

Enclosure E

Special Conditions

1. Basis for Requiring Special Conditions

Pursuant to IDEA section 616(g) of Part B of the Individuals with Disabilities Education Act (IDEA or Part B) and 34 CFR §80.12, the Office of Special Education Programs (OSEP) is designating the District of Columbia (D.C.) as a “high risk” grantee and imposing Special Conditions on the District of Columbia, Office of the State Superintendent of Education’s (State, D.C., or D.C. OSSE) Federal fiscal year (FFY) FFY 2014 grant award under IDEA Part B.

The State did not meet the Special Conditions imposed on its FFY 2013 IDEA Part B grant award to ensure: timely initial evaluations and reevaluations; timely correction of noncompliance; and compliance with secondary transition requirements. OSEP has imposed Special Conditions related to timely initial evaluations and reevaluations on D.C.’s IDEA Part B grant award since 2001. This issue was initially identified in the 1998-2001 Compliance Agreement between D.C. and the U.S. Department of Education. OSEP has imposed Special Conditions on D.C.’s IDEA Part B grant award related to timely correction of noncompliance since 2005 and secondary transition requirements since 2009.

Timely initial evaluations and reevaluations: An initial evaluation that meets the requirements of section 614(a)(1), (b), and (c) of the IDEA and 34 CFR §300.301(c)(1) must be completed for all children with disabilities within the maximum number of days established by the State’s policy.¹ See also, section 612(a)(7) of the IDEA. A reevaluation that meets the requirements of section 614(a)(2), (b), and (c) of the IDEA and 34 CFR §300.303 must be completed for each child with a disability, no later than 36 months after the date on which the previous evaluation or

¹ Section 614(a)(1)(C)(i)(I) of the IDEA and 34 CFR §300.301(c)(1) require that an initial evaluation be conducted within 60 days of receiving parental consent for the evaluation, or, if the State establishes a timeframe within which the evaluation must be conducted, within such timeframe. Section 38-2561.02 of the D.C. Code states that the District of Columbia must “assess or evaluate a student who may have a disability and who may require special education services within 120 days from the date the student was referred for an evaluation or assessment.” Section 3005.2 of Chapter 30 of Title 5 of the D.C. Municipal Regulations states: “The IEP team shall conduct an initial evaluation of a child within a reasonable time of receiving a written referral and parental consent to proceed and within timelines consistent with Federal law and D.C. Code Section 38-2501(a).” (D.C. Code 38-2501(a) has been repealed and D.C. Code Section 38-2561.02 now addresses timeliness of evaluations.) The State’s “Part B Initial Evaluation/Reevaluation Policy,” dated March 22, 2010, states: “The [local educational agency] LEA must complete an initial evaluation, including the determination of the eligibility of a child suspected of having a disability within 120 calendar days of receiving the written referral.” The State’s *Notice of Procedural Safeguards, Rights of Parents of Students with Disabilities*, revised January 2011, states: “Under District of Columbia law, the LEA must complete an initial evaluation of a child suspected of having a disability, including the determination of eligibility, within one hundred twenty (120) calendar days of receiving the written referral.” The document also states that the 120-day timeframe does not apply to an LEA if: (1) the parent repeatedly fails or refuses to produce the child for evaluation; (2) the parent fails or refuses to respond to a request for consent for the evaluation; or (3) the parent enrolls the child in a school of another LEA after the 120-day timeline has begun, but before the previous LEA has determined whether the child is a child with a disability. This special circumstance only applies if the new LEA is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and the new LEA agree to a specific time when the evaluation will be completed.

reevaluation was completed, unless the parent and the LEA agree that a reevaluation is unnecessary.²

In its May 15, 2014 Special Conditions progress report, amended June 5, 2014, the State reported that for the period October 1, 2013 through March 31, 2014, 96 percent of children were provided a timely initial evaluation. D.C. has made marked improvement in ensuring timely initial evaluations and reducing the backlog of overdue initial evaluations. In its last four Special Conditions progress reports, which address the total time period of January 1, 2013 through March 31, 2014, the State reported compliance data that range from 92 percent (April 1, 2013 through June 30, 2013) to 96 percent (October 1, 2013 through March 31, 2014). The number of children reported as having overdue initial evaluations at the conclusion of the reporting period ranges from 34 children (January 1, 2013 through March 31, 2013) to 20 children (October 1, 2013 through March 31, 2014).

D.C. has also demonstrated progress in ensuring timely reevaluations, with 90 percent of children provided a timely reevaluation in both the July 1, 2013 through September 30, 2013 and October 1, 2013 through March 31, 2014 reporting periods. However, the State continues to report a considerable number of children in the backlog with overdue reevaluations – 90 for the July 1, 2013 through September 30, 2013 reporting period and 94 at the end of the October 1, 2013 through March 31, 2014 reporting period.

While the State's data reflect progress, D.C. has not yet achieved compliance with the requirements to ensure timely initial evaluations and reevaluations in accordance with IDEA sections 612(a)(7) and 614(a) through (c) and 34 CFR §§300.301(c)(1) and 300.303.

Timely correction of noncompliance: Section 612(a)(11) of the IDEA and 34 CFR §300.149 require States to ensure that each educational program for children with disabilities administered within the State is under the general supervision of individuals responsible for educational programs for children with disabilities in the State educational agency. Section 616(a)(1)(C) and 34 CFR §300.600 of the IDEA require States to monitor implementation of Part B by LEAs. The State must have in effect policies and procedures to ensure that it complies with the monitoring and enforcement requirements in 34 CFR §300.600 through 300.602 and 300.606 through 300.608. See also 20 U.S.C. 1232d(b)(3)(E).

In exercising its monitoring responsibilities under §300.600(d), the State must ensure that when it identifies noncompliance with requirements of Part B by LEAs, the noncompliance is corrected as soon as possible, and in no case later than one year after the State's identification of the noncompliance (34 CFR §300.600(e)). When verifying the correction of identified noncompliance, the State must ensure that the LEA has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA and determine that the LEA is correctly implementing the specific regulatory requirement(s) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system. See OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

² Section 614(a)(2) of the IDEA and 34 CFR §300.303 require that a reevaluation occur at least once every three years, unless the parents and the LEA agree that a reevaluation is unnecessary. The State's "Part B Initial Evaluation/Reevaluation Policy," dated March 22, 2010, states: "The LEA must hold a reevaluation meeting within three years of the date the previous initial evaluation or reevaluation was completed. The reevaluation meeting must be scheduled in time to allow the IEP team to conduct assessments, if necessary, and to reconvene within three years of the previous eligibility meeting."

D.C.'s FFY 2012 APR data for Indicator 15 (timely correction) were 77 percent. D.C. reported in its May 15, 2014 Special Conditions progress report, amended June 5, 2014, that 460 of the 658 findings of noncompliance identified in FFY 2012, for which the one-year timeline has expired, were corrected in a timely manner (69.9 percent).

Inappropriate use of compliance thresholds when identifying noncompliance: Regardless of the specific level of noncompliance, if a State finds noncompliance in an LEA, the State must notify the LEA in writing of the noncompliance and of the requirement that the noncompliance be corrected as soon as possible, but in no case more than one year from identification. See OSEP Memo 09-02.

In its May 15, 2014 Special Conditions progress report, amended June 5, 2014, D.C. stated that, “[a]s part of the intensive internal review of longstanding noncompliance OSSE discovered that during FFYs 2009-2011, compliance thresholds were used in error with some items on LEA-level monitoring reports. This occurred because the LEA-onsite monitoring tool used during those fiscal years displayed a threshold percentage for particular items. OSSE believes that this component of the tool was originally intended to trigger additional LEA-wide corrective actions, but several OSSE compliance monitors who were employed at that time have indicated that the denotation was interpreted and applied it as an overall compliance tool.” OSSE reported that the tool has not been used in the State’s monitoring activities after FFY 2011.

Verification of “student-level” findings of noncompliance: In its May 15, 2014 Special Conditions progress report, amended June 5, 2014, the State provided information related to the correction of “student-level” findings of noncompliance identified in FFY 2009, FFY 2010, and FFY 2011. Based on the information outlined on page 15 of that report, OSEP cannot determine if the State required the LEA to demonstrate it was correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance) based on a review of updated data when verifying that a “student-level finding” of noncompliance had been corrected and no “LEA-level finding” had been identified for the same issue.

D.C. has not achieved compliance with the requirement to ensure that identified noncompliance is corrected in a timely manner consistent with IDEA sections 612(a)(11) and 616, 34 CFR §§300.149 and 300.600(e), 20 U.S.C. 1232d(b)(3)(E), and OSEP Memo 09-02. Furthermore, based on information provided in the State’s May 15, 2014 Special Conditions progress report, amended June 5, 2014, the State must ensure that its practices for identification of noncompliance and verification of correction of noncompliance are consistent with OSEP Memo 09-02.

Secondary transition: Beginning not later than the first individualized education program (IEP) to be in effect when the child turns 16, or younger, if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include: (1) appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and (2) the transition services (including courses of study) needed to assist the child in reaching those goals, as required by section 614(d)(1)(A)(i)(VIII) of the IDEA and 34 CFR §300.320(b). The public agency must invite a child with a disability to attend the child’s IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. See 34 CFR §300.321(b)(1). To the extent appropriate, with the prior consent of the parents or a child who has reached the age of majority,

the public agency must invite the representative of any participating agency that is likely to be responsible for providing or paying for transition services. See 34 CFR §300.321(b)(3).

D.C. reported under Indicator 13 of its FFY 2012 APR that 40 percent of youth aged 16 and above had an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including course of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs; evidence that the student was invited to the IEP Team meeting where transition services were to be discussed; and evidence, that if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority. In the State's May 15, 2014 Special Conditions progress report, amended June 5, 2014, D.C. reported data for the period October 1, 2013 through March 31, 2014, that reflect 46 percent compliance with secondary transition requirements.

While these data reflect some progress, D.C. continues to report very low levels of compliance with the secondary transition requirements in IDEA section 614(d)(1)(A)(i)(VIII) and 34 CFR §§300.320(b) and 300.321(b).

D.C.'s 2014 Part B Results Driven Accountability (RDA) Determination: As a result of D.C.'s Part B RDA Percentage of 54.55 percent, D.C. received a "needs intervention" determination for the eighth consecutive year. Major factors that contributed to this determination include the State's very low compliance data reported for Indicator 13 (secondary transition), its longstanding noncompliance with the IDEA requirements related to ensuring timely initial evaluations and reevaluations and timely correction of noncompliance, and score of zero on the results elements that reflect the performance of the State's fourth and eighth graders on the National Assessment of Educational Program reading and math assessments for school year 2012-2013.

2014 Enforcement Action: The Department's June 23, 2014 letter requires D.C., pursuant to IDEA section 616(e)(2)(B)(i), to submit a corrective action plan (CAP) that is reasonably designed to correct the major areas of noncompliance that contributed to the State's needs intervention determination. In addition to submitting a CAP, pursuant to IDEA section 616(e)(1)(B) and (2)(A), the Department has directed D.C. to use: (1) \$125,000 of its FFY 2014 State-level funds under IDEA section 611(e) to further reduce the backlog of overdue reevaluations and increase progress toward ensuring timely reevaluations;³ and (2) \$250,000 of its FFY 2014 State-level funds under IDEA section 611(e) to address noncompliance with secondary transition requirements. The Department authorized D.C. to use the directed funds for other purposes if the State elects to direct LEAs that demonstrated noncompliance with these requirements to use: (1) \$125,000 of their FFY 2014 IDEA Part B funds to reduce the backlog of overdue reevaluations and increase progress toward ensuring timely reevaluations; and (2) \$250,000 of their FFY 2014 IDEA Part B funds to address noncompliance with secondary transition requirements (the combined amount of State-level and LEA-level FFY 2014 IDEA Part

³ Given the State's progress in reducing the backlog of overdue initial evaluations and ensuring timely initial evaluations, the Department did not direct D.C. to use any of its FFY 2014 State-level funds under IDEA section 611(e) for these purposes. D.C. must, however, ensure that any of the remaining directed FFY 2013 State-level funds are used to carry out the activities in its FFY 2013 spending plan as required, even if those activities are designed to address the backlog of overdue initial evaluations and ensure timely initial evaluations.

B funds must total the amount directed by the Department).⁴ In addition, the Department advised D.C. of available sources of technical assistance and directed the State to access technical assistance related to those results elements for which the State received a score of zero on the 2014 Part B Results Driven Accountability Matrix.

2013 Enforcement Action: D.C.'s low level of compliance with secondary transition requirements and longstanding noncompliance with the requirements to ensure timely initial evaluations and reevaluations and timely correction of noncompliance was also factor in the State's 2013 needs intervention determination. As part of its FFY 2013 enforcement action, D.C. developed and implemented a CAP that addressed actions D.C. would take to improve compliance with timely initial evaluations and reevaluations, timely correction of noncompliance, and secondary transition requirements. In addition to submitting a CAP, D.C. elected to use: \$125,000 of its FFY 2013 State-level funds to reduce the backlog of overdue initial evaluations and reevaluations and increase progress with ensuring timely initial evaluations and reevaluations and \$250,000 of its FFY 2013 State-level funds to address noncompliance with secondary transition requirements to carry out the Department's directed use of funds enforcement action.

Status of Directed Use of FFY 2013 IDEA Part B State-Level Funds: With its May 15, 2014 CAP progress report, amended June 6, 2014, the State provided documentation that reflects that, as of March 31, 2014, D.C. had obligated \$49,500 of the \$250,000 in directed FFY 2013 IDEA Part B funds to address noncompliance with secondary transition requirements. The State further reported that, as of March 31, 2014, none of the \$125,000 in directed FFY 2013 IDEA Part B funds were used to reduce the backlog of overdue initial evaluations and reevaluations and increase progress toward ensuring timely initial evaluations and reevaluations. D.C. reported that it had used \$5,392 in "local funds administered by the State, with a plan to replace these funds with FFY 2013 grant funds." The FFY 2013 Special Conditions and the Department's July 1, 2013 determination letter require D.C. to provide an updated report on the use of the directed FFY 2013 funds by August 1, 2014.

OSEP imposes the following Special Conditions on D.C.'s FFY 2014 IDEA Part B grant award to ensure that D.C. corrects the areas in which the Department has determined the State did not meet the FFY 2013 Special Conditions and the major areas that contributed to the State's 2014 determination of "needs intervention." The reporting requirements related to the CAP and directed use of FFY 2014 IDEA Part B funds outlined in the Department's June 23, 2014 letter are incorporated in these Special Conditions.

2. Nature of the Special Conditions

The State must comply with the following Special Conditions:

- a. **CAP and Required Meeting:** As directed in OSEP's June 23, 2014 letter, D.C. must submit a CAP that addresses the actions the State will take to: (1) demonstrate compliance with the secondary transition requirements in IDEA section 614(d)(1)(A)(i)(VIII) and 34 CFR §§300.320(b) and 300.321(b); (2) demonstrate that it has a general supervision system that is reasonably designed to effectively correct noncompliance in a timely manner, as required by IDEA sections 612(a)(11) and 616, 34 CFR §§300.149 and 300.600(e), 20 U.S.C. 1232d(b)(3)(E), and OSEP Memo 09-02; and (3) demonstrate compliance with the

⁴ D.C. reported during OSEP's November 2009 verification visit that the State's system of progressive sanctions and enforcement options to address uncorrected noncompliance includes directing the LEA's use of IDEA Part B funds.

requirement to conduct timely initial evaluations and reevaluations, as required by IDEA sections 612(a)(7) and 614(a) through (c) and 34 CFR §§300.301(c)(1) and 300.303.

To ensure that D.C. can increase compliance with secondary transition requirements, improve the timely correction of noncompliance, reduce the backlog of overdue initial evaluations and reevaluations, and increase progress toward ensuring timely initial evaluations and reevaluations within one year, D.C. must accelerate the development and implementation of appropriate corrective measures.

In order to ensure the effective use of the directed FFY 2014 funds described below, the Department is also requiring that D.C. officials meet with OSEP staff to identify, through a review of D.C.'s data related to reevaluations and secondary transition, evidence-based activities that are designed to improve the State's compliance with these requirements. This meeting must occur no later than August 1, 2014 and D.C. must submit its CAP within 15 days of the date of the meeting.

- b. Required Reporting on Implementation of the CAP and Areas of Longstanding Noncompliance⁵:** D.C. must report on the status of implementation of the CAP in two progress reports – November 3, 2014 and May 1, 2015. In addition, D.C. must provide updated information on the areas of longstanding noncompliance. When reporting the information required in the FFY 2014 Special Conditions progress reports, D.C. shall include data and other required information for the reporting periods reflected below, unless otherwise specified:

	Due Date	Reporting Period
First Progress Report ⁶	August 1, 2014	April 1, 2014 – June 30, 2014
Second Progress Report	November 3, 2014	July 1, 2014 – September 30, 2014
FFY 2013 SPP/APR	February 2, 2015 ⁷	July 1, 2013 – June 30, 2014
Third Progress Report	May 1, 2015	October 1, 2014 – March 31, 2015
Final Progress Report ⁸	August 1, 2015	April 1, 2015 – June 30, 2015

⁵ In an effort to streamline the State's reporting in FFY 2014, the State is no longer required to submit separate reports on the implementation of its CAP and the specific information on the areas of longstanding noncompliance.

⁶ In the progress report due August 1, 2014, the State is required to report the information outlined in section 2.b.(A) (initial evaluations and reevaluations) and section 2.b.(C)(1) (secondary transition).

⁷ Indicator 17 of the FFY 2013 SPP/APR is due on April 1, 2015. All other information required in the FFY 2013 SPP/APR is due to OSEP on February 2, 2015.

⁸ OSEP recognizes that the August 1, 2015 due date for reporting this information occurs after the FFY 2014 grant period (July 1, 2014 through June 30, 2015). However, since the information required for the August 1, 2015 progress report is based on activities carried out during FFY 2014, we are including this reporting requirement in these Special Conditions. In the report due August 1, 2015, the State is required to report the information outlined in section 2.b.(A) (initial evaluations and reevaluations) and section 2.b.(C)(1) (secondary transition).

A. Demonstrate compliance with the requirement to conduct timely initial evaluations and reevaluations

In its FFY 2014 Special Conditions progress reports, due August 1, 2014, November 3, 2014, May 1, 2015, and August 1, 2015, the State must report the following information:

(1) Initial Evaluations

- (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.
- (b) The number or children referred for initial evaluation whose initial evaluation became overdue during the reporting period.
- (c) The number of children from (a) and (b) above, who were provided initial evaluations during the reporting period.
- (d) The number of children who had not been provided a timely initial evaluation at the conclusion of the reporting period.
- (e) The percent of initial evaluations provided to children whose initial evaluation deadlines fell within the reporting period that were conducted in a timely manner.

The State must also report the actual numbers for the following:

- (i) The number of children whose initial evaluation deadlines fell within the reporting period.
- (ii) The number of those children who were provided a timely initial evaluation.
- (iii) The number of children, if any, for whom the exceptions in 34 CFR §300.301(d) applied.

To calculate the percent of initial evaluations provided in a timely manner use the data reported in (ii) divided by [(i) minus (iii)] times 100.

- (f) The average number of days the initial evaluations that had not been provided in a timely manner were overdue.
- (g) A description of the actions the State is taking to address any noncompliance with the timely initial evaluation requirements.

(2) Reevaluations

- (a) The number of children who, as of the end of the previous reporting period had not been provided a timely triennial reevaluation.
- (b) The number of children whose triennial reevaluation became overdue during the reporting period.
- (c) The number of children from (a) and (b) above, who had been provided triennial reevaluations during the reporting period.
- (d) The number of children who had not been provided a timely triennial reevaluation at the conclusion of the reporting period.

- (e) The percent of triennial reevaluations provided to children with disabilities whose reevaluation deadlines fell within the reporting period that were conducted in a timely manner.

The State must also report the actual numbers for the following:

- (i) The number of children whose triennial reevaluation deadlines fell within the reporting period.
- (ii) The number of those children who were provided a timely triennial reevaluation.

To calculate the percent of triennial reevaluations provided in a timely manner use the data reported in (ii) divided by (i) times 100.

- (f) The average number of days the triennial reevaluations that had not been provided in a timely manner were overdue.
- (g) For reevaluations that were not provided in a timely manner, provide:
 - (i) The reasons for the delay; and
 - (ii) The number of children whose reevaluation was delayed for each reason identified.
- (h) A description of the actions the State is taking to address the noncompliance.

B. Demonstrate that the State has a general supervision system that is reasonably designed to effectively identify and correct noncompliance in a timely manner

- (1) Identification of Noncompliance. With its FFY 2014 Special Conditions progress report, due November 3, 2014, D.C. must provide a written assurance that it has: (a) revised all tools the State uses to monitor LEAs; and (b) issued guidance to clarify that it will not use a threshold for identification of noncompliance and will make findings of noncompliance if it determines that an LEA has achieved below 100 percent compliance with a specific requirement.
- (2) Correction of Noncompliance: In its FFY 2014 Special Conditions progress report, due November 3, 2014, the State must:
 - (a) Report the number of the remaining 14 findings of noncompliance identified in FFY 2009, the number of the 642 findings identified in 2010, and the number of the 42 findings identified in 2011, that the State reported as uncorrected under Indicator 15 in its FFY 2012 APR, for which the State verified the noncompliance was corrected more than one year after the State's identification of the noncompliance (i.e., "subsequent correction").
 - (b) Clarify if it considered any "student-level" findings of noncompliance identified in FFY 2009, FFY 2010, and FFY 2011 corrected before the State verified that the LEA had achieved compliance with the specific regulatory requirements. The State must report the number, if any, of such findings and describe the actions it has taken or will take to ensure those findings are corrected consistent with the requirements of OSEP Memo 09-02 (i.e., the State must verify that the LEA is correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance) based on a

review of updated data such as data subsequently collected through on-site monitoring or a State data system).

- (c) If, through its review of “student-level” findings of noncompliance described in (b) above, the State concludes any such findings were improperly reported as corrected in its FFY 2012 APR, provide updated data that reflect the revised total number of the remaining findings of noncompliance identified in FFY 2009, FFY 2010, and FFY 2011 that the State has not verified as corrected as of September 30, 2014.
 - (d) Report the number of findings of noncompliance the State made during FFY 2012 (July 1, 2012 through June 30, 2013).
 - (e) Report the number of findings identified in FFY 2012 for which the State verified the noncompliance was corrected as soon as possible and in no case later than one year after the State’s identification of the noncompliance.
 - (f) Report the number of findings identified in FFY 2012 for which the State verified the noncompliance was corrected more than one year after the State’s identification of noncompliance (i.e., “subsequent correction”).
 - (g) Provide a description of the actions taken to verify the correction of noncompliance to ensure that each LEA with noncompliance identified in FFY 2009, FFY 2010, FFY 2011, and/or FFY 2012: (1) is correcting implementing the specific regulatory requirements (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA consistent with OSEP Memo 09-02.
 - (h) Provide a description of the actions the State has taken to address any remaining findings of noncompliance identified in FFY 2009, FFY 2010, FFY 2011, and/or FFY 2012 that were not corrected.
- (3) With its FFY 2013 SPP/APR, due February 2, 2015, D.C. must address all of the issues related to its FFY 2012 APR Indicator 15 submission that have been identified in OSEP’s June 23, 2014 response to the State’s FFY 2012 SPP/APR.
- (4) In its FFY 2014 Special Conditions progress report, due May 1, 2015, D.C. must provide the information specified below:
- (a) The number of any remaining findings of noncompliance identified in FFY 2009, FFY 2010, FFY 2011, and/or FFY 2012 that D.C. reported were not corrected in the information submitted with its FFY 2013 APR.
 - (b) The number of findings of noncompliance the State made during FFY 2013 (July 1, 2013 through June 30, 2014).
 - (c) The number of findings identified in FFY 2013 for which the State verified the noncompliance was corrected as soon as possible and in no case later than one year after the State’s identification of the noncompliance.
 - (d) The number of findings identified in FFY 2013 for which the State verified the noncompliance was corrected more than one year after the State’s identification of noncompliance (i.e., “subsequent correction”).

- (e) The number of findings identified in FFY 2013 for which the one year timeline for correction has not expired.
- (f) A description of the actions taken to verify the correction of noncompliance to ensure that each LEA with noncompliance identified in FFY 2009, FFY 2010, FFY 2011, FFY 2012, and/or FFY 2013: (1) is correcting implementing the specific regulatory requirements (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA consistent with OSEP Memo 09-02.
- (g) A description of the actions the State has taken to address any remaining findings of noncompliance identified in FFY 2009, FFY 2010, FFY 2011, FFY 2012, and/or FFY 2013 that were not corrected.

C. Demonstrate compliance with secondary transition requirements

- (1) In its FFY 2014 Special Conditions progress reports, due August 1, 2014, November 3, 2014, May 1, 2015, and August 1, 2015, the State must report the information detailed below. For each reporting period, D.C. must:
 - (a) Select a new random sample of at least 100 IEPs of youth aged 16 and above to be reviewed for IEP secondary transition content during the reporting period.
 Report, of the student records reviewed, consistent with the required measurement for Indicator 13, the number and percent of youth aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including course of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition service needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services were to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team; meeting with the prior consent of the parent or student who has reached the age of majority.
 - (b) Report the number of LEAs included in its review and the number of those LEAs that demonstrated compliance with the secondary transition requirements.
 - (c) Provide an explanation of the progress or slippage that occurred for the reporting period and a description of the actions the State is taking to address any noncompliance with secondary transition requirements.
- (2) D.C. must report FFY 2013 actual target data for Indicator 13 (secondary transition) consistent with the required measurement and instructions in its FFY 2013 APR, due February 2, 2015. D.C. must also address all of the issues related to Indicator 13 identified in OSEP's June 23, 2014 response to the State's FFY 2012 SPP/APR submission.

- c. Directed Use of FFY 2014 State-level IDEA Part B Funds and Remaining FFY 2013 State-level IDEA Part B Funds:** As directed in OSEP's June 23, 2014 letter, D.C. must use: (1) \$125,000 of its FFY 2014 State-level funds under IDEA section 611(e) to further reduce the backlog of overdue reevaluations and increase progress toward ensuring timely reevaluations; and (2) \$250,000 of its FFY 2014 State-level funds under IDEA section 611(e) to address noncompliance with secondary transition requirements. The Department authorizes D.C. to use the directed funds for other purposes if the State elects to direct LEAs that demonstrated noncompliance with these requirements to use: (1) \$125,000 of their FFY 2014 IDEA Part B funds to reduce the backlog of overdue reevaluations; and (2) \$250,000 of their FFY 2014 IDEA Part B funds to address noncompliance with secondary transition requirements.
- (1) No later than August 1, 2014, D.C. must meet with OSEP to review D.C.'s data and to discuss how the directed funds may best be targeted to achieve improved compliance with the requirements to ensure timely reevaluations and compliance with secondary transition.
 - (2) No later than August 1, 2014, D.C. must report the information required by OSEP's FFY 2013 IDEA Part B grant award letter, Enclosure E, Special Conditions, dated July 1, 2013, regarding the use of the remaining directed FFY 2013 State-level funds under IDEA section 611(e). If D.C. does not use the full amount of the FFY 2013 directed funds by July 1, 2014, the State must continue to report on the use of those funds in each subsequent progress report, until the Department notifies the State that it has determined that the State has fulfilled the requirement to use the FFY 2013 IDEA Part B funds.
 - (3) No later than September 2, 2014, D.C. must:
 - (a) Report whether it intends to use \$125,000 of its FFY 2014 State-level funds, direct those LEA(s) that demonstrated noncompliance to use their FFY 2014 IDEA Part B funds, or use a portion of its FFY 2014 State-level funds and direct those LEA(s) that demonstrated noncompliance to use a portion of their FFY 2014 IDEA Part B funds (the combined amount of State-level and LEA-level FFY 2014 IDEA Part B funds must total \$125,000) to reduce the backlog of overdue reevaluations and increase progress toward ensuring timely reevaluations.
 - (b) Report whether it intends to use \$250,000 of its FFY 2014 State-level funds, direct those LEA(s) that demonstrated noncompliance to use their FFY 2014 IDEA Part B funds, or use a portion of its FFY 2014 State-level funds and direct those LEA(s) that demonstrated noncompliance to use a portion of their FFY 2014 IDEA Part B funds (the combined amount of State-level and LEA-level FFY 2014 IDEA Part B funds must total \$250,000) to address noncompliance with secondary transition requirements.
 - (c) If D.C. intends to use its FFY 2014 State-level funds, provide a proposed spending plan that includes: (1) the activities that will be carried out with those funds; (2) the costs associated with each of the activities; (3) a projected timeline for using the funds to pay the costs associated with each of the activities that demonstrates that the funds will be used by July 1, 2015; and (4) an explanation of how the activities will result in a reduction of the backlog and increase progress toward ensuring timely reevaluations and address noncompliance with secondary transition requirements. D.C. must also

describe the documentation it will provide to demonstrate the funds were used in accordance with the spending plan.

- (4) In its FFY 2014 Special Conditions progress report, due November 3, 2014, D.C. must provide evidence it has directed the use of funds, as appropriate, and submit a proposed spending plan that includes the four components described above for the State-level spending plan for: (1) any LEA(s) directed to use FFY 2014 IDEA Part B funds to reduce the backlog and increase progress toward ensuring timely reevaluations; and (2) any LEA(s) directed to use FFY 2014 IDEA Part B funds to address noncompliance with secondary transition requirements.

The State must also provide: (1) the amount of the \$125,000 of the State's and/or LEA's FFY 2014 IDEA Part B funds that were used from July 1, 2014 through September 30, 2014, to carry out the activities described in the State's and/or LEA's spending plan to reduce the backlog and increase progress toward ensuring timely reevaluations; (2) the amount of the \$250,000 of the State's and/or LEA's FFY 2014 IDEA Part B funds that were used from July 1, 2014 through September 30, 2014, to carry out the activities described in the State's and/or LEA's spending plan to address noncompliance with secondary transition requirements; and (3) documentation that the State and/or LEA used those FFY 2014 IDEA Part B funds in a manner consistent with the State's and/or LEA's spending plan.

- (5) With its FFY 2013 SPP/APR, due February 2, 2015, D.C. must provide: (1) the amount of the \$125,000 of the State's and/or LEA's FFY 2014 IDEA Part B funds that were used from October 1, 2014 through December 31, 2014, to carry out the activities described in the State's and/or LEA's spending plan to reduce the backlog and increase progress toward ensuring timely reevaluations; (2) the amount of the \$250,000 of the State's and/or LEA's FFY 2014 IDEA Part B funds that were used from October 1, 2014 through December 31, 2014, to carry out the activities described in the State's and/or LEA's spending plan to address noncompliance with secondary transition requirements; and (3) documentation that the State and/or LEA used those FFY 2014 IDEA Part B funds in a manner consistent with the State's and/or LEA's spending plan.
- (6) In its FFY 2014 Special Conditions progress report, due May 1, 2015, D.C. must provide: (1) the amount of the \$125,000 of the State's and/or LEA's FFY 2014 IDEA Part B funds that were used from January 1, 2015 through March 31, 2015, to carry out the activities described in the State's and/or LEA's spending plan to reduce the backlog and increase progress toward ensuring timely reevaluations; (2) the amount of the \$250,000 of the State's and/or LEA's FFY 2014 IDEA Part B funds that were used from January 1, 2015 through March 31, 2015, to carry out the activities described in the State's and/or LEA's spending plan to address noncompliance with secondary transition requirements; and (3) documentation that the State and/or LEA used those FFY 2015 IDEA Part B funds in a manner consistent with the State's and/or LEA's spending plan.
- (7) No later than August 1, 2015, D.C. must provide: (1) the amount of the \$125,000 of the State's and/or LEA's FFY 2014 IDEA Part B funds that were used from April 1, 2015 through June 30, 2015, to carry out the activities described in the State's and/or LEA's spending plan to reduce the backlog and increase progress toward ensuring timely reevaluations; (2) the amount of the \$250,000 of the State's and/or LEA's FFY 2014

IDEA Part B funds that were used from April 1, 2015 through June 30, 2015, to carry out the activities described in the State's and/or LEA's spending plan to address noncompliance with secondary transition requirements; and (3) documentation that the State and/or LEA used those FFY 2014 IDEA Part B funds in a manner consistent with the State's and/or LEA's spending plan.⁹

- d. **Technical Assistance Accessed:** With its FFY 2013 SPP/APR submission, due February 2, 2015, D.C. must report on: (1) the technical assistance sources from which it received assistance related to those results elements for which the State received a score of zero on the 2014 Part B Results Driven Accountability Matrix; and (2) the actions it took as a result of that technical assistance.
- e. **FFY 2013 SPP/APR:** D.C. must submit its FFY 2013 SPP/APR to OSEP, due February 2, 2015.¹⁰ D.C. must report consistent with the requirement measurement and instructions, FFY 2013 data for all indicators and must address all issues identified in OSEP's June 23, 2014 response to the State's FFY 2012 SPP/APR submission.

3. Evidence Necessary for Conditions to be Removed

The Department will remove these Special Conditions if, at any time prior to the expiration of the FFY 2014 grant year, the State provides documentation, satisfactory to the Department, that it has fully met the requirements and conditions set forth above.

4. Method of Requesting Reconsideration

The State can write to OSEP's Director, Dr. Melody Musgrove, if it wishes the Department to reconsider any aspect of the Special Conditions. The request must describe in detail the changes to the Special Conditions sought by the State and the reasons for those requested changes.

5. Submission of Reports

D.C. must submit all reports required under these Special Conditions to:

Lisa M. Pagano
U.S. Department of Education
Office of Special Education and Rehabilitative Services
Office of Special Education Programs – MSIP
550 12th Street, S.W., Room 4173
Washington, D.C. 20202 or by email to: Lisa.Pagano@ed.gov

⁹ OSEP recognizes that the August 1, 2015 due date for reporting this information occurs after the FFY 2014 grant period (July 1, 2014 through June 30, 2015). However, since the data required for the August 1, 2015 progress report are based on activities carried out during FFY 2014, we are including this reporting requirement in these Special Conditions. With this report, D.C. must also provide the data required in section 2.b.(A) (initial evaluations and reevaluations) and section 2.b.(C) (secondary transition).

¹⁰ Indicator 17 of the FFY 2013 SPP/APR is due on April 1, 2015. All other information required in the FFY 2013 SPP/APR is due to OSEP on February 2, 2015.