



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

Supporting Documentation for HOD Implementation

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Pursuant to OSSE's IDEA monitoring authority at 34 CFR §300.149, the Division of System and Supports, K-12 monitors local educational agency (LEA) implementation of Hearing Officer Determinations (HODs). On March 23, 2012, OSSE issued state-level guidelines for HOD implementation. These guidelines apply to all LEAs and are designed to standardize requirements and clarify how OSSE measures timely HOD implementation. OSSE has updated the state-level guidelines to align with continued obligations for LEA implementation of corrective actions and to align with LEA program procedures.

The following list outlines documents that will be used to confirm that a Hearing Officer Determination (HOD) is timely implemented. Please note that these are minimum guidelines established by OSSE for all LEAs. OSSE will apply reasonable standards where extenuating circumstances exist or where these guidelines do not address required action documentation.

LEAs may establish additional guidelines for staff within the LEA to support compliance. Please contact Victoria Glick at (202) 724-7860, Kirstin Hansen at (202) 741-0274, and Ross Kaplan at (202) 741-0273 with any questions regarding OSSE's Required Action documentation submission guidelines.

Required Actions by HOD Implementation Database Categories

1. Assessments (Includes all Assessment Types)
 - a. Independent Assessment
 - i. Evaluation report with date of evaluation or report, and
 - ii. Where specifically required by an HOD, documentation of payment in compliance with guidelines on reimbursement (provision 7 below).
 - b. LEA Assessment
 - i. Evaluation report with date of evaluation or report, and
 - ii. Confirmation that parent or parent's counsel received the evaluation report.
2. Provide Documents
 - a. Written communications verifying that the documents were sent to receiving party, or
 - b. Statement from receiving party that document was delivered, or

- c. Meeting notes indicating the receiving party received the document at the meeting.
- 3. Placement
 - a. Prior written notice (PWN) of placement issued by LEA personnel, and
 - b. SEDS upload confirmation screenshot or case manager note confirming SEDS upload date, and
 - c. Confirmation that parent or parent's counsel received the PWN.
- 4. Hold a Meeting
 - a. Hold an Eligibility Meeting
 - i. Final Eligibility Determination Report with signature of all required team members, or
 - ii. Meeting notes reflecting discussion of all required discussion topics and showing attendance of all required team members.
 - b. Hold a Manifestation Meeting
 - i. Manifestation determination meeting worksheet with all team member signatures, or
 - ii. Meeting notes documenting regulatory required manifestation determination decision points.
 - c. Hold a Meeting (all additional meetings, including Placement, Compensatory Education or Review IEP Meeting)
 - i. Meeting Sign-in page with all required team member signatures, and
 - ii. Meeting notes reflecting discussion of all required discussion topics.
- 5. One to One Aide
 - a. Written confirmation from the LEA of dedicated aide assignment and service start date, and
 - b. Revised or amended IEP indicating that the student requires the support of a dedicated aide.
- 6. Parent Action
 - a. Documentation that parent or parent's counsel completed the action specified by the required action.
- 7. Reimbursement
 - a. Documentation of payment or
 - b. Statement from the receiving party acknowledging receipt of payment.
- 8. Compensatory Education Plan
 - a. Develop/Review Compensatory Education Plan
 - i. Completed compensatory education plan, or
 - ii. MDT meeting notes describing compensatory education award decided by the IEP team, or
 - iii. Email describing parent or parent's counsel agreement with compensatory education plan.
 - b. Implement/Fund Pre-Determined Compensatory Education,
 - i. Log of services noting the type of service, date of service, and amount provided, and

- ii. Where required by an HOD, documentation or provider's confirmation of payment of services if provided by independent provider, or
 - iii. Authorization letter noting type of services and amount or cost of services authorized by the LEA.
- 9. Develop Behavioral Intervention Plan (BIP)
 - a. Completed behavioral intervention plan, and
 - b. Documentation the BIP was provided to the parent or parent's counsel.
- 10. Provide Equipment
 - a. Parent or parent's counsel confirmed receipt of the specified item.
- 11. Provide Transportation
 - a. Transportation Request Form (TRF).
- 12. Attorney's Fees
 - a. Documentation of payment or statement from parent's counsel confirming payment.

Extension of Timelines

1. The LEA and the parent or parent's counsel must agree, in writing, specifically to an extension of timelines specified in the SA or HOD.
2. The written agreement to extend a timeline must be uploaded into the Blackman/Jones database.
3. In the case that the LEA is unable to obtain written agreement, and the LEA seeks to extend the timeline, the LEA may not receive an extension without ensuring that requirements related to diligent efforts are met. The LEA must also upload a document that:
 - a. Details both the reason for the timeline extension and the assistance offered to avoid the need for such an extension, and
 - b. Provide documents that contemporaneously offer assistance and show efforts made by the LEA representative, and
 - c. Contains a justification as to why the extension was granted and that the extension is no longer than necessary based on the facts presented.

Documentation of Diligent Efforts Required Prior to Granting an Extension of Timeline

1. For Convening a Meeting –
 - a. Within 15 days:
 - i. In cases where HODs require meetings to be held within 15 days after a) the HOD requiring the meeting, or b) a precursor event (i.e., provide an independent evaluation), documentation of correspondence from LEA to parent or parent's counsel within 2 business days of the HOD or precursor event, proposing 3 meeting dates, to parent or parent's counsel, before the deadline in the HOD.
 - ii. If the parent or parent's counsel does not respond to the request for dates within two business days after the request was sent, the Letter of

Invitation (LOI) sent to the parent after the second day, including 2 proposed dates and/or times before the deadline in the HOD.

- b. 15 days or more:
 - i. In cases where HODs require meetings to be held 15 days or more after a) the HOD requiring the meeting, or b) a precursor event (i.e., provide an independent education evaluation), documentation of correspondence from LEA to parent or parent's counsel within 3 business days of a) or b), proposing 3 meeting dates, to parent or parent's counsel prior to the deadline in the HOD.
 - ii. If the parent or parent's counsel does not respond to the request for dates within 3 business days after the request was sent, the Letter of Invitation (LOI) sent to the parent after the second day, including 2 proposed dates and/or times before the deadline in the HOD.
- 2. For Nonpublic Placement –
 - a. A prior written notice (PWN) of placement is always required.
 - b. Signed document from parent or parent's counsel indicating nonpublic placement is no longer desired and student is enrolled and attending another school, or
 - c. Documentation of a completed referral to OSSE's placement team, or
 - d. Documentation that LEA has implemented truancy procedures.
- 3. For Transportation –
 - a. Documentation of successful submission of a transportation request to OSSE DOT, and
 - b. Documentation that notice was provided to OSSE within 24 hours of the LEA receiving notice from the parent or parent's counsel that transportation has not been implemented.
- 4. For Independent Evaluations –
 - a. IEE funding letter which provides information regarding local providers and rates, and
 - b. Documentation of receipt of the funding letter by parent or parent's counsel, and
 - c. Correspondence to parent or parent's counsel with offer of assistance and reminder of deadline.
- 5. For Independent Compensatory Education Services –
 - a. Documentation of parent or parent's counsel receipt of Compensatory Education Authorization Letter which provides information regarding local providers and rates, and
 - b. Correspondence to parent or parent's counsel with offer of assistance and reminder of deadline.
- 6. For Goods or Materials/Assistive Technology –
 - a. Documentation of at least three communications in at least two different modalities, between LEA and parent or parent's counsel, regarding availability of goods or materials.
- 7. For Reimbursement –

- a. Documentation of at least three communications in at least two different modalities, between LEA and parent or parent's counsel, regarding availability of funding and guidance related to steps for payment.

Notes on timeliness and Signatures

1. Payment Date Requirements
 - a. Timely compliance with all HOD requirements for payment on or before a specific date is measured by the date of the document used to show payment was made.
2. Required Action Due Dates:
 - a. Timely compliance with all HOD requirements for a required action in a specified number of days will be presumed to mean calendar days, including federal holidays, unless otherwise noted in the HOD.
3. Signature Requirement:
 - a. Where a parent's signature is required, the signature of the parent's counsel will suffice with the exception of a student's IEP.