

DC Special Education Legislation Effective Dates – updated July 2016

Provision	Effective Date
Notice of Change of Location: Written notice must be given to parents before a change of location in writing.	March 10, 2015 DC CODE § 38-2571.03
Getting Documents to Parents: Copies of written documents (progress data, draft IEPs) must be provided 5 business days prior to an IEP meeting and final drafts within 5 days after.	March 10, 2015 DC CODE § 38-2571.03
Observation: Parents—or specific types of designees—are entitled to observe their child in his or her current or proposed special education classroom.	March 10, 2015 DC CODE § 38-2571.03
Transfer of Rights: Students over 18 will be able to permit others to make educational decisions about their rights or use Supported Decisionmaking.	March 10, 2015 (with one section awaiting regulations from OSSE) DC CODE § 38-2571.04
Resources for Parents: Written notices must include resources for parents to resolve problems with a child’s education.	March 10, 2015 DC CODE § 38-2571.03
Hiring and Review of Hearing Officers: A community review panel will review hearing officer candidates for special education due process hearings.	March 10, 2015 (Pending Panel development) DC CODE § 38-2572.02-3
Sanctions Against Attorneys: Attorneys can be restricted from special education due process hearings if they are found to engage in a pattern of frivolous pleadings.	March 10, 2015 DC CODE § 38-2572.04
Lottery Preference: Charter schools can establish a preference for students with an IEP or particular disability through the lottery system.	March 10, 2015 DC CODE § 38-1802.06
Ombudsman: The Ombudsman for Public Education has the authority to observe instruction in the school and identify school level concerns.	March 10, 2015 DC CODE § 38-354
Transition Planning: One year before completion of school the IEP team must identify any evaluations needed for adult services decisions. Schools will be required to provide transition plans and services to students with IEPs starting at age 14 rather than 16.	March 10, 2015 – identify evaluations needed When funded – transition plan at 14 DC CODE § 38-2614
Burden of Proof in Due Process Hearings Shift: Except for reimbursement cases, burden of persuasion falls on the school district if the dispute is about educational placement and if parent establishes prima facie case.	For proceedings initiated after July 1, 2016 DC CODE § 38-2571.03
Expert Fees: Parents who prevail at a hearing can recover reasonable expert fees up to \$6,000.	For proceedings initiated after July 1, 2016 DC CODE § 38-2571.03
Evaluation: Children who have been referred for a special education evaluation must be evaluated within 60 days from parental consent or 90 days from referral.	When funded (was not funded in FY17 budget) DC CODE § 38-2561.02
Early Intervention: Children up to age three will be eligible for early intervention services if they have a 25% delay in just one developmental area.	When funded (was not funded in FY17 budget) DC CODE § 38-2614
Elimination of Dependent Local Education Agencies: Every current charter school must become its own LEA for the purpose of Part B of the IDEA. Exception may be made if a school with more than 90% of its students entitled to receive services pursuant to an Individualized Education Program (St. Coletta).	August 1, 2017 DC CODE § 38-1802.10

