



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

JUL 17

Honorable Deborah Gist
Superintendent
Office of the State Superintendent
Government of the District of Columbia
441 4th Street NW
Suite 350N
Washington, DC 20001

Dear Ms. Gist:

Thank you for the submission of the District of Columbia's FFY 2006 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA), as amended in 2004.

The District's submission of its FFY 2006 APR and SPP was not timely. Although each State and Territory that receives funds under Part C of the IDEA was required to submit its APR and revised SPP by February 1, 2008, the District did not submit the required documents to the Office of Special Education Programs (OSEP) until June 9, 2008. Due to the District's late submission of its APR and SPP, we are advising the District of the specific technical assistance available to ensure a timely submission of its next year's APR. Under 34 CFR §80.40(b)(1), the District must submit its FFY 2007 APR/SPP by the due date of February 1, 2009.

The Department has determined that, under IDEA sections 616(d) and 642, the District of Columbia needs intervention in meeting the requirements of Part C of the IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2006 APR and revised SPP, other State-reported data, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2008" for further details.

The District's determination for the FFY 2005 APR was also needs intervention. The State should review IDEA sections 616(c) and 642 regarding the potential impact of the Department's determination if the State is determined to need intervention for three consecutive years.

The specific factors affecting OSEP's determination of needs intervention for the District of Columbia were that it: 1) did not provide data for compliance Indicator 9 that would enable us (and the public) to assess the effectiveness of the State's general supervision system to correct identified noncompliance, as soon as possible but in no case later than one year from identification; and 2) reported very low compliance data for Indicator 7 (17%) with slippage from its FFY 2005 data of 60% regarding the requirement to conduct evaluations, assessments and initial IFSP meetings within 45 days of a child's referral to Part C.

With respect to Indicator 9, the District's exercise of general supervision, the District was required to report the percent of noncompliance corrected within one year of identification, disaggregated by the number of findings of noncompliance and the number of findings corrected as soon as possible but in no case later than one year from identification as required by 34 CFR §303.501(b). In its FFY 2006 APR, the District reported no data for FFY 2006, indicating that data were "not systematically collected because of inadequate staffing." While the District reported it had corrected FFY 2004 findings in some areas, it indicated that no findings had been made during FFYs 2005 or 2006. In its FFY 2005 APR, the District also failed to provide data on timely correction under Indicator 9 citing resource challenges that affected its ability to implement monitoring activities. Given the lack of timely correction data in the District's FFYs 2005 and 2006 APRs, OSEP cannot determine whether and how the District is monitoring to identify and timely correct noncompliance with Part C requirements.

With respect to Indicator 7, the District was required to report on the percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline. The District's FFY 2006 reported data for this indicator are 17%, which represent regression from the FFY 2005 data of 60%. The District also reported in its FFY 2006 APR that it had not corrected any of its five FFY 2004 findings related to the 45-day timeline requirement.

The enclosed table provides OSEP's analysis of the District's FFY 2006 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the District to its targets, improvement activities (timelines and resources) and baseline data in the District's SPP. It also identifies, by indicator, the District's status in meeting its targets, whether the District's data reflect progress or slippage, and whether the District corrected noncompliance and provided valid and reliable data.

The District may want to consider taking advantage of available sources of technical assistance. 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 SPP/APR Planning Calendar website at <http://spp-apr-calendar.rrfcnetwork.org/>. 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.

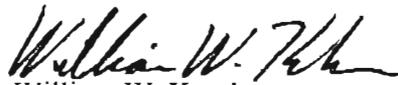
As you know, the District must report annually to the public on the performance of each early intervention service (EIS) program located in the District on the targets in the SPP under IDEA sections 616(b)(2)(C)(ii)(I) and 642. In addition, the District must review EIS program performance against targets in the District's SPP, determine if each EIS program meets the requirements of the IDEA and inform each EIS program of its determination. For further information regarding these requirements, see the SPP/APR Calendar at <http://spp-apr-calendar.rrfcnetwork.org/>. Finally, if you included revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that you update your SPP accordingly and that the updated SPP is made available to the public.

Pursuant to sections 616(d)(2)(B) and 642 of the IDEA, 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 for Special Education and Rehabilitative Services to demonstrate why the Department should change its determination. To request a hearing, submit a letter to Tracy R. Justesen, Assistant Secretary, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW, Room 5107, Potomac Center Plaza, Washington, DC 20202-2600 within 30 days of the date of this letter and provide in the letter the basis for your request.

OSEP is committed to supporting efforts to improve results for infants and toddlers with disabilities and their families and looks forward to working with the District of Columbia over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call Jill Harris, your OSEP State Contact, at 202-245-7372.

Sincerely,



William W. Knudsen

Acting Director

Office of Special Education Programs

Enclosures

cc: Part C Coordinator