Table B – Part B
Previously-Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
Indicator 4A: Suspension/Expulsion.	See also Table A	See also Table A	See also Table A
OSEP's November, 2, 2005 response to DCPS's FFY 2003 APR required DCPS to submit: • Either (a) evidence demonstrating that it is meeting the requirements of 34 CFR §300.146 to examine data to determine if significant discrepancies are occurring in the rates of long-term suspensions and expulsions of children with disabilities: (1) among LEAs in the State; or (2) compared to the rates for children without disabilities in the agencies and, if discrepancies are occurring, the State must review and, if appropriate, revise (or require the affected public agency or LEA to revise) its policies, procedures and practices related to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, to ensure that these policies, procedures and practices comply with IDEA; or • (b) a plan, including strategies, proposed evidence of change, targets and timelines to ensure correction of the noncompliance with 34 CFR §300.146 as soon as possible but not later than one year from the date OSEP accepted the plan.	On pages 15-16 of the SPP and in Attachment 3 submitted with the SPP, DCPS did not provide baseline data responsive to this indicator. DCPS did not provide data on the percent of districts identified as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for more than 10 days in a school year. DCPS reported that its data did not include LEA charter schools. DCPS provided the number of LEAs "with general education suspension/ expulsion" and the number of LEAs with "special education suspension/expulsion" and the number of DCPS/LEA children in general education and special education suspended/ expelled. DCPS also provided data on the total number of children and the number of children with disabilities suspended or expelled for 10 days or more. On page 15 of the SPP, DCPS defined significant discrepancy as a "rate of suspension and expulsion of children with disabilities greater than 10 days in a school year of 2.41% or greater, the state rate of suspension for general education students in this category." DCPS failed to perform either of the two required comparisons to acquire data as outlined in OSEP's November 2, 2005 letter. DCPS did not examine data to determine if significant discrepancies are occurring in the rate of long-term suspension and expulsions of children with disabilities among LEAs in DC (compare the	On pages 15-16 of the SPP and in Attachment 3, DCPS failed to provide evidence that it is meeting the requirements of 34 CFR §300.146 related to suspension and expulsion. OSEP accepts the plan (Attachment 3) submitted with the SPP.	DCPS must perform one of the required comparisons in 34 CFR §300.146 and, if significant discrepancies are occurring, must review and, if appropriate, revise (or require the affected public agency or LEA to revise) its policies, procedures and practices related to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, to ensure that these policies, procedures and practices comply with IDEA. DCPS should review and, if necessary, revise its improvement strategies to ensure they will enable it to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the District's status under section 616(d) of IDEA.

Issue	State Submission	OSEP Analysis	Required Action
Indicator 9: Disproportionality.	rate of long-term suspension/expulsion of children with disabilities among DCPS, the LEA, and each charter school that elects to be treated as an LEA for purposes of Part B of IDEA (charter school LEA), not DCPS, the LEA, and all charter school LEAs combined); or compared to the rates for nondisabled children within the agencies (compare the rate of long-term suspensions/expulsions of children with and without disabilities within each LEA). On page 17 of the SPP and page 9 of Attachment 3, DCPS provided a plan to ensure correction of the noncompliance with 34 CFR §300.146.		
 In its November 2, 2005 APR letter, OSEP required DCPS to submit: Either (a) the results of its review of policies, procedures and practices related to disproportionality to ensure that they comply with Part B of the IDEA and are race-neutral in accordance with 34 CFR §300.755; or (b) if this information was not available, a plan, including strategies, proposed evidence of change, targets and timelines to ensure that policies, procedures and practices are reviewed and, if necessary, revised, no later than one year from the date OSEP accepts the plan. 	On page 41 of the SPP and in Attachment 2 submitted with the SPP, DCPS stated that it would institute an aggressive corrective action plan to ensure that policies, procedures and practices are reviewed and, if necessary, revised to eliminate any disproportionality that is the result of inappropriate identification practices. On page 43 of the SPP and page 5 of Attachment 2 submitted with the SPP, DCPS included a plan to address identified inappropriate disproportionality. DCPS reported that, from January 2006 through March 2006, it would review all data sources and would identify LEAs and schools within DCPS with disproportionate representation based upon an analysis of the composite index and risk ratio data. Any identified disproportionality within any LEA would be examined to determine why disproportionate representation was occurring	The State did not submit the results of its review in accordance with 34 CFR §300.755. OSEP accepts the plan (Attachment 2) submitted with the SPP.	DCPS should review and, if necessary revise, its improvement strategies in the plan and the SPP to ensure they will enable it to include data in the FFY 2005 APR that demonstrate full compliance with the requirement to review policies, procedures and practices, in accordance with 34 CFR §300.755. Failure to demonstrate compliance at that time may affect OSEP's determination of the District's status under section 616(d) of the IDEA.

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	and, specifically, whether it was the result of inappropriate identification.		
•	On pages 5 and 6 of Attachment 2, DCPS reported that, beginning in April 2006 and ongoing, it would determine, through focused monitoring, which LEAs needed to revise polices, procedures and practices used to identify and place children with disabilities under IDEA. LEAs with significant disproportionality would be required to develop LEA improvement plans that describe, with specificity, the concrete steps required to eliminate disproportionality and overrepresentation at the school or LEA.		
Indicator 12: Early Childhood Transition.	See also Table A	See also Table A	See also Table A
OSEP's November 2, 2005 letter required DCPS to submit a plan, including strategies, proposed evidence of change, targets and timelines designed to ensure correction of the noncompliance with the early childhood transition requirements at 34 CFR §300.132(b), as soon as possible, not to exceed one year from the date OSEP accepted the plan. No later than six months from November 2, 2005, DCPS was required to submit a Progress Report including data and analysis demonstrating progress toward compliance, and provide a report to OSEP, with data and analysis demonstrating compliance, as soon as possible, but not later than 30 days following one year from the date of the letter.	On page 52 of the SPP, DCPS reported that, during the 2004-2005 school year, 17% of children who received services in Part C and were referred to Part B for eligibility determination and found eligible, had IEPs developed and implemented by their third birthdays. On pages 1 and 2 of Attachment 1 submitted with the SPP, DCPS submitted a plan, including strategies, proposed evidence of change, targets and timelines designed to ensure correction of the noncompliance with the requirements at 34 CFR §300.132(b) to ensure that children participating in the early intervention program under Part C, who will participate in the preschool program under Part B, have an IEP or IFSP, if consistent with State policy, developed and implemented by their third birthdays.	DCPS provided data that demonstrate continued noncompliance with the requirements at 34 CFR §300.132(b). The level of compliance reported was 17%. OSEP accepts the plan (Attachment 1) submitted with the SPP.	DCPS should review and, if necessary revise, its improvement strategies in the plan (Attachment 1) and the SPP, to ensure they will enable it to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of DCPS's status under section 616(d) of the IDEA.
	On page 52 of the SPP, DCPS included improvement activities to ensure 100% compliance, as required under this indicator.		

Issue	State Submission	OSEP Analysis	Required Action
 Indicator 13: Secondary Transition. OSEP's November 2, 2005 letter required DCPS to submit: Information on whether the Memorandum of Agreement Among District of Columbia Public Schools and Service Providers for Transition from School to Post-School Activities, signed between December 1998 and May 1999, is being revised, whether this agreement is currently in effect and is being implemented while the current agreement is being revised, or whether DCPS is creating another agreement. 	On page 25 of the SPP and in Attachment 5 submitted with the SPP, DCPS reported that "while the 1999 Memorandum of Agreement (MOA) is being revised, it continues to be the operational MOA at this time."	DCPS submitted the required information.	No further action required.
 Indicator 15: Monitoring. OSEP's November 2, 2005 letter required DCPS to submit monitoring data and analysis demonstrating that the following areas of noncompliance, initially identified in OSEP's June 2002 Monitoring Report, were corrected: (a) required participants attend individualized education program (IEP) meetings (34 CFR §300.344(a)(2), (4) and (6)); (b) availability of extended school year (ESY) services (34 CFR §300.309); (c) consideration and provision of assistive technology devices and services (34 CFR §\$300.308 and 300.346(a)(2)(v)); and (d) inviting representatives of agencies likely to be responsible for providing or paying for transition services (34 CFR §300.344(b)(3)). 	On pages 11 and 12 of Attachment 4, submitted with the SPP, DCPS reported that it "is making significant improvements in the provisions of secondary transition services, extended school year services, assistive technology and IEP participation. A detailed analysis is found in the attached reports." In Appendix A of its October 28, 2005 quarterly report (under the FFY 2005 grant award Special Conditions) and in Attachment 4 submitted with the SPP, DCPS provided the monitoring reports for the HS and MS divisions. However, DCPS did not provide data demonstrating that the four findings were corrected. On pages 7 and 9 of the MS monitoring report and pages 8-10 of the HS monitoring report, DCPS made findings regarding whether ESY services are considered, LEA representatives attend IEP meetings and other agencies are involved in student's secondary transition plans	On page 7 of the MS monitoring report and page 8 of the HS monitoring report issued on December 8, 2005, DCPS found that extended school year services were not considered or addressed adequately in accordance with 34 CFR §300.309. While DCPS provided corrective action plans, it did not provide any data demonstrating that these findings of noncompliance were corrected. DCPS did not provide any data indicating that it monitored to determine if assistive technology devices and services are considered and provided in accordance with 34 CFR §§300.308 and 300.346(a)(2)(v)). OSEP notes that IDEA 2004	With its response to indicator 15 in the FFY 2005 APR due February 1, 2007, DCPS must submit documentation that (1) it ensured the correction of the noncompliance identified in the December 8, 2005 HS and MS monitoring reports related to the requirements in 34 CFR §300.309 regarding extended school year services; and (2) it is monitoring to ensure compliance with the requirements at 34 CFR §\$300.308 and 300.346(a)(2)(v) regarding consideration and provision of assistive technology devices and services. Failure to demonstrate compliance at that time may affect OSEP's determination of the District's status under section 616(d) of

Issue	State Submission	OSEP Analysis	Required Action
		regarding IEP team participants at	
		34 CFR §300.344 and inviting	
		representatives of agencies likely	
		to be responsible for providing, or	
		paying for, transition services at	
		34 CFR §300.344(b)(3).	:-
		Therefore, DCPS does not need to	Troster
		provide further documentation	
		regarding compliance with 34	A Comment of the Comm
		CFR §§300.344(a)(2), (4), (6) and	
		(b)(3).	

High-Risk Special Conditions: Pursuant to 34 CFR §80.12, OSEP imposed Special Conditions on DCPS's FFY 2005 grant award under Part B of the IDEA (FFY 2005 Special Conditions), related to DCPS's failure to:

- Provide timely initial evaluations and reevaluations (§614(a)(1), (b) and (c) and §614(a)(2), (b), and (c));
- Implement due process hearing decisions in a timely manner (§615(f) and (i));
- Ensure placement in the LRE (§612(a)(5)(A)); and
- Identify and correct noncompliance with the requirements of Part B of IDEA (34 CFR §300.600, §612(a)(11) and 20 U.S.C. 1232d(b)(3)).

The noncompliance related to each FFY 2005 Special Condition is addressed below.

Note: These issues were initially identified in the 1998-2001 Compliance Agreement between DCPS and the Department. All, with the exception of the identification and correction of noncompliance, have been Special Conditions on each grant award from 2001 to the present.

-1	correction of moneomphanes, may coom special c	onditions on buon grant a ward from 2001 to the pro-		
	FFY 2005 Special Condition: Failure to	·		
İ	provide timely initial evaluations and			
	reevaluations.			
1	An <u>initial evaluation</u> that meets the requirements	In its October 28, 2005, quarterly report for the	DCPS provided information in its	Under the FFY 2005 Special
	of section 614(a)(1), (b) and (c) of Part B of	reporting period from June 1 to August 30,	October 28, 2005 and January 13,	Conditions, DCPS must provide
	IDEA ¹ must be completed for all children with	2005, DCPS reported that 356 initial evaluations	2006 Progress Reports on the FFY	two additional Progress Reports

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. 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".

Issue	State Submission	OSEP Analysis	Required Action
disabilities, and an appropriate placement must be made within the maximum number of days established by DCPS's policy. At the end of the final reporting period for FFY 2004, 318 initial evaluations and placements had not been completed in a timely manner, with an average number of overdue days of 25.	and placements had not been completed in a timely manner, with an average number of 34 days overdue. DCPS reported that the percentage of timely initial evaluations and placements provided to children with disabilities whose initial evaluation deadlines fell within the reporting period was 39%. In its January 13, 2006 quarterly report for the reporting period from October 1 to December 31, 2005, DCPS reported that 365 initial evaluations and placements had not been completed in a timely manner, with an average number of 32 overdue days. DCPS reported that the percentage of timely initial evaluations and placements provided to children with disabilities whose initial evaluation deadlines fell within the reporting period was 27%.	2005 Special Conditions demonstrating continued noncompliance with the requirements of sections 614(a)(1), (b) and (c) and 614(a)(2), (b), and (c) of Part B of IDEA. Data provided in the January 13, 2006 report indicated an increase of 9 in the number of untimely initial evaluations and placements and an increase of 203 in the number of untimely reevaluations, compared with the October 28, 2005 report. This information demonstrates that DCPS has not yet satisfied this Special Condition on its FFY 2005 grant award.	by April 14, 2006 and June 16, 2006. Failure to demonstrate compliance with these requirement in the final Progress Report may result in DCPS's continued designation as a "high-risk" grantee and may otherwise affect its FFY 2006 grant award.
A <u>reevaluation</u> that meets the requirements of section 614(a)(2), (b), and (c) of Part B of IDEA ² must be completed for all children with disabilities no later than 36 months after the date on which the previous evaluation or reevaluation was completed, unless the parent and the LEA agree that a reevaluation is unnecessary. At the end of the final reporting period for FFY 2004, 733 reevaluations had not been conducted in a timely manner, with an average number of overdue days of 22. ³	In its October 28, 2005 quarterly report for the reporting period from June 1 to August 30, 2005, DCPS reported that 684 reevaluations had not been conducted in a timely manner, with an average number of 48 days overdue. DCPS reported that the percentage of timely triennial reevaluations provided to children with disabilities whose reevaluation deadlines fell within the reporting period was 36%. In its January 13, 2006 quarterly report for the reporting period from October 1 to December 31, 2005, DCPS reported that 887 reevaluations		

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

³ The information provided includes both "triennial" reevaluations and requested or ordered "out-of-cycle" reevaluations. SETS has been unable to provide disaggregated information in this regard.

Issue	State Submission	OSEP Analysis	Required Action
	had not been conducted in a timely manner with an average number of 71 days overdue. DCPS reported that the percentage of timely triennial reevaluations provided to children with disabilities whose reevaluation deadlines fell within the reporting period was 27%.		
FFY 2005 Special Condition: Failure to implement due process hearing decisions in a timely manner.			
Independent hearing officer decisions (HODs) must be implemented within the timeframe prescribed by the hearing officer, or, if there is no timeframe prescribed by the hearing officer, within a reasonable time-frame set by DCPS, as required by sections 615(f) and (i) of Part B of IDEA. At the end of the final reporting period for FFY 2004, 1,475 hearing decisions had not been implemented in a timely manner.	In its October 28, 2005 quarterly report for the reporting period from June 1 to August 30, 2005, DCPS reported that 1,432 hearing decisions had not been implemented in a timely manner. In its January 13, 2006 quarterly report for the reporting period from October 1 to December 31, 2005, DCPS reported that 1,308 hearing decisions had not been implemented in a timely manner.	DCPS provided information in its October 28, 2005 and January 13, 2006 Progress Report under the FFY 2005 Special Conditions demonstrating continued noncompliance with the requirements of section 615(f) and (i). This information demonstrated that, while DCPS has made progress from the October 28, 2005 report to the January 13, 2006 report, it has not yet satisfied this Special Condition on its FFY 2005 grant award.	Under the FFY 2005 Special Conditions, DCPS must provide two additional quarterly Progress Reports by April 14, 2006 and June 16, 2006. Failure to demonstrate compliance with this requirement in the final Progress Report may result in DCPS's continued designation as a "high-risk" grantee and may otherwise affect its FFY 2006 grant award.
FFY 2005 Special Condition: Failure to ensure placement in the LRE. All children with disabilities must be placed in the LRE appropriate to their individual needs, as required by section 612(a)(5)(A) of IDEA. OSEP required, in the FFY 2004 Special Conditions, that DCPS provide the results of its monitoring efforts and highlight any findings and required corrective actions related to placement of children with disabilities in the LRE. At the end of the final reporting period for FFY 2004, DCPS reported it had not issued any monitoring reports. Under the FFY 2005 Special	In Appendix A of its October 28, 2005 quarterly report, DCPS provided the monitoring reports for the HS and MS divisions. However, neither the HS or MS report included any information or data indicating that DCPS is monitoring to ensure placement of children with disabilities in the LRE.	Because DCPS failed to provide the required data in its October 28, 2005 quarterly report, OSEP is unable to determine whether DCPS is identifying noncompliance and ensuring that identified noncompliance is corrected in a timely manner, related to placement of children with disabilities in the LRE. Therefore, DCPS has not yet	Under the FFY 2005 Special Conditions, DCPS must provide two additional quarterly Progress Reports by April 16, 2006 and June 16, 2006. Failure to demonstrate compliance with this requirement in the final Progress Report may result in DCPS's continued designation as a "high-risk" grantee and may otherwise affect its FFY 2006

Issue	State Submission	OSEP Analysis	Required Action
Conditions, OSEP required DCPS to submit the monitoring report(s) issued as a result of its first cyclical monitoring of the HS and MS divisions and monitoring data for all elementary schools (ES) monitored through the Spring 2005, highlighting any findings and required corrective action plans related to placement of children with disabilities in the LRE, in accordance with 34 CFR §300.556. The monitoring reports provided were to include the results of interviewing members of the placement teams and reviewing the IEPs of children with disabilities who do not participate for all, or part of, the day in the regular class, in order to determine if these placement decisions were made consistent with the requirements at 34 CFR §§300.550-300.556.		satisfied this Special Condition on its FFY 2005 grant award.	grant award.
FFY 2005 Special Condition: Failure to identify and correct noncompliance with the requirements of Part B of IDEA.			·
DCPS must identify noncompliance with the requirements of Part B of IDEA and correct identified deficiencies in a timely manner in accordance with section 612(a)(11) of Part B of IDEA, 34 CFR §300.600, and 20 U.S.C. 1232d(b)(3). In the FFYs 2002 and 2003 APRs, DCPS failed to provide data that demonstrated it was identifying noncompliance with the requirements of Part B of IDEA and correcting identified deficiencies in a timely manner, in accordance with section 612(a)(11) of Part B of IDEA, 34 CFR §300.600, and 20 U.S.C. 1232d(b)(3). Under the FFY 2005 Special Conditions, OSEP requested the monitoring data and report(s) issued as a result of DCPS' first cyclical monitoring of the HS and MS divisions and monitoring data for all ESs monitored	In Appendix A of its October 28, 2005 report, DCPS provided the monitoring reports for the HS and MS divisions. No dates were provided on the HS and MS reports. DCPS submitted two corrective action plans (CAPs). In the HS CAP, DCPS reported two dates: February 18 and March 2, 2006. The MS CAP did not have a date. The DCPS State Enforcement and Investigative Division, Office of Monitoring and Program Certification, communicated by email to OSEP on March 21, 2006 that the HS and MS monitoring reports were issued to the HS and MS divisions on December 8, 2005 and the MS CAP was issued on March 2, 2006. DCPS provided no further evidence to OSEP that it has issued any other monitoring reports or CAPs to	Although OSEP believes that DCPS' monitoring system has positive components with the potential to improve compliance, DCPS has not demonstrated that it has effectively implemented its system so that it identifies and corrects noncompliance within a reasonable period of time, not to exceed one year from the date of identification. OSEP has the following concerns with the MS and HS monitoring reports: No dates on either report. DCPS must date all future monitoring report to provide a	Under the FFY 2005 Special Conditions, DCPS must provide two additional quarterly Progress Reports by April 16 and June 16, 2006. Failure to demonstrate compliance, in the final Progress Report, with the requirements to identify noncompliance with the requirements of Part B of IDEA and correct identified deficiencies in a timely manner, may result in DCPS's continued designation as a "high-risk" grantee and may otherwise affect its FFY 2006 grant award.

Issue	State Submission	OSEP Analysis	Required Action
during the Spring 2005 semester. OSEP required that the documentation include corrective actions imposed, and activities undertaken by DCPS to ensure those corrective actions are implemented and identified moncompliance has been corrected within one year of identification. DCPS was also required to report on the mechanisms that it has in place for persistent noncompliance (sanctions) and show/when they are imposed.	date. On page 12 of Attachment 4 submitted with the SPP, DCPS reported that LEAs meeting the highest level of achievement and systems making the greatest improvement on any of ten identified Performance Goals would receive recognition. DCPS also reported that LEAs failing to show continuous improvement over time, would receive graduated sanctions.	basis for ensuring that identified noncompliance is corrected in a timely manner. No evidence that DCPS monitored any public charter high schools or middle/junior high schools that elect to operate as public schools within DCPS for the purposes of Part B of IDEA. (DCPS indicated that it was scheduled to monitor charter schools that elect to operate as LEAs for the purposes of Part B of IDEA.) DCPS identified that the HS and MS divisions had "positive program issues that the State Education Agency has recognized as effective and promising in practice." Some of the areas identified as effective and promising in practice should have been identified as areas of noncompliance under IDEA. For example, on page 5 of the HS report, DCPS reported that "71% of student records revealed that placements in public school settings were made by the IEP team through the Multidisciplinary Team meeting," which suggests that 29% were not made by a Multidisciplinary Team, in accordance with 34 CFR	

Issue	State Submission	OSEP Analysis	Required Action
		§300.552(a)(1).	
		Some of the findings do not	
		accurately reflect the legal	
		requirements being	
		monitored. For example, on	
		page 8 of the MS monitoring	
		report, DCPS found	
		insufficient evaluation data	
		was provided by parents.	
		While 34 CFR §§300.532(b)	
		and 300.533(a)(1)(i) and (2)	
		require that a public agency	
		consider information provided	
		by parents, there is no legal	
		requirement that parents	
		provide evaluation data.	
		DCPS provided corrective	
		action measures to be taken	
		by the HS and MS divisions,	
		identifying the responsible	
		party and completion dates for	
		all activities under each	
		noncompliant area. In order	
		to demonstrate correction of	
	,	the identified noncompliance,	
		DCPS must provide	
		documentation to OSEP that	
		the corrective action measures	
		have been completed within a	
		reasonable period of time not	
		to exceed one year from the	
		date of identification.	