

An Overview of the Special Education process

Metro DC EDS and HSD Support Group

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Special Education Process + Section 504 Basics

Tonight's topics:

- Steps in the special education process
- Steps in the IEE process
- Section 504 Plan Basics
- Some challenges that may occur during the eligibility process



Special Education How does the process start?

Someone needs to start the process. It can be the parent or it can be school staff. Timeline for meeting #1 to occur varies by state. The first meeting is sometimes referred to as a screening meeting.

The overall question to be answered: Does the student have an educational disability that requires specialized instruction?



Special Education What is discussed at the first meeting?

A multi-disciplinary team that includes the parent decides if they suspect an educational disability that requires specialized instruction, and, if so, what evaluations would be needed to make that determination?

Parent / Guardian Consent to proceed with evaluations is obtained either that day or shortly thereafter.



Special Education Who decides if a student is eligible?

By no later than 60 calendar days from parental consent being signed, the team comes together again for:

Meeting #2, an **eligibility meeting** to decide if a student is eligible for special education, where evaluation results (and other information) is discussed



Special Education

How does the team determine eligibility?

A discussion occurs to review data from multiple sources.

Q 1. Is there an educational disability (such as Other Health Impairment)?

Q 2. Due to that disability that student does the student require specially designed instruction

See 3 for definition

<https://sites.ed.gov/idea/regs/b/a/300.39>

Key words: Content, delivery, methodology



Definition of Specially Designed Instruction (see link on prior slide)

(3) Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction—

(i) To address the unique needs of the child that result from the child's disability; and

(ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.



Special Education What is one option if an evaluation is problematic?

What if you disagree with the quality or contents of one (or more) of those evaluations?

Then you can request an IEE. This is mentioned in Procedural Safeguards but rarely discussed by school staff.



Special Education What is an IEE?

An Independent Educational Evaluation (IEE) could be **for any evaluation:** psychological OT, educational, S/L, PT. etc. (not just for educational evaluations.)

The school district has two options when you request an IEE:

Grant your request for a private eval. at public expense

File due process against you (the parent)

They must have already tested your child in that area before you can request an IEE (you can't request a S/L eval unless they have done a S/L eval.)

*They can ask you why you are requesting the IEE but you don't have to tell them.



Obstacles/Challenges:

Some common situations

Some typical obstacles parents may encounter:

- Predetermination of a qualifying decision by school staff
- School staff believing they can interpret and discount the impact of a medical condition
- Looking at only one data source and ignoring others (don't sleep on the teacher email/ call home data treasure trove)
- School staff not understanding some disabilities may not always present at birth but still may have impact

Medical Symptoms

When a child has medical symptoms:

- School staff is typically more versed in issues relating to academic and behavior challenges and is not used to discussing OHI except for ADHD
- School staff may not “see” your child as “disabled”
- You have to plead your case for them to see the severity of the situation
- They want to speak to private providers first even after they have reports



Section 504 Plans:

What if a 504 Plan is a better fit?

For those who have:

- a physical or mental impairment (not a finite list)
- That impairment substantially limits one or more major life activities (one of those activities can be learning)

<https://sss.usf.edu/resources/topic/section504/504course/Module3/Initiating504.html#:~:text=Section%20504%20evaluations%20may%20encompass,of%20more%20formal%20assessment%20measures.>



Requests:

Put requests in writing

If school staff tries to have a conversation about it beforehand:

- document what you heard, send a follow up email
- ask for a meeting even if they say they believe your child would not qualify
- copy or direct emails to administrators



Request:

Ask for the IEP process to start

Date

Dear Administrator:

I hope you having a good day. This email is to formally request that my child, _____, be fully evaluated to determine if they have an educational disability that would require special education.

Please acknowledge receipt of this email. I look forward to hearing from you.

Sincerely,



Request:

Ask for a Section 504 Plan Meeting

Date

Dear Administrator:

I hope you having a good day. This email is to formally request that my child, _____, be evaluated to determine if they qualify for a Section 504 plan.

Please acknowledge receipt of this email. I look forward to hearing from you.

Sincerely,



Do not have an IEP meeting or 504 Plan meeting **via email**

If school administrators want to argue or disagree with your request, this doesn't replace the need for a meeting.

They may want you to JUSTIFY your request or provide lots of medical documents before you schedule the meeting, so proceed with caution. You are not going to get a PWN if you just send emails.



Meeting Preparation Know your rights and know the forms

Read the Procedural Safeguards/Due Process Rights (posted online). Highlight key terms, and tab if needed.

Read over blank forms available online (usually by school system)

Know your terms: specialized instruction, educational disability, impairment, major life functions/activities



Meeting Prep.: Know what you will share and what you won't share

Many school teams want a blanket consent form signed

This consent form allows schools to request carte blanche your child's medical information from certain providers

Instead: YOU request the documents, redact them if needed, provide to the school



IEP Meeting Prep

The IEP team has their data.
You should have your data.

What kind of data can a parent keep?

Notes on fatigue with task,
notes on need for material to
be retaught if memory issues
exist, notes on how condition
affects participation in the
general ed. curriculum, is
homework a struggle



Listen for questionable phrases

“We can give her extended time if she is motivated.”

“I wonder how much of this is will.”

“We don’t them to start depending on these accommodations too much.”

“I have seen other students with the same symptoms and they didn’t need an IEP.”

“We usually don’t have a lot of students qualify at this age.”



Listen for key words: **can't, won't, and don't**

We **can't** do that in this building / in this district / in this grade.

We **won't** be able to have a meeting for a few months.

We **don't** do that type of accommodation in that math class.

Ask for the written policy (after thanking them politely for letting you know.)

“Thank you so much for sharing that information. Could I please have the written policy that doesn't allow you to provide accommodations for after-school activities?”



Misc. meeting tips

If you know people are not productive, talking in circles, or don't have the right staff present at the table, ask for the meeting to be continued. Plan your exit.

For the next meeting, ask in advance via email to audiotape the meeting

A virtual meeting may be easier because you will have all all of your data

Don't be pressured to make a decision on signing anything on the spot.





Thank you for attending!

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