



Office of the
State Superintendent of Education

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

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)
PART B SPECIAL CONDITIONS
PROGRESS REPORT #2
REPORTING PERIOD OCTOBER 1, 2011 – DECEMBER 31, 2011

SUBMITTED: FEBRUARY 1, 2012

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STATE SUPERINTENDENT

I. Reporting Requirements

The Office of the State Superintendent of Education (OSSE) is pleased to submit this second progress report pursuant to the special conditions imposed by the USDE Office of Special Education Programs (OSEP) on OSSE's FFY 2011 IDEA Part B grant award.

As outlined in Enclosure E of OSEP's FFY 2011 grant award notice to OSSE, OSSE is required to submit evidence that it has directed use of funds as appropriate and must provide documentation on the status of the use of these funds. This information is provided via OSSE's Corrective Action Plan (CAP) second progress report, also due February 1, 2012¹.

In addition, OSSE must submit specific data and information related to:

- Compliance with the requirement to conduct timely initial evaluations and reevaluations,
- Compliance with the requirement to implement HODs in a timely manner,
- Demonstration of a general supervision system that is reasonably designed to effectively correct noncompliance in a timely manner²,
- Compliance with secondary transition requirements, and
- Compliance with early childhood transition requirements.

OSEP has also required the District to reduce the backlog of overdue initial evaluations and re-evaluations each reporting period, anchored in the calculations reported in OSSE's May 2, 2011 Memorandum of Agreement (MOA) final report. For this reporting period, OSSE must reduce the percentage of students remaining in the backlog at the end of reporting period #1 by 50%. OSSE submits this second progress report to satisfy the above reporting requirements.

OSSE is pleased to note significant progress related to one of the core reporting areas outlined above. Specifically, the District's rate of timely transition from Part C to Part B exceeds 90% in this reporting period. OSSE believes that this progress reveals that the additional policies, practices and procedures that have been established related to this work are proving to be effective.

In addition, OSSE is pleased to note continued progress in its rate of secondary transition compliance. OSSE continues to work with LEAs to achieve 100% compliance with this requirement and is pleased to note that compliance with requirements

¹ Please note that OSSE has addressed the fiscal reporting requirements within its Corrective Action Plan (CAP) report for the same period.

² Please note that OSEP has indicated that OSSE is not required to report on this element in this reporting period, as OSSE is required to submit its FFY 2011 Annual Performance Report (APR), which addresses this element, and the APR is also due February 1, 2012.

increased to over 40% after the launch of OSSE's updates to SEDS, which were in part designed to clarify transition requirements and documentation for users.

While the District did not make progress related to HOD timeliness in this reporting period, OSSE believes that slippage in this area is related to the implementation of new State-level implementation guidelines. As LEA users become more fluent with requirements, OSSE expects to see timeliness rates improve.

OSSE notes that initial evaluation and reevaluations that became due during this reporting period were performed at a timeliness rate of over 80%. However, the District did not meet OSEP's performance targets related to reduction of the backlog of untimely initial evaluations and reevaluations. Because the overall numbers in the backlog have decreased significantly, OSSE will be able to conduct a student-level backlog review and initiate targeted follow up with the responsible LEAs. It is expected that this effort will result in a significant improvement in backlog data in the next reporting period.

OSSE has described the actions it is taking to accelerate improvement in these areas within each related section of this report and within its second FFY 2011 Corrective Action Plan progress report. OSSE looks forward to continuing to report on its accomplishments over the course of the next reporting period, to be reported on May 1, 2012.

1. Compliance with the Requirement to Conduct Initial Evaluations and Placements

Summary of Data for this Reporting Element:

Reporting Period for Initial Evaluations and Placements		10/1/11-12/31/11
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:	86
	1. Previous Report Untimely ³	120
	2. Late Data Entry Adjustment	34
	3. New Untimely	86
B	The number of children referred for initial evaluation and placement whose initial evaluation and placement became overdue during the reporting period	57
C	The number of children, from (a) and (b) above, who were provided initial evaluations and placements during the reporting period:	62
	1. Old Late	42
	2. New Late	20
D	The number of children who had not been provided a timely initial evaluation and placement at the conclusion of the reporting period:	81
	1. Old Late	44
	2. New Late (Due and held during current reporting period but held late)	37
E	The average number of days the initial evaluations and placements that had not been provided in a timely manner were overdue	32
F	The percentage of timely initial evaluations and placements provided to children with disabilities whose initial evaluation deadlines fell within the reporting period:	84%
	1. New Due	345
	2. Timely	288

³ Data as reported in OSSE's First FFY 2011 Progress Report submitted to OSEP on October 31, 2011.

Reporting Period for Initial Evaluations and Placements		10/1/11-12/31/11
G	The percent of children (a) who, as of the end of the previous reporting period, had not been provided a timely initial evaluation and placement (backlog) and (b) whose initial evaluation and placement became overdue during the period, that were provided initial evaluations and placements during the reporting period (c) / (a) + (b) X 100	43%

Discussion of Reported Data:

Timeliness: **84%** of initial evaluations and placements provided to children with disabilities whose initial evaluation deadlines fell within the reporting period were conducted in a timely manner. The calculation used to derive that percentage is 288/345. This rate of timeliness represents progress as compared to the **83%** rate of timeliness reported in the first FFY 2011 progress report submitted to OSEP on October 31, 2011.

Backlog of Overdue Initial Evaluations: **43%** of children (a) who, as of the end of the previous reporting period, had not been provided a timely initial evaluation and placement (86) and (b) children whose initial evaluation and placement became overdue during the reporting period (57), were provided initial evaluations and placements during the reporting period. The calculation used to derive the percentage is: 62/ (86+57) X 100. This rate of timeliness represents slippage as compared to the **67%** rate of timeliness reported in the first FFY 2011 progress report submitted to OSEP on October 31, 2011.

Progress Related to the Reduction of the Backlog: Based on the first FFY 2011 progress report submitted to OSEP on October 31, 2011, as adjusted for late data entry, the baseline data for the total number of students in the backlog is **86**. Therefore, the target for reduction of the backlog in this reporting period is **43**, which represents a **50%** reduction of the total.

As evidenced in the above table, the District did not meet this target. By reducing the number of students in the backlog to **81**, the District is reporting a **6%** rate of reduction of the total number of students in the backlog in this period as compared to the baseline from the last reporting period.

Due to the lack of more significant progress, OSSE has begun a case-by-case analysis of the root causes of delay as reflected in the underlying documentation and will be reviewing each case with the respective LEAs in which the children are enrolled.

OSSE believes that continued progress will be contingent upon ongoing technical assistance provided to LEAs in the areas of policy issuance, training, and monitoring.

Reasons for Delays in Conducting Initial Evaluations in a Timely Manner: A review of the data indicates that for this reporting period, half of the late initial evaluations and placements are due to general delays on the part of the LEA. Parental delays are the second largest cause of delay.

Actions the State is taking to Address Noncompliance: As noted above, OSSE is conducting a case-by-case analysis of the remaining students in the backlog and will be following up with each LEA to share the results of its review.

OSSE also continues to work with LEAs to ensure a shared understanding of SEDS data entry requirements, to ensure that staff are properly coding reasons for any delays.

Last, OSSE is continuing to work closely with its Parent Training Center, the State Advisory Panel, and other key partners to ensure that parents are knowledgeable about the evaluation and IEP process and can be actively engaged in, and supported throughout, the process.

2. Compliance with the Requirement to Conduct Reevaluations

Summary of Data for this Reporting Element:

Reporting Period for Reevaluations		10/1/2011-12/31/2011
A	The number of children who, as of the end of the previous reporting period, had not been provided a timely triennial reevaluation	76
	1. Previous Report Untimely	65
	2. Late Data Entry Adjustment	11
	3. New Untimely	76
B	The number of children whose triennial reevaluation became overdue during the reporting period	74
C	The number of children, from (a) and (b) above, who had been provided triennial reevaluations during the reporting period	88
	1. Old Late	53
	2. New Late	35
D	The number of children who had not been provided a timely triennial reevaluation at the conclusion of the reporting period	61
	1. Old Late	22
	2. New Late	39
E	The average number of days the reevaluations that had not been provided in a timely manner were overdue	32
F	The percent of triennial reevaluations provided to children with disabilities whose reevaluation deadlines fell during the reporting period that were conducted in a timely manner	87%
	1. New Due	590
	2. Timely	516
G	The percent of children (a) who, as of the end of the previous reporting period, had not been provided a timely triennial reevaluation (backlog) and (b) whose triennial reevaluation became overdue during the period, that were provided triennial reevaluations during the reporting period	59%

Discussion of Reported Data:

Timeliness: **87%** of reevaluations provided to children with disabilities whose reevaluation deadlines fell within the reporting period were conducted in a timely manner. The calculation used to derive this percentage is 516/590. This rate of timeliness represents slight slippage as compared to the **88%** rate of timeliness reported in the first FFY 2011 progress report submitted to OSEP on October 31, 2011.

Backlog of Overdue Reevaluations: **59%** of children (a) who as of the end of the previous reporting period had not been provided a timely triennial evaluation (76), and (b) whose triennial evaluation became overdue during the reporting period (74), were provided triennial reevaluations during the reporting period. The calculation used to derive the percentage is: $88/(76+74) \times 100$. This rate of timeliness represents slippage as compared to the **73%** rate of timeliness reported in the first FFY 2011 progress report submitted to OSEP on October 31, 2011.

Due to the lack of more significant progress, OSSE has begun a case-by-case analysis of the root causes of delay as reflected in the underlying documentation and will be reviewing each case with the respective LEAs in which the children are enrolled.

OSSE believes that continued progress will be contingent upon ongoing technical assistance provided to LEAs in the areas of policy issuance, training, and monitoring.

*Progress Related to the Reduction of the Backlog for the second FFY 2011 progress report:*⁴ Based on the first FFY 2011 progress report submitted to OSEP on October 31, 2011, the baseline data for the total number of students in the backlog is **76**. Therefore, the target for reduction of the backlog in this first reporting period is **38**, which represents a **50%** reduction of the total backlog.

As evidenced in the above table, OSSE has not met this target, demonstrating a **20%** rate of reduction of the total number of students in the backlog as compared to the baseline. The calculation used to derive the percentage is: $(76 - 61)/76 \times 100$.

Due to the lack of more significant progress, OSSE has begun a case-by-case analysis of the root causes of delay as reflected in the underlying documentation and will be reviewing each case with the respective LEAs in which the children are enrolled.

OSSE believes that continued progress will be contingent upon ongoing technical assistance provided to LEAs in the areas of policy issuance, training, and monitoring.

⁴ OSSE has amended this calculation, submitted in the first FFY 2011 progress report, and notes that the reduction in backlog should have been **43%** as compared to the May 2, 2011 final FFY 2010 MOA progress report.

Reasons for Delays in Conducting Reevaluations in a Timely Manner: A review of the data indicates that for this reporting period, the majority of late reevaluations and placements are due to general delays on the part of the LEA.

Actions the State is taking to Address Noncompliance: As noted above, OSSE is conducting a case-by-case analysis of the remaining students in the backlog and will be following up with each LEA to share the results of its review.

Last, OSSE continues to work closely with its Parent Training Center, State Advisory Panel, and other key partners to ensure that parents are aware of both LEA obligations and their role in the process so that they can actively engage in the reevaluation process.

3. Compliance with the Requirement to Implement Hearing Officer Determinations in a Timely Manner

Reporting Period for Implementation of Hearing Officer Determinations		10/1/11 - 12/31/11
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	12
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	49
C	The number of children from (a) and (b) above whose hearing officer determinations were implemented during the reporting period	0
D	The number of children whose hearing officer determinations had not been implemented in a timely manner at the conclusion of the reporting period	60
E	The percent of hearing officer determinations that had been implemented in a timely manner during the reporting period	26%
F	The percent of children whose HODs, as of the end of the previous reporting, had not been implemented within the required timeframe (backlog) and whose HODs had not been implemented within the required timeframe during the reporting period that had HODs implemented during the reporting period	0%

Discussion of Reported Data:

In accordance with OSEP requirements for this benchmark, the data above reflects “hearing officer determinations” and does not include settlement agreements; the benchmark is also calculated on a per child basis, not per hearing officer determination, in cases where the same child has more than one hearing officer determination. A student with multiple HODs within the reporting period is only counted once. If the student has both timely and untimely/overdue HODs, he/she is only counted once as having been overdue.

Timeliness of HODs: 26% of hearing officer determinations were implemented in a timely manner during the reporting period. This represents a slippage compared to the 81% rate of timeliness reported in the most recent progress report submitted to OSEP on November 1, 2011.

Implementation of Backlog of HODs: 0% of children who, as of the end of the previous reporting period, had hearing officer determinations that not been implemented within the required time frame (12), and children whose hearing officer determinations had not been implemented within the required time frame during the reporting period (60), had hearing officer determinations implemented during the reporting period. The calculation used to derive the percentage is: $0/(12+60) \times 100$. This represents slippage as compared to the 24% rate of implementation reported in the most recent progress report submitted to OSEP on November 1, 2011.

OSSE implemented new guidelines regarding implementation of Hearing Officer Decisions and Settlement Agreements effective September 1, 2011. The slippage in the timely percentage of HODs, as well as the increase in the backlog, is attributed to the new guidelines in place. While OSSE recognizes there is a slippage in implementation rates for the current period, it is believed that the new state guidelines and targeted training will ultimately support improved overall compliance with implementation requirements.

Reasons for Delays: A review of the data indicates that for this reporting period, the majority of late HOD implementation is due to general delays on the part of the LEA. Parental delays are the second largest cause of delay.

Actions the State is taking to Address Noncompliance: The OSSE has taken several steps since the date of the last reporting period to address noncompliance related to this item. OSSE has issued State level guidance to support implementation of required actions related to HOD implementation and provided extensive training on the use of the guidance. OSSE has also augmented its team to ensure a dedicated resource is in place to provide ongoing technical assistance in both the implementation of HODs and the documentation of such implementation. OSSE will continue to review HOD data to determine the root causes for delays and address the delays with each relevant LEA.

4. Compliance with Secondary Transition Requirements

Summary of Data for This Reporting Element:

Secondary Transition Compliance Item	% Compliant 2/1/11-3/31/11	% Compliant 4/1/11-9/30/11	% Compliant 10/1/11-12/31/11
Total # of Files with All Items Compliant	12%	21%	22%
Total # of LEAs Reviewed	12	11	11
Number of LEAs in Compliance	2	3	1

Discussion of Reported Data:

OSSE's review of a sample of 100 IEPs for required secondary transition content for the second CAP reporting period was completed on January 19, 2012. DSE will notify LEAs of the findings of this review by March 30, 2012. OSSE will issue findings of noncompliance to 10 of the 11 LEAs reviewed. These reports provide written notification to LEAs to correct identified noncompliance as soon as possible and in no case later than one year from identification. These reports also include corrective action plans for LEAs pursuant to each identified area of noncompliance. The remaining LEA met the compliance level of 100%. This LEA met the compliance level of 100% in the previous reporting period and maintained their 100% compliance level. Twenty-two percent (**22%**) of IEPs reviewed included the required secondary transition content, representing progress from the prior reporting period in which twenty-one percent (**21%**) of IEPs reviewed included the required secondary transition content.

OSSE believes that this progress is the result of monitoring, training, and technical assistance provided to LEAs to support compliance. OSSE also notes its role in leading the State Secondary Transition Community of Practice (CoP) to support a culture of increased accountability and urgency related to the need to ensure post-secondary success for youth with disabilities.

OSSE's analysis of the data from this review showed that improvements in secondary transition compliance corresponded to a recent release of new features in the Special Education Data System (SEDS). The October 15, 2011 SEDS release included improvements to the interface for secondary transition plan creation and OSSE provided training and guidance to all LEAs supporting this release. OSSE notes that while its compliance rate for IEPs in effect during the reporting period overall was 22%, the compliance rate based on IEPs that were revised or developed after the October 15, 2011 SEDS release was 42%.

OSSE is dedicated to continuing to provide targeted technical assistance to LEAs regarding secondary transition content until the State reaches 100% compliance with secondary transition content. OSSE is committed to continuing this practice until LEAs are able to demonstrate substantial compliance with all secondary transition requirements.

5. Compliance with Early Childhood Transition Requirements

Reporting Period for Early Childhood Transition	10/1/2011 – 12/31/2011
a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination	72
b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday	4
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	55
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied	6
e. # of children who were referred to Part C less than 90 days before their third birthdays.	4
# in a but not in b, c, d, or e	3
Percent of children referred by Part C prior to age 3 who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays Percent = [(c)/(a-b-d-e)] x 100	95%

Discussion of Reported Data:

Account for children included in a, but not in b, c, d, or e: 3 children who were served in Part C and referred to Part B for Part B eligibility determination did not have IEPs developed and implemented by their third birthdays.

Indicate the range of days beyond the third birthday and the reasons for the delays: the range of days beyond the third birthday for a student to have an IEP developed and implemented is 2-55 days. The late early childhood transitions are due to general delays on the part of the LEA or parental delays.

Timeliness: A review of the data from this reporting period indicates an overall rate of timeliness of **95%** which represents improvement from the rate of timeliness of **66%** as reported in the previous report submitted to OSEP on October 31, 2011.

As noted in OSSE's first FFY 2011 progress report, OSSE has continued to routinely analyze the data used for this calculation in order to address areas in which business rules and processes can be clarified and strengthened. In addition, OSSE's Part C leadership team continues to meet regularly with DCPS Early Stages staff to review early childhood transition issues and data to proactively address challenges.

To support continuous improvement in this area, the Assistant Superintendent has included the Director of Special Education Data in these meetings. Last, the Assistant Superintendent has requested that data validation checklists for both Part C and Part B be developed for the purpose of continued improvement and sustained quality assurance.

II. Certification

This report reflects 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 District of Columbia Assistant Superintendent of Special Education, Amy Maisterra, hereby certifies that this report is complete and appropriate for submission to the Office of Special Education Programs.