



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

June 30, 2015

Honorable Hanseul Kang
State Superintendent of Education
District of Columbia
Office of the State Superintendent of Education
810 First Street, N.E., 9th Floor
Washington, D.C. 20002

Dear Superintendent Kang:

I am writing to advise you of the U. S. Department of Education's (Department) 2015 determination under section 616 of the Individuals with Disabilities Education Act (IDEA). The Department has determined that the District of Columbia (D.C.) needs intervention in implementing the requirements of Part B of the IDEA. This determination is based on the totality of the State's data and information, including the Federal fiscal year (FFY) 2013 State Performance Plan (SPP)/Annual Performance Report (APR), other State-reported data, and other publicly available information.

Your State's 2015 determination is based on the data reflected in the State's "2015 Results Driven Accountability Matrix" (RDA Matrix). The RDA Matrix is individualized for each State and consists of: (1) a Compliance Matrix that includes scoring on Compliance Indicators and other compliance factors and a Compliance Score; and (2) a Results Matrix that includes scoring on Results Elements, a Results Score, an RDA Percentage based on both the Compliance Score and the Results Score, and the State's Determination. The RDA Matrix is further explained in a document, entitled "How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2015: Part B" (HTDMD).

OSEP is continuing to use both results data and compliance data in making determinations in 2015, as it did for Part B determinations in 2014. (The specifics of the determination procedures and criteria are set forth in the HTDMD and reflected in the RDA Matrix for your State.) In making Part B determinations in 2015, OSEP continued to use results data related to the participation of children with disabilities (CWD) on regular Statewide assessments and the participation and performance of CWD on the National Assessment of Educational Progress (NAEP). In addition, OSEP used exiting data on CWD who dropped out and CWD who graduated with a regular high school diploma, as reported by States under section 618 of the IDEA. One of the purposes of the IDEA, as set out in section 601(d)(1)(A), is to ensure that all children with disabilities have a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. Because it is critical that States focus on decreasing the number of CWD that drop out and increasing the number of CWD that graduate with a regular high school diploma, OSEP has added these data as results elements in making determinations in 2015.

You may access the results of OSEP’s review of your State’s SPP/APR and other relevant data by accessing the SPP/APR module using your State-specific log-on information at osep.grads360.org. When you access your State’s SPP/APR on the site, you will find in Indicators 1 through 16, the OSEP Response to the indicator, and any actions that the State is required to take. The actions that the State is required to take are in two places: (1) any actions related to the correction of findings of noncompliance are in the “OSEP Response” section of the indicator; and (2) any other actions that the State is required to take are in the “Required Actions” section of the indicator. It is important for you to review the Introduction to the SPP/APR, which may also include an OSEP Response and/or Required Actions.

You will also find all of the following important documents saved as attachments to the Progress Page: (1) the State’s RDA Matrix; (2) the HTDMD document; (3) a spreadsheet entitled “2015 Data Rubric Part B,” which shows how OSEP calculated the State’s “Timely and Accurate State-Reported Data” score in the Compliance Matrix; (4) a document entitled “Dispute Resolution 2013-14,” which includes the IDEA section 618 data that OSEP used to calculate the State’s “Timely State Complaint Decisions” and “Timely Due Process Hearing Decisions” scores in the Compliance Matrix; (5) a Data Display, which presents certain State-reported data in a transparent, user-friendly manner and is helpful for the public in getting a broader picture of State performance in key areas; and (6) OSEP’s response to D.C.’s report on the remaining uncorrected noncompliance noted in OSEP’s 2014 SPP/APR Response Table and the State’s Special Conditions progress reports submitted in FFY 2014.

As noted above and further explained in the enclosures to this letter, the Department has determined that D.C. needs intervention in implementing the requirements of Part B of the IDEA. The Department identifies a State as needing intervention under IDEA Part B if its RDA Percentage is less than 60%. D.C.’s RDA Percentage is 55.42%.

I. Major Factors Contributing to D.C.’s 2015 RDA Needs Intervention Determination

A. Performance for Indicator 13

Compliance Data on Secondary Transition: The data D.C. provided in its FFY 2013 APR and the progress reports describing how D.C. is meeting the Special Conditions attached to its FFY 2014 IDEA Part B grant award demonstrate continued noncompliance with the secondary transition requirements in IDEA section 614(d)(1)(A)(i)(VIII) and 34 CFR §§300.320(b) and 300.321(b). Under Indicator 13, D.C. was required to provide data on the percent of youth with individualized education programs (IEPs) 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 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. 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. In its FFY 2013 APR, D.C.’s reported data for Indicator 13 were 50 percent.

This is an area of longstanding noncompliance. D.C.’s low level of compliance with the secondary transition requirements has been a needs intervention factor or a Special Condition since June 2009. Compliance with the secondary transition requirements was 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) if D.C. met the benchmarks established in the MOA. Because D.C. did not meet all of the MOA benchmark targets for any one of the six reporting periods, it was not permitted to draw down any portion of the withheld FFY 2009 funds.

As demonstrated in its FFY 2014 Special Conditions progress reports, D.C. did not meet the Special Condition imposed on its FFY 2014 IDEA Part B grant award to ensure compliance with the secondary transition requirements. In the State's April 29, 2015 Special Conditions progress report, amended May 18, 2015, D.C. reported data for the period October 1, 2014 through March 31, 2015, that reflect 65 percent compliance with the secondary transition requirements. While these data reflect progress from the FFY 2013 APR data, D.C. continues to report very low levels of compliance with the secondary transition requirements in IDEA section 614(d)(1)(A)(i)(VIII) and 34 CFR §§300.320(b) and 300.321(b).

2014 Enforcement Action: D.C.'s low level of compliance with the secondary transition requirements was a factor in the State's 2014 needs intervention determination.¹ In addition, as noted above, because D.C. did not ensure compliance with the secondary transition requirements, the Department continued to impose Special Conditions on D.C.'s FFY 2014 IDEA Part B grant award in this area. In OSEP's June 23, 2014 determination letter, pursuant to IDEA section 616(e)(2)(B)(i), the Secretary required D.C. to submit a corrective action plan (CAP) that addressed the actions D.C. would take to demonstrate compliance with the secondary transition requirements.² In addition to submitting a CAP, pursuant to IDEA section 616(e)(1)(B) and 2(A), the Secretary directed D.C. to use \$250,000 of its FFY 2014 State-level funds under IDEA section 611(e) to address noncompliance with the secondary transition requirements. The Secretary authorized D.C. to use the directed funds for other purposes if the State elected to direct local educational agencies (LEAs) that demonstrated noncompliance with the secondary transition requirements to use \$250,000 of their FFY 2014 IDEA Part B funds to address noncompliance with these requirements (the combined amount of State-level and/or LEA-level funds was required to total the amount directed by the Department).³

In Section IV of its FFY 2014 CAP, submitted August 1, 2014 and revised August 29, 2014, the State reported it would use \$250,000 of its State-level funds to "support key high leverage activities at the State level that it believes will accelerate progress in the area of secondary transition." The State provided its proposed spending plan for the FFY 2014 IDEA Part B funds, which included: (1) the activities that would 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

¹ The Department's 2014 determination was based on the totality of the State's data and information, including the State's FFY 2012 APR and revised SPP, other State-reported data, the State's submissions under the Special Conditions on D.C.'s FFY 2013 IDEA Part B grant award, and other publicly available information.

² The Special Conditions imposed on D.C.'s FFY 2013 IDEA Part B grant award incorporated the enforcement actions described in the Department's July 1, 2013 determination letter, including the requirement to provide CAP progress reports and to report on the use of funds as directed by the Department to address the State's noncompliance with the IDEA's secondary transition requirements.

³ D.C. reported during OSEP's November 2009 verification visit that its system of progressive sanctions and enforcement options to address uncorrected noncompliance includes directing the LEA's use of IDEA Part B funds.

associated with each of the activities that demonstrated that the funds would be used by July 1, 2015; and (4) an explanation of how the activities would address noncompliance with the secondary transition requirements.

Status of Directed Use of FFY 2014 and Remaining FFY 2013 State-level IDEA Part B Funds:

With its April 29, 2015 CAP progress report,⁴ amended May 18, 2015, the State provided documentation that reflects that, as of May 1, 2015, D.C. had expended \$161,101 of the \$250,000 in directed FFY 2014 IDEA Part B funds to address noncompliance with the secondary transition requirements and obligated the remaining \$88,899. D.C. reported that it expects to use all of the directed FFY 2014 funds as required for secondary transition by September 30, 2015. The FFY 2014 Special Conditions and the Department's June 23, 2014 determination letter require D.C. to provide an updated report on the use of the remaining directed FFY 2014 funds no later than August 1, 2015.⁵

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

B. Longstanding Noncompliance

1. Timely Correction of Noncompliance

D.C. did not meet the Special Condition imposed on its FFY 2014 IDEA Part B grant award to ensure timely correction of noncompliance, which was first imposed on the State's FFY 2005 IDEA Part B grant award and has continued to apply to each IDEA Part B grant award since that time. This area of noncompliance was also included in the MOA entered into on December 7, 2009 between D.C. and the Department.

D.C. reported in its April 29, 2015 Special Conditions progress report, amended May 18, 2015, that 1,675 of the 1,902 findings of noncompliance identified in FFY 2013, for which the one-year timeline has expired, were corrected in a timely manner (88 percent). D.C. has not achieved compliance with the requirement to ensure that identified noncompliance is corrected in a timely manner consistent with IDEA sections 612(a)(11) and 616, 34 CFR §§300.149 and 300.600(e), 20 U.S.C. 1232d(b)(3)(E), and OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

2014 Enforcement Action: Noncompliance with the requirement to ensure timely correction of noncompliance was also a factor in the State's FFY 2014 needs intervention determination. In

⁴ During FFY 2014, D.C. submitted two types of progress reports: a CAP progress report and a Special Conditions progress report. The CAP progress report addresses D.C.'s progress in implementing the strategies and activities identified in its CAP, which D.C. is carrying out to ensure compliance with each of the areas that were the bases for its 2014 needs intervention determination. D.C. also reported on the status of the use of its directed funds as part of the CAP progress reports. D.C. provided updated student-specific data related to areas of longstanding noncompliance and information related to timely correction of noncompliance in Special Conditions progress reports.

⁵ The FFY 2014 Special Conditions reflects an August 1, 2015 due date for this submission. Since this date falls on a Saturday, OSEP has adjusted the due date to the next business day, August 3, 2015.

addition, as noted above, because D.C. did not ensure compliance with timely correction of noncompliance, the Department continued to impose Special Conditions on D.C.'s FFY 2014 IDEA Part B grant award in this area. In OSEP's June 23, 2014 determination letter, pursuant to IDEA section 616(e)(2)(B)(i), the Secretary required D.C. to submit a CAP that addressed the actions D.C. would take to ensure that it can demonstrate the State educational agency (SEA) has a general supervision system that is reasonably designed to effectively correct noncompliance in a timely manner, as required by IDEA sections 612(a)(11) and 616, 34 CFR §§300.149 and 300.600(e), 20 U.S.C. 1232d(b)(3)(E), and OSEP Memo 09-02.

2. Timely Initial Evaluations and Reevaluations

D.C. did not meet the Special Condition imposed on its FFY 2014 IDEA Part B grant award 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 award 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.

Compliance Data on Timely Initial Evaluations and Reevaluations: Under Indicator 11, D.C. was required to provide data on the percent of children provided an initial evaluation within the State-established timeline. In its FFY 2013 APR, D.C.'s reported data for Indicator 11 were 89.42 percent.

In D.C.'s April 29, 2015 Special Conditions progress report, amended on May 18, 2015, the State reported data for the period October 1, 2014 through March 31, 2015, that reflect 90 percent of children were provided an initial evaluation within the State-established timeframe and 90 percent of children were provided a timely reevaluation. The State further reported that at the end of the October 1, 2014 through March 31, 2015 reporting period, 36 children had not been provided a timely initial evaluation and 121 children had not been provided a timely reevaluation. OSEP notes that for the July 1, 2014 through March 31, 2015 period, 88.4 percent of children were provided an initial evaluation⁶ within the State-established timeframe and 90.9 percent of children were provided a timely reevaluation. The State has maintained approximately the same level of compliance or better for the past three years. However, it has not yet achieved compliance with the initial evaluation and reevaluation requirements in IDEA sections 612(a)(7) and 614(a) through (c) and 34 CFR §§300.301(c)(1) and 300.303.

2014 Enforcement Action: Noncompliance with the requirement to ensure timely initial evaluations and reevaluations was also a factor in the State's FFY 2014 needs intervention determination. In addition, as noted above, because D.C. did not ensure compliance with timely initial evaluation and reevaluation requirements, the Department continued to impose Special Conditions on D.C.'s FFY 2014 IDEA Part B grant award in this area. In OSEP's June 23, 2014 determination letter, pursuant to IDEA section 616(e)(2)(B)(i), the Secretary required D.C. to

⁶ We note that in its November 3, 2014 Special Conditions progress report, revised November 26, 2014, D.C. reported it had revised its methodology to accurately calculate the State's compliance with initial evaluation timelines. When the new methodology was implemented, the State's FFY 2013 APR Indicator 11 data and recent Special Conditions progress reports reflect some slippage from the prior year's data. OSEP appreciates the State's commitment to ensure its data accurately reflect the level of compliance with the timely initial evaluation requirements. Given the recent change in the calculation methodology, we believe it is appropriate that we continue to examine additional, updated data to further evaluate the State's level of compliance with these requirements.

submit a CAP that addressed the actions D.C. would take to demonstrate compliance with the requirements to conduct timely initial evaluations and reevaluations, as required by IDEA sections 612(a)(7) and 614(a) through (c) and 34 CFR §§300.301(c)(1) and 300.303. In addition to submitting a CAP, pursuant to IDEA section 616(e)(1)(B) and 2(A), the Secretary directed D.C. to use \$125,000 of the State's FFY 2014 State-level funds under IDEA section 611(e) to address the longstanding noncompliance with the requirements to ensure timely reevaluations.⁷ The Secretary authorized D.C. to use the directed funds for other purposes if the State elected to direct LEAs that demonstrated noncompliance with the requirements to conduct timely reevaluations, to use \$125,000 of their IDEA Part B funds to reduce the backlog of overdue reevaluations (the combined amount of State-level and/or LEA-level funds was required to total the amount directed by the Department).

In Section IV of its FFY 2014 CAP, submitted August 1, 2014, revised August 29, 2014, the State reported it would use \$125,000 of its FFY 2014 State-level funds to support activities related to improvement in compliance with reevaluation timelines. The State provided its proposed spending plan which included: (1) the activities that would 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 demonstrated that the funds would be used by July 1, 2015; and (4) an explanation of how the activities would address noncompliance with the secondary transition requirements.

Status of D.C.'s Use of Directed FFY 2014 State-level IDEA Part B Funds and Remaining Directed FFY 2013 State-level IDEA Part B Funds: With its April 29, 2015 CAP progress report, amended May 18, 2015, the State provided documentation that reflects that, as of March 31, 2014, none of the \$125,000 in directed FFY 2014 IDEA Part B funds were expended to reduce the backlog of overdue reevaluations and increase progress toward ensuring timely reevaluations. D.C. reported that it had obligated the full amount of the \$125,000 in directed funds through contracts, purchase orders, etc., and that it expects to use all of the directed FFY 2014 funds by June 30, 2016.

We note that, with its April 29, 2015 CAP progress report, amended May 18, 2015, D.C. provided documentation that demonstrates that the State used \$78,109 of the \$125,000 of its FFY 2013 IDEA Part B State-level funds to reduce the backlog of overdue initial evaluations and reevaluations and increase progress toward ensuring timely initial evaluations and reevaluations as required by the Department's July 1, 2013 determination letter. The State reported that it has obligated the remaining \$46,891 in directed funds through contracts, purchase orders, etc., and that it expects to use all of the directed FFY 2013 funds by August 31, 2015.

⁷ In prior years in which D.C. received a determination of needs intervention, due in part to noncompliance with the requirements to ensure timely initial evaluations and reevaluations, the Department required D.C. to use \$500,000 of its FFY 2010 IDEA Part B State-level funds, \$500,000 of its FFY 2011 IDEA Part B State-level funds, \$250,000 of its FFY 2012 IDEA Part B State-level funds, and \$125,000 of its FFY 2013 IDEA Part B State-level funds to reduce the backlog of overdue initial evaluations and reevaluations and increase progress with ensuring timely initial evaluations and reevaluations. The State's FFY 2013 Special Conditions progress reports data reflect marked improvement in ensuring timely initial evaluations and the reduction of the backlog of overdue initial evaluations. As a result, the Department did not direct D.C. to use any of its FFY 2014 IDEA Part B State-level funds to ensure timely initial evaluations.

The FFY 2014 Special Conditions and the Department’s June 23, 2014 determination letter require D.C. to provide an updated report on the use of the remaining FFY 2013 and FFY 2014 funds no later than August 1, 2015.

C. RDA Percentage

D.C.’s RDA Percentage is 55.42 percent, which consists of 50 percent of the State’s Compliance Score and 50 percent of the State’s Results Score. D.C.’s data on the NAEP reflect that the State’s fourth and eighth grade students with disabilities are generally unable to demonstrate mastery of the prerequisite knowledge and skills that are fundamental for proficient work at each grade and content area. As a result, D.C. received a score of zero on the results elements that reflect the performance of the State’s fourth and eighth graders on the NAEP reading and math assessments.

In addition, as demonstrated by the State-reported section 618 exiting data too many students with disabilities drop out of school and too few students with disabilities graduate from D.C. schools with a regular high school diploma (See Part B Results Matrix). This means that many of D.C.’s students with disabilities leaving school are not adequately prepared for further education, employment, and independent living.

We note that after obtaining considerable input from its stakeholders, D.C. selected improvement in the area of graduation of students with disabilities as the State-identified measurable result for its State Systemic Improvement Plan (SSIP) for FFY 2013 through FFY 2018. OSEP is pleased to see that the State is aligning its resources and improvement efforts to impact this important results area.

2014 Enforcement Action: D.C.’s RDA Percentage for 2014 was 50 percent. The Secretary directed D.C. to access technical assistance related to those results elements for which the State received a score of zero on the Part B Results Matrix. D.C. was required to report with its FFY 2013 SPP/APR submission on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance.

In its FFY 2013 APR, the State reported it has collaborated with a national consultant to develop an outcomes-based root cause analysis process to use with LEAs that demonstrate longstanding challenges related to both compliance and academic performance. D.C. stated it has integrated the root cause analysis process into its State intervention model for struggling schools. Through this model, the SEA works with identified LEAs to develop a targeted, evidenced-based support plan to enhance instructional and behavioral practices that will accelerate outcomes for students with disabilities.

II. 2015 RDA Determination and Enforcement Action

D.C.’s determination for the FFY 2005, 2006, 2007, 2008, 2009, 2010, 2011, and 2012 APRs was “needs intervention.” This is now the ninth 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 CAP 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 section 616(e)(1)(A), that the Secretary may advise the State of available sources of technical assistance that may help the State address the areas in which the State needs assistance and require the State to work with appropriate entities. In addition, under section 616(e)(1)(B), 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 CAP that is reasonably designed to address the areas identified below. 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 major areas of noncompliance that contributed to its needs intervention determination within one year from this letter, and that other enforcement remedies under IDEA section 616(e)(2)(B) are not appropriate at this time to address these areas of noncompliance.

Therefore, no later than August 3, 2015, D.C. must submit a CAP that addresses the actions the State will take to:

- (1) Demonstrate compliance with the secondary transition requirements in IDEA section 614(d)(1)(A)(i)(VIII) and 34 CFR §§300.320(b) and 300.321(b);
- (2) Demonstrate that it has a general supervision system that is reasonably designed to effectively correct noncompliance in a timely manner, as required by IDEA sections 612(a)(11) and 616, 34 CFR §§300.149 and 300.600(e), 20 U.S.C. 1232d(b)(3)(E), and OSEP Memo 09-02; and
- (3) Demonstrate compliance with the requirement to conduct timely initial evaluations and reevaluations, as required by IDEA sections 612(a)(7) and 614(a) through (c) and 34 CFR §§300.301(c)(1) and 300.303.

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)(B) and (2)(A), the Secretary is directing D.C. to use \$250,000 of its FFY 2015 State-level funds under IDEA section 611(e) to address noncompliance with the secondary transition requirements. The Secretary authorizes D.C. to use the directed funds for other purposes if the State elects to direct LEAs that demonstrate noncompliance with these requirements to use \$250,000 of their FFY 2015 IDEA Part B funds to address noncompliance with the secondary transition requirements.

Directing the use of funds is an appropriate enforcement action because it supports the ability of D.C. and its LEAs to meet secondary transition requirements, 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 comply with secondary transition requirements impacts a student's ability to make a successful transition from school to post-school activities, including postsecondary education, vocational education, integrated employment, and independent living. The amount of \$250,000 represents a significant commitment of resources that will be targeted to ensure that D.C. and its LEAs take the necessary action to increase compliance with the secondary transition requirements.

In addition, to ensure that D.C. can increase compliance with the secondary transition requirements within one year, D.C. must expedite the use of the directed FFY 2015 IDEA Part B funds. We note that the State encountered multiple challenges in using the directed FFY 2013 and 2014 IDEA Part B funds in a manner that ensures that the full amount of these funds were used by the timelines imposed in OSEP's July 1, 2013 and June 23, 2014 determination letters.

C. Technical Assistance

Pursuant to IDEA section 616(e)(1)(A) and (2)(A), the Secretary is advising the State of available sources of technical assistance, including OSEP-funded technical assistance centers and resources at the following Web site: <https://osep.grads360.org/#program/highlighted-resources> and requiring the State to work with appropriate entities. In addition, the State should consider accessing technical assistance from other Department-funded centers such as the Comprehensive Centers with resources at the following link: <http://www2.ed.gov/programs/newccp/index.html>. The Secretary directs D.C. to access technical assistance related to those results elements for which the State received a score of zero (i.e., those areas identified on the Part B Results Matrix and described above in section I-C of this letter). D.C. must report with its FFY 2014 SPP/APR submission, due February 1, 2016, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance.

D. Reporting Requirements

1. No later than August 3, 2015, D.C. must report the information required by OSEP's FFY 2014 IDEA Part B grant award letter, Enclosure E, Special Conditions, dated July 1, 2014, regarding: (a) the use of the remaining directed FFY 2013 and FFY 2014 State-level funds under IDEA section 611(e); and (b) the data required in Sections 2.b.(A) (timely initial evaluations and reevaluations) and 2.b.(C) (secondary transition), for the period April 1, 2015 through June 30, 2015.

In addition, no later than August 3, 2015, D.C. must report whether it intends to use \$250,000 of its FFY 2015 State-level funds, direct those LEA(s) that demonstrate noncompliance to use their FFY 2015 IDEA Part B funds, or use a portion of its FFY 2015 State-level funds and direct those LEA(s) that demonstrate noncompliance to use a portion of their FFY 2015 IDEA Part B funds (the combined amount of State-level and LEA-level FFY 2015 IDEA Part B funds must total \$250,000) to address noncompliance with the secondary transition requirements.

If the State intends to use any of its State-level funds to satisfy the enforcement action, D.C. must provide a proposed spending plan that includes the information required in the Special

Conditions that OSEP will impose on the State's FFY 2015 IDEA Part B grant award. The spending plan must detail how the FFY 2015 State-level funds under IDEA section 611(e) will be used by July 1, 2016. D.C. must also describe the documentation it will provide to demonstrate the directed funds were used in accordance with the FFY 2015 spending plan.

2. No later than November 2, 2015, D.C. must provide evidence it has directed the use of funds, as appropriate, and submit a proposed spending plan for any LEA(s) directed to use FFY 2015 IDEA Part B funds to address noncompliance with the secondary transition requirements. The LEA(s) spending plan(s) must include the information required in the Special Conditions that OSEP will impose on the State's FFY 2015 IDEA Part B grant award and detail: (a) how the LEA will use the funds by July 1, 2015; and (b) the documentation that will be provided to OSEP to demonstrate the directed funds were used in accordance with the LEA(s) FFY 2015 spending plan(s).
3. D.C. must report on the use of the FFY 2015 directed funds and any other information required by the Special Conditions that OSEP will impose on the State's FFY 2015 IDEA Part B grant award. These reports are due no later than the dates specified in the Special Conditions document (Enclosure E) to the State's FFY 2015 IDEA Part B grant award (i.e., November 2, 2015, February 1, 2016, May 2, 2016, and August 1, 2016.)
4. With its FFY 2014 SPP/APR submission, due February 1, 2016, D.C. must report on: (a) the technical assistance sources from which it received assistance; and (b) the actions it took as a result of that technical assistance to address those results elements for which the State received a score of zero on the Part B Results Matrix.

We acknowledge D.C.'s progress and continued efforts to improve the State's capacity to administer the IDEA Part B grant award and support its LEAs through monitoring, technical assistance, and training. We believe that the implementation of the enforcement actions described in this letter will support D.C.'s efforts to improve compliance and results for students with disabilities and their families.

IV. Conclusion

In 2015, States were required to submit a new SPP/APR, which included baseline data and measurable and rigorous targets for FFY 2013 through FFY 2018 for each indicator in the SPP/APR. In addition, under Indicator 17, States were required to submit a SSIP that included activities the State would implement to improve results for children with disabilities. OSEP has reviewed your State's SPP/APR, including Phase I of the SSIP, and determined that it meets the requirements of IDEA section 616(b) to include measurable and rigorous targets, including targets for FFY 2018 that reflect improvement over the State's baseline data. OSEP appreciates the State's work on Phase I of its SSIP. This represents a significant effort to improve results for students with disabilities. We have carefully reviewed your submission and provided feedback during a recent conference call with the State. OSEP will continue to work with your State as it develops Phase II of the SSIP, due April 1, 2016.

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 Michael K. Yudin, Assistant Secretary for Special Education and Rehabilitative

Services, U.S. 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.

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

As a reminder, your State must report annually to the public, by posting on the SEA's Web Site, the performance of each LEA located in the State on the targets in the SPP/APR as soon as practicable, but no later than 120 days after the State's submission of its FFY 2013 SPP/APR. In addition, your State must: (1) review LEA performance against targets in the State's SPP/APR; (2) determine if each LEA "meets the 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.

Further, your State must make its SPP/APR available to the public by posting it on the SEA's Web Site. Within the next several days, OSEP will be finalizing a State Profile for your State that: (1) will be accessible to the public; (2) includes links to a PDF of the State's SPP/APR, including all of the State's and OSEP's attachments; and (3) the State may use to make its SPP/APR accessible to the public. We will provide you with the link to that profile when it is live.

OSEP appreciates the State's efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year as we continue our important work of improving the lives of children with disabilities and their families. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Lisa Pagano, your OSEP State Lead, at 202-245-7413.

Sincerely,

/s/ Melody Musgrove

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

cc: State Director of Special Education