



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

FFY 2008 SPECIAL CONDITIONS PROGRESS REPORT #2

REPORTING PERIOD SEPTEMBER 17, 2008-DECEMBER 17, 2008

SUBMITTED: JANUARY 15, 2009

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STATE SUPERINTENDENT OF EDUCATION**

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I. Introduction

The Office of the State Superintendent of Education (OSSE), in compliance with the Office of Special Education Programs (OSEP) and its imposition of Special Conditions on the District of Columbia Office of the State Superintendent Federal Fiscal Year (FFY) 2008 grant awards under Part B of the Individuals with Disabilities Education Act (Part B), pursuant to its authority under 34 CFR §80.12, hereby presents its second progress report as required.

This Special Conditions Progress Report addresses all of the areas of non-compliance that the OSEP delineates must be reported in the Second Progress Report for FFY08. Data was gathered from a variety of sources, all of which are referenced throughout the document. The OSSE recognizes that the data presented is not yet perfectly accurate or reliable due to the lack of uniformity in collecting and gathering information from different Local Educational Agencies (LEAs) and systems of record, but the OSSE is working towards continuous improvement of data collection and will report its progress in this area in its Corrective Action Plan submission in relation to IDEA findings on February 2, 2009.

II. Special Conditions

A. Initial Evaluations and Re-evaluations

The data for Initial Evaluations and Re-evaluations for this Progress Report were collected from the Special Education Data System (SEDS) in conjunction with the District of Columbia's previous legacy special education database, ENCORE.

1. Initial Evaluations

- (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 and placement: **548**
Previous Report Untimely = **470**
Late data entry adjustment = **78**
New Untimely = **548**
- (b) The number of children referred for initial evaluation and placement whose initial evaluation and placement became overdue during the reporting period: **136**
- (c) The number of children, from (a) and (b) above, who were provided initial evaluations and placements during the reporting period: **189**
 1. Old Late: **137**

2. New Late: **52**
- (d) The number of children who had not been provided a timely initial evaluation and placement at the conclusion of the reporting period: **495**
 1. Old Late: **411**
 2. New Late: **84**
- (e) The percentage of timely initial evaluations and placements provided to children with disabilities whose initial evaluation deadlines fell within the reporting period: **32.0%**
 1. New Due: **200**
 2. Timely: **64**
- (f) The average number of days the initial evaluations and placements that had not been provided in a timely manner were overdue: **50.1**

The percentage of timely initial evaluations and placements has increased from 14.34% to 32.0%, while the average number of days overdue has decreased from 153 to 50. Simultaneously, the number of children whose initial evaluations and placements became overdue during the reporting period decreased from 424 to 136, and the number of initial evaluations and placements timely provided increased from 78 to 189.

Prior reports have shown late data entry adjustments reducing the number of children whose initial evaluations and placements were previously reported as untimely. This reflected students who had been provided timely evaluations and placement, but for whom data entry had not been completed to reflect their correct status at the end of the reporting period. Current data, however, shows a late data entry adjustment increasing the number of new untimely cases. This is a result of the majority of current data being drawn from SEDS rather than the formerly used ENCORE database. While this report's late data entries as described above did indeed decrease the number of previously reported untimely initial evaluations and placements, the inclusion of more comprehensive charter school data from SEDS resulted in a net increase the number of untimely evaluations. Overall, the District of Columbia demonstrated significant improvement, but did not meet its goal of eliminating overdue initial evaluation and placements between September 17 and December 17, 2008. A discussion of progress in accurate data collection and reporting follows triennial evaluations data.

2. Reevaluations

- (a) The number of children who, as of the end of the previous reporting period (December 31, 2007), had not been provided a timely triennial re-evaluation: **1602**
 - Previous Report Untimely = **1640**
 - Late data entry adjustment = **38**
 - New Untimely = **1602**

- (b) The number of children whose triennial re-evaluation became overdue during the reporting period: **372**
- (c) The number of children, from (a) and (b) above, who had been provided triennial re-evaluations during the reporting period: **72**
 - 1. Old Late: **61**
 - 2. New Late: **11**
- (d) The number of children who had not been provided a timely triennial re-evaluation at the conclusion of the reporting period: **1902**
 - 1. Old Late: **1541**
 - 2. New Late: **361**
- (e) The percentage of timely triennial re-evaluations provided to children with disabilities whose re-evaluation deadlines fell during the reporting period: **26.0%**
 - 1. New Due: **503**
 - 2. Timely: **131**
- (f) The average number of days the initial evaluations and placements that had not been provided in a timely manner were overdue: **40.6**

Provision of timely triennial reevaluations shows mixed results for the reporting period of September 17 through December 17, 2008. The percentage of timely triennial reevaluations doubled from 13.1% to 26.0% for this reporting period, a significant improvement, yet far short of the District of Columbia's goal of eliminating untimely triennial reevaluations. In addition, while the number of children whose triennial reevaluations became overdue during this reporting period decreased from 862 to 372, the number of children not provided a timely triennial reevaluation at the end of the reporting period increased from 1640 to 1902.

Prior to the launch of SEDS, ENCORE data entered by DCPS were augmented by charter school data that were often recorded and submitted by spreadsheet or electronic document. The District of Columbia's Special Conditions Report for May 16 through September 16, 2008 was drawn largely from ENCORE data and augmented by SEDS. This current report was drawn largely from SEDS data and augmented by ENCORE: data for timely triennial reevaluations relies on prior evaluations and re-evaluations still resident in the older database. While the benefits of SEDS as a single data source are being realized, implementation of this new data system, with a configuration and structure vastly different from ENCORE, has identified data anomalies and inconsistencies the OSSE aims to resolve. Through the District of Columbia's data validation efforts in the past months, a significant number of students whose status had been listed as In Transit (that is, they had exited one school but not yet been recorded as entering another) and whose evaluations were consequently reported as overdue, have been identified. Correctly resolving their status is responsible for a portion of the increased percentage of timely initial evaluations and placements. Additionally, exiting codes have not been consistently entered as users transition between data reporting

systems: resolving this issue is expected to further increase the percent of timely reevaluations as students who have actually exited the school system are identified. Despite the advantages to be conferred by SEDS, charter school use is not yet universal. While the usage rate is significantly greater than at the time of the previous Special Conditions Report, ongoing increases in usage are anticipated to account for additional current – rather than late data entry – student data being included in future reporting.

The introduction of SEDS, a new, more comprehensive and capable special education data system, continues to be integral to the OSSE's efforts towards tracking timely initial evaluations, placements, and reevaluations. Bringing a new data system online remains a certain way to reveal vulnerabilities and identify opportunities for improvement. The process of refining and clarifying SEDS data fields to calculate event timeliness has resulted in a more comprehensive and accurate Special Conditions Report, but the effort is yet to be completed. The OSSE is confident that at the time of this special conditions report, in advanced stages of transitioning from the limitations of a variety of data collection mechanisms to a single superior one, the data presented are the best available to date. If there were any questions of accuracy, OSSE developers and analysts again erred on the side of caution, not reporting as timely any evaluations, placements, or reevaluations that might in fact have been late. Nevertheless, should it be found necessary, the OSSE will update the currently submitted data, and explain the rationale behind any revisions, at the time of the next Special Conditions Report.

3. State's process for collecting and reporting data on timely initial evaluations and placements and/or reevaluations through the OSSE's Special Education Data System

The OSSE continues to work on improvements to the processes and procedures for collecting and reporting data in all areas, including timely initial evaluations and placement and/or reevaluations through SEDS. There has been significant progress in this reporting period to ensure that the flow of data in the District of Columbia is more consistent and accurate. This progress, both for initiatives at the OSSE and DCPS, are outlined in the Blackman Jones Implementation Plan submitted to OSEP on December 2, 2008 and filed with the District Court of the District of Columbia on December 1, 2008.

Three key developments that were completed in this reporting period include:

1. October 2008: Commencement of Data and Policy meetings with LEA representatives to resolve data concerns in a collaborative manner;
2. November 2008: Data Validation exercises for LEA staff to ensure that SEDS is aligning with student educational paper records; and
3. December 2008: Weekly data validation of Blackman Jones rate of timeliness evaluation reports to ensure that monthly reports on evaluations are consistent.

In addition to the above efforts, the OSSE is moving towards adopting best practices in data quality and ensuring that all data collection and reporting is documented appropriately. Because some of these initiatives are still underway, the OSSE will

produce a more detailed report on data collection in its February 2, 2009 submission of the Corrective Action Plan in relation to IDEA Part B findings.

4. Strategies being implemented to reduce the number of overdue evaluations and placements and/or re-evaluations and explanation for lack of progress

The OSSE has redesigned the IDEA Part B grant application to require LEAs to articulate what strategies they are implementing to ensure timely initial and re-evaluations as well as the strategies that they will employ to ensure timely implementation of Hearing Officer Determinations. Through analysis of existing HOD trends, the OSSE has identified that a substantial number of HODs relate to untimely provision of initial and triennial evaluations. Therefore, it is the OSSE's belief that requiring LEAs to clearly articulate their strategies regarding evaluations and HOD implementation as a key requirement of their grant application provides an opportunity for the OSSE to evaluate the effectiveness of these strategies and to provide feedback and assistance to the LEAs to support these efforts.

Additionally, the OSSE will be introducing a new monitoring and quality assurance framework to LEAs in February, 2009 that will include both self-assessments by the LEA and targeted monitoring and technical assistance from the OSSE. This new monitoring process will target for identification and correction noncompliance in the area of timely evaluations.

In conjunction with the above efforts by the OSSE, DCPS is focusing its efforts and resources to improve the timeliness of evaluations as described in the December 1, 2008 Blackman Jones Implementation Plan, Appendix 6, p.16.

B. Implementation of Due Process Hearing Decisions

The data for this section of the report is generated by the District of Columbia Public School's Office of Data and Accountability (DAO), which has responsibility and oversight over the data quality in the Blackman Jones Database, which captures the implementation of HODs in the District. The District of Columbia has agreed to use the data provided by the DCPS DAO for purposes of reporting the implementation of HODs until the due process module of SEDS is fully developed and its functionality and accuracy are confirmed. In prior reports, Dr. Klemm performed this analysis based on the data gathered from the Blackman/Jones database.

1. Data collected from the Blackman Jones Database on HOD Implementation¹

¹ If a student fits into more than one category (in a-e), he/she is counted in both categories

- (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: **754**
- (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: **259**
- (c) The number of children from (a) and (b) above whose hearing officer determinations were implemented during the reporting period: **421**
- (d) The number of children whose hearing officer determinations had not been implemented in a timely manner at the conclusion of the reporting period: **592**
- (e) The percent of hearing officer determinations that had been implemented in a timely manner during the reporting period: **20.93%**

Although the percentage of HODs implemented in a timely manner during the reporting period has dipped slightly by 3.11% from the previous reporting period, the number of children with overdue HODs as of the last reporting period has remained at a relatively stable level, with a decrease of 3. Additionally, the number of children whose HODs had not been implemented timely during the reporting period decreased by 99. Of those untimely implemented, the number of children whose HODs were implemented during the reporting period increased by 132 from the last reporting period, and the number of children with outstanding HODs that were not implemented during the reporting period decreased by 234 from the last report.

These numbers are very encouraging, as they show signs that overall, the number of children whose HODs are being implemented is increasing in each reporting period and that the efforts of the Backlog Reduction Plan are working. The OSSE expects that with the reform initiatives currently underway, in direct cooperation with its LEAs, this trend will continue in subsequent reporting cycles.

2. State's process for collecting and reporting data on timely implementation of hearing officer determinations through the Blackman/Jones database and SEDS

The District of Columbia continues to use the Blackman Jones Database as its system of record for implementation of HODs. Development of the legal module in SEDS continues with LEA stakeholders, and the OSSE will provide more information on development of this module in its next status report. For more information on some of the data improvement processes underway in tracking HOD implementation, please see the December 1, 2008 Blackman Jones Implementation Plan, Appendix 6, p.15.

3. Strategies being implemented to reduce the number of children whose Hearing Officer Determinations (HODs) are not implemented in a timely manner, related barriers, and steps being taken to remove those barriers

A. Update on State Policy

The OSSE Office of Special Education continues to develop policies that align with IDEA as well as other legal requirements imposed upon the District of Columbia, particularly through the Blackman Jones Consent Decree. The roll-out of these policies is outlined in the Blackman Jones Implementation Plan, Appendix 7. The deadlines for the policies related to HOD implementation fall outside of this reporting period, so the OSSE will submit an update for its next Progress Report.

B. Strategies being implemented in accordance with the Blackman Jones Implementation Plan

The OSSE Office of Special Education now has staff dedicated to reviewing the HOD Implementation status of cases in all Charter Schools. This staff has conducted an initial desk audit and found the following barriers to implementation:

1. Lack of clarity on the part of charters schools regarding their responsibilities to implement the HOD
2. Confusion on the part of charter schools regarding the actions required to fully implement the HOD

Dedicated staff will be responsible for implementing the following activities as outlined in the December 1, 2008 Blackman Jones Implementation Plan, Appendix 7, p.9:

1. Providing access to the *Blackman Jones* Database to all public charter school LEAs;
2. Instituting site-based review of current open public charter school HODs and provide targeted technical assistance to resolve noncompliance; and
3. Requiring independent public charter schools to report monthly to the OSSE on the status of all unimplemented HODs and efforts made by the independent charter school toward timely implementation.

This staff will assist in the development of the OSSE HOD Implementation Policy and will use data collection to analyze trends in order to inform the monitoring process and how to most effectively provide technical assistance to LEAs in this area. The OSSE will continue to conduct desk audits and will also coordinate with DCPS as its largest LEA to ensure that any other barriers to implementation are identified and corrected accordingly.

In addition to the above, DCPS has outlined its strategies in the December 1, 2008 Blackman Jones Implementation Plan, Appendix 6, p.2.

C. Ensure Placement in the Least Restrictive Environment (LRE)

- 1. Activities undertaken to ensure that teachers and administrators in all public agencies are fully informed about their responsibilities to comply with LRE requirements in accordance with 34 CFR § 300.114 and any technical assistance and training activities carried out to assist public agencies in this effort—not required; update provided nonetheless**

The OSSE has made important strides in generating a necessary paradigm shift toward response to intervention and inclusive practice that will increase the capacity of LEAs to effectively meet the needs of children with specialized needs within the regular education setting, in accordance with SEA responsibilities to ensure that LEAs meet Least Restrictive Environment (LRE) obligations [IDEA Sec. 612(a)(5); also codified at 34 C.F.R. §300.114(a)].

To this end, on October 1, 2008, the OSSE introduced a Change in Placement Policy, the first in a series of policies designed to communicate clear expectations regarding the obligation of all LEAs related to meeting LRE obligations. This policy, supported by the OSSE's Placement Oversight Unit, is designed to ensure timely guidance and support to LEA IEP teams considering a change in placement to a less integrated setting prior to removal. The policy outlines a 30 day process during which time LEAs interested in changing a student's placement must contact the Placement Oversight Unit and provide a justification for the student's removal. The placement team follows up with the IEP team to provide technical assistance to the school/LEA to support placement of the child in the Least Restrictive Environment and make a final determination as to whether the removal of the child to a less integrated setting is warranted. This process includes a thorough review of the student's IEP and supporting documentation during the review process, and the opportunity for the LEA to receive technical assistance and coaching after the review process is completed in order to support the capacity of LEAs to meet student needs.

Preliminary placement data collected during the reporting period reveal that approximately 40% of requests for change of placement result in a plan that maintains the student in his or her original educational setting. The OSSE team continues to examine placement data to identify referral trends and outcomes and will have more thorough analysis to provide in the next Special Conditions Progress Report.

Additionally, the OSSE continues to develop and introduce related key policies in accordance with the December 1, 2008 Blackman Jones Implementation Plan, Appendix 7, Table 2. The most recent of these policies is the draft OSSE Inclusion policy, which

was posted on December 12, 2008 for public comment through a news release and is available for public comment until January 30, 2009.²

This series of policies will be supported by guidance and practice toolkits that further support the capacity of LEAs to develop a full continuum of supports and services within the educational environment and to ensure that these services are made available in regular education classrooms to the greatest extent possible.

The issuance of the above materials will be further supported through a comprehensive Training and Technical Assistance framework that will be initiated in February, 2009. This framework will provide LEA teams with the tools they need to ensure the utilization of peer-reviewed, research-based models, practices, and curricula within the regular education setting, and a tiered intervention model based upon Response to Intervention principles.

- 2. Explanation of use of “MDT Notes and Guidelines” and “MDT Checklist”—not applicable;** submitted in First Progress Report dated October 15, 2008
- 3. Updated information about the use of “MDT Notes and Guidelines” and “MDT Checklist” —not applicable;** submitted in First Progress Report dated October 15, 2008
- 4. Monitoring report(s) issued since February 1, 2008 and number of findings of noncompliance specifically related to LRE provisions— not applicable;** submitted in First Progress Report dated October 15, 2008
- 5. Monitoring report(s) issued during the reporting period and number of findings of noncompliance specifically related to LRE provisions**

No monitoring reports have been issued specifically related to LRE provisions; however, through the Change in Placement review process referenced above in I.C.1., the OSSE issues official state recommendations on placement. To date, the OSSE has issued approximately 34 recommendations to 14 LEAs.

² News release can be found at: <http://newsroom.dc.gov/show.aspx/agency/seo/section/2/release/15672> and the policy can be found at: [http://newsroom.dc.gov/show.aspx?agency=seo§ion=2&release=15672&year=2008&file=file.aspx%2frelease%2f15672%2fFinal%2520Draft%2520SpEd%2520Inclusion%2520Policy%2520\(2\).pdf](http://newsroom.dc.gov/show.aspx?agency=seo§ion=2&release=15672&year=2008&file=file.aspx%2frelease%2f15672%2fFinal%2520Draft%2520SpEd%2520Inclusion%2520Policy%2520(2).pdf)

D. Identify and Correct Non-compliance

1. Description of the Technical Assistance accessed from the Data Accountability Center and steps taken as a result of technical assistance

The Office of Quality Assurance and Monitoring continues to receive technical assistance from the Data Accountability Center (DAC), Mid-South Regional Resource Center (MSRRC), and other support service agencies. During this reporting period, DAC and MSRRC were on-site for a total of 10 hours on December 18th and 19th, 2008. In addition, DAC and MSRRC provided training and technical assistance through various phone calls and e-mails, which were not tracked by hours.

The following technical assistance was provided by DAC and MSRRC staff to the OSSE:

1. Monthly review and consultation sessions on SPP/APR Indicators
2. Workshop on history of special education laws and regulations
3. Workshop on analyzing and writing for Indicator 5
4. Regional Technical Assistance Two Day Workshop on SPP and APR

The following actions were completed as a result of the technical assistance:

1. Developed a work plan through the end of SY 2009;
2. Developed training for LEAs on orientation and the use of the self assessment survey to be rolled out in February, 2009;
3. Developed draft comprehensive focused monitoring process and manual which includes enforcement strategies and graduated sanctions in line with the tiered monitoring approach;
4. Developed draft self assessment tool; and
5. Refined contents of five year strategic plan.

In addition to the above, the OSSE continues to participate in OSEP's Technical Assistance workshops.

During this reporting period, the OSSE participated in the Technical Assistance programs provided by OSEP outlined below:³

December 2008

December 11, 2008 **SPP TA Conference Call**
4:00 p.m. – 5:00 p.m. Thursday, December 11, 2008; 4:00 p.m. – 5:00 p.m. EST

³ From the 1.8.09 OSEP SPP and APR Technical Assistance Calendar found at: <http://spp-apr-calendar.rfcnetwork.org/>

EST

Chairperson: Ruth Ryder

Topic: Overview of Part B Supplemental Final Regulations Published 12/1/08.

Materials will be posted prior to call.

Note: These regulations go into effect on December 31st and are available at:

<http://edocket.access.gpo.gov/2008/E8-28175.htm>

November 2008

November 13, 2008

SPP TA Conference Call

4:00 p.m. – 5:00 p.m.
EST

Thursday, November 13, 2008; 4:00 p.m. – 5:00 p.m. EST

Chairperson: Ruth Ryder

Topic: 1) Walk through of October 17, 2008 OSEP Memo on Reporting on Noncompliance 2) Walk-through of Part B Proposed Information Collection for Part B SPP/APR

Materials are found at <http://spp-apr-calendar.rfcnetwork.org/>

October 2008

October 16, 2008

SPP TA Conference Call

4:00 p.m. – 5:00 p.m.
EST

Thursday, October 16, 2008; 4:00 p.m. – 5:00 p.m. EST

Chairpersons: Ruth Ryder, OSEP, and Bobbie Stettner-Eaton, EDFacts

Topic: Implementation of the New Racial/Ethnic Categories

September 2008

September 11, 2008

SPP TA Conference Call

4:00 p.m. – 5:00 p.m.
EST

Thursday, September 11, 2008; 4:00 p.m. – 5:00 p.m. EST

Chairpersons: Gregg Corr and Larry Ringer

Topic: Timely Identification and Correction of Noncompliance – This call is specifically for States that were unable to attend the August 2008 National Accountability Conference (NAC). An FAQ related to timely identification and correction of noncompliance was discussed at the NAC. During this call the presenters will go through the FAQ and discuss the critical

points of this guidance document.

Materials are posted on the RRFC Portal at <http://spp-apr-calendar.rrfcnetwork.org/>

2. Status of the Office of Monitoring and Compliance Division including efforts to establish and implement the integrated monitoring process and tiered approach to monitoring intervention

The OSSE Office of Monitoring and Compliance Division continues to develop and refine a detailed monitoring system to track all areas of identified LEA noncompliance, the dates and types of technical assistance provided, dates for the submission of evidence and the date on which verification of correction is provided. The tracking system will be utilized as a mechanism to assist with ensuring accountability and timely submission of required information and data as it pertains to monitoring submissions and updates.

Each LEA has been assigned an OSSE monitor to assist them with ensuring that identified deficiencies are corrected and remain compliant with all IDEA regulations. The monitors will conduct more frequent onsite visits and will remain in contact with LEAs by telephone. When necessary, progress reports will be requested of LEAs.

The OSSE is implementing a Continuous Improvement Focused Monitoring approach as a more effective and efficient way for the OSSE to meet the enforcement obligations required of State Educational Agencies under IDEA. Focused monitoring will allow the OSSE to determine if implemented strategies have resulted in tangible measurable qualitative and quantitative outcomes. It will also assist the OSSE in making determinations on the progress of LEAs and their ability to meet measurable goals for students with disabilities.

The OSSE has identified FFY 2007 Special Conditions as focused monitoring priorities for the school year 2008-2009. The focused monitoring priorities/special conditions are as follows:

- Implement due process hearing officer decisions in a timely manner
- Ensure placement in the least restrictive environment
- Provide timely initial evaluations and reevaluations
- Identify and correct noncompliance with the requirements of Part B of IDEA

These priorities align the goals and expectations of the OSSE for all LEAs and were chosen because of their alignment with the requirements imposed on the OSSE via federal and local law as well as the Blackman Jones Consent Decree. As a result of these priorities, LEAs will complete a self assessment that requires them to assess their

progress as it relates to evaluations, reevaluations, least restrictive environment and the timely implementation of due process hearing officer decisions.

More specifically, the new focused monitoring process will require LEAs to conduct a self-assessment that will include a:

- 1) Review of data submitted for the 618 Data Report (Child Count);
- 2) Review of compliance with IDEA'04 and the District of Columbia Municipal Regulations;
- 3) Review the implementation of the approved IDEA Part B LEA Application; and
- 4) Review of state complaints, special education due process hearings, and mediation agreements.

The self-assessment has been constructed to align with the State Performance Plan (SPP) priority areas and indicators to assist LEAs in making progress toward SPP targets.

As part of the new monitoring process, the OSSE will formally notify the LEA of its compliance status. A report will be issued and forwarded to the LEA indicating the findings and Tier Level of prescribed interventions deemed necessary to correct any identified noncompliance. They will be imposed in the following graduated order of sanctions: Tier 1 - Meets the requirements (compliant), Tier 2 – Needs Assistance, Tier 3 – Needs Intervention, Tier 4 – Needs Substantial Intervention.

Most importantly, this robust continuous improvement focused monitoring system will provide the systemic management that is needed to meet the targets set forth in the SPP.

All of the above will be fully implemented in February, 2009, and in line with this are changes to the IDEA Phase II Grant Application process which will be reported on in the next CAP submission by the OSSE on February 2, 2009.

3. Number of findings of noncompliance identified in FFY 2005 and status of correction of 31 issues of noncompliance in FFY 2005

After further review and analysis, the OSSE has discovered that the status updates provided in the prior two progress reports were in relation to monitoring findings as opposed to state complaint findings.

Under the Nature of the Special Conditions provided by OSEP in Enclosure E, the OSSE is required to “clarify the number of findings of noncompliance identified in FFY 2005 (July 1, 2005 through June 30, 2006) included in the State’s monitoring reports and the status of correction of these findings. In addition, the State must report on the status of correction of the 31 issues of noncompliance identified by the State through the IDEA complaint investigations in FFY 2005 that were reported on page 23 of the State’s FFY 2005 APR.”

District of Columbia Office of the State Superintendent of Education (OSSE)

Below is the requested information, which corrects and supersedes prior submissions.

A. Clarification on the Number of Findings included in the State’s monitoring reports between FFY 2004 and FFY 2006

As reported in the June, 2008 Special Conditions report, the OSSE has been working towards implementing a better way of tracking the non-compliance findings identified in monitoring reports. To this end, the OSSE is including the following table which outlines the number of findings of noncompliance through monitoring reports per LEA by FFY for FFY 2004-2006 and whether or not there was Evidence of Correction:

Local Educational Agency	No Evidence of Correction			Evidence of Correction			Total Findings of Noncompliance FFY 2004-2006
	FFY 2004	FFY 2005	FFY 2006	FFY 2004	FFY 2005	FFY 2006	
Academia Bilingue de la Comunidad PCS						2	2
Arts & Technology Public Charter School						1	1
Barbara Jordan PCS						2	2
Booker T Washington PCS					1		1
Bridges PCS						4	4
Capital City PCS		3					3
Community Academy PCS						3	3
DC Bilingual PCS						2	2
DCPS – Elementary School Division		3					3
DCPS—Junior High School/Middle School Division		8					8
DCPS—Senior High School Divison	6			1			7
E.L. Haynes PCS						1	1
Friendship PCS					2		2
Hope Community PCS						1	1
Hospitality High PCS						9	9
Howard Road Academy PCS			2			3	5
Howard University Middle School of Math and Science PCS			4				4
Integrated Design & Electronics Military Academy PCS						3	3
Kamit Institute		5					5
Latin American Montessori Bilingual PCS						1	1
Mary McLeod Bethune Day Academy PCS			5				5
Meridian PCS						5	5
Next Step PCS					5		5
Options PCS						1	1
Paul PCS					5		5
Potomac Lighthouse PCS			2				2

District of Columbia Office of the State Superintendent of Education (OSSE)

Roots PCS				1		1
School for Arts in Learning (SAIL) PCS					3	3
SEED PCS					3	3
Tree of Life PCS			1			1
Two Rivers PCS					1	1
Washington Mathematics Science Technology PCS					3	3
Young America Works PCS					4	4
Grand Total	6	19	13	1	15	52

FFY 2004

In its first Progress Report for FFY 2008, the OSSE reported on p.12 that there was no area of non-compliance found when monitoring the DCPS Senior High School Division; however, further review shows that this division was monitored and that 7 findings of noncompliance were identified. Of those, 6 findings were found to be corrected and one was not. There were only findings of noncompliance in this division and no other LEA. Below is the raw data:

FFY 2004—LEA⁴	No Evidence of Correction	Evidence of Correction	Grand Total
DCPS—Senior High School Division	6	1	7
Grand Total	6	1	7

FFY 2005

In FFY 2005, there were a total of 34 findings of non-compliance across 10 LEAs—of the 34, 15 findings were found to be corrected and 19 were not. Below is the raw data:

FFY 2005—LEA	No Evidence of Correction	Evidence of Correction	Grand Total
Booker T Washington PCS		1	1
Capital City PCS	3		3
DCPS – Elementary School Division	3		3
DCPS—Junior High School/Middle School Division	8		8
Friendship PCS		2	2
Kamit Institute	5		5
Next Step PCS		5	5
Paul PCS		5	5
Roots PCS		1	1

⁴ During FFY 2004, DCPS was divided into divisions: Senior High School, Middle/Junior, and Elementary. For this report, the OSSE will assume that each Division was its own LEA.

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Tree of Life PCS		1	1
Grand Total	19	15	34

FFY 2006

In FFY 2006, there were a total of 65 findings of non-compliance across 22 LEAs—of the 65, 52 findings were found to be corrected and 13 were not. Below is the raw data:

FFY 2005—LEA	No Evidence of Correction	Evidence of Correction	Grand Total
Academia Bilingue de la Comunidad PCS		2	2
Arts & Technology Public Charter School		1	1
Barbara Jordan PCS		2	2
Bridges PCS		4	4
Community Academy PCS		3	3
DC Bilingual PCS		2	2
E.L. Haynes PCS		1	1
Hope Community PCS		1	1
Hospitality High PCS		9	9
Howard Road Academy PCS	2	3	5
Howard University Middle School of Math and Science PCS	4		4
Integrated Design & Electronics Military Academy PCS		3	3
Latin American Montessori Bilingual PCS		1	1
Mary McLeod Bethune Day Academy PCS	5		5
Meridian PCS		5	5
Options PCS		1	1
Potomac Lighthouse PCS	2		2
School for Arts in Learning (SAIL) PCS		3	3
SEED PCS		3	3
Two Rivers PCS		1	1
Washington Mathematics Science Technology PCS		3	3
Young America Works PCS		4	4
Grand Total	13	52	65

B. Status of correction of 31 issues of noncompliance

The State Complaint Office which at the time was managed by DCPS functioning as both LEA and SEA, reported that there were 31 issues of noncompliance identified by way of state complaint investigations in FFY 2005 APR. Despite intensive efforts by the OSSE to locate copies of these State Complaint Letters of Findings and related documentation, the OSSE has been unable to retrieve these records which were apparently misplaced during the transition to the District’s new governance structure and the creation of the

OSSE. Therefore, the OSSE will be unable to provide any further information regarding the status of correction of these 31 issues of noncompliance.

4. Copies of any monitoring reports issued since February 1, 2008

No monitoring reports have been issued since February 1, 2008; however, the OSSE has issued determination letters and plans to have an update on the monitoring roll-out which is scheduled to occur in February 2009 for the third Special Conditions Progress Report.

5. Response to Indicator 15— not applicable; required for FFY 2007 APR

6. Number of findings of noncompliance identified in FFY 2007— not applicable; required for Third Progress Report

III. Certification

This report reflects the OSSE's good faith efforts in reporting accurate and reliable data to the extent possible and was reviewed by several members of the OSSE to ensure a full and comprehensive submission. The entire report can be found on the OSSE website at www.osse.dc.gov.

The District of Columbia Acting Assistant Superintendent of Special Education, Tameria Lewis, hereby certifies that this report is complete and appropriate for submission to the Office of Special Education Programs.