



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

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)  
PART B SPECIAL CONDITIONS  
PROGRESS REPORT #2  
REPORTING PERIOD: OCTOBER 1, 2012 – DECEMBER 31, 2012

SUBMITTED: JANUARY 31, 2013

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STATE SUPERINTENDENT

## **I. Reporting Requirements**

The Office of the State Superintendent of Education (OSSE) is pleased to submit this second 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 November 1, 2012 progress report by 50%.

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, 85% 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 of 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 for the same reporting period.

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

OSSE notes that this report represents both progress and slippage across key performance indicators. OSSE is pleased to note that the District's rate of timeliness for initial evaluations, reevaluations, and early childhood transition improved during this period, and that timeliness rates for all three domains are above 90%. At the same time, the District did not meet its targets for initial evaluation, reevaluation and HOD backlog reduction.

The District's rates of timeliness related to Hearing Officer Determinations (HODs) remained steady across reporting periods, and the District saw an increase in secondary transition compliance. OSSE expects to see continued improvement in outcomes over subsequent reporting periods as it implements the next phase of its SY 2012-2013 targeted technical assistance plan over the course of the next reporting period.

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		10/1/2012 – 12/31/2012
<b>A</b>	<b>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:</b>	<b>40</b>
	1. Previous Report Untimely <sup>1</sup>	<b>68</b>
	2. Late Data Entry Adjustment	<b>-28</b>
<b>B</b>	<b>The number of children referred for initial evaluation whose initial evaluation became overdue during the reporting period</b>	<b>36</b>
<b>C</b>	<b>The number of children from (A) and (B) above, who were provided initial evaluations during the reporting period</b>	<b>19</b>
<b>D</b>	<b>The number of children who had not been provided a timely initial evaluation at the conclusion of the reporting period</b>	<b>57</b>
<b>E</b>	<b>The percent by which the State reduced the number of children with overdue initial evaluations reported in the State’s previous progress report. <math>[(a) - (d)] / (a) \times 100</math></b>	<b>-43%</b>
<b>F</b>	<b>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:</b>	
	1. The number of children whose initial evaluation deadlines fell within the reporting period	<b>408</b>
	2. The number of those children who were provided a timely initial evaluation	<b>372</b>
	3. The number of children, if any, for whom the exceptions in 34 CFR Section 300.301 (d) applied	<b>2</b>
	<b>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</b>	<b>92%</b>
<b>G</b>	<b>The average number of days the initial evaluations that had not been provided in a timely manner were overdue</b>	<b>30</b>

Discussion of Reported Data:

*Timeliness:* **92%** of initial evaluations provided to children with disabilities whose initial evaluation deadlines fell within the reporting period were conducted in a timely manner. The

<sup>1</sup> 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  $372/(408-2)*100$ . This rate of timeliness represents progress compared to the **89%** rate of timeliness reported in the first FFY 2012 progress report submitted to OSEP on November 1, 2012.

*Progress Related to the Reduction of the Backlog:* In order to reduce the backlog by **50%**, 20 evaluations in the backlog would need to be completed in this reporting period, which would leave 20 in the backlog. Based on the above calculation, the total number of students currently in the backlog is 57.

*Reasons for Delays in Conducting Evaluations in a Timely Manner:* The reasons for delay for reevaluations not held in a timely manner fell into two categories: LEA delay (94%) and parental delay (6%).

*Actions the State is taking to Address Noncompliance:* OSSE notes that in this reporting period, twenty eight (28) students were removed from the backlog after the LEAs submitted appropriate documentation and/or appropriately exited the students from the system. OSSE is doing an LEA level analysis to determine to what extent the backlog the District is reporting is related to late data entry versus actual backlog. OSSE will incorporate the results of this analysis into its targeted technical assistance effort, to be launched this spring.

## 2. Compliance with the Requirement to Conduct Reevaluations

### Summary of Data for this Reporting Element:

Reevaluations		10/1/2012-12/31/2012
<b>A</b>	<b>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:</b>	<b>87</b>
	1. Previous Report Untimely	<b>165</b>
	2. Late Data Entry Adjustment	<b>-78</b>
<b>B</b>	<b>The number of children whose triennial reevaluation became overdue during the reporting period</b>	<b>85</b>
<b>C</b>	<b>The number of children from (A) and (B) who were provided triennial reevaluations during the reporting period</b>	<b>50</b>
<b>D</b>	<b>The number of children who had not been provided a timely triennial reevaluation at the conclusion of the reporting period</b>	<b>122</b>
<b>E</b>	<b>The percent by which the State reduced the number of children with overdue triennial reevaluations reported in the State's previous progress report <math>[(a)-(d)]/(a) * 100</math></b>	<b>-40%</b>
<b>F</b>	<b>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:</b>	
	1. The number of children whose triennial reevaluation deadlines fell within the reporting period	<b>933</b>
	2. The number of children who were provided a timely triennial reevaluation	<b>848</b>
	<b>To calculate the percent of triennial reevaluations provided in a timely manner use the data reported in #2 divided by #1 times 100</b>	<b>91%</b>
<b>G</b>	<b>The average number of days the triennial evaluations that had not been provided in a timely manner were overdue</b>	<b>111</b>

### Discussion of Reported Data:

*Timeliness:* **91%** 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  $(848/933)*100$ . This rate of timeliness represents progress compared to the **89%** rate of timeliness reported in the first FFY 2012 progress report submitted to OSEP on November 1, 2012.

*Progress Related to the Reduction of the Backlog:* In order to reduce the backlog by **50%**, 44 reevaluations in the backlog would need to be completed in this reporting period, which would

leave 43 in the backlog. Based on the above calculation, the total number of students in the backlog is 122.

*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 (90.5%) and parental delay (9.5%).

*Actions the State is taking to Address Noncompliance:* OSSE notes that in this reporting period, seventy eight (78) students were removed from the backlog after the LEAs submitted appropriate documentation and/or appropriately exited the students from the system. OSSE is doing an LEA level analysis to determine to what extent the backlog the District is reporting is related to late data entry versus actual backlog. OSSE will incorporate the results of this analysis into its targeted technical assistance effort, to be launched this spring.

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

Hearing Officer Determinations		10/1/2012-12/31/2012
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	28 <sup>2</sup>
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	1
D	The number of children whose hearing officer determinations had not been implemented in a timely manner at the conclusion of the reporting period	28
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 $(a - d) / (a) * 100$	0%%
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 indicates neither slippage nor progress when compared to the **77%** rate of timeliness reported in the progress report submitted to OSEP as of November 1, 2012. The calculation used to derive this percentage is 27/35.

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<sup>2</sup> The number of students reported as overdue at the conclusion of the previous period (34) differs from the number reported at the beginning of the current period (28). 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 6 students from untimely to timely between reporting periods.



*Implementation of Backlog of HODs:* **0%** 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 (28), and children (d) whose HODs had not been implemented within the required time frame during the reporting period (28), had HODs implemented during the reporting period. The calculation used to derive the percentage is  $[(28-28)/28] * 100$ . This percentage represents slippage as compared to the **26%** in the progress report submitted to OSEP as of October 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. In addition, an analysis of the backlog revealed that a significant number of HODs in the backlog were the result of mandates that could not realistically be implemented during the period due to various extenuating circumstances (e.g. LEAs that have closed, students who left the District, deceased students, or unique administrative issues). OSSE's compliance team has been working to take measures acceptable to the Court to close these cases in a way which ensures that students that remain within the District receive the relief awarded them, while accounting for these special circumstances.

*Actions the State is taking to Address Noncompliance:* As noted above, during this reporting period, OSSE conducted an analysis of the backlog and took several steps to further accelerate HOD compliance. OSSE conducted a student-level analysis by LEA and arranged technical assistance sessions for all LEAs having overdue HODs and SAs.

For independent charter LEAs with outstanding required actions, OSSE leadership issued letters in December, 2012 notifying them of their backlog cases and requesting meetings to discuss case implementation with their special education coordinators and heads of school. OSSE copied the Executive Director of the Public School Charter Board, who committed his support and that of his team to ensure completion of required actions. These letters, meetings, and technical assistance efforts are a focused attempt to provide the independent charter LEA community the supports and information necessary to implement cases.

#### 4. Compliance with Secondary Transition Requirements

Summary of Data for This Reporting Element:

<b>Secondary Transition Compliance</b>	<b>4/1/12 – 6/30/12</b>	<b>7/1/12 – 9/30/12</b>	<b>10/1/12 – 12/31/12</b>
Total Number of Files with All Items Compliant	39	38	45
Percentage of Files with All Items Compliant	39%	38%	45%
Total Number of LEAs Reviewed	10	11	11
Number of LEAs in Compliance	4	2	1

Discussion of Reported Data:

OSSE’s review of a sample of 100 IEPs for required secondary transition content was completed between January 14, 2013 and January 18, 2013. OSSE will notify LEAs of the findings of the review by April 18, 2013.

Forty-five (45%) percent of IEPs reviewed for the October 1, 2012 – December 31, 2012 period included the required secondary transition content. The District’s performance for this period represents progress from the prior reporting period, in which thirty-nine (39%) and thirty-eight (38%) of IEPs reviewed included the required secondary transition content.

As noted in its special conditions report due November, 1, 2012, beginning with the report of secondary transition compliance for the period from April 1, 2012 through June 30, 2012, OSSE released 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 released an initial report summarizing the results of the compliance review and describing noncompliance found at the student level. Following the release of the initial report, LEAs were given seven calendar days to review the information and upload any additional information that may demonstrate compliance into DC CATS and SEDS. OSSE reviewed this information, made any necessary adjustments to its compliance determinations, and released 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. As a result, OSSE submits the following updates to the compliance percentages reported in the November 1, 2012 special conditions report for the April 1, 2012 – June 30, 2012 review period.

Five of the six LEAs whose student files showed noncompliance in the April 1, 2012 – June 30, 2012 period responded with documentation demonstrating either compliance or correction of noncompliance. In total, fifteen (15) of the 61 files were deemed compliant based on the LEA’s

submission of documents that had not previously been uploaded into SEDS. Accordingly, 46 of the files during the April 1, 2012 – June 30, 2012 reporting period were not compliant, leaving 54 files that were in compliance. In addition, a total of 4 files were corrected after the reporting period. Two files had been corrected via an IEP developed between OSSE’s initial compliance review in October 2012 and the release of the initial report in December 2012. Two files had been corrected via IEP meeting or amended IEP developed during the seven days given to LEAs to respond to the initial report. Consistent with the September 3, 2008 OSEP FAQ regarding identification and correction of noncompliance, if an LEA demonstrates that it has corrected noncompliance before the State issues a finding, the State may choose not to make a finding. In total, nineteen (19) of the 61 files which were initially determined to be noncompliant were deemed corrected or compliant based on submissions after the reporting period. OSSE has elected not to issue findings for these nineteen files and provides the following updated table detailing the level of compliance in the April 1, 2012 – June 30, 2012 period.

<b>Secondary Transition Compliance</b>	<b>4/1/12 – 6/30/12</b>
Total Number of Files with All Items Compliant	54
Percentage of Files with All Items Compliant	54%
Total Number of LEAs Reviewed	10
Number of LEAs in Compliance	7

OSSE expects the quality of student records to improve as LEAs recognize that OSSE bases compliance determinations on what is made available in SEDS. In addition, OSSE notes that two LEAs were able to quickly convene an IEP meeting or appropriately amend an IEP within the seven day window for response. OSSE will provide a similar update to noncompliance identified for the July 1, 2012 – September 30, 2012 and the October 1, 2012 – December 31, 2012 periods in the next quarterly progress report.

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

	Early Childhood Transition	7/1/12 – 12/31/12
<b>A</b>	Number of children who have been served in Part C and referred to Part B for Part B eligibility determination	<b>109</b>
<b>B</b>	Number of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays	<b>23</b>
<b>C</b>	Number of those found eligible who have an IEP developed and implemented by their third birthdays	<b>71</b>
<b>D</b>	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	<b>5</b>
<b>E</b>	Number of children determined to be eligible for early intervention services under Part C less than 90 days before their third birthdays	<b>3</b>
	Number of children included in A but not included in B, C, D, or E.	<b>7</b>
	Range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays	<b>2-131</b>
	Percent = [(C) divided by (A-B-D-E)] x 100	<b>91%</b>

### Discussion of Reported Data:

A review of the data from this reporting period indicates an overall rate of timeliness of 91%. This rate of timeliness represents progress as compared to **87%**, the FFY 2011 preliminary report of Indicator 12 data, as reported in the previous report submitted to OSEP on November 1, 2012.

The range of days beyond the third birthday for a student to have an IEP developed and implemented is 2-131 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:* 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.