



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

June 28, 2016

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

Dear Superintendent Kang:

I am writing to advise you of the U. S. Department of Education's (Department) 2016 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) 2014 State Performance Plan/Annual Performance Report (SPP/APR), other State-reported data, and other publicly available information.

Your State's 2016 determination is based on the data reflected in the State's "2016 Part B 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;
- (2) a Results Matrix that includes scoring on Results Elements;
- (3) a Compliance Score and a Results Score;
- (4) an RDA Percentage based on both the Compliance Score and the Results Score; and
- (5) 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 2016: Part B" (HTDMD).

OSEP is continuing to use both results data and compliance data in making determinations in 2016, as it did for Part B determinations in 2014 and 2015. (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 2016, OSEP continued to use results data related to:

- (1) the participation of children with disabilities (CWD) on regular Statewide assessments;

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- (2) the participation and performance of CWD on the most recently administered (school year 2014-2015) National Assessment of Educational Progress (NAEP);
- (3) the percentage of CWD who graduated with a regular high school diploma; and
- (4) the percentage of CWD who dropped out.

You may access the results of OSEP’s review of D.C.’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 D.C.’s SPP/APR on the site, you will find, in Indicators 1 through 16, the OSEP Response to the indicator, and any actions that D.C. is required to take. The actions that D.C. 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 “2016 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 2014-15,” 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; and
- (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.

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 percent. D.C.’s RDA Percentage is 54.17 percent.

I. Major Factors Contributing to D.C.’s 2016 RDA Needs Intervention Determination

A. Performance for Indicator 13

Compliance Data on Secondary Transition: The data that D.C. provided in its FFY 2014 APR and the progress reports describing how D.C. is meeting the Special Conditions attached to its FFY 2015 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 2014 SPP/APR, D.C.'s reported FFY 2014 data for Indicator 13 were 69.67 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 2015 Special Conditions progress reports, D.C. did not meet the Special Condition imposed on its FFY 2015 IDEA Part B grant award to ensure compliance with the secondary transition requirements. In its third progress report, submitted May 2, 2016 and revised May 18, 2016, the State reported, for the period July 1, 2015 through March 31, 2016, 65.5 percent compliance with the secondary transition requirements. These data reflect slippage from the FFY 2014 APR data of 69.67 percent. 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).

2015 Enforcement Action: D.C.'s low level of compliance with the secondary transition requirements was a factor in the State's 2015 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 2015 IDEA Part B grant award in this area. In OSEP's June 30, 2015 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 2015 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

¹ The Department's 2015 determination was based on the totality of the State's data and information, including the State's FFY 2013 SPP/APR, other State-reported data, the State's submissions under the Special Conditions on D.C.'s FFY 2014 IDEA Part B grant award, and other publicly available information.

² The Special Conditions imposed on D.C.'s FFY 2015 IDEA Part B grant award incorporated the enforcement actions described in the Department's June 30, 2015 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.

direct local educational agencies (LEAs) that demonstrated noncompliance with the secondary transition requirements to use \$250,000 of their FFY 2015 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 2015 CAP, submitted August 3, 2015 and revised September 2, 2015, 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 2015 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 associated with each of the activities that demonstrated that the funds would be used by July 1, 2016; and (4) an explanation of how the activities would address noncompliance with the secondary transition requirements.

Status of Directed Use of FFY 2015 and Remaining FFY 2014 State-level IDEA Part B Funds: With its May 2, 2016 CAP progress report,⁴ revised May 18, 2016, the State provided documentation that reflects that, as of May 2, 2016, D.C. had obligated all but \$26,548 of the \$250,000 FFY 2015 State-level IDEA Part B funds the Department directed in its June 30, 2015 determination letter. D.C. reported that it expects to use all of the directed FFY 2015 funds for secondary transition by August 30, 2016. The FFY 2015 Special Conditions and the Department’s June 30, 2015 determination letter require D.C. to provide an updated report on the use of the remaining directed FFY 2015 funds no later than August 1, 2016.

Because D.C. had not used the full amount of FFY 2014 directed funds to address noncompliance with secondary transition requirements as required by the Department’s June 23, 2014 determination letter, the State was required to continue to report on the use of the remaining funds during FFY 2015. In its November 2, 2015 Special Conditions progress report, revised November 18, 2015, D.C. provided documentation that demonstrates that the State used the full amount of the directed FFY 2014 IDEA Part B funds to address noncompliance with secondary transition requirements. No further reporting on the use of these funds is required.

B. Longstanding Noncompliance

1. Timely Correction of Noncompliance

The requirement to ensure timely correction of noncompliance 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 May 2, 2016 Special Conditions progress report, revised May 18, 2016, that 587 of 604 FFY 2014 findings (97.18

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.

⁴ During FFY 2015, 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 2015 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.

percent) for which the one year timeline has expired were corrected, with 576 of those being corrected within the one year timeline (95.3 percent). This represents significant progress from the data that D.C. reported in its April 29, 2015 Special Conditions progress report, revised May 18, 2015, in which D.C. reported that 1,675 of 1,902 FFY 2013 findings (88 percent) for which the one year timeline had expired were corrected within the one year timeline. We note this is the first time that the State has reported 95 percent or higher for 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).

2015 Enforcement Action: Noncompliance with the requirement to ensure timely correction of noncompliance was a factor in the State's FFY 2015 Needs Intervention determination. In 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 2015 IDEA Part B grant award in this area. In OSEP's June 30, 2015 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

The requirement to ensure timely initial evaluations and reevaluations 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 2014 APR, D.C.'s reported data for Indicator 11 were 90.72 percent.

In D.C.'s May 2, 2016 Special Conditions progress report, revised May 18, 2016, the State reported that, for the period of October 1, 2015 through March 31, 2016, 92.86 percent of initial evaluations were completed in a timely manner and 89.99 percent of children were provided a timely reevaluation. OSEP notes that for the July 1, 2015 through March 31, 2016 period, 93 percent of children were provided an initial evaluation within the State-established timeline and 90 percent of children were provided a timely reevaluation. While D.C. has demonstrated progress, 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.

2015 Enforcement Action: Noncompliance with the requirement to ensure timely initial evaluations and reevaluations was also a factor in the State's FFY 2015 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 2015 IDEA Part B grant award in this area. In OSEP's June 30, 2015 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 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 light of the State's marked improvement in ensuring timely initial evaluations and reevaluations, the Department did not direct D.C. to use any of its FFY 2015 IDEA Part B State-level funds to ensure timely initial evaluations and reevaluations.

Status of Directed Use of Remaining FFY 2014 and FFY 2013 State-level IDEA Part B Funds: Because D.C. had not used the full amount of FFY 2014 and FFY 2013 directed funds to address noncompliance with initial evaluations (FFY 2013 only) and reevaluation requirements (FFY 2014 and FFY 2013) as required by the Department's June 23, 2014 and July 1, 2013 determination letters, respectively, the State was required to continue to report on the use of the remaining funds during FFY 2015. In its November 2, 2015 Special Conditions progress report, revised November 18, 2015, D.C. provided documentation that demonstrates that the State used the full amount of the directed FFY 2013 IDEA Part B funds to improve compliance with initial evaluation and reevaluation timelines and to reduce the backlog of overdue initial evaluations and reevaluations. No further reporting on the use of these funds is required.

On May 18, 2016, D.C. reported it had obligated the full amount of the \$125,000 of its FFY 2014 IDEA Part B State-level funds directed by the Department's June 23, 2014 determination letter. The State reported that, after it performs journal adjustments to transfer appropriate expenditures paid with local funds to the FFY 2014 IDEA Part B grant, there would be a balance of \$38,738 remaining that must be used to improve compliance with reevaluation timelines and reduce the backlog of overdue reevaluations. D.C. reported that it expects to use the remaining directed FFY 2014 funds by August 30, 2016. The FFY 2015 Special Conditions and the Department's June 30, 2015 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, 2016.

C. RDA Percentage

D.C.'s RDA Percentage is 54.17 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 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.

2015 Enforcement Action: D.C.'s RDA Percentage for 2015 was 55.42 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 2014 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 2014 SPP/APR, D.C. reported that, in regard to compliance with IDEA's requirements related to secondary transition, that it had: (1) continued to collaborate with the National Secondary Transition Technical Assistance Center; (2) participated in a technical assistance session offered by OSEP in the area of secondary transition; and (3) continued to take advantage of opportunities to think deeply about secondary transition planning and graduation outcomes as a component of its SSIP, becoming a member of the National Center for Systemic Improvement (NCSI) Graduation and Post-School Outcomes State Learning Collaborative which first met in October 2015. D.C. also reported that, in regard to improving the performance of students with disabilities on the NAEP, it had continued to collaborate with nationally recognized consultants on its State System of Support model and Learning Support Network, and was a member of the NCSI Results-Based Accountability Cross-State Learning Collaborative in November 2015. D.C. further reported that, in regard to timely correction of noncompliance, it had primarily worked with OSEP to address challenges related to closing out longstanding noncompliance in a manner that is appropriate and consistent with OSEP Memorandum 09-02.

II. 2016 RDA Determination and Enforcement Action

D.C.'s determination for the FFY 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, and 2013 SPP/APRs was Needs Intervention. This is now the tenth 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 September 1, 2016, 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);⁵
- (2) demonstrate it can sustain 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 2016 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 2016 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 2016 IDEA Part B funds and target the use of those funds for activities that are based on a careful review of the

⁵ See section II-D-2 for additional requirements related to the secondary transition portion of the CAP.

State’s FFY 2015 secondary transition data. We note that the State encountered multiple challenges in using the directed FFY 2013, 2014, and 2015 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, June 23, 2014, and June 30, 2015 determination letters. If D.C. anticipates it will be unable to use the FFY 2016 directed funds within the required timeline, it should take steps to address any barriers and notify OSEP for technical assistance, as appropriate.

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 Results Matrix and described above in section I-C of this letter). D.C. must report with its FFY 2015 SPP/APR submission, due February 1, 2017, 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 1, 2016, D.C. must report the information required by OSEP’s FFY 2015 IDEA Part B grant award letter, Enclosure E, Special Conditions, dated July 1, 2015, regarding: (a) the use of the remaining directed FFY 2014 and FFY 2015 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, 2016 through June 30, 2016.
2. No later than September 1, 2016, D.C. must provide the following:
 - (a) a report of the State’s secondary transition compliance data for the period July 1, 2015 through June 30, 2016, disaggregated by: (i) compliance item;⁶ (ii) LEA;⁷ and as appropriate (iii) school/campus.
 - (b) the State’s analysis of the disaggregated data, including suspected or known reasons for any noncompliance.

The State must include in its CAP strategies and activities that are specifically designed to address the suspected or known reasons for any noncompliance and to focus on the specific

⁶ D.C. uses the term “compliance item” to mean a particular component of the secondary transition requirements associated with SPP/APR Indicator 13 (e.g., whether there is evidence that the student was invited to the IEP Team meeting where transition services are to be discussed).

⁷ We note that some LEAs in the State do not serve students within the age range that the secondary transition requirements apply. Only LEAs that enroll students for whom the secondary transition requirements are applicable must be included in the State’s analysis and report to OSEP.

LEAs and/or schools that continue to report low performance on particular compliance items, or secondary transition requirements in general.

In addition, D.C. must report whether it intends to use \$250,000 of its FFY 2016 State-level funds, direct those LEA(s) that demonstrate noncompliance to use their FFY 2016 IDEA Part B funds, or use a portion of its FFY 2016 State-level funds and direct those LEA(s) that demonstrate noncompliance to use a portion of their FFY 2016 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:

- (a) demonstrates the directed funds will be used to pay for strategies and activities that address the suspected or known reasons for the noncompliance and are reasonably designed to correct that noncompliance;
- (b) includes all information required in the Special Conditions that OSEP will impose on the State's FFY 2016 IDEA Part B grant award; and
- (c) details how the FFY 2016 State-level funds under IDEA section 611(e) will be used by July 1, 2017.

D.C. must also describe the documentation it will provide to demonstrate the directed funds were used in accordance with the FFY 2016 spending plan.

3. No later than November 1, 2016, 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 2016 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 2016 IDEA Part B grant award and the same information described above for the State-level spending plan.
4. D.C. must report on the use of the FFY 2016 directed funds and any other information required by the Special Conditions that OSEP will impose on the State's FFY 2016 IDEA Part B grant award. These reports are due no later than the dates specified in the Special Conditions document to the State's FFY 2016 IDEA Part B grant award (i.e., November 1, 2016, February 1, 2017, May 1, 2017, and September 1, 2017).
5. With its FFY 2015 SPP/APR submission, due February 1, 2017, 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 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

States were required to submit Phase II of the SSIP by April 1, 2016. OSEP appreciates the State's ongoing work on its SSIP and its efforts to improve results for students with disabilities. We have carefully reviewed your submission and will provide feedback in the upcoming weeks. Additionally, OSEP will continue to work with your State as it develops Phase III of its SSIP, due April 3, 2017.

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 Sue Swenson, Acting 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 2014 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/ Ruth E. Ryder

Ruth E. Ryder
Acting Director
Office of Special Education Programs

cc: State Director of Special Education