

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 2 CFR §§ 200.207 and 3474.10, 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 2015 grant award under IDEA Part B.

The State did not meet the Special Conditions imposed on its FFY 2014 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

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. OSEP notes that effective July 1, 2017, D.C.’s timeline for initial evaluations will change to 60 days from the date the student’s parent or guardian provides consent for the evaluation or assessment. The LEA will be required to make reasonable efforts to obtain parental consent within 30

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

D.C. reported under Indicator 11 of its FFY 2013 APR that 89.42 percent of children were provided an initial evaluation within the State-established timeline. In its April 29, 2015 Special Conditions progress report, amended May 18, 2015, the State reported that for the period October 1, 2014 through March 31, 2015, 90 percent of children were provided a timely initial evaluation and 90 percent of children were provided a timely reevaluation. The State further reported that at the end of the October 1, 2014 through March 31, 2015 reporting period, 36 children had not been provided a timely initial evaluation and 121 children had not been provided a timely reevaluation.

D.C.'s FFY 2014 Special Conditions progress reports reflect that for the July 1, 2014 through March 31, 2015 period, 88.4 percent of children were provided an initial evaluation³ within the State-established timeframe and 90.9 percent of children were provided a timely reevaluation. The State has maintained approximately the same level of compliance or better for the past three years. However, it has not yet achieved compliance with the initial evaluation and reevaluation requirements in IDEA sections 612(a)(7) and 614(a) through (c) and 34 CFR §§300.301(c)(1) and 300.303.

To date, OSEP has not specifically collected data on D.C.'s correction of findings of noncompliance the State issues to its LEAs that do not complete reevaluations in a timely manner. To assist OSEP in assessing the State's performance and the effectiveness of the State's system of general supervision in correcting noncompliance related to the timely reevaluation requirements, we have included an additional data element for required reporting in the FFY 2015 Special Conditions.⁴

days from the date the student is referred for an assessment or evaluation. See D.C. Act-20-487, "Enhanced Special Education Services Amendment of 2014." However, for the full reporting period covered by these Special Conditions, the State's 120-day timeline as described above will be in effect.

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."

³ We note that in its November 3, 2014 Special Conditions progress report, revised November 26, 2014, D.C. reported it had revised its methodology to accurately calculate the State's compliance with initial evaluation timelines. When the new methodology was implemented, the State's FFY 2013 APR Indicator 11 data demonstrate some slippage from the prior year's data. OSEP appreciates the State's commitment to ensuring it reports data that accurately reflect the level of compliance with these important requirements. Given the recent change in calculation methodology, we believe it is appropriate that we continue to examine additional, updated data to further evaluate the State's level of compliance with these requirements.

⁴ When reporting on APR Indicator 11, the State provides data on the timely correction of noncompliance related to timely initial evaluations. Therefore, it is not necessary for the State to report disaggregated data on the timely correction of noncompliance related to initial evaluations under the FFY 2015 Special Conditions. The State will

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).

D.C. reported in its April 29, 2015 Special Conditions progress report, amended May 18, 2015, that 1,675 of the 1,902 findings of noncompliance identified in FFY 2013, for which the one-year timeline had expired, were corrected in a timely manner (88 percent). 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.

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).⁵ 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

continue to report on the correction of all findings under 2.b.(B) and will also provide disaggregated data that reflect correction of findings related to timely reevaluations in 2.b.(A)(2)(i) of the FFY 2015 Special Conditions.

⁵ OSEP notes that D.C. has enacted legislation that imposes additional secondary transition requirements. For example, beginning July 1, 2016, the first IEP in effect after a child with a disability reaches 14 years of age must include transition assessments and services. See D.C. Act-20-487, "Enhanced Special Education Services Amendment of 2014." The State-imposed requirements do not take effect during the period subject to the FFY 2015 Special Conditions.

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 2013 APR that 50 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 D.C.'s April 29, 2015 Special Conditions progress report, amended May 18, 2015, the State reported data for the period October 1, 2014 through March 31, 2015 that reflect 65 percent compliance with secondary transition requirements. While these data reflect progress from the FFY 2013 APR data, 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 2015 Part B Results Driven Accountability (RDA) Needs Intervention Determination:

As a result of D.C.'s Part B RDA Percentage of 55.42 percent, D.C. received a "needs intervention" determination for the ninth consecutive year. Major factors that contributed to this determination include: (1) the State's longstanding noncompliance with secondary transition requirements, including very low compliance data reported for Indicator 13; (2) its longstanding noncompliance with the IDEA requirements related to ensuring timely initial evaluations and reevaluations and timely correction of noncompliance; and (3) scores of zero on the results elements on the Part B Results Matrix issued with the Department's June 30, 2015 determination letter (Part B Results Matrix) that reflect: (a) the performance of the State's fourth and eighth graders on the National Assessment of Educational Program reading and math assessments; (b) the percent of students with disabilities that exited an educational program through receipt of a regular high school diploma; and (c) the percentage of students with disabilities that dropped out of school.

2015 Enforcement Action: The Department's June 30, 2015 determination 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 \$250,000 of its FFY 2015 State-level funds under IDEA section 611(e) to address noncompliance with secondary transition requirements. The Department has authorized D.C. to use the directed funds for other purposes if the State elects to direct LEAs that demonstrate noncompliance with these requirements to use \$250,000 of their FFY 2015 IDEA Part B funds to address noncompliance with secondary transition requirements (the combined amount of State-level and LEA-level FFY 2015 IDEA Part

B funds must total the amount directed by the Department).⁶ 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 Part B Results Matrix.

2014 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 were also factors in the State's 2014 needs intervention determination. As part of its FFY 2014 enforcement action, D.C. developed and implemented a CAP that identified 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 2014 IDEA Part B State-level funds to reduce the backlog of overdue reevaluations and increase progress with ensuring timely reevaluations and \$250,000 of its FFY 2014 IDEA Part B 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 2014 IDEA Part B State-Level Funds

Secondary transition: With its April 29, 2015 CAP progress report,⁷ amended May 18, 2015, the State provided documentation that reflects that, as of May 1, 2015, D.C. has expended \$161,101 and obligated the remaining \$88,899 of the \$250,000 in directed FFY 2014 IDEA Part B State-level funds through contracts, purchase orders, etc., to address noncompliance with secondary transition requirements. D.C. reported that it expects to use all of the directed FFY 2014 funds for secondary transition by September 30, 2015. The FFY 2014 Special Conditions and the Department's June 23, 2014 determination letter require D.C. to provide an updated report on the use of the remaining directed FFY 2014 funds no later than August 1, 2015.

Timely reevaluations: With its April 29, 2015 CAP progress report, amended May 18, 2015, the State provided documentation that reflects that, as of May 1, 2015, the State expended none of the \$125,000 in directed FFY 2014 IDEA Part B State-level funds to reduce the backlog of overdue reevaluations and increase progress toward ensuring timely reevaluations. D.C. reported that it has obligated the full amount of \$125,000 in directed FFY 2014 IDEA Part B State-level funds through contracts, purchase orders, etc., and that it expects to use all of the directed FFY 2014

⁶ 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.

⁷ During FFY 2014, D.C. submitted two types of reports: a CAP progress report and a Special Conditions progress report. The CAP progress report addresses D.C.'s progress in implementing the strategies and activities identified in its CAP, which D.C. is carrying out to ensure compliance with each of the areas that were the bases for its 2014 needs intervention determination. D.C. also reports on the status of the use of its directed funds as part of the CAP progress reports. The Special Conditions progress reports include updated student-specific data related to areas of longstanding noncompliance and information related to timely correction of noncompliance. In Enclosure E to the July 1, 2014 FFY 2014 grant award letter, OSEP informed D.C. that it was not necessary to provide the required information in separate reports during FFY 2014; however, the State chose to continue reporting separately on its implementation of the CAP and use of the directed funds in one submission and reported on its progress toward correcting the areas of longstanding noncompliance in another.

funds by June 30, 2016. The FFY 2014 Special Conditions and the Department's June 23, 2014 determination letter require D.C. to provide an updated report on the use of the remaining directed FFY 2014 funds no later than August 1, 2015.

Status of Directed Use of FFY 2013 IDEA Part B State-Level Funds

Secondary Transition: With its November 3, 2014 CAP progress report, amended November 26, 2014, D.C. provided documentation that demonstrates the State used the full amount of the \$250,000 in directed FFY 2013 IDEA Part B State-level funds to address noncompliance with secondary transition requirements as required by the Department's July 1, 2013 determination letter. Therefore, no further reporting on the use of these funds is required.

Timely initial evaluations and reevaluations: With its April 29, 2015 CAP progress report, amended May 18, 2015, D.C. provided documentation that demonstrates that the State expended \$78,109 of the \$125,000 of its directed FFY 2013 IDEA Part B State-level funds to reduce the backlog of overdue initial evaluations and reevaluations and increase progress toward ensuring timely initial evaluations and reevaluations as required by the Department's July 1, 2013 determination letter. The State reported that it has obligated the remaining \$46,891 in directed FFY 2013 IDEA Part B State-level funds through contracts, purchase orders, etc., and that it expects to use all of the directed FFY 2013 funds by August 31, 2015. The FFY 2014 Special Conditions and the Department's June 23, 2014 determination letter require D.C. to provide an updated report on the use of the remaining FFY 2013 funds no later than August 1, 2015.

2. Nature of the Special Conditions

OSEP imposes the following Special Conditions on D.C.'s FFY 2015 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 2014 Special Conditions and the major areas that contributed to the State's 2015 determination of "needs intervention." The reporting requirements related to the CAP and directed use of FFY 2015 IDEA Part B funds outlined in the Department's June 30, 2015 determination letter are incorporated in these Special Conditions.

The State must comply with the following Special Conditions:

- a. **CAP:** As directed in OSEP's June 30, 2015 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 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.

The CAP must include: (1) a description of the specific actions the State will take to address each of the three areas specified above; (2) the projected timelines for completing each of the actions; (3) the name of the party responsible for implementing each action; and (4) a

description of the evidence D.C. will submit to OSEP to demonstrate that the action has been completed. The State is encouraged to include in its CAP, evidence-based activities that are designed to improve the State’s compliance with the requirements, as well as help D.C. to achieve and sustain a high level of performance.

To ensure that D.C. can increase its 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. Therefore, the State must submit its CAP no later than August 3, 2015.

- b. **Required Reporting on Implementation of the CAP and Areas of Longstanding Noncompliance:**⁸ D.C. must report on the status of implementation of the CAP in two progress reports – November 2, 2015 and May 2, 2016. In addition, D.C. must provide updated information on the areas of longstanding noncompliance. When reporting the information required in the FFY 2015 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 ⁹	August 3, 2015	April 1, 2015 – June 30, 2015
Second Progress Report	November 2, 2015	July 1, 2015 – September 30, 2015
FFY 2014 SPP/APR	February 1, 2016 ¹⁰	July 1, 2014 – June 30, 2015
Third Progress Report	May 2, 2016	October 1, 2015 – March 31, 2016
Final Progress Report ¹¹	August 1, 2016	April 1, 2016 – June 30, 2016

⁸ In an effort to streamline the State’s reporting, the State is not required to submit separate reports on the implementation of its CAP and the specific information on the areas of longstanding noncompliance.

⁹ In the progress report due August 3, 2015, the State is required to report the information outlined in section 2.b.(A) (timely initial evaluations and reevaluations) and section 2.b.(C)(1) (secondary transition). The FFY 2014 Special Conditions specify a due date of August 1, 2015 (a non-business day) for this submission. OSEP has adjusted the due date to August 3, 2015, which is the next business day that follows the original due date.

¹⁰ Indicator 17 of the FFY 2014 SPP/APR is due on April 1, 2016. All other information required in the FFY 2014 SPP/APR is due to OSEP on February 1, 2016.

¹¹ OSEP recognizes that the August 1, 2016 due date for reporting this information occurs after FFY 2015 (July 1, 2015 through June 30, 2016). However, since the information required for the August 1, 2016 progress report is based on activities carried out during FFY 2015 we are including this reporting requirement in these Special Conditions. In the report due August 1, 2016, the State is required to report the information outlined in section 2.b.(C)(1) (secondary transition).

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

In its FFY 2015 Special Conditions progress reports, due August 3, 2015, November 2, 2015, and May 2, 2016, 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 of 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.
- (i) The following information related to the correction of findings of noncompliance the State identified pertaining to the timeliness of reevaluations in FFY 2013 and FFY 2014:¹²
 - (i) The number of findings of noncompliance the State identified.
 - (ii) The number of findings 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.
 - (iii) Number of findings for which the State verified the noncompliance was corrected more than one year after the State's identification of noncompliance (i.e., "subsequent correction").

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

- (1) In its FFY 2015 Special Conditions progress report, due November 2, 2015, the State must:
 - (a) Provide updated data on the correction of the findings that the State reported were uncorrected as of March 31, 2015 in its attachment to the FFY 2013 SPP/APR and its April 29, 2015 Special Conditions progress report, amended May 18, 2015. Specifically, D.C. must report on the correction of the remaining 34 findings of noncompliance identified in FFY 2013 (correction within the one-year timeline and

¹² The State may, but is not required, to report on correction of findings identified in FFY 2014 in its August 3, 2015 and November 2, 2015 submissions. The State is required to provide the information in 2.b.(A)(2) (i) for findings identified in FFY 2014 in its May 2, 2016 progress report.

any remaining findings subsequently corrected), and the status of correction of the remaining five findings of noncompliance identified in FFY 2012, one remaining finding of noncompliance identified in FFY 2011, and the remaining 35 findings of noncompliance identified in FFY 2010.

- (b) Provide a description of the actions taken to verify the correction of noncompliance to ensure that each LEA with noncompliance identified in FFY 2010, FFY 2011, FFY 2012, and 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.
 - (c) Provide a description of the actions the State has taken to address any remaining findings of noncompliance identified in FFY 2010, FFY 2011, FFY 2012, and/or FFY 2013 that were not corrected.
- (2) With its FFY 2014 SPP/APR, due February 1, 2016, D.C. must address all of the issues related to its “Remaining Findings of Noncompliance” attachment identified in OSEP’s June 30, 2015 response to the State’s FFY 2013 SPP/APR.
- (3) In its FFY 2015 Special Conditions progress report, due May 2, 2016, D.C. must provide the information specified below:
- (a) The number of any remaining findings of noncompliance identified in FFY 2010, FFY 2011, FFY 2012, and/or FFY 2013 that D.C. reported were not corrected in the information submitted with its FFY 2014 APR.
 - (b) The number of findings of noncompliance the State made during FFY 2014 (July 1, 2014 through June 30, 2015).
 - (c) The number of findings identified in FFY 2014 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 2014 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) A description of the actions taken to verify the correction of noncompliance to ensure that each LEA with noncompliance identified in FFY 2010, FFY 2011, FFY 2012, FFY 2013, and/or FFY 2014: (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.
 - (f) A description of the actions the State has taken to address any remaining findings of noncompliance identified in FFY 2010, FFY 2011, FFY 2012, FFY 2013, and/or FFY 2014 that were not corrected.

C. Demonstrate compliance with secondary transition requirements

1. In its FFY 2015 Special Conditions progress reports, due August 3, 2015, November 2, 2015, May 2, 2016, and August 1, 2016, 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 2014 actual target data for Indicator 13 (secondary transition) consistent with the required measurement and instructions in its FFY 2014 APR, due February 1, 2016. D.C. must also address all of the issues related to Indicator 13 identified in OSEP's June 30, 2015 response to the State's FFY 2013 SPP/APR submission.

- c. **Directed Use of FFY 2015 IDEA Part B State-level Funds and Remaining FFY 2014 and FFY 2013 IDEA Part B State-level Funds:** As directed in OSEP's June 30, 2015 determination letter, D.C. must use \$250,000 of its FFY 2015 IDEA Part B 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 demonstrate noncompliance with these requirements to use \$250,000 of their FFY 2015 IDEA Part B funds to address noncompliance with secondary transition requirements. Since D.C. has not used the full amount of directed FFY 2013 and FFY 2014 Part B State-level funds as required by the Department's July 1, 2013 and June 23, 2014 determination letters, the State must continue to report on the use of the remaining funds as described below.

1. No later than August 3, 2015, D.C. must report the information required by OSEP's FFY 2014 IDEA Part B grant award letter, Enclosure E, Special Conditions, dated July 1, 2014, regarding the use of the remaining directed FFY 2014 State-level funds under IDEA

section 611(e) for secondary transition and reevaluations and the remaining FFY 2013 State-level funds for initial evaluations and reevaluations. If D.C. does not use the full amount of the FFY 2013 and FFY 2014 directed funds by July 1, 2015, the State must continue to report on the use of the 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 directed FFY 2013 and FFY 2014 IDEA Part B funds.

2. No later than August 3, 2015, D.C. must:
 - (a) Report whether it intends to use \$250,000 of its FFY 2015 IDEA Part B State-level funds, direct those LEA(s) that demonstrated noncompliance to use their FFY 2015 IDEA Part B funds, or use a portion of its FFY 2015 State-level funds and direct those LEA(s) that demonstrated noncompliance to use a portion of their FFY 2015 IDEA Part B funds (the combined amount of State-level and LEA-level FFY 2015 IDEA Part B funds must total \$250,000) to address noncompliance with secondary transition requirements.
 - (b) If D.C. intends to use its FFY 2015 IDEA Part B 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, 2016; and (4) an explanation of how the activities will result in improved compliance 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.
3. With its FFY 2015 Special Conditions progress report, due November 2, 2015, 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 any LEA(s) directed to use FFY 2015 IDEA Part B funds to address noncompliance with secondary transition requirements.

The State must also provide the amount of the \$250,000 of the State's and/or LEA's FFY 2015 IDEA Part B funds that were used from July 1, 2015 through September 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 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.

4. With its FFY 2014 SPP/APR, due February 1, 2016, D.C. must provide the amount of the \$250,000 of the State's and/or LEA's FFY 2015 IDEA Part B funds that were used from October 1, 2015 through December 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 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.

5. With its FFY 2015 Special Conditions progress report, due May 2, 2016, D.C. must provide the amount of the \$250,000 of the State's and/or LEA's FFY 2015 IDEA Part B funds that were used from January 1, 2016 through March 31, 2016, to carry out the activities described in the State's and/or LEA's spending plan to address noncompliance with secondary transition requirements and 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.
 6. No later than August 1, 2016, D.C. must provide the amount of the \$250,000 of the State's and/or LEA's FFY 2015 IDEA Part B funds that were used from April 1, 2016 through June 30, 2016, to carry out the activities described in the State's and/or LEA's spending plan to address noncompliance with secondary transition requirements and 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.¹³
- d. **Technical Assistance Accessed:** With its FFY 2014 SPP/APR submission, due February 1, 2016, D.C. must report on: (1) the sources from which it received technical assistance related to those results elements for which the State received a score of zero on the Part B Results Matrix; and (2) the actions it took as a result of that technical assistance.
 - e. **FFY 2014 SPP/APR:** D.C. must submit its FFY 2014 SPP/APR to OSEP, due February 1, 2016.¹⁴ D.C. must report consistent with the requirement measurement and instructions, FFY 2014 data for all indicators and must address all issues identified in OSEP's June 30, 2015 response to the State's FFY 2013 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 2015 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

¹³ OSEP recognizes that the August 1, 2016 due date for reporting this information occurs after FFY 2015 (July 1, 2015 through June 30, 2016). However, since the data required for the August 1, 2016 progress report are based on activities carried out during FFY 2015, 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.(C) (secondary transition).

¹⁴ Indicator 17 of the FFY 2014 SPP/APR is due on April 1, 2016. All other information required in the FFY 2014 SPP/APR is due to OSEP on February 1, 2016.

The State Superintendent or other authorized official of the State educational agency shall certify the completeness and accuracy of each report. 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