



**U.S. DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS**

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)
PART B SPECIAL CONDITIONS
PROGRESS REPORT #1
REPORTING PERIOD: APRIL 1, 2012 – SEPTEMBER 30, 2012

SUBMITTED: NOVEMBER 1, 2012

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STATE SUPERINTENDENT

I. Reporting Requirements

The Office of the State Superintendent of Education (OSSE) is pleased to submit this first progress report pursuant to the special conditions imposed by the USDE Office of Special Education Programs (OSEP) on OSSE's FFY 2012 IDEA Part B grant award.

As outlined in Enclosure E of OSEP's FFY 2012 grant award notice to OSSE, OSSE is required to submit specific data and information related to:

- Demonstrated compliance with secondary transition requirements,
- Evidence that it has a general supervision system that is reasonably designed to effectively correct noncompliance in a timely manner,
- Demonstrated compliance with the requirement to implement Hearing officer Determinations (HODs) in a timely manner,
- Demonstrated compliance with the requirement to conduct timely initial evaluations and reevaluations, and
- Demonstrated compliance with the requirement that children referred by Part C prior to age three, who are found eligible for Part B, have an IEP developed and implemented by their third birthdays.

OSEP has also required the District to reduce the backlog of overdue initial evaluations and re-evaluations each reporting period. Specifically, for this reporting period, OSEP has required the District to reduce the percentage of students remaining in the backlog at the end of the August 1, 2012 progress report by 25%.

OSEP has similarly required the District to improve its overall rate of compliance with secondary transition requirements. Specifically, for this reporting period, OSEP has required the state to demonstrate that of the student records reviewed, 75% of youth aged 16 and above had IEPs that included the required secondary transition content.

OSEP requires that OSSE report on the status of the FFY 2010 State-level Directed Use Funds (DUF) under IDEA section 611 (e), DCPS' FFY 2011 IDEA Part B IDEA DUF funds, and OSSE's use of its FFY 2012 IDEA Part B DUF funds to support the reduction in the backlog of overdue initial evaluations and reevaluations and the improvement of secondary transition requirements. These reporting elements continue to be addressed via OSSE's FFY 2012 Corrective Action Plan (CAP) Progress Report, submitted October 31, 2012.

OSSE submits this first progress report to satisfy the above reporting requirements.

OSSE notes that this report represents both slippage and progress across key performance indicators. The District's rate of timeliness for initial evaluations remained steady, while the rate of timeliness for reevaluations slipped slightly during this period. This report demonstrates slippage in the areas of backlog reduction for initial evaluations, reevaluations, Hearing Officer

Determinations (HODs) and secondary transition compliance. OSSE believes that a portion of these results is due to the fact that this reporting period spanned school closure and school year start up. OSSE expects to see significant improvement in outcomes over subsequent reporting periods, particularly as its SY 2012-2013 targeted technical assistance, as described in its CAP, will have had time to produce results.

OSSE is pleased to note that District has made significant progress in its rate of timeliness for HODs that became due during the reporting period. In addition, the District it continues its progress in the area of C to B transition.

Last, OSSE continues to implement a robust system of general supervision, which is being strengthened via the release of an online tracking system which will allow LEAs to track required actions and submit evidence of correction with greater ease.

OSSE looks forward to continuing to report on its accomplishments and improved outcomes throughout FFY 2012.

1. Compliance with the Requirement to Conduct Initial Evaluations

Summary of Data for this Reporting Element:

Initial Evaluations		7/1/2012 – 9/30/2012
A	The number of children who, as of the end of the previous reporting period, had been referred for, but not provided, a timely initial evaluation:	39
	1. Previous Report Untimely ¹	39
	2. Late Data Entry Adjustment	0
B	The number of children referred for initial evaluation whose initial evaluation became overdue during the reporting period	113
C	The number of children from (A) and (B) above, who were provided initial evaluations during the reporting period	84
D	The number of children who had not been provided a timely initial evaluation at the conclusion of the reporting period	68
E	The percent by which the State reduced the number of children with overdue initial evaluations reported in the State’s previous progress report. $[(a) - (d)] / (a) \times 100$	-74%
F	The percent of initial evaluations provided to children whose initial evaluation deadlines fell within the reporting period that were conducted in a timely manner. The state must also report actual numbers for the following:	
	1. The number of children whose initial evaluation deadlines fell within the reporting period	748
	2. The number of those children who were provided a timely initial evaluation	638
	3. The number of children, if any, for whom the exceptions in 34 CFR Section 300.301 (d) applied	33
	To calculate the percent of initial evaluations provided in a timely manner use the data reported in #2 divided by [1 minus 3] times 100	89%
G	The average number of days the initial evaluations that had not been provided in a timely manner were overdue	30

Discussion of Reported Data:

Timeliness: **89%** of initial evaluations provided to children with disabilities whose initial evaluation deadlines fell within the reporting period were conducted in a timely manner. The

¹ Prior to FFY 2012, OSEP required OSSE to report on timeliness rates related to initial evaluations and placements. Beginning in FFY 2012, OSEP requires OSSE to report on timeliness rates related to initial evaluations. Therefore, the “Previous Report Untimely” rate was calculated utilizing the new metrics required by OSEP.

calculation used to derive that percentage is $638/(748-33)$. This rate of timeliness represents no change as compared to the **89%** rate of timeliness reported in the fourth FFY 2011 progress report submitted to OSEP on July 30, 2012, and amended on August 14, 2012.

Progress Related to the Reduction of the Backlog:

In order to reduce the backlog by **25%**, 10 evaluations in the backlog would need to be completed in this reporting period, which would leave 29 in the backlog. Based on the above calculation, the total number of students currently in the backlog is 68.

Actions the State is taking to Address Noncompliance: This reporting period (July 1, 2012-September 30, 2012) spanned SY 2011- 2012 school closure and SY 2012 -2013 start-up. OSSE believes that a significant portion of the delays represented in this data are due to these factors, as there is significant transition of staff and students during this time.

OSSE has identified targeted activities, outlined in its FFY 2012 Corrective Action Plan (CAP), to reduce the backlog of overdue initial evaluations and accelerate progress on timely completion of initial evaluations in FFY 2012. It is expected that these targeted assistance efforts will result in accelerated progress.

In addition, during the most recent reporting period, OSSE issued a guidance document to further clarify required actions and related documentation for children referred to Part B. This document was designed to address specific complex scenarios which had been identified by LEAs as requiring further guidance.

2. Compliance with the Requirement to Conduct Reevaluations

Summary of Data for this Reporting Element:

Reevaluations		7/1/2012-9/30/2012
A	The number of children who, as of the end of the previous reporting period, had been referred for, but not provided, a timely triennial evaluation:	116
	1. Previous Report Untimely	44
	2. Late Data Entry Adjustment	72
B	The number of children whose triennial reevaluation became overdue during the reporting period	61
C	The number of children from (A) and (B) who were provided triennial reevaluations during the reporting period	12
D	The number of children who had not been provided a timely triennial reevaluation at the conclusion of the reporting period	165
E	The percent by which the State reduced the number of children with overdue triennial reevaluations reported in the State's previous progress report $[(a)-(d)]/(a) * 100$	-42%
F	The percent of triennial reevaluations provided to children whose triennial reevaluation deadlines fell within the reporting period that were conducted in a timely manner. The state must report actual numbers for the following:	
	1. The number of children whose triennial reevaluation deadlines fell within the reporting period	555
	2. The number of children who were provided a timely triennial reevaluation	494
	To calculate the percent of triennial reevaluations provided in a timely manner use the data reported in #2 divided by #1 times 100	89%
G	The average number of days the triennial evaluations that had not been provided in a timely manner were overdue	53

Discussion of Reported Data:

Timeliness: **89%** of reevaluations provided to children with disabilities whose reevaluation deadlines fell within the reporting period were conducted in a timely manner. The calculation used to derive this percentage is $(494/555)*100$. This rate of timeliness represents slippage compared to the **93%** rate of timeliness reported in the fourth FFY 2011 progress report submitted to OSEP on July 30, 2012, and amended on August 14, 2012.

Progress Related to the Reduction of the Backlog: In order to reduce the backlog by **25%**, 29 reevaluations in the backlog would need to be completed in this reporting period, which would

leave 87 in the backlog. Based on the above calculation, the total number of students in the backlog is 165.

Reasons for Delays in Conducting Reevaluations in a Timely Manner: The reasons for delay for reevaluations not held in a timely manner fell into two categories: LEA delay and parental delay.

Actions the State is taking to Address Noncompliance: This reporting period (July 1, 2012-September 30, 2012) spanned SY 2011- 2012 school closure and SY 2012 -2013 start-up. OSSE believes that a significant portion of the delays represented in this data are due to these factors, as there is significant transition of staff and students during this time.

OSSE has identified targeted activities, outlined in its FFY 2012 Corrective Action Plan (CAP), to reduce the backlog of overdue reevaluations and accelerate progress on timely completion of reevaluations in FFY 2012. It is expected that these targeted assistance efforts will result in accelerated progress.

3. Compliance with the Requirement to Implement Hearing Officer Determinations (HODs) in a Timely Manner

Hearing Officer Determinations		4/1/2012-9/30/2012
A	The number of children whose hearing officer determinations, as of the end of the previous reporting period, had not been implemented within the time frame established by the hearing officer or by the State	48 ²
B	The number of children whose hearing officer determinations had not been implemented within the time frame established by the hearing officer or by the State (became overdue) during the reporting period	1
C	The number of children from (a) and (b) above whose hearing officer determinations were implemented during the reporting period	15
D	The number of children whose hearing officer determinations had not been implemented in a timely manner at the conclusion of the reporting period	34
E	The percent by which the State reduced the number of children whose hearing officer determinations had not been implemented in a timely manner reported in the State's previous progress report (a - d) / (a)*100	29%
F	The percent of hearing officer determinations that were implemented in a timely manner during the reporting period	77%

Discussion of Reported Data:

In accordance with OSEP requirements for this benchmark, the data above reflects HODs and does not include settlement agreements. The benchmark is also calculated on a per child basis, not per HOD, in cases where the same child has more than one HOD. A student with multiple HODs within the reporting period is only counted once. If the student has both timely and untimely/overdue HODs, he or she is only counted once as having been overdue.

Timeliness of HODs: **77%** of HODs were implemented in a timely manner during the reporting period. This represents a significant improvement compared to the **26%** rate of timeliness reported in the progress report submitted to OSEP as of May 1, 2012. The calculation used to derive this percentage is 70/91.

² The number of students reported as overdue at the conclusion of the previous period (56) differs from the number reported at the beginning of the current period (48). This is due to the fact that documentation evidencing HOD timeliness was submitted after the due date for several HODs. This changed the status of 8 students from untimely to timely between reporting periods.

Implementation of Backlog of HODs: **29%** of children (a) who, as of the end of the previous reporting period had HODs that had not been implemented within the required time frame (48), and children (d) whose HODs had not been implemented within the required time frame during the reporting period (34), had HODs implemented during the reporting period. The calculation used to derive the percentage is $[(48-34)/48] * 100$. This percentage represents slippage as compared to the **36%** in the progress report submitted to OSEP as of May 1, 2012.

Reasons for Delays: The reasons for the delays in implementing HODs in a timely manner were found to be LEA delay and parental consent.

Actions the State is taking to Address Noncompliance: The District has made significant strides in improving the rate of timeliness for HOD implementation. Specifically, OSSE has taken the following steps to improve compliance:

- Creation of a State final review process to provide oversight of HOD implementation and help ensure compliance with OSSE implementation guidance; and
- Targeted technical assistance to LEA representatives.

4. Demonstration of General Supervision System Reasonably Designed to Correct Noncompliance

Summary of Data for This Reporting Element:

Reporting Period for Verification of Noncompliance		4/1/12 – 9/30/12
A	The number of the 134 remaining findings of noncompliance identified in FFY 2009 that D.C. reported were not corrected under Indicator 15 in the FFY 2010 APR for which the State verified the noncompliance was corrected more than one year after the State’s identification of the noncompliance (i.e., “subsequent correction”).	23
B	The number of findings of noncompliance DC made during FFY 2010 (July 1, 2010-June 30, 2011)	4399
C	The number of findings included in (b) for which the State verified the noncompliance was corrected as soon as possible and in no case later than one year after the State’s identification of noncompliance	2696
D	The number of findings included in (b) for which the State verified the noncompliance was corrected more than one year after the State’s identification of noncompliance (i.e., “subsequent correction”)	315

Discussion of Reported Data:

Of 4399 total findings of noncompliance made in FFY 2010 (July 1, 2010- June 30, 2011), 2696 were verified as corrected pursuant to Memo 09-02 within one year of the date of the issuance of the finding. 315 findings of noncompliance were verified more than one year after the State’s identification of noncompliance.

Actions Taken to Verify the Correction of Noncompliance Consistent with OSEP Memo 09-02:

OSSE’s 2012-2013 Monitoring Manual and training design clarifies how the State will use all components of its general supervision system, including data the State receives through its on-site monitoring, LEA self-assessments, the statewide database, State complaints, and due process hearings, to timely identify and notify LEAs of noncompliance and the responsibility to ensure that all such noncompliance is corrected as soon as possible and in no case later than one year after the date of the State’s identification of the noncompliance (i.e., written notification to the LEA of the noncompliance).

The updated manual and training also outline the process for identification and correction of noncompliance in accordance with OSEP Memorandum 09-02. Specifically, the process ensures that when the State collects or receives information indicating noncompliance, the State will: (1) make a finding of noncompliance; or (2) verify whether the data demonstrate

noncompliance and then issue a finding if the State concludes the data do demonstrate noncompliance; or (3) verify that the LEA has corrected the noncompliance, using both prongs of OSEP Memorandum 09-02 (examining updated data to ensure the LEA is correctly implementing the specific regulatory requirements) before determining that the LEA has corrected student level and LEA level noncompliance.

OSSE also took significant steps to ensure that it verifies the correction of noncompliance by verifying that each LEA with noncompliance is correctly implementing the specific regulatory requirements and that each individual case of noncompliance has been corrected unless the child is no longer within the jurisdiction of the LEA, and that it reviews updated data, which may be from subsequent on-site monitoring or data collected with the database, when determining whether an LEA is correctly implementing the specific regulatory requirements.

OSSE takes the following actions to verify the correction of noncompliance to ensure that each LEA with noncompliance is: (1) correctly implementing the specific regulatory requirements (i.e. achieved 100% compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA consistent with OSEP Memo 09-02. These procedures, specifically the verification that the LEA is correctly implementing the specific regulatory requirement consistent with the requirements of OSEP Memo 09-02, vary based on the type of monitoring through which noncompliance was identified.

Correction of Findings Identified through On-site Monitoring

To verify the correction of individual student noncompliance identified through on-site monitoring, OSSE will review the original student files to verify that the required action has been completed. To verify that the LEA is subsequently correctly implementing the regulatory requirement, OSSE will select a sample of student files that were not originally reviewed or generate a report from the District's Special Education Data System (SEDS) to verify correction of noncompliance. Correction of noncompliance will be complete when the LEA can demonstrate that 100% of files reviewed in the subsequent sample are compliant with the specific regulatory requirement. OSSE will review a minimum number of files to verify correction for Prong 2 based on the total number of students with IEPs; however, OSSE may choose to review additional files at its discretion.

Total Number of Students with IEPs	Minimum Prong 2 Files
Less than 150	5
150 or more	10

Correction of Findings Identified through Database Monitoring

In order to verify database findings (i.e. evaluations and secondary transition) as corrected, OSSE reviews the database to ensure that each student level finding has been corrected (i.e. the child has received the evaluation, although late or the secondary transition plan has all required elements) and requires the LEA to demonstrate that it is now correctly implementing

the specific regulatory requirement by achieving 100% compliance on the following quarterly review.

Correction of Dispute Resolution Findings

Pursuant to OSEP guidance, in order to verify dispute resolution findings as corrected, OSSE reviews all corrective actions received by the LEA and conducts a case-by-case assessment as to whether additional data must be reviewed in order to verify correction.

Actions Taken to Address Remaining Findings Identified in FFY 2009 and FFY 2010

In order to address any findings of noncompliance that are not corrected within one year of the State's identification of noncompliance, OSSE utilizes its Quality Assurance & Monitoring Team to follow-up with the LEA to assess whether the LEA is in need of technical assistance and uses its Annual LEA Determinations process to levy appropriate sanctions. Noncompliance identified through information collected for APR reporting, for other U.S. Department of Education reporting, during on-site monitoring visits, during record reviews, during database reviews, for audits, through dispute resolution processes, and from other information available to OSSE is considered in making LEA determinations. In addition, OSSE considers the timely correction of noncompliance identified through these methods in making LEA determinations. Pursuant to IDEA regulations, OSSE imposes the same sanctions on LEAs as the U.S. Department of Education for each Determination level.

Beginning in November 2012, OSSE will issue findings of noncompliance made as part of on-site compliance monitoring and quarterly database reviews through an online system, the District of Columbia Corrective Action Tracking System (DC CATS). On-site reports for nonpublic schools will also be made available via DC CATS. In addition to supporting the accurate and efficient utilization of data gathered via compliance monitoring, OSSE plans to support LEA efforts to correct identified noncompliance within required timelines through the development of dashboards which detail outstanding findings and list remaining requirements for correction. LEAs will be required to submit documentation of the correction of noncompliance through DC-CATS. OSSE will offer training to LEA representatives on the use of DC CATS following the issuance of quarterly compliance reports in the fall of 2012 and spring of 2013, and thereafter on a periodic basis.

Additional DC CATS functionality to support the issuance of findings made for significant discrepancy, disproportionate representation, and through State complaints are slated for release in DC CATS later in the 2012 – 2013 school year or early in the 2013 – 2014 school year. Finally, OSSE plans to develop a self-assessment tool in DC CATS which will enable LEAs to evaluate student files and other processes and take proactive steps to improve compliance and results for students with IEPs. This functionality is slated for release in the 2013 – 2014 school year.

In order to offer LEAs consistent support in identifying and correcting findings issued prior to the release of DC CATS, OSSE developed a computer application designed to store information on every finding issued in FFY 2010 and FFY 2011. The application will allow OSSE monitors to

generate lists of open findings by LEA and track the completion of SEA activities consistent with the requirements of OSEP Memo 09-02. OSSE is also exploring the development of an Access-based contact log to permit queries of the number of attempted and successful LEA contacts related to the correction of noncompliance, technical assistance, or other monitoring activities.

5. Compliance with Secondary Transition Requirements

Summary of Data for This Reporting Element:

Secondary Transition Compliance	1/1/12 – 3/31/12	4/1/12 – 6/30/12	7/1/12 – 9/30/12
Total Number of Files with All Items Compliant	41	39	38
Percentage of Files with All Items Compliant	41%	39%	38%
Total Number of LEAs Reviewed	10	10	11
Number of LEAs in Compliance	0	4	2

Discussion of Reported Data:

OSSE completed reviews of two 100-file samples of IEPs for required secondary transition content between October 3, 2012 and October 19, 2012. OSSE will notify LEAs of the findings of the review of the period from April 1, 2012 through June 30, 2012 by November 15, 2012. OSSE will notify LEAs of the findings of the review of the period from July 1, 2012 through September 30, 2012 by December 31, 2012.

Beginning with the report of secondary transition compliance for the period from April 1, 2012 through June 30, 2012, OSSE will release reports in two stages via the District of Columbia Corrective Action Tracking System (DC CATS), OSSE's new web-based compliance monitoring system. First, OSSE will release an initial report summarizing the results of the compliance review. Following the release of the initial report, LEAs will have seven calendar days to review the information and upload any additional information that may demonstrate compliance into DC CATS and SEDS. OSSE will review this information, make any necessary adjustments to its compliance determinations, and release a final report, representing notification to LEAs to correct identified noncompliance as soon as possible and in no case later than one year from identification and detailing required corrective actions. Updates to the compliance percentages contained in this report as a result of LEA response to initial reports will be reflected in updated data provided in the next quarterly progress report.

Thirty-nine (**39%**) percent of IEPs reviewed for the April 1, 2012 through June 30, 2012 period included the required secondary transition content. Thirty-eight percent (**38%**) of files reviewed for the July 1, 2012 through September 30, 2012 period included the required secondary transition content. The District's performance for these two periods represents slippage from the prior reporting period, in which forty-one percent (**41%**) of IEPs reviewed included the required secondary transition content.

Despite this slippage, OSSE notes that four LEAs demonstrated 100% compliance with secondary transition requirements for the April 1, 2012 through June 30, 2012 period. This was the first time that any of these LEAs demonstrated compliance with all required secondary transition content. OSSE believes that improvements in secondary transition performance will continue in subsequent quarters as a result of monitoring, training, and technical assistance provided to LEAs to support compliance. OSSE also notes its role in leading the State Secondary Transition Community of Practice (CoP) to support a culture of increased accountability and urgency related to the need to ensure post-secondary success for youth with disabilities.

OSSE disaggregated secondary transition compliance data to identify priority LEAs in need of targeted technical assistance, based on their noncompliance with secondary transition requirements over multiple reporting periods. OSSE identified LEAs in this category and invited them to training in a six-part series, *Transition Planning – Ensuring Successful Post-Secondary Outcomes for All Students*. This training series will include sessions from November 2012 to March 2013 and is offered through the State Secondary Transition Community of Practice in cooperation with George Washington University. Topics including assessment and transition planning, annual goals, student-centered planning, career planning, post-secondary education, and independent living will be taught in a train-the-trainer model designed to allow participants to take the information back to other staff members at their LEA.

OSSE is dedicated to continuing to provide targeted technical assistance to LEAs regarding secondary transition content until the State reaches 100% compliance with secondary transition content. OSSE is committed to continuing this practice until LEAs are able to demonstrate substantial compliance with all secondary transition requirements.

6. Compliance with Early Childhood Transition Requirements

Preliminary Report of FFY 2011 Actual Target Data for Indicator 12:

Early Childhood Transition		
A	Number of children who have been served in Part C and referred to Part B for Part B eligibility determination	285
B	Number of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays	44
C	Number of those found eligible who have an IEP developed and implemented by their third birthdays	181
D	Number of children for whom parent refusal to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied	22
E	Number of children who were referred to Part C less than 90 days before their third birthdays	10
	Number of children included in A but not included in B, C, D, or E.	28
	Range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays	2-183
	Percent = [(C)divided by (A-B-D-E)] x 100	87%

Discussion of Reported Data:

The preliminary percentage for Indicator 12 is **87%** for FFY 2011. This rate of timeliness represents progress as compared to **62%**, the FFY 2010 actual target data for this indicator, as reported in the District's final Annual Performance Report submitted in April, 2012.

The range of days beyond the third birthday for a student to have an IEP developed and implemented is 2-183 days. The instances of untimely early childhood transition are due to general delays on the part of the LEA, including scheduling meetings.

Actions the State is taking to Address Noncompliance: During the most recent reporting period, OSSE issued a guidance document to further clarify required actions and related documentation for children referred to Part B. This guidance was designed to address specific complex scenarios which had been identified by LEAs as requiring further guidance.

To sustain progress, OSSE continues to facilitate meetings between the leadership of the Part C team and the Early Stages Center Leadership Team at the District of Columbia's Public Schools. In addition, the Division has identified staff members to support State level activities for both Part C and Part B 619 grant obligations.

Certification

This report reflects OSSE's good faith efforts to report accurate and reliable data and ensure a full and comprehensive submission.

The District of Columbia's Assistant Superintendent of Specialized Education, Amy Maisterra, hereby certifies that this report is complete and appropriate for submission to the Office of Special Education Programs.