

DMS REPORT

DIFFERENTIATED MONITORING AND SUPPORT OFFICE OF SPECIAL EDUCATION PROGRAMS U.S. DEPARTMENT OF EDUCATION

STATE **THE DISTRICT OF COLUMBIA**

DATE JANUARY 15, 2021

IDEA PART B

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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

January 15, 2021

Honorable Shana Young
Interim State Superintendent of Education
Office of the State Superintendent of Education
District of Columbia
1050 First Street, N.E.
Washington, D.C. 20002
Shana.Young@dc.gov

Dear Interim Superintendent Young:

The purpose of this letter is to provide a summary of the results of the differentiated monitoring and support (DMS) activities conducted by the U.S. Department of Education's Office of Special Education Programs (OSEP) during an on-site visit to the District of Columbia's Office of State Superintendent of Education (State, D.C., or D.C. OSSE) on September 18, 19, 23, and 24, 2019.

As part of the DMS process, OSEP conducts an organizational assessment (OA) of factors to identify States' progress in meeting performance standards and complying with the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) and its implementing regulations, the Education Department General Administrative Regulations and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. OSEP uses the information from the OA and an Engagement Decision Tree to make decisions about how it will engage with States over the Federal fiscal year (FFY). The FFY 2018 DMS areas were: 1) Results; 2) Compliance; 3) State Systemic Improvement Plan; and 4) Fiscal Accountability.

On October 23, 2018, OSEP sent OSSE's DMS notice to Elisabeth Morse and Sharon Gaskins. That notice provided a level of engagement of universal, targeted, or intensive for each of the four areas OSEP identified for DMS. The levels of engagement in the notice are based on a snapshot of the most recently available data in the corresponding four areas. The notice also identified the monitoring and support activities that would be carried out to address the factors contributing to the elevated need for monitoring and support in each of the areas that were identified for intensive engagement. We have attached a copy of the DMS notice for your convenience.

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The Department of Education's mission is to promote student achievement and preparedness for global competitiveness by fostering educational excellence and ensuring equal access.

The enclosure describes the: 1) Background; 2) Monitoring¹ Activity for each DMS area; 3) Summary; and 4) OSEP's conclusion, including Next Steps and Required Actions. If OSEP issues findings of noncompliance with the IDEA requirements, you will find specific details pertaining to the finding of noncompliance, along with the respective citation(s); and the corrective action required to address the identified finding of noncompliance.

During interviews, OSEP also heard concerns from some school staff in the area of transportation. As further discussed below, OSEP encourages OSSE to continue to review its policies, procedures, and systems of checks and balances to ensure the provision of timely and appropriate transportation services for the children with disabilities.

OSEP appreciates OSSE's efforts to improve results for children with disabilities. If you have any questions, please contact Jennifer Finch, your OSEP State Lead, at 202-245-6610.

Sincerely,

/s/

Laurie VanderPloeg
Director
Office of Special Education Programs

cc: Nikki Stewart, State Director of Special Education
Nikki.Stewart@dc.gov

Enclosures

DMS Notice
Specific Conditions

¹ Monitoring is broadly defined as including activities examining both compliance and performance issues and encompasses traditional monitoring reviews and technical assistance activities.

ENCLOSURE

Background

The Office of Special Education Programs (OSEP) has a Differentiated Monitoring and Support (DMS) system, a component of Results Driven Accountability,¹ to improve results for children with disabilities under the Individuals with Disabilities Education Act (IDEA). DMS helps the U.S. Department of Education (Department) identify potential grantee risk and assists OSEP in effectively using its resources to monitor State grantees. DMS addresses State-specific and Entity²-specific needs in the areas of results, compliance, the State Systemic Improvement Plan (SSIP),³ and fiscal accountability by differentiating levels and types of monitoring and levels of engagement based on each State's and Entity's unique strengths, progress, and challenges in each area.⁴

During the DMS visit with the District of Columbia's Office of State Superintendent of Education (OSSE),⁵ as referenced in the cover letter that occurred on September 18, 19, 23, and 24, 2019, OSEP reviewed the State's results data, compliance data, and implementation of the SSIP under Part B of the IDEA. In its examination of the State's systems for results data, compliance, and the SSIP, OSEP reviewed the following:

- OSSE's policies and procedures for collecting and reporting data for selected indicators in the State's Federal fiscal year (FFY) 2016 and FFY 2017 State Performance Plan/Annual Performance Reports (SPP/APR);
- OSSE's previous IDEA Part B SPP/APRs, including its SSIP submissions;
- OSSE's FFY 2019 annual application for funds under Part B of the IDEA, including the State's Specific Conditions Progress Reports, as outlined in Enclosure D of the State's grant award⁶;
- Information on the OSSE's website related to IDEA Part B; and
- Other pertinent information related to the OSSE's IDEA Part B systems, including efforts to improve results for children with disabilities.

OSEP also gathered additional information through surveys, focus groups, or interviews with:

- The newly appointed State Director of Special Education and two Acting Directors;

¹ Results Driven Accountability (RDA) is an OSEP policy system which seeks to hold States accountable for demonstrating that States have achieved positive results for children with disabilities under the IDEA.

² States include each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico and Entities include freely associated States, outlying areas, and the Bureau of Indian Education.

³ [State Systemic Improvement Plan \(SSIP\)](#) is a multi-year plan that is included in the SPP/APR. Additional information regarding the SSIP can also be found in the SSIP section of this letter.

⁴ For further information, see the [2017-2018 DMS](#) Overview.

⁵ Throughout this letter we say State, D.C., or D.C. OSSE. For simplicity we will refer to D.C. as OSSE.

⁶ Subsequent to OSEP's DMS visit conducted on September 18, 19, 23 and 24 2019, OSEP also reviewed OSSE's FFY 2020 annual application for funds under Part B of the IDEA, including D.C.'s Specific Conditions Progress Report. OSSE's most recent FFY 2020 Specific Conditions Progress Report is attached as an enclosure to this report.

- OSSE personnel responsible for implementing the results, compliance, and SSIP systems; and
- Local educational agency (LEA) and school personnel responsible for providing IDEA services to children and youth with disabilities.

Pursuant to IDEA Section 616(g) and 2 C.F.R. § 200.207, OSEP designated D.C. as a "high-risk" grantee and imposed Specific Conditions (formerly "Special Conditions") on OSSE's FFY 2018 grant awards in three areas: (a) timely reevaluations; (b) compliance with secondary transition requirements; and (c) timely correction of noncompliance. Based on the data and other information provided in OSSE's FFY 2018 Specific Conditions progress report, OSEP concluded with the FFY 2019 grant award that the State satisfied the Specific Condition related to ensuring timely correction of noncompliance. OSEP had imposed Specific or Special Conditions related to the timely correction of noncompliance on the State's IDEA Part B grant awards every year since 2005. Based on the data and other information provided in the State's FFY 2018 Specific Conditions progress reports, in the FFY 2019 grant award, OSEP concluded that D.C. satisfied the Specific Condition related to ensuring timely correction of noncompliance.

Notwithstanding the removal of the one Specific Condition related to timely correction of noncompliance, OSEP continued to impose Specific Conditions in the two other areas, pursuant to IDEA Section 616(g) of Part B of the IDEA and 2 C.F.R. § 200.207, on D.C.'s FFY 2019 and FFY 2020 IDEA Part B grant awards to ensure that:

1. Reevaluations are provided to children with disabilities in a timely manner as required by IDEA Sections 612(a)(7) and 614(a) through (c) and 34 C.F.R. § 300.303; and
2. LEAs comply with the secondary transition requirements in IDEA Section 614(d)(1)(A)(i)(VIII) and 34 C.F.R. §§ 300.320(b) and 300.321(b).

The required actions or next steps outlined in this letter do not replace the Specific Conditions on the State's FFY 2020 IDEA Part B grant award. Any required actions or next steps outlined in this report are either a restatement of, or are in addition to, the required reporting outlined in Enclosure D of the State's FFY 2020 Part B grant award letter, which details D.C.'s Specific Conditions Progress Reporting.

At the time of the DMS visit, OSEP did not examine fiscal issues because the State had received a universal level of engagement in this area with the FFY 2018 DMS notice.⁷

Compliance

In order to effectively monitor implementation of Part B of the IDEA, as required by IDEA Sections 612(a)(11) and 616, and 20 U.S.C. 1232d(b)(3)(E), the State must have policies and procedures that are reasonably designed to ensure that the State can meet:

1. its general supervisory responsibility in 34 C.F.R. § 300.149;
2. its monitoring responsibilities in 34 C.F.R. §§ 300.600 through 300.602, and

⁷ Subsequently, in the 2019 DMS notice, the State received an intensive level of engagement in the fiscal area.

3. its responsibility to annually report on performance of the State and of each local educational agency (LEA), as provided in 34 C.F.R. § 300.602(b)(1)(i)(A) and (b)(2).

Under 34 C.F.R. § 300.600(b), the State's monitoring activities must focus on:

1. Improving educational results and functional outcomes for all children with disabilities; and
2. Ensuring that public agencies meet the program requirements under Part B of the Act, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

Under 34 C.F.R. § 300.600(d), the State must monitor the LEAs located in the State, using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are appropriate to adequately measure performance in these areas:

1. Provision of a free appropriate public education (FAPE) in the least restrictive environment;
2. State exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in 34 C.F.R. § 300.43 and in 20 U.S.C. 1437(a)(9); and
3. Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.

Overview of Compliance

In the FFY 2018 DMS notice, OSSE was identified as needing intensive support in the area of compliance. Intensive monitoring and support are reserved for those States with the most intense or complex challenges to IDEA implementation. OSSE's intensive designation in the area of compliance was due to the following factors, as reflected in its FFY 2016 IDEA Part B SPP/APR and grant award data:

1. OSSE's SPP/APR Indicator 13: Data on compliance with secondary transition requirements was 71% of the required 100% of youth with individualized education programs (IEPs) aged 16 and above with an IEP that includes appropriate measurable postsecondary goals as required by IDEA Section 614(d)(1)(A)(i)(VIII) and 34 C.F.R. §§ 300.320(b) and 300.321(b).
2. OSSE did not meet those Specific Conditions imposed on its FFY 2016 IDEA Part B grant awards to ensure timely reevaluations and compliance with secondary transition requirements. OSEP has imposed Conditions related to timely reevaluations on D.C.'s IDEA Part B grant awards since 2001. This issue was initially identified in the 1998-2001 Compliance Agreement between D.C. and the Department. OSEP has imposed Conditions on D.C.'s IDEA Part B grant awards related to compliance with secondary transition requirements since 2009.
3. OSSE identified IDEA noncompliance through its monitoring of LEAs and public agencies, but correction of that noncompliance, in accordance with OSEP Memorandum 09-02 (OSEP Memo 09-02), dated October 17, 2008, was completed two to four years

after the identification of noncompliance rather than the required one year period after identification of noncompliance. 34 C.F.R. § 300.600(e).

During the DMS visit, OSEP, OSSE, LEA, and school staff discussed the following compliance issues in detail, which are further discussed below:

1. Timely reevaluations;
2. Compliance with secondary transition requirements;
3. APR Data Collection and Reporting Issues – Indicator 13: Secondary Transition;
4. Timely correction of noncompliance; and
5. Compliance with the IDEA definition of visual impairment including blindness.

Timely Reevaluations

A reevaluation must be completed for each child with a disability, at least once every three years, unless the parent and the LEA agree that a reevaluation is unnecessary. 34 C.F.R.

§ 300.303(b)(2). Noncompliance with this requirement was initially addressed in a 1998-2001 Compliance Agreement between OSSE and the Department and has been included in the Specific Conditions imposed on each IDEA Part B grant award from 2001 to 2020. In its May 1, 2020 Specific Conditions progress report, the State reported that, for the period of October 1, 2019 through March 31, 2020, 84.4 percent of children were provided a timely reevaluation. The State further reported that at the end of the October 1, 2019 through March 31, 2020 reporting period, 266 children had not been provided a timely reevaluation.

Because the State has not yet achieved compliance with the timely reevaluation requirements in IDEA Sections 612(a)(7) and 614(a) through (c) and 34 C.F.R. § 300.303, OSEP continues to require the State to take the actions outlined in the Specific Conditions imposed on the FFY 2020 IDEA Part B grant award.

OSEP Conclusion

While OSSE continues to take steps that appear reasonably designed to improve compliance with timely reevaluations requirements, there continues to be substantial noncompliance in this area. We encourage the State to use the information gathered through OSEP's interviews and disaggregated data from its LEAs and their campuses to help appropriately direct the State's technical assistance and support activities.

Required Actions/Next Steps

OSSE is required to continue to report on timely reevaluations as outlined in the Specific Conditions imposed on the IDEA Part B 2020 grant award and due May 1, 2021:

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

4. The number of children who had not been provided a timely triennial reevaluation at the conclusion of the reporting period.
5. 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.
6. The State must also report the actual numbers for the following:
 - a. The number of children whose triennial reevaluation deadlines fell within the reporting period.
 - b. 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 {multiplied by} 100.)
 - c. The average number of days the triennial reevaluations, that had not been provided in a timely manner, were overdue.
7. For reevaluations that were not provided in a timely manner, provide:
 - a. The reasons for the delay; and
 - b. The number of children whose reevaluation was delayed for each reason identified.
8. A description of the actions the State is taking to address any noncompliance.
9. The following information related to the correction of findings of noncompliance the State identified pertaining to the timeliness of reevaluations in FFY 2019:
 - a. The number of findings of noncompliance the State identified.
 - b. 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.
 - c. 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").
 - d. Number of findings for which the one-year timeline had not yet expired.

Secondary Transition

Under 34 C.F.R. § 300.320(b), beginning no later than the first IEP to be in effect when an IDEA-eligible youth with disabilities turns 16, or younger if determined appropriate by the IEP Team, the student's annual IEP must include appropriate measurable postsecondary goals based upon an age-appropriate transition assessments related to training, education, employment and, as appropriate, independent living skills. The IEP also must identify transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals. Additionally, public agencies must be able to document that the student was invited to the IEP Team meeting where transition services are to be discussed and that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting for transition

services with the prior consent of the parent or a student who has reached the age of majority. See 34 C.F.R. § 300.321(b)(1) and (3).

D.C.'s FFY 2019 Specific Conditions progress reports for the period July 1, 2019, through March 31, 2020, reflected 69% compliance with the secondary transition requirements. This level of compliance indicates that for secondary transition, 31% of children did not have IEPs that properly addressed transition requirements. These data demonstrate slippage from the FFY 2018 SPP/APR compliance data for secondary transition, which was 76%. The FFY 2018 level of compliance indicated that for secondary transition, 24% of children did not have IEPs that properly addressed transition requirements. The FFY 2018 data remained the same as the State's FFY 2017 SPP/APR data, which was also 76%. During the DMS visit, the State discussed with OSEP its efforts to improve LEA compliance with these requirements. These efforts include required participation for some LEAs in training and technical assistance activities, the implementation of a secondary transition community of practice, disaggregating LEA data for root cause analysis and conducting an annual secondary transition institute for LEAs. Beginning in July 2018, OSSE implemented The Enhanced Special Education Services Act of 2014,⁸ which lowered the minimum age for the creation of secondary transition plans for students with disabilities from age 16 to 14. Additionally, OSSE also provides secondary transition Enhancement Grants to LEAs to assist LEAs in meeting the new D.C. requirements for secondary transition. OSSE reported it continues to access technical assistance from the OSEP-funded National Technical Assistance Center on Transition.

OSEP Conclusion

OSSE continues to take steps intended to improve compliance with secondary transition requirements but has reported slippage in the level of compliance. We encourage the State to use the information gathered through OSEP's interviews and disaggregated data from its LEAs and their campuses to help appropriately direct the State's technical assistance and support activities.

Based on the review of documents, analysis of data, and interviews with State, district, and school personnel, as described above, OSEP concludes that OSSE has not yet achieved substantial compliance with the secondary transition requirements in IDEA Section 614(d)(1)(A)(i)(VIII) and 34 C.F.R. §§ 300.320(b) and 300.321(b), and OSEP is continuing to require the State to take the actions outlined in the Specific Conditions imposed on the FFY 2020 grant award.

Required Actions/Next Steps

OSSE is required to continue to report on secondary transition as outlined in the Specific Conditions imposed on the IDEA Part B 2020 grant award due May 1, 2021:

1. For the reporting period, consistent with the State's monitoring plan (approved by OSEP in 2017), D.C. must 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 from the cohort of LEAs that have been designated for review.
 - a. 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

⁸ DC Law 20-195; [DC Official Code § 38-2614](#) and [§ 38-2561.02](#).

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. Report SPP/APR Indicator 13 data: D.C. must report FFY 2019 actual target data for Indicator 13 (secondary transition) consistent with the required measurement and instructions in its FFY 2019 APR, due February 1, 2021. D.C. must also address all of the issues related to Indicator 13 identified in OSEP's June 25, 2020 response to the State's FFY 2018 SPP/APR submission.

Timely Correction of Noncompliance

As noted above in the background Section of this document, based on the data and other information provided in the State's FFY 2018 Specific Conditions progress reports, and in the FFY 2019 grant award, OSEP concluded that D.C. satisfied the Specific Condition related to ensuring timely correction of noncompliance. In that reporting period, which was October 1, 2018 to March 31, 2019, in the verification of correction related to reevaluations, the State reported 100% correction. This means that at that time, the State verified that all 112 findings of noncompliance were corrected as soon as possible and in no case later than one year after the State's identification of the noncompliance.

During interviews with OSEP, the State described the targeted monitoring and technical assistance OSSE provides to support the District of Columbia's lowest-performing LEAs. OSSE explained that through its integrated monitoring activities, the State works with LEAs to engage them in shared accountability practices intended to maximize success for all children with disabilities. OSSE explained that it uses multiple data sources to monitor LEAs/public agencies, including database reviews, on-site compliance monitoring (interviews, observations, record reviews), focused monitoring, review of dispute resolution activities, self-assessments, oversight of nonpublic special education schools, Phase I and Phase II IDEA Part B grant applications, and reviews of audit findings. Staff reported that this monitoring system ensures that OSSE is able to identify noncompliance from a variety of sources and support continuous improvement and ensure timely correction of noncompliance in accordance with OSEP Memo 09-02, and 34 C.F.R. § 300.600(e). Data from monitoring activities are reviewed on an ongoing basis by OSSE teams to inform their priorities and target resources.

Additionally, the State reported that its monitoring system provides targeted technical assistance to a cohort of low performing LEAs over the year, and that it also provides professional

development opportunities for all LEAs that serve secondary transition populations. OSSE provides quarterly on-site technical assistance visits to each LEA identified in the upcoming monitoring cohort. For each LEA selected for monitoring, OSSE reviews student files and transition plans, including any documents that have been generated. If these files do not demonstrate compliance, OSSE issues student-level findings of noncompliance. These findings of noncompliance are issued in writing through the District of Columbia's Corrective Action Tracking System. This system allows OSSE and LEAs to electronically track each finding of noncompliance, the required corrective action(s), documentation and evidence of correction, and timelines for correction.

OSEP Conclusion

OSEP appreciates OSSE's efforts to ensure the timely correction of noncompliance as soon as possible and in no case later than one year after the State's identification of the noncompliance.

Required Actions/Next Steps

No further action required.

Special Education Transportation

During interviews with school staff at one LEA, OSEP heard complaints regarding special education transportation services not being provided to students with disabilities. In the District of Columbia, OSSE's Division of Student Transportation (OSSE DOT) provides special education transportation services to students with disabilities when transportation is appropriately identified and documented on their IEP as a related service under the IDEA. OSEP heard complaints concerning students' frequent tardy arrivals to school, as well as delays in transportation services at the beginning of the school year. OSEP was also made aware that in some cases, these transportation delays at the beginning of the school year caused some students to begin the school year as much as two weeks late.

On November 18, 2019, during a subsequent conversation between OSEP, OSSE, and OSSE DOT staff, the State acknowledged the transportation challenges. OSSE DOT acknowledged that transportation issues do occur; however, OSSE DOT reported that it has systems in place to mitigate these issues and pinpoint specific times during the year when issues arise. For example, incorrect student addresses may cause transportation delays throughout the school year, but especially at the beginning of the school year. By examining the data collected through the OSSE DOT Parent Resource Center (PRC), OSSE DOT staff explained that they experience more complaints, transportation issues, and delays at the beginning of the school year, the beginning of the extended school year, and during weather events. OSSE DOT staff discussed steps and modifications implemented to mitigate these transportation issues. For example, OSSE DOT reports that its Transportation Online Tool for Education has streamlined and automated the OSSE DOT's previously manual process to a quicker, more accountable, electronic process to facilitate transportation services. In this database, LEA administrative staff and school staff can view and certify correct student data and submit transportation request forms. Additionally, OSSE DOT established the PRC to connect families, and schools, to employees within OSSE's DOT. Customer service representatives at the PRC assist in answering questions, resolving issues regarding transportation services, and providing status updates to schools and parents when issues arise. Also, within the OSSE DOT's Office of Audit and Compliance, compliance

specialists work to resolve elevated transportation complaints and issues surrounding student safety, inappropriate driver behavior, and failure to transport students.

OSEP Conclusion

Although the State has acknowledged some transportation issues and delays, it has reported that there are systems and mechanisms in place reasonably designed to evaluate, alleviate, and resolve these issues. Although there is no finding of noncompliance related to providing transportation services to students with disabilities, OSEP encourages OSSE to continue to review its policies, procedures, and systems of checks and balances to ensure the provision of timely and appropriate transportation services for the children with disabilities in the District.

Required Actions/Next Steps

No further action is required.

SPP/APR Data Collection and Reporting - Secondary Transition

OSEP identified an area of concern regarding possible errors in the data OSSE reports for SPP/APR Indicator 13 based upon the State's practice of allowing for pre-reporting correction when reporting data for this indicator in the APR and for reporting under the Specific Conditions. As OSEP has previously informed States⁹ that in order to report valid and reliable data, States need to report compliance levels at the time of data collection and analysis, rather than compliance levels after noncompliance has been identified and corrected, including the practice of "pre-finding correction."

When discussing how the State collects and reports its Secondary Transition data to OSEP under the Specific Conditions (which are also used as the basis for the State's SPP/APR Indicator 13 reporting), the State reported that once information is entered into their system, LEAs are notified and provided a 10-day window to provide information that demonstrates to OSSE the LEA was actually in compliance. For example, in some cases, there may have been a data anomaly that would indicate potential noncompliance. In other cases, where there is no data anomaly, the LEA is permitted to take action to correct the noncompliance within the 10-days, which OSSE must verify. If the LEA has satisfactorily corrected the noncompliance, OSSE does not issue a finding against the LEA. OSSE gave examples of when correction is not possible (e.g., timeline issues unless attributable to an allowable exception, such as parent delay).

OSSE reported that the State's data provided to OSEP for the Specific Conditions reporting and for SPP/APR Indicator 13 reflect the "post-correction" status rather than the status of the LEAs' compliance at the time of OSSE's original review. When asked, OSSE confirmed that this practice of reporting the "post-correction" status only impacts data reported for Indicator 13 and the Specific Condition on Secondary Transition. Because OSSE's practice included both a process for ensuring valid and reliable data (correcting data anomalies) and for pre-finding correction of noncompliance (other than timelines), OSEP was unable to determine whether the "post-correction" data that OSSE has reported under Secondary Transition included instances of

⁹ *October National TA Call*, October 10, 2019 PowerPoint Presentation (Slide 16), available at: <https://osepideasthatwork.org/sites/default/files/October%20National%20TA%20Call%202020.updated.pdf>; see also *New Mexico Part B 2011 Continuous Improvement Visit Letter – Enclosure – Verification Component*, available at: <https://www2.ed.gov/fund/data/report/idea/partbvvltr/bvvencloure11-nm.pdf>.

correction of noncompliance within that 10-day correction period and therefore was inconsistent with OSEP's data collection and reporting guidance.

Although it is appropriate to correct data anomalies to ensure valid and reliable data, OSSE's reporting on compliance with the Secondary Transition requirements needs to reflect the compliance level before the option of other pre-finding corrections has been utilized by LEAs. It is important to highlight that States have the ability to design opportunities for quick corrections of noncompliance, and OSEP is not requesting that OSSE eliminate its procedures for allowing correction within 10 days of initial identification. However, the data reported in the APR (and the Specific Conditions reporting) needs to reflect each LEA's actual level of compliance (i.e., actual target data) at the time of the data collection and analysis, and not after providing an opportunity to take additional actions to quickly correct any identified noncompliance.

OSEP Recommendation

Based on the review of documents, analysis of data, and interviews with State, district, and school personnel, as described above, OSEP is concerned that OSSE does not have procedures for ensuring that it is providing valid and reliable data for its SPP/APR (and Specific Conditions reporting) related to compliance with the secondary transition requirements. OSEP strongly recommends that OSSE review and revise its practices in order to provide Indicator 13 Secondary Transition data that reflects the actual (i.e., pre-correction) level of compliance at the time of data collection and analysis, rather than data that reflect the post-correction level of compliance. OSEP further recommends that OSSE provide updated policies and procedures to ensure that the State is reporting data on the SPP/APR Indicator 13 (and its Specific Conditions reporting) that allows for correction of data anomalies, but also reflects the actual level of compliance at the time of data collection and not after the correction of noncompliance.

Compliance with IDEA Definition of Visual Impairment Including Blindness

On November 12, 2014, OSEP issued its *Letter to Kotler*¹⁰ in response to an inquiry for policy clarification addressing whether a public agency is permitted to establish procedures that further define the disability category "visual impairment including blindness" under the IDEA. OSEP's *Letter to Kotler* clarified that while States are permitted to establish standards for eligibility for special education and related services and are not required to use the precise definition of a disability term in the IDEA, these State-established standards must not narrow the definitions in the IDEA. Following the issuance of the OSEP Letter to Kotler, OSSE requested additional clarification and further guidance. OSEP responded to OSSE's request by providing further guidance designed to assist SEAs in supporting their LEAs in reaching appropriate eligibility determinations for children with this disability. OSEP Policy Memorandum 17-05: Eligibility Determinations for Children Suspected of Having a Visual Impairment under IDEA¹¹ (OSEP Memo 17-05) further clarifies State and local eligibility criteria and makes clear the purpose and manner in which evaluations are to be used to determine whether the child's visual impairment adversely affects educational performance.

¹⁰ Letter to Kotler, <https://sites.ed.gov/idea/idea-files/policy-letter-november-12-2014-to-michelle-kotler/>.

¹¹ OSEP Memo 17-05, <https://sites.ed.gov/idea/idea-files/policy-memo-eligibility-determinations-for-children-suspected-of-having-a-visual-impairment-under-idea/>.

During the on-site visit, OSEP discussed the guidance provided in OSEP Memo 17-05 to determine whether the OSSE's definition/eligibility criteria for children suspected of having a visual impairment, including blindness, is consistent with the IDEA. OSSE explained that they are in the process of updating their policies consistent with OSEP's guidance provided in OSEP Memo 17-05. On November 8, 2019, OSSE posted in the District of Columbia's Register a Notice of Proposed Rulemaking proposing amendments to Chapter 30 of Title 5-A in the District of Columbia Municipal Regulations (DCMR) (currently found at 5 DCMR § E-3000-3036) governing the education of students with disabilities. The proposed regulations revise and update current regulations and existing policy, including the district's requirements related to visual impairment.

OSEP Conclusion

Based on the review of documents, and interviews with State personnel, as described above, OSEP concludes that OSSE's definition/eligibility criteria for children suspected of having a visual impairment, including blindness, currently remains inconsistent with 34 C.F.R. §§ 300.304–300.311, 300.8(a)(1), and 300.8(c)(13) because it effectively narrows the IDEA definition of "visual impairment including blindness" by requiring a child to meet additional State-created eligibility criteria in order to be identified as having that disability.

Required Actions/Next Steps

As part of OSSE's SPP/APR due February 2021:

1. The State must provide an assurance that the State is taking the necessary steps, consistent with OSEP's Letter to Kotler, to update its regulations as they relate to the definition/eligibility criteria for children suspected of having a visual impairment including blindness including a timeline for updating the policies as required by 34 C.F.R. §§ 300.304–300.311, 300.8(a)(1), and 300.8(c)(13). Once updated, the State also must provide OSEP with the updated regulation.
2. OSSE must send a memo to all LEAs notifying them that OSSE's current regulation is not consistent with IDEA requirements and must be revised, and instructing all LEAs to follow the federal regulations (34 C.F.R. §§ 300.304–300.311, 300.8(a)(1), and 300.8(c)(13)) until the new State regulation is enacted.
3. With OSSE's May 1, 2021 Specific Conditions progress report, the State must submit a description of OSSE's ongoing technical assistance to its LEAs, and, if not already enacted, the status of the new regulation.

Results

The District of Columbia received an intensive level of engagement in the DMS area of results based upon the low performance data in the following annual performance data reporting areas:

Reading Assessment Elements

- Percentage of 4th Grade Children with Disabilities Scoring at Basic or Above on the National Assessment of Educational Progress (NAEP): 19%
- Percentage of 8th Grade Children with Disabilities Scoring at Basic or Above on the NAEP: 16%

Math Assessment Elements

- Percentage of 4th Grade Children with Disabilities Scoring at Basic or Above on the NAEP: 27%
- Percentage of 8th Grade Children with Disabilities Scoring at Basic or Above on the NAEP: 12%

Exiting Data Elements

- Percentage of Children with Disabilities who Dropped Out: 34%
- Percentage of Children with Disabilities who Graduated with a Regular High School Diploma: 54%

During interviews with OSSE staff regarding how OSSE intends to improve results data for students with disabilities, OSSE highlighted their strategic 5-year plan for all students. The pillars of OSSE's strategic plan include setting high expectations, sharing and using data and ensuring LEAs have access to the data, building ecosystem capacity, maximizing OSSE's use of grant funding, and concentrating on the development of all students, with a special focus on special education and early childhood education. At the time of OSEP's monitoring visit, OSSE was still developing strategies specific to students with disabilities.

OSEP Conclusion

Based on the analysis of data, and interviews with State and local personnel, as described above, OSEP concludes that OSSE has an academic framework in place, based on the State's strategic plan, that is reasonably designed to yield improved results data for students with disabilities.

Required Actions/Next Steps

No further action is required. OSEP looks forward to additional discussions with OSSE that outline specific strategies that will be implemented in the future to improve data quality and outcomes for students with disabilities with regard to graduation and dropout rates, and in their performance on assessments in reading and math.

SSIP

Overview of SSIP

The SSIP is Indicator 17 in the SPP/APR, under which States must annually report to OSEP on a comprehensive, ambitious, yet achievable multi-year plan for improving results for students with disabilities. The SSIP describes the State's efforts to improve its infrastructure and general supervision activities to build the capacity of schools and districts to implement, expand to other LEAs within the district, or scale-up and sustain, evidence-based practices that lead to improved educational performance and functional outcomes for students with disabilities. The SSIP includes baseline data expressed as a percentage for a results area, referred to as the State-identified Measurable Result (SiMR), and measurable and rigorous targets for each of the five years from FFY 2014 through FFY 2018 (referred to below as Year One through Year Five). The FFY 2018 target must reflect improvement over the SiMR's baseline data. In developing its SSIP, States are required to submit information to OSEP in three phases, all of which require

information about stakeholder involvement. The required submissions for each phase are briefly described below, including OSEP's response to OSSE's submission each year.

Phase I: Required states to review data specific to SiMR outcomes and identify root cause issues for low performance, analyze state infrastructure to support improvement and build capacity to implement the State's SSIP; describe the SiMR and provide baseline data and targets through FFY 2018; and select coherent strategies and provide a theory of action¹² to improve SiMR outcomes. The Phase I SSIP was submitted to OSEP on April 1, 2015, as part of the FFY 2013 SPP/APR. OSSE provided the required information for Phase I.

Phase II: Required states to develop a plan to implement and evaluate their State's SSIP plan based on the Phase I system analysis and provide any necessary content updates to the Phase I SSIP. Phase II also required States to describe strategies and timelines for infrastructure development, selection, and support to use evidence-based practices. Evidence-based practices support improved student performance in the SiMR focus area and measure data-sources to evaluate whether or not intended improvements lead to state-identified outcomes. The Phase II SSIP was submitted to OSEP on April 1, 2016, as part of the FFY 2014 SPP/APR. OSSE provided the required information for Phase II but was identified for targeted technical assistance through OSEP's DMS risk assessment process because the State's evaluation plan lacked alignment of evaluation efforts with intended improvement activities. Specifically, OSSE evaluated improvement activities based on attendance and attendee satisfaction with the activity rather than the intended impact of the activities.

Phase III: Requires states to provide a status update on the implementation and evaluation of the Phase II plan, including a description of any revisions to strategies, outcomes, measures, or timelines. Phase III SSIPs describe activities implemented over a four-year period with annual updates provided in the FFY 2015-2018 SPP/APRs (Referred to as Phase III, Year 1 through Phase III, Year 4). The State must assess and report on its progress implementing the SSIP and provide:

- A. data and analysis on the extent to which the State has made progress toward and/or met State-established short-term and long-term outcomes or objectives for implementation of the SSIP and its progress toward achieving the SiMR;
- B. the rationale for any revisions that were made, or that the State intends to make, to the SSIP as a result of the implementation, analysis, and evaluation of Phase III; and
- C. a description of meaningful stakeholder engagement in the SSIP.

If the State intends to continue implementing the SSIP without modifications, the State must describe how the data from the evaluation support this decision.

On April 3, 2017, OSSE provided the required information for Phase III, Year One, that describes the implementation of the SSIP during FFY 2015. OSEP identified OSSE as needing targeted technical assistance through OSEP's DMS risk assessment process due to concerns about the evaluation plan, specifically, the lack of data sources and measures for intended improvement efforts and minimal information on the state's process for data collection and alignment of the evaluation plan with the Phase I theory of action.

¹² A theory of action is a connected set of propositions, a logical chain of reasoning that explains how change will lead to improved practices.

On April 2, 2018, OSSE provided the required information for Phase III, Year Two, that describes the implementation of the SSIP during FFY 2016. OSEP identified OSSE as needing intensive technical assistance through OSEP's DMS risk assessment process due to the lack of stakeholder engagement in the SSIP's activities and evaluation of outcomes, minimal progress implementing infrastructure improvement efforts and lack of data to evaluate or describe progress, limited information on the use of evidence-based practices intended to improve the SiMR and their use with fidelity, and lack of progress toward the SiMR.

On April 1, 2019, OSSE provided the required information for Phase III, Year Three, but OSEP identified OSSE as needing intensive technical assistance through OSEP's DMS risk assessment process because of a lack of progress implementing and evaluating infrastructure changes to support SSIP outcomes and initiatives, stakeholder engagement, limited information on the use of evidence-based practices intended to improve the SiMR and their use with fidelity, and lack of data supporting progress toward the SiMR that is attributable to the State's improvement efforts.

On April 1, 2020, OSSE provided the required information for Phase III, Year Four. The District of Columbia's SiMR is focused on increasing the rate of graduation with a regular diploma for all students with disabilities, with a focus on students who attend high schools that require state intervention through the accountability system established in the Elementary and Secondary Education Act (ESEA) Flexibility Waiver or subsequently created under the ESEA as reauthorized by the Every Student Succeeds Act (ESSA).

For the FFY 2018 reporting year (school year 2017-18), the District's SSIP graduation target was 60 percent for students with disabilities; the District's ESSA state plan target was 48.8 percent. The District fell short of the SSIP goal with an actual four-year graduation rate of 48.8 percent.

OSEP's review and analysis of the Phase III, Year four submission included the following observations:

- The SSIP did not include a description of intended short-term and long-term outcomes, timelines for implementation and evaluation, specific evidence-based practices the State intended to implement and evaluation, or data sources for evaluation. These missing and under-developed elements in the plan have continued to impact the State's ability to evaluate strategies and practices and describe progress in subsequent SSIP submissions.
- The State noted that stakeholder engagement "occurs specific to each activity as opposed to within the context of the SSIP as a whole" (p. 15).
- The State reported relying "on existing data structures to source data needed to assess the progress and fidelity of implementation of SSIP activities" (p. 17) and did not describe any specific evidence-based practices that were implemented or evaluated specific to the SiMR or root cause issues that impact the SiMR.
- The State had not implemented or evaluated SSIP activities at the student level.
- The State reported that, as a result of significant stakeholder involvement, to ensure appropriate alignment with strategic initiatives, "[t]he District has initiated a redesign of its SSIP for FFY 2019, including identifying a new SiMR". Additionally, the State reported that it intended to shift its SiMR for the FFY 2019 SSIP submission (due April 1, 2021), to align with APR indicator 3, using proficiency and growth on statewide assessments.

In conversations with OSEP during the onsite visit, OSSE identified factors negatively impacting the State's implementation of its FFY 2017 SSIP, and the State's efforts to improve results for students with disabilities. Among other factors listed below, OSSE also identified a high student mobility rate and chronic student absenteeism as factors that negatively impacted progress on the SSIP. Other factors identified were:

- New leadership in key leadership positions within the OSSE organization and an overall shifting of educational priorities of OSSE under the new OSSE Strategic Plan; and
- Lack of stakeholder involvement around the SSIP activities and implementation as a whole was placed on hold pending the outcome of agency-wide strategic planning initiatives.

The State indicated that in addition to these issues, there had been challenges with collecting and analyzing results data at the LEA level. For example, there are multiple evidence-based practices being implemented across LEAs, and various progress monitoring tools are being utilized to measure student outcomes. The variability across local programs makes it difficult to look at trends, the fidelity of implementation, and possible correlations between student outcomes and performance on statewide assessments. Since data are not consistently reported from the school level to the State, OSSE has not been able to evaluate the effectiveness of implementation across the State.

The FFY 2018 SiMR data provided in Phase III, Year Four demonstrated that OSSE did not meet its annual SiMR target. The State reported that, "OSSE believes the decline in the statewide graduation rate was due to revisions in graduation policy and practice at one large LEA in the 2018-2019 school year." As with previous years, OSSE reported that they experienced substantial challenges in obtaining fidelity data to demonstrate implementation of improvement strategies at the LEA or at the school level. OSSE originally reported that as a result of stakeholder involvement efforts to improve outcomes for students with disabilities, and analysis of student data, the State intended to shift SSIP activities and the SiMR for the upcoming FFY 2019 SSIP. However, on a subsequent OSEP FFY 2018 SSIP feedback call, held with OSSE staff on August 21, 2020, OSSE reported to OSEP that due to the onset of the COVID-19 pandemic, the State was not able to make the previously planned changes to their FFY 2018 SSIP. Therefore, the State reported that they will continue the required reporting under their current SiMR.

As referenced above, over the years, the State has repeatedly acknowledged to OSEP their specific challenges with implementing their SSIP activities as well as obtaining fidelity data. Additionally, the State's decision to redesign their SSIP further demonstrates the ongoing issues and challenges that the State has encountered with their SSIP implementation. These significant challenges raise questions as to the State's overall effectiveness of OSSE's SSIP.

Required Actions/Next Steps

In the State's FFY 2019 APR submission of the SSIP due on April 1, 2021, as required by Section 616(b)(2)(B)(i) of the IDEA and 34 C.F.R. § 300.601(b)(1), OSSE must:

1. Report FFY 2019 data for the SiMR. Additionally, the State must, consistent with its evaluation plan described in Phase II, assess and report on its progress in implementing the SSIP. Specifically, the State must provide:

- a. A narrative or graphic representation of the principal activities implemented in Phase III, Year five;
 - b. Measures and outcomes that were implemented and achieved since the State's last SSIP submission (i.e., April 1, 2020);
 - c. A summary of the SSIP's coherent improvement strategies, including infrastructure improvement strategies, and evidence-based practices that were implemented by the State and progress toward short- and long-term outcomes that are intended to impact the SiMR; and
 - d. Any supporting data that demonstrates that the implementation of these activities is impacting the State's capacity to improve its SiMR data. If, in its FFY 2019 SSIP, the State is not able to demonstrate progress in implementing its coherent improvement strategies, including progress in the areas of infrastructure improvement strategies or the implementation of evidence-based practices with fidelity, the State should provide a root cause analysis for each barrier to implementation, and identify the strategies OSSE intends to implement to address these barriers.
2. The State must describe how its evidence-based practices, and activities or strategies that support their use, are intended to impact the SiMR by changing program/district policies, procedures, and/or practices, teacher/provider practices, parent/caregiver outcomes, and/or child outcomes.
 3. The State must revise the SSIP's implementation and evaluation plan to include: a new theory of action that reflects the alignment of the SSIP with OSSE's strategic plan.
 4. If the State makes any significant changes to the focus of the SiMR, its infrastructure improvement activities, or the evidence-based practices intended to impact the SiMR, OSSE must describe the data collected and analyzed to justify these changes and the role of stakeholders across the system in decision-making, and provide, as appropriate, a revised baseline and targets reflecting progress over baseline data through FFY 2019.

DMS NOTICE

Differentiated Monitoring and Support Engagement Decisions:

District of Columbia 2018–2019

This year we have selected four States for on-site visits as part of OSEP's Differentiated Monitoring and Support (DMS) system. These selections were based on the relative number of intensive and targeted Levels of Engagement (LOEs) across all States. **Your State has been selected for an on-site visit.**

OSEP's Differentiated Monitoring and Support (DMS) system is a component of Results Driven Accountability. DMS is designed to identify potential grantee risk to the Department and to assist OSEP in effectively using its resources to monitor grantees. DMS addresses State-specific needs in the areas of results, compliance, State Systemic Improvement Plan (SSIP), and fiscal by differentiating levels and types of monitoring and support based on each State's unique strengths, progress, and challenges in each area.

DMS is a multi-tiered model for monitoring and providing support based on the principle that supports are first provided at a core or universal level to effectively address the needs of all States. Targeted monitoring and support is generally based on OSEP's identification of common needs among multiple States. Intensive monitoring and support is reserved for those States with the most intense or complex challenges to implementation.

OSEP has assessed States' and Entities' progress in meeting performance standards and compliance with the legal requirements of the Individuals with Disabilities Education Act, the Education Department General Administrative Regulations and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. This information was used to help OSEP make decisions about a State's or Entity's levels of engagement for monitoring and support.

The charts below specify your State's level of engagement in each area – results, compliance, fiscal and SSIP.

Results | Level of Engagement: *Intensive*

Factors	Existing/Current Engagement
<p>Reading Assessment Elements</p> <ul style="list-style-type: none"> • Percentage of 4th Grade Children with Disabilities Scoring at Basic or Above on the National Assessment of Educational Progress (NAEP): 19% • Percentage of 8th Grade Children with Disabilities Scoring at Basic or Above on the NAEP: 16% <p>Math Assessment Elements</p> <ul style="list-style-type: none"> • Percentage of 4th Grade Children with Disabilities Scoring at Basic or Above on the NAEP: 27% • Percentage of 8th Grade Children with Disabilities Scoring at Basic or Above on the NAEP: 12% <p>Exiting Data Elements</p> <ul style="list-style-type: none"> • Percentage of Children with Disabilities who Dropped Out: 34% • Percentage of Children with Disabilities who Graduated with a Regular High School Diploma: 54% 	<p>OSEP continues to make information and technical assistance (TA) resources available and provide universal support to all States.</p>

New Engagement

OSEP will offer to provide the State, in collaboration with OSEP’s technical assistance providers, intensive technical assistance and support in its work to improve the State’s graduation rate, dropout rate, or reading and math proficiency rates based on the State’s needs. OSEP’s support may include establishing a schedule of regular contact, engaging in conversations to explore improvement activities, and discussing the progress and effectiveness of activities currently underway in the State to improve outcomes for students with disabilities. OSEP may also work with the State to conduct a root cause analysis of the factors that contribute to low results outcomes for students with disabilities.

Fiscal | Level of Engagement: *Universal*

Factors	Existing/Current Engagement
<ul style="list-style-type: none"> • Factors are only listed when the level of engagement is targeted or intensive. 	<p>OSEP continues to make information and TA resources available and provide universal support to all States.</p>

New Engagement

OSEP will provide universal support related to Part B fiscal issues.

Compliance | Level of Engagement: *Intensive*

Factors	Existing/Current Engagement
<ul style="list-style-type: none"> • Indicator 13: Secondary transition 71% • Longstanding Noncompliance: Special Conditions, 3 or more years • Uncorrected identified noncompliance (2 to 4 years) 	<p>OSEP continues to make information and TA resources available and provides support to the State. In addition, the State is receiving TA from the National Center for Systemic Improvement and the National Technical Assistance Center on Transition.</p>

New Engagement

OSEP will gather additional information to determine the scope of any additional engagement necessary to assist the State in improving IDEA compliance. This may include: (i) working collaboratively with the State and OSEP-funded technical assistance centers, (ii) working with the State to review its root cause analysis of factors that contributed to low compliance and to determine how the State will address the underlying issues identified through the root cause analysis, and /or (iii) additional OSEP monitoring.

SSIP | Level of Engagement: *Intensive*

Factors	Existing/Current Engagement
<ul style="list-style-type: none"> • Infrastructure changes • Stakeholder Engagement • Evidence-based practices • Progress toward the SiMR 	<p>OSEP continues to make information and TA resources available and provide universal support to all States.</p>

New Engagement

OSEP will offer to provide the State intensive technical assistance and support in its work to improve the SSIP in areas such as evidence-based practices, evaluation planning, or stakeholder engagement. OSEP will offer to establish a schedule of regular contact with the State, explore improvement activities and discuss the progress and effectiveness of the activities currently underway in the State. OSEP will also work collaboratively with OSEP-funded TA providers and may, if necessary, explore opportunities for onsite technical assistance in the State.

SPECIFIC CONDITIONS

Enclosure E Specific Conditions¹⁴

I. Basis for Requiring Specific Conditions

These are Specific Conditions imposed, pursuant to IDEA section 616(g) of Part B of the Individuals with Disabilities Education Act (IDEA or Part B) and 2 C.F.R. §200.207, by the U.S. Department of Education's (Department's) Office of Special Education Programs (OSEP). OSEP is imposing Specific 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 2020 grant awards under IDEA Part B to ensure the State corrects its longstanding noncompliance with certain IDEA requirements, as discussed in further detail below.

The State did not meet the Specific Conditions imposed on its FFY 2019 IDEA Part B grant awards to ensure timely reevaluations and compliance with secondary transition requirements. OSEP has imposed Specific or Special Conditions related to timely reevaluations on D.C.'s IDEA Part B grant awards since 2001. This issue was initially identified in the 1998-2001 Compliance Agreement between D.C. and the Department. OSEP has imposed Conditions on D.C.'s IDEA Part B grant awards related to compliance with secondary transition requirements since 2009.

Timely reevaluations: A reevaluation that meets the requirements of section 614(a)(2), (b), and (c) of the IDEA and 34 C.F.R. § 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 local educational agency (LEA) agree that a reevaluation is unnecessary.¹⁵

In its May 1, 2020 Specific Conditions progress report, the State reported that, for the period of October 1, 2019 through March 31, 2020, 84.4 percent of children were provided a timely reevaluation. The State further reported that at the end of the October 1, 2019 through March 31, 2020 reporting period, 266 children had not been provided a timely reevaluation. The State reported that it had ensured timely correction of all 398 of the 484 findings of noncompliance identified in FFY 2018 related to the timely reevaluation requirements with 13 findings subsequently corrected.

Because the State has not yet achieved compliance with the reevaluation requirements in IDEA sections 612(a)(7) and 614(a) through (c) and 34 C.F.R. § 300.303, OSEP requires the State to take the actions outlined in these Specific Conditions during FFY 2020.

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

¹⁴ Consistent with 2 C.F.R. § 200.207, the term "specific conditions" replaces the previously used term "special" conditions." In this document, the term "Special Conditions" is used when referencing the State's IDEA Part B grant awards and required reporting associated with the receipt of those funds for years prior to FFY 2018.

¹⁵ Section 614(a)(2) of the IDEA and 34 C.F.R. §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 that 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."

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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 300.321(b)(3).

D.C. reported under Indicator 13 of its FFY 2018 APR that 76 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 courses 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.

D.C.'s FFY 2019 Specific Conditions progress reports for the period July 1, 2019, through March 31, 2020, reflect 69 percent compliance with the secondary transition requirements. These data demonstrate slippage from the FFY 2018 APR data of 76 percent.

Because the State has not yet achieved compliance with the secondary transition requirements in IDEA section 614(d)(1)(A)(i)(VIII) and 34 C.F.R. §§ 300.320(b) and 300.321(b), OSEP requires the State to take the actions outlined in these Specific Conditions during FFY 2020.

II. Nature of the Specific Conditions

OSEP imposes the following Specific Conditions on D.C.'s FFY 2020 IDEA Part B grant awards to ensure that D.C. corrects the areas in which the Department has determined the State did not meet the FFY 2019 Specific Conditions.

Required Reporting on Areas of Longstanding Noncompliance: D.C. must provide updated data and other information on the areas of longstanding noncompliance, as described below.

A. Demonstrate compliance with the requirement to conduct timely reevaluations

1. **Required report on progress:** The State must provide reevaluations data in one progress report during FFY 2020. The reporting period for each progress report is reflected below:

Due Date	Reporting Period
May 1, 2021	October 1, 2020 – March 31, 2021

In its FFY 2020 Specific Conditions progress reports, the State must report the following information:

- 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 2019:
 - 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").
 - iv. Number of findings for which the one-year timeline had not yet expired.

B. Demonstrate compliance with secondary transition requirements

1. **Required report on progress:** The State must provide secondary transition compliance data in one progress report during FFY 2020. The reporting period for the progress report is reflected below:

Due Date	Reporting Period
May 1, 2021	October 1, 2020 – March 31, 2021

For the reporting period, consistent with the State's monitoring plan approved by OSEP in 2017, D.C. must 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 from the cohort of LEAs that have been designated for review.¹⁶

- a. 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. **Report SPP/APR Indicator 13 data:** D.C. must report FFY 2019 actual target data for Indicator 13 (secondary transition) consistent with the required measurement and instructions in its FFY 2019 APR, due February 1, 2021. D.C. must also address all of the issues related to Indicator 13 identified in OSEP's June 25, 2020 response to the State's FFY 2018 SPP/APR submission.

IV. Evidence Necessary for Conditions to be Removed

These Specific Conditions require D.C. to submit data demonstrating: (1) compliance with the timely reevaluation requirements; and (2) compliance with the secondary transition requirements.

The Department will remove these Specific Conditions if, at any time prior to the expiration of the FFY 2020 grant year, the State provides documentation, satisfactory to the Department, that it has fully met the requirements and conditions set forth above.

V. Method of Requesting Reconsideration

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

¹⁶ In accordance with D.C. law, effective July 1, 2018, LEAs must begin transition planning for students with disabilities at age 14. For the purposes of the FFY 2020 Specific Conditions, D.C. may choose to: (1) report the percent of IEPs for youth aged 16 and above reviewed for IEP secondary transition content; or (2) include youth beginning at age 14 in its report of IEPs reviewed for secondary transition content.

VI. Submission of Reports

The State Superintendent of Education or other authorized official of the SEA shall certify the completeness and accuracy of each report. D.C. must submit all reports required under these Specific Conditions to:

Jennifer Finch
U.S. Department of Education
Office of Special Education and Rehabilitative Services
Office of Special Education Programs — MSIP
550 12th Street, S.W., Room 5171
Washington, D.C. 20202 or by email to: Jennifer.Finch@ed.gov