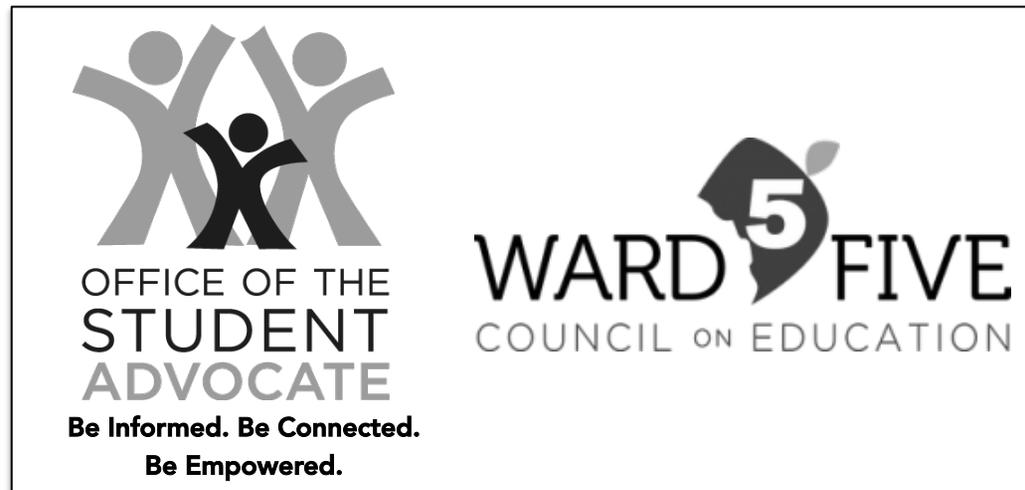


Transforming Emotions to Effective Advocacy

*Understanding the Issues Surrounding Special
Education Rights in the District of Columbia*

Knowing the Difference: IEP vs. 504 Plan

hosted by:



Presentation Overview

- What is Special Education
- DC Special Education Landscape
- The Laws that Govern: Brief Overview of Laws that Protect Students with Disabilities
- Section 504 vs. IDEA
- FAPE
- Parent & Student Rights
- Special Education Process
- Understanding the Process: IEPs
- Understanding the Process: Section 504
- Resources

What is Special Education?

Special education is instruction that is specially designed to meet the unique needs of children who have disabilities. Special education and related services are provided in public schools at no cost to the parents and can include special instruction in the classroom, at home, in hospitals or institutions, or in other settings.

The Landscape in DC

15%

Students who receive special education and related services (vs. 13% national average)

8,000

Special Education Students in traditional DC Public Schools (DCPS)

5,000

Special Education Students in DC Public Charter Schools

Learning Disability

Most common disability type

Inclusion

Most students in Special Education spend most of their day in general education classes

The Laws that Govern

Three federal laws guarantee rights to students with disabilities

1

All individuals with disabilities

Americans with Disabilities Act (ADA)

2

Individuals with 504 Plans

Section 504 of the Rehabilitation Act

3

Students with IEPs

Individuals with Disabilities Education Act (IDEA)

***DC also has local laws and regulations that provide students with additional rights.*

What is Section 504 and IDEA?

Section 504

Focuses on ensuring that the school provides children with disabilities or impairments the services and accommodations necessary in order to access everything that other children can access at school, including curriculum. Students who qualify for services under Section 504 have a 504 Plan.

IDEA

Focuses on ensuring that the school meets the needs of children with specific kinds of disabilities so that they make adequate academic progress based on what they know and can learn. Students who qualify for services under IDEA have an IEP.

504 Plan

Any disability that substantially limits a major life activity can qualify

Follows a student after K-12

More flexible

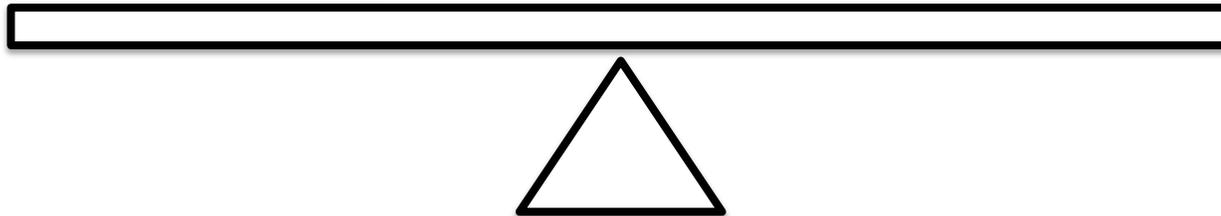
IEP

Broader dispute resolution protections

Minimum requirements for what must be included

Must have a qualifying disability and require special education

VS.



Free Appropriate Public Education

IDEA guarantees eligible students the right to a Free Appropriate Public Education (FAPE). Children who are eligible for a 504 Plan or an IEP are entitled to FAPE.

For the education provided to meet FAPE requirements, it must be individualized to the student's needs and appropriate to help the student make meaningful progress.

New Parents' & Students' Rights under DC law

Schools must accept oral referrals for evaluation & document them

Right to copies of evaluations & draft IEPs 5 business days before meeting

Right to copies of final IEPs within 5 business days after meeting

Right to observe child in current placement & observe proposed placement

(can also have someone do this on parent's behalf)

Special Education Process: IEPs

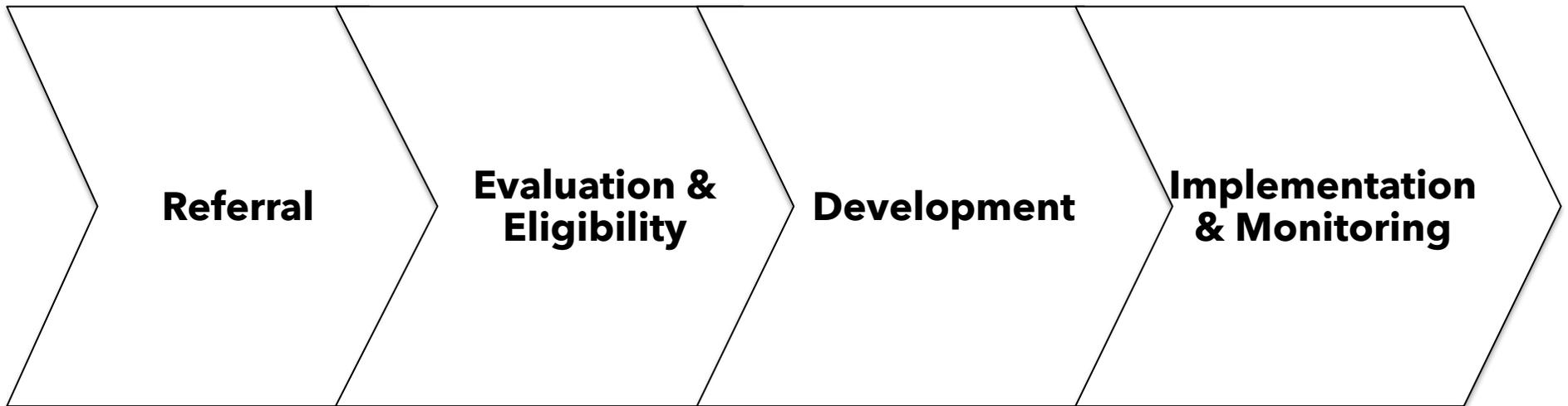
- Referral
- Evaluation
- Eligibility Determination
- IEP Development
- Placement Determination
- Annual Review
- Re-Evaluation
- Exit/Graduation

Section 504: the Plan & Process

- Referral
- Evaluation or doctor recommendation
- 504 plan development
- Periodic reviews and reevaluations

Understanding the Process: Individualized Education Program (IEP)

IEP: Evaluation



Up to 120 days to complete IEP Evaluation and Determination

Evaluation

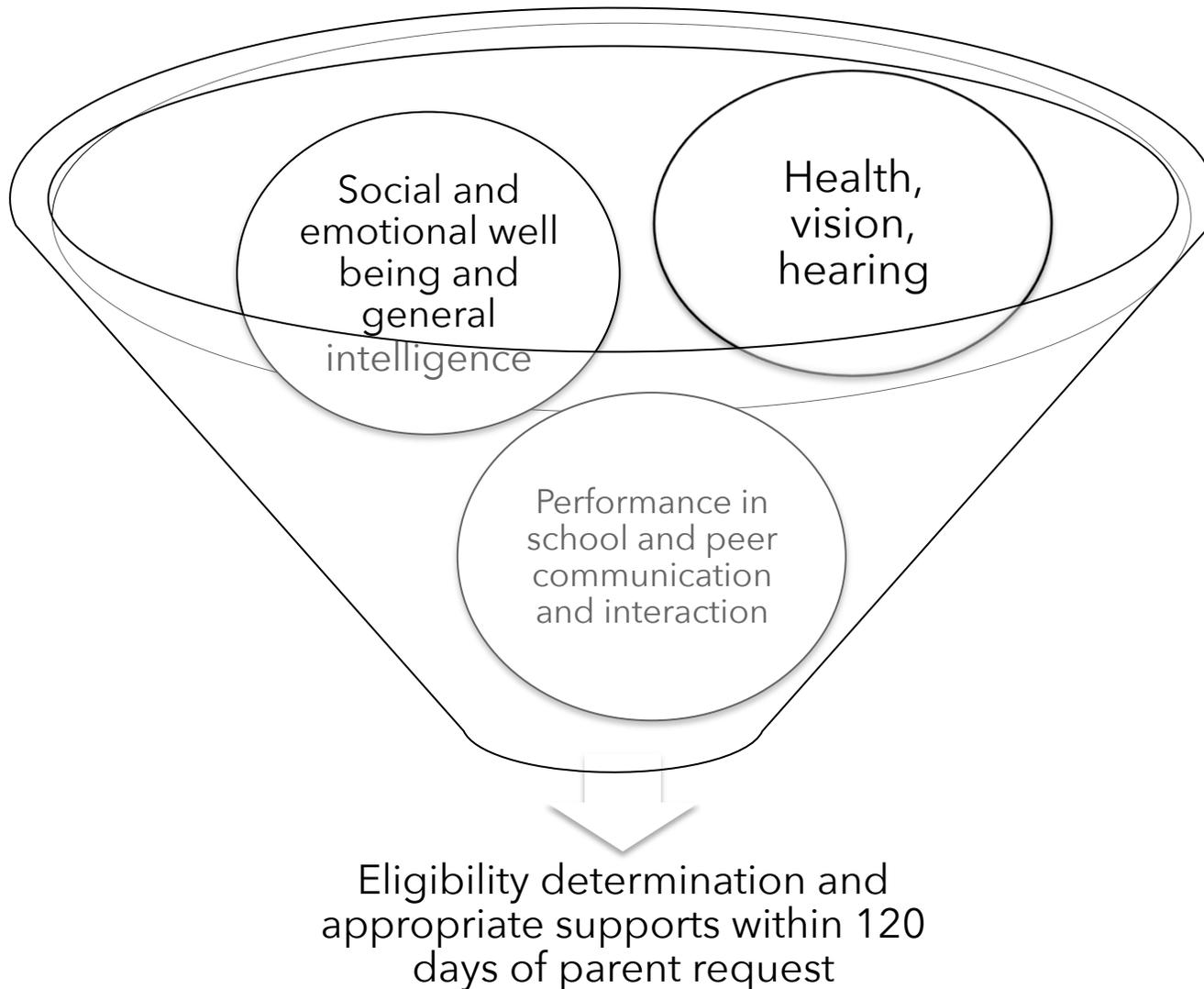
If a parent is concerned that a child may have a disability and need more support at school, the first step is to request that the school evaluate the child.

The school cannot evaluate the child unless they have the permission of the parent or guardian.

Parents may also provide the school with any documents or information from outside providers (such as doctors or therapists) that help explain the child's needs.

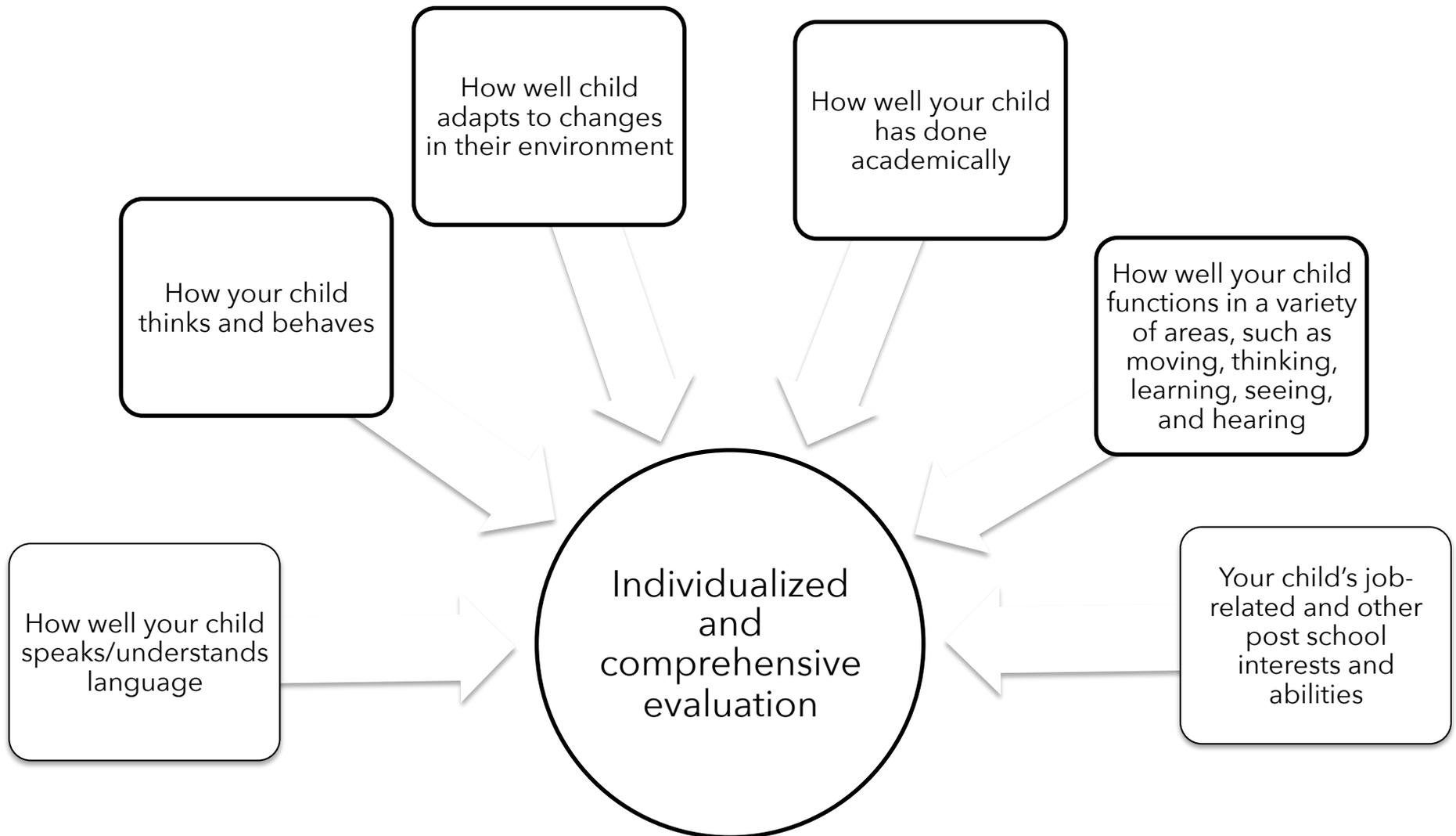
Parents have the right to request an independent IEP evaluation if they disagree with the school's evaluation.

Parent requests evaluation



Professionals may give your child written tests, observe your child, or talk personally with your child. They will also typically talk to you.

Professionals try to get a picture of the whole child. They may measure the following:



Determining Eligibility

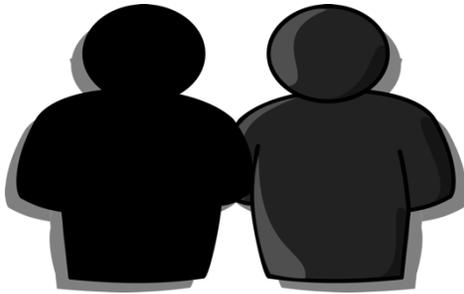
After the evaluation has occurred, the IEP Team will meet to discuss the evaluation in an Eligibility Meeting.

The school must provide parents with copies of evaluations five (5) business days before the IEP meeting.

Determining Eligibility

The IEP Team Consists of the Following:

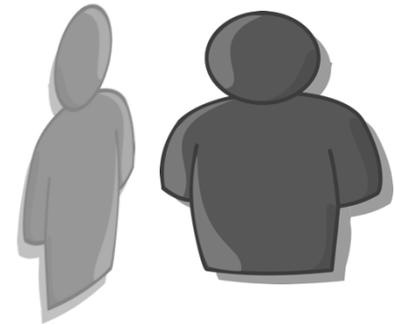
Parents or Guardians



Evaluator



Child's Teachers



Anyone else the
parent or guardian
invites



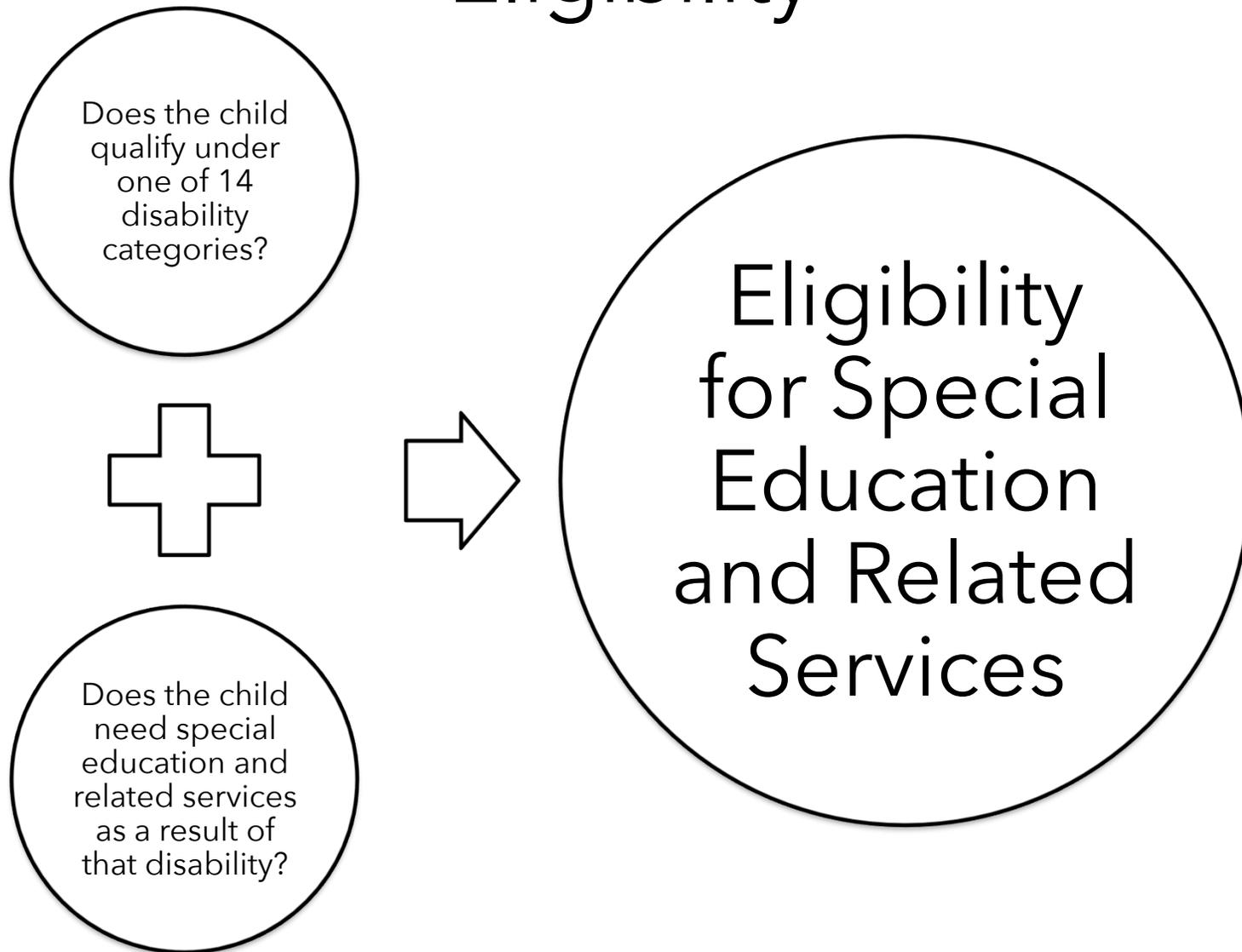
Someone with
decision-making
authority, such as
the Special
Education
Coordinator



Therapist or
other relevant
professional



After the Evaluation – Determining Eligibility



IEP Eligibility - Disability Categories

1. Autism
2. Deaf-blindness
3. Deafness
4. Developmental Delay*
5. Emotional Disturbance
6. Hearing Impairment
7. Intellectual Disability
8. Multiple Disabilities
9. Orthopedic Impairment
10. Other Health Impairment
11. Specific Learning Disability
12. Speech or Language Impairment
13. Traumatic Brain Injury
14. Visual Impairment Including Blindness

* DC recognizes developmental delay only for children 3-7.

What is an IEP?

An IEP, or Individualized Education Program, is a written document that describes the educational program to meet a child's individual needs.

The IEP has two purposes:

1. Set learning goals for your child.
2. State supports and services that the school district will provide for your child.

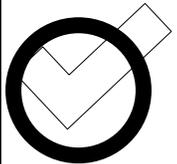
What's in the IEP?



Current academic and functional performance



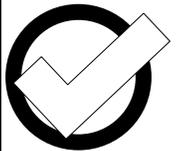
Annual Goals



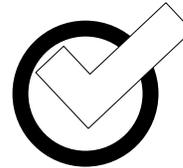
Special Education and related services



Time spent with nondisabled peers



Dates and location of services



Assessment participation and accommodations / modifications



How progress will be measured



Transition services (post-secondary)

A parent or guardian has the right to refuse services, request changes to the IEP, or call an IEP Meeting.

Procedural Safeguards

IDEA provides an extensive range of procedural safeguards for parents should they believe that there has been a denial of FAPE.

- Due Process Complaint
- State Complaint
- Formal Mediation

As the state education agency, the Office of the Superintendent of Education's (OSSE) Office of Dispute Resolution helps ensure that schools do not violate federal and local special education law. Parents may file a complaint with OSSE to initiate an investigation of potential denial of FAPE.

Understanding the Process: Section 504

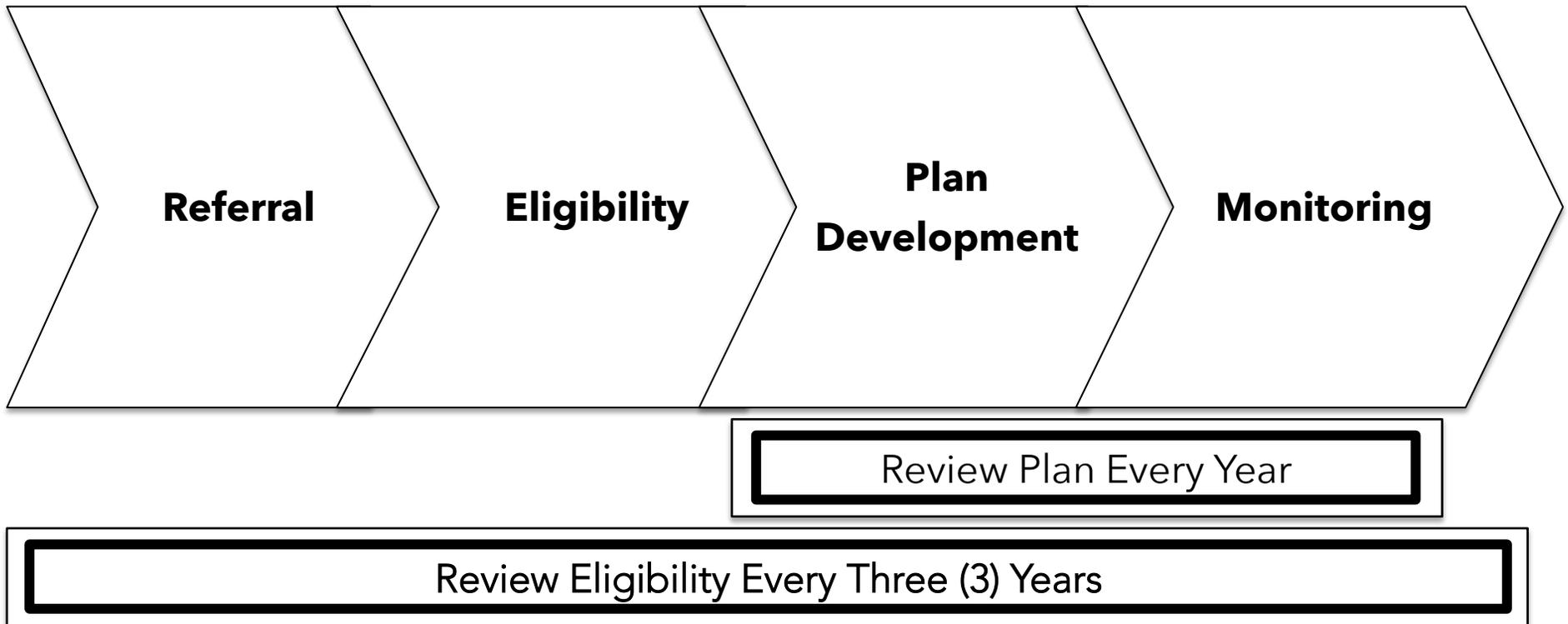
Section 504 Program

The Section 504 Program is named for Section 504 of the Rehabilitation Act of 1973 – this federal law requires public schools to provide reasonable accommodations to students with disabilities so these students can access a school's general education curriculum and learning opportunities.

Section 504 can provide Special Education for qualifying students who need it, but unlike with an IEP, a student does not have to need Special Education to qualify under Section 504. Section 504 focuses on ensuring that eligible students with disabilities receive reasonable accommodations or services.

(DCPS 504 Parent Brochure and Department of Education FAQ)

Evaluation



Section 504: Eligibility

Not all students with disabilities are eligible for special education.

If your child doesn't meet the eligibility criteria for an IEP, your child may qualify for a 504 Plan if:

- Your child doesn't have a qualifying IEP disability, but does have a disability that substantially impairs a major life function, and requires specialized instruction

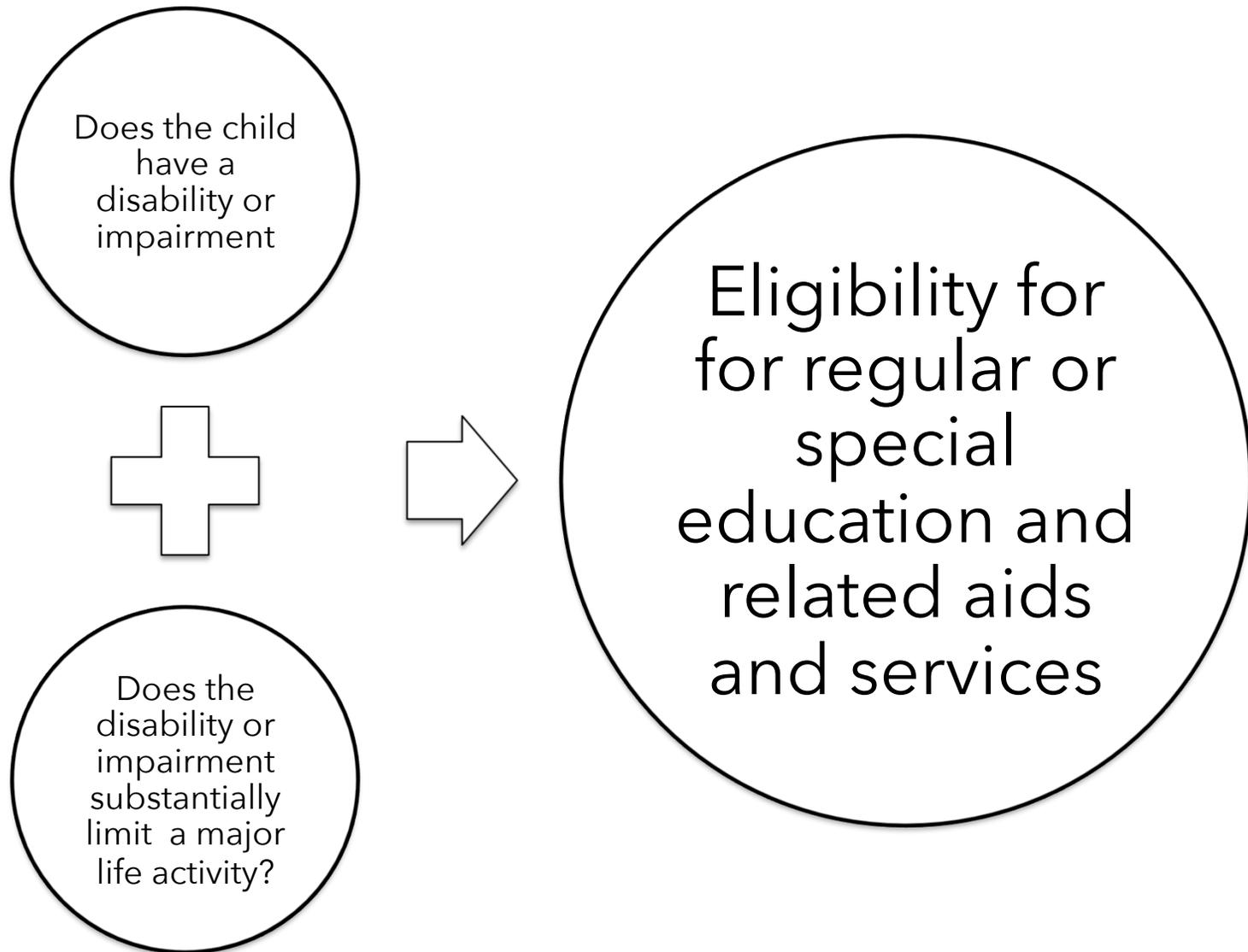
- OR -

- Your child doesn't require specialized instruction, but has a disability that substantially impairs a major life function

Determining Eligibility

The Process for determining 504 Plan Eligibility can follow the same process as eligibility for an IEP. Parents and guardians can also submit a doctor's recommendation identifying the child's disability and support needs.

To determine Section 504 Eligibility



Safeguards: Grievance Process

DC Public Schools: The Grievance Process

1. Informal mediation with the school principal
2. Written grievance can be submitted to the Section 504 Program Specialist, who will investigate and provide a written response
3. Hearing before a grievance review panel

Public Charter Schools:

- Each school has their individual process - contact the school or school network for details

Also, you may file a complaint with:

Office for Civil Rights / DC Office

U.S. Department of Education

400 Maryland Ave SW - Washington, DC 20202

Phone: (202) 453-6320

Email: OCR.DC@ed.gov

Online: www.ed.gov/OCR

Resources