



# Advocates for Justice and Education, Inc.

## The Parent Training and Information Center for the District of Columbia

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**Board Members**  
Jane M. Brown  
Tonia Dansby  
Tara S. Emory  
Nike Opadiran  
Janay Queen

**Executive Director**  
Weadé J. Wallace

**V:** (202) 678-8060  
**F:** (202) 678-8062  
**TF:** (888) 327-8060  
**W:** [www.aje-dc.org](http://www.aje-dc.org)  
**E:** [information@aje-dc.org](mailto:information@aje-dc.org)

25 E Street NW 4<sup>th</sup> Floor  
Washington, DC 20001

Mary's Center  
Tuesdays & Thursdays  
9:00 a.m. – 3:00 p.m.  
3912 Georgia Avenue NW  
Washington, DC 20011

**Children with  
Special Needs,  
need Parents  
with Special  
Skills!**

## 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 all children who are disabled and in need of special education and related services.
- The public school agency is also required to identify, locate and evaluate children who are suspected of being disabled and in need of special education, even if they are passing from grade to grade.
- 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) A professional staff employee of the public school agency; or (4) A staff member of the public school agency who has direct 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 written consent and request for evaluation may be given to the principal of the child's home/neighborhood school, even if the child does not attend that school.
- The home/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 120 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 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 as the sole basis for determining whether a child is a child with a disability and 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 related to the suspected disability.
- There are several types of evaluations that may need to be done on the child, including:
  - Psychoeducational (general intelligence and academic performance)
  - Clinical Psychological (social and emotional status)
  - Occupational/Physical Therapy (motor abilities)
  - Medical (physical, vision, hearing, psychiatric, neurological)
  - Speech/Language (communication)
  - Vocational
- Each evaluator must draft a written report describing the results of the test and recommendations. Parents must get a copy of the evaluations before the MDT meeting to review.

#### **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.
- Disability Classifications: •Autism •Deaf-Blindness •Deafness •Developmental Delay •Emotional Disturbance (ED) •Hearing Impairment (HI) •Intellectual Disabilities (ID) •Multiple Disabilities •Orthopedic Impairment (OI) •Visual Impairment (VI) •Traumatic Brain Injury (TBI) •Other Health Impairment (OHI), such as ADHD •Specific Learning Disability (SLD) •Speech or Language Impairment (SI).
- The MDT must determine eligibility and disability classification. Note - parents are 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 Educational Program (IEP) must be developed for the child.

#### **Step 5 – Individualized Educational 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.
- 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.); 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.
- In developing the child's IEP, the IEP team must consider: the child's strengths; concerns of the parent for enhancing the education of the child; 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 functional goals (for children with significant cognitive disabilities, include short-term objectives)
  - The special education and related services and supplementary aids and services to be provided
  - An explanation 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
  - For each student beginning at age 16, 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.

## 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), 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.
- 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. The range of levels is as follows: instruction in regular education classroom (with supplementary services), separate special education classroom, separate special education school, home instruction, residential placement, 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.

### **Step 7 – Annual Review**

- A child's IEP and placement must be reviewed 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.
- Note - Parents may request a review at any time during the year.

### **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
- The purpose of the triennial review is to reconfirm the child's disability, instruction and related service needs
- Note – 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.