



POLICY TITLE:	Special Education Audit and Monitoring Policy
ADOPTION/EFFECTIVE DATE:	March 18, 2013
MOST RECENTLY UPDATED:	January 28, 2019

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PURPOSE

The purpose of this policy is to identify and address public charter schools that may not be in compliance with all federal and local laws pertaining to students with disabilities. [This policy seeks to identify patterns of inequity in student outcomes that may be caused by a lack of access to quality programming for students with disabilities.](#) This policy establishes the criteria the DC Public Charter School Board (DC PCSB) will review, the audit procedures it will initiate, and the subsequent monitoring activities it will require in response to each potential indicator of special education noncompliance or indication of inequitable provision of educational benefit LEAs must provide students with disabilities as defined by the [Individuals with Disabilities Education Act \(IDEA\)](#).¹

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The School Reform Act of 1995 (D.C. Code § 38-1802.03 *et seq.*) requires DC PCSB to monitor the progress of each public charter school in meeting the goals and student academic achievement expectations stated in its charter agreement, adherence to health and safety regulations, and compliance with applicable laws, including those pertaining to the education of students with disabilities, such as Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), Part B of the Individuals with Disabilities Education Act (20 U.S.C. § 1411 *et seq.*), and the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 *et seq.*).

POLICY

Criteria for Special Education Audit Procedures

DC PCSB staff reviews on a [routine](#) basis the following criteria, comprised of data and practices, to determine whether public charter schools are compliant with local

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and federal laws pertaining to students with disabilities.¹ A school may be subjected to a special education audit procedure² for meeting one or more of these criteria.

- The out-of-school suspension rate of students with disabilities is higher than the rate of their non-disabled peers.
- The expulsion rate of students with disabilities is higher than the expulsion rate of their non-disabled peers.
- Manifestation determination hearings have not been held for all students with disabilities, when applicable, before a suspension or expulsion.
- The population of enrolled students identified as receiving special education services is less than 8.5% of the total student enrollment without evidence of appropriate child find, student support and intervention practices, and inclusive recruitment strategies.³

- A special education level of need (i.e., Level 1 – 4) comprises 75.0% or more of the total population of students with disabilities without evidence of a student support and intervention process and inclusive recruitment strategies.⁴
- No students are classified as receiving Levels 3 or 4 of special education services without evidence of a student support and intervention process and inclusive recruitment strategies.⁵
- The rate of re-enrollment of students with disabilities is lower than the rate of their non-disabled peers.
- The rate of mid-year withdrawals of students with disabilities is higher than the rate of their non-disabled peers.

¹ While IDEA cannot promise any particular outcome, the indication of level of educational benefit is defined by the Supreme Court ruling as "evidence that the program developed for the child should be done so that they "make progress appropriate in light of [his] circumstance." *Endrew F. v. Douglas County School Dist. RE-1*, 580 U.S. ___ (2017).

² Students with disabilities are defined as students with Individualized Education Programs (IEPs) or 504 Plans enrolled at PK-12 public charter schools or adult public charter schools that are obligated to provide special education services.

² Procedures include two types of staff-initiated audits, desk and on-site, which are defined later in this policy. Each shall result in written recommendations or further action. Additional audit procedures represent interventions the Board may use after an audit to ensure special education compliance.

³ The 8.5% enrollment target was established in *D.L. v. The District of Columbia* (Case No. 1:05-cv-01437), 860 F.3d 713 (DC Cir. 2017). The figure is drawn from national rates of special education enrollment and expert testimony concerning risk factors unique to DC.

⁴ The 8.5% enrollment target was established in *D.L. v. The District of Columbia* (Case No. 1:05-cv-01437), 860 F.3d 713 (DC Cir. 2017). The figure is drawn from national rates of special education enrollment and expert testimony concerning risk factors unique to DC.

⁵ The 8.5% enrollment target was established in *D.L. v. The District of Columbia* (Case No. 1:05-cv-01437), 860 F.3d 713 (DC Cir. 2017). The figure is drawn from national rates of special education enrollment and expert testimony concerning risk factors unique to DC.

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- A community complaint alleges a systemic issue with the denial of parental safeguards, provision of special education services, or concern for the safety of students with disabilities.⁷
- A school receives poor feedback on a Qualitative Site Review (QSR) Report regarding special education instruction (e.g., school receives scores of all ones and twos in the Classroom Environment and Instruction domains of the Danielson Framework for Teaching).
- In addition to the specific criteria listed above, DC PCSB may conduct a special education audit of a public charter school at any time and for any reason if DC PCSB deems such an audit necessary to ensure the school is compliant with the requirements of the law and its charter regarding the provision of services to students with disabilities and providing access to quality programming such that students with disabilities are receiving an appropriate level of educational benefit.

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Special Education Audit and Monitoring Procedures

In the event that a school meets the criteria listed in this policy, each instance of potential special education noncompliance and inequitable practice will be reviewed. DC PCSB may then intervene with one or a combination of special education audit procedures. Staff may initiate the following audit process; however, depending on the severity of the triggering data or practices, a school may be subjected to an audit without a pre-audit warning. If subsequent monitoring reveals persistent indication of noncompliance or inequitable practice without school action, DC PCSB may consider the findings during any school requests requiring DC PCSB Board approval.

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- Pre-Audit Warning
DC PCSB staff may notify the school's staff of its concerns before identifying the school for an audit. This first communication does not require a specific action from the school, but the school may be audited later if it continues to meet the criteria for an audit procedure.
- Desk Audit
DC PCSB staff may conduct a desk audit, which is a secondary review of relevant information, if the school meets one or more criteria. The school will be asked to provide specific documentation, as well as written rationale for the data or practice. Based on the information reviewed, DC PCSB will write to close the audit with required technical assistance or training provided by the Office of the State Superintendent of Education (OSSE), internal process

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⁷ The receipt and review of complaints will adhere to the DC PCSB Community Complaint Policy. Parents, staff, and community members may share a complaint or concern by contacting DC PCSB at (202) 328-2660 or dcpublic@dpcpsb.org.

recommendations, or to pursue further action, including an on-site audit, staff-to-staff meeting, or a Board response. Staff will continue to monitor a school after an audit is closed and will request progress updates within six months. Past audit results will be considered in determining future procedures.

● On-Site Audit

DC PCSB staff may conduct an on-site audit if the school meets one or more criteria. DC PCSB staff will visit the school to interview staff and/or conduct special education observations. Based on the information reviewed, DC PCSB will write to close the audit with required technical assistance or training provided by OSSE or written internal process recommendations, or to pursue further action, including a staff-to-staff meeting, or a Board response. Staff will continue to monitor a school after an audit is closed and will request progress updates. Past audit results will be considered in determining future procedures.

In response to a special education audit, the DC PCSB Board may intervene with one or more of the following procedures, depending on the severity of the triggering data or practices.

● Recommendations of review and Revision of Internal Processes

DC PCSB staff may recommend specific review and revision of school practices or processes that may be causing the resulting triggering event,

● Staff-to-Staff Meeting

DC PCSB staff may meet with specific school staff to discuss special education data and trends, community complaints, and/or the findings and recommendations of a special education audit,

● OSSE Technical Assistance

DC PCSB staff may notify OSSE and require OSSE provided technical assistance relevant to the triggering event or audit findings,

● Board-to-Board Meeting

DC PCSB Board Members may meet with the school's board to discuss special education data and trends, community complaints, and/or the findings and recommendations of a special education audit.

● Notice of Concern

The Board may issue a Notice of Concern if the school continues to meet one or more criteria, if the issue demonstrates a lack of compliance with local and federal special education laws, and/or if the school's actions are deemed systemic. Notices of Concern are made public, require the school to come before the Board at a meeting, and are taken into consideration during each school's five- and ten-year charter reviews, the charter renewal process, and

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enrollment ceiling increase requests. The Notice of Concern will provide a timeframe for the school to correct the issue. Uncured Notices may lead to further Board action.

Board Approval Acknowledged By:

[Lea Crusey](#)
DC PCSB Board Chair

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