



August 21, 2014

Kaya Henderson, Chancellor
District of Columbia Public Schools
1200 First Street, NE Room 976
Washington, DC 20002

Re: FFY 2012 LEA Determination

Dear Chancellor Henderson:

The Individuals with Disabilities Education Act of 2004 (IDEA) requires the Office of the State Superintendent of Education (OSSE) as the State educational agency (SEA) to make determinations annually about the performance of local educational agencies (LEAs). OSSE is required to use the same categories that the United States Department of Education, Office of Special Education Programs (OSEP) uses for state determinations as outlined in Section 616(d) of IDEA. In making such determinations, OSSE will assign LEAs one of the following determination levels:

1. Meets Requirements
2. Needs Assistance
3. Needs Intervention
4. Needs Substantial Intervention

OSSE has determined that under IDEA section 616(d), for FFY 2012, DCPS **Needs Intervention** in implementing the requirements of Part B of IDEA. OSSE's determination is based on the totality of the LEA's data and information, including the LEA's:

1. History, nature and length of time of any reported noncompliance; specifically, the LEA's performance on Indicators 4b, 9, 10, 11, 12 and 13 as outlined in the State Performance Plan (SPP) and FFY 2010 Annual Performance Report (APR);
2. Information regarding timely, valid and reliable data;
3. On-site compliance monitoring, focused monitoring and dispute resolution findings;
4. Sub-recipient audit findings;
5. Other data available to OSSE regarding the LEA's compliance with the IDEA, including, but not limited to, relevant financial data and compliance with the Funding for Public Schools and Public Charter School Amendment Act of 2011;
6. Performance on selected SPP results indicators; and
7. Evidence of correction of findings of noncompliance, including progress toward full compliance.



Enclosure 1 explains the criteria for each element and the way existing data provided by LEAs were used to make determinations. Not all elements are applicable to each LEA; for example, some LEAs do not have data for Indicator 12, as they do not serve children within the applicable age range (3 years old). Enclosure 2 describes how DCPS's determination level was calculated. It includes a chart that summarizes each required element, its corresponding rating, the total number of points earned by the LEA and the percentage of applicable points earned by the LEA.

DCPS's FFY 2010 and FFY 2011 determination was Needs Intervention. In accordance with IDEA section 616(e)(2)(B) and 34 CFR §§300.600(a) and 300.604, if an LEA is determined to need intervention for three or more consecutive years, OSSE must take one or more of the following enforcement actions: require a corrective action plan or improvement plan; require the LEA to enter into a compliance agreement; recover funds; withhold further payments; and/or refer the matter for appropriate legal enforcement action.

In its June 23, 2014 letter to OSSE regarding the State's 2014 annual determination under section 616 of the IDEA, the USDE Office of Special Education Programs (OSEP) found that the District of Columbia needed intervention in implementing the requirements of Part B of the IDEA. OSEP imposed special conditions on the District of Columbia's FFY 2014 IDEA grant awards due to the District's low level of compliance with secondary transition requirements, timely correction of noncompliance, and timely initial evaluations and reevaluations. OSEP required OSSE to either direct the use of \$250,000 of its state-level funds to address longstanding noncompliance with secondary transition and \$125,000 to address initial evaluation and reevaluation timelines, or transfer the directed use of funds (DUF) obligation to LEAs with demonstrated noncompliance with these requirements. While OSSE has determined not to transfer its state-level DUF obligation this year, consistent with the findings and identification of areas of concern in OSEP's determination letter, OSSE will direct the use of DCPS's funds in the area of secondary transition.

Pursuant to its authority in IDEA section 616(g), OSSE is directing the use of 5% of DCPS' FFY 2014 IDEA 611 Part B grant funds, in total, to address compliance with secondary transition requirements. The amount of 5% represents a significant commitment of resources that will be targeted to ensure that DCPS takes the necessary action to ensure appropriate postsecondary plans are developed and implemented for students aged 16 and older. Please note that these funds cannot be taken from DCPS' equitable services set-aside or its Coordinated Early Intervention Services (CEIS) set-aside.

DCPS will be notified via the Phase II application process of the amount required to satisfy the 5% set aside requirement outlined above. DCPS must develop, within the application, a budget and spending plan that outlines how it will spend its directed use of funds for the required purposes. OSSE will track the expenditures of the set aside through two processes: 1) through the review of grant reimbursement workbooks submitted by DCPS; and 2) through the submission of CAP progress reports to OSSE.

Corrective Action Plan (CAP)

OSSE is requiring DCPS to review Enclosure 2, identify areas of noncompliance, access technical assistance, and develop and complete a corrective action plan that addresses the area(s) of noncompliance identified in the determination. **Within 60 days of receipt of this letter, DCPS must complete the following steps:**

1. Contact Dr. La'Shawndra Scroggins, Director of Training and Technical Assistance at OSSE, at lshawndra.Scroggins@dc.gov or (202) 741-0264 to arrange a meeting with an OSSE technical assistance provider.
2. Meet with the OSSE technical assistance provider and develop a corrective action plan that addresses identified areas of noncompliance and includes due dates for submission of evidence demonstrating completion of the corrective action plan. The corrective action plan must reflect that all corrective actions will be completed by no later than **June 30, 2015**.
3. Submit a copy of the corrective action plan for approval to your OSSE LEA monitor, Ms. Deborah Babb-Melville, at Deborah.babb@dc.gov no later than **October 20, 2014**.

DCPS must ensure that its proposed Corrective Action Plan (CAP) addresses the actions the LEA will take to: (1) increase compliance with secondary transition rates; and (2) reduce the evaluation backlog. **DCPS must submit the CAP for OSSE approval no later than October 20, 2014.** The CAP must include a description of key strategies DCPS will use to increase compliance with secondary transition requirements and reduce evaluation backlogs. The description of each strategy should include the data and/or theory of action that supports the identification of the strategy as a high impact activity for increasing compliance in the area of application. For each activity, DCPS shall include an explanation of how each of the activities will result in improved compliance; the estimated costs associated with each activity; the individual responsible for implementing the activity, a projected timeline for implementing the activity, and the documentation that will be used to demonstrate completion. The CAP must also include a spending plan that outlines how the 5% of directed FFY 2013 IDEA 611 Part B funds will be used to address longstanding noncompliance in the area of secondary transition.

Required Reporting on the Implementation of the CAP

In accordance with the schedule specified below, DCPS is required to report on the status of implementation of the CAP in four progress reports.

	CAP Progress Report Due	Reporting Period
First CAP Progress Report	October 20, 2014	April 1, 2014 – September 30, 2014

Second CAP Progress Report	January 19, 2015	October 1, 2014 – December 31, 2014
Third CAP Progress Report	April 17, 2015	January 1, 2015 – March 31, 2015
Fourth CAP Progress Report	July 17, 2015	April 1, 2015 – June 30, 2015

In the submission of each progress report DCPS should provide the status of completion for each improvement activity, and an indication of whether or not the specified benchmark has been met for that period.

Any LEA that believes a specific element reviewed in the determination process is inaccurate may appeal its assigned determination level. The appeal must be made within 30 calendar days of the date of this letter. The request for appeal must include the submission of all information necessary for OSSE to reconsider the original determination level. Additional information regarding appeals may be found in Enclosure 1.

OSSE is committed to supporting DCPS's efforts to improve results for children and youth with disabilities and looks forward to working with DCPS over the next year. As part of OSSE's ongoing effort to provide useful information to District of Columbia stakeholders, OSSE will be making determination results available to the public after the close of the appeals process. If you have questions, please contact Dr. Jennifer Masoodi, Director of Quality Assurance & Monitoring, at 202-741-0479.

Sincerely,



Amy Maisterra, Ed.D, MSW

Assistant Superintendent of Elementary, Secondary, and Specialized Education

Enclosures (2)

cc: Nathaniel Beers, Chief, Office of Special Education, DCPS
 Jennifer Masoodi, Director, Specialized Education Quality Assurance & Monitoring