

Enclosure E

Special Conditions

1. Basis for Requiring Special Conditions

Pursuant to 34 CFR §80.12, the Office of Special Education Programs (OSEP) is imposing Special Conditions on DCPS' Federal Fiscal Year (FFY) 2006 grant award under Part B of the Individuals with Disabilities Education Act (Part B), related to DCPS' failure to:

1) Provide timely initial evaluations and reevaluations

- a. An initial evaluation that meets the requirements of section 614(a)(1), (b) and (c) of Part B of the IDEA must be completed for all children with disabilities, and an appropriate placement must be made within the maximum number of days established by DCPS' policy.¹ According to data submitted by DCPS under the FFY 2005 Special Conditions, DCPS had not achieved the goal of ensuring that all initial evaluations were completed and placements made in a timely manner. At the end of the final reporting period for FFY 2005, 345 initial evaluations and placements had not been completed in a timely manner, with an average number of overdue days of 56. This represents an increase of 27 from the number of initial evaluations and placements that had not been completed in a timely manner at the end of the final reporting period for FFY 2004 and an increase of 31 in the average number of overdue days. Thirty-three percent of initial evaluations and placements were provided within the required timeline to children with disabilities whose initial evaluation deadlines fell within the final reporting period.
- b. A reevaluation that meets the requirements of section 614(a)(2), (b), and (c) of Part B of the IDEA² must be completed for each child with disabilities no later than 36 months after the date on which the previous evaluation or reevaluation was completed, unless the parent and the local educational agency agree that a reevaluation is unnecessary. According to data submitted by DCPS under the FFY 2005 Special Conditions, DCPS had not achieved the goal of ensuring that all reevaluations of children with disabilities were conducted in a timely manner. At the

¹ Section 614(a)(1)(C)(i)(I) requires that an initial evaluation be conducted within 60 days of receiving parental consent for the evaluation, or, if the State establishes a timeframe within which the evaluation must be conducted, within such timeframe. Section 38-2501(a) of the D.C. Code states that DCPS must "assess or evaluate a student, who may have a disability and who may require special education services, within 120 days from the date that the student was referred for an evaluation or assessment". Section 3010.2 of Chapter 30 of the D.C. Municipal Regulations states "the timeliness for assessment and placement must be as follows: 60 working days to conduct an assessment, and 30 working days to propose an adequate placement of a child who can be placed within a special education program operated by a District of Columbia agency; and 60 working days to conduct an assessment, and 60 working days to propose an adequate placement of a child who must be placed in a private or residential special education program". Page 5 of the Procedural Manual for Parents (as revised July 2005) states that "under District of Columbia law, the LEA has no more than 120 calendar days after the date a child is referred for evaluation to determine his/her eligibility for special education services, develop the individualized education program (IEP) and begin delivery of appropriate special education and related services".

²Section 614(a)(2) requires that a reevaluation occur at least once every three years, unless the parents and the local educational agency agree that a reevaluation is unnecessary.

end of the final reporting period for FFY 2005, 648 reevaluations had not been conducted in a timely manner, with an average number of overdue days of 69.³ DCPS reports that thirty-two percent of triennial reevaluations were provided within the required timeline to children with disabilities whose reevaluation deadlines fell during the final reporting period.

2) Implement due process hearing decisions in a timely manner

Independent hearing officer determinations must be implemented within the time frame prescribed by the hearing officer, or if there is no time frame prescribed by the hearing officer, within a reasonable time frame set by DCPS, as required by section 615(f) and (i) of Part B of the IDEA. According to data submitted by DCPS under the FFY 2005 Special Conditions, DCPS had not achieved the goal of ensuring that all due process hearing decisions were implemented in a timely manner. At the end of the final reporting period under the FFY 2005 Special Conditions, 1,288 hearing decisions had not been implemented in a timely manner. While this represents a decrease of 187 from the number of hearing decisions that had not been implemented in a timely manner at the end of the final reporting period for FFY 2004, only twenty-two percent of hearing officer determinations had been implemented in a timely manner during the final reporting period.

DCPS stated in each quarterly report that “pursuant to DCPS policy developed in response to OSEP’s directive to impose timelines for certain hearing office determinations (HODs) where none were ordered, such “untimed” cases are, for the most part, included” in the number of HODs that had not been implemented in a timely manner at the conclusion of the reporting period. DCPS has been unable to disaggregate the untimed cases from those with ordered timelines.

3) Ensure placement in the least restrictive environment

All children with disabilities must be placed in the least restrictive environment appropriate to their individual needs, as required by section 612(a)(5)(A) of Part B of the IDEA. During its March 26, 2001 compliance monitoring review of DCPS, OSEP collected data to determine whether DCPS was ensuring that all children with disabilities were placed in the least restrictive environment. OSEP determined that decisions regarding the educational placement of children with disabilities were not based on the individual needs of the child, but rather on other factors. Personnel reported that placement decisions were affected by the lack of modifications and accommodations available in the regular class setting and the limited capacity of DCPS to serve children with disabilities along each point of the continuum of alternative placements. OSEP found that DCPS was not ensuring that children with disabilities are placed in the least restrictive environment appropriate to their needs.

With the implementation of DCPS’ monitoring system, OSEP required, in the FFY 2004 Special Conditions, that DCPS provide the results of its monitoring efforts, highlighting any findings and required corrective actions related to placement of children with disabilities in the least restrictive environment, including information obtained from record reviews and staff and parent interviews. During FFY 2004, DCPS provided no monitoring data or other

³ This is the first year that DCPS has been able to disaggregate “triennial reevaluation” data from requested or ordered “out of cycle” reevaluation data. The data reported above relate to triennial reevaluations only and therefore, the Department cannot make comparisons between the data for FFY 2004 and FFY 2005.

documentation to OSEP to demonstrate students with disabilities are placed in the least restrictive environment consistent with the requirements.

Under the FFY 2005 Special Conditions, DCPS was required to provide OSEP with monitoring reports issued as a result of the first cyclical monitoring of the High School and Middle/Junior High School divisions and monitoring data for all elementary schools monitored through the Spring 2005, highlighting any findings and corrective action plans related to placement of children with disabilities in the least restrictive environment. In the FFY 2005 Special Conditions OSEP stated that the monitoring reports should include the results of interviews with members of the placement teams and reviews of the individualized education programs of children with disabilities who do not participate for all, or part of, the day in the regular class in order to determine if the placement decisions were made consistent with the requirements at 34 CFR §§300.550-300.556.⁴ In addition, DCPS was to report on any follow-up activities it has carried out to ensure the corrective action plans resulted in the correction of noncompliance related to implementation of least restrictive environment requirements.

With its October 28, 2005 quarterly report to OSEP, DCPS provided the monitoring reports for the High School and Middle/Junior High School divisions. The monitoring reports include a statement of the District's findings related to the percentage of placement decisions made by a multidisciplinary team.⁵ However, these reports do not include any data or findings related to whether the District determined that educational placement decisions were being made consistent with the least restrictive environment provisions of the IDEA at 34 CFR §§300.550-300.556.

On June 27, 2006, DCPS submitted to OSEP an Addendum to the District's June 16, 2006 final progress report. In that Addendum, DCPS reported compliance data collected from the District's review of records for the High and Middle/Junior High School divisions related to implementation of the least restrictive environment requirements at 34 CFR §§300.550, 300.551, and 300.553. The data included in the Addendum indicates that DCPS found noncompliance related to implementation of these requirements. However, the corrective action plans DCPS provided to OSEP for the High and Middle/Junior High School divisions do not include corrective actions to address the identified noncompliance.

DCPS' submissions to OSEP during the FFY 2005 reporting period do not provide sufficient information to demonstrate that the District is monitoring its local educational agencies for compliance with each of the least restrictive environment provisions of the IDEA. Further, in those instances when the District did identify noncompliance, there is no evidence that DCPS

⁴ Unless otherwise noted, the regulatory citations are to regulations currently in effect and not inconsistent with the provisions of the IDEA Improvement Act of 2004 (IDEA 2004). These citations may change when final regulations implementing IDEA 2004 are published.

⁵ The DCPS monitoring reports state that placement decisions were made by a multidisciplinary team in 71% of the records reviewed for the High School Division and 88% of the records reviewed for the Middle/Junior High Division. The corrective action plans developed as a result of the District's monitoring do not include these findings as areas of noncompliance and no corrective action measures were prescribed to ensure proper implementation of the IDEA requirements. DCPS must review the findings and determine the actions necessary to ensure the noncompliance is corrected in the High School and Middle/Junior High divisions in this regard.

ordered corrective measures to ensure correction of noncompliance related to the least restrictive environment requirements.

Based on the above, OSEP determines that although DCPS has initiated a process to monitor its local educational agencies to ensure placement of children with disabilities in the least restrictive environment, the District has not yet demonstrated it is fully meeting its responsibilities under 34 CFR §300.556. Therefore, OSEP concludes that DCPS did not meet the Special Conditions imposed on DCPS' FFY 2005 grant award.

Section 616(a)(3) of the IDEA requires the Department to monitor States and requires each State to monitor the local educational agencies located in the State to adequately measure performance in certain priority areas, including the provision of a free appropriate public education in the least restrictive environment. DCPS has demonstrated longstanding noncompliance related to ensuring students with disabilities are educated in the least restrictive environment consistent with federal requirements. Therefore, we strongly recommend that DCPS request technical assistance from the Mid-South Regional Resource Center that is directed toward improving the District's effectiveness in monitoring the District's local educational agencies to ensure compliance with the least restrictive environment provisions of the IDEA.

4) Identify and correct noncompliance

Section 612(a)(11) of Part B and 34 CFR §300.600(a)(2) require States to ensure that each educational program for children with disabilities administered within the State is under the general supervision of individuals responsible for educational programs for children with disabilities in the State education agency. Section 616(a)(1)(C) of Part B requires States to monitor implementation of Part B by local educational agencies. The State must implement monitoring procedures that are effective in identifying and correcting noncompliance. See 20 U.S.C. 1232d(b)(3).

OSEP conducted a review in the District of Columbia, ending the week of March 26, 2001, for the purpose of assessing compliance in the implementation of the IDEA and assisting DCPS in developing strategies to improve results for children with disabilities. OSEP's monitoring report issued on June 18, 2002 identified several areas of noncompliance, including DCPS' failure to exercise general supervisory responsibility by identifying deficiencies under the IDEA and ensuring that they are corrected in a timely manner, as required at 34 CFR §300.600 and 20 U.S.C. 1232d(b)(3).

DCPS submitted an initial Improvement Plan (IP) in February 2003 to address all areas of noncompliance identified in the June 18, 2002 report. Subsequent to a three-day meeting in July 2003 with staff from OSEP, DCPS, and the Mid-South Regional Resource Center, DCPS submitted a revised IP on November 13, 2003. In the IP under General Supervision, DCPS identified the strategies that it would implement to ensure the identification and correction of IDEA noncompliance. OSEP approved the IP in a letter dated February 27, 2004. In that letter, OSEP stated that the District must ensure that all of the areas of noncompliance identified in the OSEP monitoring report are corrected within the timelines established by DCPS in the IP, which cannot exceed one year from February 27, 2004.

Progress Reports were due on March 31, 2004 as part of the FFY 2002 APR; July 16, 2004; October 29, 2004; and a final report was due on February 27, 2005. DCPS submitted the

FFY 2002 APR on April 16, 2004, but did not submit Progress Reports on July 16, 2004 or October 29, 2004. In OSEP's March 18, 2005 response to the FFY 2002 APR, OSEP directed DCPS to submit the final Progress Report as part of the FFY 2003 APR.

In the FFY 2002 APR submitted to OSEP on April 16, 2004, DCPS reported that during the period July 1, 2002 to June 30, 2003, DCPS had created a system for reviewing both IDEA requirements and requirements of the No Child Left Behind Act (NCLB) but could not ensure identification and timely correction of all IDEA-related noncompliance. DCPS reported that it had created a comprehensive monitoring system that included a review of data from the Special Education Tracking System (SETS); a review of hearing decisions, local-level policies and procedures and student files; building-level staff interviews; and a cyclical process for monitoring all DCPS buildings (including charter schools that are DCPS schools for special education purposes), charter schools functioning as their own local education agencies, nonpublic schools in which DCPS children with disabilities are placed by DCPS, and Department of Health and Human Services programs where DCPS provides the educational component.

Based on OSEP's review of DCPS' newly-created monitoring system during the verification visit, OSEP concluded in the June 8, 2004 verification letter that it could not yet determine whether the improvement strategies identified in the IP would result in a system for general supervision that is effective in identifying noncompliance with all Part B requirements and ensuring the correction of identified noncompliance. DCPS reported during the verification visit that beginning in January 2004, it would begin monitoring all high schools in the District; middle/junior high schools would be monitored in the fall of 2004 and elementary schools would be monitored during the spring and fall of 2005. On page 14 of the General Supervision cluster of the FFY 2002 APR, DCPS reported that case record reviews had been conducted in all 19 of the DCPS high schools as of the submission date of the FFY 2002 APR.

On January 6, 2005, OSEP staff met with DCPS officials to review and update the IP relative to the correction of identified noncompliance. DCPS stated that except for two public charter high schools, all high schools had been monitored. At this IP meeting, DCPS assured OSEP that the monitoring data regarding the high schools was almost complete and that the review of the Middle/Junior High division had started and would produce findings by April 2005.

In OSEP's March 18, 2005 response to the FFY 2002 APR, OSEP required DCPS to submit in the FFY 2003 APR data and analysis demonstrating that the noncompliance identified in the monitoring report with the requirement at 34 CFR §300.600 and 20 U.S.C. 1232d(b)(3) to identify and correct deficiencies was corrected. DCPS was required to include monitoring data and reports from the High School and Middle/Junior High divisions, corrective actions imposed, and activities undertaken by DCPS to ensure corrective actions had been implemented and identified noncompliance had been corrected within one year of identification. DCPS was directed to provide documentation that, public charter high schools and middle/junior high schools, including charter schools that are schools within DCPS and charter schools functioning as their own local educational agencies, had been monitored. In addition, DCPS was required to report mechanisms that it had in place for persistent noncompliance (sanctions) and how and when they were imposed.

On page 11 of the FFY 2003 APR submitted to OSEP on May 20, 2005, DCPS reported that 20 DCPS schools were monitored, but did not provide any data or analysis. DCPS failed to provide any data that demonstrate that DCPS was identifying noncompliance with the requirements of Part B of the IDEA and correcting identified deficiencies in a timely manner, in accordance with section 612(a)(11) of Part B of the IDEA, 34 CFR §300.600, and 20 U.S.C. 1232d(b)(3).

Under the FFY 2005 Special Conditions, OSEP required DCPS to submit the monitoring report(s) issued as a result of its first cyclical monitoring of the High School and Middle/Junior High School divisions, and monitoring data for all elementary schools, including charter schools that are public schools of DCPS, and charter schools established as local educational agencies. OSEP required that the documentation include corrective actions imposed, and activities undertaken by DCPS to ensure those corrective actions are implemented and identified noncompliance has been corrected within one year of identification. DCPS was also required to report on the mechanisms that it has in place to address persistent noncompliance (sanctions) and how and when they are imposed.

With its quarterly report submitted to OSEP on October 28, 2005, DCPS provided the monitoring reports for the High School and Middle/Junior High School divisions. DCPS subsequently informed OSEP that these reports were issued to the High School and Middle/Junior High School divisions on December 8, 2005. DCPS provided OSEP with the corrective action measures to be taken to correct the noncompliance identified in the two reports. However, DCPS provided no documentation during FFY 2005 that any of the findings of noncompliance identified in the monitoring reports have been corrected. DCPS has not yet issued a report of its monitoring findings for the Elementary School division. In the June 16, 2006 report to OSEP, DCPS states that monitoring report will be published on July 3, 2006.

In the March 30, 2006 response to DCPS' submission of its State Performance Plan, OSEP stated that although DCPS' monitoring system has positive components with the potential to improve compliance, DCPS has not effectively implemented its system so that noncompliance is identified and then corrected within a reasonable period of time, not to exceed one year from the date of identification. OSEP also expressed concern that: (1) some of the findings contained within DCPS' December 2005 monitoring reports do not accurately reflect the legal requirements being monitored; (2) areas identified as effective and promising in practice should have been identified as areas of noncompliance under the IDEA; and, (3) there was no evidence DCPS included public charter high or middle/junior high schools that elect to operate as public schools within DCPS for the purposes of Part B of the IDEA.

During FFY 2005, DCPS provided information that indicates the District has initiated a process for monitoring its local educational agencies and the District has issued two monitoring reports. However, as stated above, the content of these reports raises concerns about whether the District is effectively identifying noncompliance and requiring corrective actions to ensure the noncompliance is corrected consistent with the requirements at sections 612(a)(11) and 616(a)(1)(C) of the IDEA, 34 CFR §300.600(a)(2) and 20 U.S.C. 1232d(b)(3). Therefore, OSEP concludes that DCPS did not meet the Special Conditions imposed on DCPS' FFY 2005 grant award. OSEP strongly recommends that DCPS access technical assistance that is available through the Mid-South Regional Resource Center to

assist the District in implementing procedures that are effective in identifying and correcting noncompliance.

2. **Nature of the Special Conditions**

The District must, pursuant to these Special Conditions, provide two Progress Reports, the first with the FFY 2005 Annual Performance Report (APR) that it will submit by February 1, 2007, and the second by June 1, 2007, that address the following areas of noncompliance:

A. Initial Evaluations and Reevaluations

In each Progress Report, DCPS must reporting the following:

1. Initial Evaluations

- (a) The number of children who, as of the end of the previous reporting period, had been referred for, but not provided a timely initial evaluation and placement;
- (b) The number of children referred for initial evaluation and placement whose initial evaluation and placement became overdue during the reporting period;
- (c) The number of children from (a) and (b) above, who were provided initial evaluations and placements during the reporting period;
- (d) The number of children who had not been provided a timely initial evaluation and placement at the conclusion of the reporting period; and
- (e) The percentage of timely initial evaluations and placements provided to children with disabilities whose initial evaluation deadlines fell within the reporting period.

2. Reevaluations

- (a) The number of children who, as of the end of the previous reporting period, had not been provided a timely triennial reevaluation;
- (b) The number of children whose triennial reevaluation became overdue during the reporting period;
- (c) The number of children from (a) and (b) above, who had been provided triennial reevaluations during the reporting period;
- (d) The number of children who had not been provided a timely triennial reevaluation at the conclusion of the reporting period; and
- (e) The percentage of timely triennial reevaluations provided to children with disabilities whose reevaluation deadline fell during the reporting period.

3. DCPS must describe the strategies it is implementing to reduce the number of overdue initial evaluations and placements and/or reevaluations, and, if there is no progress in reducing the number of overdue initial evaluations and placements or triennial reevaluations, DCPS must provide an explanation for this lack of progress and reevaluate the procedures it is implementing to reduce the number of overdue initial evaluations and placements and/or reevaluations.

4. DCPS must state the average number of days the initial evaluation and placements and reevaluations that had not been provided in a timely manner were overdue for that reporting period.

B. Implementation of Due Process Hearing Decisions

1. In each Progress Report, DCPS must provide the following information:
 - (a) The number of children whose hearing officer determinations, as of the end of the previous reporting period, had not been implemented within the time frame established by the hearing officer or by DCPS;
 - (b) The number of children whose hearing officer determinations had not been implemented within the time frame established by the hearing officer or by DCPS (became overdue) during the reporting period;
 - (c) The number of children from (a) and (b) above whose hearing officer determinations were implemented during the reporting period;
 - (d) The number of children whose hearing officer determinations had not been implemented in a timely manner at the conclusion of the reporting period; and
 - (e) The percentage of hearing officer determinations that had been implemented in a timely manner during the reporting period.
2. In each Progress Report, DCPS must clarify that it is reporting in B.1., the number of hearing officer determinations that include a time frame for implementation established by DCPS (because the hearing officer has not prescribed a timeframe), as well as the number of hearing officer determinations that include a time frame for implementation established by the hearing officer.
3. In each Progress Report, DCPS must describe the strategies it is implementing to reduce the number of children whose hearing officer determinations are not implemented in a timely manner, and address any remaining barriers to the timely implementation of hearing officer decisions (those with a time frame set by the hearing officer and those without a time frame set by the hearing officer) and the steps being taken to remove those barriers.

C. Ensure Placement in the Least Restrictive Environment

1. In the first Progress Report, as part of its response to Indicator 15 in the FFY 2005 APR, due February 1, 2007, DCPS must provide data to OSEP that include the number of findings of noncompliance the District identified in its December 8, 2005 monitoring reports on implementation of the least restrictive environment requirements and the number and percentage of those findings that were corrected within one year of identification. In addition, DCPS must provide an explanation of the process, including standards, it used to calculate the levels of compliance reported in the June 27, 2006 Addendum to the District's June 16, 2006 final progress report related to implementation of the least restrictive environment requirements at 34 CFR §§300.550, 300.551, and 300.553 in the High and Middle/Junior High School divisions.

For any findings of noncompliance related to implementation of the least restrictive environment requirements that remain uncorrected from the December 8, 2005 monitoring reports, including noncompliance identified in the June 27, 2006 Addendum to the District's June 16, 2006 final progress report, DCPS must provide a description of the actions that it has taken, including enforcement actions, to ensure correction of the finding(s) (this should include the results of the District's analysis of

factors that have contributed to any continuing noncompliance, and of the strategies that the District has implemented to address those factors).

DCPS must also provide to OSEP any monitoring report(s) issued since July 1, 2006 that includes the District's findings as to whether the educational placement decisions were made consistent with the least restrictive environment provisions of the IDEA at 34 CFR §§300.550-300.556. DCPS must provide the number of findings of noncompliance related to these requirements made in monitoring reports issued after July 1, 2006, the corrective actions imposed, the number and percentage of those findings that have been corrected, and the status of any remaining corrective actions, including any actions undertaken by DCPS to ensure those corrective actions are being implemented and the noncompliance will be corrected within one year of identification.

2. In the second Progress Report, due June 1, 2007, DCPS must provide updated information on the data provided in the District's response to Indicator 15 in the FFY 2005 APR on the number and percentage of findings of noncompliance the District identified in its December 8, 2005 monitoring reports on implementation of the least restrictive environment requirements that have been corrected since the February 1, 2007 Progress Report.

For any findings of noncompliance related to implementation of the least restrictive environment requirements that remain uncorrected from the December 8, 2005 monitoring reports, DCPS must provide a description of the actions that the District has taken, including enforcement actions, to ensure correction of the finding(s) (this should include the results of the District's analysis of factors that have contributed to any continuing noncompliance, and of the strategies that the District has implemented to address those factors).

DCPS must provide OSEP any monitoring report(s) issued since the February 1, 2007 Progress Report, that include the District's findings as to whether the educational placement decisions were made consistent with the least restrictive environment provisions of the IDEA at 34 CFR §§300.550-300.556.

DCPS must also provide an update on the number of findings of noncompliance related to these requirements made in all of the monitoring reports issued after July 1, 2006, the corrective actions imposed, the number and percentage of those findings that have been corrected, and the status of any remaining corrective actions, including any actions undertaken by DCPS to ensure those corrective actions are being implemented and the noncompliance will be corrected within one year of identification.

D. Identify and Correct Noncompliance

1. In the first Progress Report, as part of its response to Indicator 15 in the FFY 2005 APR, due February 1, 2007, DCPS must provide data to OSEP that include the number of findings of noncompliance identified in the District's December 8, 2005 monitoring reports, and the number of corrections the District has verified were completed as soon as possible but in no case later than one year from identification.

For any findings of noncompliance identified in the December 8, 2005 monitoring reports that were not corrected by December 8, 2006, DCPS must provide a description of the actions that the District has taken, including enforcement actions, to ensure correction of the finding(s) (this should include the results of the District's analysis of factors that have contributed to any continuing noncompliance and of the strategies that the District has implemented to address those factors).

DCPS must also provide to OSEP the monitoring reports issued since July 1, 2006. DCPS must provide the number of findings of noncompliance made in monitoring reports issued after July 1, 2006, the corrective actions imposed, the number and percentage of those findings that have been corrected, and the status of any remaining corrective actions, including any actions undertaken by DCPS to ensure those corrective actions are being implemented and the noncompliance will be corrected within one year of identification.

2. For the second Progress Report, due June 1, 2007, DCPS must provide updated information on the data provided in the District's response to Indicator 15 in the FFY 2005 APR on the number and percentage of findings of noncompliance identified in the District's December 8, 2005 monitoring reports that have been corrected since the February 1, 2007 Progress Report.

For any findings of noncompliance identified in the December 8, 2005 monitoring reports that remain uncorrected, DCPS shall provide a description of the actions that the District has taken, including enforcement actions, to ensure correction of the finding(s) (this should include the results of the District's analysis of factors that have contributed to any continuing noncompliance and of the strategies that the District has implemented to address those factors).

DCPS must provide to OSEP any monitoring report(s) issued since the February 1, 2007 Progress Report.

DCPS must also provide an update on the number of findings of noncompliance made in all of the monitoring reports issued after July 1, 2006, the corrective actions imposed, the number and percentage of those findings that have been corrected, and the status of any remaining corrective actions, including any actions undertaken by DCPS to ensure those corrective actions are being implemented and the noncompliance will be corrected within one year of identification.

3. Evidence Necessary for Conditions To Be Removed

The Department will remove these Special Conditions if, at any time prior to the expiration of the grant year, DCPS provides documentation, satisfactory to the Department, that it has fully met the requirements and conditions set forth above, which require DCPS to submit data demonstrating compliance with each of the requirements related to: the timely provision of evaluations and reevaluations; timely implementation of due process hearing decisions; ensuring placement of children with disabilities in the least restrictive environment; and identification and correction of noncompliance.

4. Method of Requesting Reconsideration

The District can write to Alexa Posny if it wishes the Department to reconsider any aspect of these Special Conditions. The request must describe in detail the changes to the Special Conditions sought by the District and the reasons for those requested changes.

5. Submission of Reports

All reports that are required to be submitted by DCPS to the Department under the Special Conditions should be submitted to:

U.S. Department of Education
Office of Special Education and Rehabilitative Services
Attn: Lisa Pagano
400 Maryland Ave, SW
Washington, DC 20202-2550