



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

Honorable Hosanna Mahaley  
State Superintendent  
Office of the State Superintendent of Education  
810 First Street, N.E., 9<sup>th</sup> Floor  
Washington, D.C. 20002

**JUN 20 2011**

Dear Superintendent Mahaley:

Thank you for the timely submission of the District of Columbia's (D.C.'s) Federal fiscal year (FFY) 2009 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA).

The U.S. Department of Education (Department) has determined that, under IDEA section 616(d), D.C. "needs intervention" in implementing the requirements of Part B of the IDEA. The Department's determination is based on the totality of the State's data and information, including the State's FFY 2009 APR and revised SPP (including targets and improvement activities for each year through FFY 2012), other State-reported data, information submitted by D.C. in response to the Office of Special Education Programs' (OSEP's) May 12, 2010 verification letter, the State's submissions under the Special Conditions on D.C.'s FFY 2010 IDEA Part B grant, and other publicly available information. However, we did not consider whether a State was in compliance with the requirement in section 612(a)(18)(A) to maintain State financial support for special education and related services. This is a key component of a State's eligibility for a grant under Part B of the IDEA. However, because the statute provides a specific remedy when a State is not in compliance with this provision (and the Department is taking action consistent with the statute) and recognizing that this is the first time that a number of States have failed to meet this requirement, the Department decided not to include compliance with this provision in the determinations process this year. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2011: Part B" for further details.

The specific factors affecting OSEP's determination of needs intervention were that D.C.'s: (1) FFY 2009 data reflect 30.25% compliance for Indicator 12 (early childhood transition); and (2) data reported in response to D.C.'s FFY 2010 Special Conditions demonstrate that D.C. continues to have longstanding noncompliance issues that the Department has had to address for multiple years with various enforcement actions. D.C. continues to demonstrate noncompliance with the following key IDEA requirements: timely correction of noncompliance; timely implementation of hearing officer determinations (HODs); and timely initial evaluations and reevaluations. In making its determination of needs intervention, OSEP considered the length of time and magnitude of D.C.'s failure to comply with these requirements.

The enclosed table provides OSEP's analysis of the State's FFY 2009 APR and revised SPP, and identifies by indicator, OSEP's review of any revisions made by the State to its targets, improvement activities (timelines and resources), and baseline data in the State's SPP. The table also identifies, by indicator: (1) the State's reported FFY 2009 data; (2) whether such data met the State's FFY 2009 targets and reflect progress or slippage from the prior year's data; (3) if

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-2600

[www.ed.gov](http://www.ed.gov)

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

applicable, that the State's data are not valid and reliable; and (4) whether the State corrected findings of noncompliance.

### **Very Low Performance for Indicator 12**

Under Indicator 12, D.C. was required to provide data on the percent of children referred by Part C prior to age three, who are found eligible for Part B, and who have an individualized education program (IEP) developed and implemented by their third birthdays. D.C.'s FFY 2009 data show that the majority of young children with disabilities in D.C. who were served in Part C and who were found eligible for Part B, did not experience a smooth and effective transition to Part B services. In the State's March 2, 2011 progress report (revised May 12, 2011), D.C. reported that for the period July 1, 2010 through March 31, 2011, 64.3% of children who were served in Part C and found eligible for Part B had an IEP developed and implemented by their third birthdays. While these data reflect progress from the previous year, D.C. continues to demonstrate noncompliance with the early childhood transition requirements in IDEA section 612(a)(9) and 34 CFR §300.124(b).

### **Noncompliance with Other Key IDEA Requirements**

#### **A. Timely Correction of Noncompliance**

D.C. failed to meet the Special Condition to ensure timely correction of noncompliance, which was first imposed on the State's FFY 2005 IDEA Part B grant and has continued to apply to each IDEA Part B grant since that time. OSEP recognizes that D.C. has provided documentation of its monitoring system, including the *State Monitoring and Compliance Manual (IDEA Part B)*, monitoring tool, copies of monitoring reports, and a log of monitoring activities the State conducted during FFY 2009, and from July 1, 2010 through April 22, 2011. D.C. has demonstrated that it has established a system of general supervision that identifies noncompliance in a timely manner using its different components, including a statewide database, State complaints, due process hearings, on-site monitoring, and local educational agency (LEA) self-assessments. In addition, we recognize that D.C. has established policies and procedures for helping to ensure the correction of noncompliance identified through these activities. However, we conclude, and the State has acknowledged, that it is not yet able to demonstrate that 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), and OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

#### **B. Timely Implementation of Hearing Officer Determinations**

D.C. has failed to meet the Special Condition imposed on its FFY IDEA Part B 2010 grant to ensure timely implementation of HODs. This issue was initially identified in the 1998-2001 Compliance Agreement between D.C. and the Department and has been included in the Special Conditions imposed on each IDEA Part B grant from 2001 to the present. In addition, this area of noncompliance was also included in the Memorandum of Agreement (MOA) entered into on December 7, 2009 between D.C. and the Department, whereby D.C. agreed to take corrective actions under specific timelines and provide regularly scheduled progress reports to OSEP, and

the Department agreed to release portions of the withheld FFY 2009 State-level funds under IDEA section 611(e) as D.C. meets the benchmarks established in the MOA.<sup>1</sup>

D.C. reported in the May 2, 2011 progress report that for the February 2, 2011 through March 31, 2011 reporting period, 73% of HODs were implemented in a timely manner and 39% of the backlog of HODs were implemented. D.C. continues to demonstrate noncompliance with the requirements in IDEA section 615(f) and (i) to ensure timely implementation of due process decisions. Ensuring timely implementation of HODs is an essential part of establishing an effective due process and general supervision system.

### **C. Timely Initial Evaluations and Reevaluations**

D.C. has failed to meet the Special Condition imposed on its FFY IDEA Part B 2010 grant to ensure timely initial evaluations and reevaluations. This issue was initially identified in the 1998-2001 Compliance Agreement between D.C. and the Department, and has been included in the Special Conditions imposed on each IDEA Part B grant from 2001 to the present. In addition, this area of noncompliance was also included in the MOA entered into on December 7, 2009 between D.C. and the Department.

The failure to ensure timely initial evaluations and reevaluations was a factor in the State's FFY 2008 APR determination. Pursuant to IDEA section 616(e)(1)(C) and (2)(A), the Secretary directed D.C. to use \$500,000 of its FFY 2010 State-level funds under IDEA section 611(e) to address the longstanding noncompliance with the requirements to ensure timely initial evaluations and reevaluations. D.C. was required to use \$500,000 of its FFY 2010 State-level funds to carry out initial evaluations and reevaluations for children who have not been provided a timely initial evaluation or reevaluation (i.e., to reduce the backlog of overdue initial evaluations and reevaluations). The Secretary authorized D.C. to use the otherwise directed funds for other purposes if the State elected to direct LEAs that demonstrated noncompliance with the requirements to conduct timely initial evaluations and reevaluations, to use \$500,000 of their FFY 2010 IDEA Part B funds to reduce the backlog of overdue initial evaluations and reevaluations.<sup>2</sup>

With its October 1, 2010 progress report, the State reported that it would use \$250,000 of its FFY 2010 State-level funds under IDEA section 611(e) and it directed the District of Columbia Public Schools (DCPS) to use \$250,000 of the LEA's FFY 2010 IDEA Part B funds to reduce the backlog of overdue initial evaluations and reevaluations. The State required DCPS to submit a corrective action plan describing how DCPS would ensure the reduction of the backlog and a specific budget describing how the LEA would use \$250,000 of its FFY 2010 IDEA Part B funds

---

<sup>1</sup> Because D.C. did not meet all of the MOA benchmark targets for any one of the six reporting periods, it has not been permitted to draw down any portion of the withheld FFY 2009 funds. D.C. submitted its final report under the terms of the MOA on March 2, 2011. In correspondence dated April 11, 2011, D.C. was informed it may submit an updated report demonstrating that it has met all of the benchmarks for one or more of the MOA reporting periods. In order to provide for the review of the information and to allow the State sufficient time to obligate the FFY 2009 funds that may be released, D.C. should submit any updated information it wishes OSEP to consider on or before August 1, 2011. The FFY 2009 IDEA funds are available for obligation until September 30, 2011 and must be liquidated by December 31, 2011.

<sup>2</sup> 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.

to carry out the activities in its plan. On February 1, 2011, D.C. reported it would track the directed use of funds by utilizing a reimbursement system where the LEA submits documentation of its expenditures for evaluators to D.C. for reimbursement. D.C. also reported that it would use \$250,000 of its IDEA State-level funds to support DCPS “in securing additional contracted evaluators to ensure swifter elimination of the current backlog of overdue initial evaluations and reevaluations.”

In the May 2, 2011 progress report, D.C. reported that for the February 2, 2011 through March 31, 2011 reporting period, 58% of initial evaluations were provided in a timely manner and that initial evaluations were provided to 14% of the children whose initial evaluations were overdue. D.C. also reported that 82% of reevaluations were completed in a timely manner and that reevaluations were provided to 43% of the children whose reevaluations were overdue.

On May 23, 2011, D.C. provided a report on the status of the State’s use of \$250,000 of its FFY 2010 State-level funds under IDEA section 611(e) and DCPS’ use of \$250,000 of the LEA’s FFY 2010 IDEA Part B funds to reduce the backlog of overdue initial evaluations and reevaluations. D.C. stated that it advised DCPS that the State would transfer \$250,000 of its FFY 2010 State-level funds to assist DCPS in reducing the backlog of overdue initial evaluations and reevaluations. D.C. reported that as of May 23, 2011, DCPS notified the State that it had used approximately \$300,000 of its local funds towards the effort of reducing the backlog of initial evaluations and reevaluations and intended to submit documentation to D.C. for reimbursement of these expenditures. D.C. reported that because DCPS had not yet submitted an approvable “Phase II application,” reimbursement to DCPS had been delayed. Therefore, D.C. has not yet provided documentation demonstrating that \$250,000 of its FFY 2010 State-level funds under IDEA section 611(e) and \$250,000 of DCPS’ FFY 2010 IDEA Part B funds have been used to reduce the backlog.

Thus, after more than ten years of documented noncompliance by D.C. with the requirements to ensure timely initial evaluations and reevaluations, and despite enforcement actions taken by the Department, including a compliance agreement, the application of special conditions, the withholding of funds, the MOA, and the directed use of a portion of the State’s FFY 2010 IDEA section 611(e) funds, D.C. continues to demonstrate noncompliance with these critical requirements in IDEA sections 612(a)(7) and 614(a) through (c) and 34 CFR §§300.301(c)(1) and 300.303.

#### **Determination and Enforcement Action**

D.C.’s determination for the FFY 2005, 2006, 2007, and 2008 APRs was needs intervention. This is now the fifth consecutive year that D.C. is receiving a determination of needs intervention. In accordance with IDEA section 616(e)(2)(B) and 34 CFR §300.604(b), if a State is determined to need intervention for three or more consecutive years, the Secretary shall take one or more of the following actions: (1) require the State to prepare a corrective action plan or improvement plan if the Secretary determines that the State should be able to correct the problem within one year; (2) require the State to enter into a compliance agreement under Section 457 of the General Education Provisions Act (GEPA), if the Secretary has reason to believe that the State cannot correct the problem within one year; (3) withhold, not less than 20 percent and not more than 50 percent of the Part B funds reserved for State-level activities for each year of the determination until the Secretary determines that the State has sufficiently addressed the area(s) in which the State needs intervention; (4) seek to recover Part B funds under Section 452 of

GEPA; (5) withhold, in whole or in part, any further payments of Part B funds to the State; or (6) refer the matter for appropriate enforcement action, which may include referral to the Department of Justice. In addition, under IDEA section 616(e)(2)(A), the Secretary may take one of the three actions specified under IDEA section 616(e)(1), (if a State is determined to need assistance for two consecutive years), which include under IDEA section 616(e)(1)(C) that the Secretary may direct the use of State-level funds under IDEA section 611(e) on the area or areas in which the State needs assistance.

#### **A. Corrective Action Plan**

Pursuant to IDEA section 616(e)(2)(B)(i), the Secretary is requiring D.C. to submit a corrective action plan (CAP) that is reasonably designed to address each of the areas in which D.C. needs intervention. The Secretary is requiring D.C. to submit this CAP because the Secretary has determined that, in combination with directing the use of funds as described further below, D.C. should be able to correct the problems that are the bases for its needs intervention determination within one year from this determination letter, and that other enforcement remedies under IDEA section 616(e)(2)(B) are not appropriate at this time.

Therefore, on August 1, 2011, D.C. must submit a CAP that addresses the actions D.C. will take to:

1. demonstrate compliance with the requirement to ensure children referred by Part C prior to age three, who are found eligible for Part B, have an IEP developed and implemented by their third birthdays (IDEA section 612(a)(9) and 34 CFR §300.124(b));
2. demonstrate that it has a general supervision system that is reasonably designed to effectively correct noncompliance in a timely manner (IDEA sections 612(a)(11) and 616, 34 CFR §§300.149 and 300.600(e), 20 U.S.C. 1232d(b)(3), and OSEP Memo 09-02);
3. demonstrate compliance with the requirement to implement HODs in a timely manner (IDEA sections 615(f) and (i)); and
4. demonstrate compliance with the requirement to conduct timely initial evaluations and reevaluations (IDEA sections 612(a)(7) and 614(a) through (c) and 34 CFR §§300.301(c)(1) and 300.303).

D.C.'s CAP must include the specific actions and timelines by which the State will carry out these actions.

#### **B. Directing the Use of Funds**

In addition to submitting a CAP, pursuant to IDEA section 616(e)(1)(C) and (2)(A), the Secretary is directing D.C. to use \$500,000 of its FFY 2011 State-level funds under IDEA section 611(e) to address the longstanding noncompliance with the requirements to ensure timely initial evaluations and reevaluations. D.C. must use \$500,000 of its FFY 2011 State-level funds to carry out initial evaluations and reevaluations for children who have not been provided a timely initial evaluation or reevaluation (i.e., to reduce the backlog of overdue initial evaluations and reevaluations). The Secretary authorizes D.C. to use the otherwise directed funds for other purposes if the State elects to direct LEAs that demonstrated noncompliance with the requirements to conduct timely initial evaluations and reevaluations, to use \$500,000 of their

FFY 2011 IDEA Part B funds to reduce the backlog of overdue initial evaluations and reevaluations.

D.C.'s efforts to reduce the backlog in FFY 2010 were unsuccessful. In its April 1, 2010 progress report, amended July 2, 2010, D.C. reported that initial evaluations were provided to 17% of the children whose initial evaluations were overdue, with 384 children having overdue initial evaluations as of March 5, 2010. A little more than a year later, D.C. reported in its May 2, 2011 progress report that initial evaluations were provided to 14% of the children whose initial evaluations were overdue, with 416 children having overdue evaluations as of March 31, 2011. In its April 1, 2010 progress report, amended July 2, 2010, D.C. reported that reevaluations were provided to 37% of the children whose reevaluations were overdue, with 338 children having overdue reevaluations as of March 5, 2010. In its May 2, 2011 progress report, D.C. reported that reevaluations were provided to 43% of the children whose reevaluations were overdue, with 180 children having overdue reevaluations as of March 31, 2011.

Directing the use of funds is again an appropriate enforcement action because it supports the ability of D.C. and its LEAs to timely evaluate and reevaluate children with disabilities, which are critical IDEA requirements that directly impact a child's right to receive a free appropriate public education. The failure of a State to ensure the provision of a timely initial evaluation and reevaluation results in a delay in the determination of whether a child is or continues to be a child with a disability, and in the provision of services that appropriately meet a child's current educational needs. The amount of \$500,000 represents a significant commitment of resources that will be targeted to ensure that D.C. and its LEAs take the necessary action to reduce the backlog of overdue initial evaluations and reevaluations.

In addition, to ensure that D.C. can reduce the backlog of overdue initial evaluations and reevaluations within one year, D.C. must accelerate the implementation of corrective measures and expedite the use of the directed FFY 2011 IDEA Part B funds. Based on the following timeline, the Department is requiring D.C. to ensure that \$500,000 of its FFY 2011 IDEA Part B funds are used by July 1, 2012.

1. On August 1, 2011, D.C. must report whether it intends to: (1) use \$500,000 of its FFY 2011 State-level funds under IDEA section 611(e) to carry out initial evaluations and reevaluations for children who have not been provided a timely initial evaluation or reevaluation (i.e., to reduce the backlog of overdue initial evaluations and reevaluations); (2) direct those LEA(s) that demonstrated noncompliance with the requirements to conduct timely initial evaluations and reevaluations to use \$500,000 of their FFY 2011 IDEA Part B funds to reduce the backlog of overdue initial evaluations and reevaluations; or (3) use a portion of its FFY 2011 State-level funds, and direct those LEA(s) that demonstrated noncompliance with the requirements to conduct timely initial evaluations and reevaluations to use a portion of their FFY 2011 IDEA Part B funds, to reduce the backlog of overdue initial evaluations and reevaluations (the combined amount of State-level and LEA-level FFY 2011 IDEA Part B funds must total \$500,000).

In addition, with its August 1, 2011 report, D.C. must provide a proposed spending plan on how the FFY 2011 State-level funds under IDEA section 611(e) will be used by July 1, 2012 to reduce the backlog of overdue initial evaluations and reevaluations. The proposed spending plan must include: (1) the activities that will be carried out with these 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, 2012; and (4) an explanation of how the activities will result in the reduction of the backlog. D.C. must also describe the documentation that it will provide to demonstrate that it has used: (1) \$250,000 of its FFY 2010 State-level funds under IDEA section 611(e) and \$250,000 of DCPS' FFY 2010 IDEA Part B funds to reduce the backlog; and (2) \$500,000 of its FFY 2011 State-level funds under IDEA section 611(e), and/or the portion of FFY 2011 IDEA Part B funds it has directed LEA(s) to use, to carry out the activities described in the State's and/or LEA's spending plan.

2. On November 1, 2011, 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 2011 IDEA Part B funds to reduce the backlog. D.C. must also provide: (1) the amount of the \$250,000 of FFY 2010 State-level funds under IDEA section 611(e) and the \$250,000 of DCPS' FFY 2010 IDEA Part B funds that were used from July 1, 2010 through September 30, 2011 to reduce the backlog; (2) documentation that the State and DCPS used those FFY 2010 IDEA Part B funds to reduce the backlog; (3) the amount of the State's and/or LEA's FFY 2011 IDEA Part B funds that were used from July 1, 2011 through September 30, 2011 to carry out the activities described in the State's and/or LEA's spending plan; and (4) documentation that the State and/or LEA used those FFY 2011 IDEA Part B funds in a manner consistent with the State's and/or LEA's spending plan.<sup>3</sup> The State must demonstrate that it has: (1) reduced the number of children with overdue initial evaluations reported in the State's May 2, 2011 progress report by 25%; and (2) reduced the number of children with overdue reevaluations reported in the State's May 2, 2011 progress report by 25%.<sup>4</sup>
3. On February 1, 2012, D.C. must provide: (1) the amount of the \$250,000 of FFY 2010 State-level funds under IDEA section 611(e) and the \$250,000 of DCPS' FFY 2010 IDEA Part B funds that were used from October 1, 2011 through December 31, 2011 to reduce the backlog; (2) documentation that the State and DCPS used those FFY 2010 IDEA Part B funds to reduce the backlog; (3) the amount of the State's and/or LEA's FFY 2011 IDEA Part B funds that were used from October 1, 2011 through December 31, 2011 to carry out the activities described in the State's and/or LEA's spending plan; and (4) documentation that the State and/or LEA used those FFY 2011 IDEA Part B funds in a manner consistent with the State's and/or LEA's spending plan. The State must demonstrate that it has: (1) reduced the number of children with overdue initial evaluations reported in the State's November 1, 2011 progress report by 50%; and (2)

---

<sup>3</sup> In the event that the Department determines that D.C. and DCPS have fulfilled the requirement to use the FFY 2010 IDEA Part B funds, the Department shall notify D.C. that it is no longer necessary to report on the use of those funds. The Department expects that D.C. and DCPS will use these funds as soon as possible, and in no case later than July 1, 2012.

<sup>4</sup> OSEP will take into consideration D.C.'s submission of amended data to allow for "late data entry or data correction adjustments," as appropriate.

reduced the number of children with overdue reevaluations reported in the State's November 1, 2011 progress report by 50%.

4. On May 1, 2012, D.C. must provide: (1) the amount of the \$250,000 of FFY 2010 State-level funds under IDEA section 611(e) and the \$250,000 of DCPS' FFY 2010 IDEA Part B funds that were used from January 1, 2012 through March 31, 2012 to reduce the backlog; (2) documentation that the State and DCPS used those FFY 2010 IDEA Part B funds to reduce the backlog; (3) the amount of the State's and/or LEA's FFY 2011 IDEA Part B funds that were used from January 1, 2012 through March 31, 2012 to carry out the activities described in the State's and/or LEA's spending plan; and (4) documentation that the State and/or LEA used those FFY 2011 IDEA Part B funds in a manner consistent with the State's and/or LEA's spending plan. The State must demonstrate that it has: (1) reduced the number of children with overdue initial evaluations reported in the State's February 1, 2012 progress report by 75%; and (2) reduced the number of children with overdue reevaluations reported in the State's February 1, 2012 progress report by 75%.
5. On August 1, 2012, D.C. must provide: (1) the amount of the \$250,000 of FFY 2010 State-level funds under IDEA section 611(e) and the \$250,000 of DCPS' FFY 2010 IDEA Part B funds that were used from April 1, 2012 through June 30, 2012 to reduce the backlog; (2) documentation that the State and DCPS used those FFY 2010 IDEA Part B funds to reduce the backlog; (3) the amount of the State's and/or LEA's FFY 2011 IDEA Part B funds that were used from April 1, 2012 through June 30, 2012 to carry out the activities described in the State's and/or LEA's spending plan; and (4) documentation that the State and/or LEA used those FFY 2011 IDEA Part B funds in a manner consistent with the State's and/or LEA's spending plan. The State must demonstrate that it has: (1) reduced the number of children with overdue initial evaluations reported in the State's May 1, 2012 progress report by 95% or more; and (2) reduced the number of children with overdue reevaluations reported in the State's May 1, 2012 progress report by 95% or more.

### **Conclusion**

OSEP will be carefully reviewing D.C.'s progress during the coming fiscal year in taking all of the corrective actions as outlined in this letter, including steps to reduce the backlog of overdue initial evaluations and reevaluations consistent with the benchmarks described above. If D.C. does not demonstrate significant progress in taking corrective actions or in meeting those benchmarks regarding initial evaluations and reevaluations, OSEP may choose to take additional enforcement action.

As required by section 616(e)(7) of the IDEA and 34 CFR §300.606, the State must notify the public within the State that the Secretary of Education has taken the above enforcement action, including, at a minimum, by posting a public notice on the agency's Web site and distributing the notice to the media and through public agencies.

The Secretary also is advising the State of technical assistance available related to Indicator 12 (early childhood transition) and Indicator 15 (identification and correction of noncompliance). A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of "The Right IDEA" Web site at: <http://therightidea.tadnet.org/technicalassistance>. You will be directed to a

list of indicators. Click on specific indicators for a list of centers, documents, Web seminars and other sources of relevant technical assistance for that indicator.

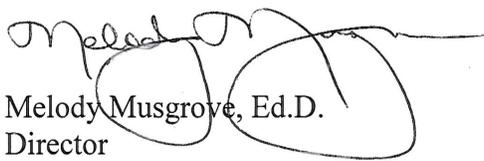
As you know, pursuant to IDEA section 616(b)(2)(C)(ii)(1) and 34 CFR §300.602(b)(1)(i)(A), your State must report annually to the public on the performance of each LEA located in the State on the targets in the SPP as soon as practicable, but no later than June 1, 2011. In addition, your State must: (1) review LEA performance against targets in the State's SPP; (2) determine if each LEA "meets requirements" of Part B, or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part B of the IDEA; (3) take appropriate enforcement action; and (4) inform each LEA of its determination. 34 CFR §300.600(a)(2) and (3).

For further information regarding these requirements, see "The Right IDEA" Web site at: <http://therightidea.tadnet.org/determinations>. Finally, please ensure that your updated SPP is posted on the State educational agency's Web site and made available to the public, consistent with 34 CFR §300.602(b)(1)(i)(B).

Pursuant to section 616(d)(2)(B) of the IDEA and 34 CFR §300.603(b)(2), a State that is determined to need intervention or need substantial intervention, and does not agree with this determination, may request an opportunity to meet with the Assistant Secretary to demonstrate why the Department should change the State's determination. To request a hearing, submit a letter to Alexa Posny, Assistant Secretary, Office of Special Education and Rehabilitative Services, United States Department of Education, 400 Maryland Avenue S.W., Washington, D.C. 20202 within 15 days of the date of this letter. The letter must include the basis for your request for a change in the State's determination.

OSEP is committed to supporting D.C.'s efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Lisa Pagano, your OSEP State Contact, at 202-245-7413.

Sincerely,



Melody Musgrove, Ed.D.  
Director  
Office of Special Education Programs

Enclosures

cc: State Director of Special Education