



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

April 9, 2021

Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Chairman Mendelson:

This letter is in response to your inquiry dated March 26, 2021 regarding follow up questions from the Office of the State Superintendent's (OSSE) performance oversight hearing. I will respond to each of your questions in turn.

- 1. In OSSE's response to pre-hearing Question #19 (pending lawsuits), there is a pending class action lawsuit against OSSE that involves IDEA violations. Please elaborate on this lawsuit, including details on the specific violations being alleged against OSSE and the District.**

Originating in 2005 and prior to the existence of OSSE, *D.L. v. District of Columbia* (D.D.C.) (No. 1:05-cv-001437) is a class action lawsuit wherein the District was found to have failed to identify and serve children with disabilities ages three through five, including children who are transitioning from early intervention services under the Individuals with Disabilities in Education Act (IDEA) Part C to special education and related services under IDEA Part B. The District is currently under an injunction to come into compliance with specified numerical and programmatic requirements. OSSE files biannual progress reports with the U.S. District Court and participates in monthly check-ins and quarterly meetings with Office of Attorney General and opposing counsel to review data, discuss concerns raised on behalf of the plaintiff class, and collaborate on systemic improvement designed to meet the metrics established by the Court and improve outcomes for this student population.

- 2. According to your response to pre-hearing question #77 (OSSE-DOT), it takes OSSE's Department of Transportation (OSSE-DOT), up to 21.6 days, on average, to investigate complaints that it receives. Why does it take so long, and what is OSSE-DOT doing to resolve these complaints quicker?**

Safety sensitive complaints, those that pertain to escalated unprofessional conduct and student behavior complaints, require an investigation from the OSSE DOT Audit and Compliance Team. In order to be in compliance with 6-B DCMR 1602.3, OSSE DOT has up to 30 days to complete investigations. In the SY19-20 school year, as a result of the COVID-19 closures, investigations had to be temporarily placed on hold until they could be completed remotely with all involved parties. In SY20-21, OSSE DOT has maintained an average resolution time of 12 days for complaints.

3. **According to OSSE’s response to pre-hearing question #81 (OSSE-DOT vacancies), the average number of bus aides needed are around 670 but only 510-515 were present when buses were running consistently in SY19-20.**

a. **What is OSSE doing to increase the number of bus aides?**

OSSE DOT recently resumed recruitment activities and will onboard staff as needed to meet the needs of students as in-person learning resumes and the number of routes increases to service those students.

b. **How will OSSE ensure that these vacancies will not lead to a delay in students being picked up or dropped off from school?**

OSSE DOT is committed to ensuring students are picked up and dropped off from school each day safely and on time. In SY19-20, to ensure such service delivery, OSSE DOT made adjustments as needed based on available resources by combining routes which would ensure that service is not interrupted due to staff availability (vacancies, long term leave and attendance). OSSE DOT has resumed recruitment activities and is planning to onboard staff, as needed, to meet the needs of students as they resume to in-person learning.

4. **In response to pre-hearing question #86, OSSE stated that as part of its Career and Technical Education work, it “is articulating agreements with UDC for approximately 20 programs of study.” Please elaborate on OSSE and UDC’s plan.**

In question #86, OSSE stated that it was finalizing articulation agreements with the University of the District of Columbia for approximately 20 programs of study. An articulation agreement is a type of credit transfer agreement that offers an official guarantee that classes completed at one school will be accepted when a student transfers to another school and requires a partnership between two institutions to recognize credits toward a degree. In this case, these agreements would govern credits earned at a District high school and be accepted at the University of the District of Columbia. Articulation agreements are central to student’s ability to successfully navigate the transition from secondary and postsecondary education aligned to their chosen career pathway.

Using OSSE’s CTE Program of Study standards, OSSE and the University of the District of Columbia Community College (UDC-CC) are negotiating postsecondary credit agreements for secondary programs of study. These agreements, which often link a full-year of secondary study to a one-semester college course (plus lab), will provide CTE students across all participating LEAs access to these opportunities instead of relying on individual LEAs to create one-off agreements.

This year, OSSE aims to complete articulation agreements for the set of courses that clearly articulate to coursework at UDC-CC. These courses are the initial courses in the approximately 20 programs of study referenced in OSSE’s FY20 performance oversight response (#86). These are courses that focus on introductory skills and concepts. The goal is to launch these courses for enrollment at LEAs beginning in fall 2021.

5. (a) What is OSSE doing to evaluate what compensatory services students with special needs may require due to the lack of in-person learning during the COVID-19 pandemic?
 (b) What steps is OSSE taking to ensure that students who need those services actually receive them?

Compensatory education is a judicial remedy designed by hearing officers and Courts to remedy a student's failure to receive a free appropriate public education (FAPE) under IDEA. The US Department of Education (US DOE) issued guidance to States addressing the continued provision of special education during the national emergency, including commentary on Local Educational Agency (LEA) Individualized Education Program (IEP) team responsibilities to make individualized decisions for compensatory education. (See [US DOE Q&A \(March 2020\)](#) and [US DOE Supplemental Fact Sheet \(March 21, 2021\)](#)). IEP team determination of compensatory education is not contemplated by IDEA and no standard for such decision making exists, nor does IDEA grant States the authority to set such standards. In lieu of further guidance from US DOE, OSSE issued guidance to LEAs on the appropriate application of compensatory education as newly designated by the US DOE, and recovery planning for students with disabilities. ([OSSE IDEA Part B Provision of FAPE: Guidance Related to Remote and Blended Learning \(Updated March 24, 2021 at p. 11-13\)](#)).

There are several steps that OSSE takes to support LEAs in their efforts to fulfill their obligations of evaluating and providing recovery services for students with disabilities. OSSE will require LEAs to conduct data-informed planning of school-wide and individual recovery services through updates to the existing [OSSE Guiding Principles for Continuous Education](#) and LEA Continuous Education Plans (CEPs) for school year 2021-22. OSSE is additionally supporting LEA capacity to deliver recovery services to students with disabilities through foundational [Individuals with Disabilities Act IDEA guidance](#) and [professional development](#).

OSSE delivered and trained LEAs on the [tools](#) necessary to assess student regression and learning loss, and how to plan data-informed and individualized recovery services for students with disabilities. OSSE responded to the need for LEAs to engage in peer-to-peer supports by convening a special education community of practice. The community of practice is an opportunity for LEAs to develop best practices for recovery services delivery and equitable delivery of continuous education across virtual and in-person educational environments.

OSSE continues to address compensatory education through the agency's oversight authority under IDEA. OSSE tracks and facilitates LEA implementation of dispute resolution remedies, including compensatory education resulting from State complaint and due process hearing officer decisions.

OSSE continues to conduct all LEA monitoring and targeted technical assistance activities required by the IDEA to review and address the delivery of special education to students with disabilities. OSSE continues to support LEA planning and service delivery through capacity building professional development designed to address COVID-specific needs for student support. OSSE continues to resolve concerns raised through IDEA dispute resolution mechanisms designed to resolve LEA failures to deliver special education to students with disabilities.

6. How is OSSE monitoring LEAs' data to ensure that students who are attending virtual school are actually engaging in it as required in the revised emergency attendance regulations for this school year?

In order to comply with local attendance reporting requirements while schools operated in a remote posture, OSSE promulgated regulations that applied to the 2020-21 school year in 5-A DCMR 2100, et. seq. These regulations define what constitutes when a student is counted as present in a remote setting. To be considered present, a student must satisfactorily meet a two part test. The student's identity must be authenticated, and the student must meet a threshold of engagement defined by the LEA's policy. If the student does not meet a threshold of engagement as designated by the LEA (e.g. submission of work, participation in online class, or time spent in online education systems), then that student may not be documented as present.

OSSE does not collect information from schools and LEAs regarding completed work or grades, yet OSSE does help schools monitor attendance in meaningful ways:

Real-time Data Dashboards: From the start of school, OSSE deploys analytic tools through Qlik applications that help LEAs efficiently monitor attendance data and correct errors. Through reports in QLIK, LEAs can view their own real-time, monthly, weekly, and daily attendance at the grade level, school level, and student level, as well as a report dedicated to monitoring chronic absenteeism.

Support from a Data Liaison: In addition to flagging all attendance data errors in the data validation QLIK report, OSSE provides each LEA with a liaison to help resolve data issues.

7. What is OSSE doing with the funding budgeted to pay for PARCC this year, since it may be cancelled? Are there nevertheless PARCC related expenses? How much?

As you know, OSSE did not administer a statewide assessment in the spring of 2020. OSSE received approval on its waiver request pertaining to statewide assessments on April 6, 2021. The funds associated with assessment administration are a part of existing contracts that cover many activities that occur throughout the year pertaining to assessment including planning and design. These contracts have not yet been modified as of the date of this response, as contract modifications related to assessment implementation were dependent on the outcomes of the waiver application to the US Department of Education, which was granted on April 6th.

8. Please provide the timeline and steps OSSE is undertaking to disperse the \$16 million in federal relief funds to childcare providers in the District?

OSSE began working on plans to disperse Coronavirus Response and Relief Supplemental Act of 2021 (CRRSA) funds for child care immediately upon passage in December. In January, we conducted stakeholder engagement sessions with a wide range of early childhood stakeholders, including small groups of child care providers to hear input on their needs and meetings with advocates and membership associations representing all segments of the District's child care sector.

On February 25, 2021, OSSE submitted our plans for the use of the CRRSA funds to the federal government, as required by the legislation. A copy of that [letter](#) is available on the federal Administration for Children and Families website.

As documented both in that letter and in Mayor Bowser's [press release](#) of March 9, 2021, OSSE intends to use CRRSA funds for the following purposes:

- \$10.7 million to support an emergency child care grant program modeled after the D.C. Child Care Relief Fund supported by OSSE and DMPED in Fall 2020. As with the D.C. Child Care Relief Fund, OSSE is partnering with the Washington Area Community Investment Fund (Wacif) to support distribution of grants. We are currently working with Wacif to finalize the program design and expect that child care facilities will be able to receive funding starting in May.
- \$3 million in additional funding for the D.C. Child Care Road to Recovery grant program, which will enable the Low Income Investment Fund (LIIF) to make an additional round or rounds of grants from this previously announced grant program in Spring of 2021. LIIF will announce priorities and application process for these additional grants after the first round of D.C. Child Care Road to Recovery grants are distributed. (Note that these funds are in addition to \$5.8 million provided for the D.C. Child Care Road to Recovery grant program from Coronavirus Aid, Relief, and Economic Security Act funds and local funds that OSSE had already designated for this purpose. LIIF alerted the first round of D.C. Child Care Road to Recovery grantees, supported with CARES and local funds, of their awards the week of March 8, and will distribute funds to child care providers in April.)
- \$2 million in additional funding for the Building and Sustaining Quality grant, which will allow the Building and Sustaining Quality grantee to provide or expand system-level supports to help child care providers remain in operation through the public health emergency, including:
 - Access to deep cleaning services;
 - Expansion of the shared services business alliance, which supports child development homes and small centers to improve the financial sustainability of their businesses; and
 - Enhancements to D.C. Child Care Connections, the District's child care resource and referral agencies, to better support families who are seeking to return to child care
- \$300,000 for expansion or continuation of social-emotional and mental health supports for children, families, and child care staff

It is OSSE's intention, working through our partners LIIF and Wacif, to distribute direct relief funds to child care providers as quickly as possible.

9. What is OSSE doing to ensure that virtual IDEA Part C services being provided during the pandemic are adequate, consistent, and effective?

Strong Start has taken several coordinated steps to ensure that telehealth is accessible and effective for children and families. OSSE has provided ongoing professional development through reflection groups and group trainings, review and auditing of session notes for evidence of coaching, family interaction, and child progress, clinical observations of therapists with

families during telehealth sessions, and regular and monthly contact with families by service coordinators.

To understand family and provider experiences with family coaching in telehealth, Strong Start surveyed families and providers in August of 2020 and the response was overwhelmingly positive.

- Over 85% of families that were asked if receiving services virtually has improved their ability to support their child's development responded with either "Agree" or "Strongly Agree."
- Over 80% of families, when asked if their child and family are benefiting from receiving services via telehealth during COVID-19, responded with either "Agree" or "Strongly Agree."
- Overall, 87% of the families "Agree" or "Strongly Agree" that they are satisfied with their experience participating in early intervention via telehealth.
- Over 96% of early interventionists stated that they "Strongly Agree" or "Agree" that they are able to address the family's questions, concerns and priorities via telehealth practice.
- Over 91% of respondents "Strongly Agree" or "Agree" that providing services virtually has improved their ability to support families using the coaching interaction style.

Strong Start and its vendor agencies will continue to monitor family satisfaction along with the effectiveness of telehealth services.

10. What can be done to increase the capacity and sustainability of early literacy providers (such as The Literacy Lab and Reading Partners) in the District?

To increase the capacity and sustainability of early literacy providers, OSSE wants to ensure that the providers' offerings are available to the schools and students with the greatest need. One thing OSSE has been doing to foster greater equity is to ensure that the grant application demonstrates a process that prioritizes equity when selecting schools to serve. Previously, grantees were selected at the request of the school leaders.

OSSE requested that grantees partner with school-based Response to Intervention (RtI) teams to select students to participate in the interventions. Prior to this, the identification process varied from school-to-school primarily using screening data to select students. While this does help to identify some students, we do not recommend a single source of data for identifying intervention needs. In an effort to strengthen capacity of schools in identification of students for interventions, OSSE is considering requiring that grantees engage with school-based RtI teams with OSSE supporting the RtI team's process.

To ensure sustainability, providers need to utilize valid and reliable assessments to monitor student progress and engage in cycles of continuous improvement to meet student needs. In partnership with host sites, grantees complement school-based efforts and will improve student outcomes.

- 11. As requested at the hearing by Councilmember Lewis-George, please provide as an attachment, broken down by school as of March 15, 2021, the percentage of Universal Health Certificates that have been returned and completed to each DCPS and public charter school for School Year 2020-21.**

D.C Code 38-603 requires each student attending pre-kindergarten through grade 12 in a public, public charter, private, or independent school in the District of Columbia have an annual Universal Health Certificate and Oral Health Assessment. You will find the school level rates of return of the Universal Health Certificates as an enclosure to this letter. Note that no student shall be excluded from school on account of their failure to furnish the Universal Health Certificate or Oral Health Assessment pursuant to D.C. Code 38-604.

Universal Health Certificate completion data is especially low this year, due in part to a nationwide drop in annual child wellness visits due to the COVID-19 public health emergency, as well as many schools primarily prioritizing the return of these forms by those students returning for in-person instruction. DC Health allowed for schools to extend the collection of Universal Health Certificates to Nov. 2, 2020 and Oral Health Assessments to Jan. 31, 2021 due to the impact of the COVID-19 public health emergency on access to dental and pediatric primary care. In school year 2020-21, schools were also permitted by DC Health to accept Universal Health Certificates that were partially completed via telehealth. OSSE, DC Health, and the Department of Healthcare Finance have supported schools and families in connecting with primary care to complete annual child wellness visits and to support immunization compliance, including opening all School-Based Health Centers to all District students for immunizations. For more information, please see the [District of Columbia Immunization Policy for In-Person Attendance](#) and supplemental [trainings and resources](#) for schools and families.

- 12. Several Councilmembers have asked that you provide a detailed summary of where all School Year 2019-20 Washington Met students are as of March 15, 2021. Include in your response the following information:**

- a. The number and percentage of how many have graduated;**

At the end of the 2019-20 school year, eight students were in Grade 12 at Washington Met; N<10 graduated. Assuming that this response will be a public document, we cannot provide the exact count due to our data suppression rules.

- b. What the District is doing to track the outcomes of each student;**

There are many data elements that measure student outcomes. OSSE collects the following outcomes at the student level and these records are tied to a student's universal student identification number: attendance, discipline, assessment results, and graduation. A teacher or school leader has access to information about their students through their own school level SIS. Through data shared back from OSSE in the Student Longitudinal Education Data System (SLED) and its tools, an LEA leader can see both LEA trends and student-level data related to all key data submitted to OSSE.

- c. Broken out by school, the name of the District public schools that students enrolled in for School Year 2020-21 and how many are enrolled in each; and**


Refer to the enclosure attached to this letter titled "Washington Met- SY 20-21 Enrollment."

d. How many seniors in School Year 2020-21 are on track for graduation and how many are under-credited for graduation?

We are unable to provide a response to this question. Course grades and transcripts are maintained at the school and LEA level; this information is not submitted to OSSE.

Thank you for affording me the opportunity to clarify these items. If you have additional questions, contact Justin Tooley, Deputy Chief of Staff, at (202) 215-3617 or justin.tooley@dc.gov.

Sincerely,



Shana Young
Interim Superintendent of Education

Enclosures (2)