



# **SPECIAL EDUCATION IN THE DISTRICT OF COLUMBIA: YOUR QUESTIONS ANSWERED**

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## HOW DO I USE THIS GUIDE?

In this guide, we hope to answer all of your most pressing questions about special education in the District of Columbia. Feel free to read it all the way through, or to use it as a quick reference as questions emerge during your special education journey. ♦♦♦

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# WHO WE ARE

**The DC Special Education Hub helps families understand special education in the District of Columbia. Our knowledgeable team connects families with tools, information, and 1:1 support so families can make informed decisions to guide their child's learning.**

## **WHAT WE DO**

- **We meet families with questions about special education where they are – including through our multilingual text and phone hotline, at in-person and virtual events, or on our website.**
- **We work with families and schools to incorporate family voice and build connections.**

**The DC Special Education Hub is an initiative of the DC Ombudsman for Public Education, an independent, impartial office, that helps students and families with questions, concerns, and complaints about DC public and public charter schools.**

Answering your  
questions about...

# ELIGIBILITY & EVALUATION

## HOW DO I RECEIVE SPECIAL EDUCATION SERVICES FOR MY CHILD?

The special education eligibility process starts when a person familiar with the child makes a request (referral) for special education services. Referrals may come from parents, teachers, or other people familiar with the child like daycare staff members, physicians, or psychologists. Referrals can be made in writing or verbally. Once a referral is made, the team who received the referral has 30 days to hold a meeting (which includes the parent) to review the child's current data (AED Meeting). Proceeding with evaluation is a team decision specific to the child. If the team does agree to proceed, they must obtain written consent to evaluate the child from a parent or guardian. Please see the following table for more information on where to submit your referral.

## DOES MY CHILD NEED TO BE FAILING CLASSES TO BE ELIGIBLE FOR SPECIAL EDUCATION?

No, their disability only needs to impact their ability to access and make progress in the general education curriculum.

IF YOUR CHILD IS...	SPECIAL EDUCATION REFERRALS ARE MADE THROUGH...
Ages 3-5 and enrolled in a DC private or religious school, or is not yet enrolled in school	Early Stages referral@earlystages.org (202) 698-8037
Ages 3-22 and enrolled in a DCPS school or DC public charter school	Your child's school
Ages 5 and 10 months to 22 who are parentally placed in a DC private or religious school, live in DC and attend a private or religious school outside of DC, or are home schooled in DC	Centralized IEP Support dcps.childfind@k12.dc.gov (202) 442-5475

## WHAT TYPES OF EVALUATIONS ARE USED TO DETERMINE ELIGIBILITY FOR SPECIAL EDUCATION?

Depending on the concerns present, evaluations may include:

- A psychological evaluation (to measure student strengths and gaps in areas like memory, cognition, and thought processes)
- An education evaluation (to measure student strengths and gaps in academic areas like mathematics, reading, and writing)
- Behavioral evaluations (these may identify markers of disabilities like ADHD, autism, or mental health challenges, as well as their impact on learning)
- Parent, student, and/or teacher interviews
- Evaluations for speech and language processing, fine motor abilities, or other areas that may need related services at school
- Other evaluations as deemed appropriate

Depending on the evaluation type, it may be conducted by a psychologist, specialist, school social worker, counselor, or other qualified professional.

## DOES THE SCHOOL NEED MY CONSENT TO EVALUATE OR GIVE MY CHILD AN IEP?

Yes. A school can't evaluate or give your child special education services without your written consent. If you have reservations about entering the special education process, make sure to share your concerns with the school team.

## HOW IS ELIGIBILITY DETERMINED?

Once the evaluations are complete, the multidisciplinary team will meet again to determine eligibility. At the meeting, each evaluator will share their findings. The team will then discuss whether the student meets the criteria for special education eligibility under one of the following categories:

- Specific Learning Disability (SLD)
- Autism Spectrum Disorder (ASD)
- Emotional Disturbance (ED)
- Speech or Language Impairment (SLI)
- Visual Impairment, Including Blindness (VI)
- Hearing Impairment (HI)
- Deaf-Blindness
- Orthopedic Impairment (OI)
- Intellectual Disability (ID)
- Traumatic Brain Injury (TBI)
- Other Health Impairment (OHI) - this category includes a number of disabilities, including ADHD
- Multiple Disabilities (MD) - this category is for students who meet the criteria or two or more other categories (for example, SLD and OHI)

If the student is found ineligible, the team may discuss other ways to support the student's needs outside of special education (for example, tutoring, counseling, academic intervention, a Behavior Intervention Plan, or a 504 plan). If the student is found eligible, the team has 30 days to develop and implement an Individualized Education Program (IEP).

## DID YOU KNOW? THE MULTIDISCIPLINARY TEAM (MDT)

Special education decisions are made by a multidisciplinary team (MDT). That team includes the parent/guardian(s), general education teacher(s), special education teacher(s), a representative from the school/LEA, and the student (if appropriate). MDTs may also include specialists like speech language pathologists or occupational therapists, school counselors or social workers, school administrators, or other relevant professionals.

# SPECIAL EDUCATION MEETING TYPES

## AED OR SEP MEETING

The Analyze Existing Data (AED) meeting, sometimes called a Student Educational Progress (SEP) meeting, is the first meeting in the special education process. This meeting typically happens within thirty days after a student is initially referred for special education services.

Prior to this meeting, the multidisciplinary team compiles an AED form, which details all relevant data the team currently has on the student. This includes hearing and vision screenings, attendance data, teacher comments, test scores, observations, and other relevant information.

At the AED meeting, the team will review and discuss this data in order to determine:

1. If the student should be evaluated for special education services, and
2. What evaluations should be conducted.

## ELIGIBILITY MEETING

After the AED meeting is held and the agreed upon evaluations are completed, the multidisciplinary team will meet again for the eligibility meeting. At the meeting, each evaluator will share their findings. The team will then discuss whether the student meets the criteria for special education eligibility.

If the student is found **ineligible**, the team may discuss other ways to support the student's needs outside of special education (for example, tutoring, counseling, academic intervention, a Behavior Intervention Plan, or a 504 plan).

If the student is found **eligible**, the team has 30 days to develop and implement an Individualized Education Program (IEP).

## IEP MEETING

The primary special education meeting type is the Individualized Education Program (IEP) meeting. IEP meetings occur after a student is first found eligible for services and then again at least once every year. During this meeting, the team comes together to review and discuss the IEP, which includes the student's disability category, present performance levels, baseline data and goals for the coming year, service settings and location(s), classroom and testing accommodations, and other services where applicable (like dedicated aides or transportation).

Once the team agrees to the drafted IEP, it will be finalized and implemented immediately.

## HOW LONG DOES THE SPECIAL EDUCATION ELIGIBILITY PROCESS TAKE?

In DC, the eligibility process takes up to 90 days. Once a referral is made (in writing **or** verbally), the team who received the referral will obtain consent to evaluate the child from a parent or guardian. After consent is given, the team has 60 days to complete all evaluations and meet to determine if the child qualifies for services. If the child is found eligible, the team then has 30 days to develop and implement the initial IEP.



### DID YOU KNOW? TRIENNIAL ELIGIBILITY

Once a student is found eligible for special education services, they must revisit the eligibility process (AED meeting, evaluations, and eligibility meeting) every three years. This allows the team to update major evaluations, ensure the student still qualifies for services, and determine if any services should be added or changed. While triennial re-evaluations are required to continue special education services, schools are still required to obtain parental consent before beginning these evaluations.

### MORE ABOUT IEPs

- **IEPs are written to be used for a full calendar year**, not just a school year. (For example, this means that an IEP written in December of a student's seventh grade year will be in effect until December of the student's eighth grade year.)
- While **IEP meetings must happen at least once a year**, they may be called more frequently if the team feels the IEP needs to be reviewed or updated.
- **The student's parent/guardian has the right to request an IEP meeting at any time.**

Answering your  
questions about...

# PLANS & SERVICES

## WHAT SERVICES AND SUPPORTS ARE SPECIAL EDUCATION STUDENTS ENTITLED TO?

Students who qualify for special education under the Individuals with Disabilities Education Act (IDEA) have the right to a **Free and Appropriate Public Education (FAPE)**.

According to the law, FAPE includes:

- Appropriate evaluations
- An Individualized Education Program (IEP)
- Effectively involving parents and students in decision-making
- Providing the Least Restrictive Environment (LRE) for learning
- Facilitating procedural due process to resolve dispute

## WHAT IS AN IEP?

An Individualized Education Program (IEP) is a legally-binding plan developed to ensure that a child who has a disability identified under the law receives specialized instruction and related services at school. A student qualifies for an IEP only if their disability impedes their ability to access and progress in the general education curriculum.

Children with disabilities who are not yet of school age may qualify for an Individualized Family Service Plan (IFSP), which is a legal document outlining support and services for a qualifying child (ages birth to 3) with a disability and their family.

## TERMS TO KNOW

### Location of Services (LOS)

The place where a student receives their services (their school). DCPS students in self-contained programs are typically assigned an LOS that differs from their in-boundary school.

### Local Education Agency

A public authority with direct administrative control over a set of public schools. As of the 2021-22 school year, DC contains one traditional public LEA (DCPS) and 68 public charter LEAs.

### Service Hours

The amount of time that a student will receive a given service each week or month as written in their IEP.

### Service Setting

The place where a student will receive a given service as written in their IEP. Typically, this is either "Inside General Education" or "Outside General Education".

### Special Education Coordinator, Compliance Manager, or School LEA Representative

The school staff member responsible for ensuring compliance with all local, state, and national education laws. They are typically the point person for all special education matters.



## WHAT DOES "LEAST RESTRICTIVE ENVIRONMENT" MEAN?

Special education students should always receive services in their Least Restrictive Environment (LRE). This means special education students should be educated alongside their general education peers whenever possible. If a student's disability requires instruction outside of the general education curriculum, they should be removed from the general education classroom for the least amount of time possible. In short, a student can be removed from the general education setting only if they cannot be "satisfactorily educated" with specialized instruction in their general education class. LRE provides benefits, including access to grade-level content and social interactions with a wider array of peers.

For example, a student with minimal needs in reading but significant needs in math may receive services in their general education reading class and only be pulled out of the general education math class for specialized small group instruction. This provides LRE because the student is only being removed from general education when their needs cannot be met inside their regular class.



## WHO PROVIDES IEP SERVICES?

Special education services may be provided by a variety of school professionals depending on student age, disability, and need. Below are some common professionals your child may encounter.

### Case Manager

The staff member responsible for writing, implementing, and monitoring a student's IEP.

### Dedicated Aide (DA)

Staff member assigned to support a specific student in accordance with their IEP. May be full-day or partial.

### Occupational Therapist (OT)

A specialist who employs the therapeutic use of occupations, including everyday life activities with individuals, groups, populations, or organizations to support participation, performance, and function in roles and situations in home, school, workplace, community, and other settings. This often focuses on fine motor skills.

### Physical Therapist (PT)

A specialist who supports the development and maintenance of larger-scale physical activities like walking or climbing stairs.

### School Psychologist

A specialist who conducts evaluations for students referred to special education or as a part of triennial reviews.

### School Social Worker, Counselor, or Mental Health Practitioner (MHP)

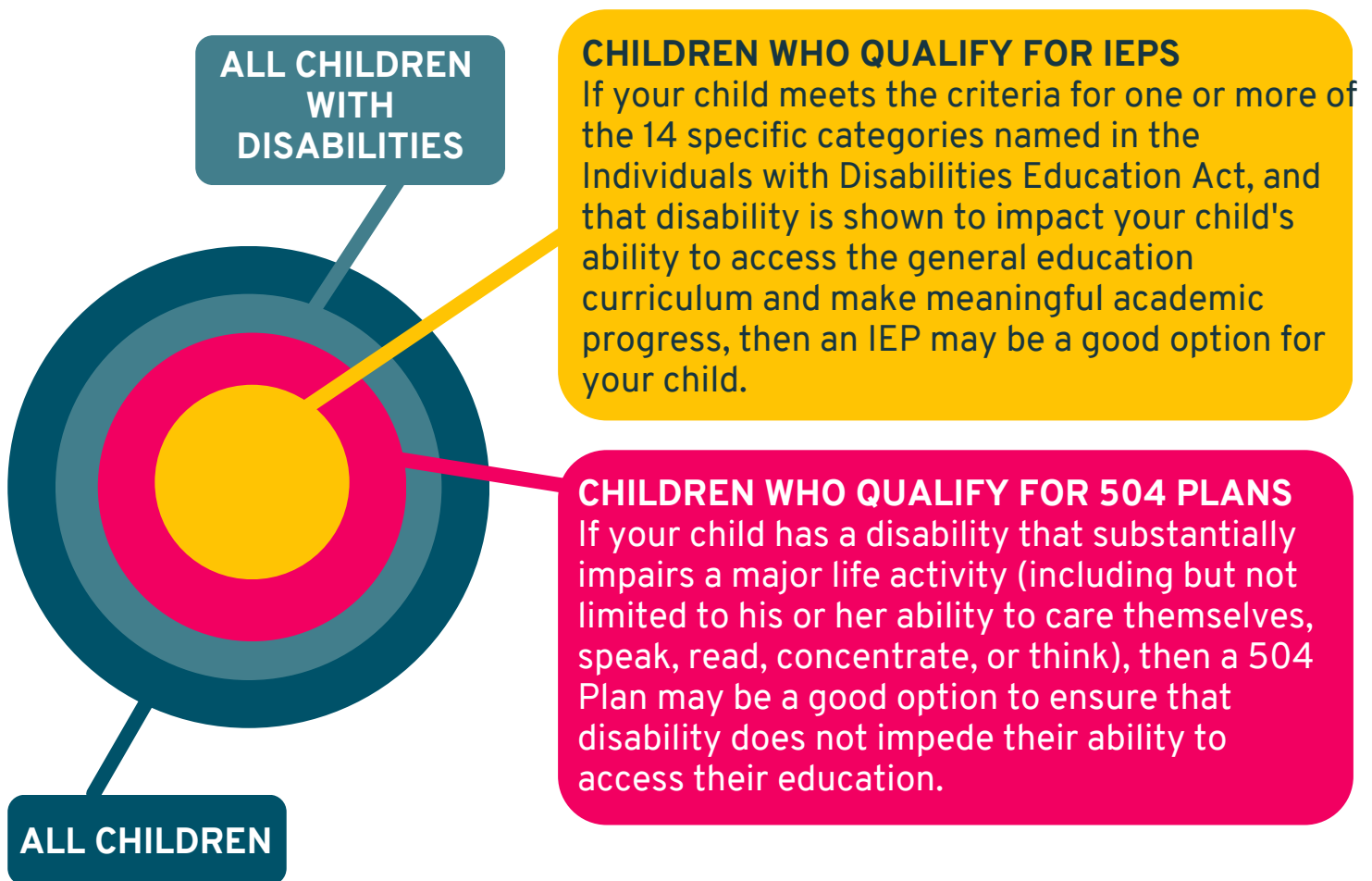
These staff members drive the social, emotional, and behavioral well-being of students and families through a responsive continuum of services to ensure access to academic instruction and growth.

### Speech Language Pathologist (SLP)

A specialist who evaluates and treats students with speech, language, cognitive-communication and swallowing disorders. The SLP may work with a student inside or outside of the classroom.

# IEP VS. 504 PLAN: WHAT'S THE DIFFERENCE?

While IEPs and 504 plans both support children with disabilities, they do so in different ways. Check out this information to see which option may suit your child's needs best.



	504 PLAN	IEP
APPROPRIATE WHEN...	a student's disability limits a major life activity	a disability limits a student's access to <i>and</i> progress in the general education curriculum
PROVIDES A STUDENT WITH...	accommodations and related services	specialized instruction, accommodations, and related services
PLANS FOR...	how the school will provide support and remove barriers to general education curriculum	a child's special education experience at school
AUTHORIZED BY...	Section 504 of the Rehabilitation Act of 1973	Individuals with Disabilities Education Act (IDEA)
REVIEWED...	Annually, with eligibility determined periodically	Annually, with eligibility determined periodically

Answering your  
questions about...

# DISABILITY & DISCIPLINE

When it comes to school discipline, all students have rights and protections. Special education students have the same rights, as well as several additional protections. Read on to find the answers to many common questions about school discipline and special education.

## CAN MY SPECIAL EDUCATION STUDENT BE SUSPENDED?

**Yes**, special education students can be suspended for disciplinary infractions. However, they cannot receive longer or more stringent suspensions than their general education peers would receive for the same infraction.

## WHAT IS MY STUDENT ENTITLED TO DURING THEIR SUSPENSION?

During an out-of-school suspension, all students have the right to:

- receive all appropriate schoolwork,
- communicate with their school about schoolwork assignments,
- and make up any schoolwork (including tests and assessments) missed during their suspension.

Special education students also have the right to receive the specialized instruction and related services (counseling, speech therapy, etc.) detailed in their IEPs.

## CAN I APPEAL MY SPECIAL EDUCATION STUDENT'S SUSPENSION?

All students have the right to appeal an out-of-school suspension. Suspensions lasting 1-5 days should be appealed in writing to the school principal. Suspensions lasting six or more days should be appealed to the instructional superintendent in DCPS (for public charter schools, families should contact the school directly for their medium- and long-term suspension appeal policy.) DCPS suspensions must be appealed within two days of the suspension being issued. DC public charter school suspensions must be appealed within one day of the suspension being issued (please note, this may vary based on the individual charter school).

## DID YOU KNOW? DISCIPLINE POLICIES

**All discipline policies are public and available on the website for your child's school district or charter network!**

## WHAT ADDITIONAL PROTECTIONS DOES MY SPECIAL EDUCATION STUDENT HAVE?

In addition to the protections all students have, special education students have the right to a **Manifestation Determination Review** (also called a manifestation meeting) in several disciplinary circumstances. A manifestation meeting is required in the following circumstances:

- A special education student is suspended for ten or more cumulative days in a school year,
- A special education student is being considered for expulsion,
- or a special education student is being considered for a disciplinary change in placement (for example, a non-voluntary transfer).

This meeting brings together the parent, the school/LEA, and “relevant members” of the student’s IEP team (as determined by the parent and LEA). This team will then decide if the student’s misconduct was:

- a manifestation of their disability, or
- the direct result of the school failing to implement the student’s IEP.

If the answer is **yes**, the student must be allowed to return to their previous programming (although this does not apply to infractions involving weapons, drugs, or serious bodily injury). The school must also take immediate further steps to support the student (for example, a Functional Behavioral Assessment (FBA) or Behavior Intervention Plan (BIP)).

If the answer is **no**, the school has the authority to take the same disciplinary actions they would take for a general education student.

## HOW CAN MY CHILD RECEIVE BEHAVIORAL SUPPORTS THROUGH THEIR IEP?

Students with disabilities can qualify for Behavioral Support Services (BSS) and Emotional, Social, and Behavioral Development goals on their IEP. Just like an academic area of concern, including Emotional, Social, and Behavioral Development goals is a data-based team decision.

Qualifying students then receive Behavior Support Services (BSS) for a set number of hours per month through one or more of the following methods:

- **Inside the General Education Setting:** A mental health professional will support your child inside their regular class.
- **Outside the General Education Setting:** A mental health professional will pull your child from their regular class or activity for individual or group BSS sessions.
- **Consultation:** A mental health professional will not meet with your child directly, but they will consult with your child’s teachers about the best ways to support your child behaviorally.

BSS can support students with a wide range of challenges, including executive functioning, self-regulation, emotion identification, mental health concerns, and more.

# CONNECT WITH US

Want to get more involved or learn more about special education in DC? Check out more of our resources and events!

## 01.

### NAVIGATE THE DC SPECIAL EDUCATION LANDSCAPE WITH OUR ONLINE TOOLS

Check out [specialeducation.dc.gov/page/resources](https://specialeducation.dc.gov/page/resources) for our interactive map that guides families through the special education process from early childhood through postsecondary transitions!



## 02.

### **REACH OUT TO US DIRECTLY VIA PHONE, EMAIL, OR SOCIAL MEDIA!**



(202) 671-2890



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## 03.

### **JOIN US FOR VIRTUAL AND IN PERSON TRAININGS AND EVENTS!**

Check out our website or social media for the schedule of all of our upcoming trainings and events, including our Family Empowerment Series and regular office hours at a community location near you!



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