



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

Honorable Clifford B. Janey, Ed.D.
Superintendent
District of Columbia Public Schools
825 North Capitol Street, 9th Floor
Washington, DC 20002

MAR 30 2006

Dear Superintendent Janey:

Thank you for your timely submission of the District of Columbia Public Schools' (DCPS') State Performance Plan (SPP) for review under Part B of the Individuals with Disabilities Education Act (IDEA). Section 616(b) of the Act requires States to submit, within one year after the date of enactment of the reauthorized IDEA, an SPP that evaluates the State's efforts to implement the requirements and purposes of IDEA and describes how the State will improve implementation. We appreciate DCPS's efforts in preparing the SPP under a short timeline and in the face of many other competing priorities. In the SPPs, due by December 2, 2005, States were to include: (1) baseline data that reflect the State's efforts to implement Part B of the IDEA; (2) measurable and rigorous targets for the next six years for each of the indicators established by the Secretary in the priority areas under section 616(a) of the IDEA; and (3) activities the State will undertake to improve implementation of Part B.

The Office of Special Education Programs (OSEP) is pleased to inform you that your SPP under Part B meets the requirements of section 616(b) to include measurable and rigorous targets and improvement activities. DCPS must make its SPP available through public means, including posting on the State educational agency's (SEA's) website, distribution to the media, and distribution through public agencies. (Section 616(b)(2)(C)(ii)(I)).

Under section 616(b)(2)(C)(ii)(II) of the Act, the State must annually report to OSEP on its performance under the SPP. DCPS's first Annual Performance Report (APR) on its progress in meeting its targets is due to OSEP by February 1, 2007. Attached to this letter you will find Table A addressing issues identified during our review of the SPP that – while not requiring disapproval of your plan – will affect our annual determination of DCPS' performance and compliance based on data presented in the State's APR. As a result, DCPS needs to provide additional information as part of its February 2007 APR submission. Table B includes OSEP's analysis of your submission related to previously-identified noncompliance or other issues included in OSEP's November 2, 2005 letter that responded to DCPS's Federal fiscal year (FFY) 2003 APR and the Special Conditions imposed on DCPS's FFY 2005 Grant Award (2005 FFY Special Conditions) under Part B of IDEA, that also require additional reporting.

DCPS's longstanding noncompliance with the following requirements is the subject of Special Conditions on its FFY 2005 grant award:

1. Provide timely initial evaluations and reevaluations. (§614(a)(1), (b) and (c) and §614(a)(2), (b), and (c));
2. Implement due process hearing decisions in a timely manner (§615(f) and (i));
3. Ensure placement in the least restrictive environment (LRE) (§612(a)(5)(A)); and

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4. Identify and correct, in a timely manner (i.e., within one year of identification), noncompliance with the requirements of Part B of IDEA (34 CFR §300.600, §612(a)(11), and 20 U.S.C. 1232d(b)(3)).

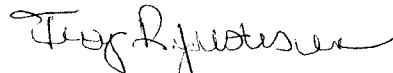
Table B includes OSEP's analysis of information submitted in DCPS's October 28, 2005 and January 13, 2006 Progress Reports under the Special Conditions. OSEP is concerned with the poor progress demonstrated in these reports. DCPS is required to submit a Progress Report by April 16, 2006 and a final Progress Report by June 16, 2006. DCPS must provide data demonstrating compliance with all of the FFY 2005 Special Conditions in its final Progress Report, due June 16, 2005. Failure to provide data demonstrating compliance at that time may result in the continuing designation of DCPS as a "high-risk" grantee and may otherwise affect its FFY 2006 grant award.

In addition to reporting to OSEP, DCPS must report annually to the public on the performance of each LEA located in the District on the targets in the State's performance plan. (Section 616(b)(2)(C)(ii)(I)). The requirement for public reporting on LEA performance is a critical provision related to ensuring accountability and focusing on improved results for children with disabilities. OSEP will be providing technical assistance regarding the reporting on LEA performance, at the National Accountability Conference, September 18 and 19, 2006 in Denver and through periodic technical assistance conference calls.

We hope that DCPS found the August 5, 2005 guidance on submission of the SPPs and the technical assistance that we provided through the August 11-12, 2005 Summer Institute, periodic conference calls, and the [SPP Resources](#) website helpful in this endeavor. If you have any feedback on our past technical assistance efforts or the needs of States for guidance, we would be happy to hear from you as we work to develop further mechanisms to support State improvement activities.

Thank you for your continued work to improve results for children and youth with disabilities and their families. We encourage you to work closely with your State Contact as you proceed in implementing improvement activities and developing your APR. If you have any questions regarding the SPP or the APR, please contact Paul Steenen at 202-245-7397.

Sincerely,



Troy R. Justesen
Acting Director
Office of Special Education
Programs

Enclosures

Table A

Table B

cc: Mary Lee Phelps,
Acting Director of Special Education