



District of Columbia
**State Advisory Panel
on Special Education**

ANNUAL REPORT
2019-20



Fellow Washingtonians,

The overarching goal of DC's State Advisory Panel on Special Education (SAPSE) is to provide parent feedback to the Office of the State Superintendent of Education (OSSE). Over the past year, OSSE provided several opportunities for the SAPSE's voice to be heard. The year began with a SAPSE-facilitated session at DC's Parent Summit. This was an important opportunity for the SAPSE to hear directly from parents about special education concerns. In January, the SAPSE provided formal comments to OSSE on its proposed changes to local regulations that, when enacted, will impact all DC students with disabilities.

Though proud of our accomplishments, there is still so much work to do. The COVID-19 pandemic has thrown into sharp relief the importance of partnership, especially for parents of students with disabilities. At the school-level, parents need information that is accessible and responsive to their needs. At the state or OSSE level, the SAPSE will continue to push and support OSSE to communicate with parents and create parent resources for schools that center both accessibility and responsiveness.

I firmly believe that things will only get substantively better when parent-voice is included and valued.

Onward!

Yours in service,

Julie Camerata, Chair
State Advisory Panel on Special Education

SUBMITTED TO:

The Honorable Muriel Bowser, Mayor
The District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

The Honorable Phil Mendelson, Chair
Council of the District of Columbia
1350 Pennsylvania Avenue, NW Suite 504
Washington, DC 20004

The Honorable David Grosso, Chair of the Committee on Education
Council of the District of Columbia
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Paul Kihn, Deputy Mayor of Education
Office of the Deputy Mayor of Education
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Hanseul Kang, State Superintendent of Education
Office of the State Superintendent of Education
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Ruth Wattenburg, President
District of Columbia State Board of Education
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Scott Pearson, Executive Director
Public Charter School Board
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WHAT IS THE SAPSE?



What? The District of Columbia's State Advisory Panel on Special Education's (the "SAPSE") mission is to provide advice from the perspective of parents of students with disabilities to the Office of the State Superintendent of Education (OSSE).

Who? The SAPSE is made up of a majority of parents whose children have disabilities. There are also representatives from various District agencies and stakeholder groups. All members are appointed by the Mayor.

When? The SAPSE holds four public meetings per year. Meetings are usually held at OSSE offices. During the COVID-19 pandemic, the SAPSE has continued to meet virtually.

Get Involved! All of our meetings are public meetings and we especially value the participation of parents of children with disabilities and members of the community who themselves have disabilities. If you would like to attend a meeting, visit our website to see when the next one is happening! <http://bit.ly/DCSAPSE>

PARENT SUMMIT | SEPTEMBER 28, 2019

Members of the SAPSE facilitated an engaging session at OSSE's 2019 Parent Summit. After introductions, SAPSE representatives provided an overview of the SAPSE and its SY 2018-2019 Annual Report findings. Members of the OSSE team were on hand to share the details of its newly released strategic plan. The goal of this session was to elevate parent voices with the intention of creating a SAPSE agenda for the coming school year with parent voices at the center. Using a [World Cafe model](#), SAPSE members and OSSE representatives facilitated tabletop discussions with small groups of parents using the following questions:

- What do you as a parent of a student with a disability need to help your child to succeed at school?
- What's working at your child's school (sped-related)? What's not working?
- What worked well, and what hasn't worked well, in your communication about your child's special education services.
 - What was a time when communication was unclear, confusing, or you couldn't find the information you wanted?
 - What was a time that you were able to get the information you needed, or that communication was clear and helpful?

At its first meeting of the school year, on October 17, 2019, SAPSE members reviewed the notes from the Parent Summit session. Common themes generated around student outcomes and communication emerged. Panelists agreed that this is a persistent issue that the SAPSE has raised to OSSE over the past few years both at meetings and in annual report recommendations. Based on this most recent data and years of historical knowledge, SAPSE continues to recommend the following:

- OSSE needs to dramatically improve its communication with families of students with disabilities. Improvements should include but are not limited to:
 - Digital communication
 - Use of parent-friendly language
 - Listening to parents and considering their point of view and needs before issuing communications

As always, the SAPSE is ready and willing to assist OSSE in this critical endeavor.

COLLABORATION WITH THE OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION ON BEHALF OF DISTRICT RESIDENTS

1. OSSE's New Strategic Plan
 - a. On October 17, 2019, the SAPSE kicked off its year with a presentation from Superintendent Kang. The presentation included the following:
 - i. OSSE's process for strategic planning and [Landscape Analysis](#)
 - ii. Data from the report's executive summary was of particular interest to SAPSE members:
 1. 18% of DC students have an IEP
 2. 57% spend 80%+ in general education classrooms
 3. 33% have a specific learning disability, and
 4. 9% of students with disabilities are served in nonpublic schools (3x the national avg)
 - iii. SAPSE members provided feedback to OSSE which included:
 1. More parent facing/friendly communications about this report need to be produced
 2. More data about parent engagement should be collected
2. The State Annual Performance Report (past years' reports can be found at: <https://osse.dc.gov/service/idea-reports-us-department-education-office-special-education-programs>)
 - a. The SAPSE participated in a presentation and question / answer session with OSSE representatives in January of 2020.
3. Chapter 30 of the DC Municipal Regulations (DCMR)
 - a. On November 8, 2019, OSSE posted in the DC Register a Notice of Proposed Rulemaking proposing amendments to Chapter 30 of Title 5-A in the [District of Columbia Municipal Regulations](#) (currently found at 5 DCMR §E-3000-3036) governing the education of students with disabilities. On December 12, 2019, SAPSE panelists participated in OSSE's public hearing. SAPSE members were pleased to see that OSSE took its advice from the previous year and incorporated a simultaneous session geared towards parents of children with disabilities throughout the District.
 - b. On January 7, 2020, the SAPSE submitted public comments to OSSE addressing concerns regarding the proposed regulations. (See Appendix A for full comments)
4. Health and Wellness
 - a. On February 27, 2020, SAPSE panel members received a [presentation](#) from OSSE's Deputy Superintendent for Health and Wellness, Dr. Heidi Schumacher.
5. OSSE's COVID Response
 - a. At the fourth public meeting on April 4, 2020, SAPSE panel members received a presentation from Victoria Glick, Director of State Complaints. Ms. Glick presented recently developed guidance and plans for supporting schools and educators.
 - i. [Guidance Related to Coronavirus \(COVID-19\): IDEA, Part B Provision of FAPE](#) and,
 - ii. [Frequently Asked Questions](#)

MEET THE **SAPSE**



Michael Blank
Parent



Latoria Brent
Parent-Vice Chair
of SAPSE



Julie Camerata
Parent- Chair
of SAPSE



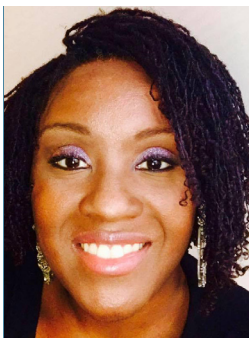
Issacba Davies
Department
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**Jessica
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Megan Dho
Child Family
Service
Administration



Tracy Dove
Parent



**Joshua
Gillerman**
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**Rochanda
Hiligh-Thomas**
Parent



Sherin Koshy
Parent



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Superintendent
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Matt McCall
Parent



**Aaron
McCormick**
Parent



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**Dr. Sylvia
Morrison**
University of
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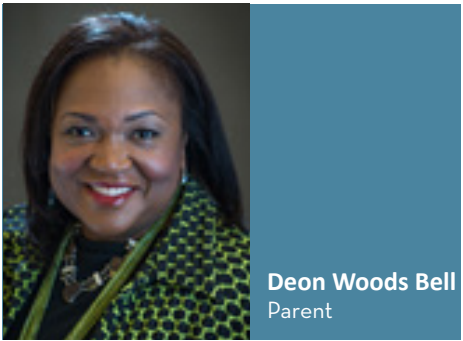
Clifford Waddy
Parent



Molly Whalen
Parent



**Roxanne
Williams**
Parent



Deon Woods Bell
Parent



Margie Yeager
Administrator

ACKNOWLEDGEMENTS



The SAPSE would like to thank OSSE for its collaboration. We would especially like to thank our OSSE staff liaison, Adrienne Rodriguez-Aranda, Education Program Specialist.

January 7, 2020

Office of the State Superintendent of Education
ATTN: Christie Weaver-Harris
Re: Special Education Notice of Proposed Regulations
1050 First Street, NE, 5th Floor
Washington, DC 20002

Submitted via email (@osse.publiccomment@dc.gov)

RE: Comments on Proposed Rulemaking to Amend Chapter 30 of Title 5-E of the DCMR

Dear Ms. Weaver-Harris:

On behalf of the State Advisory Panel on Special Education (SAPSE), we write to submit the following comments on the proposed rulemaking to amend DC's local special education regulations in Chapter 30 of the DC Municipal Regulations. We appreciate OSSE's interest in including the perspective of parents of students with disabilities and applaud OSSE for updating these regulations to better clarify existing responsibilities, codify new legal timelines and adding new sections of the law to enhance the quality of services provided to our city's youth with disabilities.

Of particular note, we want to highlight our appreciation to OSSE for positive changes it has made in the law to promote greater equity and access to services. Those changes include: clarifying LEAs' responsibility to ensure a smooth transition of youth from Part C to Part B; requiring charter school LEAs to notify parents of the need to register in the new LEA upon a charter school's closing; confirming that administration of medication is not required for provision of FAPE; mandating that assistance be provided to document in writing parent's oral requests for evaluation; and requiring that test source selection provide a measure of a student's actual academic ability rather than measuring a student's impaired sensory, manual/speaking skills or English Language proficiency.

We also appreciate the inclusion of numerous provisions that promote increased access to information and parental participation. These provisions include: mandating that LEAs publish printed materials about available preschool programs and engage in public awareness activities to educate parents about the availability of special education services and community-based resources; codifying the LEAs' requirement to provide parents with copies of assessments 5 days prior to IEP meetings and final copies of the IEP and any amendments no more than 5 days after the IEP meeting or agreed upon changes; mandating that LEAs provide other means for parents to participate in meetings when they cannot physically be present, and codifying parent's right to observe their child's classroom.

That said, even with all of the above-mentioned positive changes, SAPSE colleagues have significant concerns that the proposed regulations were presented in a manner which stifled parental access and opportunities for public input. First and foremost, the extraordinarily voluminous set of proposed regulations were released and public hearings scheduled during a time of year that is not at all convenient for most parents. The 60-day comment period in November and December spans two significant holiday periods when parents are particularly busy with familial and other obligations which diminished their ability to focus on these critical regulations. Moreover, holding public hearings the week before and the Monday after Thanksgiving week is not at all inviting for public participation. A majority of families were either preparing for the holiday or just returning from the holiday and could not even contemplate participating at the selected times. This could have been avoided with better agency planning and sends a message that broad parental input isn't valued by OSSE.

In order to create conditions for meaningful parent engagement the SAPSE recommends that OSSE do the following:

- Extend the timeline for public comments. Helping organizations like Advocate for Justice in Education and The Children's Law Center need more time to educate parents on this lengthy and technical document. This cycle gave organizations 22 business days to digest the document and work to educate parents. This is not enough time.

- Create timely and informative resources* that are parent friendly! For example:
 - a redline document that makes the changes really clear
 - a document, interactive blog, and/or video that summarizes the changes in parent-friendly language
 - a resource that explains how these regulations relate to both the federal law and what happens on the school level
 - a “tips for reviewing the DCMR” resource

We recognize that OSSE created additional resources (Guiding Questions and Crosswalk) which were posted to OSSE’s website on November 25, 2019, but these documents are very technical and not accessible to many parents. In addition, they were not distributed to the public until after the regulations were issued and the comment period began. This could have been avoided with better agency planning. If given enough lead time, we believe that one or more parent-helping organizations could help OSSE to create the kind of documents we’ve suggested above and ensure that they are released at the same time the regulations are issued. Such efforts would break down the regulations so that parents could better understand the material and its significance to their child’s education and their rights as parents. Only then can parents be fully equipped to meaningfully participate in the comment period.

- Get the word out! We believe that most parents still don’t know what Chapter 30 is or that this process is underway. We suggest partnering with parent-helping organizations to solicit help with communications efforts.
- Finally, engage with the SAPSE sooner. The SAPSE would welcome the opportunity to share feedback on these issues (outside of a public hearing setting) and is happy to hold time on our calendar. Please consider working with the SAPSE leadership as we develop our calendar of meetings for the year. If we know in advance, we are always happy to prioritize OSSE on our agenda, as it’s our mission to advise and counsel OSSE on these matters.

In addition, in order for the above-mentioned positive provisions of the proposed regulations to have their desired effects and outcomes, the SAPSE believes it is imperative for OSSE to bolster its ability to monitor compliance and implementation of these critical new measures and heighten awareness of the new rights and responsibilities they establish. For example, the new timelines around evaluation/eligibility and mandates to provide documentation and notifications to parents are meaningless unless they are enforced. Extensive training will be needed to coach LEAs and all relevant school personnel on their new obligations under the law if the agency hasn’t already done so. OSSE also needs to enhance its efforts to educate parents about some of their newly codified rights as it relates to classroom observation, alternative means to participate in meetings, and legal decision-making options once a youth with a disability turns eighteen. For example, OSSE should develop a general fact sheet on all the parental rights established in the regulations and ensure that copies are placed in each LEAs’ front office at the start of each school year and posted in a prominent place on the agency’s website.

In addition, the SAPSE would like to offer these specific comments or suggested changes to the proposed regulations to enhance access to information and parental participation:

- Insert “at least once annually” and a mandate that LEAs report to OSSE on the public awareness activities mandated to be provided in §3003.3;
- Increase the deadline for the LEA to notify the parent in writing of the IEP meeting from no later than 5 business days prior to the meeting (found in §3009.1(a)) to “at least 10 days prior to meeting” in line with the 10 days LEAs are given to initiate seeking parental consent;
- Insert a provision in §3012 on “Related Services” to require LEAs to track the provision of all students’ related services and to provide a copy of the related services tracker/log to the parent upon request prior to IEP Review meeting;

- Add a provision to §3025 on “Placement Outside the LEA” requiring the SEA to notify the parent of all the school placements the SEA considers and applies to, as the SEA undertakes actions to identify a new location of placement for students who require a more restrictive placement or placement outside of their current LEA; and
- Insert a provision in §3026 on “Transition Services” to require LEAs to document in writing and track the provision of all Transition Services under § 3026, and to ensure that LEAs provide a copy of the log with Transition Services to the parent prior to an IEP Review meeting, together with a clear explanation of inter-agency responsibilities at age 14 – not before the child leaves the school setting, which in many instances is too late to access relevant Transition Services; and
- Change the language of §3042.1(c) defining the persons the LEA shall provide timely classroom access to, from “*who has professional expertise in the area of special education*” to “*who has knowledge or special expertise regarding the child*” so it aligns with the individuals the parent has the discretion to invite to participate in the IEP development process.

The SAPSE also wants to acknowledge some of the positive changes that have been made to the regulations to expand the disability definitions and enhance the quality of services given to our city’s youth with disabilities. Those changes include: expanding the definitions of “emotional disturbance” and “multiple disabilities” to better reflect the way these disabilities manifest in our city’s youth; specifying certification requirements for paraprofessionals and related service providers; and clarifying both the circumstances in which an IEP Certificate of Completion should be issued and monitored and that the procedures that must be followed to educate families and youth about the legal decision-making options available to them when a disabled youth reaches the age of majority.

Despite the above-mentioned positive changes, the SAPSE has also noted some areas of the regulations that need revision or enhancement to provide the kind of protections our youth with disabilities need to fully benefit from their education. These include such discrete action items as:

- Mandating LEAs to delineate the underlying disabilities for the “multiple disabilities” classification on the student’s IEP;
- Mandating LEAs to provide interim instructional services for students who return from residential treatment facilities without an appropriate school placement already identified and secured by the responsible LEA or SEA; and
- Mandating LEAs to document in writing a parent’s revocation of consent to any special education service in writing (to parallel the mandate in §3004.6 for documenting a parent’s oral referral for special education services).

In addition, the SAPSE has significant concerns with Sections 3045 and 3046 pertaining to restraint and seclusion practices.

We appreciate that the proposed regulations contained in §§ 3045-3046 seek to substantially limit the use of these practices as a form of behavioral intervention and only permit their use in emergency situations and when performed by trained individuals. However, we want to highlight two significant areas of divergence between the proposed regulations and the proposed Federal legislation, the Keeping All Students Safe Act (KASSA), H.R. 7124-115 (2018). While the KASSA has not yet been passed into law, it represents the consensus views of prominent disability advocacy organizations and policy makers around the country on the use of restraint and seclusion. First, the KASSA establishes an outright prohibition on the use of seclusion, whereas §3046.1 of the proposed regulations contemplate that LEAs may use seclusion, albeit only in certain emergency circumstances. The KASSA also prohibits IEP teams from including physical restraint as a planned intervention in students’ IEPs. In contrast, §3045.4(b) of the proposed regulations expressly permit the inclusion of planned physical restraint in IEPs. While we recognize that the KASSA does not presently have the force of law, we recommend OSSE use this rulemaking as an opportunity to make DC a national leader by expressly prohibiting the use of seclusion and physical restraint as well, except when necessary to protect the child or other persons from imminent and serious physical harm. This would bring the regulatory framework for these practices in line with the aspirations embodied in the KASSA, and in our view, better protect our youth with disabilities from the negative consequences of endorsing the use of these practices in educational settings.

Please contact us for further information if you have any questions about the contents of this letter. We thank you in advance for giving due consideration to all of the feedback we’ve offered you and look forward to seeing how you incorporate these recommendations into the regulations and your future practices in support of our city’s youth with disabilities and their families.

