



# Advocates for Justice and Education, Inc.

*The federally designated Parent Training and Information Center for Washington DC*

## The Special Education Process

Special Education means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability. To assist you in understanding the special education process in the District of Columbia and your rights as a parent, below is a step-by-step summary of the process.

### Step 1 – Child Find

- The public school agency is required to **identify, locate** and **evaluate** children who have a disability or are suspected of having a disability and who may be in need of special education, even if they are passing from grade to grade, do not attend school, are homeschooled, or attend private school.
- A referral for evaluation of a child who may have a disability may be made by the: (1) The parent(s) or legal guardian(s); (2) A child (self-referral) who is between the ages of 18 and 22 years; (3) An employee of the public school agency or other child-serving agency; or (4) A staff member of the public school agency who has knowledge of the child.

### Step 2 – Formal Request/Consent to Evaluate Child

- A Parent must give his or her written consent before a child can be evaluated.
- The attending or neighborhood school must provide the parent with the necessary form(s) to complete when the parent requests an evaluation.
- Once the parent submits the written request and consent for evaluation, the public school agency has 60 days from that date to evaluate the child.

### Step 3 – Initial Evaluation

- Following the formal request and consent for evaluation the multidisciplinary team (MDT) must meet to review existing data and information on the child and identify what evaluations or assessments are needed.
- Members of the MDT Team Include - the child's parents or legal guardian; at least one regular education teacher of the child; at least one special education (teacher of the child); a representative of the public school agency (can be the special education coordinator, etc.); professionals who can interpret the evaluations to be conducted on the child (for example, a psychologist, a speech pathologist, etc.); and the child if appropriate.
- The public school agency must not use just a single procedure or measure as the sole basis for determining whether a child is a child with a disability and determining the educational needs of the child. It must ensure that a full and individual evaluation is conducted for each child being considered for special education and related services and must evaluate the child in all areas of suspected disability or parent's areas of concern.

There are several types of evaluations that may need to be completed, including:

Psychoeducational (cognitive and academic performance) • Clinical Psychological (social and emotional status)  
 • Occupational/Physical Therapy (motor abilities) • Medical (physical, vision, hearing, psychiatric, neurological)  
 • Speech/Language (communication) • Vocational (occupational interest, skills, etc.). Other evaluations might also be needed.

- Each evaluator must draft a written report describing the results of the test and recommendations. Parents must get a copy of the evaluations no less than 5 business days before the MDT meeting to review.
- Parents may request an Independent Educational Evaluation (IEE) at public expense if they disagree with the evaluation.

#### Step 4 – Eligibility for Special Education

- To be eligible for special education and related services, a child must be between ages three (3) and twenty-two (22) and have a disability that adversely affects his or her ability to learn or make progress in school without specialized instruction.
- Children under the age of 3 who have a 25% delay in just one developmental area may be eligible for early intervention services.
- Disability Classifications: •Autism • Deaf-Blindness • Deafness/ Hearing Impairment • Developmental Delay • Emotional Disturbance • Intellectual Disabilities • Multiple Disabilities • Orthopedic Impairment • Visual Impairment • Traumatic Brain Injury • Other Health Impairment (such as ADHD, asthma or sickle cell) • Specific Learning Disability ( includes dyslexia and processing deficits) • Speech or Language Impairment.
- The MDT must determine eligibility and disability classification. Note - parents are full and equal members of the team and must have a meaningful opportunity to participate in the eligibility determination process.
- In determining eligibility, the MDT must draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.
- Parents have a right to challenge eligibility, classifications of disability, and/or evaluations.
- If it is determined that a child has a disability and needs special education and related services, an Individualized Education Program (IEP) must be developed for the child.
- Parents must consent to the implementation of the IEP before the student can receive specialized instruction and/or related services.

#### Step 5 – Individualized Education Program (IEP)

- Within 30-days of determining that a child is eligible for special education and related services, the IEP team must meet to develop an IEP for the child.
- The IEP is a written document that outlines objectives, measurable goals, specialized instruction and related services for a child's unique needs.

- Schools are required to provide parents with copies of all documents to be discussed at an IEP meeting no less than 5 business days **before** the meeting. If an IEP meeting is scheduled fewer than 5 business days before it is to occur, these documents must be provided to the parents at least 24 hours before the meeting.
- Members of the IEP Team Include – the child’s parents or legal guardian; at least one regular education teacher of the child; at least one special education teacher of the child; a representative of the public school agency (can be the special education coordinator, etc.); related service provider of the child, professionals who can interpret the evaluations conducted on the child (for example, a psychologist, a speech pathologist, etc.); and the child if appropriate.
- The public school agency must notify the parent in writing of the time, place, purpose of and who will attend the IEP meeting. Parents must have an opportunity to attend, so the public school agency must schedule meetings at a mutually agreed upon time and place and provide parents with advance notice of any IEP meetings. Parents can request reasonable accommodations related to their own disabilities and needs, alternative means of participating (telephone or video conference) and translation into their native language.
- In developing the child’s IEP, the IEP team must consider: the child’s strengths; concerns of the parent; results of the initial or most recent evaluation; and as appropriate, the results of the child’s performance on any District-wide assessment programs.
- The IEP must contain:
  - The child’s present levels of educational performance
  - Measurable annual goals, including academic and nonacademic goals (can include short-term objectives)
  - The special education and related services and supplementary aids and services to be provided
  - An explanation and justification of the extent the child will not participate with nondisabled children in the regular class
  - Individual modifications in the administration of state or district-wide student achievement tests
  - The projected date for the beginning of the services and modifications, frequency, location and duration of services and modifications
  - How the child’s progress toward the annual goals will be measured
  - How the child’s parents will be regularly informed about the child’s progress
  - Once a student reaches the age of 14, a statement of transition service needs.
- Parents must have input into the development of the IEP and have a right to bring an advocate or anyone else to the IEP meeting. If there is a disagreement about the IEP, the team should complete as much of the IEP as possible to ensure the child gets some services while the dispute gets resolved. Parents must consent to the initial IEP for services to be provided.
- Schools are required to provide parents with a copy of the completed IEP within 5 business days after the meeting occurs and to provide parents with a final copy of the IEP within 15 days.

## Step 6 – Placement

- Once the IEP Team determines the special education and related services the child needs, the IEP Team must determine the educational placement of the child.
- The child must be placed in the Least Restrictive Environment (LRE) appropriate for the student, which means to the maximum extent appropriate, children with disabilities are educated with children who are nondisabled and are removed from the regular education class only if the nature or severity of the child’s disability is such that education in the regular classes, with the use of supplementary aids and services, cannot be achieved.
- The child’s placement must be as close as possible to the child’s home, but every school in an public school agency does not need to have every program.

- The public school agency must ensure there is a continuum of alternative placements available to meet the needs of children with disabilities. The continuum of alternative placements is the range of levels of special education services available from least restrictive to more restrictive. The range of levels is as follows: instruction in regular education classroom (with supplementary supports and services), separate special education classroom, separate special education school, home instruction, residential placement, and instruction in hospitals and institutions.
- If the public school agency cannot provide a child with the services required by the child's IEP, a parent can seek to have the child placed into a private placement at public expense.
- Parents have the right to challenge any proposed placement and the child has the right to stay in his or her last current placement while the dispute gets resolved, except in some cases where disciplinary action is the basis for change in placement. This is called "stay-put."
- Schools must give prior written notice (PWN) of any proposals or refusals to change a student's location of services (i.e. school building). The notice must include an explanation of the change, information about a parent's procedural protections, and contact information for resources that can help parents resolve issues with their child's education.

### Step 7 – Annual Review

- A child's IEP must be reviewed and placement determined at least once a year.
- The purpose of the annual review is to determine the child's progress, to modify or develop a new IEP, and to revisit the student's disability classification and placement level. However, parents may request a review at any time during the year.
- Parents have a right to observe their children in her/his current or proposed special education classroom or to designate a person to observe on their behalf. Parents can bring with them to observe, or send in their place, a person with professional expertise in the area being observed or a person who can facilitate observation for a parent with a disability or language translation needs. Parents can observe at any time during the year, but schools can request reasonable notice, etc.

### Step 8 – Triennial Review

- A child must be fully reevaluated every three (3) years, unless the parent and the public school agency agree that a reevaluation is not necessary. If the parent and school agree that a re-evaluation is not needed, an "analysis of existing data" is completed and reviewed instead of evaluations. After the analysis of existing data, a parent or school can request additional evaluations.
- The purpose of the triennial review is to confirm the child's disability, instruction, and related service needs.
- Parents may request reevaluations at any time during the three year period if there are concerns; however, a reevaluation may not occur more than once a year unless the parent and the public school agency agree otherwise.
- **Need Additional Help?** If you have questions or would like to request our assistance in challenging a suspension or expulsion, call, email or visit AJE. (202) 678-8060 • [information@aje-dc.org](mailto:information@aje-dc.org) • [www.aje-dc.org](http://www.aje-dc.org) • 1200 G Street NW Suite 725 • Washington, D.C. 20005 (Metro Center). Mary's Center Intake on Tuesdays and Thursdays at 3912 Georgia Avenue, NW, Washington, DC 20011.