



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

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)
PART B SPECIAL CONDITIONS
PROGRESS REPORT # 3
REPORTING PERIOD:
OCTOBER 1, 2014 - MARCH 31, 2015

SUBMITTED: APRIL 29, 2015

I. Reporting Requirements

The Office of the State Superintendent of Education (OSSE) is pleased to submit this third progress report as required by the Office of Special Education Programs (OSEP) pursuant to the special conditions imposed by the USDE on OSSE's FFY 2014 IDEA Part B grant award.

As outlined in Enclosure E of OSEP's FFY 2014 grant award notice to OSSE, OSSE is required to submit specific data and information related to:

- Demonstrated compliance with the requirement to conduct timely initial evaluations and reevaluations,
- Evidence that it has a general supervision system that is reasonably designed to effectively correct noncompliance in a timely manner, and
- Demonstrated compliance with secondary transition requirements

OSEP has also 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, 95% of youth aged 16 and above had IEPs that included the required secondary transition content.

OSEP requires that OSSE report on the use of its FFY 2013 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 2014 Corrective Action Plan (CAP) Progress Report, submitted for the same reporting period.

OSSE submits this third FFY 2014 progress report to satisfy the above reporting requirements.

II. Compliance with the Requirement to Conduct Initial Evaluations

Summary of Data for this Reporting Element:

Initial Evaluations		10/1/2014 – 3/31/2015
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:	87
	1. Previous Report Untimely ¹	94
	2. Late Data Entry Adjustment	-7
B	The number of children referred for initial evaluation whose initial evaluation became overdue during the reporting period	104
C	The number of children from (A) and (B) above, who were provided initial evaluations during the reporting period	155
D	The number of children who had not been provided a timely initial evaluation at the conclusion of the reporting period	36
E	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	1123
	2. The number of those children who were provided a timely initial evaluation	947
	3. The number of children, if any, for whom the exceptions in 34 CFR Section 300.301 (d) applied	72
	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	90%
F	The average number of days the initial evaluations that had not been provided in a timely manner were overdue	34

Discussion of Reported Data:

Timeliness: **90%** of initial evaluations provided to children with disabilities whose initial evaluation deadlines fell within the reporting period were conducted in a timely manner. The calculation used to derive this percentage is $947 / (1123 - 72) * 100$. This rate of timeliness represents progress compared to the **86%** rate of timeliness reported in the second FFY 2014 progress report submitted to OSEP on November 3, 2014 (revised November 26, 2014).

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.

Reasons for Delays in Conducting Initial Evaluations in a Timely Manner: The reasons for delay for initial evaluations not held in a timely manner fell into two categories: LEA delay (59%) and parental delay (41%). In instances of parental delay, the LEA made reasonable efforts to complete the evaluation process in accordance with OSSE’s Initial Evaluation and Reevaluation Policy dated March 22, 2010 and the exceptions in 34 CFR Section 300.301 (d) applied.

The specific reasons for such delays are further categorized as follows:

Reason for delay	No. of children
Parental delay	
Parental delay for reasons including delays in providing consent, delays in responding to LEA requests, and delays in making the child available	72
LEA delay	
LEA delays for children who withdrew from the school system and reentered within the 120 day timeline	10
LEA delays for reasons including delayed action taken related to initial referral, and delays in scheduling meetings	94
Total number of children whose initial evaluation became overdue during the reporting period	176

Actions the State is taking to Address Noncompliance: Over the past several years, OSSE has worked vigorously to assist LEAs in reducing the backlog through root cause analysis training and extensive review of these data. OSSE has worked with partners to examine existing processes and to identify data anomalies. This work has resulted in the development of a comprehensive reporting tool and technical assistance process that have yielded positive results.

During this reporting period, OSSE continued using data to drive improvement through the continued review of backlog data and provision of targeted technical assistance to LEAs. In fall of FFY 2014, OSSE met with representatives from several LEAs to obtain input on current data tools that would help accurately analyze the backlog data in the Special Education Data System (SEDS), as many LEAs were disagreeing with the status of some records flagged as noncompliant in OSSE’s system.

As a result of these efforts, as detailed in OSSE’s Corrective Action Plan Progress Report for this same reporting period, OSSE developed a new, enhanced reporting tool designed to identify the root causes for records being identified as overdue in the system, so that school staff could take an informed approach to remedy the issue. This LEA-specific, student-level report details all students with overdue initial evaluations or re-evaluations for an LEA and identifies whether or not the student appears on one of six data “exception” reports, which typically reflect enrollment data issues rather than actual noncompliance. During this tool development, OSSE met with stakeholders to identify essential components to be included in the tool that would help LEAs understand the cause of the backlog and how to appropriately address it.

The Division of Elementary, Secondary, and Specialized Education (ESSE) also continues to implement the OSSE Support Tool (OST), a web-based dashboard that serves to provide OSSE with a mechanism to quickly and efficiently respond to LEA inquiries regarding our data systems and policies. OSSE has also categorized the types of inquiries that may be logged into the tool and identified resolution paths for each type of inquiry. By having a database that logs inquiries and needs from LEAs, OSSE is able to take a proactive approach to better serving the needs of LEAs. OSSE also continued its practice of sharing, via its monthly

webinars for LEA special education points of contact, performance metrics related to its response time in the OST. OSSE believes that this transparency sends a message of shared accountability, builds trust, and demonstrates OSSE's commitment to serving LEAs well.

III. Compliance with the Requirement to Conduct Reevaluations

Summary of Data for this Reporting Element:

Reevaluations		10/1/2014-3/31/2015
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:	79
	1. Previous Report Untimely	162
	2. Late Data Entry Adjustment	-83
B	The number of children whose triennial reevaluation became overdue during the reporting period	228
C	The number of children from (A) and (B) who were provided triennial reevaluations during the reporting period	186
D	The number of children who had not been provided a timely triennial reevaluation at the conclusion of the reporting period	121
E	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	2387
	2. The number of children who were provided a timely triennial reevaluation	2159
	To calculate the percent of triennial reevaluations provided in a timely manner use the data reported in #2 divided by #1 times 100	90%
F	The average number of days the triennial evaluations that had not been provided in a timely manner were overdue	41

Discussion of Reported Data:

Timeliness: **90%** 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 $(2159/2387)*100$. This rate of timeliness represents slight slippage compared to the **93%** rate of timeliness reported in the second FFY 2014 progress report submitted to OSEP on November 3, 2014 (revised November 26, 2014).

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 (89%) and parental delay (11%).

The specific reasons for such delays are further categorized as follows:

Reason for delay	No. of children
Parental delay	
Parental delay for reasons including delays in providing consent, delays in responding to LEA requests, and delays in making the child available	26
LEA delay	
LEA delays for children who enrolled in a new LEA within 120 calendar days prior to the due date	22
Children who withdrew and reentered the school system more than one year after their withdrawal date. These children reentered after the reevaluation due date had passed.	11
Children who withdrew and reentered the school system less than one year after their withdrawal date. These children reentered after the reevaluation due date had passed.	6
LEA delay for reasons including delayed action taken to start the reevaluation process and delays in scheduling meetings	163
Total number of children whose reevaluation became overdue during the reporting period	228

Actions the State is taking to Address Noncompliance: Over the past several years, OSSE has worked vigorously to assist LEAs in reducing the backlog through root cause analysis training and extensive review of these data. OSSE has worked with partners to examine existing processes and to identify data anomalies. This work has resulted in the development of a comprehensive reporting tool and technical assistance process that have yielded positive results.

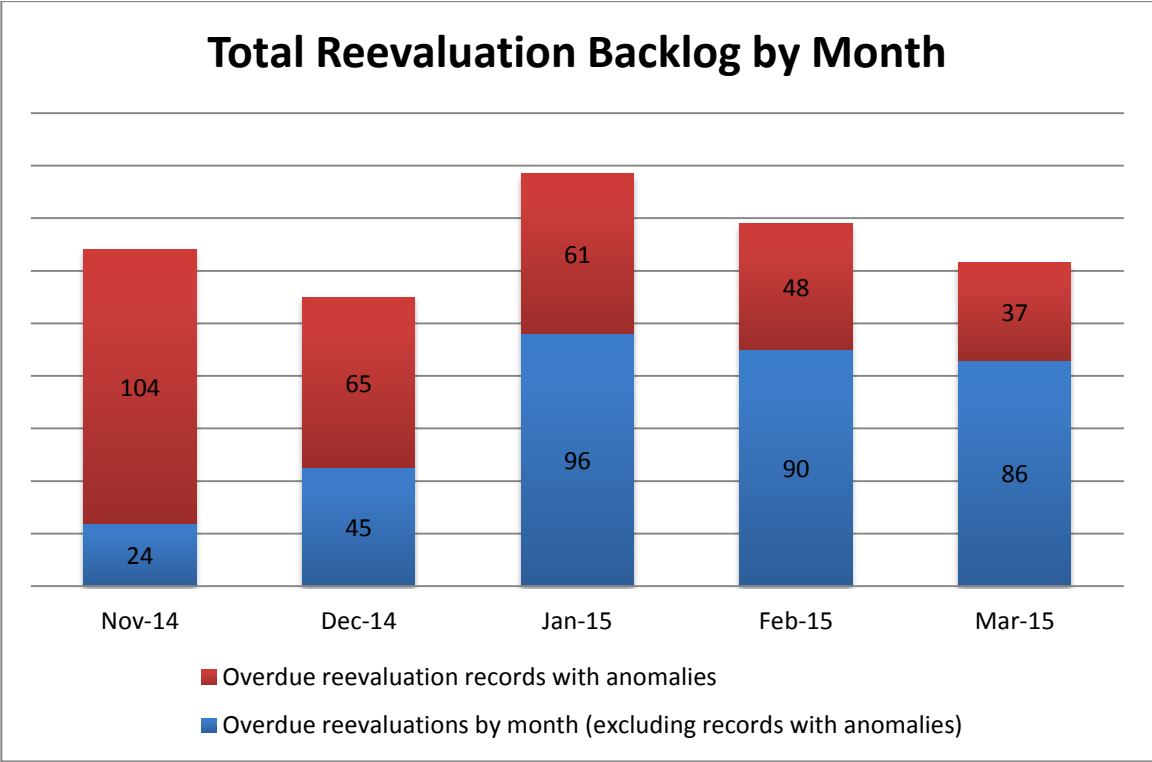
During this reporting period, OSSE continued using data to drive improvement through the continued review of backlog data and provision of targeted technical assistance to LEAs. As noted in the above section, in fall of FFY 2014, OSSE met with representatives from several LEAs to obtain input on current data tools that would help accurately analyze the backlog data in the Special Education Data System (SEDS), as many LEAs were disagreeing with the status of some records flagged as noncompliant in OSSE’s system.

To more effectively address the District’s reevaluation backlog, OSSE’s special education data team developed a robust reporting tool, the Special Education Backlog Report. OSSE met with stakeholders to identify essential data components for inclusion on the tool that would help LEAs better understand the root cause of the backlog and how to appropriately address it. OSSE also partnered with the DC Special Education Cooperative and the District of Columbia Association for Special Education (DCASE), its contracted vendors, to design a process in which LEAs would receive technical assistance through data – driven conversations based on use of the tool.

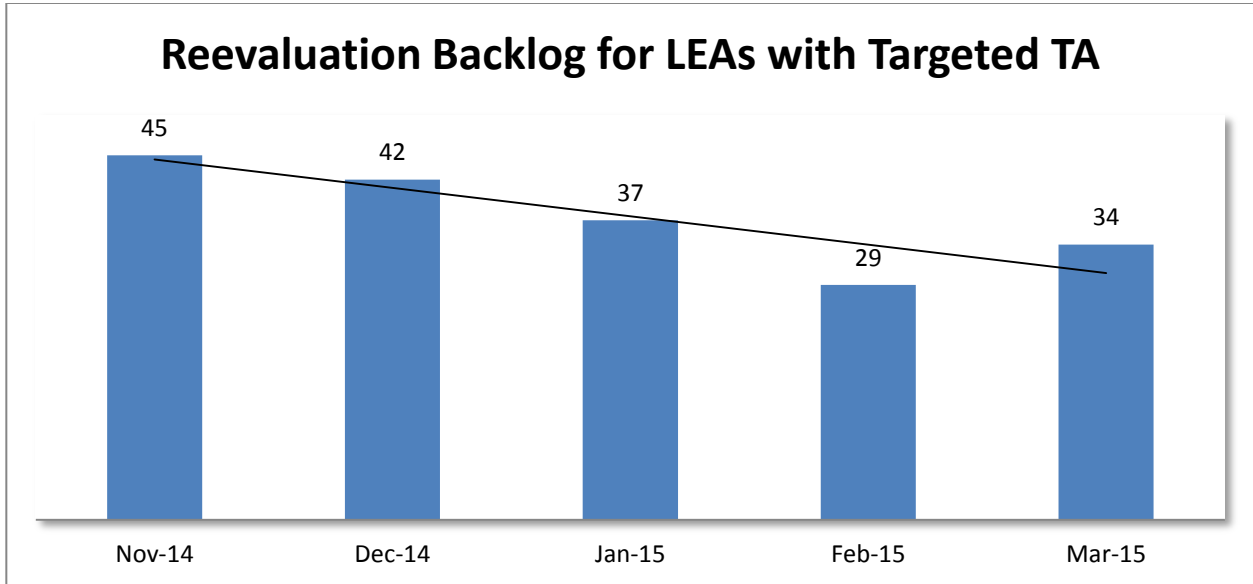
In reviewing backlog data with stakeholders, OSSE identified a number of “data anomalies” in the system which cause records to appear as overdue but do not represent actual noncompliant practice. Examples of these anomalies include cases where students are erroneously enrolled in two LEAs and/or cases where an LEA may have used an invalid exit code and the student is no longer in the District.

The tool was vetted with LEA representatives and finalized in December, 2014, at which point OSSE sent a communication to LEA leaders about the initiative and hosted a webinar on December 4, 2014. The webinar previewed the tool and gave LEAs the opportunity to ask questions regarding usability and resources available to assist them with the initiative.

OSSE and its partners began using this new tool in its work with LEAs in January, 2015. OSSE is pleased to note that for the months where this more targeted technical assistance was occurring (January, February and March), there was a decline in total overdue evaluations. In addition, overall, there were fewer overdue reevaluations in March 2015 than there were in November 2014. As noted in the graph below, which provides a monthly snapshot of “backlog” data (students whose records indicate that they had not been provided a timely triennial reevaluation at the conclusion of the month), approximately 49% of what appears to be overdue reevaluations are identified as such due to data anomalies, while 51% of the overdue reevaluations are true compliance issues.



The chart below includes all overdue reevaluations, by month, for LEAs that are receiving intensive targeted technical assistance from our partners. As the graph depicts, there is a downward trend which demonstrates that this refined targeted technical assistance approach is proving to be successful.



In addition to this targeted work, OSSE continues to implement the OSSE Support Tool (OST), a web-based dashboard that serves to provide OSSE with a mechanism to quickly and efficiently respond to LEA inquiries. As noted above, OSSE has also categorized the types of inquiries that may be logged into the tool and identified resolution paths for each type of inquiry. By having a database that logs inquiries and needs from LEAs, OSSE is looking to take a proactive approach in better serving the needs of LEAs. OSSE also continued its practice of sharing, via its monthly webinars for LEA special education points of contact, performance metrics related to its response time in the OST. OSSE believes that this transparency sends a message of shared accountability, builds trust, and demonstrates OSSE’s commitment to serving LEAs well.

IV. General Supervision System

Summary of Data for this Reporting Element:

Reporting Period for Verification of Noncompliance		10/1/14-3/31/15
A	The number of any remaining findings of noncompliance identified in FFY 2010, FFY 2011 and/or FFY 2012 that D.C. reported were not corrected in the FFY 2013 APR and the second FFY 2014 progress report submitted to OSEP on November 3, 2014 (revised November 26, 2014), for which the State verified the noncompliance was corrected more than one year after the State's identification of noncompliance.	Subsequent Correction Total = 159 findings subsequently corrected. FFY 2010 = 135 corrected FFY 2011 = 5 corrected FFY 2012 = 19 corrected
B	The number of findings of noncompliance DC made during FFY 2013 (July 1, 2013 through June 30, 2014).	1917
C	The number of findings identified in FFY 2013 for which the State verified that noncompliance was corrected as soon as possible and in no case later than one year after the State's identification of noncompliance.	1675
D	The number of findings identified in FFY 2013 for which the State verified that noncompliance was corrected more than one year after the State's identification of the noncompliance (i.e. "subsequent correction").	208
E	The number of findings identified in FFY 2013 for which the one year timeline has not yet expired.	15

Discussion of Reported Data

The initial FFY 2013 APR was submitted on February 2, 2015. After the APR was submitted, OSSE closed 159 additional findings from FFYs 2010 (135), 2011 (5) and 2012 (19).

OSSE made 1917 findings of noncompliance during FFY 2013. OSSE has verified that 1675, or **87%**, of the 1917 findings of noncompliance identified during FFY 2013 were corrected within the one year timeline. This represents progress from the rate of timely closure of noncompliance OSSE reported for FFY 2012, **70%**.

Steps Taken to Ensure Compliance with OSEP Memorandum 09-02

OSSE has taken several steps to ensure that all monitoring is conducted in accordance with OSEP memo 09-02, including ensuring that compliance targets are set at 100%, the LEA corrects all individual-level noncompliance unless the student is no longer within the jurisdiction of the LEA, and that OSSE completes prong II verification of systemic compliance.

The following specific steps have been taken to ensure adherence to requirements:

1) OSSE's electronic compliance monitoring system, the District of Columbia Corrective Action Tracking System (DC CATS), automatically requires prong II verification for each area/item of noncompliance identified in a monitoring report.

2) The LEA-level monitoring tool has been revised and does not include or make reference to any thresholds.

3) In August of 2013, OSSE monitoring staff was given two days of training by national TA providers, focusing on correction of noncompliance, a review of the requirements of OSEP Memo 09-02, and a discussion regarding the prohibition against thresholds.

4) OSSE monitoring staff used the knowledge gained in the above training to create a prong II verification flow chart which was distributed to LEAs to clarify requirements and timelines that support timely closure of findings, including the need for OSSE to complete prong II verification.

5) OSSE's monitoring and compliance unit has been placed on an accountability plan that holds each monitor responsible for documenting attempts to ensure timely and proper closure of each finding of noncompliance for each LEA on the monitor's caseload. Progress toward closure of findings for each LEA is tracked and updated monthly. Monitors are provided ongoing training on an as-needed basis to ensure that each monitor understands and is able to ensure that noncompliance is closed in accordance with OSEP Memo 09-02.

7) OSSE has ensured at each training for LEA staff, the proper closure of noncompliance, including the prong II verification stage, is fully articulated and that timelines for closure of noncompliance and the concept of ascertaining proper systemic implementation of regulatory requirements is fully understood.

Actions to Address Remaining Longstanding Noncompliance

To address findings of noncompliance that are not corrected by the LEA within one year of the State's identification of noncompliance, OSSE's Quality Assurance and Monitoring team assesses each LEA's need for training and technical assistance, and arranges for the provision of comprehensive training as necessary. OSSE also provides technical assistance to LEAs attempting to correct noncompliance identified through dispute resolution activities by providing LEAs with a monthly round-up and discussion of corrective actions associated with State complaints, and by providing technical assistance with the implementation of Hearing Officer Determinations. Finally, OSSE uses the annual LEA Determinations process to levy sanctions as appropriate. OSSE considers information collected for or during APR reporting, other US Department of Education reporting, on-site monitoring, record and database review, audits, dispute resolution processes, and rates of timely correction when making LEA determinations.

Though OSSE issues findings via DC CATS related to all noncompliance, beginning this quarter, OSSE will also initiate targeted communications to LEA leaders with noncompliant records in this priority area. These communications will emphasize the nature of the noncompliance, the significance of the noncompliance as it relates to special conditions placed on the District's IDEA grant, and the resources available to address the noncompliance, including tailored technical assistance made available from the SEA. OSSE anticipates that this additional strategy will further accelerate improvement in this area.

V. Compliance with Secondary Transition Requirements

Summary of Data Reported for this Element:

Secondary Transition Compliance Item	7/1/13-9/30/13	10/1/13-3/31/14	4/1/14-6/30/14	7/1/14-9/30/14	10/1/2014-3/31/2015
Total Number of Files with All Items Compliant	47	46	57	73	65
Percent of Files with All Items Compliant	47%	46%	57%	73%	65%
Total Number of LEAs Reviewed	11	13	12	15	13
Number of LEAs in Compliance	4	2	2	5	2

Discussion of Reported Data:

OSSE reviewed a sample of 100 IEPs to determine whether all secondary transition requirements were met. The review was completed on April 10, 2015. OSSE will notify LEAs of the findings by June 30, 2015.

Two (2) of 13 LEAs had files that were fully compliant with all secondary transition requirements.

Sixty-five percent (**65%**) of IEPs reviewed for the period of October 1, 2014 – March 31, 2015 were compliant with all secondary transition requirements. This represents slippage as compared to the prior review period of July 1, 2014 – September 30, 2014, when **73%** of IEPs reviewed included all required secondary transition content.

Explanation of Slippage

OSSE has conducted a comparison of secondary transition data for the past two reporting periods to determine an explanation for the slippage in compliance rates from data reported in the November 2014 progress report and data reported in the current progress report. OSSE found a slight decrease in the rate of compliance with the requirement to update postsecondary goals annually. OSSE has determined that the bulk of the noncompliance with this requirement is based on data reviewed from a single LEA. OSSE will continue to provide training and technical assistance to this LEA, with a special focus on the requirement to update postsecondary goals annually.

In addition, OSSE attributes a portion of the slippage in compliance with secondary transition requirements to a significant variation between the samples of student files selected for review. OSSE uses a random sampling process to select student files for review, including the use of an online random list generator. OSSE always aims to ensure samples of secondary transition plans selected for analysis are representative of compliance District-wide. However, OSSE expects that, even with random sampling, some LEAs may occasionally be overrepresented.

A review of the sample of student's files selected for the analysis of data reported in the November 2014 progress report revealed that the random sampling of student files reviewed for OSSE's prior submission pulled eight files from a single dependent charter LEA which regularly produces compliant secondary

transition plans. In this case, all 8 files from that dependent charter LEA were compliant. Typically, OSSE sees 0-2 files from this dependent charter LEA per sample. The random sample drawn for the current progress report included a broader representation of LEAs.

Actions the State is Taking to Address Noncompliance with Secondary Transition Requirements

To address noncompliance with secondary transition requirements, OSSE has directed one LEA to use 5% of its Section 611 funds to develop support for improved secondary transition plans throughout the LEA. In addition, OSSE provides a variety of training and technical assistance opportunities to LEAs. OSSE continues to provide robust training and technical assistance to LEAs, and as described more fully in its Corrective Action Plan report for the same period, has expanded its successful work related to secondary transition focused monitoring with additional LEAs in FFY 2014.

OSSE's compliance unit also continues to meet with LEAs and PCSB to develop working partnerships on compliance issues and provide technical assistance on meeting compliance requirements, including secondary transition requirements.

Though OSSE issues findings via DC CATS related to all noncompliance, beginning this quarter, OSSE will also initiate targeted communications to LEA leaders with noncompliant records in this priority area. These communications will emphasize the nature of the noncompliance, the significance of the noncompliance as it relates to special conditions placed on the District's IDEA grant, and the resources available to address the noncompliance, including tailored technical assistance made available from the SEA. OSSE anticipates that this additional strategy will further accelerate improvement in this area.

VI. 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 Elementary, Secondary, and Specialized Education, Dr. Amy Maisterra, hereby certifies that this report is complete and appropriate for submission to the Office of Special Education Programs.