



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

IDEA Part B State Complaint Letter of Decision Proactive Disclosure Guidelines

(Updated August 2020)

Background and Scope

Pursuant to the Individuals with Disabilities Education Act (IDEA), the State Complaints Office of the Office of the State Superintendent of Education (OSSE) administers the state complaint dispute resolution process.¹ Within 60 days after the complaint is filed, the state must issue a written letter of decision (LOD) that addresses each allegation in the complaint and contains findings of fact and conclusions and the reasons for the state education agency's (SEA's) final decision.² OSSE will proactively disclose LODs through the agency website in order to promote transparency of information to stakeholders.³ Proactive LOD disclosure will be conducted according to the process described in these guidelines.

Legal Requirements for Protecting Personally Identifiable Information (PII)

The IDEA requires states to protect the confidentiality of any PII collected, used, or maintained under the regulations.⁴ Personally identifiable means information that contains:

- (a) The name of the child, the child's parent, or other family member;
- (b) The address of the child;
- (c) A personal identifier, such as the child's Social Security number or student number; or
- (d) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.⁵

Additionally, the Family Educational Rights and Privacy Act (FERPA) requires educational agencies to protect the privacy of parents and students.⁶ Under FERPA, PII includes:

¹ 34 CFR §§300.151 and 300.153 (IDEA requires states to adopt written procedures for resolving any complaint, including a complaint filed by an organization or individual from another state, that contains (1) A statement that a public agency has violated a requirement of the IDEA; (2) The facts on which the statement is based; (3) The signature and contact information for the complainant; and (4) If alleging violations with respect to a specific child—(i) The name and address of the residence of the child; (ii) The name of the school the child is attending; (iii) In the case of a homeless child or youth, available contact information for the child, and the name of the school the child is attending; (iv) A description of the nature of the problem of the child, including facts relating to the problem; and (v) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.)

² 34 CFR §300.152

³ The IDEA does not require states to make LODs available to the public. (See 34 CFR §§300.151 and 300.153)

⁴ 34 CFR §300.123

⁵ 34 CFR §300.32

⁶ 34 CFR §99.2

- (a) The student's name;
- (b) The name of the student's parent or other family members;
- (c) The address of the student or student's family;
- (d) A personal identifier, such as the student's Social Security number, student number, or biometric record;
- (e) Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
- (f) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
- (g) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.⁷

Redaction Protocol

The State Complaints Office issues LODs in a format that minimizes the inclusion of PII. Beginning in federal fiscal year 2020 (FFY 2020), July 1, 2020 – June 30, 2021, the State Complaints Office adheres to the following issuance and redaction protocols:

- All PII is limited to the opening paragraph of the LOD.
- That PII, including but not limited to; student name and any gender identifying pronouns, student date of birth, student identification number, and parent name; will be redacted prior to disclosure on the OSSE website. In order to ensure that other information, alone or in combination, will not lead to the identification of a student, the following information will be redacted prior to posting the LOD to the OSSE website: name of public charter schools and any other identifying charter school information such as name of the chief executive officer (CEO) or head of school, name of specific DCPS schools, name of nonpublic schools, the list of people interviewed as part of the investigation, the list of documents reviewed for the investigation, all student-related dates, grade-levels, and school years.
- Throughout the remainder of the LOD, the State Complaints Office uses gender neutral pronouns to identify the student and utilizes generic regular nouns as much as possible while still ensuring clarity for families reading the LOD.

After redaction, each LOD will be reviewed by no fewer than two individuals to ensure the removal of all PII and adherence to the redaction protocol prior to disclosure on the OSSE website.

Proactive Disclosure: Posting LODs on the OSSE Website

OSSE will redact and review all LODs within 30 days of issuance. On a monthly basis, OSSE will upload and publish to the agency website all LODs that have been issued, redacted, and reviewed in the previous month.

LODs That Will Not Be Disclosed

When redaction of an LOD does not sufficiently protect the identity of the student or parent, the State Complaints Office will not post it to the OSSE website, but will instead list the LOD without a link to the document. This includes, but is not limited to:

⁷ 34 CFR §99.3

- Complaints regarding students with low incidence disabilities;
- Students with unique medical or health circumstances;
- Students with unique placement or location of service circumstances;
- Complaints filed by non-parent complainants without written consent from the parent to release student information to the complainant; and
- Local education agencies (LEAs) that serve fewer than 10 students with disabilities or that do not meet the student enrollment thresholds as outlined in the table below:

Total number of students enrolled*	% of students with disabilities threshold
10-20	<=10%
21-100	<5%
101-1000	<1%
1001+	<.1%

More information on LEA enrollment can be found in the enrollment tab of the [DC School Report Card Aggregate Public Data](#).