

SO HOW DO YOU GET YOUR KID ON THE DCPS SPECIAL-ED GRAVY TRAIN?

START!

STEP 1: GET AN IEP

First, you need to get your child a written IEP (Individual Education Program) request for an evaluation of his suspected disability. If your child isn't tested within 90 days, you're off to a good start; DCPS is already out of compliance—a fact that will come in handy as the process moves forward.

STEP 2: IEP MEETING

Once the evaluation results are in, you'll meet with the school's multidisciplinary team—the teacher, special-education coordinator, psychologist, and other school-service providers—to decide if your kid is eligible for special education.

CHILD NOT FOUND ELIGIBLE

CHILD FOUND ELIGIBLE

STEP 3B: YOUR KID'S INELIGIBLE

If your child is ineligible for special education, try again next year or pay for an outside evaluation.

STEP 3A: YOUR KID'S ELIGIBLE

Now the fight begins. You're going to get real familiar with a pair of abbreviations: FAPE—"free appropriate public education"—refers to the standard of education your kid is guaranteed under the law. LRE—"least restrictive education"—has to do with the fact that your child must be placed in the closest thing possible to a regular classroom. To move forward, you need to prove that DCPS is incapable of providing FAPE to your kid, taking into account his particular circumstances. You can also escape DCPS by proving that your child has failed to make progress in the LRE that the public school provides.

STEP 4: MONITOR YOUR CHILD'S IEP

Once the IEP is in place, start documenting. If your child is reliable, have him record which services he receives and when. Keep anything the teacher sends home and check in regularly. Monitor your child's academic progress at home. This is the time to cooperate and wait for the school to drop the ball.

STEP 5: A PROBLEM ARISES

And one undoubtedly will. When it does, contact the school and get upset. It can be helpful to hire an advocate—someone to help you resolve problems between you and the school and to make sure that your child gets what he's entitled to.

PROBLEMS RESOLVED

PROBLEMS NOT RESOLVED

STEP 6: FILE A COMPLAINT

You're entitled to complain about the identification, evaluation, or placement of a child, or the provision of FAPE. But since 2006, the burden of proof in D.C. has been on the parents, not on DCPS. This means that you'll have to be on the ball. But DCPS staff can be so overwhelmed with cases they may not have a chance to review them before the day of the hearing.

STEP 7: RECEIVE A RESPONSE

The district should respond within 15 days to your request, but remember that it's inundated with between 250 and 300 hearing requests each month.

DECIDE IF YOU WANT TO MOVE YOUR KID TO ANOTHER SCHOOL

YES

NO

STEP 8A: MOVE THE CHILD TO ANOTHER SCHOOL

If you're already determined to move your child out, and you have the means to do so, do it. If you later succeed in getting an agreement for that placement, you'll likely get reimbursed. Announce your decision 10 days in advance, either at a meeting or in writing. Any time you communicate with the school, explain why your child's current placement is unfit and indicate that you're asking for funding from the school.

STEP 8B: STAY PUT FOR NOW

If you stay put during the complaint process, accept any offer that the school makes to placate you. If you don't, you'll be at a disadvantage later because DCPS will say that you should have tried the school's suggestions.

STEP 9: RESOLUTION HEARING

Fifteen days after your complaint, you should attend a resolution conference with a DCPS hearing officer. (You also have the option of going to mediation, but this happens rarely in D.C.) At this point, DCPS should have a suggestion as to how your case should be handled. But often, the district doesn't put anything new on the table. If nothing has changed, you can refuse the offer and move to a formal "due-process" hearing.

GIVE UP

SETTLE

SEE DCPS IN COURT

STEP 10A: GIVE UP

At any time, you can give up your complaint or try to resolve it through an IEP meeting. Due-process hearings are costly, and Greenberg doesn't advise people to try them if they won't win.

STEP 10C: SETTLE YOUR CASE

The goal of any special-education hearing is to get the child the services as soon as possible. Many settle before the hearing, but following through on settlement agreements can still be a problem for DCPS.

STEP 11: AT THE HEARING

Preparing for a hearing will become your part-time job. Plan to get everything you need—student records, relevant tests, and any other documentation—well in advance. A few tips:

- Visit the schools that DCPS suggests to help you explain why your child should not be placed there.
- Get all the information that you can about any school that your child may be placed in, including the other students' IEPs, the curriculum, disciplinary policies, even teachers' résumés.

- Choose experts and the people who are going to testify. Your testimony will be helpful, so prepare thoroughly. If the child can testify, consider asking him to explain why he wants to move schools.
- Make sure that you have evidence to support every allegation. Organize your evidence around a few talking points that can be summed up in a couple key phrases that will resonate with the hearing officer.

WIN

LOSE

STEP 12A: YOU WIN

Congratulations! Your child will now be getting a private education on the city's dime. Before you leave, make sure that transportation and any other concerns are written into the plan.

STEP 12B: YOU LOSE

There's not much you can do here. At this point, recommends Greenberg, you may just want to transfer to another school.

FINISH

