



**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**

**DIVISION OF SPECIALIZED EDUCATION**

**NOTICE OF PUBLIC HEARING**

**May 21, 2013**

810 First Street, NE  
3<sup>rd</sup> Floor  
Washington, DC 20002  
3:00pm – 5:00pm

and

**May 28, 2013**

810 First Street, NE  
3<sup>rd</sup> Floor  
Washington, DC 20002  
5:00pm – 7:00pm

The Office of the State Superintendent of Education (OSSE), Division of Specialized Education (DSE), will hold public hearings to discuss the following proposed state policies entitled: “Individualized Education Program (IEP) Implementation for Transfer Students Policy,” “Specialized Transportation Policy,” “Individualized Education Program (IEP) Amendment Policy,” “Confidentiality of Student Information Policy,” and the “Individuals with Disabilities Education Act (IDEA) Part B Grant Eligibility and Administration Hearing Process Policy.”

The proposed policies will be posted for a 60 day public comment period commencing Friday, May 3, 2013 and closing Tuesday, July 2, 2013. Two public hearings will be held. The first hearing is scheduled for May 21, 2013 from 3:00 – 5:00pm. The second and final hearing is scheduled for May 28, 2013 from 5:00 – 7:00pm. All comments received by 5:00pm Tuesday, July 2, 2013 will be considered.

The following summaries provide an overview of the proposed policies. Please note that this overview is provided for informational purposes only and highlights some key elements of the policies. Persons are encouraged to read the proposed policies in full.



**The proposed INDIVIDUALIZED EDUCATION PROGRAM (IEP) IMPLEMENTATION FOR TRANSFER STUDENTS POLICY:**

- Establishes procedures and timelines for the necessary transfer of student records between LEAs;
- Clarifies LEA responsibilities to follow-up on existing referrals for evaluation and complete pending evaluations;
- Defines the parameters of comparable services, including equitable services, and establishing a timeline for comparable service implementation;
- Establishes procedures and timelines for determining the appropriateness of an existing IEP, including the implementation of adopted, updated, and newly developed IEPs; and
- Addresses the continuing responsibility of LEAs to implement IEPs until students formally exit special education or graduate with a high school diploma.

**The proposed SPECIALIZED TRANSPORTATION POLICY:**

- Establishes state-level criteria that assist IEP Teams in making appropriate eligibility decisions;
- Clarifies LEA responsibilities to address student-level concerns that negatively impact OSSE-DOT's ability to provide transportation services (i.e. resolution of inaccurate student-level data, student absence, etc.);
- Delineates between IEP Team-designated transportation services and court-ordered transportation, and related LEA fiscal responsibilities;
- Establishes documentation and procedural requirements that enable the timely coordination of transportation between LEAs and OSSE-DOT; and
- Establishes a bi-annual LEA certification requirement that enables OSSE-DOT to successfully prepare to provide extended school year (ESY) related transportation during the summer months and transportation at the start of each school year.

**The proposed INDIVIDUALIZED EDUCATION PROGRAM (IEP) AMENDMENT POLICY:**

- Reiterates federal regulatory requirements for the annual review and evaluation of existing student IEPs, including factors for consideration by IEP Teams;
- Establishes procedures for amending IEPs after the annual IEP review through an IEP Team meeting or documented written agreement between LEA and parent;
- Emphasizes the importance of parental involvement in the IEP amendment process by establishing documentation requirements consistent with the concept of informed consent; and
- Specifies procedural and documentation requirements of completing IEP amendments in the Special Education Data System (SEDS).



**The proposed CONFIDENTIALITY OF STUDENT INFORMATION POLICY:**

- Provides definitions for the terms “education records” and “personally identifiable information” in the context of IDEA and FERPA;
- Clarifies under what circumstances an LEA must obtain parental consent before disclosing personally identifiable information;
- Clarifies the right of parents of a student with a disability to inspect and review their child’s education records;
- Clarifies the process for a parent to request an amendment to their child’s education records;
- Clarifies the right of parents to challenge information in their child’s education records and related hearing procedures; and
- Outlines public agency requirements pertaining to the collection, storage, disclosure, and destruction of personally identifiable information.

**The proposed INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) PART B GRANT ELIGIBILITY AND ADMINISTRATION HEARING PROCESS POLICY:**

- Specifies a list of grant administration actions reviewable under federal law;
- Identifies parties who may request review of OSSE grant administration activities;
- Establishes a timeline and procedure for the timely filing and review of claims by the District of Columbia Office of Administrative Hearings (OAH);
- Provides for the appeal of hearing decisions by OSSE or the requesting party to the Secretary of the U.S. Department of Education;
- Defines requirements for OSSE recordkeeping and applicant/subgrantee access to pertinent records for the purposes of conducting a review or appeal; and
- Adopts definitions as prescribed by EDGAR, IDEA, and the D.C. Official Code.

Persons wishing to review the proposed policy may also access them on the OSSE webpage at [osse.dc.gov](http://osse.dc.gov) under Division of Specialized Education – Policies and Regulations. This proposed policy, as well as all of OSSE’s special education policies and regulations can also be accessed by clicking [here](#).

Individuals wishing to testify at the hearing should contact Christie Weaver, Policy Analyst, at 202-481-3870 or by e-mail at [christie.weaver@dc.gov](mailto:christie.weaver@dc.gov), no later than 5:00pm on Thursday, May 16, 2013, to be added to the witness list for the public hearing scheduled for the Tuesday, May 21, 2013 hearing or no later than 5:00 pm Thursday, May 23, 2013 for the hearing scheduled for Tuesday, May 28, 2013. An individual presenting will be limited to five (5) minutes in an effort to allow all individuals an opportunity to be heard. Individuals representing an organization will be limited to a total presentation time of seven (7) minutes scheduled for each public hearing.



Individuals and organizations wishing to submit comments as part of the official record should send copies of the comments and any written testimony and statements no later than 5:00pm on Tuesday, July 2, 2013 for the proposed policies to:

Dr. Amy Maisterra, Assistant Superintendent of Specialized Education  
c/o Grace Chien, Director of Policy  
Office of the State Superintendent of Education, Division of Specialized Education  
810 1st St. NE - 5th Floor Washington, DC 20002  
or  
email to [osse.publiccomment@dc.gov](mailto:osse.publiccomment@dc.gov)

Individuals who do not register with OSSE prior to the hearing may testify on a first-come first-serve basis as time permits within the timeframes announced for each hearing. On-site assistance with registration will be available prior to each hearing.

Individuals may request an accommodation for a physical disability or language access in order to participate in the public hearing by contacting Christie Weaver no later than 2:00pm on Tuesday, May 14, 2013 for the May 21, 2013 public hearing or no later than 2:00pm on Wednesday, May 22, 2013 for the May 28, 2013 public hearing.