



Office of the State
Superintendent of
Education



SPECIAL EDUCATION PROCESS HANDBOOK

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EXECUTIVE SUMMARY

The Office of the State Superintendent of Education (OSSE), in its role as the state education agency (SEA), is responsible for ensuring the provision of a free appropriate public education (FAPE) to all District of Columbia students with disabilities in accordance with the Individuals with Disabilities Education Act (IDEA). Local regulations governing the provision of special education and related services to students with disabilities are found in Subtitle A, Title 5, Chapter 30 of the District of Columbia Municipal Regulations (5-A DCMR §3000-3099). To support local education agencies (LEAs) in understanding and implementing special education requirements, OSSE provides this handbook as a comprehensive overview of special education processes. This handbook generally constitutes non-regulatory guidance and does not impose any additional requirements beyond those included in applicable federal and local law and regulations.

INTRODUCTION

This handbook is a resource for District of Columbia LEA special education administrators and staff to support the implementation of IDEA, District of Columbia regulations, policies, and guidance related to the education of students with disabilities.

FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

5A DCMR §3001

Under the Individuals with Disabilities Education Act (IDEA), each student with a disability is entitled to a free appropriate public education (FAPE). FAPE is special education and related services that are provided at public expense, meet the standards of IDEA and the state education agency (SEA), include an appropriate education, and are provided in conformity with an individualized education program (IEP). The District of Columbia and LEAs must ensure the availability of FAPE to each student with a disability age 3 to 22 who resides in, or is a ward of, the District of Columbia including students who are suspended or expelled and highly mobile students, such as migrant or homeless students, even if they are advancing from grade to grade. Generally, public charter school LEAs are responsible for making FAPE available to enrolled students, while the District of Columbia Public Schools (DCPS), as the geographical LEA-of-right, is responsible for the availability of FAPE to students enrolled in DCPS, resident children who are not otherwise enrolled in a public charter school LEA, and students attending private and religious schools.

Students with disabilities are eligible for FAPE through the end of the school year in which they turn 22 years of age, unless the student is determined to no longer be a student with a disability, or the student receives a regular high school diploma. A student with a disability who receives an IEP Certificate of Completion, or any credential other than a regular high school diploma, remains eligible for FAPE.

CHILD FIND

5A DCMR §3003

LEAs must publish and implement Child Find policies and procedures to ensure that children between the ages of 3 and 22 and in need of special education and related services, are identified, located, and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services. LEAs also must conduct activities to assist families of infants and toddlers receiving services under Part C of IDEA in determining Part B eligibility and transitioning to Part B special education preschool services, when appropriate. For more information regarding appropriate Child Find activities and components of an LEA Child Find policy, please see [OSSE's Child Find Guidance](#).

Public Awareness

As part of Child Find responsibilities, LEAs must conduct public awareness activities to inform parents and the community at large concerning the availability of special education and related services and the methods available to request those services and programs, typically called

the referral process. To support public awareness, LEAs should implement a variety of methods for advertising the availability of services, including but not limited to:

- Notices in local newspapers;
- Providing information in school handbooks and calendars;
- Making brochures available in school areas accessible by parents;
- Posting the OSSE-provided Child Find poster template in school areas accessible by parents;
- Posting of information in health departments or doctors' offices, grocery stores, department stores, and other public places;
- Posting information on the LEA's website;
- Broadcast announcements on the radio or television; and
- Providing information at family events such as parent-teacher conferences, back-to-school events, and summer enrollment events.

Identification

Child Find activities may include the use of screening processes to determine whether a student should be referred for an evaluation. LEA Child Find activities should be designed for the specific student populations of the LEA. LEAs should utilize a comprehensive screening process to screen all student populations and provide results to each student's parent. A comprehensive screen process may include administration of formal or informal screening tools, observations in a variety of settings, multi-tiered problem-solving approaches, parent/family interviews, and review of attendance and grades.

If a student is suspected of having a disability and needing special education and related services, screening procedures must not delay the initial evaluation. Assessments and tools generally applied across the entire student population are considered screenings. In addition, screenings conducted by teachers or specialists to determine appropriate instructional strategies for curriculum implementation do not constitute evaluation for eligibility for special education and related services and do not require parental consent. Uniform school-wide screenings do not require parental consent; however, if a unique screening tool is to be administered to a student, parental consent is required.

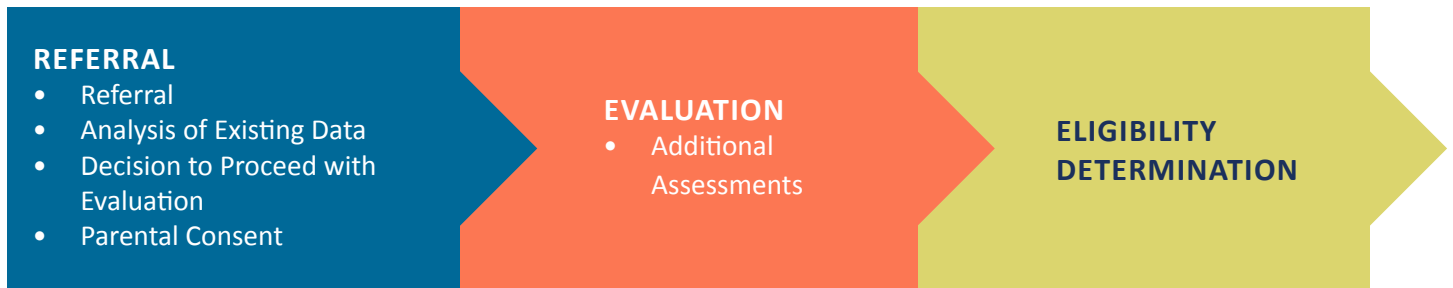
Screening processes may include the review of:

- Whether appropriate instruction in the general education setting was delivered by qualified personnel;
- Whether instruction and interventions were provided at varying intensity levels; and
- Progress monitoring data that was collected which reflects the student's progress during instruction.

INITIAL EVALUATION

5A DCMR §3004-3006; 3010-3011

Referral



A referral is a written or oral request for an evaluation to determine if a student is a student with a disability. A referral should be made when a student is suspected to have a disability and can be submitted at any time. The referral begins the formal process of determining a student’s eligibility for special education.

The LEA must accept a referral from the student’s parent, the student (if they hold educational rights), an employee of the LEA who has knowledge of the student, or an employee of a public agency who has knowledge of the student. LEAs are strongly encouraged to accept referrals from any source, including a physician, mental health professional, educational advocate, day care provider, family member, community organization, or outside social worker.

For students younger than age 6, the LEA must accept a referral from a pediatrician or other medical professional including physicians, hospitals, or other health providers; child development facilities, including daycare or childcare centers and early childhood programs; District agencies and programs, including IDEA Part C programs; community and civic organization; and advocacy organizations.

There is no required format for a referral; referrals may be made in writing or verbally. The LEA must assist any outside referral source in documenting an oral referral in writing and may provide a referral form to support parents and community members in documenting their concerns. An oral referral must be documented in writing within three business days. When a referral is made, the LEA should gather information from the referral source about why they believe the student should be evaluated, along with any relevant documentation such as medical records or independent assessments.

Documenting Referrals

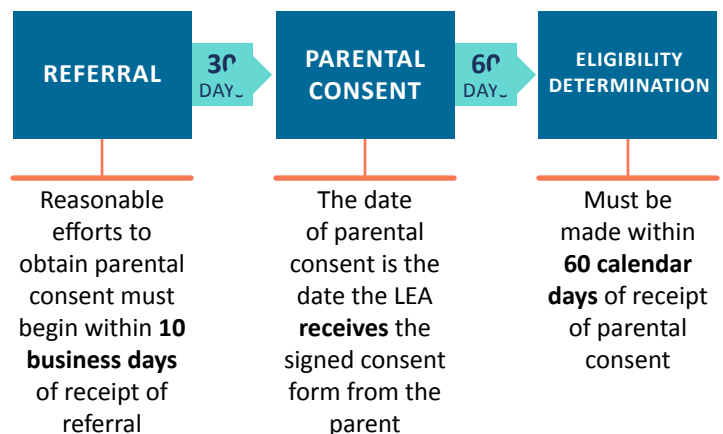
The LEA must document the referral in Special Programs, the state-level special education database, within three days of receipt. Regardless of when the referral is entered in the system, the date the LEA received the referral is the

referral date that begins the initial evaluation timeline. The LEA must notify the parent of receipt of any referral, and include information regarding the initial evaluation process, parental consent requirements, and resources the parent may contact for assistance. The LEA must generate a Referral Acknowledgment in Special Programs and provide it to the parent, along with a copy of the Procedural Safeguards Notice.

Once the team makes the determination regarding whether the student is suspected of being a student with a disability, the LEA must provide prior written notice (PWN) to the parent that describes the LEA’s proposal or refusal to evaluate based on the suspicion that the student may have a disability and need special education and related services, or the absence of such suspicion.

Initial Evaluation Process Timeline

The LEA must complete reasonable efforts to obtain parental consent within 30 calendar days of the receipt of referral. After obtaining parental consent, the LEA must complete the initial evaluation including the eligibility determination within 60 calendar days.



Reasonable efforts to obtain parental consent must begin within **10 business days** of receipt of referral

The date of parental consent is the date the LEA **receives** the signed consent form from the parent

Must be made within **60 calendar days** of receipt of parental consent

An evaluation is procedures used to determine whether a student has a disability and the nature and extent of the special education and related services that the student needs. The evaluation process includes reviewing information from the parent, existing data, and the results of assessment procedures used to determine the student's present levels of performance, educational needs and whether the student has a disability, and the nature and extent of the special education and related services the student needs. The evaluation is completed by holding an IEP team to consider student data and make a determination of eligibility for special education and related services consistent with District of Columbia eligibility criteria.

Analysis Of Existing Data

The IEP team and other qualified professionals, as appropriate, must review existing data to determine if the team has enough information to make an eligibility determination and determine the educational needs of the student, or if additional assessments are necessary. The analysis of existing data must be completed in a reasonable time after receiving the referral to enable the LEA to begin reasonable efforts to obtain parental consent within 10 business days of receiving the referral. Parental consent is not required to complete the analysis of existing data. The process of analyzing existing data serves as a tool to identify and document areas of concern to determine if additional assessments are necessary to determine:

- Whether the student has a disability and needs special education and related services;
- The student's present levels of performance; and
- The student's educational needs.

Through this process, the team reviews existing evaluation data and information on the student, including:

- Evaluations and information provided by the parents of the student;
- Current classroom-based, local, or state assessments and classroom-based observations; and
- Observations by teachers and related services providers.

For students younger than age 6, the team must also consider relevant information provided by any agency, medical professional, service provider, childcare provider, early childhood program, or relative who may have relevant information regarding the student, and IDEA Part C assessments and other related data.

However, the team should consider all available existing information, such as student records and grades, health records, and input from outside providers. The LEA should actively seek input from the parent to inform the team's decision, and to support documentation of parent concerns.

The team should use the analysis of existing data as an opportunity to decide whether to proceed with the initial

evaluation (including additional assessments, if needed) or to determine that sufficient data exists to support the team in deciding that the student is not suspected of having a disability. As part of its review, the group must consider student data to identify areas of concern that may be indicative of the student having a disability. If the team determines that additional information is needed, it must then determine what types of assessments to conduct based on the identified areas of concern and the input of qualified professionals, such as the school psychologist and other related service providers. Areas of concern include:

- Academics/Mathematics
- Academics/Reading
- Academics/Written Expression
- Adaptive/Daily Living Skills
- Cognitive
- Hearing
- Vision
- Communication/Speech and Language
- Emotional, Social, and Behavioral Development
- Health/Physical
- Motor Skills/Physical Development

The areas of concern identified during the analysis of existing data serve as the foundation upon which IEP goals are based. Descriptions provided in the analysis of existing data should be leveraged to inform development of the IEP, including present levels of performance statements, IEP goals, and services.

Once the team makes the determination regarding whether the student is suspected to be a student with a disability, the LEA must provide a PWN to the parent that describes the LEA's proposal or refusal to evaluate.

If the LEA proposes to conduct an initial evaluation, the PWN must include the following information to support the parent in providing informed consent for the evaluation:

- Information about the purpose of the evaluation process;
- The types of student-level data being assessed; and
- Any additional assessments needed.

Consent For Initial Evaluation

Parental consent includes:

- The parent being fully informed of all information relevant to the activity for which consent is sought;
- The parent understands and agrees in writing to carry out the activity for which the parent's consent is sought, and the consent describes that activity and lists the records, if any, that will be released and to whom; and
- The parent understands that the granting of consent is voluntary and may be revoked at any time.

Parental consent is required prior to conducting an initial evaluation, including prior to administering any additional formal assessments. Consent for evaluations is not to be construed as consent for provision of services.

To support parents in being sufficiently informed to provide consent, the LEA must provide parents with information on special education processes, evaluation procedures, and student-specific information on evaluation and assessment measures. LEAs may refer parents to community resources such as the Office of the Ombudsman for Public Education's Special Education Hub or Advocates for Justice and Education for additional assistance in understanding special education processes and parental procedural safeguards.

The LEA must complete and document reasonable efforts to obtain parent consent within 30 calendar days from the date on which the LEA received a referral. Reasonable efforts to obtain parental consent include:

- Three attempts to contact the parent;
- Using two modalities;
- On three different dates; and
- Must occur at least five days prior to the statutory deadline.

Modalities can include:

- ✓ Telephone calls made or attempted
- ✓ Text messages
- ✓ Emails
- ✓ Mailed letters
- ✓ Visits to the parent's home or place of employment
- ✓ In-person conversations

If the LEA has completed reasonable efforts within 30 calendar days of referral, the LEA is encouraged to leave the referral open for up to an additional 30 days in case parents may subsequently respond to the request for parental consent. All communication attempts regarding consent for evaluation must be documented in the contacts log of the student's file in Special Programs.

Parent Non-Response: If the parent is nonresponsive to attempts to obtain consent for initial evaluation, the LEA may issue a PWN notifying the parent that the LEA will not proceed with the evaluation process due to parent refusal or non-response and advising that the parent may submit another referral for initial evaluation to reinstate the evaluation process.

Parent Refusal of Consent: If the parent refuses consent to evaluation, the LEA must document the refusal by ensuring the parent appropriately completes the consent form in Special Programs (including uploading the form, if needed). If the parent refuses consent for initial evaluation, the LEA cannot proceed with the evaluation and the eligibility process ends. A parent can reinstate the initial evaluation process at any time by submitting a new referral for initial evaluation.

CONDUCTING EVALUATIONS

5A DCMR § 3006

A variety of evaluative measures must be utilized by the group of qualified professionals conducting the evaluation to determine eligibility for special education. The measures utilized must be selected and administered in a manner that is not racially or culturally discriminatory, use valid and reliable sources, administered by trained personnel in accordance with the developer of the assessment, and provided in the student’s native language or other mode of communication that is most likely to yield the most accurate information. Evaluations must be comprehensive to identify all areas of the student’s special education and service needs.

Evaluation Types

AREA OF CONCERN	EVALUATION TYPES
Educational/Academic	Psychological: Academic Assessment <i>(Mathematics, Reading, Writing)</i>
Adaptive/Daily Living Skills	Psychological: Adaptive Assessment
Cognitive	Psychological: Cognitive Assessment Neuropsychological Assessment
Hearing	Audiological Evaluation Auditory Processing Evaluation
Vision	Functional Vision Assessment Learning Media Assessment
Communication	Speech and Language Evaluation Assistive Technology Evaluation
Emotional, Social, and Behavioral Development	Psychological: Social Emotional Assessment Functional Behavior Assessment Social History Assessment
Health/Physical	Physical Therapy Evaluation
Motor Skills/Physical Development	Occupational Therapy Evaluation
Vocational	Vocational Evaluation

MEDICAL INFORMATION

If the group of qualified professionals conducting the initial evaluation determines that medical services or a medical evaluation provided by a licensed physician are necessary to determine eligibility, the LEA must arrange for such services at no cost to the parents and not contingent upon health insurance coverage. For more information on using medical information during evaluations, please see OSSE's [Special Education Policy Bulletin: IDEA Evaluations: Medical Information \(June 2021\)](#).

FORMAL EVALUATION VS. INFORMAL ASSESSMENT

LEAs may consider conducting both formal and informal assessment measures during the evaluation process.

FORMAL ASSESSMENT

A formal assessment is a standardized test that measures overall student achievement that has been “normed” or administered to a representative sample. The mathematically computed score provides a summary using percentile, stanines, or standard scores to compare students of similar age groups. Formal assessments must be administered by a qualified, trained professional as specified by the producer of the assessment to ensure valid and reliable results. If a formal assessment is not conducted under standard conditions, a description of the extent to which the assessment varied from standard conditions must be included in the evaluation report.

INFORMAL ASSESSMENT

An informal assessment is what teachers, related service providers or other educators use to find out how well a student is progressing in core academic, behavioral, and/or functional areas. Informal assessment procedures may include, but are not limited to, scientific, research-based interventions, classroom activities such as group or individual projects, experiments, oral presentations, journals, essays, reports, anecdotal records, observations, reading, and behavior logs or checklists. Curriculum-Based Measurement (CBM) is the best-known method of progress monitoring that utilizes informal assessments to determine the success of the instruction and intervention the student is receiving.

Specific Learning Disability

If the student is suspected of having a specific learning disability, evaluation procedures must also include an observation of the student in their current learning environment to document the student's academic performance and behavior in the areas of difficulty. In determining eligibility, the team must use information from an observation in routine classroom instruction in monitoring of the student's performance that was completed before the referral or have at least one member of the team conduct an observation after parental consent is obtained.

DETERMINING ELIGIBILITY

5A DCMR § 3010-3011

Once evaluations are completed, the LEA must convene an IEP team meeting to review the results of evaluations and all additional relevant data to make a final eligibility determination, to be completed within 60 days of the receipt of parental consent. A student may be found eligible for one or more of 14 disability categories. Eligibility criteria for each category is established in District regulations. Students may be found eligible for multiple disability categories that fit their needs; thus, IEP teams should consider all relevant categories. The IEP team may indicate a primary disability and secondary disabilities, as appropriate. Disability worksheets are completed in the Eligibility Determination process in Special Programs. For reference, hardcopies of the worksheets are available on [OSSE's website](#).

DISTRICT OF COLUMBIA DISABILITY CATEGORIES: DEFINITIONS

Autism	A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3.
Deaf-Blindness	The concomitant existence of hearing and visual impairments, the combination of which cannot be accommodated in programs solely for deafness or blindness.
Deafness	A hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification.
Developmental Delay	A condition in which a student, age 3 through 7, experiences severe developmental delays in one or more of the following areas: physical development; language and communication development; social or emotional development; cognitive development; or functional or adaptive development.
Emotional Disability	A condition exhibiting one or more of the following characteristics over a minimum duration of three months and to a marked degree that adversely affects a student's educational performance: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems.
Hearing Impairment	Hearing impairment shall mean a permanent or fluctuating deficit in hearing.
Intellectual Disability	Significantly below average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period.
Multiple Disabilities	Concurrent impairments, such as intellectual disability-blindness or intellectual disability-orthopedic impairment, the combination of which causes severe educational needs that cannot be accommodated in special education programs solely for one of the impairments.
Orthopedic Impairment	A severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).
Other Health Impairment	Having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment due to chronic or acute health problems.
Specific Learning Disability	A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may affect the ability to listen, think, speak, read, write, spell, or to do mathematical calculations.
Speech or Language Impairment	A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment
Traumatic Brain Injury	An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both.
Visual Impairment	An impairment in vision that, even with correction, adversely affects a student's educational performance.

Scheduling the Eligibility Meeting

In scheduling an IEP team meeting to determine eligibility and develop the student's IEP (if appropriate), the team must invite the parent and provide copies of evaluations and other relevant documentation to be reviewed not later than five days prior to the meeting to ensure that families are afforded the opportunity to meaningfully participate in discussions and decisions comprising the eligibility determination. LEAs should document the date documents were provided to parents in the contacts log of Special Programs. The eligibility meeting must be scheduled at a mutually agreed upon time between the parents and LEA. Written notice of meeting must include the following information:

- Meeting purpose;
- Date;
- Time;
- Location;
- Titles or positions of attendees who will attend on behalf of the school;
- Notification of the parent's right to invite individuals whom parents believe to have knowledge or special expertise about their student; and
- Inform the parents that if their student was previously being served in Part C, they may request to invite the local Part C coordinator or other representative to support their transition from Part C to Part B services.

Determining Eligibility

A student must meet a two-pronged test to be considered a student with a disability: (1) meet eligibility criteria for one or more disabilities; and (2) because of the disability, the student needs special education and related services. The LEA must ensure appropriate documentation of the evaluation process to support the eligibility determination by completing the Eligibility process in Special Programs.

Assessment Reports

The LEA must ensure that an assessment report is completed for each additional assessment administered as part of the student's evaluation. Each assessment report must include the following:

- The date of assessment and the date of the report;
- A description of the student's performance in each area assessed, including specific strengths and weaknesses;
- Information relevant to determinations such as:
 - Evaluations and information provided by the parent;
 - Classroom assessments and observations;
 - Observations from teachers and/or related service providers;
 - Implications for the student's participation in the general curriculum;

- If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration); and
- The signature and title of the qualified examiner(s) who administered the assessment procedure and who wrote the report.

Evaluation Summary Report: Upon completion of appropriate evaluation procedures, the LEA must, with input from a group of qualified professionals and the parent, prepare a comprehensive written report to be provided at no cost to the parent. The report must include a description of the student's performance in each area evaluated, including specific strengths and areas for growth.

The IEP team, consisting of a group of qualified professionals and the parent, must make the eligibility determination. The LEA, with input from the team, must prepare an evaluation summary report that includes a statement regarding how each of the following areas was addressed:

- The determination of whether the student has a disability;
- The determination of whether the student needs special education and related services;
- The basis for making the determination; and
- The relationship of the student's behavior to the student's academic functioning.

Each team member must certify in writing whether the report reflects the member's conclusion. If the report does not reflect that member's conclusion, the member must submit a separate statement presenting the member's conclusions. If a parent does not agree with the conclusion in the report, the parent may contact the LEA for sources to contact to obtain assistance.

If a student has a disability that does not adversely affect the student's educational performance, and requires a related service but not special education, the student is not considered a student with a disability.

The team must document the eligibility determination by completing the Eligibility Determination process in Special Programs.

Evaluation Summary

When evaluations have been completed, the LEA must develop a comprehensive written evaluation that includes the following:

- Parent input;
- Results of assessments;
- Results of analysis of existing data;
- Validity statement that explicates the accuracy of the results of the evaluation;
- A statement to whether the student is a student with a disability;
- A statement as to whether the student needs special education and related services;
- A statement describing whether the student has been evaluated in all areas of suspected disabilities; and
- Includes signatures of all IEP team members indicating their agreement/disagreement with eligibility determination.

If the student is suspected of having a specific learning disability, the evaluation summary will also include a review of the exclusionary factors. These factors should be considered at the eligibility stage of the initial evaluation process and should not impact the evaluation process.

Exclusionary Factors and Considerations

The group cannot determine a student to be a student with a disability if the determinant factor for that eligibility determination is one or more of the following exclusionary factors:

- Lack of appropriate instruction in reading, including the essential components of reading instruction;
- Lack of appropriate instruction in math; or
- Limited English proficiency.

When determining if an exclusionary factor is impacting a student's progress, the IEP team must use data to determine whether the factor is the primary reason the student is not making academic progress. A student may be impacted by one of the exclusionary factors but can still be found eligible for special education services if it is not the primary factor determining eligibility.

Independent Educational Evaluations (IEEs)

If the parent disagrees with the evaluation completed by the LEA, the parent has the right to request an independent educational evaluation (IEE). An IEE is an evaluation conducted by a qualified examiner who is not employed by the LEA responsible for the education of the student. A parent may seek an IEE at their own expense at any time. The LEA can request an explanation for the objection of the original evaluation, but the parent is not required to share. The LEA must share with the parent information about the LEA's criteria for an IEE and where the parent can obtain an IEE should the request be granted. If a parent requests an IEE, the LEA must, without unnecessary delay, provide the IEE or request a due process hearing to demonstrate that its evaluation was appropriate. If the result of the hearing is that the LEA's evaluation is appropriate, the parent still has the right to obtain an IEE but must do so at their own expense. Results of an IEE obtained by the parent (at public or private expense) must be considered as part of IEP team decisions about FAPE if the evaluation meets the LEA's criteria for evaluation. IEEs can also be used as evidence at hearings as a result of a due process complaint. LEAs may, at their own discretion, use the nonpublic special education school hourly and evaluation rates established in District regulations (5-A DCMR 2800 et. seq.) as the maximum rates for evaluation costs to be paid by the LEA.

Consent For Initial Provision of Services

After a student has been found eligible for special education services, and before services commence, the LEA must obtain parental consent using the Consent for Initial Provision of Services document in Special Programs. Consent for the initial provision of special education and related services is voluntary and may be revoked at any time.

REEVALUATION

5A DCMR § 3007 and 3010-3011

LEAs must conduct a reevaluation of each student with a disability to determine continued eligibility for special education and the student's educational needs at least once every three years – this is often referred to as the “triennial reevaluation.” The LEA is not required to conduct a reevaluation if the parent and LEA agree that such reevaluation is unnecessary. Additionally, LEAs must conduct a reevaluation for a student prior to the triennial reevaluation if:

- The LEA determines that the student's educational or related service needs, including improved academic achievement and functional performance, warrant a reevaluation; or
- The student's parent or teacher requests a reevaluation.

Reevaluations cannot occur more than once a year, unless the LEA and parent agree and document the request in writing. A reevaluation must follow the same procedures as an initial evaluation and include a full and complete evaluation of the student.

The IEP team may consider a reevaluation prior to the triennial reevaluation for a variety of reasons, such as:

New student data becomes available that affects eligibility

Changes in student performance

Updated medical considerations

Escalation in behaviors

Student is turning 8 years old and is eligible under Development Delay

Review Of Existing Data to Inform Reevaluation

As with an initial evaluation, the group of persons determining eligibility must also complete an analysis of existing data to determine if additional assessments or information are necessary to complete the reevaluation or determine the student's educational needs. To support the group's review of existing student data, LEAs may develop comprehensive record review protocols or templates to ensure consistent documentation of existing student data and gather summative input from teachers, service providers, and parents. Existing records may also include new data points to be considered such as updated educational scores or rating scales, as appropriate. IEP teams may determine that sufficient data exists to support an eligibility determination without additional assessments

such as an updated comprehensive psychological evaluation. For more information on the analysis of existing data, please refer to the Initial Evaluation section.

Reevaluation Timeline

For triennial reevaluations, the LEA must complete the reevaluation, including the new eligibility determination, within three years of the prior eligibility determination. For reevaluations conducted outside of the triennial reevaluation, the reevaluation must be completed within 60 calendar days of receipt of parental consent for the reevaluation.

Consent for Reevaluation

The LEA must obtain informed parental consent for reevaluation prior to conducting assessments. The LEA may move forward with the reevaluation process without parental consent if the LEA can demonstrate that they have made reasonable efforts to obtain parental consent and the parent has not responded to demonstrated reasonable efforts.

Parent Non-Response: The LEA may proceed with the reevaluation if the LEA completed reasonable efforts to obtain parental consent and the parent failed to respond to requests for consent. All communication attempts regarding consent for the reevaluation must be appropriately documented in Special Programs.

Parent Declines Consent: If the parent declines to consent to reevaluation, the LEA must document the refusal by ensuring the parent appropriately completes the consent form in Special Programs. If the parent declines consent for reevaluation, the LEA may (but is not required to) pursue the reevaluation through due process procedures.

IEP TEAM

5A DCMR § 3017-3020

The IEP team is a collaborative team of people that support the development of a student's IEP. Each team member serves a different role in writing and developing the IEP. The following team members are mandatory members of the IEP team:

- The student's parent;
- The student (if appropriate);
- General education teacher, if the student participates or may participate in the general education environment;
- Special education teacher or provider;
- LEA representative who is qualified to deliver, or oversee the delivery of, specially designed instruction to meet the unique needs of students with disabilities and is knowledgeable about the general education curriculum and resources available in the LEA; and
- Individual who can interpret the instructional implications of evaluation results.

For students suspected of having a specific learning disability, the IEP team must also include the regular teacher of the student (if the student does not have a regular teacher, a teacher qualified to teach a student of the same age, or, for a student younger than school age, an individual qualified to teach a student of the same age must be invited) and at least one person qualified to conduct individual diagnostic examinations of students, such as a school psychologist or speech-language pathologist, and an individual who can interpret evaluation results.

Additional participants are those with knowledge of the student or specific expertise that makes them uniquely qualified or relevant to the student's IEP. An additional participant may become a mandatory participant of an IEP team if the member's area of expertise will be discussed at the meeting. Examples of additional members may include the following:

- Related service providers;
- A Part C representative if the student has received IDEA Part C early intervention services. In this case, an invitation to the initial IEP Team meeting, with the consent of the parent, must be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services;
- A secondary transition representative if the IEP Team will discuss secondary transition. The LEA must invite, with parental consent, a representative of any agency that is likely to be responsible for providing or paying for transition services, such as the Department on Disability Services (DDS) or Rehabilitation Services Administration (RSA);
- The student, in the following situations:
 - If the student is 14 years old or younger, if determined appropriate by the student's IEP Team;
 - If a purpose of the meeting is the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals. If the student does not attend such a meeting, the LEA must take further measures to ensure that the student's preferences and interests are considered; and
- Other individuals with knowledge or specialized expertise regarding the student, as appropriate, at the discretion of the parent or the LEA.

Permitted Excusal

A mandatory IEP team member may be excused (in full or in part) from attending an IEP team meeting if the parent and LEA agree in writing that the member's participation is not required because no changes are being considered to the member's area of the curriculum or related services. If the mandatory IEP team member's area of expertise is being discussed at the meeting, the member may be excused if the parent and LEA consent in writing and

the member submits written input prior to the meeting, including a discussion of the student's strengths and needs as it relates to the area of expertise. The excusal of a mandatory IEP team member must be documented in Special Programs using the Participant Excusal Form. On the form, the LEA must indicate whether the excused IEP team member will provide written input and send a copy of the form and the input to the parent no later than five days before the meeting.

PARENT PARTICIPATION

5A DCMR § 3009

Parents are a key member of the IEP team, and LEAs must ensure the meaningful participation of parents in the IEP process. LEAs must seek parent input and engagement in decisions related to the education of a student with a disability.

Scheduling Meetings. LEAs must ensure that the parent of a student with a disability is present at each IEP team meeting or afforded the opportunity to participate by notifying the parent in writing no later than five business days prior to a meeting, and scheduling meetings at a mutually agreed on time and place. LEAs must make and document reasonable efforts to invite the parent to IEP team meetings. In scheduling IEP team meetings, LEAs are encouraged to be collaborative and flexible. LEAs should offer multiple meeting dates and times (including at varying times of the day), and work with parents to accommodate all schedules. An IEP team meeting can only be conducted without the parent in attendance or participating through alternative means if the LEA is unable to convince the parent to attend, has a record of its reasonable efforts to arrange a mutually agreed upon time and place, and provided the parent at least two meeting options on different dates or different times.

Providing Documents. The LEA must provide, at no cost to the parent, an accessible copy of any evaluation, assessment, report, data chart, or other document that will be discussed at an IEP team meeting no fewer than five business days prior to the meeting, if the purpose of the meeting is to discuss the student's IEP or eligibility for special education and related services. However, if a meeting is scheduled fewer than five business days before it is to occur, such accessible copies must be provided no fewer than 24 hours before the meeting. Failure to timely provide appropriate and accessible copies of documents to parents may impede parents' ability to meaningfully participate in their student's education.

Conducting Meetings. If the parent cannot physically attend the IEP team meeting, the LEA must use other methods of inclusion to ensure parent participation, including video conferences, conference telephone calls, and online telecommunication applications to which the parent has access (i.e., Zoom, Microsoft Teams, Google Hangouts, etc.). LEAs should consult with parents prior to any virtual meeting to ensure the parent has access to the platform that will host the meeting.

The LEA must take whatever action is necessary to ensure that the parent understands the proceedings and materials provided at the IEP Team meeting, including if appropriate, arranging for an interpreter for a parent with deafness or whose native language is other than English; providing written material in the parent’s native language or other mode of communication used by the parent, unless it is clearly not feasible to do so; and providing a hardcopy of the procedural safeguards if requested by the parent.

Parent Organizations and Resources. LEAs should provide information to parents on local organizations that may provide assistance in understanding the special education process. Such organizations include, but are not limited to:

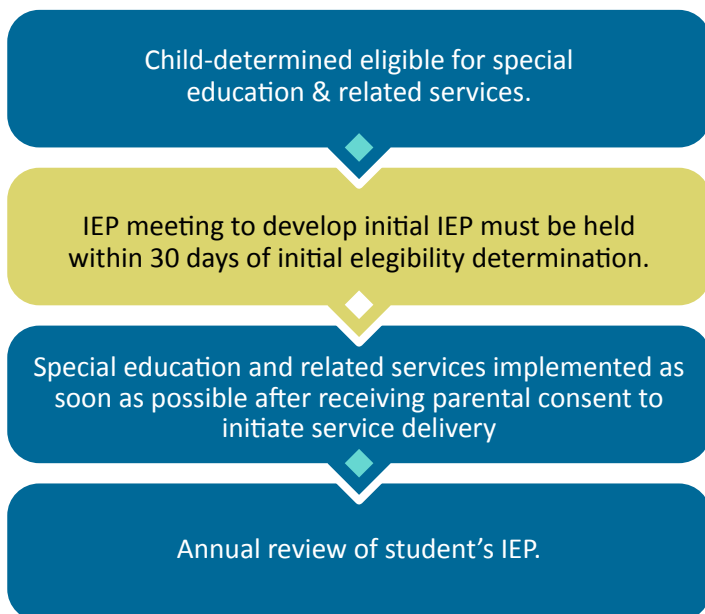
- The District’s federal parent training and information center: Advocates for Justice and Education (AJE) ((202) 678-8060; aje-dc.org)
- The Office of the Ombudsman for Public Education: ((202) 741-0886; educationombudsman.dc.gov)
- DC Special Education Hub (Office of the Ombudsman for Public Education): ((202) 671-2890; specialeducation.dc.gov/)
- The Office of the Student Advocate: ((202) 741-4692; studentadvocate.dc.gov).

IEP DEVELOPMENT

5A DCMR § 3017-3020

An IEP is a written statement that specifies the special education programs and services to be provided to meet the unique educational needs of a student with a disability. No two IEPs are the same: every student with a disability who receives services must have an IEP that is tailored to meet the student’s individualized needs.

IEP Process Overview



The IEP team must consider and document the student’s needs as they relate to the following components of the IEP:

- The individual needs of the student and their specific disability/disabilities;
- The student’s present levels of performance, both academic and functional;
- Measurable annual goals that are designed to meet the student’s needs based on the results of the comprehensive evaluations and have short term objectives to measure progress;
- Related services;
- Supplemental aids, such as assistive technology or a dedicated aide;
- Accommodations and modifications;
- The student’s least restrictive environment;
- Transportation eligibility; and
- Extended School Year

IEP COMPONENTS

Present Levels of Academic Performance

The present levels of performance section consists of:

- Description of student achievement and functional performance across all environments;
- Description of how the disability affects access to the general education curriculum; and
- Description of how the disability affects progress in the general education curriculum.

When developing the IEP, the present levels of performance section serves as an overview of the student’s current functioning in the areas of need as identified during the evaluation process. This section of the IEP describes both the strengths and areas of growth of the student in each area, as well as what interventions have been used to facilitate student progress in those areas. The present levels of performance connects the evaluation data used during eligibility with the annual IEP goals. The present levels of performance also serve as the basis upon which IEP teams can compare student performance to show progress appropriate in light of the student’s circumstances, consistent with the requirements of *Endrew F. v. Douglas Cty. Sch. Dist. Re-1*, 137 S.Ct. 988 (2017). For preschool age children, the present levels of performance highlight how the child’s disability impacts their participation in age-appropriate activities.

IEP Goals

IEP goals must be individualized to meet the needs of the student, informed by the student's present levels of performance, and appropriate considering the student's circumstances. IEP goals must address:

- Baseline data: describe the student's present levels of performance and known current baseline data against which student progress will be measured;
- Anticipated date of achievement: consider when the student should reasonably achieve the goal;
- Alignment to Common Core State Standards: identify the specific Common Core State Standard that the goal is intended to address; and
- Progress monitoring schedule: how the student's progress on each goal will be measured and when periodic reports of progress will be provided.

IEP goals must aim to improve educational outcomes and include challenging objectives aligned to Common Core State Standards. The IEP must be designed to enable the student to be involved in, and make progress in, the general education curriculum. LEAs must ensure that IEPs are reasonably calculated to enable a student to make progress appropriate in light of the student's circumstances, consistent with *Endrew F.* To this end, IEP teams should consider the following when developing IEP goals and services:

- Progress of the student;
- Student's potential for growth and current rate of growth;
- Views of the student's parents;
- Effectiveness of previous instructional strategies and supports;
- Whether the student is on track to achieve or exceed grade level proficiency; and
- Any behaviors interfering with the student's progress.

Students with severe cognitive disabilities may be considered for alternate academic achievement standards. If the student will take an alternate statewide assessment, corresponding IEP goals must include a description of short-term objectives or benchmarks for monitoring.

Supplemental Aids and Services

The LEA is responsible for providing direct services in all areas impacted by the student's disability, including related services:

- Audiology
- Counseling
- Interpretation
- Medical Services
- Occupational Therapy
- Orientation and Mobility Support
- Physical Therapy
- Rehabilitation Counseling
- Speech and Language Pathology
- Assistive Technology
- Transportation

IEPs must include a description of the student's special education related services and supplemental aid and a statement of modifications and accommodations that the LEA will provide that will support the student making progress toward annual IEP goals.

Assistive Technology

The IEP team must consider whether a student with a disability requires assistive technology or services to improve their functional capabilities within the school setting. This must be appropriately considered and documented in the student's IEP on an annual basis. After determining if a student requires assistive technology or services, the LEA must ensure that:

- The student is trained on how to use assistive technology device;
- Appropriate school staff are trained in the use of the appropriate assistive technology device;
- Appropriate device and services are made available to the student;
- The parent is not responsible for purchasing assistive technology device or service as a condition of accessing FAPE; and
- The student can access any purchased assistive technology device in the student's home or other settings as appropriate.

Dedicated Aides

In some cases, students with disabilities may be eligible for support from a dedicated aide or paraprofessional to support the student in accessing the general education curriculum and make progress towards mastery of their IEP goals. When determining if a student needs a dedicated aide, the team should consider the following:

- Whether the student requires a dedicated aide to access FAPE;
- Amount of time per day that the student needs a dedicated aide; and
- Setting of dedicated aide support (inside or outside the general education setting).

Generally, dedicated aides may provide support in the areas of academics, health, or behavior. A dedicated aide is a service that should be considered after all other less restrictive strategies and services have been implemented with fidelity. The IEP team should consider the impact of a dedicated aide on the student's ability to engage and participate in the least restrictive environment. A dedicated aide is not a replacement for a highly qualified teacher.

Classroom and Statewide Accommodations

Students with disabilities who take statewide assessments have access to a range of accommodations and accessibility features that should be considered as part of the IEP development process. The IEP team should review both statewide and classroom accommodations during annual IEP meetings and can also be added to the IEP at any time through the IEP amendment process.

Accommodations fall under the following types:

SETTINGS

TIMING AND SCHEDULING

PRESENTATION

RESPONSE

The IEP team may also consider adding a unique accommodation that does not fall into one of the above sections. In this case, the IEP team should review OSSE's unique accommodation guidance and request form.

Alternative Assessment

Students that qualify for special education services with the most significant cognitive disabilities may qualify for DC alternative assessments. The DC alternative assessments include:

Multi-State Alternate Assessment (MSAA): The MSAA is a comprehensive assessment system designed to promote higher academic outcomes for students with significant cognitive disabilities in preparation for a broader array of postsecondary outcomes. The MSAA's English Language Arts/Literacy and mathematics assessments are required for students in grades 3-8 and 11, who qualify for the alternate assessment.

Dynamic Learning Maps (DLM) Science Alternate Assessment: Dynamic Learning Maps (DLM) is the District-wide alternate science assessment for students with the most significant cognitive disabilities. The DLM Science Alternate Assessment is based on Essential Elements (EEs) that are alternate achievement standards based on the Next Generation Science Standards (NGSS). This assessment will be administered to students in grades 5, 8, and high school biology who are eligible for alternate assessment participation.

To qualify for the assessment, teams should consider the below flowchart as guidance and refer to [OSSE's Alternate Assessments](#) page for further information.

DC ALTERNATE ASSESSMENT PARTICIPATION DECISION FLOWCHART: GUIDANCE FOR IEP TEAMS

CONSIDER THESE:

Results of Individual Cognitive Ability Test, Adaptive Behavior Skills Assessment, individual/group/ administered achievement tests, and district-wide alternate assessments, and English Learners (EL) language assessments, if applicable.

Data from scientific research-based interventions, progress monitoring data, results of informal assessments, teacher-collected data and checklists

Examples of curriculum, instructional objectives, and materials, work samples from school or community based instruction

Present levels of academic and functional performance, goals, and objectives, and post-school outcomes from the IEP and the Transition Plan, if applicable

1. Do the student's records indicate a disability or multiple disabilities that most significantly impact intellectual functioning and adaptive behavior?*

*Adaptive behavior is defined as essential for someone to live independently and to function safely in daily life.

YES

2. Would the student be appropriately challenged by goals and instruction linked to the enrolled grade-level CCSS knowledge and skills?

YES

3a. Does the student require extensive, repeated, individualized instruction and support that is not of a temporary or transient nature?

YES

3b. Does the student use substantially adapted materials with individualized methods of accessing information in alternate ways to acquire, maintain, generalize, demonstrate, and transfer skills across academic content?

YES

Student may participate in the DC Alternate Assessment.

NO

NO

NO

NO

Student must participate in the general assessment. Student may be eligible to use accommodations. If there are questions, please contact OSSE at OSSE.assessment@dc.gov.

Least Restrictive Environment

It is the responsibility of the LEA to provide the student with a disability with FAPE within their least restrictive environment (LRE). Students with disabilities must receive their education, to the maximum extent possible, with their nondisabled peers. This means that students should not be removed from their regular classes unless the student's disability is such that education in the general education classes with the support of supplement aids and services cannot be achieved satisfactorily. During the IEP development process, the IEP should consider any harmful effects of removal from the student's general education setting. If the IEP team determines that the student will not participate in the general education classroom, the IEP team must justify and document on the IEP the percentage of time spent outside the general education environment. For more information regarding LRE considerations, please see the Least Restrictive Environment and Placement section of this handbook and OSSE's [Least Restrictive Environment Policy](#).

Transportation Eligibility

The IEP team must determine eligibility for transportation as a related service at least annually, using the state-level criteria established in OSSE's [Special Education Transportation Policy](#). IEP teams can only consider eligibility for special education under the following categories and cannot make eligibility determinations based on parent requests. To make a transportation services determination, the IEP team must use the following eligibility categories:

- **Medically Fragile Students (MFS)** applies to students who cannot travel safely without a specialized or adapted vehicle due to a documented medical condition.
- **Structured Transportation Supports (STS)** refers to a non-medical accommodation and/or form of assistance that addresses safety concerns such as unsafe behavior, compromised decision-making, or impaired navigation resulting from the student's disability.
- **Accessing Special Programs (ASP)** refers to a special education instructional setting, within an LEA or nonpublic school, in which the student is instructed apart from the general education population for the majority of the school day (e.g. separate special education classroom, separate school designed specifically for students with disabilities).

Students may also receive special education transportation services subject to a court order, hearing officer determination, or settlement agreement.

If a student is eligible for special education transportation, the IEP team must also document the student's need for accommodations or supports during transport both in the IEP and the transportation request form (TRF). The IEP team must consider and document in Special Programs any medical conditions that may impact transportation; medical devices or equipment the students may need or

use during transportation; communication needs; whether the student requires the assistance of a dedicated aide, escort, or bus attendant; and behavior needs or concerns. If the student is older than age 12, the IEP team must consider whether the student should be transported via a DOT vehicle or on public transportation.

When determining and documenting services and accommodations related to transportation, IEP teams are reminded that all necessary information must be entered in both Special Programs and the TRF – information provided in Special Programs is not automatically shared with the Division of Student Transportation.

Extended School Year Eligibility

Extended School Year (ESY) services are special education and related services provided to the student beyond the normal school year that are necessary for the provision of FAPE. Eligibility for ESY must be considered annually and should be discussed during the annual IEP review. The intent of ESY services is to provide FAPE, not to provide additional resources or maximize programming beyond FAPE. When an IEP team decides ESY eligibility, it is determining whether the benefits gained during the regular school year would be significantly jeopardized if the student does not receive ESY services. IEP teams must analyze individual student data using the state-level eligibility framework to make appropriate individualized ESY determinations and designations for every student with a disability. IEP teams must use at least three months of progress monitoring data from the current school year to consider:

- The impact of the break in service on the student's critical skills;
- The degree of regression of the critical skill that the student will experience; and
- The time required for recoupment of the critical skill.

If three months of progress monitoring data is not available, the IEP team should use any relevant current data or information to complete the ESY eligibility determination.

[Highlight area: A critical skill is a skill that is essential to a student's overall educational progress and may include an academic skill, such as reading, or a non-academic skill that has direct educational impact, such as a fine motor skill.]

Once the IEP team has determined that a student with a disability is eligible for ESY, the IEP team must determine appropriate services to be provided during ESY, including identifying the specialized instruction and related services needed during ESY and designing appropriate ESY goal(s) (minimum one) per critical skill to be addressed during ESY.

For students determined eligible for ESY services, the IEP team must also consider eligibility for ESY-related transportation services consistent with eligibility criteria established in [OSSE's Special Education Transportation Policy](#).

LEAs must certify to OSSE on an annual basis all ESY student data that results in state-level expenditures (i.e., ESY decisions for students served by nonpublic special education schools and ESY-related transportation service decisions). While ESY services are often implemented during the summer break, LEAs are reminded that ESY services may be provided during other times outside of the normal school year, such as before and after regular school hours or during winter or spring break, if the IEP team determines that a student requires ESY services during those time periods to receive FAPE.

For more information about ESY, please refer to OSSE's [Extended School Year \(ESY\) Services Policy](#) and the [ESY Services Policy Bulletin](#).

IEP Decision Making

The purpose of an IEP meeting is to make a joint team decision about a student's educational needs and the services necessary to support the student in making appropriate progress. All members of the IEP team hold equal decision making power. Final decisions regarding the IEP should be made through consensus decision making and do not require full team agreement. Any disagreement may be documented in meeting notes and in Special Programs. While the parent is an equal partner in the IEP development process, it is the LEA's responsibility to ensure the student receives FAPE. If a parent disagrees with a particular special education or related service designated in the IEP, the parent may utilize their procedural safeguards and dispute resolution options as provided for in IDEA and District regulations.

IEP REVIEW AND AMENDMENT

5A DCMR § 3018-2019

Annual Review of the IEP

The LEA must ensure that the IEP team convenes to review each student's IEP at least once annually to determine whether the student is making progress toward annual goals. During the annual review, the IEP team should review all current and new data to update the IEP and address concerns raised by the parents or other IEP team members. The IEP team must complete a review of all required components of the IEP and revise the IEP, if necessary, to address:

- Any lack of expected progress toward annual IEP goals, including academic and functional goals designed to meet the student's needs and which enable the student to be involved in and make progress in the general education curriculum;
- The results of any reevaluation;
- Information about the student provided to or by the parent;
- The student's anticipated needs; or
- Other relevant matters.

IEP Amendment

A student's special education needs may change throughout the year. If it becomes necessary to make changes to a student's IEP after the annual IEP review occurs during the school year, changes to an IEP may be made by amending the relevant section of the IEP rather than by redrafting the entire IEP. Completion of an IEP amendment does not change, replace, or extend the current IEP annual review date. An IEP team may amend an IEP by convening an IEP team meeting to consider the proposed amendment, or through documented written agreement. When proposing to revise the types or amounts of special education or related services through documented written agreement, the LEA must provide the parent with a written explanation supporting the proposed change including current data, and if relevant, input from the appropriate special education instructor or related service provider. Regardless of the proposed amendment outcome, the LEA must provide PWN to the parent every time the IEP team proposes or refuses to initiate a change to the student's IEP. All IEP team participation, documentation, and notice requirements apply when an LEA convenes an IEP team meeting to consider a proposed amendment. Following an agreement to amend the IEP, the parent must be provided with the PWN, a copy of the signed agreement, and a copy of the amended IEP with the amendments incorporated within a reasonable time before the LEA implements the change.

Amendment Through Documented Written Agreement

Alternatively, a parent of a student with a disability and the LEA may agree not to convene an IEP team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. When a parent and LEA agree to proceed with an amendment through documented written agreement rather than convening an IEP team meeting to consider the proposed amendment, both the parent and LEA must provide consent to proceed.

The following may not be amended through documented written agreement:

- A student's special education eligibility status;
- A student's disability category; or
- A student's placement to a more restrictive environment or service location outside of the LEA

A parent who refuses or is nonresponsive to a request for signature indicating consent to the documented written agreement amendment modality is constructively requesting that the LEA convene an IEP team meeting for the purposes of considering the proposed amendment.

SPECIALIZED INSTRUCTION

Special education is specially designed instruction, provided at no cost to the parent, to meet the unique needs of a student with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; instruction in physical education; speech-language pathology when it is designated as specialized instruction; travel training; and vocational education.

Specially designed instruction is adapting, as appropriate, to the needs of a student with a disability, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability and to ensure access to the general education curriculum, so that the student can meet applicable educational standards.

The IEP team must determine whether a student requires specialized instruction and related services during the eligibility process. In limited circumstances, a student may have a disability but not require special education. For example:

- The student demonstrates a disability but does not require special education to support the adverse impact of their disability.

- The student demonstrates a disability and requires related services but does not require specialized instruction to support the adverse impact of their disability. Please note, that this is not applicable if the student only requires Speech-Language Pathology. Please see section titled "Speech- Language Pathology Services as Special Education (Speech Only IEPs)" for more information.

The types of specialized instruction to be provided to the student must be designated in the IEP:

ADAPTED PHYSICAL EDUCATION

ACADEMIC-MATH

ACADEMIC- READING

SPECIALIZED INSTRUCTION

SPEECH AND LANGUAGE ONLY

VISION

WRITTEN LANGUAGE

The IEP team must also determine setting (inside or outside of general education), frequency, duration, start and end dates of service, and service provider. In making such determinations, the IEP team must consider the unique needs of the student.

RELATED SERVICES

5A DCMR § 3012

LEAs are responsible for providing related services to students with disabilities in accordance with their IEPs. To qualify for related services, the student must be found eligible under one or more disability categories and the IEP team must determine that the student requires related services to benefit from special education. IEP teams may use the following information to determine eligibility:

- Formal assessments
- Informal assessments
- Observations
- Parent input
- Progress reports
- Team input

Related services are appropriate when:

- Services are required to ensure the student benefits from special education; and
- Services relate to the student’s educational needs and annual IEP goals.

LEAs are responsible for ensuring that qualified related service providers implement related services according to the terms outlined in each student’s IEP. IEP teams must consider whether the student requires the following related services:

Audiology	Audiology services include: (a) Identification of students with hearing loss; (b) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing; (c) Provision of habilitative activities, including language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation; (d) Creation and administration of programs for prevention of hearing loss; (e) Counseling and guidance of students, parents, and teachers regarding hearing loss; and (f) Determination of the student’s needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.
Counseling	Counseling as a related service includes services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.
Early Identification and Assessment of Disabilities in Children	Early identification and assessment of disabilities in children as a related service includes the implementation of a formal plan for identifying a disability as early as possible in a child’s life.
Interpreting Services	Interpreting services as a related service includes: (a) Oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, including communication access real-time translation (CART), CPrint, and TypeWell for students who are deaf or hard of hearing; and (b) Special interpreting services for students who are deaf-blind.
Medical Services	Medical services as a related service includes services provided by a licensed physician to determine a student’s medically related disability that results in the student’s need for special education and related services.
Occupational Therapy	Occupational therapy as a related service is a service provided by a qualified occupational therapist that includes: (a) Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; (b) Improving ability to perform tasks for independent functioning if functions are impaired or lost; and (c) Preventing, through early intervention, initial or further impairment or loss of function.
Orientation and Mobility	Orientation and mobility services as a related service includes services provided to blind or visually impaired students, by qualified personnel, to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community, and includes teaching students the following, as appropriate: (a) Spatial and environmental concepts and use of information received by the senses (i.e. sound, temperature, and vibrations) to establish, maintain, or regain orientation and line of travel (e.g. using sound at a traffic light to cross the street); (b) To use the long cane to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision; (c) To use and understand remaining vision and distance low vision aids; and (d) Other concepts, techniques, and tools.
Parent Counseling and Training	Parent counseling and training as a related service includes: (a) Assisting parents in understanding the special needs of their student; (b) Providing parents with information about student development; and (c) Helping parents to acquire the necessary skills that will allow them to support the implementation of their student’s IEP or individualized family services plan (IFSP) including, as appropriate, the use of assistive technology as set forth in Section 3013.

Physical Therapy	Physical therapy as a related service includes services provided by a qualified physical therapist.
Psychological/ Behavioral Support Services	Psychological services as a related service includes: (a) Administering psychological and educational tests, and other assessment procedures; (b) Interpreting assessment results; (c) Obtaining, integrating, and interpreting information about student behavior and conditions relating to learning; (d) Consulting with other staff members in planning school programs to meet the special educational needs of students as indicated by psychological tests, interviews, direct observation, and behavioral evaluations; (e) Planning and managing a program of psychological services, including psychological counseling for students and parents; and (f) Assisting in developing positive behavioral intervention strategies.
Recreation	Recreation as a related service includes: (a) Assessment of leisure function; (b) Therapeutic recreation services; (c) Recreation programs in schools and community agencies; and (d) Leisure education.
Rehabilitation Counseling	Rehabilitation counseling services as a related service means services provided to a student with a disability by qualified personnel, in individual or group sessions that focus specifically on the student’s career development, employment preparation, achievement of independence, and integration in the workplace and community. The term also includes vocational rehabilitation services provided to a student with a disability by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq.
School Health and School Nurse Services	School health services and school nurse services as related services include health services that are designed to enable a student with a disability to receive FAPE as described in the student’s IEP and are provided as follows: (a) School nurse services are services provided by a qualified school nurse; and (b) School health services are services that may be provided by either a qualified school nurse or other qualified person.
Social Work/Behavior Support Services	Social work services as a related service in schools includes: (a) Preparing a social or developmental history on a student with a disability; (b) Group and individual counseling with the student and family; (c) Working in partnership with parents and others on those problems in a student’s living situation that affect the student’s adjustment in school; (d) Mobilizing school and community resources to enable the student to learn as effectively as possible in the student’s educational program; and (e) Assisting in the development of positive behavioral intervention strategies.
Speech- Language Pathology Services	Speech-language pathology services as a related service includes: (a) Identification of students with speech or language impairments; (b) Diagnosis and appraisal of specific speech or language impairments; (c) Referral for medical or other professional attention necessary for the habilitation of speech or language impairments; (d) Provision of speech and language services for the habilitation or prevention of communicative impairments; and (e) Counseling and guidance of parents, students, and teachers regarding speech and language impairments.
Transportation	Transportation as a related service: (a) Includes travel to and from school and between schools, travel in and around school buildings, and specialized equipment, if required to provide special transportation for a student with a disability; and (b) Shall be provided if the IEP Team determines that the provision of transportation services is necessary for the provision of FAPE and the student is eligible for transportation, using State-established criteria as prescribed in State-level policy

Once an IEP team has determined that a student is eligible for a related service, the IEP team must designate the following when developing the IEP:

- Projected date the service will begin;
- Frequency and duration of service;
- Location of service; and
- Statements of supports/modifications for school personnel.



Related service decisions must be made based on individual educational need, not disability category or special education service level.

Speech-Language Pathology Services as Special Education (Speech Only IEPs)

Speech-language pathology services may be considered special education and may be designated as special education on a student's IEP if the IEP team determines that the student requires no other special education services due to lack of deficit in the academic performance. These are often called "Speech Only IEPs" in which the student only receives speech-language pathology services without accompanying specialized instruction.

Implementing Related Services

LEAs are required to provide related services in a manner consistent with the frequency, location, and duration of related services as specified in a student's IEP. Related services must be provided by qualified personnel. Qualified personnel are personnel who have met the OSSE-approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which the individual is providing special education or related services. LEAs must provide qualified related service providers to implement related services per the student's IEP and appropriately document service provision through the Special Programs logging wizard. Service providers must document the date and time for all attempted services. If the service was missed, the provider must also provide an explanation for the missed session.

Missed Services

LEAs must ensure that service providers implement and document all instances of delivered and attempted services. When related services are missed due to a provider's absence, the LEA must ensure that a substitute provider is available, and a make-up session is scheduled. All make-up sessions must be delivered in accordance with the student's IEP. If a student is regularly or chronically missing services, it is best practice for the service provider to collaborate with the parent on attendance support and service implementation. The occasional missed related service session may be unavoidable; however, the LEA must always consider the impact of the missed session on the student's progress and performance and ensure the continued provision of FAPE. If the IEP team determines that missed services constitutes a denial of FAPE, it should consider the need for compensatory services. LEAs are encouraged to develop and make available a related services policy that details internal procedures for missed services.

Compensatory Services

IEP teams must make individualized determinations as to whether compensatory services are needed to address lapses in services. LEAs have broad flexibility through the IEP team process to discuss and make an individualized determination of whether and what compensatory services are needed and how they should be provided. Compensatory services should be determined by considering the totality of the circumstances for each student and determining whether compensatory services are needed to remedy losses or deficits resulting from the LEA's failure or inability to provide services. As part of the determination regarding the necessity of compensatory services, IEP teams must also decide the type, amount, frequency, duration, and location of compensatory services.

PLACEMENT AND LEAST RESTRICTIVE ENVIRONMENT

5A DCMR § 3021-3022

Least Restrictive Environment

Students with disabilities must receive their education, to the maximum extent possible, in the LRE and with their peers without disabilities. This means that students should not be removed from their regular classes unless the IEP team determines that the child's disability is such that education in the general education classes with the support of supplement aids and services cannot be achieved satisfactorily. A student with a disability should only be removed from their general education classroom if the student is unable to progress on their individualized IEP goals and make positive learning outcomes while receiving supplementary aids and services inside the general education classroom. A student cannot be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum. It is the LEA's responsibility to monitor a student's progress and proactively adjust a student's placement.

As part of LRE obligations, LEAs must provide a full continuum of alternative placements to meet the needs of all students with disabilities. The continuum is a range of placements where an IEP can be implemented, such as general education classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. LEAs must consider placement in the general education classroom before considering a more restrictive placement. Any alternative placement selected outside of the general education classroom must include appropriate opportunities for the student to interact with their nondisabled peers. In considering a placement outside of the general education classroom, the IEP team must consider any potential harmful effect on the student or on the quality of services that they need.

Placement Determination

The LEA must ensure that the appropriate educational placement for a student with a disability is:

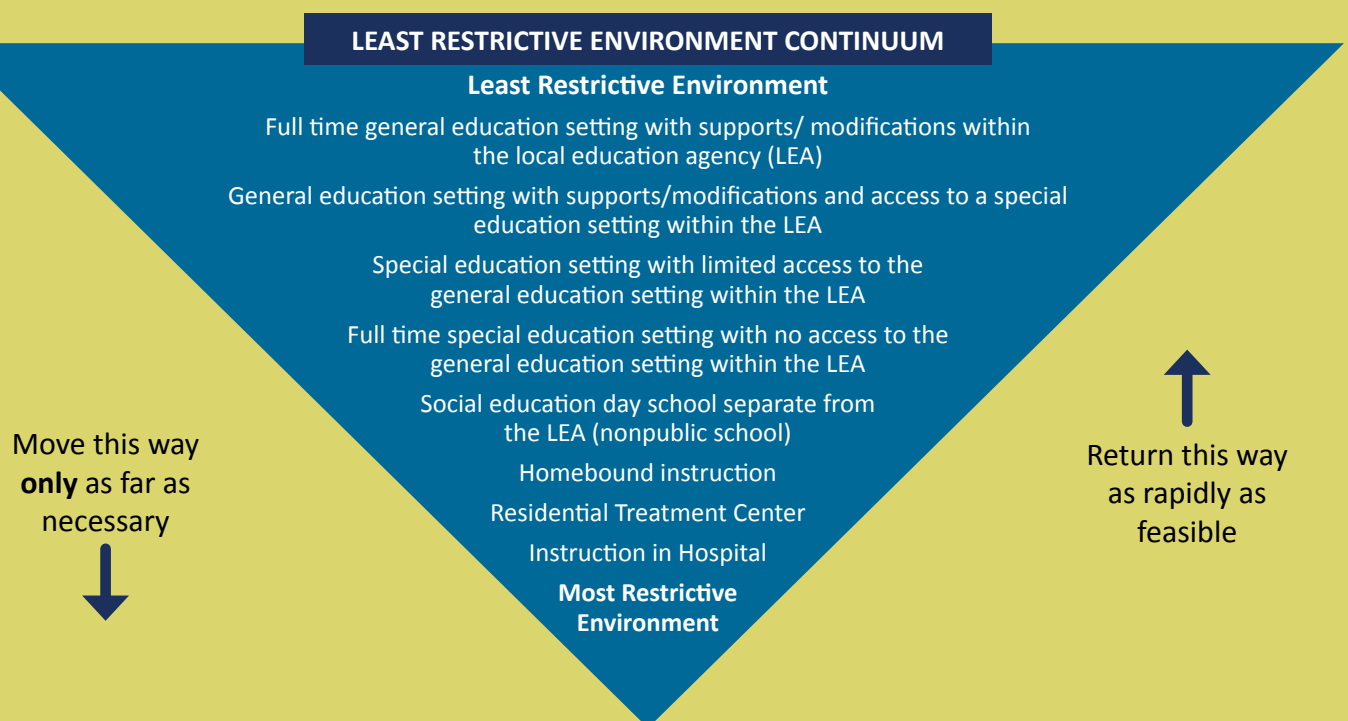
- Determined by the individual needs of the student;
- Documented in the student's IEP;
- Reviewed and determined annually (at minimum);
- Located as close as possible to the student's home; and
- Determined as the least restrictive environment possible for the student.

The student's placement must be based on the individualized needs of the student and cannot be made based solely on the student's disability category or type of programming associated with a disability category (for example, a student should not be placed in an "Autism program" only because the student's disability category is Autism). When making this determination, the LEA must determine a student's placement regardless of established placement options, services, staff, or space at the time of the determination. The LEA must not determine a student's placement based on additional costs or administrative inconvenience that would result from placement determination. LEAs must ensure that a student with a disability is educated in the school that they would attend if the student did not have a disability unless their unique needs or severity of the student's disability warrants a more restrictive placement.

LEAs should consider the following three factors when making a placement determination:

- Through information obtained from data (e.g., assessments, progress reports, observations, etc.), consider whether the student can be served in the general education setting with one or more of the following: (Note: The following list is not exhaustive)
 - Program and/or curriculum accommodations or modifications
 - Collaboration between special education and general education teachers
 - Supplementary aids and supports
 - Use of assistive technology
 - Development and implementation of a behavior intervention plan through a functional behavior assessment
- Compare the benefits provided in the LRE to those provided in a more restrictive environment. (Remember: Placement in the general education setting is not dependent on the student's ability to learn the same things in the same way.)
- Consider the potentially beneficial or harmful effects of each placement option, to include logistical changes, such as transportation to and from home to new school (i.e., distance and ride time).

Continuum of Placements

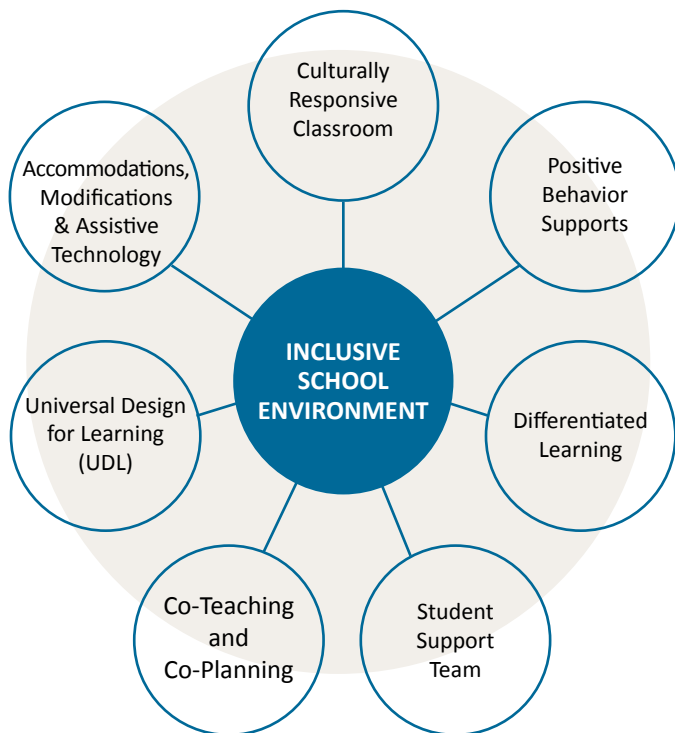


Placement vs. Location

Placement and service location are related but separate and distinct notions. A student’s “placement” is the programmatic design, including the amount of services and type of educational environment, that the IEP team believes is necessary for the student to access FAPE. The student’s “service location” refers to the physical location where the student’s IEP will be implemented. As a student’s level of service increases, the physical location may need to be adjusted to meet the service and accommodation needs to the student. While the IEP team determines the student’s placement, the LEA may determine the student’s service location based on the availability of necessary programming, services, or resources.

Expectations for Inclusion

OSSE defines inclusion as an environment in which all students, including those with significant disabilities, have an equal opportunity to receive high quality instruction in the general education classroom, to the maximum extent possible, with the necessary supplementary aids and services the student needs to be successful in the general education environment. LEAs are required to offer an inclusive placement available to every student with a disability.



Placement Outside of the LEA

If an LEA anticipates that it may be unable to provide a student with a disability with an appropriate special education placement in accordance with IDEA and other applicable laws or regulations, the LEA must notify OSSE in writing to seek placement outside of the LEA through the nonpublic placement process. Prior to submitting a written request for placement outside of the LEA, the IEP team must consider the appropriateness of the student’s IEP and the appropriateness of the LEA’s delivery of services to the student in placements within the LEA. The written request and required supporting documentation and student-level data must be submitted to OSSE in accordance with the procedures outlined in the Chapter 30 regulations and [OSSE’s Policies and Procedures for Placement Review, Revised.](#)

The LEA is responsible for providing FAPE before, during, and after placement in a nonpublic school while the student remains enrolled in the LEA. Should the parent enroll the student in a new LEA, that new LEA will become responsible for ensuring the provision of FAPE to the student. When the student is placed in a nonpublic school, the IEP team is responsible for regularly monitoring the student’s progress on IEP goals, ensuring IEP compliance, and reviewing incident reports. LEAs are responsible for working closely with nonpublic school staff to ensure appropriate IEP documentation and review including holding and completing meetings, adherence to federal and District special education regulations, and active participation by all IEP team members, including students and parents. If the IEP team determines that the student should transition into a lesser restrictive environment, the IEP team should develop a plan to ensure a supported and successful transition.

Homebound and Hospital Placement

The IEP team may determine home instruction and hospital placement only if the IEP team determines that the child cannot receive additional educational benefit in a less restrictive setting. The IEP team must document the determination of placement in home or hospital instruction and the type of educational services to be provided in the IEP. LEAs must ensure that students in homebound or hospital placement are afforded the opportunity to participate in extracurricular activities and receive timely notice of these activities. Home and hospital instruction necessary for the provision of FAPE is separate and distinct from home and hospital instruction provided due to temporary medical need consistent with the [Students’ Right to Home and Hospital Instruction Act of 2020.](#)

IEP IMPLEMENTATION

5A DCMR § 3020

Initiating Service Provision

The LEA must implement the IEP as soon as possible after the meeting where the IEP is finalized. This includes the provision of specialized instruction and related services in accordance with the IEP. The LEA must ensure that an IEP is in effect for each enrolled student throughout the calendar year, including during the summer months as appropriate. If a student transfers between LEAs between school years, the new LEA's obligation to make FAPE available begins on the new LEA's first day of the school year.

Early Childhood Students

For children transitioning from IDEA Part C early intervention services, the LEA must implement the IEP by the child's third birthday or, if the third birthday occurs on a non-school day (including during the summer), specialized instruction must be provided on the first day of stage 5 enrollment (attendance in school) and each related service must be provided at least once within 14 days of the student's stage 5 enrollment.

Transfer Students

When a student with a disability transfers schools, the LEA must ensure the continued provision of FAPE, including comparable services. Requirements for transfer students differ if the student transfers between District of Columbia LEAs or from outside of the District. The LEA must request student records from the previous LEA within five school days of a student's enrollment. Additionally, if a student transfers out of the LEA, the prior LEA must respond to records requests within 10 business days after receipt.

The following circumstances do not require the LEA to provide special education and related services including comparable services in the instance of a newly transferred student:

- The LEA is unable to obtain the current IEP from the previous LEA after reasonable efforts to obtain documentation; or
- The LEA determines that the student no longer meets criteria for special education after evaluation.

Comparable Services

If a student with an existing IEP transfer to an LEA in the District of Columbia within the same school year, the new LEA, in consultation with the parents, must provide FAPE to the student in the form of comparable services. Comparable services are services that are similar or equivalent to those described in the student's existing IEP from the prior LEA. In designing the comparable services plan using the Comparable Services process in Special Programs, the LEA must ensure the meaningful participation of the parent. Comparable services must be implemented as soon as possible, and no later than 20 calendar days after receipt of the student's existing IEP. The LEA must provide the parent with PWN before initiating the provision of services

Transfers Within the District of Columbia

If a student transfers between LEAs within the District of Columbia, the new LEA must determine if the existing IEP is appropriate within 30 calendar days of enrollment. If the IEP team determines that the IEP is appropriate, the LEA must implement the services on the existing IEP. If the IEP team determines that the IEP is not appropriate, the LEA must develop and finalize a new IEP within 60 calendar days of enrollment. If the transferred IEP is expired or will expire within 30 days of receipt, the LEA must provide comparable services until a new IEP can be developed. Please see the comparable services section of this handbook for more information.

The LEA must upload or enter all relevant documentation received from the parent and prior LEA into Special Programs within five days of receipt.

TIMELINE	ACTION
Day 1	Student enrolls at new LEA
By Day 5	New LEA requests records from previous LEA
By Day 30	<ul style="list-style-type: none"> ➔ IEP team determines if existing IEP is appropriate to meet the student’s needs. If yes, the LEA adopts the existing IEP and begins implementing services. ➔ If the transferred IEP is expired or will expire within 30 days, the IEP team will develop a comparable services plan.
By Day 60	If the IEP team determined that the current IEP is not appropriate to meet the student’s needs, the IEP team must develop and finalize a new IEP.

Transfers Outside of the District of Columbia

If a student transfers from an LEA outside the District of Columbia, the new LEA must conduct an evaluation to determine eligibility consistent with District of Columbia eligibility criteria. Within 30 days of the student’s enrollment, the LEA must determine if additional assessments are necessary to complete the eligibility determination. Upon enrollment, the LEA should begin collecting student data to help inform the IEP team’s decision. The IEP team should also rely on records received from the out-of-state LEA, parent input, and any other relevant student data or information in determining whether additional assessments are necessary.

If the IEP team determines that additional assessments are necessary, the LEA must make reasonable efforts to obtain parental consent within 15 calendar days and complete the eligibility determination within 60 calendar days of parental consent. If determined eligible, the LEA must develop an IEP within 15 days.

TIMELINE	ACTION
Day 1	Student enrolls at new LEA
By Day 5	New LEA requests records from previous LEA
By Day 20	IEP team develops comparable services plan using records and data from previous LEA
By Day 30	IEP team determines if additional assessments are necessary to make eligibility determination. If additional assessments are necessary, the LEA must make reasonable efforts to obtain parental consent within 15 calendar days.
By Day 60	LEA determines eligibility
By Day 75	IEP team develops IEP and begins implementing services

SECONDARY TRANSITION

5A DCMR § 3026

In accordance with District law, students with disabilities ages 14 years and older must have a secondary transition plan to include:

- Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills and the transition services needed to assist the student in reaching those goals;
- Transition services (including course of study) required to assist the student in reaching those goals;
- A statement of interagency responsibilities or any needed linkages before the student leaves the school setting; and
- If the IEP team determines that transition services are not needed, a statement to that effect and the basis upon which the determination was made.

The purpose of the transition planning is to develop a coordinated set of activities designed within a results-oriented process that is focused on improving the academic achievement and functional performance of the student to facilitate the student's movement from school to postsecondary activities, including postsecondary education/training, employment, and if appropriate, independent living skills. For students attending middle school, at least one goal must address readiness for and transition to high school. For more information regarding the full scope of secondary transition programming, please see [OSSE's Secondary Transition Toolkit](#).

Writing and Developing Secondary Transition Plans

The student must be invited to the IEP team meeting if a purpose of the meeting is the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals meeting. The student must be invited to the meeting at least five days prior to the IEP meeting. If the student does not attend, the LEA must take other steps to ensure that the student's preferences and interests are considered and should otherwise seek input from the student to inform the development of the secondary transition plan.

The IEP team must also include a representative from outside participating agencies that may provide or pay for transition services (including but not limited to DDS and/or RSA). If a participating agency notifies the LEA in advance that it will not attend the meeting, the LEA must obtain information from the agency necessary for the specific transition services to be included in the IEP. If the

participating agency fails to provide the transition services described in the IEP, the LEA must reconvene the IEP team to identify alternative strategies to meet the transition goals identified in the IEP.

Secondary transition plans focus on the following areas:

- Postsecondary education and training;
- Employment; and
- Independent living (if appropriate).

Transition Assessments

To develop appropriate secondary transition services and goals, the team must use appropriate assessments for each area of consideration. Students must have one assessment in each area considered for the transition plan (education/training, employment, independent living) completed within one calendar year of the IEP date. The transition plan must include dates administered and assessment results.

Below is a list of assessments LEAs may consider for secondary transition assessments.

Educational	NWEA Map Woodcock Johnson Landmark Guide to College Readiness, ACT-Plan
Employment	Brigance Transition Skills Inventory ONET Career Interest Inventory Naviance Career Interest Profiler
Independent Living	Brigance Transition Skills Inventory Independent Living Skills Checklist Functional Skills Checklist

Secondary Transition Goals

Secondary transition goals must be developed using data obtained from transition assessments. Secondary transition goals have two components:

- One long-term, overarching goal that supports the student's transition from middle school to high school or high school to postsecondary programming; and
- Aligned short term, annual goal or goals that support the student to achieving their long-term aspirations.

Examples of long-term and short-term goal alignment are provided below:

SERVICE AREA	COMPLIANCE METRICS	EXAMPLES	
Postsecondary Education and Training	<p>Monitoring Indicator</p> <p>Must include an overarching long-term postsecondary education or training goal that can be achieved after completing middle school or high school.</p> <p>Must include a measurable annual (short-term) IEP goal that is aligned to the long-term postsecondary education and training goal. The annual goal must be updated every year.</p>	<p>Long-Term Goal Examples:</p> <p><i>Upon graduation from middle school, <NAME> will enroll in a high school private or public education program.</i></p> <p><i>Upon graduation from high school <NAME> will enroll in a two-year or four-year college.</i></p> <p><i>Upon graduation from high school <NAME> will enroll in a vocational or trade program.</i></p> <p>Short-Term Goal Examples:</p> <p><i><NAME> will enroll in a college preparatory or vocational high school.</i></p> <p><i><NAME> will complete at least five college applications by the end of the annual IEP period.</i></p> <p><i><NAME> will complete at least five college applications by the end of the annual IEP period.</i></p>	
Employment	<p>Must include an overarching long-term employment goal that can be achieved after completing middle school or high school.</p> <p>Must include a measurable annual (short-term) IEP goal that is aligned to the long-term employment goal. The annual goal must be updated every year.</p>	<p><i>Upon completion of postsecondary education, <NAME> will obtain _____ (assisted/full time competitive) employment in the field of _____.</i></p> <p><i><NAME> will create a resume that outlines work experience and extracurricular involvement.</i></p>	
Independent Living*	<p>Must include an overarching long-term independent living goal that can be achieved after completing middle school or high school.</p> <p>There must be a measurable annual IEP goal that is aligned to the independent living goal and that is varied from the previous year's goal.</p> <p>Must include a measurable annual (short-term) IEP goal that is aligned to the long-term independent living. The annual goal must be updated every year.</p>	<p><i>Upon graduation from high school, <NAME> will live independently or in shared housing.</i></p> <p><i>Upon graduation from high school, <NAME> will travel independently to their place of employment.</i></p> <p><i>Upon graduation from high school, <NAME> will independently manage a budget.</i></p> <p><i><NAME> will research and explain the differences and similarities of least two postsecondary housing options.</i></p> <p><i><NAME> will develop an independent transportation plan which could include using public transportation and will explain the plan with 90 percent accuracy when prompted.</i></p> <p><i><NAME> will demonstrate personal finance skills by making change, identifying equivalent values of coins, interpreting prices, and determining costs.</i></p>	

*Not all students will require independent living goals. For more information on who qualifies for independent living services as part of their secondary transition plan, please see [OSSE's Secondary Transition Toolkit](#).

Secondary Transition Services

Secondary transition services goals are supported by an adult-driven service that is aligned to clearly helping the student achieve both their short- and long-term independent living goals. Services should include activities based on the individual student's needs, considering:

- Instruction, related services, community experiences, development of employment, and other post school adult living objectives;
- Acquisition of daily living skills, if appropriate; and
- Functional vocational evaluation, if appropriate.

Course of Study

The IEP team must determine a student's course of study and develop a graduation plan during the student's eighth grade year. A course of study is a description of the coursework necessary to prepare the student for post-school activities. When developing the course of study, the IEP team must consider the following:

- Required academic and functional achievement of the student to make progress transitioning from secondary education to their lives post-school;
- Alignment with transition goals; and
- Alignment with requirements for graduation or IEP certificate of completion.

The IEP team must develop a course of study that ensures the student will gain knowledge and skills to qualify for and complete one of the following:

- Two- or four-year postsecondary education program;
- Technical/vocational program;
- Apprenticeship; or
- On the job training that results in obtaining official credentials such as a diploma, license, or degree.

Diploma vs. IEP Certificate of Completion

LEAs are required to develop an IEP Certificate of Completion policy pursuant to 5-A DCMR §3027. When a student enters their ninth-grade year, the IEP team must discuss whether the student will pursue an IEP certificate of completion and document its decision in the student's IEP. Students are not eligible for an IEP certificate of completion if the student:

- Is 20 years old and within five credits of receiving a regular high school diploma;
- Has completed all coursework to earn a high school diploma; or
- Could earn a regular high school diploma by age 22.

If the IEP team determines that the student will pursue an IEP Certificate of Completion, the LEA is responsible for ensuring FAPE until the student earns a regular high school

diploma or until the student turns 22, whichever occurs first. If the student earns an IEP Certificate of Completion prior to the end of the school year in which the student turns 22, the LEA is responsible for providing FAPE through the end of the school year.

Changing Diploma Types

If the IEP team determines that the appropriate diploma type should be changed, the LEA must provide written notice to the parent in the form of a Notice of Change in Diploma Type. The notice includes the following information:

- Decision determination;
- The LEA's IEP Certification of Completion policy;
- Overview of the differences between a regular high school diploma and IEP Certificate of Completion; and
- Options for additional assistance.

BEHAVIOR

Functional Behavioral Assessments

A functional behavioral assessment (FBA) is a process for identifying observable problem behaviors; the contexts or routines where the problem behaviors are most likely; the specific antecedent events within a context or routine that reliably predict occurrence of problem behaviors; and the consequences that appear to maintain the problem behavior. An FBA may be conducted to inform and support the development of a behavior intervention plan (BIP). An FBA can be conducted at any time to support the IEP team and LEA in better understanding a student's behaviors, but must be conducted in the following circumstances:

- The IEP team determines that the student's behavior is a manifestation of their disability;
- The student is removed from more than 10 days and the IEP team determined the behavior was not a manifestation of the student's disability;
- If an FBA was not completed prior to the IEP team determining a change in placement; and
- If a student is placed in an interim alternative educational setting.

The IEP team should consider completing an FBA if:

- The team suspects a student's behavior has a direct and substantial relationship to their disability;
- A student has a repeated pattern of behavior and does not have a current BIP; or
- The student has recently had a Manifestation Determination Review meeting.

An FBA requires parent consent and can be included as part of the initial or reevaluation process. If an FBA is conducted outside of the evaluation process, the LEA must obtain parental consent for the assessment.

Behavior Intervention Plans

A Behavior Intervention Plan (BIP) is an intervention plan that is developed to apply proven interventions to have a positive outcome on behavior. A BIP must be developed if, as a result of a manifestation determination conducted during the discipline process, the IEP team determines that the student's behavior was a manifestation of the student's disability. A BIP may be considered when developing a student's IEP if the student's behavior interferes with their learning or the learning of classmates. The BIP describes:

- How an educational setting will be changed to improve the behavioral success of a student;
- The teaching that will occur to give the student alternative ways of behaving;
- The consequences that will be provided to:
 - Encourage positive behavior;
 - Limit inadvertent reward of problem behavior; and
 - Where appropriate, discourage problem behavior; and
- The procedures for ongoing assessment to determine if the BIP is being implemented correctly and if implementation is resulting in benefits for the student.

When developing a BIP, the IEP team should describe how the behavior impedes learning, identify antecedents to the behavior to be addressed, define target behaviors, and establish relevant, measurable goals for achieving the target behaviors. The IEP team may consider previously implemented behavior management techniques and the effectiveness of such techniques, including positive behavioral supports and interventions.

DISCIPLINARY PROCEDURES

5A DCMR § 3043

A student with a disability may be held to and disciplined under the same code of student conduct as a student without a disability, subject to additional protections under IDEA. These protections extend to students suspected of being a student with a disability, including students who have been referred for an initial evaluation and students who are undergoing the evaluation process. In addition to the requirements discussed in this section, the District of Columbia establishes parameters for the use of suspension and expulsion in the Student Fair Access to School Act of 2018 (DC Code §38-235 *et seq.*).

The LEA may remove a student with a disability who violates a code of student conduct for his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension only if:

- The student is removed from their current placement to the same extent that removal is applied to students without disabilities; and
- The removal does not constitute a change in placement.

A change in placement occurs when a student is removed for more than 10 consecutive school days or if the student experiences a series of removals that constitute a pattern. The LEA must determine on a case-by-case basis whether a pattern of removals constitutes a change in placement and document its determination. A pattern of removals occurs if:

- The student has been removed for more than 10 school days during the school year;
- The removals have been the result of substantially similar behavior; and
- If there are additional factors that indicate a pattern, including the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

The LEA must notify the parent of the decision to make a removal that constitutes a change in placement because of a disciplinary action in writing within one day of the decision and include a copy of the procedural safeguards notice.

Manifestation Determination Review (MDR)

If a student with a disability has been removed from his or her current placement for 10 cumulative school days in the same school year constituting a change in placement, the LEA must conduct a manifestation determination meeting to determine if the behavior was a manifestation of the student's disability. This meeting is often called a manifestation determination review (MDR).

The LEA must hold a MDR within 10 school days of the removal that constitutes a change in placement. During this meeting, the IEP team must determine if the conduct in question was a manifestation of the student's disability, considering:

- If the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
- If the conduct in question was a direct result of the LEA's failure to implement the IEP.

During this meeting, the team should:

- Document the incident, including:
 - Reviewing existing accounts of the incident;
 - Recording the student's account of the incident;
 - Recording the parent's account of or input regarding the incident;
- Review relevant student information, including the student's comprehensive file;
 - Review the student's IEP;
 - Review teacher observations;
 - Review the student's behavior intervention plan, if applicable, or consider if a functional behavior assessment and behavior intervention plan would be appropriate for the student;

- Determine if the conduct in question was a manifestation of the student’s disability, including:
 - If the conduct is directly related to the student’s disability;
 - If the conduct was the direct result of a failure to implement the IEP;
- Determine services to ensure the provision of FAPE.

Manifestation Determination Outcomes

If the IEP team determines that the behavior **is not** a manifestation of the student’s disability, the student may be disciplined in the same manner as a student without a disability who has violated the same or similar code of conduct.

If the IEP team determines that the behavior **is** a manifestation of the student’s disability, it must:

- Conduct an FBA and implement a (BIP), if appropriate;
- If a BIP has already been developed, the LEA should review the plan and make updates as necessary to address the behavior and placement from which the student was removed; and
- Return the student to the placement from which the student was removed, unless the parent and LEA agree to a change in placement as part of the modification of the BIP.

The LEA must ensure that access to FAPE is provided while the student is removed from their placement, including the provision of special education and related services in accordance with the student’s IEP and services and supports to enable the student to continue to make progress on IEP goals.

Placement in Interim Alternative Educational Settings

An LEA must only remove a student from their current placement to an interim alternative educational setting (IAES) as a result of a disciplinary action. The LEA may remove a student to an IAES for no more than 45 days without regard to whether the behavior is determined to be a manifestation of the student’s disability if the behavior occurred at school, on school premises, or during a school function and involved:

- Carrying a weapon to or possessing a weapon;
- Knowingly possessing or using illegal drugs, or the sale or solicitation of a controlled substance; or
- Inflicting serious bodily injury on another person.

It should be noted that an IAES is a temporary placement that gives LEAs time to develop an appropriate IEP while keeping the student in school and safe. If the student’s behavior did not involve weapons, drugs, or inflict serious bodily injury, the LEA cannot place the student in an IAES.

Best Practices: Considerations in Making Discipline Decisions

Below is a list of considerations as a best practice for LEAs to reference in making discipline decisions:

- Is the behavior in question typical for students of the same or similar age?
- Does the LEA have all information from the incident recorded, including but not limited to witness statements, behavior logs, etc.?
- What de-escalation strategies were used to support the student during the incident?
- Were behavior support services or a BIP in place at the time of the incident?
- Is there an alternative consequence that could be considered so as not to disrupt the student’s placement? (For example, restorative practices)
- Has the student been suspended before for similar behavior or is the behavior isolated?

EXIT FROM SPECIAL EDUCATION

5A DCMR § 3028

Eligibility for special education services under IDEA terminates in the following circumstances:

- The IEP team determines a student is no longer a student with a disability;
- Consent for services is revoked by the parent or student to whom educational rights have transferred;
- The student graduates from high school with a regular high school diploma; or
- the student exceeds the maximum age of eligibility which, in the District of Columbia, is the end of the school year in which a student turns 22.

If the student is exiting special education services due to receiving a high school diploma or the completion of the school year in which the student turns 22, to the LEA must provide the student with a copy of their summary of performance which should include the following information:

- Achievement summary;
- Summary of functional performance; and
- Recommendations from the IEP team to support the student in making progress toward achievement of postsecondary goals.

For more guidance regarding students exiting from special education services, please see OSSE’s [Special Education Policy Bulletin: Students Exiting Special Education Services \(July 2022\)](#).

Prior Written Notice

Prior to exiting a student from special education services, the LEA must provide PWN to the parent or a student to whom educational rights have transferred. The PWN should clearly state that the student will no longer be entitled to receive special education and related services from the LEA. The LEA is responsible for ensuring that the appropriate credential and/or exit code is submitted to the student information system (SIS) and upload all required documentation into Special Programs.

PRIOR WRITTEN NOTICE

5A DCMR § 3032

An LEA must provide PWN to the parent whenever the LEA proposes or refuses to initiate or change the identification, evaluation, educational placement (including service location), or provision of FAPE to a student. A PWN must include the following information:

- Description of the action the LEA is proposing or refusing;
- Explanation of why the LEA proposes or refuses the action;
- A description of each evaluation procedure, assessment, record, or report used as the basis for the proposal or refusal;
- Statement that the parent of a student with a disability has protection under the procedural safeguards of IDEA and how a copy of the safeguards can be obtained;
- Sources for the parent to contact to obtain assistance in understanding the provisions of IDEA;
- Description of other options that the IEP team considered and the reasons why those options were rejected; and
- Any additional factors that impacted the proposal or refusal.

The PWN providing notice of an LEA's proposal or refusal to conduct an initial evaluation must also include:

- Information about the purpose of the evaluation process;
- The types of student-level data being assessed; and
- Any additional assessments needed.

PWN must be provided to the parent at a reasonable time before the action is taken so the parent has enough time to fully consider the change and respond before the action is implemented. The PWN must have sufficient detail to enable the parent to meaningfully participate in decision making, and ensure the parent is sufficiently informed. PWN is required even when the action to be taken was proposed by the parent or is the result of a parent's action. LEAs must ensure that PWN is provided to the parent in their native language and/or in the mode of communication that is used by the parent. Additionally, it is the LEA's responsibility to ensure that if a written version of the notice is not available in their preferred language, the notice is translated orally or by another mode of communication to ensure that the contents of the notice are understood.

In providing information on resources for the parent to contact for assistance in understanding their rights, the PWN must include contact information for:

- The District's federal parent training and information center: Advocates for Justice and Education (AJE) ((202) 678-8060; aje-dc.org)
- The Office of the Ombudsman for Public Education: ((202) 741-0886; educationombudsman.dc.gov)
- The Office of the Student Advocate: ((202) 741-4692; studentadvocate.dc.gov).

A template PWN can be found in the Appendix.

Best Practices For Writing Prior Written Notices

PWNs should include language that includes the following:

- **What** is the proposed action;
- Details about **why** the LEA is proposing the action; and
- **When** the proposed action would take effect.

PROCEDURAL SAFEGUARDS

5A DCMR § 3033

The [IDEA Part B Notice of Procedural Safeguards \(Notice of Procedural Safeguards\)](#) is a comprehensive overview of the procedural safeguard rights of students and parents under IDEA. The Notice of Procedural Safeguards is intended to support parents in understanding their rights and participating in the special education process on behalf of their student.

LEAs must provide parents of students with disabilities a copy of the procedural safeguards at least annually, and at multiple points throughout the special education process:

- Upon receipt of an initial referral or parent request for evaluation;
- Upon receipt of the first complaint and first due process complaint in a school year;
- Upon request by the parent; and
- Consistent with requirements related to disciplinary actions.

Dispute Resolution

IDEA establishes procedures for resolving disputes that arise during the special education process: mediation, due process complaints, and state complaints.

Mediation

A parent or LEA may request mediation with a qualified, impartial mediator to resolve issues regarding a student's identification, evaluation, eligibility, educational placement, or receipt of FAPE. Requests for a mediation must be submitted to OSSE in writing. Participation in the mediation process is voluntary and may not be used to

deny or delay the parent’s right to due process. LEAs may develop procedures that offer parents and schools that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to the parent, with a disinterested party of their choosing such as an advocacy center or resolution entity.

Please see DCMR and the Notice of Procedural Safeguards for more information regarding mediation requests.

State Complaints

A state complaint is a written complaint filed by any individual or organization that claims that any District of Columbia public agency has failed to comply with IDEA or the District’s laws and regulations regarding special education. The State Complaint Office investigates written complaints alleging violations of IDEA and local special education laws by public agencies. Any person or LEA may file a complaint and the complaint can raise any issue covered by the IDEA including, but not limited to:

- an evaluation of a student with a disability, or suspected of having a disability
- disagreements about the eligibility of a student with a disability for special education
- the educational placement and location of services of a student with disability
- the provision of special education and related services to a student with a disability

To file a state complaint, the complainant must fill out the [Sample State Complaint Form](#) and submit the required information to the state complaint office (SCO). For more information regarding the state complaint process, please see the Notice of Procedural Safeguards and OSSE’s [Special Education State Complaint website](#). SCO must generally complete the state complaint process within 60 calendar days unless the process is properly extended.

Due Process Complaints

Only parents or the LEA may file a due process complaint on any matter relating to:

- Proposal or a refusal to initiate or change the identification;
- Evaluation, or educational placement of a student with a disability; or
- The provision of FAPE to the student.

A due process complaint should be filed using the [Administrative Due Process Complaint Notice Form](#) and submitted to the entity against which the complaint is filed (the LEA and/or OSSE). A copy of the complaint must be provided to the Office of Dispute Resolution (ODR) on the same day that it is provided to the LEA, OSSE, and/or the parent/guardian/adult student against whom the complaint was filed. The due process complaint must describe an alleged violation that occurred not more than two years, with certain exceptions, before the date that the parent/guardian/adult student, school system and/or OSSE knew or should have known about the alleged action

that is the basis of the complaint.

An impartial hearing officer must hear a due process complaint (if not resolved through a resolution meeting or through mediation) and issue a written decision within 45 calendar days after the end of the resolution period unless the hearing officer grants a specific extension of the timeline.

CONFIDENTIALITY OF STUDENT RECORDS

5A DCMR § 3030

LEAs and applicable public agencies must ensure the confidentiality of personally identifiable information, including but not limited to personally identifiable information contained in education records, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974, 20 U.S.C. 1232g and regulations implementing FERPA at 34 CFR Part 99, and the Individuals with Disabilities Education Act, 20 U.S.C. 1417(c) and regulations at 34 CFR §§ 300.610 through 300.627.3.

Personally identifiable information refers to any information that would enable the identification of a student. This information includes but is not limited to: the student’s name; the name of the student’s parent or other family members; the address of the student or student’s family; the student’s social security number, student number, biometric record or other personal identifier; other indirect identifiers such as the student’s date of birth, place of birth, or mother’s maiden name; other information that alone or in combination is linked or linkable to a specific student that would allow someone to identify the student; and information requested by a person that the LEA or applicable public agency believes knows the identity of the student.

Consent For the Disclosure of Personally Identifiable Information

Generally, LEAs and other applicable agencies must obtain the parent’s written consent before disclosing personally identifiable information, unless the information is contained in education records and the disclosure is authorized without parental consent under FERPA. Personally identifiable information, however, may be disclosed without parental consent to officials of participating agencies where the disclosure is for the purpose of meeting a requirement of IDEA except in the following two circumstances:

- A parent’s consent must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services; or
- If a student is attending or going to attend a private school that is not located in the District of Columbia, the LEA or applicable public agency must obtain the parent’s consent before any personally identifiable information about the student is released between officials in the LEA or applicable public agency where the private school is located and DCPS.

The term participating agencies means any other public agency or educational institution that collects, maintains, or uses personally identifiable information under Part B of the IDEA or from which such information is obtained. When consent is required, the written consent must specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made.

Parental Right to Inspect and Review

LEAs and applicable public agencies must permit parents to inspect and review any education records relating to the parent's student that are collected, maintained, or used by the LEA or applicable public agency under Part B of the IDEA. LEAs and applicable public agencies must comply with a parent's request to inspect and review any education records on the parent's student without unnecessary delay and before any meeting regarding an IEP, or any impartial due process hearing (including a resolution meeting or a hearing regarding discipline), and in no case more than 45 calendar days after the request is made. A parent's right to inspect their student's education records pertains to information relating only to the parent's student. If any education record includes information on more than one student, the parent may only inspect, review, and be informed of the information relating to the parent's student.

If a parent believes that information in the education records collected, maintained, or used under Part B of the IDEA regarding the parent's student is inaccurate, misleading, or violates the privacy or other rights of the parent's student, the parent has a right to request that the LEA or applicable public agency change the information. The LEA or applicable public agency must decide whether to change the information in accordance with the parent's request within a reasonable period of receipt of the parent's request. If the LEA or applicable public agency determines that it will not change the information in accordance with the parent's request, the LEA must inform the parent of the refusal and advise the parent of the right to a hearing.

Safeguards And Destruction of Information

LEAs and applicable public agencies must protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages. LEAs and applicable public agencies must inform a parent when personally identifiable information collected, maintained, or used under Part B of the IDEA is no longer needed to provide educational services to their student. Under these circumstances, the information must be destroyed at the request of the parent. Destruction means the physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable. However, a permanent record of a student's name, address, and phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

MEDICAID

LEAs may seek Medicaid reimbursement for Medicaid related health care services when:

- Services are provided to a Medicaid-eligible student in accordance with the student's IEP; and
- The parent has provided consent to claim for reimbursement.

The school-based Medicaid program provides a means for LEAs to seek federal reimbursement for expenditures related to medically necessary services provided by schools as determined by the IEP team. The reimbursements are returned to the LEAs operating budget for use as determined by the school. To be reimbursable, services must be properly documented and provided by or under the supervision of appropriately licensed professionals. The Medicaid covered services in the District of Columbia include:

- Audiology
- Behavioral Supports (Counseling Services)
- Nutrition Services
- Occupational Therapy
- Orientation and Mobility Services
- Physical Therapy
- Psychological Evaluation
- Skilled Nursing
- Speech-Language Pathology
- Specialized Transportation (OSSE is the only approved provider for special education transportation services)

To participate in the Medicaid program, LEAs must complete a provider application via the Department of Healthcare Finance (DHCF) and participate in the administration of Random Moment Sampling (RMS).

LEAs must obtain a one-time informed written parental consent from the parent or guardian of a student prior to disclosing personally identifiable information from education records, including health information, for the purposes of claiming Medicaid reimbursement. The consent form is generated through Special Programs and the signed copies of all parental consent forms for students must be maintained by the LEA in Special Programs as part of the student's educational records with all other mandatory special education documentation. Regardless of whether the parent provides consent, the LEA must generate a copy of the form indicating one of the following outcomes: consent to reimbursement, decline to provide consent, or provide consent in the event their student becomes eligible for Medicaid reimbursable services in the future.

For more information, please see OSSE's [LEA Medicaid Recovery guidance](#).

ADDITIONAL RESOURCES

For more information on special education requirements, including local District of Columbia special education regulations, please see OSSE's [Special Education Regulations website](#).

To access OSSE's special education policies, please see OSSE's [Special Education Policies website](#).

To access non-regulatory guidance regarding special education, please see OSSE's [Local Special Education Guidance website](#).

For questions about the content of this document or special education requirements, policies, or guidance, please contact the Special Education Policy Team at OSSE.DSEpolicy@dc.gov.



Office of the State Superintendent of Education
1050 First Street, NE, Washington, DC 20002