with disabilities inside the regular class 80% or more of the day is 13.5%, increasing gradually to 15.5% at the end of the 2005 SPP (2010-11). For the second consecutive year, the observed proportion (17.9%) exceeds the target, and exceeds the six-year target of the SPP.

The target for students with disabilities served inside of the regular class less than 40% of the day is set at 13.5% for SY 2008-2009. The observed proportion for 2008-2009 is 28.2%. The target was not met. Meeting the target for Indicator 5B continues to be a challenge for the District of Columbia. One of the reasons for the continued lack of progress in this area can be partly attributed to the LEAs' lack of understanding and implementation of inclusive best practices. Another reason for the lack of progress has been the challenge of building the capacity of LEAs to understand and collect accurate 618 data. Another reason for the lack of progress is that smaller LEAs have not utilized their resources to effectively provide a continuum of services to meet the needs of their special education population. However, OSSE continues to emphasize to each LEA that the IEP teams must consider a continuum of services in order to make appropriate decisions regarding programming and placement in the LRE and to ensure the provision of FAPE to all students with disabilities.

The target for students with disabilities served in separate schools, residential facilities, or homebound/hospital placements for SY 2008-2009 is 27%, and decreases gradually to 25% at the end of the SPP. Thus, the observed proportion for 2008-2009 of 22.8% exceeds the target for the third consecutive year, and also exceeds the six-year target of the SPP. Table 5.2 indicates that there has been slippage from FFY 2007 to FFY 2008. The utilization of different data collection tools and methodologies between FY 2007 and FY 2008 may explain the slippage observed in Indicator 5C. At the time of the December 1, 2007 Child Count, when educational environments data were collected, the OSSE had not yet put in place the data verification procedures since enacted. It is believed that LEAs self-reported LRE settings without adequate training and technical assistance on IDEA reporting definitions. Examination of Child Count data subsequently revealed, for example, that one LEA serving only special education students reported all of its 225 children as being in LRE C (Inside regular class less than 40% of day), when these children should have been classified in LRE D (Separate school). The OSSE now conducts data validation to prevent such errors.

The data that OSSE is reporting for the FFY 2008 APR is based on the December 1, 2008 child count when the data verifications procedures were in effect. The FFY2008 APR data are consistent with the submitted 618 table.

**Data Source:**

Educational environments data were collected at the same time as the December 1, 2008 Child Count. IEP information from SEDS was used to calculate percent of time in the regular classroom. Charter schools were given the option of reporting all environments data via enrollment spreadsheets submitted to the OSSE.

**Response Table Issued from OSEP's June 1, 2009 Determination Letter to OSSE:**

OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.

**Discussion of Improvement Activities and Explanation of Progress or Slippage that occurred for FFY 2008 (SY 2008-2009):**

In accordance with OSSE's responsibilities to ensure that LEAs meet LRE obligations [IDEA Sec. 612(a)(5); also codified at 34 C.F.R. §300.114(a)] during the FFY 2008 there have been a series of guidance documents developed by OSSE to assist LEAs in making placement decisions. DSE has encouraged each LEA to consider the placement of students with disabilities in the regular education setting and to ensure their access to the general curriculum.

To that end on October 1, 2008 OSSE issued one of its most comprehensive policies pertaining to least restrictive environment, the *Policy and Procedures for Placement Review* (PPPR). Designed to communicate clear expectations regarding the obligation of all LEAs to meet LRE requirements, the policy has since completed its first year of full implementation to fulfill such goal. Furthermore, OSSE created a unit solely dedicated to the implementation of the PPPR-- the Placement Oversight Unit. This unit has been tasked with continuing the implementation of the policy by providing technical assistance through its state advisory role.

Thus far, the policy has helped ensure the timely guidance and support to IEP teams and LEAs when considering a change in placement of a child with a disability to a more restrictive environment. As stated in the PPPR, when an IEP team and/or LEA is considering a change in placement to a more restrictive environment, it must notify the OSSE's Placement Oversight Unit and follow a process ensuring that IDEA is being adhered to. Since its inception, the District has observed positive impacts from the policy, specifically in the area of training and technical assistance to LEAs, and percentage of students maintained in the original setting (also known as the "diversion rate").

Procedurally, the policy outlines a 30 day process during which an IEP team/LEA that is considering a change of placement of a child with disability to a more restrictive environment must notify OSSE and provide a justification for a student's removal. A representative from the Placement Oversight Unit follows up with the IEP team and LEA to provide technical assistance and coaching in order to support the capacity of the LEA to meet student needs and make a final determination as to whether the removal of the child to a less integrated setting is warranted. Through out the past year, technical assistance has come in various forms: Placement coordinators have met with an LEA and provided ideas and techniques for how to work with diverse learners; placement coordinators have also provided

information regarding state and local technical assistance available; and they have directed LEAs to other outside resources to pursue during and/or after the placement review process. Additionally, the Unit has also referred LEAs to TTA within DSE to have onsite assessment and individual training and technical assistance provided specifically to the LEA, tailored to the LEA's needs. In SY 2008-2009, 133 placement requests were submitted to OSSE, and the Placement Oversight Unit found 81 instances where training and technical assistance was strongly recommended for the charter school.

Additionally, OSSE created the ***Policy and Procedures for Placement Review, Revised***. This second version of the PPPR, accompanied by additional guidance documents, was promulgated and went into effect in January, 2010. The PPPR, Revised, was developed to provide further clarification on the roles and responsibilities of every LEA when considering a change in placement to a more restrictive environment.

#### Completed Indicator 5 Improvement Activities:

1. Conducted focused monitoring activities of LEAs. (QAM)
  - QAM conducted a focused monitoring activity during May 2009. During that period, 10 on-site monitoring visits were conducted based on the criteria from the Special Conditions placed on OSSE by the OSEP: LRE, Timely Evaluations and Re-evaluations and Implementation of HODs. As a result, three LEAs were identified as having issues related to LRE based on data provided by the Oversight Placement Unit of OSSE.
2. Professional development modules were provided to LEAs to increase their knowledge and understanding of FAPE and the IEP process in providing special education services to students with disabilities. (TTA)
  - TTA has provided training to all LEAs on FAPE and the IEP process.
3. Professional development modules were provided to LEAs to increase their knowledge and understanding of effective, researched and evidenced-based core curriculum and instruction to address the needs of all students. (TTA)
  - TTA has provided training and technical assistance to all LEAs on researched-based curriculum and instruction strategies primarily in the areas of reading intervention and curriculum mapping.
4. Professional development modules were provided to LEAs to increase their knowledge and understanding of providing high-quality instruction/intervention matched to student needs using rate over time and level of performance for decisions. (TTA)
  - TTA has provided all LEAs high quality instruction/intervention strategies to promote student achievement. Training was provided in the areas of reading interventions, curriculum mapping and using student data wisely to improve teaching and learning.
5. Created a core professional development calendar of training opportunities. (TTA)
  - A professional development calendar was created and disseminated to all LEAs electronically.
6. Developed guidance and toolkits to support schools in implementing OSSE Policies, such as the *Least Restrictive Environment Inclusion Policy* and the *Policy and Procedures for Placement Review*. (TTA)

- OSSE has created guidance documents on placement procedures and policies, guidance *Related to Prohibitions on Discrimination Against Children with Disabilities in the Charter School Application Process*, and a *FAQ on Non-regulatory Guidance to the Prohibitions on Discrimination Against Children with Disabilities* memorandum No. 09-005. These documents have been distributed to LEAs and can be found on OSSE's website <http://osse.dc.gov/seo/site/default.asp>
7. Technical assistance was provided to LEAs to support the change in placement team's recommendations. (TTA)
    - OSSE expects that students with disabilities are educated in classrooms with their non-disabled peers. When a child's IEP team determines that a less integrated setting is necessary to meet the child's needs, the TTA provides training and support to the LEA to ensure that the child is educated in the Least Restrictive Environment possible and to address barriers to services at the LEA level.
  8. OSSE initiated a RTI pilot in 4 LEAs. This program is specifically designed to improve student achievement through high quality core reading instruction in general education classrooms, paired with excellent interventions to supplement classroom instruction for those students who are in need of additional instructional support. (TTA)

Proposed Improvement Activities for FFY 2009:

1. Continue its rollout of the pilot program on responsiveness to intervention (RTI) in targeted LEAs. This pilot program is specifically designed to improve student achievement by providing high quality core reading instruction in general education classrooms paired with excellent interventions to supplement classroom instruction for those students who are in need of additional instructional support. (TTA)
2. Develop a brochure on LRE that will be posted on the OSSE website. This brochure will be used as a resource tool for parents, teachers and administrators on providing a free appropriate public education for students in their least restrictive environment. (TTA)
3. Continue to provide training and technical assistance on the IEP process to assist school staff on the implementation of LRE for students with disabilities as stated on their IEP. In addition, OSSE will develop a Special Education Resource Manual to guide LEAs through the IEP process. The Special Education Resource Manual will be made available on the OSSE website. (TTA)
4. Review the data reports and LRE assessment survey administered by QAM. The LRE survey will reveal and prioritize LEAs' areas of need. TTA will provide targeted training and technical assistance to LEAs based on findings of noncompliance. (TTA/QAM)
5. Provide LEAs with a professional development resource toolkit, which will contain researched-based resources on the topic of LRE. The toolkit will contain guidance documents covering the following: (TTA)
  - Positive behavior supports
  - Assistive technology
  - UDL

- Differentiated instruction
  - Collaboration
  - Effective inclusive practices
  - Parent involvement
  - RTI
6. Continue to provide ongoing technical assistance to LEAs in the following areas: (TTA)
- Change in placement team recommendations
  - Statewide RTI pilot program

**Revisions, with Justifications, to Proposed Targets and Improvement Activities for FFY 2008:**

Due to vacancies within OSSE during the period from July 2008 - January 2009, many of the proposed activities were not initiated. All of the pertinent staff members were hired by January 2009. OSSE requests that the following activities be moved forward to next year's improvement activities:

- OSSE will provide LEAs with a professional development resource toolkit, which will contain researched-based resources on the topic of LRE.
- OSSE will provide guidance documents to LEAs covering the following: positive behavior supports, assistive technology, UDL, differentiated instruction, collaboration, effective inclusive practices, parent involvement, and RTI.
- OSSE will develop a brochure on LRE which will be posted on the OSSE website. This brochure will be used as a resource tool for parents, teachers and administrators on providing FAPE to students in the LRE.

OSSE introduced its RTI pilot (referenced above) program to LEA leadership through a symposium held on March 31, 2009. The RTI Symposium provided an overview of the initiative, which outlined the policy for a cohort of schools that will become demonstration sites for creating the District of Columbia RTI model. In addition, the RTI initiative provided a comprehensive array of proven programs and services to help LEAs effectively implement RTI in their schools and address the needs of all learners and educational professionals.

On May 8, 2009 and May 11, 2009, OSSE held follow-up sessions on the RTI pilot program selection process. These sessions were designed to orient LEAs/schools to OSSE's RTI initiative and provide an orientation to the RTI pilot application process, which will begin with a self-study related to RTI readiness.

On June 12, 2009, LEAs were selected and notified of their acceptance into the RTI pilot program.

- LEA selection was based upon the completed readiness tool, school community survey, and follow up on-site interviews with the principal, school leadership team, and other key stakeholders.

In August 2009, OSSE began implementation of the RTI program.

- The first year of the project has a focus on core reading instruction and tier 2 interventions in grades K- 8 in four pilot schools.
- In the second year (SY 2010-2011) of the project, another group of pilot schools will be eligible to participate.

Every project school will also be working on improving student behavior through participation in the PBIS program.

1. Targeted Technical Assistance: Based on student performance data and follow-up visits, LEAs participating in the RTI Pilot, Positive Behavioral Supports initiatives have been targeted for more intensive on-site assistance by OSSE. The Office of Language Arts Literacy Education and the Office of Reading First, in collaboration with the Office of Special Education Training and Technical Assistance, conduct on-site building walkthroughs and meetings with building and district personnel. Based on findings, recommendations for improvements have been made. Follow up meetings are held to verify implementation of recommendations.
2. TTA will provide professional development modules to LEAs on the use of Assistive Technology Tools in inclusive environments.

**Monitoring Priority: FAPE in the LRE**

**Indicator 7:** Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

**Measurement:**

- A. Percent of preschool children who did not improve functioning =  $[(\# \text{ of preschool children who did not improve functioning}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$ .
- B. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers =  $[(\# \text{ of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$ .
- C. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it =  $[(\# \text{ of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$ .
- D. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers =  $[(\# \text{ of preschool children who improved functioning to reach a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$ .
- E. Percent of preschool children who maintained functioning at a level comparable to same-aged peers =  $[(\# \text{ of preschool children who maintained functioning at a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$ .

**Summary Statements for Each of the Three Outcomes (use for FFY 2008-2009 reporting):**

**Summary Statement 1:**

Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

**Measurement for Summary Statement 1:**

Percent =  $(\# \text{ of preschool children reported in progress category (c)} + \# \text{ of preschool children reported in category (d)}) \div (\# \text{ of preschool children reported in progress category (a)} + \# \text{ of preschool children reported in progress category (b)} + \# \text{ of preschool children reported in progress category (c)} + \# \text{ of preschool children reported in progress category (d)}) \times 100$ .

**Summary Statement 2:**

The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

**Measurement for Summary Statement 2:**

Percent = # of preschool children reported in progress category (d) plus # of preschool children reported in progress category (e) divided by [the total # of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e)] times 100.

**Actual Target Data for FFY 2008:**

There are no current target data for FFY 2008 as the baseline for this indicator has not yet been established. As reported in OSSE's FFY 2007 APR, a baseline and targets for indicator 7 will be set in FFY 2010 if OSSE determines, in consultation with OSEP technical assistance providers, that an adequate sample size exists of entry and exit data. Entry data is currently being collected in FFY 2009 (SY 2009-2010).

**Response Table Issued from OSEP's June 1, 2009 Determination Letter to OSSE, and OSSE's Response:**

The State did not report the required progress data. While States are required to provide baseline data and establish targets with the FFY 2008 APR, the State has not provided entry data and reports it will not begin collecting these data until FFY 2009. Therefore, the State will be unable to establish baseline data and targets as required in the FFY 2008 SPP/APR.

The State must report entry data and improvement activities with the FFY 2008 APR, due February 1, 2010. The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide the required information in the FFY 2008 APR.

While OSSE is currently not reporting entry data, OSSE has been actively collecting these data from LEAs in FFY 2009. 13 LEAs have submitted either partial or complete COSF entry data to date, and an initial review of the data received has been completed. This is the first time that LEAs have been asked to collect these data, and a review of data has revealed several challenges encountered by LEAs in their efforts to fulfill reporting requirements.

OSSE is currently providing targeted technical assistance to several LEAs, including the District's largest LEA, to ensure that COSF data collection processes meet federal requirements.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008):**

OSSE began addressing the majority of improvement activities for this indicator in the fall of 2009. In FFY 2008, OSSE actively recruited potential hires for an existing Early Childhood Special Education Coordinator vacancy. While OSSE filled this position in February, 2009, the position became vacant again in August, 2009. OSSE is actively recruiting to fill this current vacancy.

Given that Indicator 7 is a new reporting requirement for LEAs in the District, it is believed that additional LEA training and support is required. OSSE plans to continue its support to LEAs and improve its in-house capacity to provide such support throughout the remainder of FFY 2009 (2009-2010 SY) and



beyond. Accordingly, it is planning to continue implementation of the majority of its improvement activities.

Completed and Ongoing Indicator 7 Improvement Activities:

1. Conduct training and provide technical assistance for all LEAs on the use of the Childhood Outcomes Summary Form (COSF) assessment instrument to include collecting, scoring, and reporting the data. TTA will conduct two trainings on an introduction to Indicator 7 for all LEAs.

- OSSE conducted training on an introduction to Indicator 7 with all LEAs in fall, 2009. In FFY 2008, OSSE's early childhood special education committee selected the Battelle Developmental Inventory (BDI -2) and the Assessment Evaluation Programming System for Infants and Children (AEPSI) as the primary assessment tools for reporting Indicator 7 data. Trainings to support the collection of entry data by LEAs were conducted this fall and winter as follows:

October 27, 2009

Childhood Outcomes Summary Forms (COSF) Training

October 28, 2009

Developmental Milestones of Preschool Children - Are They on Track?

December 7, 2010

Battelle Developmental Inventory (BDI) Training (OSSE purchased BDI kits and LEAs who selected Battelle were provided Battelle kits at no cost).

In addition to these formal trainings, LEAs were provided with additional guidance and communications throughout the fall to support LEAs on the use of assessment instruments and scoring/reporting the data.

2. Consult with National Early Childhood Technical Assistance Center (NECTAC) and the Early Childhood Outcomes Center (ECO) on questions related to this indicator.

- This collaboration has resulted in the review of requirements for this indicator and the design of LEA trainings outlined below. OSSE will continue to collaborate with OSEP TA providers moving forward.

3. Implement a professional development schedule on specific early literacy and numeracy instructional approaches for all LEAs.

- OSSE is implementing a professional development schedule on specific early literacy and numeracy instructional approaches for all LEAs in FFY 2009 (SY 2009-2010). TTA has developed a schedule for training on specific early literacy and early numeracy instructional approaches for all LEAs as follows:

December 9, 2009

Struggling Pre-Kindergartners: Laying the Foundation for Success

December 17, 2009

Early Literacy: Phonological Awareness and Phonics

January 6, 2010

Response to Intervention (RTI) in a Preschool Setting

January 20, 2010

Early Literacy: Vocabulary Development

January 28, 2010

Early Numeracy Skills for Preschool Teachers

February 17, 2010

Struggling Pre-Kindergartners: Laying the Foundation for Success

February 24, 2010

Early Literacy: Phonological Awareness and Phonics

March 24, 2010

Early Literacy: Vocabulary Development

Although some preliminary training occurred in the spring of 2009, continued transitions and staffing challenges resulted in delays for a majority of trainings. However, as noted above, a robust training schedule is underway in the 2009-2010 school year.

4. Provide focused technical assistance to LEAs to address IEP development, data collection/entry, and IEP accommodations/modifications.

- TTA provided focused technical assistance to LEAs to address IEP development, data collection/entry, and IEP accommodations/modifications when it was requested by specific LEAs. A log of this assistance was kept by the Early Childhood Coordinator to document this activity.

5. Create and provide each LEA with a training and technical assistance resource manual on Early Childhood Outcomes, and post related training modules for LEAs to use as a resource guide.

- A training and technical assistance resource manual on Early Childhood Transition has been created but has not yet been disseminated.

Although the training and technical resource manual on Early Childhood Transition has been created, it has not been provided to the LEAs pending the finalization of OSSE's Early Childhood Transition Policy. Once this policy is finalized, the manual will be cross-referenced to ensure alignment and training and technical assistance will be provided.

Proposed Improvement Activities for FFY 2009:

1. Conduct training and provide continued technical assistance for all LEAs on the use of the COSF assessment instrument to include collecting, scoring and reporting the data.
2. Continue to consult the NECTAC and ECO on a monthly basis with questions related to this indicator.

3. Provide all LEAs with the Early Childhood Transition manual following completion and issuance of the Early Childhood Transition policy.
4. Provide professional development to all LEAs on specific early literacy and numeracy instructional approaches for all LEAs.

**Revisions, with Justification, to Proposed Targets and Improvement Activities for FFY 2008:**

The state has revised its State Performance Plan to reflect the revised timelines for target data. Revisions to improvement activities are discussed in the improvement sections above.

**Part B State Annual Performance Report (APR) for FFY 2008**

**Overview of the Annual Performance Report Development:**

**Monitoring Priority: FAPE in the LRE**

**Indicator 8:** Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

(20 U.S.C. 1416(a)(3)(A))

**Measurement: Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.**

FFY	Measurable and Rigorous Targets
2008 2008-2009	<i>70% of parents with a child receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</i>

**Actual Target Data for FFY 2008: 78.6%**

**Display 8-1: Percent of Parents Who Report that the School Facilitated Their Involvement**

	FFY 2008
<b>Total Number of Parent Respondents</b>	799
<b>Number who reported school facilitated their involvement</b>	628
<b>Percentage who reported school facilitated their involvement</b>	78.6%

**The target of 70.0% was met.**

In FFY 2008, the survey was distributed to all parents of children receiving special education services in the District. A total of 10,671 surveys were distributed and 799 were returned for a response rate of 7.5 %.

This response rate represents a significant improvement over the response rate achieved in FFY 2005 (1.4%) and it represents a slight improvement over the 7% response rate achieved in FFY 2006.

**FFY 2007 Note:** In FFY 2007, OSSE contracted with a local vendor to print and distribute the parent surveys to more than 10,000 parents with a child or children receiving special education services in the District of Columbia. In addition, OSSE contracted with the Mountain Plains Regional Resource Center (MPRRC) to analyze the parent survey to help inform the special education reform efforts in the District of Columbia. Unfortunately, due to major miscommunications and misunderstandings between OSSE and the local vendor, the surveys were not delivered in time to parents nor returned to OSSE in time for MPRRC to analyze the parent surveys and complete a report for OSSE in regards to Indicator 8. Therefore, OSSE was unable to respond to Indicator 8 for FFY 2007.

The purpose of the Parent Survey is to assist OSSE in determining the extent to which schools are facilitating parent involvement. The survey data will assist OSSE and the LEAs in improving parent involvement and will result in positive outcomes for parents as well as improved outcomes for children.

OSSE used a paper-and-pencil, slightly-modified version of the 26-item National Center for Special Education Accountability Monitoring (NCSEAM) Part B K-12 survey. A few items were modified in order to increase the readability of the survey and to make the survey appropriate for parents of children age 3 to 5. OSSE contracted with Mountain Plains Regional Resource Center (MPRRC) for assistance with the data collection, data analysis, and report-writing for this indicator.

In November 2009, the Parent Survey was mailed to all parents of students (age 3-21) who received special education services during the 2007-08 school year. Surveys were sent to 10,671 parents. Surveys were sent to parents and local education agencies bundled by school locations (some schools have several locations) with individual student packets to be distributed to parents. Packets to parents included a self-addressed, postage-paid return envelope. Parents were not asked to provide student identifiable information.

Students whose primary home language is Spanish were encouraged to utilize a toll free Language Line services. The Language Line Services provides professionally trained and tested language interpreters who do not interpret word-for-word, but meaning-for-meaning. Each time an OSSE staff member utilized the Language Line Services, for any of our 170 languages, he encountered a professional interpreter who was proficient in both languages, had general knowledge and intimate familiarity with both cultures, had the ability to express thoughts clearly and concisely in both languages and had general knowledge of the subject to be interpreted.

The District continues to prioritize parent involvement in order to increase student achievement. Although aggressive outreach efforts were made, several factors might have contributed to a response rate that is lower than DSE aims to achieve. These factors include:

- Student mobility across and out of the District of Columbia public school system
- Surveys lost or not taken home by students
- Mailing address changes
- Potential parental suspicion of the purpose of the survey

**Data Source:**

OSSE is pleased to note that it is providing the required data for FFY 2008. The representativeness of the surveys was assessed by examining the demographic characteristics of the children of the parents who

responded to the survey to the demographic characteristics of all special education students. Parents of students from each racial/ethnic category, each primary disability category and each grade level responded to the survey. 80 % of respondents reported having a child that is Black/African American, 9% reported having a child that is White, 8% reported having a child that is Hispanic or Latino, 1% reported having a child that is American Indian and 1% of respondents reported having a child that is Asian/Pacific Islander (these data are reported in the attached parent satisfaction survey). This demographic breakdown is very similar to the demographic breakdown of the FFY 2008 student population of District of Columbia public schools and public charter schools: African Americans/Blacks made up 83% of the student population; Hispanics made up 10% of the student population; Whites made up 5.5% of the student population; Asian/Pacific Islander made up 1.5% of the student population; and American Indians made up less than .1% of the student population. Thus, OSSE is confident of the validity, reliability, and representativeness of the data.

To arrive at the percent of parents who report that the school facilitated their involvement, a “percent of maximum” scoring procedure was used. Each survey respondent received a percent of maximum score based on their responses to all 26 items. A respondent who rated their experiences with the school a “1” (Very Strongly Agree) on each of the 26 items received a 100% score; a respondent who rated their experiences with the school a “6” (Very Strongly Disagree) on each of the 26 items received a 0% score. A respondent who rated their experiences with the school a “3” (Agree) on each of the 26 items received a 60% score. (Note: a respondent who **on average** rated their experiences a “3” (e.g. a respondent who rated 7 items a “3,” 9 items a “2” and 9 items a “4,”) would also receive a percent of maximum score of 60%). A parent who has a percent of maximum score of 60% or above was identified as one who reported that the school facilitated his/her involvement. A 60% cut-score is representative of a parent who, on average, agrees with each item; as such, the family member is agreeing that the school facilitated their involvement.

#### **Response Table Issued from OSEP’s June 1, 2009 Determination Letter to OSSE:**

The State provided a plan to collect and report the required data beginning with the FFY 2008 APR. The State must provide the required data in the FFY 2008 APR due February 1, 2010.

#### **Discussion of Improvement Activities Completed for FFY 2008 (SY 2008-2009):**

As indicated in Display 8-2, the percentage of parents who reported that the school facilitated their involvement increased from FFY 2005 to FFY 2006. As previously noted, data were not reported in the FFY 2007 APR. OSSE executed the development and dissemination of the parent survey in FFY 2008. In review of the improvement activities proposed in FFY 2007, DSE:

- Consulted with Mid South Regional Resource Center to identify ways to enhance the survey rate of return;
- Met with the OSSE Office of Procurement to clarify the scope of work to designate vendors and to develop a mechanism for survey dissemination; and
- Created an internal process to identify and address barriers that may pose a challenge with timelines.

The parents who completed the survey in FFY 2008 were slightly more likely to say the school facilitated their involvement than parents who completed the survey in FFY 2006. Possible reasons for maintaining high levels of parental satisfaction with school facilitated involvement are:

1. DSE training and technical assistance to LEAs regarding parental involvement;
2. Increased efforts by LEAs to involve parents in school-based activities; and
3. SEA communications with the school system via weekly agency-wide LEA newsletters.

**Display 8-2: Percent of Parents Who Report that the School Facilitated Their Involvement as a Means of Improving Services and Results for Children with Disabilities over Time**

*\*Survey was not administered in FFY 2007.*

	FFY 2005	FFY 2006	FFY 2007*	FFY 2008
<b>Total Number of Parent respondents</b>	151	722		799
<b>Number who reported school facilitated their involvement</b>	103	563		628
<b>Percentage who reported school facilitated their involvement</b>	68.2%	78.0%		78.6%

**School’s Performance in Developing Partnerships with Parents:** An overwhelming majority (92%) of the parents surveyed indicated that they participated equally with their child’s teachers and other professionals in planning of their child’s educational program.

**Teachers and Administrators:** Satisfaction with teachers and administrators was high, with 92% of the respondents agreeing that they were shown respect for their culture and how it was of value as it relates to their child’s education.

**My Child’s School:** An overwhelming majority (97%) of the respondents indicated that their child’s school had personnel available to answer questions but only 66% reported that they were offered training about special education related issues.

**Services:** The majority of respondents (85%) agreed that their child’s IEP is fully implemented, and that the child receives the correct amount of specialized instruction on his/her IEP and receives it on time (84%).

**Hearing Office Decisions and Settlement Agreement:** More than half (56%) of the surveys received a response regarding having made a due process complaint with 68% indicated that the case was heard without delay.

**Outcomes:** With 92% of parents responding to the question regarding their child’s progress; 88% agree that they receive regular updates.

Proposed Improvement Activities for FFY 2009:

The following improvement strategies are proposed in an effort to increase parent response rate:

1. Develop a LEA communication plan that will strengthen outreach efforts.
2. Distribute the Parent Survey prior to the end of the school year and extend the survey period.
3. Utilize parent and community based resources to encourage the completion of the survey (i.e. Parent Training and Information Centers and DC Parent Resource Centers).
4. Offer the survey in the language spoken in the home and continue utilizing the District of Columbia Language Access Line to assist with the completion of the survey.
5. Increase the usability of the survey by ensuring the language is family friendly.

**(The parent satisfaction survey is attached separately)**

**Revisions, with Justification, to Proposed Targets and Improvement Activities for FFY 2008**

OSSE continues to evaluate its survey dissemination and response process in developing improvement strategies for this indicator.



**Monitoring Priority: Disproportionality**

**Indicator 9:** Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

(20 U.S.C. 1416(a) (3) (C))

**Measurement: Percent = [(# of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.**

Based on its review of the 618 data for FFY 2008, describe how the State made its annual determination that the disproportionate representation is identified (consider both over and underrepresentation) of racial and ethnic groups in special education and related services was the result of inappropriate identification as required by §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum 'n' size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2008 reporting period, i.e., after June 30, 2009. If inappropriate identification is identified, report on corrective actions taken.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2008</b> 2008-2009	<i>0% of districts will have disproportionate representation of racial and ethnic groups in special education and related services resulting from inappropriate identification.</i>

**Actual Target Data: 0% of students identified resulting from inappropriate identification**

Zero percent of districts were found to have disproportionate representation of racial and ethnic groups in special education and related services as a result of inappropriate identification.

In FFY 2008, OSSE used a weighted risk ratio to review the 14 LEAs that had 40 or more students with disabilities (SWD). OSSE identified 1 LEA with disproportionate representation of racial and ethnic groups in special education and related services. OSSE administered a self-assessment to that LEA in January, 2010. After a review of the policies, procedures and practices of that LEA, OSSE found no disproportionate representation of racial and ethnic groups in special education and related services as a result of inappropriate identification.

**The target for indicator 9 of 0% was met.**

**State’s Definition of Disproportionate Representation:**

During FFY 2008 (SY 2008-2009), OSSE examined other states’ practices and decided on the adoption of a weighted risk ratio definition as a more representative formula for addressing Indicators 9 and 10. OSSE introduced the new proposed definition to the State Advisory Panel (SAP) on Special Education, seeking stakeholder input as required by IDEA. Upon consulting with the SAP, OSSE adopted weighted risk ratios of .25 for under-representation and 2.5 for over-representation for FFY 2008 reporting purposes. OSSE has updated the SPP accordingly.

The weighted risk ratio compares the chance, or risk, of children of a particular racial/ethnic group being identified for special education with the chance of children of all other racial/ethnic groups being identified for special education, taking into account the racial/ethnic composition of the student population in the District of Columbia. That is, the weighted risk ratio negates any effect on risk caused by a large or small percent of students being of a particular racial/ethnic group. The District of Columbia’s weighted risk ratio limits of .25 to 2.5 means that the OSSE will investigate cases in which a particular racial/ethnic group is less than one quarter or more than two and one half times as likely as all other racial/ethnic groups to be identified for special education, based on each racial/ethnic group’s proportion of all students in the District of Columbia.

OSSE reviewed data related to the following required racial/ethnic groups: Black/African American, White, Hispanic or Latino, American Indian and Asian/Pacific Islander.

**Minimum group size for inclusion:**

OSSE determined that an LEA had to have at least 40 children with disabilities in order for an LEA to be included in this indicator. In addition, within LEAs of 40 or more students with disabilities, at least five students of a single race/ethnicity are required for weighted risk ratio analysis.

**Display 9-1: Percent of LEAs with Disproportionate Representation in Special Education and Related Services that is the Result of Inappropriate Identification**

	FFY 2007	FFY 2008
<b>Total # of LEAs with n =&gt; 40 SWD</b>	12	14
<b># of LEAs with disproportionate representation</b>	3	1
<b>% of LEAs with disproportionate representation</b>	25%	7.1%
<b># of LEAs found to have disproportionate representation due to inappropriate identification</b>	NA*	0
<b>% of LEAs found to have disproportionate representation due to inappropriate identification</b>	NA*	0%

\*DSE conducted no monitoring activities in FFY 2007

**Display 9-2: Cut-Scores for Flagging LEAs for Possible Inappropriate Identification**

Level	Weighted Risk Ratio (WRR)– 2007 & 2008
<b>Over-representation</b>	<b>2.5 and above</b>
<b>Under-representation</b>	<b>.25 and below</b>

**Display 9-3: Final Risk Ratios That Were Flagged, by LEA**

FFY 2007				
LEA	Racial/Ethnic Group	No. of SWD in racial/ethnic group	No. of SWD in other racial/ethnic groups	WRR
1	Black	74	4	3.33
2	Black	76	2	2.89
3	Black	55	1	2.52

**Display 9-4: Final Risk Ratios That Were Flagged, by LEA**

FFY 2008				
LEA	Racial/Ethnic Group	No. of SWD in racial/ethnic group	No. of SWD in other racial/ethnic groups	Final WRR
1	Black	44	7	4.58

**Data Source:**

OSSE is pleased to note that it is providing the required data for this indicator in the FFY 2008 APR. Data used for Indicator 9 were gathered through the OSSE Annual Public School Enrollment Audit and SEDS. These sources were used to determine the overall demographics of the District's student population necessary for weighted risk ratio calculations, and the total enrollment of individual LEAs. The demographics of individual LEA special education populations were extracted from the December 1, 2007 Child Count and December 1, 2008 Child Count, which included student level race/ethnicity data. The FFY 2007 Child Count data were collected from ENCORE and augmented by charter school data collected via spreadsheets. The FFY 2008 Child Count data were collected using SEDS; charter schools were given the additional option of submitting enrollment data via spreadsheets.

**Response Table Issued from OSEP's June 1, 2009 Determination Letter to OSSE:**

The State did not submit FFY 2007 data for this indicator. The State has not provided valid and reliable data for this indicator, although required, for three years. This raises concerns about the State's compliance with the requirements in 34 CFR §76.720(c).

The State provided a plan to collect and report the required data beginning with the FFY 2008 APR. The State must provide the required data in the FFY 2008 APR, due February 1, 2010.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008 (SY 2008-2009):**

When OSSE was created as the District's state education authority in October, 2007, it reviewed the SPP's existing definitions for Indicators 9 and 10 and determined that the current definitions would not produce valid data to ensure equitable practices.

During the SY 2008-2009 (FFY 2008), OSSE examined other states' practices and consulted with its federally provided technical assistance providers. After substantial review, OSSE decided on the adoption of a weighted risk ratio definition as a more representative formula for addressing these

indicators. On June 18, 2009, the OSSE introduced the new proposed definition to the SAP, seeking stakeholder input as required under IDEA. The SAP voted in favor of adopting the revised definition.

While OSSE is unable to determine progress or slippage since data were not reported in FFY2007 and OSSE is reporting 0% of LEAs having disproportionate representation resulting from inappropriate identification in FFY2008, OSSE is committed to being proactive to reduce any disproportionality. The proposed activities for 2009-2010 are part of proactive work to reduce disproportionality.

The OSSE made no findings of noncompliance for this indicator in FFY2007.

#### Completed Indicator 9 Improvement Activities:

1. OSSE is no longer using ENCORE. To ensure accurate data collection and analyses, OSSE has transitioned to SEDS and supplemental spreadsheets for reporting on these indicators in FFY 2008. (DATA)
2. Receipt of technical assistance from DAC and Mid South to determine how best to calculate disproportionality consistent with the required measurement formula. (DATA)
3. Use of a weighted risk ratio to identify LEAs at risk of potential disproportionate representation (under-representation and over-representation) due to inappropriate identification. (DATA)
4. TTA provided core training on areas designed to decrease school and LEA-based policies, practices, and procedures likely to result in disproportionate identification, including:
  - SST Training
  - Best Practices Related to the IEP Process
  - Data Wise- Data Based Decision Making
  - Elementary, Middle, and Secondary Reading Interventions RTI- Overview (TTA)
5. OSSE also initiated a state pilot of a RTI model in March 2009. Through this model, four selected LEAs receive targeted and regular professional development, training and technical assistance to effectively implement the RTI model. This model incorporates research and evidence-based practices which support the appropriate referral and identification of students with special needs to prevent disproportionality among racial and ethnic groups. (TTA)
6. Upon adoption of the .25 to 2.5 weighted risk ratio range for under-representation and over-representation, OSSE applied this formula to both 07-08 and 08-09 LEA data. Ten LEAs were identified as being at risk for potential disproportionate representation due to inappropriate identification. These LEAs received the Disproportionality Self-Assessment for completion and return to DSE by January, 2010. (QAM)

#### Proposed Improvement Activities for FFY 2009:

1. Continue to refine the data collection process to ensure that SEDS collects all data required for federal reporting purposes. (DATA)

2. Continue to provide user training on all modifications/improvements to the SEDS. (DATA)
3. Continue to expand its training modules to ensure that LEAs build capacity to reduce disproportionate representation. Core trainings offered in SY 2009-2010 include, but are not limited to: (TTA)
  - a. LRE for LEAs
  - b. Understanding Early Intervening Services
  - c. Universal Design for Learning
  - d. Data Collection 101
  - e. Positive Behavior Support
  - f. Response to Intervention
  - g. FBAs and BIPs
  - h. IEP Goal Writing
4. Developed a specific LEA training to address LEA policies, procedures, and practices related to disproportionate representation, entitled "Addressing Disproportionality and Over-Representation in the District of Columbia." This training will occur in spring 2010. (TTA)
5. Under the RTI pilot program, OSSE will:
  - a. Use the first year of the project to focus upon core instruction in kindergarten, first and second grade in elementary schools.
  - b. Work with each project school on improving student behavior through participation in the Positive Behavioral Interventions and Supports (PBIS) program, since there is a strong link between appropriate behavior and student achievement.
  - c. Collaborate with the Policy Unit to issue RTI guidance to all LEAs in summer, 2010, prior to the beginning of the SY 2010-2011.
6. The Disproportionality Self-Assessment will be incorporated into the 2009-2010 LEA self assessment process introduced in March, 2010. (QAM)
7. Moving forward, this component of the self-assessment will be included in OSSE's review to determine whether an LEA qualifies for focused monitoring in SY 2009-2010. (QAM)
8. The self-assessment tool includes: data verification, a review of compliance indicators related to identification, referral, evaluation, and eligibility determinations. In addition, the tool includes general education instructional delivery, school-wide interventions, assessment practices, discipline, co-planning and co-teaching, and professional development. (QAM)
9. TTA will continue to provide technical assistance to facilitate the self-review and provide on-site technical assistance to districts to address identified inappropriate policies, procedures and practices. (QAM)

Data received from LEAs will be reviewed, including the review of LEA policies, practices and procedures that could account for their identification using the .25 to 2.5 weighted risk ratio calculation. If this review reveals unsatisfactory or noncompliant policies, practices, and procedures at any of the 10 LEAs, OSSE will issue letters of findings requiring the development of corresponding corrective action plans. (QAM)

## **Revisions, with Justification, to Proposed Targets and Improvement Activities for FFY 2008**

OSSE established a new definition for indicator 9 and it has revised its State Performance Plan accordingly.

QAM did not execute monitoring activities related to disproportionate representation during SY 2008-2009, OSSE did examine other states' practices to develop a draft LEA Disproportionality Self Assessment over the summer and fall 2009. The LEA Disproportionality Self Assessment was finalized after being reviewed by OSEP staff in the fall of 2009. (QAM)

**Monitoring Priority: Disproportionality**

**Indicator 10:** Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. (20 U.S.C. 1416(a) (3) (C))

**Measurement:** Percent = [(# of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

Include State’s definition of “disproportionate representation.”

Based on its review of the 618 data for FFY 2008, describe how the State made its annual determination that the disproportionate representation it identified (consider both over and under representation) of racial and ethnic groups in specific disability categories was the result of inappropriate identification as required by §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum 'n' size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in specific disability categories is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2008, i.e., after June 30, 2009. If inappropriate identification is identified, report on corrective actions taken.

FFY	Measurable and Rigorous Target
2008 2008-2009	<i>0% of districts will have disproportionate representation of racial and ethnic groups in specific disability categories resulting from inappropriate identification.</i>

**Actual Target Data for FFY 2008:**

Zero percent of districts were found to have disproportionate representation of racial and ethnic groups in specific disability categories resulting from inappropriate identification.

In FFY 2008, OSSE used a weighted risk ratio to review the 14 LEAs that had 40 or more students with disabilities (SWD). OSSE identified 8 LEAs with disproportionate representation of racial and ethnic groups in specific disability categories. OSSE administered a self-assessment to those 8 LEAs in January, 2010. After reviewing the policies, procedures and practices of each LEA, OSSE found no disproportionate representation of racial and ethnic groups in specific disability category as a result of inappropriate identification.

**State’s Definition of Disproportionate Representation:**

During the SY 2008-2009 (FFY 2008), OSSE examined other states’ practices and decided on the adoption of a weighted risk ratio definition as a more representative formula for addressing Indicators 9 and 10. OSSE introduced the new proposed definition to the State Advisory Panel (SAP) on Special Education, seeking stakeholder input as required under IDEA. Upon consulting with the SAP, OSSE adopted weighted risk ratios of .25 for under-representation and 2.5 for over-representation for reporting purposes in the FFY 2008 submission and has updated the SPP accordingly.

The weighted risk ratio compares the chance, or risk, of children of a particular racial/ethnic group being identified with a specific disability with the chance of children of all other racial/ethnic groups being identified with that same specific disability, taking into account the racial/ethnic composition of the student population in the District of Columbia. That is, the weighted risk ratio negates any effect on risk caused by a large or small percent of students being of a particular racial/ethnic group. The District of Columbia’s weighted risk ratio limits of .25 to 2.5 means that the OSSE will investigate cases in which a particular racial/ethnic group is less than one quarter or more than two and one half times as likely as all other racial/ethnic groups to be identified with a specific disability, based on each racial/ethnic group’s proportion of all students in the District of Columbia.

OSSE reviewed data related to the following required racial/ethnic groups: Black/African American, White, Hispanic or Latino, American Indian and Asian/Pacific Islander and the following disabilities categories: Autism, SLD, ED, MD, OHI, MR, SLI, Deaf/Blind, VI, Deafness, Hearing Impairment, OI, TBI.

**Minimum number of students necessary to be included:** OSSE requires that an LEA have at least 40 children with disabilities in order for the LEA to be included in the analysis for this indicator. In addition, the LEA had to have at least 5 students of a single race/ethnicity for the weighted risk ratio analysis.

**Display 10-1: Percent of LEAs with Disproportionate Representation in Specific Disability Category that is the Result of Inappropriate Identification**

	FFY 2007	FFY 2008
<b>Total # of LEAs with n <math>\geq</math> 40 SWD</b>	12	14
<b># of LEAs with disproportionate representation</b>	5	8
<b>% of LEAs with disproportionate representation</b>	41.7%	57.1%
<b># of LEAs found to have disproportionate representation due to inappropriate identification</b>	NA*	0
<b>% of LEAs found to have disproportionate representation due to inappropriate identification</b>	NA*	0%

\*DSE conducted no monitoring activities in FFY 2007

**Display 10-2: Cut-Scores for Flagging the LEAs for Possible Inappropriate Identification**

Level	Weighted Risk Ratio – 2007 & 2008
<b>Over-representation</b>	<b>2.5 and above</b>
<b>Under-representation</b>	<b>.25 and below</b>

**Display 10-3: LEAs That Were Flagged for Possible Inappropriate Identification**

FFY 2007



LEA	Racial/Ethnic Group	Disability	No. of SWD in racial/ethnic group	No. of SWD in other racial/ethnic groups	Final WRR
1	Black	SLD	25	1	4.5
2	Black	ED	1,550	39	8.61
2	Hispanic	ED	20	1,569	0.1
2	White	ED	18	1,571	0.2
2	Black	MR	1,013	35	6.33
3	Hispanic	SLI	7	3	5.39
4	Hispanic	SLI	6	3	6.69
5	Black	OHI	7	1	27.67

**Display 10-4: LEAs That Were Flagged for Possible Inappropriate Identification**

FFY 2008					
LEA	Racial/Ethnic Group	Disability	No. of SWD in racial/ethnic group	No. of SWD in other racial/ethnic groups	Final WRR
1	Black	MD	5	1	0.1
2	Black	MD	25	1	5.4
2	Black	SLD	28	3	0.13
3	Black	ED	1,344	41	7.69
3	Hispanic	ED	22	1,363	0.13
3	White	ED	18	1,367	0.2
3	Black	MR	911	43	4.9
4	Hispanic	SLI	5	5	2.67
5	Black	OHI	18	1	0.19
6	Black	MD	11	1	0.20
6	Black	SLI	5	1	0.09
7	Black	OHI	5	1	3.64
7	Black	SLD	26	2	9.46
8	Black	MD	7	1	10.09
8	Black	SLD	12	2	2.65

**Data Source:**

Data used for Indicator 10 were gathered through the OSSE Annual Public School Enrollment Audit and SEDS. These sources were used to determine the overall demographics of the District of Columbia's student population, necessary for weighted risk ratio calculations, and the total enrollment of individual LEAs. The demographics of individual LEA special education populations were extracted from the December 1, 2007 and December 1, 2008 Child Counts, which included student level race/ethnicity data. The FFY 2007 Child Count data were collected from Encore and augmented by charter school data, collected via spreadsheets. The FFY 2008 Child Count data were collected using SEDS; charter schools were additionally given the option of submitting enrollment data via spreadsheet.

### **Response Table Issued from OSEP's June 1, 2009 Determination Letter to OSSE:**

The State did not submit FFY 2007 data for this indicator. The State has not provided valid and reliable data for this indicator, although required, for three years. This raises concerns about the State's compliance with the requirements in 34 CFR §76.720(c). The State provided a plan to collect and report the required data beginning with the FFY 2008 APR. The State must provide the required data in the FFY 2008 APR, due February 1, 2010.

### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008 (SY 2008-2009):**

Please note: The state views the effort necessary to demonstrate progress on indicators 9 and 10 to be intertwined. Therefore, the training activities noted below will also assist with the improvement activities of Indicator 9.

When OSSE was created as the District's SEA in October, 2007, it reviewed the SPP's existing definitions for Indicators 9 and 10 and determined that the current definitions would not produce valid data to ensure equitable practices.

During the SY 2008-2009 (FFY 2008), OSSE examined other states' practices and consulted with its federally provided technical assistance providers. After substantial review, OSSE decided on the adoption of a weighted risk ratio definition as a more representative formula for addressing these indicators. On June 18, 2009, the OSSE introduced the new proposed definition to the SAP, seeking stakeholder input as required under IDEA. The SAP voted in favor of adopting the revised definition.

While OSSE is unable to determine progress or slippage since data were not reported in FFY2007 and OSSE is reporting 0% of LEAs having disproportionate representation resulting from inappropriate identification in FFY2008, OSSE is committed to being proactive to reduce any disproportionality. The proposed activities for 2009-2010 are part of proactive work to reduce disproportionality.

The OSSE made no findings of noncompliance for this indicator in FFY2007.

#### Completed Data Improvement Activities:

To ensure accurate data collection and analyses, OSSE is no longer using the ENCORE legacy database and transitioned to SEDS and supplemental spreadsheets for reporting on these indicators in FFY 2008. Further data improvement activities completed in FFY 2008 included:

- Receipt of technical assistance from DAC and Mid South to determine how best to calculate disproportionality consistent with the required measurement formula. (DATA)
- Use of a weighted risk ratio to identify LEAs at risk of potential disproportionate representation (under-representation and over-representation) due to inappropriate identification. (DATA)

#### Completed Training and Technical Assistance Improvement Activities:

TTA provided core training on areas designed to decrease school and LEA-based policies, practices, and procedures likely to result in disproportionate identification, including: (TTA)

- SST Training
- Best Practices Related to the IEP Process
- Data Wise- Data Based Decision Making
- Elementary, Middle, and Secondary Reading Interventions

- Response to Intervention- Overview

OSSE also initiated a state pilot of a RTI model in March 2009. Through this model, four selected LEAs receive targeted and regular professional development, training and technical assistance to effectively implement the RTI model. This model incorporates research and evidence based practices which support the appropriate referral and identification of students with special needs to prevent disproportionality among racial and ethnic groups. (TTA)

#### Completed Quality Assurance and Monitoring Activities:

While QAM did not execute monitoring activities related to disproportionate representation during the SY 2008-2009, DSE did examine other states' practices to develop a draft a LEA Disproportionality Self Assessment over the summer and fall of 2009. The LEA Disproportionality Self Assessment was finalized after being reviewed by OSEP staff in the fall of 2009. (QAM)

Upon adoption of the .25 to 2.5 weighted risk ratio range for under-representation and over-representation, OSSE applied this formula to both 07-08 and 08-09 LEA data. Ten LEAs were identified as being at risk for potential disproportionate representation due to inappropriate identification. These LEAs received the Disproportionality Self-Assessment for completion and return to DSE by January, 2010. (QAM)

Data received from LEAs will be reviewed, including the review of LEA policies, practices and procedures that could account for their identification using the .25 to 2.5 weighted risk ratio calculation. If this review reveals unsatisfactory or noncompliant policies, practices, and procedures at any of the 10 LEAs, OSSE will issue letters of findings requiring the development of corresponding corrective action plans. (QAM)

#### Proposed Improvement Activities for FFY 2009:

##### Data Improvement Activities:

- Continue to refine the data collection process to ensure that SEDS collects all data required for federal reporting purposes. (DATA)
- OSSE will continue to provide user training on all modifications/improvements to SEDS. (DATA)

##### Training and Technical Assistance Improvement Activities:

- TTA continues to expand its training modules to ensure that LEAs build capacity to reduce disproportionate representation. Core trainings offered in SY 2009-2010 include, but are not limited to: (TTA)
  - LRE for LEAs
  - Understanding Early Intervening Services
  - UDL
  - Data Collection 101
  - Positive Behavior Support
  - Response to Intervention
  - FBAs and BIPs
  - IEP Goal Writing

- TTA also developed a specific LEA training to address LEA policies, procedures, and practices related to disproportionate representation, entitled “Addressing Disproportionality and Over-Representation in the District of Columbia.” This training will occur in spring, 2010. (TTA)
- Under the RTI pilot program, OSSE will:
  - Use the first year of the project to focus upon core instruction in kindergarten, first and second grade in elementary schools.
  - Work with each project school on improving student behavior through participation in the Positive Behavioral Interventions and Supports (PBIS) program, since there is a strong link between appropriate behavior and student achievement.
  - Collaborate with the Policy Unit to issue RTI guidance to all LEAs in summer 2010, prior to the beginning of the SY 2010-2011. (TTA)

Quality Assurance and Monitoring Activities:

- The Disproportionality Self-Assessment will be incorporated into the 2009-2010 LEA self assessment process introduced in March, 2010. (QAM)
- Moving forward, this component of the self-assessment will be included in OSSE’s review to determine whether an LEA qualifies for focused monitoring in SY 2009-2010. (QAM)
- The self-assessment tool includes: data verification, a review of compliance indicators related to identification, referral, evaluation, and eligibility determinations. In addition, the tool includes general education instructional delivery, school-wide interventions, assessment practices, discipline, co-planning and co-teaching, and professional development. (QAM)
- TTA will continue to provide technical assistance to facilitate the self-review and provide on-site technical assistance to LEAs to address identified inappropriate policies, procedures and practices. (QAM/ TTA)

**Revisions, with Justification, to Proposed Targets and Improvement Activities for FFY 2008**

OSSE established a new definition for indicator 10 and it has revised its State Performance Plan accordingly.

QAM did not execute monitoring activities related to disproportionate representation during SY 2008-2009. OSSE did examine other states’ practices to develop a draft LEA Disproportionality Self Assessment over the summer and fall 2009. The LEA Disproportionality Self Assessment was finalized after being reviewed by OSEP staff in the fall of 2009. (QAM)

**Monitoring Priority: Effective General Supervision Part B / Child Find**

**Indicator 11:** Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.<sup>7</sup> (20 U.S.C. 1416(a)(3)(B))

**Measurement:**

**A. # of children for whom parental consent to evaluate was received.**

**B. # of children whose evaluations were completed within 120 days .**

**Account for children included in a but not included in b. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.**

**Percent = [(b) divided by (a)] times 100.**

**Clarification of Definitions for Indicator 11:** The State established timeline for evaluations is 120 days from referral to eligibility determination.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2008</b> <i>(2008-2009)</i>	100% of children will be evaluated within 120 days of receiving parental consent for initial evaluation.

**Actual Target Data for FFY 2008:**

A. # of children for whom parental consent to evaluate was received.	1,534
B. # of children whose evaluations were completed within 60 days (or State-established timeline). The State established timeline for evaluations is 120 days from referral to eligibility determination.	1,021
Percent who met the indicator [(b) divided by (a)] times 100	66.56%

In indicator 11, OSEP asks that states “account for children included in [group A] but not included in [group B]. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.”

<sup>7</sup> The District of Columbia uses 120 days, as opposed to 60 days, as the established timeline.

A review of reported data reveals that the District of Columbia had 513 untimely initial evaluations in FFY 2008. 431 of those cases were a result of late eligibility determinations. The remaining 82 cases are open. Of the 82 open cases, 8 consisted of children who withdrew or changed schools or LEAs during the evaluation process. 4 cases appear to be open due to incomplete or incorrect data entry. 2 of these open cases involve parents who withdrew consent. LEAs failed to record reasons for the remaining 68 open cases. OSSE continues to review and validate the data reported for this indicator and will submit any corrected data identified through these efforts during the APR clarification period.

Untimely initial evaluations were completed between 1 and 271 days beyond the state established timeline of 120 days.

The most common reasons given for delays were:

- 1) Students changing schools or LEAs during the eligibility process; and
- 2) Difficulties in scheduling meetings with parents.

Illness of LEA personnel and student and the student refusing to be tested were also cited as reasons for delays.

**The target for indicator 11 of 100% was not met.**

**Data Source:**

Data for Indicator 11 were extracted from SEDS, which captures referral, consent, and eligibility data. Those charter school LEAs not fully utilizing SEDS and whose SEDS records were therefore not yet complete were required by OSSE to submit corresponding data on initial evaluations via spreadsheet. The spreadsheet data were subsequently aggregated with the SEDS data in order to calculate the percent of statewide timeliness.

**Response Table Issued from OSEP's June 1, 2009 Determination Letter to OSSE:**

The State reported that noncompliance identified in FFY 2006 with the timely initial evaluation requirements in 34 CFR §300.301(c)(1) was partially corrected. The State must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the remaining three uncorrected noncompliance findings were corrected.

The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the noncompliance the State reported under this indicator in the FFY 2007 APR was corrected. The State must report that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR and each of the LEAs with remaining noncompliance identified in FFY 2006: (1) is correctly implementing the specific regulatory requirements; and (2) has completed the initial evaluation, although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in future submissions to OSEP demonstrating that the State is in compliance with the requirements in 34 CFR §300.301(c). The State must provide in the FFY 2008 APR, due February 1, 2010, progress data, including reporting correction of the noncompliance as noted above.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008 (SY 2008-2009):**

OSSE's data reveals a dramatic improvement in the number of evaluations that were completed within the timelines (66.56% vs. 45.3%). Although OSSE is pleased with this substantial improvement, it is also aware that this level of compliance is substantially below the 100% compliance requirement. OSSE believes that a fully implemented and utilized SEDS will allow LEAs to improve their tracking of evaluation timelines and enable them to implement corrective actions to ensure improved compliance in the future. Additionally, having all LEA data for this indicator current in SEDS allows OSSE to ensure timely correction of noncompliance related to individual students as required by OSEP memo 09-02.

As evidenced by the data reported by the OSSE to OSEP on January 11, 2010 under the terms the MOA executed in December 2009, statewide compliance with evaluation timelines remained near 65% during the first reporting period of FFY2009. OSSE is currently reviewing this performance data with LEAs and for those LEAs out of compliance, creating corrective action plans designed to more rapidly improve overall compliance rates and document correction of child specific noncompliance.

OSSE will continue its analysis of the data to identify trends in the delay in evaluations and ensure that they are addressed in a comprehensive manner via monitoring and verification activities conducted by QAM. In addition, TTA will provide professional developments on the evaluation process for LEA staff.

Lastly, by spring 2010, OSSE expects to finalize and issue new state policy governing the evaluation and eligibility process. This policy will clearly define what constitutes a referral, how to document and report instances where a parent fails to provide consent for evaluation, and key issues that must be considered when making eligibility determinations. Through discussion with LEA leaders and other stakeholders, it has become clear that the lack of clear state policy regarding this process and related timelines has been a significant barrier to compliance for LEAs.

Completed Indicator 11 Improvement Activities:

1. TTA provided training, technical assistance, and professional development to LEAs found noncompliant with indicator 11 requirements.
2. TTA established, implemented, and maintained local interagency planning meetings with representatives of programs for infants, toddlers, early childhood and school age children with disabilities in collaboration with local and District agencies and other private and public sources. This activity was implemented as a series of monthly meetings of the agency representatives with the intent to increase collaboration among agencies.

Proposed Improvement Activities for FFY 2009:

1. Continue to maintain the local interagency planning meetings with representatives of programs for infants, toddlers, early childhood and school age children with disabilities in collaboration with local and District agencies and other private and public sources. This team will continue to meet on a monthly basis to accomplish its stated goals.

2. Create a parent brochure that clarifies the evaluation process, timelines and the role and the responsibilities of the school and the parents.
3. Continue to provide training, technical assistance, and professional development to LEAs found noncompliant with Indicator 11 requirements.
4. Continue to evaluate LEAs compliance to this indicator through data collection and focused monitoring and impose corrective action plans on LEAs found out of compliance.



**Monitoring Priority: Effective General Supervision Part B / Effective Transition**

**Indicator 12:** Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.  
(20 U.S.C. 1416(a)(3)(B))

Range of days beyond the timeline when the evaluation was completed: 1 – 322 days

**Measurement:**

- A. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.**
- B. # of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays.**
- C. # of those found eligible who have an IEP developed and implemented by their third birthdays.**
- D. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.**
- E. # of children who were referred to Part C less than 90 days before their third birthdays.**

Account for children included in a but not included in b, c, d or e. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.

Percent = [(c) divided by (a - b - d - e)] times 100.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2008</b>  <i>2008 – 2009</i>	<i>100 percent of children who have been served in Part C and referred to Part B and found eligible will have an IEP developed and implemented by their third birthday.</i>

**Actual Target Data for FFY 2008: 8.22%**

	<b>All Part C exiters</b>
a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination	94
b. # of those referred determined NOT eligible and whose eligibility was determined prior to their third birthdays	2
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	6
d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services	16
e. # of children who were referred to Part C less than 90 days before their third birthdays	3
Percent = [(c) divided by (a - b - d - e)] times 100.	8.22%

Account for children included in a but not included in b, c, d or e.	11 not eligible and late, 74 with late IEP, 1 open cases
Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays	9 - 490 days (average 139 days)
	Delays caused by children exiting and reentering schools and late parental referrals. In some cases there are no documented causes.

**The target for Indicator 12 of 100% was not met.**

The District has witnessed significant slippage in this indicator from FFY 2007 (62%) to FFY 2008 (8.22%), which causes OSSE great concern. At this time, it is not clear whether the reported decrease in compliance is due to truly decreased performance or whether it results from inaccuracies in data collection and reporting. OSSE is conducting a thorough analysis and validation of the data to determine the true cause of the reported slippage. OSSE will report clarifications to the reported data required as a result of this review during the APR clarification period.

There are several potential reasons for the reported decrease in compliance rates:

- The reported FFY 2007 compliance data was artificially high because it was based on data extracted from the Encore data system. As OSSE was not in existence with the Encore system was developed and utilized, OSSE cannot verify the accuracy and reliability of data contained therein;
- The Part C database (MIS) utilized during the FFY2008 reporting period was not integrated with the Part B data base (SEDS) making the transfer of information difficult. (Beginning July 1, 2009, the OSSE Part C Program implemented a new Quickbase database to manage service tracking. This system is aligned with a similar system utilized by the Part B early childhood program to facilitate the transfer of information as appropriate between the programs);
- Many Part C parents may have been informed by Part C staff of their child’s potential eligibility for Part B services and referred to Part B, however, Part B LEAs might not have accurately noted the referral source;
- Many LEAs have only recently expanded services to 3-5 year olds and their tracking systems for entering 3 year olds are underdeveloped.
- Recent organizational and staffing changes within the largest LEA serving early childhood students may have resulted in data entry errors causing underreporting of compliance data.
- In addition to the above, LEA compliance rates may genuinely have decreased during the FY2008 reporting period.

**Data Source:**

These data were taken from the Part C MIS database and the Part B SEDS system. OSSE Part C staff produced a list of children who exited Part C during FFY 2008. Because the Part C and Part B databases

are currently independent, the children exiting Part C were matched to children with records in SEDS using last name, first name, and date of birth. Dates of referral, parental consent, eligibility, and initial IEP implementation were then extracted from SEDS: those children whose initial referrals to Part B occurred during the FFY 2008 reporting period were included in the calculations for this indicator.

**Response Table Issue from OSEP's June 1, 2009 Determination Letter to OSSE:**

The State reported that noncompliance identified in FFY 2006 with the early childhood transition requirements in 34 CFR §300.124(b) was not corrected. The State must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the four uncorrected noncompliance findings were corrected.

The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the early childhood transition requirements in 34 CFR §300.124(b), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR.

The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR and each of the LEAs with noncompliance identified in FFY 2006: (1) is correctly implementing the specific regulatory requirements; and (2) has developed and implemented the IEP, although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.

If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008 (SY 2008-2009):**

The OSSE is unable to verify the correction of all identified noncompliance associated with this indicator for FFY2006 and FFY2007. The OSSE is currently developing a process to allow it to track findings and verify correction of noncompliance. Where appropriate, OSSE will impose corrective actions on LEAs.

Completed Indicator 12 Improvement Activities:

1. OSSE provided training opportunities to LEAs and other public agencies to encourage parents to register their children and initiate the referral process at the Part C transition meeting. Beginning in 2009, these trainings sessions will take place annually during the summer months.
  - TTA has developed promotional Child Find informational materials i.e. (brochure, Public Service Announcement, fliers, letters, etc) to be used in a public relations campaign with the goal of highlighting the benefits of referring children who have received Part C services to the LEAs for eligibility determinations for Part B. TTA will also develop a database of quality early childhood programs that are available within the District of Columbia.
2. OSSE worked with local agencies to ensure Part C children's transition meetings are held no less than 90 days prior to the child's third birthday.
  - TTA has met with the Part C Program Manager and the LEAs disability coordinators in an effort to ensure that the appropriate staff schedule children transition meetings to occur no less than 90 days prior to the child's third birthday. These coordination meetings will continue to occur on a monthly basis. TTA has been provided access to the Quick Base data base that is used to track and monitor all of the transition meetings that occur at the Early

STAGES Center. Early Stages is a District of Columbia Public Schools program that identifies and evaluates three-to five-year old children to determine IDEA eligibility and develop IEPs and identify appropriate placements when necessary.

3. OSSE disseminated Early Intervention Guidelines on Transition for 3 year olds. These guidelines provide information on timelines and requirements for the transition process along with information on strategies for increasing the quality of transition plans. The guidelines will be posted on the OSSE website and disseminated statewide to families, early intervention personnel and early intervention providers.

Incomplete Indicator 12 Improvement Activities with Justification:

1. An Infant/Toddler/Preschool Early Intervention Leadership team will be created for all District of Columbia early intervention program coordinators and the preschool LEA Part B early intervention coordinators. The team will focus on transition conference issues, improved communication amongst programs, and opportunities to brainstorm state issues. The State Early Childhood Specialist will facilitate the workgroup.
  - This team has not been fully engaged due to key vacancies within OSSE DSE during the FY2008 reporting period. The vacancies have now been filled and team members have been identified. The implementation of this activity will ensure that there is improved communication between Part C and Part B regarding transition and timeline issues.
2. The Early Childhood Specialist will meet with local preschool early intervention programs on a monthly basis to review data and discuss areas where targets are not being met and request appropriate action to move towards improvement on this indicator.
  - This improvement activity was not completed; however a data base of all preschool early intervention programs was created as a resource to utilize. The Early Childhood Specialist also contacted each program coordinator to become acquainted with the program and to inform them of the role TTA has in providing assistance to them. This improvement activity will be implemented fully during FFY 2009.

Proposed Improvement Activities for FFY 2009:

1. OSSE will continue to provide training opportunities to LEAs and other public agencies to encourage parents to register their children and initiate the referral process at the early childhood transition meeting. These training sessions will take place annually during the summer months.
2. An Infant/Toddler/Preschool Early Intervention Leadership team will be fully implemented for all District of Columbia early intervention program coordinators and the preschool LEA Part B early intervention coordinators. The team will focus on transition conference issues, improved communication amongst programs, and opportunities to brainstorm state issues. OSSE's Early Childhood Specialist will facilitate the workgroup.
3. The Early Childhood Specialist will meet with local preschool early intervention programs on a monthly basis to review data and discuss areas where targets are not being met and request appropriate action to move towards improvement on this indicator.

4. OSSE will continue to work with local agencies to ensure early childhood transition meetings are held no less than 90 days prior to the child's third birthday.
5. OSSE will reexamine alignment between referral definitions in Part C and Part B programs.
6. OSSE will continue to examine ways to more effectively integrate Part C and Part B data systems.
7. OSSE is currently developing and will implement a comprehensive process to allow it to issue and track findings and verify correction of noncompliance associated with indicator 12. Where appropriate, OSSE will impose corrective actions on LEAs.

**Revisions, with Justification, to Proposed Targets and Improvement Activities for FFY 2008:**

No revisions to proposed targets are required. Revisions to improvement activities are discussed in the improvement sections above.

**Monitoring Priority: Effective General Supervision Part B/Effective Transition**

**Indicator 13:** Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

(20 U.S.C. 1416(a)(3)(B))

**Measurement: Percent = [(# of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals) divided by the (# of youth with an IEP age 16 and above)] times 100.**

FFY	Measurable and Rigorous Targets
2008 2008-2009	<i>States are not required to submit data for this indicator for FFY 2008 but they are asked to provide detailed information about the timely correction of noncompliance as noted in OSEP’s response table for the previous APR.</i>

**Response Table Issued from OSEP’s June 1, 2009 Determination Letter to OSSE:**

The State reported that noncompliance identified in FFY 2006 with the secondary transition requirements in 34 CFR §300.320(b) was partially corrected. The State must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the six remaining uncorrected noncompliance findings were corrected.

Although the State is not required to report data for this indicator in the FFY 2008 APR, the State must report on the timely correction of the noncompliance reported by the State under this indicator in the FFY 2007 APR.

The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR and each of the LEAs with remaining noncompliance identified in FFY 2006: (1) is correctly implementing the specific regulatory requirements; and (2) has developed an IEP that includes the required transition content for each youth, unless the youth is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.

**Discussion of Uncorrected Noncompliance from FFY 2006 and 2007 APR:**

OSSE is unable to verify the correction of all identified noncompliance associated with this indicator for FFY2006 and FFY2007 as OSSE has been unable to locate the data and files related to the noncompliance identified in the FY2006 and FY2007 APRs. In FFY 2008, because these data were unavailable, OSSE monitored LEAs in which noncompliance was previously identified, issued findings and, where appropriate, required LEAs to develop corrective action plans to address noted areas of concern. Additionally, pursuant to the December 2009 MOA between OSSE and the USDE, beginning in the current reporting period (December 5, 2009 – March 5, 2010) and each subsequent reporting period, OSSE will review 100 randomly selected IEPs for required secondary transition content and ensure timely correction of any identified noncompliance.

### **Completed and Ongoing Indicator 13 Improvement Activities:**

#### **OSSE's Training and Technical Assistance Unit continues to:**

1. Work cooperatively with teachers and administrators to establish collaborative efforts and linkages in order to ease the transition between secondary education and adult life for students with disabilities. OSSE provides technical assistance to LEAs in the area of transition planning. The Secondary Transition Coordinator provided two separate trainings in June 2009 to DCPS, public charter schools and nonpublic schools secondary transition coordinators.
2. Create partnerships with agencies that will assist students with disabilities to achieve positive post school outcomes.

OSSE has been in discussion with various agencies (e.g. Vocational Rehabilitation Services (VRS), School Talk, DCPS, and DC Charter) that assist students with disabilities in achieving positive post school outcomes. The agencies have formed an Interagency Collaboration Team, which was created : (1) to serve as a catalyst for development and implementation of an infrastructure that supports youth with disabilities in achieving their desired post-school outcomes (2) to increase the knowledge of services and programs available to youth, including youth with disabilities as they prepare for positive post-school outcomes; and (3) to engage agencies in the District of Columbia through the alignment of organizational missions, policies and programs.

In addition, representatives from various agencies (e.g. VRS, DCPS, OSSE, POTSDAM, and a parent representative) participated in the State Transition Plan Institute, which took place in Charlotte, NC from May 12-14, 2009. During the institute a draft of the DC State Transition Plan was developed. The plan is focused on: Interagency Collaboration and Student Focused Planning.

3. Publish and distribute a brochure by summer 2010 for students with disabilities and their parents giving an overview of the 504 Rehabilitation Act and Title II American Disabilities Act. The brochure will highlight student's rights and responsibilities in higher education.

A positive development in the District is the increase in the number of high school students with disabilities who are preparing to continue their education in institutions of higher education, including vocational and career schools, two- and four- year colleges and universities. As a result, it is imperative that students with disabilities be well informed of their rights and responsibilities as they relate to post-secondary education; because although protections exist, the student will have considerably more and more responsibility to request and design their own accommodations.

4. Publish and distribute a State Transition Manual and Graduation Guide.

This guide will be designed to support educators in transition planning and practices for students with disabilities. The intent of the manual is to provide guidance in the following areas: transition planning; the IEP meeting; the roles of the student, parents and educators; community-based instruction; assessments; adult services; and other practical information to help students make a smooth transition from school to adult life.

A draft manual was completed and is currently in internal OSSE review. The manual is intended for completion by summer 2010.

5. Publish and distribute a resource guide for students with disabilities and their parents, which will identify outreach services in the community to aid them with transition services after graduation. This guide is intended for completion by summer 2010.

#### Proposed Improvement Activities for FFY 2009:

1. On January 5, 2010 OSSE issued a Secondary Transition policy that clarifies what is expected of LEA in regards to preparing students with disabilities for postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation upon graduating or exiting high school. The policy specifically addresses the decision to pursue a program leading to an IEP Certificate of Completion (as opposed to a diploma) and requires IEPs to contain a statement on why a standard diploma is not appropriate and that the parent(s) have been fully informed of such a decision.
2. Pursuant to the December 2009 MOA between OSSE and the USDE, beginning in the current reporting period (December 5, 2009 – March 5, 2010) and in each subsequent reporting period, the OSSE will review 100 randomly selected IEPs for required secondary transition content and ensure timely correction of any identified noncompliance.
3. OSSE will continue to train LEAs in the use of the Indicator 13 Checklist. The document is intended to be used for the following purposes:
  - To be an accessible resource for practitioners as they develop Individualized Education Programs (IEPs);
  - To improve the performance of districts on Indicator 13; and
  - To collect data for the Part B Annual Performance Report.
4. OSSE will publish a Secondary Transition Manual and Graduation Guide. The manual and guide will be utilized as a resource tool for LEAs on how to write coordinated, measurable, annual IEP goals and transition services that will reasonably enable students to meet their post-secondary goals. The transition manual/guide will be distributed to all LEAs.



5. OSSE will collaborate with the Council for Exceptional Children to create a series of professional development opportunities that will teach LEAs how to prepare students to function independently and productively as family members, citizens, workers, and to enjoy fulfilling personal lives. This will be facilitated through the use of the Life Centered Career Education (LCCE) curriculum.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 15:** General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.  
(20 U.S.C. 1416 (a) (3) (B))

**Measurement: Percent of non-compliance corrected within one year of identification:**

**A. # of findings of noncompliance.**

**B. # of corrections completed as soon as possible but in no case later than one year from identification.**

**Percent = [(b) divided by (a)] times 100.**

**States are required to use the “Indicator 15 Worksheet” to report data for this indicator.**

<b>FFY</b>	<b>Measurable and Rigorous Targets</b>
<b>2008</b>  2008-2009	<i>The OSSE general supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects 100 percent of noncompliance as soon as possible but in no case later than one year from identification.</i>

**Actual Target Data for FFY 2008: 0%**

**The target for Indicator 15 of 100% was not met.**

For Indicator 15, OSEP requires states to report on the number of findings of noncompliance that were issued between July 1, 2007 and June 30, 2008 and corrected no later than one year from identification. OSSE became the SEA in October 2007. Consequently, OSSE was still in its developmental stages during FY 2007; the leadership in the monitoring office had not yet been established and there were no approved monitoring protocols. OSSE did not engage in monitoring activities during FFY 2007 (SY 2007-2008).

**Data Source:**

DSE conducted no monitoring activities in SY 2007-2008 and therefore there are no valid and reliable data to report. Five State Complaint Findings were issued for FFY2007. Verification of correction related to these five findings has not been completed. While OSSE understands it is required to consider findings made through the due process hearing system in this indicator, these data were not included in this analysis.

**Discussion of Uncorrected Noncompliance from FFY 2007 APR:**

In its response the FFY 2007 APR, OSEP required OSSE to clarify the status of correction of

seven (7) findings of noncompliance identified in FFY2005 and 16 remaining findings in FFY2006. After a review of all existing monitoring records, the OSSE provides the following clarification regarding the status of correction of noncompliance identified in FFY2005 and FFY2006.

### **FFY 2005 findings (N= 7)**

While the OSSE has records of identified findings of noncompliance in the District of Columbia Public Schools (DCPS)' Junior High/Middle School Division, the source documents for these findings have not been located. Therefore, the OSSE determined that the most appropriate approach to addressing noncompliance would be to conduct an updated focused monitoring visit. This activity was completed using SY 2008- 2009 data and a monitoring report was issued that required a corrective action plan.

### **FFY 2006 (N=16 findings)**

The Department of Special Education has completed a thorough review of source documents related to the remaining FFY 2006 findings. 9 findings represented findings in state complaints issued in FFY 2005 and erroneously added (recounted) and included in the FFY 2006 reporting period. Of the remaining 7 LEA findings, 4 of the findings were issued to an LEA that moved locations subsequent to the issuance of findings and the LEA could no longer locate student records associated with these findings. The OSSE re-monitored the aforementioned LEA accordingly.

3 findings were issued to an LEA that also was unable to verify timely correction due to a lack of historical records. This LEA was re-monitored in the FFY 2008 monitoring cycle as well. Both LEAs were issued letters of finding and required to complete corrective action plans in FFY 2009. One LEA provided verification of correction of noncompliance and the second LEA is in the process of developing strategies and procedures to address required elements detailed in its corrective plan.

Both LEAs have been provided with ongoing training and technical assistance to support compliance with requirements and have a designated point of contact from the Department's monitoring team.

### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008 (2008-09):**

OSSE did not monitor for noncompliance in FFY 2007 (SY 2007-2008), the reporting year for the FFY 2008 APR for Indicator 15. There were no findings of noncompliance and there are no corrections of noncompliance to report related to monitoring activities. The OSSE understands that under Indicator 15, it must report on all findings identified through both monitoring and dispute resolution processes, including noncompliance identified via state complaints and due process hearings. During FFY2007 five findings of noncompliance related to state complaints were issued, verification of correction has not

occurred to date. However, due to various challenges, the OSSE cannot report at this time on the number of findings of noncompliance issued through due process hearing decisions during FFY2007. OSSE is committed to working closely with OSEP and our technical assistance providers to implement a system to appropriately track correction of noncompliance arising from due process hearing decisions.

As a result of the circumstances discussed above, OSSE is unable to measure progress or slippage related to this indicator at this time. However, OSSE made great strides in the development of general supervision system in FFY 2008, which are described below. The key elements of our systematic monitoring system include the continuous review of our data and fiscal systems, the state complaint office, the student hearing office, our review of our residential treatment centers & day schools and our on-site focused monitoring of LEAs.

### **Discussion of Improvement Activities for FFY 2008:**

QAM conducted onsite focused monitoring visits in FFY 2008 (SY 2008-2009). QAM developed a pilot process for selecting LEAs for focused monitoring which included a voluntary universal self-assessment which provided LEAs with a snap-shot of their processes and practices during FFY 2008. The response rate was 100% even though the submission was voluntary. However, the process going forward for completing the universal self assessment will be mandatory. QAM also reviewed data submitted from the Data Collection Unit, the Finance Unit and the Oversight Placement Unit to determine which LEAs processes, practices and procedures presented areas of concern. The Blackman Jones database was used to identify LEAs with the greatest number of untimely implemented Hearing Officer Decisions (HODs) and Settlement Agreements (SA) in order to create a "risk-rubric" to select LEAs for focused monitoring. QAM's goal is to create a multi-faceted monitoring system to ensure compliance and positive educational outcomes for our students. QAM will incorporate the improvement activities and feedback we receive from the various offices within OSSE to help inform our work and focused monitoring.

There were three main criteria for selecting LEAs for the focused monitoring on site visits:

- Special Conditions Imposed by OSEP
  - Least Restrictive Environment
    - Three LEAs with the greatest number of changes in placement to a more restrictive setting were selected
  - Hearing Officer Determinations
    - Two LEAs with the greatest number of HODs/settlement agreements not implemented on time were selected
  - Timely Evaluations and Re-evaluations
    - No additional LEAs were selected based on this criteria because the three LEAs with the highest rates of untimely evaluations were already selected via other criteria
- Best Practices for SEA Monitoring
  - LEA with the largest number of students with disabilities

- LEAs with significant concerns in data, finance and/or complaints
  - The LEA ranked as having the most significant problems with submitting accurate, reliable, and timely financial information in response to the IDEA Part B sub grant was selected
- Two LEAs that had not submitted accurate, reliable, and timely Part B 618 data were selected
- The LEA with the largest number of state complaints was selected

The Focused Monitoring process included the following:

- Distribution of a Voluntary Universal Self Assessment with the following components
  - Least Restrictive Environment Rubric
  - Hearing Officer Determinations Rubric
  - Timely Evaluations and Re-evaluations Rubric
- Development of Business Rules for LEA On Site Focused Monitoring
  - The LEA with the largest number of students with disabilities is selected every year
  - Independent Charter LEAs placed on probation by the DC Public Charter School Board are selected
  - The timeliness of data for evaluations and reevaluations (due to special conditions status with OSEP) is considered.
  - SEA reserves the authority to monitor any given LEA based on specific concerns of noncompliance with IDEA.
- Informed LEAs of Selection
  - The 10 LEAs selected were given a 30-day written notice of selection
  - Notice of the mandatory pre-visit documents to be submitted. The following documents were requested:
    - Student rosters and schedules with disability categories
    - List of staff and staff schedules
- Conducted On Site Focused Monitoring
  - Reviewed student records (representative sample of disability category)
  - Interviewed administrators, staff, parents and students
  - Conducted building tours
- Issued Monitoring Reports to all monitored LEAs (only two were issued during the FFY 2008 reporting period)
- Required Corrective Action to be submitted by all monitored LEAs (after the FFY 2008 reporting period)
- Verified Corrective Actions for monitored LEAs (after the FFY 2008 reporting period)

The monitoring process for the general supervision system addressed areas of noncompliance in special education programs in each LEA based on findings of IDEA violations, state complaints and due process hearings. Components of the monitoring included self assessments, onsite monitoring, a review of policies and procedures, interviews, data collection, reports and verification.

Indicator B-15 Worksheet (Please note: OSEP has required SEAs to report on findings of noncompliance for FFY07. OSSE is unable to do that. Instead, OSSE has completed the B-15 Worksheet below to document findings of noncompliance for FFY08. Also, areas marked with an asterisk are those for which OSSE does not currently possess any data to indicate that a finding of noncompliance occurred within the identified time period)

Part B Indicator 15 Worksheet: Findings of Noncompliance July 1, 2008 – June 30, 2009

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma.</p> <p>2. Percent of youth with IEPs dropping out of high school.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p>			
<p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.</p>	<p>Dispute Resolution: Complaints, Hearings</p>			
<p>3. Participation and performance of children with disabilities on statewide assessments.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p>			
<p>7. Percent of preschool children with IEPs who demonstrated improved outcomes.</p>	<p>Dispute Resolution: Complaints, Hearings</p>			

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
5. Percent of children with IEPs aged 6 through 21 - educational placements.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
6. Percent of preschool children aged 3 through 5 – early childhood placement.	Dispute Resolution: Complaints, Hearings	3	3	0
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
<b>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</b>	Dispute Resolution: Complaints, Hearings			
<b>11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.</b>	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	2	2	0
<b>12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</b>	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
<b>13. Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-secondary goals.</b>	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
	Dispute Resolution: Complaints, Hearings			



Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
<b>Other areas of noncompliance: IEP development and content</b>	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
	Dispute Resolution: Complaints, Hearings			
<b>Other areas of noncompliance: Procedural Safeguards</b>	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	2	2
	Dispute Resolution: Complaints, Hearings			
<b>Other areas of noncompliance: Dispute Resolution – State Complaints (Indicator 16)</b>	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
<b>Sum the numbers down Column a and Column b</b>			10	5
<b>Percent of noncompliance corrected within one year of identification = (Column (b) sum divided by column (a) sum) times 100.)</b>			<b>(b) / (a) X 100 =</b>	50 <sup>8</sup> %

<sup>8</sup> This table provides a status update on correction of noncompliance identified in FFY2008. As such, the one year period allowed for correction of noncompliance has not yet passed. OSSE fully expects to timely correct all noncompliance identified in FFY2008 as soon as possible and in no case later than one year from identification.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 16:** Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.

(20 U.S.C. 1416(a)(3)(B))

**Measurement: Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2008</b> 2008-2009	<i>100 percent of all signed written complaints resolved within the 60-day timeline or a timeline extended for exceptional circumstances.</i>

**Actual Target Data for FFY 2008 (SY 2008 - 2009): 54.55%**

**Display 16-1: Number and Percent of complaints resolved within the Timeline**

	<b>FFY 2008</b>
<b>Complaints received</b>	9
<b>Complaints withdrawn or dismissed</b>	4
<b>Complaints with reports Issued</b>	5
<b>Complaints resolved within 60-day timeline</b>	0
<b>Percent resolved within 60-day timeline</b>	0%

**The target for Indicator 16 of 100% was not met.**

A total of 9 signed written complaints were filed with the OSSE's State Complaint Office for the time period from July 1, 2008 through June 30, 2009. Four complaints were withdrawn by the complaining party. The remaining five complaints were investigated; all resulted in findings of IDEA violations. None of the five complaint reports were issued within the appropriate 60-day timeframe or an appropriately

extended timeline. Accordingly, the District did not meet its Indicator 16 target for this reporting period.

**Data Source:**

These data were collected from logs and files kept by the State Complaint Office. The data reported for indicator 16 are different than that submitted in table 7 of the OSSE's 618 submission on November 1, 2009 because OSSE was in the process of conducting a thorough analysis of source data and files to ensure accuracy of reporting. The OSSE will submit a revised Table 7 aligned with data included in this report. The Data reported in the APR are valid and reliable.

**Response Table Issued from OSEP's June 1, 2009 Determination Letter to OSSE:**

The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2008 APR, due February 1, 2010, demonstrating that the State is in compliance with the timely complaint resolution requirements in 34 CFR §300.152.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008 (SY 2008 - 2009):**

As of the date of this submission, all five Letters of Findings have been issued. These 5 findings involved two LEAs. Of the five Letters of Findings, four were issued to one LEA and one was issued to another LEA. The LEA with one finding has provided the required documentation of corrective action and the OSSE has verified the noncompliance has been corrected. The LEA with four findings provided the required appropriate documentation of corrective action for one finding. There are three remaining findings for which no evidence of correction has been submitted and OSSE has not verified correction. However, the one year timeline for correction has not yet expired.

The Office of State Complaints did not meet the target for timely complaint resolution. The Office of State Complaints has experienced a variety of challenges that resulted in failure to meet established targets. Most notably, the State Complaints Director and the Director of Monitoring and Compliance positions within the OSSE DSE became vacant during this reporting period, resulting in a lack of consistent leadership and oversight of the Office of State Complaints. Additionally, the OSSE lacked clear internal procedures and tracking mechanisms to ensure timely complaint resolution. To address inadequacies in the complaint resolution process, the OSSE engaged nationally recognized dispute resolution expert, Gail ImObersteg, Esq, to conduct a thorough review of current practices within the Office of State Complaints and recommend new internal protocols that will allow OSSE to maintain compliance in the future. Ms. ImObersteg's review has been completed and the OSSE is currently in the process of implementing the resulting recommendations. The OSSE is confident that these improvements will result in compliance with relevant timelines for effective complaint resolution in the future.

**Discussion of Improvement Activities:**

The Office of State Complaints has begun implementation of a comprehensive set of recommendations designed to ensure appropriate and timely resolution of complaints. Along with these improvements, the OSSE revised internal procedures to develop effective internal tracking of required correction

activities associated with complaints that result in the issuance of findings of noncompliance against an LEA or other public agency.

Proposed Improvement Activities for FFY 2009:

1. Promulgate a new State Complaint Policy to adopt written procedures for the investigation and resolution of any complaint alleging that a public agency has violated a requirement of IDEA. (This activity was completed in November, 2009).
2. Creation and dissemination of a new model State Complaint Form to assist in filing a State Complaint. The use of the actual form is encouraged but not required. (This activity was completed in November 2009).
3. Provide ongoing training and technical assistance to the State Complaint Office personnel in the following areas:
  - Identification of IDEA violations
  - Referral of other identified violations to the appropriate agency or office
  - Procedures for valid and timely notice of findings from OSSE to the LEA or other public agency
  - Implementation of procedures to effectively manage FERPA considerations
  - Implementation of process to notify LEAs and complainant of any exceptional circumstances that may create extended timelines
  - Procedures to obtain parental consent forms designating an advocate's right to file on behalf of the child
  - Procedures to address additional allegations that arise during a complaint investigation
4. Develop a State Complaint Tracking System that will:
  - Implement a reminder system with benchmarks for critical due dates;
  - Implement timely written notification of the status of the initial complaint which will trigger an investigation or referral to another office; and
  - Notify designee at the LEA of issuance of a letter of complaint, investigation, resolution and letter of decision for all state complaints.
5. The OSSE is in the final stages of recruitment for a State Complaint Officer to direct and manage the functions of the State Complaint Office.
6. Recruit and hire a highly qualified candidate to serve as Director of Quality Assurance and Monitoring to direct and manage all general supervision functions, including monitoring and complaint resolution activities. (This position has been filled and the candidate will start work on February 1, 2010).

**Revisions, with Justification, to Proposed Targets and Improvement Activities:**

No revisions to current targets are necessary as 100% compliance is required. Revisions to improvement activities are discussed in the improvement activities section above.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 17:** Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

(20 U.S.C. 1416(a)(3)(B)).

**Measurement:** Total # of adjudicated due process hearing requests that were adjudicated within the 45 day timeline (or by properly extended timeline as applicable) divided by total number of adjudicated hearing x 100.

FFY	Measurable and Rigorous Target
2008 2008-2009	100 % Compliance with mandated timelines.

**Actual Target Data for FFY 2008: 89.27%**

For the FFY 2008 reporting period, OSSE received 1,996 requests for due process hearings. . A due process hearing was fully adjudicated for 867 of the hearing requests. Of the fully adjudicated due process hearings, 774 were adjudicated within the 45-day timeline (or by a properly extended timeline, as applicable). This resulted in a compliance rate of 89.27%.

**The target for Indicator 17 of 100% was not met.**

**Data Source:**

OSSE developed a web-based docketing system for the SHO that was implemented on August 11, 2008. The docketing system facilitates the case management of due process complaints, including compliance with timeliness, thus enabling OSSE to more accurately and completely monitor, capture and report data in compliance with both federal law and litigation-based requirements.

**Response Table Issued from OSEP's June 1, 2009 Determination Letter to OSSE:**

The State did not submit FFY 2007 data for this indicator. The State provided a plan to collect and report the required data beginning with the FFY 2008 APR. The State must provide the required data in the FFY 2008 APR, due February 1, 2010.

The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2008 APR, due February 1, 2010, demonstrating that the State is in compliance with the due process hearing timeline requirements in 34 CFR §300.515.

## **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage That Occurred for FFY 2008 (SY 2008-2009):**

### **Context: Creation of OSSE as the SEA**

OSSE was created on October 1, 2007 as the independent State Education Agency (SEA) for the District of Columbia. As such, the OSSE assumed responsibility for state-level functions previously performed by DCPS when it acted as both the SEA and LEA for the District of Columbia. As a part of this shift in governance, OSSE assumed oversight over the Student Hearing Office formerly managed by DCPS. OSSE also assumed responsibility for the remediation of actions that have resulted in conditions on federal grants, litigation and judicial decrees under which the SHO, OSSE and the District of Columbia school system operates.

Since its assumption of this state function, and over the course of the FFY2008 and FFY2009 reporting periods, OSSE has invested considerable resources and efforts into realizing dramatic and substantial improvements that are transforming its Due Process Hearing System into a sustainable, “high-performing” hearing system.

### **Context: Blackman Jones Consent Decree**

By way of background, the Blackman Jones Consent Decree, approved on August 24, 2006, addresses special education related issues present in two consolidated class action cases. Blackman v. District of Columbia (Civil Action No. 97-1629), challenged the District of Columbia’s failure to hold timely special education due process hearings mandated by the Individuals with Disabilities Education Act (IDEA) 40 U.S.C. § 1400 et seq. The second case, Jones v. District of Columbia, (Civil Action No. 97-2402) charged that the system unduly delayed implementation of hearing officer decisions and settlement agreements between parties to due process complaints.

The Blackman Jones Consent Decree contains a compliance timetable with metrics for:

1. Adjudicating or settling pending hearing requests and ensuring that no hearing request is more than 90 days overdue;
2. Implementing all currently overdue hearing officer decisions;
3. Setting a schedule of deadlines to provide services ordered or agreed to in IEPs;
4. Improving and maintaining a special education data management system and developing a tracking system to identify and remediate service lapses;
5. Providing compensatory education services to eligible special education students whose access to services has been delayed; and
6. Reporting compliance, assisted by a court-approved evaluation team.

### **Discussion of FFY 2008 Improvement Activities:**

The SHO has realized substantial improvements in the Due Process Hearing System. These improvements have been realized through the fundamental reform of the infrastructure of the SHO and hearing system consistent with standard and best legal practices. This reform included:

1. Changes to the due process complaint intake system;
2. Facility improvements;
3. Initiation of new policies and procedures, including mandated pre-hearing conferences and improved maintenance of administrative hearing records;
4. New office personnel hires and the recruitment and selection of new hearing officers and a Chief Hearing Officer;

5. Continued and improved trainings and the provision of technical assistance to staff and, through the Chief Hearing Officer, to hearing officers;
6. Impartial and independent evaluations of hearing officers and the imposition of sanctions, as appropriate, including professional development plans, probation and termination; and most importantly;
7. Continued and focused dedication to compliance with federal, state, and judicial guidelines as set by case law and the Blackman Jones Consent Decree.

#### Completed Indicator 17 Improvement Activities:

As previously mentioned, OSSE is in the process of developing and implementing a web-based docketing system at the SHO. The docketing system is being implemented in two phases; Phase I has been completed. Phase II is expected to be fully implemented in February 2010.

During Phase I of the development of the docketing system, OSSE designed, tested and implemented a case management system that provides case management and docketing tools to staff at the SHO and Due Process Hearing Officers. In particular, the system enables the SHO to more efficiently manage the special education due process hearing process (and mediation for a mediation request made prior to or after the filing of a due process complaint, including in lieu of a resolution session) by electronically tracking all pleadings, orders, and decisions issued in each case. The system was also designed to track the timeliness of the adjudication of due process hearings and the issuance of decisions consistent with the requirements of the IDEA (and with variances as determined/outlined by the Blackman Jones Consent Decree that exceed the mandates of the IDEA).

OSSE has also enacted and continued to implement a number of reforms to sustainably improve its Due Process Hearing System. These improvements include:

1. Hired new hearing officers.

During the course of the FY 2008, OSSE conducted two separate nationwide searches for Special Education Administrative Due Process Hearing Officers and required all current hearing officers to reapply. These searches resulted in OSSE procuring the services of experienced adjudicators who were familiar with legal and standard best practices in the conduct of administrative hearings.

2. Hired new Chief Hearing Officer.

During the course of the FFY 2008, OSSE conducted a nationwide search for a new Chief Hearing Officer. This nationwide search resulted in OSSE appointing a national expert in special education law and alternative dispute resolution to serve as the new Chief Hearing Officer.

The new Chief Hearing Officer has assisted the SHO in supporting and monitoring its cadre of Hearing Officers and their adherence to IDEA, judicial requirements and standard and best legal practices.

3. Monitored the management and oversight of timeliness.

- Over the course of the FFY 2008, the SHO has continued to implement and utilize tools to manage timeliness. These tools are utilized by the SHO staff to monitor and track the

processes and timeliness of all Due Process Hearing Requests. Examples of these tools include weekly and monthly Microsoft Excel spreadsheet reports that identify and highlight due process hearing data on continuances, Hearing Officer Determination Due Dates, hearing officer caseloads, etc. Another example of such tools are automatic notifications that are generated to notice both SHO staff as well as hearing officers, of upcoming deadlines or important case actions.

4. Evaluated and trained hearing officers.

During the fall of the 2008, OSSE and the SHO implemented a rigorous and thorough evaluation system to uniformly evaluate the performance and skill level of each hearing officer.

This plan and work matrix was created by OSSE with the assistance of a consultant, who is a nationally recognized expert in the IDEA, special education law and alternative dispute resolution. One notable component of the evaluation system is the requirement to remediate any findings deemed not aligned with standard and legal best practices. The work plan and matrix were provided to the Hearing Officers before the evaluations were conducted.

In executing the evaluation system, OSSE has appointed the Chief Hearing Officer as the evaluator of its cadre of hearing officers. Additionally, OSSE has committed to conducting three formative evaluations of the hearing officers, the first of which was completed in the spring of 2009 and the second round will be initiated in the winter of 2010. By design, the formative evaluations provide an opportunity for ongoing professional development to the hearing officers and ongoing correction of any identified practices that do not meet the evaluation criteria. These formative evaluations culminate in summative evaluations that are considered in the reappointment of hearing officers.

5. Upgraded the SHO's audio recording capabilities.

The SHO has upgraded its audio recording capabilities by digitally recording and storing all due process hearings on a computer server. Prior to this enhancement, all matters were recorded onto compact discs. Recording due process hearings on compact discs necessitated the inefficient and labor intensive practice of periodically storing and "backing up" data onto and from disc to disc. Consequently, the SHO has become more efficient in processing audio and transcript requests (consistent with the rights of the parties to a hearing) and in retrieving and maintaining the verbatim record for each administrative hearing record.

6. Provided Training and Technical Assistance to Special Education Administrative Due Process Hearing Officers.

- In FY 2008, the SHO continued to provide training and technical assistance to the Hearing Officers. To that end, OSSE conducted three (3) trainings during the SY 2008-2009 (February 2009, May 2009 and June 2009). These trainings, administered by a nationally recognized expert in the IDEA and the Chief Hearing Officer, covered:
  - Federal and local laws and regulations;
  - Case law;
  - OSEP policy letters and other interpretations of District policies; and
  - Standard and best legal administrative due process hearing practices.



- In continuing to provide technical assistance, the new Chief Hearing Officer has enacted various tools and measures to ensure that the Hearing Officers can discuss and ask questions on procedural and due process matters in a manner that protects the decisional independence of the Hearing Officers. Some of these tools include regular meetings and “newsletter-styled” communications/emails.

Proposed Improvement Activities for FFY 2009:

During Phase II of the development of the docketing system, OSSE will implement enhancements to support the maintenance of the system. These enhancements will:

1. Improve and realize efficiencies in the performance of tasks for both the SHO staff and Hearing Officers by auto populating demographic and contact info of due process hearing parties and streamlining the process by which due process complaint issues and “relief” requests are entered and refined;
2. Include the implementation of an electronic filing capability to allow parties to directly file data, documents, and/or actions into a case; and
3. Include limited “read-only” access to case and scheduling data for parties to a particular case consistent with the requirements of FERPA and the IDEA.

**Revisions, with Justification, to Proposed Targets and Improvement Activities for FFY 2008 (SY 2008-2009):**

No revisions to current targets are necessary as 100% compliance is required. Revisions to improvement activities are discussed in the improvement activities sections above.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 18:** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements  
(20 U.S.C. 1416(a)(3)(B))

**Measurement: Percent = the # of hearing requests that went to resolution meetings and were resolved through written settlement agreements divided by total number of resolution meetings x 100.**

FFY	Measurable and Rigorous Target
<p><b>2008</b> 2008 –2009</p>	<p><i>9% of hearing request that went to resolution sessions will be resolved through resolution settlement agreements.</i></p>

**Actual Target Data: 30.3%**

**The target for Indicator 18 of 9% was met.**

**Data Source:**

OSSE developed a web-based docketing system for the SHO that was implemented on August 11, 2008. The docketing system facilitates the case management of due process hearing requests and actions related to due process hearing requests, thus enabling OSSE to more accurately and completely capture and report data in compliance with both federal law and litigation case-based requirements. To date, however, Hearing Officers have not consistently recorded data regarding resolution session outcomes in the docketing system. Consequently, to calculate results on Indicator 18, OSSE compared complaint data from the Student Hearing Office to resolution and settlement agreement data maintained in the Blackman Jones Database using unique case number identifiers. The resolution data included in the November 1, 2009 618 submission relied solely on data from SHO and thus is different than the data submitted in the FFY 2008 APR.

**Response Table Issued from OSEP’s June 1, 2009 Determination Letter to OSSE:**

The State did not submit FFY 2007 data for this indicator. The State provided a plan to collect and report the required data beginning with the FFY 2008 APR. The State must provide the required data in the FFY 2008 APR, due February 1, 2010.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage That Occurred for FFY 2008 (SY 2008-2009):**

Over the course of FFY 2008, OSSE experienced a growth in the number of resolution session meetings held by LEAs. This increase stemmed from a reduction in the number of resolution session meetings waived by LEAs and parents. As previously reported to OSEP, throughout much of FFY2008, the District of Columbia's largest LEA routinely waived the resolution period in most cases where the parent also agreed to waive the resolution period.

The SHO has implemented a number of practices and procedures to ensure compliance with IDEA law and regulations governing the resolution period. These practices and procedures centered on the hearing officers' management of each assigned case, including the parties' timely notification of any waiver of the resolution session or action resulting from resolution session activities that resulted in the adjustment of the 30-day resolution period and hearing timeline consistent with the requirements of IDEA and the timely transmittal of any settlement agreement.

Proposed Improvement Activities for FFY 2009:

OSSE has instituted a number of practices and procedures to ensure compliance with IDEA law and regulations governing the resolution period. These practices and procedures apply to the SHO and to its hearing officers, examples include:

1. Requiring hearing officers to manage each assigned due process complaint consistent with standard and best legal practices, including the conduct of status and pre-hearing conferences;
2. Requiring hearing officers, upon assignment to a due process hearing request, to issue a memorandum to all parties requesting information on resolution session activities and immediate notification of any action that results in an adjustment to the 30-day resolution period;
3. Requiring hearing officers, upon assignment to a due process hearing request, to inform all parties that they are required to notify the assigned hearing officer of the outcome of the resolution process;
4. Mandating that an order closing a case that was resolved during the resolution session and/or the resolution session "period" must clearly state whether the case was resolved due to a settlement agreement; and
5. Enhancing cooperation and communication between LEAs and the SHO to ensure that the SHO receives timely notice and consistent data on the resolution of due process hearing requests that occur during the resolution "period."

**Revisions, with Justification, to Proposed Targets and Improvement Activities for FFY 2008:**

No revisions to current targets are planned at this time. Revisions to improvement activities are discussed in the improvement activities sections above.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 19:** Percent of mediations held that resulted in mediation agreements  
(20 U.S.C 1416((a)(3)(B))

**Measurement:** Percent = the # of mediations held both related and not related to due process hearing requests that result in mediation agreements, divided by the total number of mediations held x 100.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2008</b> 2008 –2009	<i>25% of mediations will result in signed mediation agreements.</i>

**Actual Target Data for FFY 2008: 90%**

A total of 20 mediations were held during the 2008-2009 reporting period. This number includes mediations that were not related to a due process hearing request. Of the mediations held, 18 mediations or 90% resulted in a mediation agreement.

**The target for Indicator 19 of 25% was met.**

**Data Source:**

OSSE developed a web-based docketing system for the SHO that was implemented on August 11, 2008. The docketing system facilitates the case management of due process hearing requests and mediation prior to and upon the filing of a due process hearing complaint, thus enabling OSSE to more accurately and completely capture and report data in compliance with both federal law and litigation-based requirements.

**Response Table Issued from OSEP’s June 1, 2009 Determination Letter to OSSE:**

OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage That Occurred for FFY 2008 (SY 2008-2009):**

OSSE is committed to providing District residents with a full array of special education alternative dispute resolution services that are consistent with federal law, local law, and judicial consent decree requirements. OSSE increased the District’s capacity to effectively facilitate mediations and improved the overall quality of the mediation services offered to the public by 1) retaining an independent expert mediator with a proven track record of successfully facilitating the resolution through mediation and by

2) providing technical assistance and general support to hearing officers who are trained as qualified mediators.

OSSE is committed to the promotion and continued reform of the state mediation system, and will work to further increase the utilization of mediation, as appropriate, to resolve disputes outside of the due process hearing system and state complaint system.

#### Completed and Ongoing Indicator 19 Improvement Activities:

In an effort to increase the visibility and capacity of the state mediation system, OSSE has:

1. Trained hearing officers to inform parties of the option to voluntarily engage in mediation during the assignment and pre-hearing conference stages of all due process hearings;
2. Developed of public awareness materials and strategies regarding special education alternative dispute resolution options (i.e. OSSE is currently seeking to contract with a nonprofit organization to accomplish this activity);
3. Retained an independent national expert to conduct mediations, with additional qualified mediators available in the cadre of hearing officers, as necessary;
4. Hired a new Chief Hearing Officer who has extensive mediation experience to mentor mediators, as needed;
5. Researched and reviewed “best practices” from jurisdictions throughout the United States that have proven and “high performing” alternative dispute resolution systems for special education; and
6. Expanded the SHO facility to better facilitate and support the implementation of the mediation system and subsequent data collection.

#### Proposed Improvement Activities for FFY 2009:

The OSSE will continue to implement the improvement activities identified above.

In addition to the Phase II SEDS enhancements detailed above, OSSE will take steps to ensure that the parents of students with disabilities are aware of the availability of mediation as a tool for the timely resolution of barriers to service delivery.

OSSE will continue to ensure that mediation procedures are established and implemented to allow parties to resolve disputes involving any matter, including matters arising prior to the filing of a due process complaint.

OSSE will also ensure that any utilization of the mediation process is voluntary on the part of the parties; that requests for mediation are not used to deny or delay a parent’s right to a due process hearing or any other rights afforded by IDEA; and that all mediations are conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

When mediation is being considered as an option to provide timely resolution to a child with disabilities who is a ward of the state, OSSE will ensure that the rights of the child are protected, by 1) maintaining a method for determining whether a child needs a surrogate parent, and 2) assigning a surrogate parent to the child in cases where the surrogate parent has not been appointed by the judge overseeing the child's case, provided that the surrogate meets all related requirements, as specified by 34 CFR 300.519.

OSSE continues to seek to improve its total Alternative Dispute Resolution (ADR) system, of which mediations are a critical component.

Foremost in this improvement activity is the action of increasing the knowledge and confidence levels of parents, students and stakeholders in the mediation system. This will be accomplished by:

1. Conducting a multifaceted public relations campaign to inform parents, students and stakeholders of the processes and procedures of mediation;
2. Publishing the resumes and qualifications of OSSE's mediators;
3. Providing parents, students and stakeholders with survey tools to provide OSSE with information that can be used to train and evaluate its mediators.

**Revisions, with Justification, to Proposed Targets and Improvement Activities for FFY 2008:**

No revisions to current targets are planned at this time. Revisions to improvement activities are discussed in the improvement activities sections above.

**Part B State Annual Performance Report (APR) for 2007**

**Overview of the Annual Performance Report Development:**

**Monitoring Priority: Effective General Supervision Part B/General Supervision**

**Indicator 20:** State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.  
(20 U.S.C. 1416(a)(3)(B))

**Measurement:**  
State reported data, including 618 data, State Performance Plan, and Annual Performance Reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel and dispute resolution; and February 1 for Annual Performance Reports and assessments); and
- b. Accurate, including covering the correct year and following the correct measurement.

FFY	Measurable and Rigorous Targets
2008 2008-2009	<i>100 percent of 618 Reports, State Performance Plan and Annual Performance Report will be accurate and submitted on time.</i>

**Data Source:** 618 data, State Performance Plan and Annual Performance Plan

**Response Table Issued from OSEP’s June 1, 2009 Determination Letter to OSSE:**

The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2008 APR, due February 1, 2010, demonstrating that the State is in compliance with the timely and accurate data reporting requirements in IDEA sections 616, 618, and 642 and 34 CFR §§76.720 and 300.601(b).

In reporting on Indicator 20 in the FFY 2008 APR, the State must use the Indicator 20 Data Rubric.

**Actual Target Data for FFY 2007: 80.77%**

While continuing to face the challenges of being a relatively new agency tasked with State-level reporting, the Office of the State Superintendent of Education remains committed to complying with all special education data submission requirements.

The December 4, 2009 mandate of SEDS usage for all District of Columbia LEAs has allowed OSSE to increasingly rely on the Special Education Data System (SEDS) to provide accurate data on enrollment, exiting, LRE placement, and timeliness of eligibility determinations and IEPs. A team of employees and contractors monitor SEDS entries prior to and during data collections to ensure that information is current and valid. For example, students in “in transit” status, who have not re-enrolled at another LEA, or students whose special education service hours are clearly entered in error, are flagged for investigation. While the December 1, 2009 Child Count was conducted through both SEDS and LEA spreadsheet submissions, SEDS was exclusively used for the recently conducted December 1, 2010 Child Count. LEAs were required by OSSE to verify the accuracy of their SEDS entries and all collected data were reviewed by OSSE to identify and correct inconsistencies prior to the Child Count submission. For the FFY 2008 APR, OSSE used SEDS to produce data on timely eligibility, with the LEAs requested to validate the data extracted from SEDS. Following this LEA validation, the data were again reviewed by OSSE to guarantee all data were congruent with IDEA reporting standards.

For data elements not yet incorporated into SEDS, such as discipline, OSSE built the web-based Interim Data Collection Tool (IDCT), which is a more sophisticated tool than the ICT, used for FFY 2007 data collection. The IDCT was, and continues to be, designed to take into account areas in which IDEA and other Federal reporting requirements overlap, with the goal of a single data collection ensuring the highest consistency across all mandated reporting.

In cases in which supplemental data collections have proved necessary, OSSE has relied on spreadsheet submissions from LEAs. Each spreadsheet was tailored to the student population of the LEAs in order to maximize the LEAs’ understanding of the specific data elements requested.

Underlying these efforts during FFY 2008, OSSE’s Data Management Committee identified Data Stewards, individuals with subject matter expertise in areas not only of IDEA reporting, but in areas where IDEA overlaps with other Federal reporting requirements. Questions from LEAs can be routed to the Data Steward specializing in any IDEA or related reporting requirement. In addition, the Department of Monitoring and Compliance has assigned selected staff members each a limited number of LEAs. It is the responsibility of these individuals to proactively contact LEAs prior to upcoming data requests, to obtain answers to any questions from LEAs, and to follow up with LEAs who are having difficulties completing their data submissions in a timely manner. The adoption of this practice has resulted in significantly greater compliance with OSSE data requests.

The collecting of more comprehensive and accurate data has resulted in some data that appear inconsistent with prior years’ submissions. While it is the OSSE’s belief that currently reported data is significantly more accurate, the agency is continually striving to improve the quality, timeliness, and accuracy of its IDEA data.

**The target for indicator 20 of 100% was not met.**

**Display 20-1: Percent of 618 Data and APR Data Submitted on Time and Accurately**

<b>SPP/APR Data - Indicator 20</b>			
<b>APR Indicator</b>	<b>Valid and Reliable</b>	<b>Correct Calculation</b>	<b>Total</b>



1	1		1
2	1		1
3A	1	1	2
3B	1	1	2
3C	1	1	2
4A	1	1	2
5	1	1	2
7	0	0	0
8	1	1	2
9	1	1	2
10	1	1	2
11	1	1	2
12	* 1	* 1	2
13	N/A	N/A	0
14	* N/A	* N/A	0
15	1	1	2
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		<b>Subtotal</b>	32
<b>APR Score Calculation</b>	<b>Timely Submission Points</b> - If the FFY 2008 APR was submitted on-time, place the number 5 in the cell on the right.		5
	<b>Grand Total</b> - (Sum of subtotal and Timely Submission Points) =		37.00

<b>618 Data - Indicator 20</b>					
<b>Table</b>	<b>Timely</b>	<b>Complete Data</b>	<b>Passed Edit Check</b>	<b>Responded to Data Note Requests</b>	<b>Total</b>
<b>Table 1 - Child Count Due Date: 2/1/09</b>	1	1	1	1	4

<b>Table 2 - Personnel Due Date: 11/1/09</b>	1	0	1	N/A	2
<b>Table 3 - Ed. Environments Due Date: 2/1/09</b>	1	1	0	1	3
<b>Table 4 - Exiting Due Date: 11/1/09</b>	1	0	1	N/A	2
<b>Table 5 - Discipline Due Date: 11/1/09</b>	1	0	0	N/A	1
<b>Table 6 - State Assessment Due Date: 2/1/10</b>	1	N/A	N/A	N/A	1
<b>Table 7 - Dispute Resolution Due Date: 11/1/09</b>	1	0	0	N/A	1
				<b>Subtotal</b>	14
<b>618 Score Calculation</b>			<b>Grand Total</b> (Subtotal X 1.857) =		26.0

<b>Indicator #20 Calculation</b>	
A. APR Grand Total	37.00
B. 618 Grand Total	26.00
C. APR Grand Total (A) + 618 Grand Total (B) =	63.00
Total N/A in APR	0
Total N/A in 618	0
<b>Base</b>	<b>78.00</b>
D. Subtotal (C divided by Base*) =	0.808
E. Indicator Score (Subtotal D x 100) =	80.77