



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

July 11, 2019

RE: IDEA Part C to B transition: specialized instruction service delivery

Dear Colleague,

This letter is to notify you that beginning in school year 2019-20, LEAs serving 3 to 5 year olds will be required to document the first date of specialized instruction service delivery in a two-part process. This new process is mandatory; please see below for background information as well as information on the training that will be provided to LEA personnel.

Background

In August 2017 the Office of the State Superintendent of Education (OSSE) issued a Dear Colleague letter addressing ongoing requirements related to the *D.L. v. District of Columbia*¹ special education litigation. Originally initiated in 2005, *D.L. v. District of Columbia* relates to the alleged failure of the District to identify and serve 3 to 5-year-old children with disabilities, including children transitioning from early intervention services provided in accordance with Part C of the Individuals with Disabilities Education Act (IDEA) to special education and related services in accordance with IDEA Part B. As we continue to work together to ensure that the District improves special education services for District of Columbia preschool children, this letter provides information regarding local educational agency (LEA) responsibilities for ensuring specialized instruction service delivery and appropriate documentation as it relates to the *D.L. v. District of Columbia* case.

The District's continued progress in ensuring the smooth and effective transition of children from Part C to Part B by their third birthdays is made possible by your ongoing efforts to identify and serve children with disabilities entering your schools in accordance with IDEA. Additionally, OSSE has supported these efforts by providing LEAs with notice of transitioning 3 to 5 year olds at the start of the school year and has provided additional notification to LEAs of transitioning students in the Early Access to Students with Disabilities Data Application for the 2019-20 school year.²

Consistent with the requirements of IDEA and *D.L.* related to the smooth and effective transition of children from IDEA Part C to IDEA Part B services, LEAs are required to implement the child's

¹ 34 CFR §300.124

² See OSSE Start of School 2019-20, Early Information for Special Populations. (Available at: <https://osse.dc.gov/node/1240496>).

IEP by the child's third birthday.³ This includes the provision of all special education and related services in the IEP. Further, specialized instruction must be provided by the child's third birthday, or if the child turns three on a non-instructional day, it must be provided on the first school day after the child's third birthday. The District is required to record and track when children first receive each service, including specialized instruction.⁴

Requirements and Next Steps

To ensure appropriate documentation of the provision of specialized instruction, beginning in school year 2019-20, LEAs serving 3 to 5 year olds will be required to document the first date of specialized instruction service delivery in a two-part process.

- First, the LEA staff that provided specialized instruction to the student must complete and sign a state-level form documenting and confirming service delivery.
- Second, the student's Special Education Data System (SEDS) Case Manager must log the provision of specialized instruction in the SEDS Specialized Instruction Logging Wizard, including documenting the date of service, service type, and provider information.
- Documentation of delivery of services, including the system-generated log and signed state-level form, will be required to be entered into SEDS within five business days from the date of the service delivery.⁵

SEDS will be updated August 3-4, 2019 to provide LEAs with appropriate access and functionality to document the provision of specialized instruction as described above. OSSE will offer training on August 5, 2019 or via webinar posted on the OSSE website, on the regulatory and logging requirements to ensure your LEA is positioned to accurately record the delivery of specialized instruction services to transitioning students at the start of the 2019-20 school year. Training attendance is mandatory for all LEAs serving students ages 3 to 5. Each LEA's head of school or special education coordinator is required to attend. LEAs will have the opportunity to attend either a webinar or in-person training in July or August 2019, and OSSE will provide turnkey training materials for further training of LEA staff. OSSE will provide additional information on training and registration instructions following the issuance of this letter.

Please visit OSSE's [webpage](#) for additional information on LEA responsibilities regarding smooth and effective transition of children from IDEA Part C to Part B. Please direct any questions regarding the content of this document to OSSE.DSEPolicy@dc.gov.

OSSE is pleased to work with LEAs toward the District's continued improvement in the delivery of IDEA services to students with disabilities, and looks forward to working with you to ensure continuous improvement across the District.

³ 34 CFR §300.124; *D.L. v. District of Columbia* (Case No. 1:05-cv-01437), 860 F.3d 713 (D.C. Cir. 2017)

⁴ *Id* at p.5.

⁵ OSSE LEA Data Management Policy (Revised December 2017) at p. 2 (Available at: <https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/2017%20OSSE%20LEA%20Data%20Management%20Policy%20%28updated%20Dec%202017%29.pdf>)

Thank you for your efforts to support the education of students with disabilities in the District of Columbia.

Sincerely,

A handwritten signature in black ink that reads "Sharon R. Gaskins". The signature is written in a cursive style with a vertical line through the middle of the letters.

Sharon Gaskins
Interim Assistant Superintendent
Division of Systems and Supports, K12