



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

June 28, 2018

Honorable Hanseul Kang
State Superintendent of Education
District of Columbia
Office of the State Superintendent of Education
1050 First Street NE, 3rd Floor
Washington, D.C. 20002

Dear Superintendent Kang:

I am writing to advise you of the U. S. Department of Education's (Department) 2018 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) 2016 State Performance Plan/Annual Performance Report (SPP/APR), other State-reported data, and other publicly available information.

Your State's 2018 determination is based on the data reflected in the State's "2018 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 2018: Part B" (HTDMD).

The Office of Special Education Programs (OSEP) is continuing to use both results data and compliance data in making determinations in 2018, as it did for Part B determinations in 2014, 2015, 2016, and 2017. (The specifics of the determination procedures and criteria are set forth in

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the HTDMD and reflected in the RDA Matrix for your State.) In making Part B determinations in 2018, OSEP continued to use results data related to:

- (1) the participation of children with disabilities (CWD) on regular Statewide assessments;
- (2) the participation and performance of CWD on the most recently administered (school year 2016-2017) 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 your State's SPP/APR and other relevant data by accessing the SPP/APR module using your State-specific log-on information at osep.grads360.org. When you access your State's SPP/APR on the site, you will find, in Indicators 1 through 16, the OSEP Response to the indicator and any actions that the State is required to take. The actions that the State is required to take are in two places:

- (1) 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 language in the "OSEP Response" and/or "Required Actions" sections.

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 "2018 Data Rubric Part B," which shows how OSEP calculated the State's "Timely and Accurate State-Reported Data" score in the Compliance Matrix; and
- (4) a document entitled "Dispute Resolution 2016-17," 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.

As noted above, the Department has determined that D.C. needs intervention in implementing the requirements of Part B of IDEA. The Department identifies a State as needing intervention under IDEA Part B if its RDA Percentage is less than 60%. D.C.'s RDA percentage is 54.17%. We note here that OSEP will continue the Specific Conditions¹ on D.C.'s FFY 2018 IDEA Part B grant awards related to ensuring that: (1) reevaluations are provided to children with

¹ Pursuant to the requirements in 2 CFR §200.207, the term "Specific Condition" is used, rather than "Special Condition" for FFY 2018 IDEA Part B grant awards that are issued subject to additional requirements.

disabilities in a timely manner as required by *IDEA* sections 612(a)(7) and 614(a) through (c) and 34 CFR §300.303; (2) findings of noncompliance are corrected 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 Memorandum 09-02; and (3) local educational agencies (LEAs) comply with the secondary transition requirements in *IDEA* section 614(d)(1)(A)(i)(VIII) and 34 CFR §§300.320(b) and 300.321(b). The specific reporting requirements and other required actions will be described in OSEP’s FFY 2018 *IDEA* Part B grant award documents.

Pursuant to section 616(d)(2)(B) of the *IDEA* and 34 CFR §300.603(b)(2), a State that is determined to be “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 Johnny W. Collett, 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 your State’s determination.

States were required to submit Phase III Year Two of the State Systemic Improvement Plan (SSIP) by April 2, 2018. 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 implements the third year of Phase III of the SSIP, which is due on April 1, 2019.

As a reminder, your State must report annually to the public, by posting on the State educational agency’s (SEA’s) website, the performance of LEAs 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 2016 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 website. Within the next several days, OSEP will be finalizing a State Profile that:

- (1) will be accessible to the public;
- (2) includes the State’s determination letter and SPP/APR, and all related State and OSEP attachments; and
- (3) can be accessed via a URL unique to your State, which you can use to make your SPP/APR available to the public. We will provide you with the unique URL 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. Please contact your OSEP State Lead if you have any questions, would like to discuss this further, or want to request technical assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruth E. Ryder", with a long, sweeping horizontal flourish extending to the right.

Ruth E. Ryder
Acting Director
Office of Special Education Programs

cc: State Director of Special Education