



August 2, 2013

Kaya Henderson
Chancellor
District of Columbia Public Schools
1200 First Street, NE
Washington, DC 20002

Re: FFY 2011 LEA Determination

Dear Chancellor Henderson:

The Individuals with Disabilities Education Act of 2004 (IDEA) requires the Office of the State Superintendent of Education (OSSE) as the State educational agency (SEA) to make determinations annually about the performance of local educational agencies (LEAs). OSSE is required to use the same categories that the United States Department of Education, Office of Special Education Programs (OSEP) uses for state determinations as outlined in Section 616(d) of IDEA. In making such determinations, OSSE will assign LEAs one of the following determination levels:

1. Meets Requirements
2. Needs Assistance
3. Needs Intervention
4. Needs Substantial Intervention

OSSE has determined that under IDEA section 616(d), for FFY 2011, DCPS **Needs Intervention** in implementing the requirements of Part B of IDEA. OSSE's determination is based on the totality of the LEA's data and information, including the LEA's:

1. History, nature and length of time of any reported noncompliance; specifically, the LEA's performance on Indicators 4b, 9, 10, 11, 12 and 13 as outlined in the State Performance Plan (SPP) and FFY 2010 Annual Performance Report (APR);
2. Information regarding timely, valid and reliable data;
3. On-site compliance monitoring, focused monitoring and dispute resolution findings;
4. Sub-recipient audit findings;
5. Other data available to OSSE regarding the LEA's compliance with the IDEA, including, but not limited to, relevant financial data and compliance with the Funding for Public Schools and Public Charter School Amendment Act of 2011;
6. Performance on selected SPP results indicators; and
7. Evidence of correction of findings of noncompliance, including progress toward full compliance.



Enclosure 1 explains the criteria for each element and the way existing data provided by LEAs were used to make determinations. Not all elements are applicable to each LEA; for example, some LEAs do not have data for Indicator 12, as they do not serve children within the applicable age range (3 years old). Enclosure 2 describes how DCPS's determination level was calculated. It includes a chart that summarizes each required element, its corresponding rating, the total number of points earned by the LEA and the percentage of applicable points earned by the LEA.

The LEA's FFY 2009 and FFY 2010 determination was Needs Intervention. In accordance with IDEA section 616(e)(2)(B) and 34 CFR §§300.600(a) and 300.604, if an LEA is determined to need intervention for three or more consecutive years, OSSE must: require a corrective action plan or improvement plan; require the LEA to enter into a compliance agreement; recover funds; withhold further payments; and/or refer the matter for appropriate legal enforcement action.

In its July 1, 2013 letter to OSSE regarding the FFY 2012 IDEA Part B grant, the USDE Office of Special Education Programs (OSEP) determined that the District of Columbia needed intervention in implementing the requirements of Part B of the IDEA. OSEP imposed special conditions on the District of Columbia's FFY 2013 IDEA grant awards due to the District's low level of compliance with secondary transition requirements, timely correction of noncompliance, timely implementation of Hearing Officer Determinations, and timely initial evaluations and reevaluations. OSEP required OSSE to either direct the use of \$250,000 of its state-level funds to address longstanding noncompliance with secondary transition and \$125,000 to address initial evaluation and reevaluation timelines, or transfer the directed use of funds (DUF) obligation to LEAs with demonstrated noncompliance with these requirements. While OSSE has determined not to transfer its state-level DUF obligation this year, consistent with the findings and identification of areas of concern in OSEP's determination letter, OSSE will direct the use of DCPS's funds in these areas.

OSSE appreciates DCPS' efforts to comply with requirements related to timely initial evaluations and reevaluations and recognizes its significant progress. Pursuant to its authority in IDEA section 616(g), OSSE is reducing the overall percentage of DCPS' directed use of funds and is directing the use of 5% of DCPS' FFY 2013 IDEA 611 Part B grant funds, in total, to address compliance with secondary transition requirements. The amount of 5% represents a significant commitment of resources that will be targeted to ensure that DCPS takes the necessary action to ensure appropriate postsecondary plans are developed and implemented for students aged 16 and older. Please note that these funds cannot be taken from DCPS' equitable services set-aside or its Coordinated Early Intervention Services (CEIS) set-aside.

DCPS is required to submit a detailed Corrective Action Plan (CAP) by **September 6, 2013**. The CAP must include a spending plan that outlines how the 5% of directed FFY 2013 IDEA 611 Part B funds will be used to address longstanding noncompliance in the area of secondary transition. The CAP must be designed to meet the following performance benchmarks for each reporting period as outlined below:

1. By October 18, 2013, DCPS must demonstrate that it has: (1) reduced the number of children with overdue initial evaluations and reevaluations reported in its July 15, 2013 progress report by 25% and (2) verified the correction of all students aged 16 and older with IEPs for whom OSSE has identified noncompliance with secondary transition content and issued findings prior to August 02, 2012.

2. By January 17, 2014, DCPS must demonstrate that it has: (1) reduced the number of children with overdue initial evaluations and reevaluations reported in its October 18, 2013 progress report by 50% and (2) verified the correction of all noncompliance with secondary transition content for the quarter April 1, 2012 through June 30, 2012 for which OSSE issued findings on January 2, 2013.

3. By April 18, 2014, DCPS must demonstrate that it has: (1) reduced the number of children with overdue initial evaluations and reevaluations reported in its January 17, 2013 progress report by 75%.

4. By July 18, 2014, DCPS must demonstrate that it has: (1) reduced the number of children with overdue initial evaluations and reevaluations reported in its April 18, 2014 progress report by 75% and (2) verified the correction of all noncompliance with secondary transition content for the quarters July 1, 2012 through March 31, 2013, for which OSSE issued findings on July 15, 2013.

In addition, the CAP must include the identification of activities that will ensure DCPS is able to:

- Demonstrate compliance with the requirement to implement HODs in a timely manner;
- Demonstrate compliance with the requirement to correct identified noncompliance, including the implementation of State complaints;
- Demonstrate that the LEA is correctly implementing regulatory requirements consistent with OSEP Memorandum 09-02; and
- Demonstrate compliance with the requirement to ensure a timely transition from Part C to Part B for eligible children by age 3.

For each activity, DCPS shall include an explanation of how each of the activities will result in improved compliance; the estimated costs associated with each activity; the individual responsible for implementing the activity, a projected timeline for implementing the activity, and the documentation that will be used to demonstrate completion.

DCPS will be notified via the Phase II application process of the amount required to satisfy the 5% set aside requirement outlined above. DCPS must develop, within the application, a budget and spending plan that outlines how it will spend its directed use of funds for the required purposes. OSSE will track the expenditures of the set aside through two processes: 1) through the review of grant reimbursement workbooks submitted by DCPS, and 2) through the submission of CAP progress reports to OSSE.

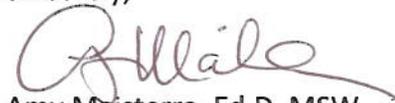
DCPS will be required to submit CAP Progress Reports in accordance with the schedule specified below:

	CAP Progress Report Due	Reporting Period
First CAP Progress Report	October 18, 2013	April 1, 2013 – September 30, 2013
Second CAP Progress Report	January 17, 2013	October 1, 2013 – December 31, 2013
Third CAP Progress Report	April 18, 2014	January 1, 2014 – March 31, 2014
Fourth CAP Progress Report	July 18, 2014	April 1, 2014 – June 30, 2014

Any LEA that believes that a specific element reviewed in the determination process is inaccurate may appeal its assigned determination level. The appeal must be made within 30 calendar days of the date of this letter. The request for appeal must include the submission of all information necessary for OSSE to reconsider the original determination level. Additional information regarding appeals may be found in Enclosure 2.

OSSE is committed to supporting DCPS's efforts to improve results for children and youth with disabilities and looks forward to working with DCPS over the next year. As part of OSSE's ongoing effort to provide useful information to District of Columbia stakeholders, OSSE will be making determination results available to the public after the close of the appeals process. If you have questions, please contact Jennifer Masoodi, Director of Quality Assurance & Monitoring, at 202-741-0479.

Sincerely,



Amy Maisterra, Ed.D, MSW
Assistant Superintendent of Specialized Education

Enclosures (2)

cc: Nathaniel Beers, Chief, Office of Special Education, DCPS
Jennifer Masoodi, Director, Specialized Education Quality Assurance & Monitoring