

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE INSPECTOR GENERAL**

**CHILDREN IN
SPECIAL EDUCATION PROGRAMS
WHO ARE IN THE CUSTODY OF THE
CHILD AND FAMILY SERVICES AGENCY**



**CHARLES J. WILLOUGHBY
INSPECTOR GENERAL**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General



July 14, 2006

Uma Ahluwalia
Interim Director
Child and Family Services Agency
400 6th Street, S.W.
Washington, D.C. 20024

Clifford B. Janey, Ed.D
Superintendent
District of Columbia Public Schools
825 North Capitol Street, N.E. 9th Floor
Washington, DC 20002

Dear Ms. Ahluwalia and Dr. Janey:

Enclosed is the final report summarizing the results of the Office of the Inspector General's audit of *Children in Special Education Programs Who Are In The Custody of the Child and Family Services Agency* (OIG No. 03-2-11RL(a)). We conducted this audit as a part of an overall audit of the District of Columbia Child and Family Services Agency's (CFSA) management of the District's Foster Care Program.

As a result of our audit, we directed nine recommendations for necessary action to correct the described deficiencies. We received responses from CFSA on June 3, 2006, and from D.C. Public Schools (DCPS) on June 5, 2006, to a draft of this report. CFSA's and DCPS's responses fully addressed all of the recommendations, and we consider the actions, ongoing and/or planned, to be responsive. However, based on CFSA's comments, we have amended Recommendation 9. We request that CFSA and DCPS provide a response to Recommendation 9 within 60 days from the date of this report. We have also amended the Background section and Exhibit C at the request of CFSA to reflect specific edits to provide enhanced clarity. The full texts of CFSA's and DCPS's responses are included at Exhibits E and F, respectively.

Ms. Ahluwalia and Dr. Janey
July 14, 2006
OIG No. 03-2-11RL(a) - Final Report
Page 2 of 4

We appreciated the cooperation and courtesies extended to our staff during the audit. If you have questions, please contact William J. DiVello, Assistant Inspector General for Audits, at (202) 727-2540.

Sincerely,

A handwritten signature in cursive script, reading "Charles J. Willoughby". The signature is written in black ink and is positioned above the printed name and title.

Charles J. Willoughby
Inspector General

CJW/kh

cc: See Distribution List

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Ms. Ahluwalia and Dr. Janey
July 14, 2006
OIG No. 03-2-11RL(a) - Final Report
Page 4 of 4

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**CHILDREN IN SPECIAL EDUCATION PROGRAMS WHO ARE IN
THE CUSTODY OF THE CHILD AND FAMILY SERVICES AGENCY**

TABLE OF CONTENTS

EXECUTIVE DIGEST.....i

INTRODUCTION

 BACKGROUND 1

 OBJECTIVES, SCOPE, AND METHODOLOGY 3

FINDINGS AND RECOMMENDATIONS

 FINDING 1: ACCOUNTING FOR CHILDREN IN SPECIAL EDUCATION
 PROGRAMS IN THE CUSTODY OF CFSA..... 5

 FINDING 2 REPORTING ON THE NUMBER OF CHILDREN IN FOSTER
 CARE 12

 FINDING 3: CONTRACTING WITH SPECIAL EDUCATION PROVIDERS 15

EXHIBITS

 EXHIBIT A: SUMMARY OF POTENTIAL BENEFITS RESULTING
 FROM AUDIT 19

 EXHIBIT B: SPECIAL EDUCATION STUDENT ENROLLMENT 21

 EXHIBIT C: CFSA CUSTODY AND EDUCATIONAL ENROLLMENT
 PROCESS..... 22

 EXHIBIT D: DCPS PROCESS FOR PLACEMENT OF CHILDREN
 IN SPECIAL EDUCATION PROGRAMS 23

 EXHIBIT E: CFSA’S RESPONSE TO DRAFT REPORT 24

 EXHIBIT F: DCPS’S RESPONSE TO DRAFT REPORT 27

EXECUTIVE DIGEST

OVERVIEW

The District of Columbia Office of the Inspector General (OIG) has completed an audit of children in special education programs under the custody¹ of the Child and Family Services Agency (CFSA). This audit is the second of three audits that address various functions associated with the CFSA's role in caring for children in the District of Columbia (District) who are at risk of abuse and neglect. This report covers our efforts to assess CFSA's ability to account for children in CFSA's custody who received special education and/or related services. The first report focused on suspected child maltreatment incidents. Our final report will focus on an overall accounting of children in CFSA custody.

According to CFSA's brochure entitled *Working to Keep Children Safe, Families Together, & Communities Strong*, the principle mission of CFSA is to "protect and promote the health, safety, and well being of the children of the District through public and private partnerships focused on strengthening and preserving families, and to achieve permanence for the children with services that ensure cultural competence, accountability, and professional integrity." *Id.* CFSA is responsible for recruiting and retaining foster homes for children under its custody who have been removed from their homes after they were found to be abused or neglected.

The Individuals with Disabilities Education Act ("the Act"), 20 U.S.C. §§ 1400 *et seq.* (2006) was created to "ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living." *Id.* § 1400 (d)(1)(a). In furtherance thereof, each State and locality became responsible for, among other things, providing for the education of all children with disabilities and ensuring the protection of the statutorily created rights of those children and their parents. *Id.* § 1400 (d)(1)(b)-(c). In application of the Act to the District of Columbia, the District of Columbia Public Schools (DCPS) became responsible for the aforementioned population within the District of Columbia. In this regard, on August 4, 1998, DCPS and the former Receiver for CFSA entered into a Memorandum of Understanding (MOU) titled, *Provision of Special Education Services Under the Individuals with Disabilities Education Act to Children Committed to the Custody of CFSA*.

The MOU provides for DCPS to assume complete educational responsibility for children committed to the custody of CFSA, who require special education and related services. These responsibilities include the coordination of services for the timely assessment,

¹ For consistency we use the term custody, but note that it represents interchangeably both children in CFSA custody receiving care/services and children who are not in CFSA custody, but also receive CFSA care/services. Children in the CFSA's custody receive family services, welfare support, and are legal wards of the District of Columbia. However, not all children who receive CFSA care/services are legal wards of the District of Columbia and may be in the physical custody of the child's legal guardian.

EXECUTIVE DIGEST

placement, reevaluation, and funding of public and private special education and related services.

A report prepared by a private accounting firm, dated October 7, 2004, indicates that approximately 8,344 of DCPS's 58,693 students receive special education services. In addition, approximately 2,586 special education students attend private and county schools.² Exhibit B provides a breakdown of special education enrollment for the 10,930 students receiving special education services in DCPS and private and county schools. DCPS indicated that the total expenditures for Fiscal Year (FY) 2005 for the DCPS special education program are \$100,808,411.

The overall objectives of our audit efforts were to determine whether CFSA: (1) managed the Foster Care Program in an efficient, effective, and economical manner; (2) complied with requirements of applicable laws, rules and regulations, policies, and procedures; and (3) implemented internal controls to ensure the health, safety, and welfare of children in youth facilities.

The specific objectives covered in this report were to account for children under CFSA's custody who received special education and related services, and to determine if services were being provided in accordance with their Individualized Education Programs (IEP).³

CONCLUSIONS

The audit disclosed that CFSA and DCPS did not effectively carry out their joint responsibility of accounting for children under CFSA's custody who were in special education programs. Specifically, CFSA had not identified all children under its custody who received special education and related services. CFSA also had not effectively utilized the FACES⁴ computer application to record complete and accurate information about the children. The audit also determined that DCPS did not maintain accurate information on the number of CFSA children who received special education services or the location where these services were provided. As a result, we could not determine the number of children under CFSA's custody who received special education services. Further, because of the deficiency in record keeping, it is difficult to determine whether the District's special education students are currently receiving the proper educational services.

² Thompson, Cobb, Bazilio & Associates, P.C., District of Columbia Public Schools Enrollment (2004).

³ The IEP is developed by a multidisciplinary team consisting of the child, the child's parent/legal guardian, a representative of DCPS qualified to provide or supervise the provision of special education, and other school professionals.

⁴ The FACES application is a West Virginia Statewide Automated Child Welfare Information System that was adapted to meet the District's requirements and child welfare business processes.

EXECUTIVE DIGEST

In addition, the audit disclosed that CFSA failed to comply with the District law requiring the annual preparation and submission of a statistical report concerning the number of children in its care. The annual report is to be provided to the Mayor of the District of Columbia, the District of Columbia City Council (D.C. Council), and the public, and should include, among other things, a full statistical analysis of cases, including the total number of children in care, their ages, legal statuses, and permanency goals. D.C. Code § 4-1303.03(b)(10)(A)-(G)(Supp. 2005). Although the law became effective in June 2000, CFSA had not prepared any of the required annual reports. Failure to properly advise District leaders and the public as to the status of the District's foster care program prevents public scrutiny of this vital program.

Finally, DCPS had not executed written contracts or sufficiently detailed formal agreements covering special education and related services for students placed in nonpublic day programs. CFSA also had not executed valid contracts or formal agreements for children placed in surrounding county schools. The lack of written contracts leaves the District little recourse in recovering funds spent for education services that were not provided, inconsistent with student IEPs, or otherwise in dispute. Consequently, the District's interest, as well as that of the students, may not have been adequately protected.

SUMMARY OF RECOMMENDATIONS

We addressed three recommendations to the Director, CFSA, and three recommendations to the Superintendent, DCPS, which we believe are necessary to address the concerns described above. We also addressed three recommendations jointly to both CFSA and DCPS. The recommendations focus on:

- Recording information in FACES for all children who receive special education services under the care of CFSA.
- Establishing and implementing policies and procedures for processing, recording, and maintaining information in FACES on children who receive special education services.
- Establishing and implementing procedures to ensure accurate, timely input and maintenance of information regarding children receiving special education services into the special education database.
- Performing periodic reconciliations of DCPS to CFSA records to clear up any discrepancies, and simultaneously validating that students received services in accordance with their IEPs.

EXECUTIVE DIGEST

- Establishing procedures for reconciling the number of foster care children in special education programs.
- Preparing and submitting the required annual report in accordance with the requirements of D.C. Code § 4-1303.03(b)(10)(B)(Supp. 2005).
- Adding the tuition rates as a part of each agreement with nonpublic providers if pending legislation before the D.C. City Council is passed.
- Executing written contracts with nonpublic day providers prior to their providing special education and related services to District students.
- Coordinating efforts to ensure enrollment agreements/tuition contracts with other public school jurisdictions include basic material terms, such as: the price to be paid, the specific level of services to be provided, consistent with the student's IEP; signatures of both individuals authorized to contractually bind the parties to the agreement; and any other terms deemed essential.

A summary of the potential benefits resulting from the audit is shown at Exhibit A.

MANAGEMENT RESPONSES AND OIG COMMENTS

CFSA and DCPS provided written responses to our draft report on June 3, 2006, and June 5, 2006, respectively. We consider the actions, ongoing and/or planned, to be responsive to all of our recommendations. However, based on CFSA's comments, we have amended Recommendation 9. We request that CFSA and DCPS provide a response to Recommendation 9 within 60 days from the date of this report. The full texts of CFSA's and DCPS's responses are included at Exhibits E and F, respectively.

INTRODUCTION

BACKGROUND

CFSA Foster Care Programs. CFSA is responsible for providing a wide range of support and services to children and families who are at risk or have experienced abuse and neglect. One of CFSA's responsibilities includes ensuring that each foster child is enrolled in an educational program that is appropriate to the child's age, abilities, and case plan. The CFSA social worker, along with the parent/legal guardian, foster parent, any educational advocate, and other relevant parties work together in the selection, arrangement, and implementation of an appropriate education program for the child.

The social worker is required to complete an enrollment form provided by the school district every school year (and after each placement change) for a child to attend a public or private school outside of the District. CFSA is required to obtain approval from DCPS prior to enrolling a child needing special educational services in a private school setting. Exhibit C illustrates the CFSA custody and education enrollment process.

The Individuals with Disabilities Education Act (IDEA) places responsibility on DCPS to educate children with disabilities and special needs. In this regard, CFSA coordinates with DCPS in preparing a formal memorandum of understanding between CFSA and DCPS to ensure that children (under CFSA's custody) are provided a free and appropriate education.

Memorandum of Understanding. DCPS and the former CFSA Receiver entered into a Memorandum of Understanding (MOU) entitled, *Provision of Special Education Services Under the IDEA to Children Committed to the Custody of CFSA*, effective August 4, 1998. The MOU outlines DCPS's responsibility for special education services, including coordination of services for the timely assessment, placement, reevaluation, and funding of public and private special education and related services for students.

The MOU also indicates that CFSA agrees to provide timely and accurate information to DCPS regarding students under CFSA's custody who are entitled to and/or receive special education and related services. The following are some examples of the type of information that CFSA provides to DCPS:

- student's name, date of birth, address, social security number, and student ID number;
- student's legal residency;
- student's most recent educational placement;

INTRODUCTION

- social history of the student; and
- any other assessment reports and data which may bear upon the student's need for special education services, or the type of services needed.

Further, CFSA agrees to provide timely information to DCPS within fifteen (15) calendar days regarding persons whose status may change (i.e., special education students added or removed from the program). DCPS agrees to pay the tuition, transportation and other related service costs in accordance with the student's Individualized Education Program (IEP), including students who are placed in residential facilities.

CFSA Computerized Management Information System. CFSA maintains a computerized case management information system called FACES, which is used to organize client and provider information, and to enhance CFSA operations and services provided to the families in the District. FACES allows workers easy access to workload and case information, reduces the amount of paper forms, and enhances management practices through the use of more accurate and accessible reporting information. FACES also allows social workers to create and view alerts reminding them about case-related actions that have occurred or need to occur.

DCPS Office of Special Education. DCPS's Office of Special Education (OSE) is responsible for the delivery of specialized services, as prescribed in the student's IEP, with an emphasis on increasing opportunities for students with disabilities to learn and grow with their non-disabled peers. OSE is divided into two units: the Schools Support Unit and the Nonpublic Day Unit. Our audit involved coordinating school visits with officials of the Nonpublic Day Unit and obtaining pertinent information related to the audit.

The Nonpublic Day unit operates three programs (Nonpublic Day; Residential; and Surrounding County Schools) that provide case management, coordination, and monitoring of students. In particular, the Nonpublic Day Unit monitors and participates in the development and implementation of the student's IEP, provides technical assistance, monitors the quality of instructional programs, and ensures that services are delivered in compliance with established procedures. The three programs managed by the Nonpublic Day Unit are summarized below:

Nonpublic Day Program. DCPS places students in and provides funding for Nonpublic day schools when the District does not have an appropriate program to accommodate the student's needs. The children are placed in private institutions located in the District, Maryland, and Virginia. Information provided by DCPS indicates that there are 71 programs attended by 2,037 children. However, DCPS could not provide us with information for the total cost incurred during FY 2005 for this program.

INTRODUCTION

Residential Program. DCPS funds special education students who attend residential treatment facilities that provide 24-hour structured care and supervision. The facilities are located in the District, Maryland, Virginia, and other states. Information provided by DCPS indicates that there are 50 facilities attended by 313 children. DCPS also could not provide information for the total cost incurred during FY 2005 for this program.

Surrounding Counties Program. DCPS provides funding for special education students attending surrounding county schools. The facilities are public schools located in Maryland and Virginia. Information provided by DCPS indicates that the public schools involve 7 counties and are attended by 236 children. DCPS could not provide us with information for the total cost incurred during FY 2005 for this program.

DCPS Special Education Tracking System (SETS). OSE maintained a computerized special education database for student information called SETS. Typical information maintained in SETS includes a student's name, date of birth, parent(s) name, eligibility status, IEP meetings, number of hours and types services received, and changes in a student's status or needs. OSE is responsible for maintaining and updating information in SETS for students placed in nonpublic day, residential, and surrounding county schools programs. Exhibit D describes the DCPS process for placement of children in special education programs.

In August 2005, SETS was replaced by ENCORE, another computerized database that contains student information.

OBJECTIVES, SCOPE, AND METHODOLOGY

The overall objectives of our audit efforts were to determine whether CFSA:
(1) managed the Foster Care Program in an efficient, effective, and economical manner;
(2) complied with requirements of applicable laws, rules and regulations, policies, and procedures; and (3) implemented internal controls to ensure the health, safety, and welfare of children in youth facilities.

Our specific objectives for this audit were to account for children under CFSA's custody who received special education services and determine if services were being provided in accordance with their IEP.

To accomplish our objectives, we conducted interviews and held discussions with CFSA personnel, and met with the program manager of Clinical Support Service and other CFSA officials. We also met with DCPS senior officials and other responsible DCPS employees to gain an understanding of the processes, policies, and procedures used to record student information and to monitor special education services. We also obtained and reviewed

INTRODUCTION

information extracted from FACES and SETS. In addition, we reviewed all applicable regulations, policies, and procedures covering special education services.

The unreliability of CFSA's special education records in FACES resulted in an audit scope impairment and affected our ability to fully accomplish our audit objective of accounting for children under CFSA's custody who received special education services. Further, we could not determine if services were being provided in accordance with a child's IEP, because we could not rely on or use records provided by DCPS. We addressed CFSA and DCPS record keeping deficiencies in Finding 1 of the report and CFSA's failure to meet statutory reporting requirements in Finding 2.

Overall, the audit covered the period from August 2004 through June 2005. The audit was conducted in accordance with generally accepted government auditing standards, and included such tests as we considered necessary under the circumstances.

FINDINGS AND RECOMMENDATIONS

FINDING 1: ACCOUNTING FOR CHILDREN IN SPECIAL EDUCATION PROGRAMS IN THE CUSTODY OF CFSA
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SYNOPSIS

CFSA and DCPS did not effectively carry out their joint responsibility of accounting for children under CFSA's custody who were in special education programs. Specifically, CFSA had not identified all children under its custody who received special education and related services. CFSA also had not effectively utilized the FACES computer application to record complete and accurate information about the children. Further, DCPS did not maintain accurate information on the number of CFSA children who received special education services or the location where these services were provided.

These joint responsibilities were not effectively performed because: (1) CFSA had not established and implemented procedures for processing, recording, and maintaining information in FACES for children who receive special education services; and (2) DCPS had not entered accurate information in SETS for children receiving special education services. As a result, we could not determine the number of children under CFSA's custody who received special education services during the audit period (August 2004 – June 2005). Further, because of the deficiency in record keeping, it is difficult to determine whether the District's special education students are currently receiving the proper educational services.

On March 7, 2006, we discussed these matters with DCPS officials, who agreed with our conclusions. However, the officials stated that in order to maintain accurate data, CFSA must provide DCPS with timely and accurate information.

DISCUSSION

Completeness of CFSA's Special Education Population Records. Based upon a review of CFSA's special education records and after several discussions with CFSA officials, we determined that CFSA had not identified all children in its care who received special education services.

Identifying Special Education Students. As a part of our audit, we requested information from CFSA and DCPS to account for the number of children under CFSA's custody who received special education and related services. In this regard, we obtained from CFSA and DCPS listings of foster care children receiving special education services for the 2004-2005 school year. After comparing the two sets of information, we noted a difference in the total number of children shown on each listing. The CFSA listing contained 359 children receiving special education services, while DCPS' listing contained 701 children. Further, we could only match 82 names on the CFSA listing to the DCPS listing.

FINDINGS AND RECOMMENDATIONS

Although, we provided CFSA with a copy of the DCPS listing, CFSA was unable to determine whether children on the DCPS listing were under CFSA's care.

Recording Information in FACES. The listing of children receiving special education services was generated from FACES, and included the client ID, name of the child, date of birth, age, gender, race, ethnicity, school name, school county, school state, grade, enrolled date, and provider name and identification. In validating information on CFSA's listing, we noted 16 instances (of the 359 children listed) where the child's "grade" column was either marked unknown or the information was omitted. Further, the "school county" column information was omitted for 131 children and the school "state" column information was omitted for 60 children.

We noted that CFSA had not established procedures for processing, recording, and maintaining information in FACES. In addition, CFSA officials admitted to us that their listing was incomplete and explained that a child's social worker is responsible for entering pertinent information into FACES.

Accuracy of DCPS Special Education Population Records. Based upon a review of DCPS's listing of 701 children receiving special education services, we determined that DCPS's records were not accurate because of discrepancies regarding the number of children under the custody of CFSA who received special education services, and the location where services were provided.

Accurate Information at DCPS. We mailed 57 confirmations to various residential treatment facilities to verify the type of special education services the children received during the 2004-2005 school year and to determine if the information provided by the facilities agreed with the information on the listing DCPS provided to us. Based on the confirmation results and discussions with representatives of the residential treatment facilities, we noted that DCPS did not accurately record all information in SETS.

Of the 57 confirmations mailed, 49 were completed and returned to the OIG. An examination of the 49 confirmations returned disclosed that 19 did not agree with DCPS records as to the location where special education services were provided. In all 19 instances, we found that the children shown as residing at the facilities on the DCPS listing had been discharged from those facilities, prior to the date that the confirmations were mailed.

Further Tests of Confirmed Data. In addition to the confirmations, we contacted and visited District of Columbia and Prince Georges County school representatives and additional inaccuracies were noted. In one instance, we were informed by a Prince Georges County school official that the child noted on the DCPS listing had died in 2003. Table 1, which follows, summarizes some of the inaccurate locations contained on the DCPS listing.

FINDINGS AND RECOMMENDATIONS

Table 1. Schedule of Inaccuracies

Student	School Attended per SETS ⁵	Actual School Attended ⁶	CFSA Custody Status ⁷
Student 1	Friendly High School	Psychiatric Institute of Washington	WARD of the District
Student 2	Flowers High School	Latin American Youth Center	WARD of the District
Student 3	Shugart Middle School	N/A, child's name should be removed from listing	Adopted, no longer a WARD of the District
Student 4	Tanglewood Elementary School	N/A, child's name should be removed from listing	Deceased
Student 5	Children's Guild	Unknown, child is not attending Children's Guild	Never a WARD of the District
Student 6	Crystal Springs School	N/A, child has aged out of the CFSA system ⁸	No longer a WARD of the District
Student 7	Devereux – Victoria	N/A, child has aged out of the CFSA system	No longer a WARD of the District
Student 8	Foundation School, Alexandria, VA	N/A, child has aged out of the CFSA system	No longer a WARD of the District
Student 9	Keystone Newport Youth Center	N/A, child has aged out of the CFSA system	No longer a WARD of the District
Student 10	Woods Services	N/A, child has aged out of the CFSA system	No longer a WARD of the District
Student 11	Keystone Newport Youth Center	N/A, child's name should be removed from listing	No longer a WARD of the District
Student 12	Riverside Treatment Center	N/A, child's name should be removed from listing	No longer a WARD of the District

⁵ School attended taken from the DCPS Special Education WARD listing provided by DCPS as of 3/4/05.

⁶ Represents the actual school attended per confirmations received from residential treatment facilities and supporting documentation provided by the social worker.

⁷ Represents the legal custody status reported per FACES and conversations with present and past social workers.

⁸ Once a child reaches age 21, the case is closed by CFSA and the child is no longer eligible to receive family services.

FINDINGS AND RECOMMENDATIONS

Table 1. Schedule of Inaccuracies (Continued)

Student	School Attended per SETS	Actual School Attended	CFSA Custody Status
Student 13	Devereux - Georgia	N/A, child's name should be removed from listing	No longer a WARD of the District
Student 14	Mamie D. Lee School	Unknown, child is not attending Mamie D. Lee School	Never a WARD of the District
Student 15	Natchez Trace	N/A, child has aged out of the CFSA system	No longer a WARD of the District
Student 16	Devereux – Georgia	N/A, child's name should be removed from listing	WARD of the District

Incomplete Information in SETS. For the period covered by our audit, we found that DCPS did not record complete information in SETS regarding children under the care of CFSA who received special education services. In our attempt to validate special education services received for a sample of the children who attend public schools in surrounding counties, we requested DCPS to provide us with the school name for 17 out of 86 students noted on the DCPS listing who attend schools in surrounding counties. DCPS could not provide us with the school name for 5 out of 17 children requested. This information should have been readily accessible in SETS.

Coordination Between CFSA and DCPS. During our attempt to determine if children under CFSA's custody received special education services in accordance with their IEP, we held discussions with CFSA officials, as well as DCPS officials, to gain an understanding of the processes involved.

We were informed by CFSA and DCPS officials that CFSA provides DCPS with a listing on a monthly basis of children under CFSA's custody, regardless of the type of education the child is receiving. CFSA and DCPS officials meet on a weekly basis to discuss children in CFSA's custody, assessments, tuition contracts, and any changes to a child's status. DCPS officials explained to us during the audit that in order to maintain accurate data, CFSA must provide DCPS with timely and accurate information. The heads of the two agencies meet on a monthly basis.

In addition to the scheduled meetings, we believe that additional meetings should be used to reconcile the information that each agency possesses on special education students to ensure

FINDINGS AND RECOMMENDATIONS

that both DCPS and CFSA are aware of the type(s) of information that should be shared by each agency.⁹ Furthermore, these meetings could address the manner in which information is to be provided and ensure that both agencies possess the same information. Consideration should also be given to amending the MOU between DCPS and CFSA to include enrollment agreements or tuition contracts and the manner in which information should be shared between the two agencies.

Conclusion. The unreliability of CFSA's special education records resulted in an audit scope impairment and affected our ability to fully accomplish our audit objective of accounting for children under CFSA's custody who received special education services. Further, we could not determine if services were being provided in accordance with a child's IEP because we could not rely on or use records provided by DCPS.

RECOMMENDATIONS

We recommend that the Director, Child and Family Services Agency:

1. Record information in FACES for all children under CFSA's care who receive special education services.
2. Establish and implement policies and procedures for processing, recording, and maintaining information in FACES on children who receive special education services.

We recommend that the Superintendent, D.C. Public Schools:

3. Establish and implement procedures to ensure accurate, timely input and maintenance of information in the special education database (ENCORE) regarding children receiving special education services.

We recommend that the Director, Child and Family Services Agency and the Superintendent, D.C. Public Schools:

4. Perform periodic reconciliations of DCPS to CFSA records to clear up any discrepancies, and simultaneously validate that students received services in accordance with their IEPs.

⁹ According to DCPS and CFSA, both have agreed to share additional information that is not noted in the MOU. However, this information sharing agreement has not been upheld.

FINDINGS AND RECOMMENDATIONS

5. Coordinate efforts to periodically reconcile the number of foster care children that are recorded in special education programs to ensure that accurate and reliable data are maintained for children in this program.

AGENCY RESPONSES TO RECOMMENDATIONS AND OIG COMMENTS

RECOMMENDATION 1

CFSA Response

CFSA concurred with the recommendation and stated that it created the Office of Organizational Development and Practice Improvement (ODPI) in January 2006 to monitor data and develop strategies for practice improvement. CFSA also stated that ODPI is working with Program Operations staff to develop strategies that will focus social workers on the importance of timely and complete entry of education data. The full text of CFSA's response is included at Exhibit E.

RECOMMENDATION 2

CFSA Response

CFSA concurred with the recommendation and stated that they are working to update their education policy. The policy revisions are expected to be completed by September 30, 2006. CFSA also stated that it must update its education policy to assign clear responsibility for data entry.

RECOMMENDATION 3

DCPS Response

DCPS concurred with the recommendation. DCPS stated that it recognizes that the SETS/ENCORE data for students in nonpublic programs has not been updated in a timely manner due to vacancies in data entry positions and the increasing demands on staff time to complete the enrollment audit and residency verification requirements.

DCPS also stated that the Office of Special Education has expedited the process to fill the vacancies in the office and anticipated hiring summer staff dedicated to updating the ENCORE and STARS databases. However, DCPS does not agree that it has "joint responsibility" of accounting for children under CFSA's custody.

FINDINGS AND RECOMMENDATIONS

OIG Comment

DCPS comments are noted. Although DCPS does not agree with our statement that it has a joint responsibility for accounting for children under CFSA's custody, we believe that the overall welfare of children is the responsibility of the entire District government as a whole.

We consider actions taken to be responsive and meet the intent of the recommendations. DCPS's full response is included at Exhibit F.

RECOMMENDATIONS 4 and 5

CFSA and DCPS Response

CFSA and DCPS both concurred with Recommendations 4 and 5. CFSA stated that it is committed to completing reconciliations beginning in July 2006. DCPS stated that additional meetings with CFSA should be used to reconcile information each agency possesses on special education students.

FINDINGS AND RECOMMENDATIONS

FINDING 2: REPORTING ON THE NUMBER OF CHILDREN IN FOSTER CARE
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SYNOPSIS

CFSA did not fulfill the requirement of District law requiring the annual preparation and submission of a statistical report concerning the number of children in foster care. The annual report is to be provided to the Mayor of the District of Columbia, the District of Columbia City Council, and the public, and should include, among other things, a full statistical analysis of cases, including the total number of children in care, their ages, legal statuses, and permanency goals.¹⁰ D.C. Code § 4-1303.03(b)(10)(A)-(G)(Supp. 2005). Although the law became effective in June 2000, CFSA had not prepared any of the required annual reports. The first annual report should have been prepared and submitted to the District officials by February 2001.

CFSA failed to comply with this legal reporting requirement for a number of reasons, including an apparent lack of regard for complying with District law, and the need for better communication and coordination between CFSA management and officials assigned to accomplish this task. Failure to properly advise District leaders and the public as to the status of the District's foster care program prevents public scrutiny of this vital program.

Prior to the issuance of this report, CFSA provided OIG with a copy of its 2005 Annual Public Report.

DISCUSSION

D.C. Code § 4-1303.03(b)(10)(B)(Supp. 2005) provides the governing criteria for the preparation and submission of an annual report of the children in CFSA custody and their case status.

Provisions of the D.C. Code Concerning Annual Reports. D.C. Code §4-1303.03(b)(10)(B)(Supp. 2005) requires CFSA, or the person or agency CFSA contracts with, to prepare and submit to the Mayor, the Council, and the public a report to be submitted no later than February 1 of each year, which shall include:

¹⁰ Permanency goals are goals established by the court with recommendations from the child's social worker that identifies the permanent plan for the child which, when achieved can result in closure of the case. Some examples of permanency goals are adoption, guardianship, independence, independent living, legal custody relative placement, and reunification.

FINDINGS AND RECOMMENDATIONS

- (i) a full statistical analysis of cases, including the total number of children in care, their ages, legal statuses, and permanency goals;
- (ii) the number of children who entered care during the previous year (by month), their ages, legal statuses, and the primary reasons they entered care;
- (iii) the number of children who have been in care for 24 months or longer, by their length of stay in care, including: (I) a breakdown in length of stay by permanency goal; (II) the number of children who became part of this class during the previous year; and (III) the ages and legal statuses of these children;
- (iv) the number of children who left care during the previous year (by month), the number of children in this class who had been in care for 24 months or longer, the ages and legal statuses of these children, and the reasons for their removal from care.
- (v) the number of children who left care during the previous year, by permanency goal; their length of stay in care, by permanency goal; the number of children whose placements were disrupted during the previous year, by placement type; and the number of children who re-entered care during the previous year.

Id.

Request for Annual Reports. We requested CFSA to provide us with a copy of the 2004 and 2005 reports. CFSA officials responded that they had not prepared (or submitted) the required reports as outlined in D.C. Code § 4-1303.03(b)(10)(B)(Supp. 2005), but does maintain the required data in FACES. A CFSA senior official informed us that the former Director was aware of the requirement. However, we noted that the CFSA individual responsible for preparing the report was unaware of the requirement.

CFSA has never prepared and submitted an annual report to the Mayor, City Council, and public since the inception of the law in June 2000. Prior to completion of our report, CFSA provided OIG with a copy of its 2005 Annual Public Report.

Review of Monthly Report and Trend Analysis. In lieu of an annual report, CFSA began providing a monthly report and trend analysis information to the D.C. City Council in 2005. This information was not provided to the Mayor's Office or issued for public release. We reviewed the monthly report and trend analysis for the month of April 2005 to determine if the information provided met the criteria outlined in D.C. Code § 4-1303.03(b)(10)(B) (Supp. 2005). The monthly report contained information such as the caseload count by type, demographics for children in foster care, entries, exits and permanency goals for children in foster care, and children who remain in care by duration and permanency goal.

FINDINGS AND RECOMMENDATIONS

The trend analysis reports¹¹ shows trends for the foster care population, non-foster care kinship cases, average caseload trend of CFSA social workers, percentage of open investigations, foster care and in-home cases with current case plans, and social worker visits to in-home and out-of-home placements.

Although the monthly report and trend analysis contains a portion of the required information, the monthly report would need additional data to fully comply with District law. In particular, the following data are missing from the monthly report and trend analysis:

- children's ages, legal statuses and permanency goals with respect to the full statistical analysis of cases, including the total number of children in care; and
- children's ages, legal statuses, and the primary reason for entering into care with respect to the number of children who entered care during the previous year (by month).

RECOMMENDATIONS

We recommend that the Director, Child and Family Services Agency:

6. Prepare and submit the required annual report in accordance with the requirements of D.C. Code § 4-1303.03(b)(10)(B)(Supp. 2005).

AGENCY RESPONSE TO RECOMMENDATION 6

CFSA Response

An attachment to the CFSA response included specific comments related to Recommendation 6 (attachment not included herein). CFSA responded to the recommendation by stating that the required annual report is completed, with a copy of the report provided to OIG for review.

¹¹ The trend analysis reports all covered the period from May 2004 – April 2005, with the exception of the average caseload trend of CFSA social workers report, which covered October 2004 – April 2005.

FINDINGS AND RECOMMENDATIONS

FINDING 3: CONTRACTING WITH SPECIAL EDUCATION PROVIDERS

SYNOPSIS

The audit disclosed that DCPS had not executed written contracts or detailed formal agreements covering special education and related services for students placed in nonpublic day schools. CFSA also had not executed valid contracts or formal agreements for children placed in surrounding county schools.¹² The lack of written contracts leaves the District little recourse in recovering funds spent for education services that were not provided, inconsistent with the students' IEPs, or otherwise in dispute. As a result, the District's interest, as well as that of the students may not have been adequately protected.

We requested an explanation from DCPS officials as to the reason(s) why written contracts had not been executed to cover the services provided. Officials informed us that previous unsuccessful attempts had been made to enter into contracts with nonpublic day providers and that arbitrary tuition rate increases resulted in the development of pending legislation to address this issue. According to DCPS officials, the District of Columbia Board of Education adopted and submitted to the D.C. City Council a resolution as of February 13, 2006, which transmits a proposed bill to amend Title 38 of the D.C. Code to authorize DCPS to certify and monitor nonpublic schools and to set tuition payment rates.¹³

DISCUSSION

Nonpublic Day Program Services Provided Without a Written Contract. DCPS had not executed written contracts with 71 nonpublic day schools that provided special education services to approximately 2,037 District students. Information provided to us by DCPS indicates that the total expenditures for FY 2005 for the DCPS special education program were \$100.8 million. DCPS could not provide us with information for the total cost incurred during FY 2005 for the nonpublic day program.

District law prohibits government employees from entering oral agreements/contracts and prohibits payments to vendors who provide services without a written contract in place. *See* D.C. Code § 2-301.05(d)(1)-(3)(Supp. 2004).¹⁴ By entering into written contracts with

¹² CFSA had executed valid written contracts covering room and board for children under their custody residing in residential treatment facilities.

¹³ *See* "Placement of Student's with Disabilities in Nonpublic Schools Amendment Act of 2006," Bill 16-0668, D.C. Council, 16th Period (D.C. 2006).

¹⁴ The Code also permits exceptions, one of which is applicable to this issue – payments required by a court order. *See* *Petties, et al. v. District of Columbia, et al.*, No. 95-0148 (PLF) (D.D.C. 2004) (order regarding payment for services to class members). However, the intent of the court's order is to prevent unjust

FINDINGS AND RECOMMENDATIONS

nonpublic day school providers, the District ensures recourse against a provider, and creates the possibility of a cost savings to the District. Contracts with providers who participate in nonpublic day programs will detail the nonpublic day provider's responsibilities and the specific requirements for educating District students. Further, executing a contract puts the District in a position to possibly negotiate a fixed unit rate to be paid for providing special education services to a fixed number of students.

We questioned DCPS as to the reasons why written contracts with nonpublic special education providers did not exist. The DCPS official informed us that previous attempts had been made to enter into contracts, but they faced significant barriers because of the high number of students receiving services at various providers.

On March 7, 2006, we discussed this matter with DCPS officials who informed us that the District of Columbia Board of Education adopted and submitted to the D.C. City Council a resolution as of February 13, 2006, which transmits a proposed bill to amend Title 38 of the D.C. Code to authorize DCPS to certify and monitor nonpublic schools and to set tuition payment rates. This action may be an acceptable alternative for cases where there is no current contract; however, all future procurements need a valid written contract, per the statutory requirements set forth in the D.C. Code.

Surrounding County School Services Provided Without a Valid Contract. CFSA officials did not execute valid contracts with surrounding county schools. During the audit CFSA officials provided us six enrollment agreements¹⁵ (also referred to as tuition contracts) that purportedly covered services provided to children under their custody who were receiving special education services from surrounding county schools. We noted that none of the six agreements contained signatures of the surrounding counties principals or designees, the tuition price to be paid, or the specialized services to be provided to students.

When questioned about the enrollment agreements, a CFSA official told us that the agreements are not contracts and are used to notify DCPS to fund the tuition for children who receive special education services in surrounding county public schools. According to CFSA officials, they maintain the agreements for informational purposes only. CFSA officials could not provide us with an explanation for not entering into valid written contracts with providers, as required by statute.

enrichment in circumstances where services have already been provided, not to provide an avenue for District employees to circumvent the law when procuring prospectively.

¹⁵ Enrollment agreement forms are completed by a CFSA or contracted social worker to enroll a nonresident student in a public school system in the surrounding counties of MD and/or VA. The enrollment agreement must be signed by a DCPS representative in order for a child who receives special education services to attend a surrounding county school. The six enrollment agreements covered five different surrounding county jurisdictions.

FINDINGS AND RECOMMENDATIONS

We questioned DCPS officials about the enrollment agreements since DCPS is responsible for funding services provided to the children. DCPS officials informed us that they are responsible for paying for and monitoring special education services provided to District students, and are not responsible for creating the enrollment agreements.

Irrespective of which agency awards or prepares the enrollment agreements, we believe the agreements were not properly structured. For example, at a minimum, the agreements should include the cost to be paid for the child to attend the surrounding county school and a description of the services to be provided to the student in accordance with each student's IEP (by attaching the student's IEP to the enrollment agreement). In addition, we believe that all enrollment agreements should contain signatures of all parties authorized to bind the District and the service providers.

RECOMMENDATIONS

We recommend that the Superintendent, D.C. Public Schools:

7. Add the tuition rates as a part of each agreement with nonpublic providers if pending legislation before the City Council is passed.
8. Execute written contracts with nonpublic day providers prior to providing special education and related services to District students.

We recommend that the Director, Child and Family Services Agency and Superintendent, D.C. Public Schools:

9. Coordinate to ensure enrollment agreements/tuition contracts with other public school jurisdictions include basic terms of an agreement and/or contract requirements that include:
 - a. a stated price to be paid;
 - b. the specific level of services to be provided, consistent with the student's IEPs;
 - c. signatures of all individuals authorized to contractually bind the parties to the agreement; and
 - d. any other terms deemed essential to protect the District's interest.

FINDINGS AND RECOMMENDATIONS

AGENCY RESPONSES TO RECOMMENDATIONS AND OIG COMMENTS

RECOMMENDATIONS 7 and 8

DCPS Response

DCPS concurred with Recommendations 7 and 8. DCPS stated that tuition rates should be a part of each agreement with nonpublic providers and that there should be executed, written contracts with nonpublic day providers, prior to providing special education and related services to students. DCPS also stated that its policy and procedures for implementing the rate setting procedures will require that the certification approval and rate setting be established prior to the enrollment of students.

RECOMMENDATION 9

CFSA Response

An attachment to the CFSA response included specific comments related to Recommendation 9 (attachment not included herein). CFSA accurately indicated that it does not contract for these education services and that DCPS has the authority to execute contracts or agreements for public and nonpublic education. Based on CFSA's comments to the draft recommendation, we have amended Recommendation 9 to require that CFSA and DCPS coordinate future enrollment agreements/tuition contracts to ensure adequate agreement/contract terms are incorporated into these instruments.

OIG Comment

We request that CFSA and DCPS provide a response to revised Recommendation 9. Further, we ask that the requested information be provided within 60 days from the date of this report.

**EXHIBIT A - SUMMARY OF POTENTIAL BENEFITS
RESULTING FROM AUDIT**

Recommendation	Description of Benefit	Amount and Type of Benefit	Status¹⁶
1	Compliance and Internal Control. Records information in FACES for children who receive special education services.	Nonmonetary	Closed
2	Compliance and Internal Control. Establishes and implements policies and procedures for processing, recording, and maintaining information in FACES for children who receive special education services.	Nonmonetary	Closed
3	Compliance and Internal Control. Establishes and implements procedures to ensure accurate, timely input and maintenance of information in the special education database regarding children who receive special education services.	Nonmonetary	Closed
4	Compliance and Internal Control. Performs periodic reconciliations of DCPS to CFSA records to clear up any discrepancies and validate that students received services in accordance with their IEPs.	Nonmonetary	Closed
5	Compliance and Internal Control. Establishes coordination between CFSA and DCPS periodically to reconcile the number of foster care children in special education	Nonmonetary	Closed

¹⁶ This column provides the status of a recommendation as of the report date. For final reports, “**Open**” means management and the OIG are in agreement on the action to be taken, but action is not complete. “**Closed**” means management has advised that the action necessary to correct the condition is complete. “**Unresolved**” means that management has neither agreed to take the recommended action nor proposed satisfactory alternative actions to correct the condition.

**EXHIBIT A - SUMMARY OF POTENTIAL BENEFITS
RESULTING FROM AUDIT**

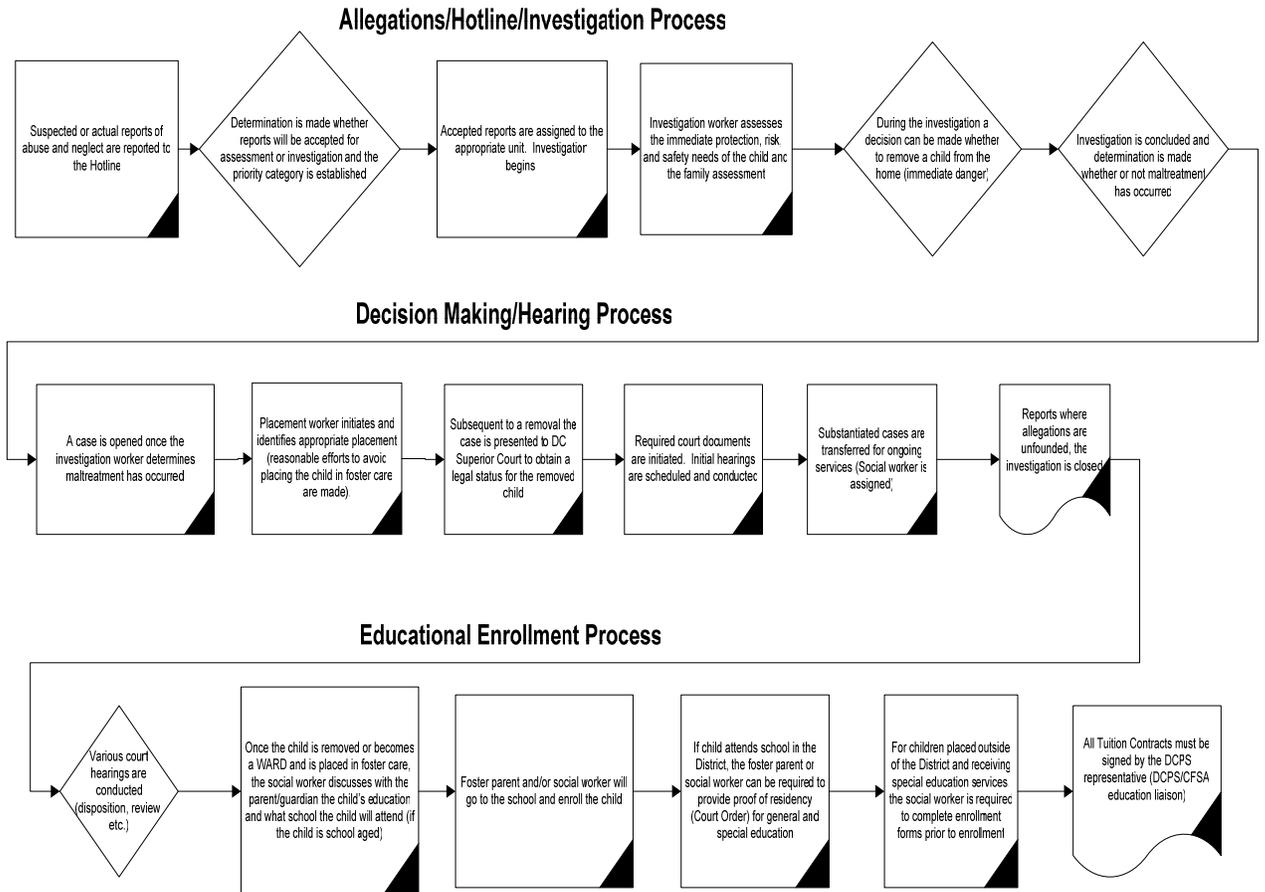
Recommendation	Description of Benefit	Amount and Type of Benefit	Status
	programs.		
6	Compliance and Internal Control. Assures that the required annual report is submitted to the Mayor, the Council, and the public.	Nonmonetary	Closed
7	Compliance and Internal Control. Adds the tuition rate as a part of the agreement with nonpublic providers if pending legislation before the D.C. City Council is passed.	Nonmonetary	Closed
8	Compliance and Internal Control Executes written contracts with nonpublic day providers prior to providing special education and related services to District students.	Nonmonetary	Closed
9	Compliance and Internal Control. CFSA and DCPS coordinate to ensure enrollment agreements/tuition contracts with other public school jurisdictions include basic material terms.	Nonmonetary	Unresolved

EXHIBIT B - SPECIAL EDUCATION STUDENT ENROLLMENT

EDUCATIONAL INSTITUTIONS	Number of Students
Students receiving special education services in DCPS schools	
Alternative Education	57
Elementary Schools	3,960
Head Start	15
Junior High School	739
Middle School	785
Senior High School	1,745
Special Education Facility	1,043
Total number of students with current IEPs to receive special education services in DCPS schools	8,344
Students receiving special education services who attend private and county school programs	
Anne Arundel County	1
Charles County	7
Howard County	6
Montgomery County	4
Prince Georges County	211
Prince William County	4
Wicomico County	3
Nonpublic Day and Residential Programs	2,350
Total number of special education students who attend private and county schools	2,586
Total Number of Students Receiving Special Education Services as of October 7, 2004	10,930

EXHIBIT C - CFSA CUSTODY AND EDUCATIONAL ENROLLMENT PROCESS

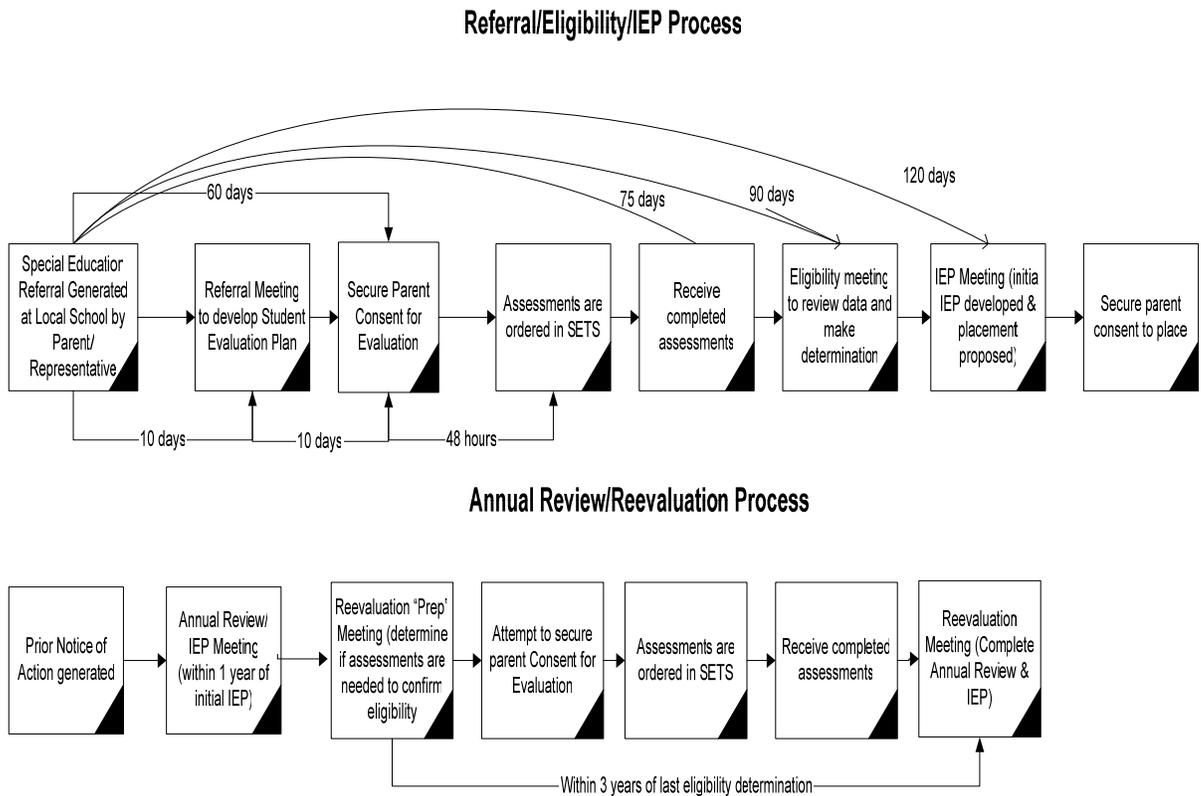
The diagram below illustrates the process CFSA uses to enter a child into its custody and to enroll the child into an educational facility.



Note: It is CFSA's policy that all reports pertaining to abuse and neglect in response to information received be documented in FACES immediately. It is CFSA's policy that all investigation activities be documented in FACES within 24 hours of their occurrence.

EXHIBIT D - DCPS PROCESS FOR PLACEMENT OF CHILDREN IN SPECIAL EDUCATION PROGRAMS

The diagram below illustrates the process DCPS uses to place children in special education programs.



Note: During each stage of the process noted above, information is entered in SETS.

EXHIBIT E – CFSA’S RESPONSE TO DRAFT REPORT

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency



Office of the Director

June 2, 2006

Charles Willoughby
Inspector General
Office of the Inspector General
717 14th Street NW
Washington, D.C. 20005

**Re: CFSA Comments to Draft Report on Children in Special Education
Programs in CFSA’s Custody, OIG No. 03-2-11RL(a)**

Dear Mr. Willoughby:

Thank you for the opportunity to review your Draft Report on Children in Special Education Programs in CFSA’s Custody, OIG No. 03-2-11RL(a) and to submit comments. Overall, Child and Family Service Agency agrees with most of the findings and recommendations, and is eager to use them to refocus its on-going work with DC Public Schools. In addition to our specific comments which we have embedded in the draft report itself (see attached), we would like to take this opportunity to update you on some work we have been doing internally and with DC Public Schools to address some of the issues identified in the report.

The Agency recognized some time ago that in some specific areas social workers were not routinely entering data in the proper screens in FACES. While workers are in many cases including education information in court reports or contact notes, that information is not being entered or updated into the specific education screens in FACES, and thus it is not being captured in management reports that are based upon the education screens. The Agency has a number of initiatives underway which are designed to improve social work practice in critical areas, including data entry and which we expect will also improve the data entry of education information in the proper screens in our FACES system. In January 2006, we created an Office of Organizational Development and Practice Improvement (ODPI). That Office, which is charged with monitoring data and developing strategies for practice improvement, has developed and is leading implementation of a Practice Model, which among other things, identifies meeting

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EXHIBIT E – CFSA’S RESPONSE TO DRAFT REPORT

children’s developmental needs as one of four principal outcomes. The focus on child well-being in the Practice Model will bring additional attention to ensuring children’s educational needs are met and should improve social worker attention to maintaining accurate education data in FACES.

ODPI is working with Program Operations staff to develop strategies that will focus social workers on the importance of timely and complete education data entry. Four strategies have been identified to date. These include: 1) ensuring education screens are updated when the enrollment forms are completed this summer; 2) requiring social workers with children on their caseloads who appear on the daily placement logs to update education screens; 3) modifying the case transfer process checklist to add education; and 4) requiring managers to review at least quarterly the management report titled “Children with no Educational Status”, and to ensure education information is completed in FACES for children appearing on that report.

We also recently introduced our web based FACES system, which, once fully operational, will allow workers to enter data from anywhere in the community with internet access. Workers, for example, will be able to enter education information when visiting a child’s school or during an IEP meeting, so long as there is internet access. While we are still working through implementation issues common to new systems, we anticipate that improving remote access to FACES will also improve data entry. Finally, as indicated in the specific comments, we are working to update our education policy and expect to complete revisions by September 30, 2006. The policy would then be submitted to the Court Monitor for her approval as required by the *LaShawn* court order.

In addition to improving our internal practices, we anticipate using our monthly meetings with DCPS to focus on implementing the recommendations set forth in your report. As you may be aware, key managers from CFSA and DCPS meet monthly to discuss shared issues. CFSA participants include myself, _____, CFSA’s Deputy Director for Clinical Practice, _____, Program Manager, and our educational specialists. DCPS is represented by the Acting Chief, Special Education, the Executive Directors for Non Public Day and Office of Compliance, and staff from General Education office. These meetings provide a forum for addressing the recommendations in your report. In addition, our Information Technology staff, after discussions with DCPS staff, already have completed a preliminary assessment and believe that there may be ways that data can be exchanged electronically which will facilitate data reconciliation. While additional work needs to be done to complete that assessment, in the meantime, we are committed to completing reconciliations beginning in July, 2006.

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EXHIBIT F – DCPS’S RESPONSE TO DRAFT REPORT

We hope to discuss this process with DCPS at our monthly meetings. We can also use the meetings to discuss your recommendations surrounding tuition contracts for our children placed in other jurisdictions so that we can make needed changes for the upcoming school year.

Sincerely,



Uma Ahluwalia
Interim Director, Child and Family Services Agency

Attachments (3)

CC: Clifford Janey, Superintendent, DCPS
Robert Bobb, City Administrator
Brenda Donald Walker, Deputy Mayor
Robert Rice, Special Assistant to the Superintendent of Schools
William DiVello, Assistant Inspector General for Audits
, Office of the Inspector General

USA/jwy

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EXHIBIT F – DCPS’S RESPONSE TO DRAFT REPORT



DISTRICT OF COLUMBIA PUBLIC SCHOOLS

OFFICE OF THE SUPERINTENDENT
825 North Capitol Street, NE, 9TH Floor
Washington, D.C., 20002-1994
(202) 442-5885 – fax: (202) 442-5026

June 5, 2006

Mr. Charles J. Willoughby
Inspector General
Office of the Inspector General
717 14th Street, NW
Washington D. C. 20005

Dear Mr. Willoughby:

We have received and reviewed the draft audit report of the *Children in Special Education Programs Who are in the Custody of the Child and Family Services Agency*. We appreciate the opportunity to comment and provide information about necessary changes at DCPS to improve the accuracy of our data and record keeping. Our response is enclosed.

It is critical that the MOU between DCPS and CFSA be revised and strengthened to ensure an efficient and effective process to serve the children with disabilities who are in the custody of the Child and Family Services Agency.

Sincerely,

A handwritten signature in black ink, appearing to read "Clifford B. Janey".

Clifford B. Janey, Ed.D.
Superintendent

CBJ:rb

Enclosures

cc: Mr. Robert C. Bobb, Deputy Mayor and City Administrator
Ms. Brenda Donald Walker, Deputy Mayor for Children, Youth, Families and Elders
Dr. Robert C. Rice, Special Assistant to the Superintendent

"DCPS: Success, One Student at a Time"

EXHIBIT F – DCPS’S RESPONSE TO DRAFT REPORT

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

RESPONSE TO DRAFT AUDIT OF

CHILDREN IN SPECIAL EDUCATION PROGRAMS WHO ARE IN THE CUSTODY
OF CHILD AND FAMILY SERVICES AGENCY

On May 12, 2006, the Office of the Inspector General issued a draft report summarizing the results of its audit of *Children in Special Education Programs Who Are In the Custody of the Child and Family Services Agency (CFSA)*. This audit report was included as part of an overall audit of the District of Columbia Child and Family Services Agency’s (CFSA) management of the District’s Foster Care Program. It included the District of Columbia Schools (DCPS) to the extent that DCPS is responsible for students with disabilities who are under CFSA’s custody.

DCPS is providing this response to the draft report to advise of the actions taken or planned, target dates for completion of planned actions and reasons for any disagreements with the findings or recommendations. Based on the Findings and Recommendations, DCPS responds as follows:

**FINDING 1: ACCOUNTING FOR CHILDREN IN SPECIAL EDUCATION
PROGRAMS IN THE CUSTODY OF CFSA**

The report found that DCPS did not maintain accurate information on the number of CFSA children who received special education services or the location where these services were provided. While DCPS does not agree that it has a “joint responsibility” of accounting for children under CFSA’s custody as there is no specific authority making the accounting for CFSA’s children a “joint responsibility,” DCPS is absolutely cognizant of its responsibility to provide DC Wards a Free Appropriate Education (FAPE).

Additionally, DCPS recognizes that the SETS/ENCORE data for students in nonpublic programs has not been updated in a timely manner due to vacancies in data entry positions and the increasing demands on staff time to complete the enrollment audit and residency verification requirements. To resolve this issue, the Office of Special Education has expedited the process to fill the vacancies in the office. DCPS anticipates hiring summer staff dedicated to updating the ENCORE and STARS data bases. The DCPS data will only be as accurate as the data provided by CFSA. It is critical that the CFSA data base also be accurate and that information is provided in a timely manner.

Inaccurate data from CFSA impacts the ability of DCPS to efficiently complete the annual enrollment audit and residency verification process due to the intensive data review and verification that must be completed. Inaccurate data also impacts the ability of DCPS to manage payment for surrounding counties and nonpublic programs for students who are wards in the custody of CFSA.

EXHIBIT F – DCPS’S RESPONSE TO DRAFT REPORT

DCPS provided the auditors the cost information that was available. At that time the cost of the wards was not tracked separately. As a result of this audit OSE has now implemented a tracking procedure so that the costs for these students can be identified.

DCPS agrees that additional meetings with CFSA should be used to reconcile information each agency possesses on special education students. Likewise DCPS agrees that the MOU between DCPS and CFSA should be amended to include enrollment agreements or tuition contracts and the manner in which information is shared between the two agencies. It is critical that the revisions include specific responsibilities and timelines for both parties.

FINDING 3: CONTRACTING WITH SPECIAL EDUCATION PROVIDERS

This finding concludes that DCPS has not executed written agreements with nonpublic programs serving DCPS students. In lieu of written contracts, the Board of Education has proposed a rate setting and certification process. The legislation was forwarded to the DC City Council amending Title 38 of the DC Code to authorize DCPS to certify and monitor nonpublic schools and to set rates for tuition and related services as outlined on the student’s IEP. Included as part of the legislation is a requirement for DCPS to provide a rate setting document that outlines the responsibilities of DCPS and the nonpublic provider. This document will be signed by both parties resulting in a binding agreement.

DCPS agrees that tuition rates should be part of each agreement with nonpublic providers and that there should be executed written contracts with nonpublic day providers prior to providing special education and related services. DCPS policy and procedures for implementing the rate setting procedures will require that the certification approval and rate setting be established prior to the enrollment of students.

CONCLUSION:

In light of DCPS’ agreement with many of the findings in the Inspector General’s audit of *Children in Special Education Programs Who Are In The Custody of the Child and Family Services Agency*, DCPS is moving forward to implement the recommendations. DCPS will hire additional staff to remedy its data collection process, legislation regarding the rate setting is pending before the DC City Council and finally, DCPS plans to begin revising the MOU in the summer, 2006.