



D.L. v. District of Columbia at a Glance

BACKGROUND

D.L. v. District of Columbia is a lawsuit, which began in 2005, that was brought on behalf of 3- to 5-year-old children who are eligible or may be eligible for special education in the District. Plaintiffs argued that District education agencies had violated Child Find and failed to provide timely special education to children with disabilities. As a result of the judge’s ruling, the Office of the State Superintendent of Education (OSSE) continues to work with plaintiffs, attorneys, and local education agencies (LEAs) to improve services for 3- to 5-year-old children who are eligible or may be eligible for special education. This document explains how *D.L. v. District of Columbia* impacts OSSE’s special education policy, compliance monitoring, and reporting.

RELEVANT TERMS

D.L. v. District of Columbia has led to terminology and requirements that are unique to special education in the District.

CATEGORIES	REQUIREMENTS AND APPLICATIONS
<p>Subclass 1: Child Find</p> <p>LEAs are required to look for, find, and evaluate children who may need special education and related services.¹</p>	<p>At least 8.5% of 3–5-year-old children must be enrolled in special education and receive applicable related services.</p> <p>A child is considered enrolled in special education when:</p> <ul style="list-style-type: none"> the LEA begins providing specialized instruction and all related services identified in the Individualized Education Program (IEP) (Part B); or Strong Start begins providing services identified in the Extended Individualized Family Service Plan (IFSP) (Part C)
<p>Subclass 3: Timely Eligibility Determination</p> <p>After a child has been referred for special education evaluation, LEAs are required to make a timely eligibility determination.</p>	<p>At least 95% of 3–5-year-old children referred for Part B services must receive a timely eligibility determination.</p> <p>An eligibility determination is timely if an LEA:²</p> <ul style="list-style-type: none"> makes reasonable efforts to obtain parental consent within 30 calendar days of receipt of referral. Specifically, LEAs must complete the following: <ul style="list-style-type: none"> within 10 business days of receipt of referral, make an outreach attempt (to obtain consent); and within 30 calendar days of receipt of referral, make three documented attempts using at least two modalities on at least three different days – the 3-2-3 rule determines eligibility within 60 calendar days of receipt of consent
<p>Subclass 4: “Smooth and Effective” Transition from Part C to Part B</p> <p>District education agencies must collaborate to ensure children in Early Intervention (birth to 3) receive an IEP and have all IEP services delivered by their third birthdays.</p>	<p>At least 95% of Part C participants that are referred to Part B must receive a smooth and effective transition by their third birthdays.</p> <p>A smooth and effective transition requires that:</p> <ul style="list-style-type: none"> transition begin 90 calendar days prior to the child’s third birthday by the child’s third birthday and on the first day of Stage 5 enrollment: <ul style="list-style-type: none"> the LEA provides the child an IEP listing the services to be provided, the type of placement, and a specific location for services; and the LEA provides the child specialized instruction per the IEP within 14 calendar days of the child’s third birthday and Stage 5 enrollment all related services must begin

CONTACT US

If you are a school-based or LEA-based professional who wants to learn more about the requirements imposed by this lawsuit, please contact Sarah.Peisch1@dc.gov.

1 Subclass 2 was removed from the lawsuit.

2 In the case of an out of state transfer, the LEA has 60 calendar days from the date of referral to determine eligibility.

