

What can I do if I believe my child needs special education services?

When parents believe that a disability might be the reason for their child's difficulties in school there are specific steps that can be taken to request an evaluation for Special Education.

Parents/guardians can request an evaluation for special education at any time. Children can get interventions in the general education setting and there is often no need for additional support.

What are the first steps for determining special education eligibility?

Understanding your child's right to an evaluation for Special Education can help you better understand what your next steps should be.

"A parent of a child... may initiate a request for an initial evaluation to determine if the child is a child with a disability." (The IDEA, 20 U.S.C. § 1414(a)(1)(B)). "Such initial evaluation shall consist of procedures — to determine whether a child is a child with a disability (as defined in section 1402) within 60 days of receiving parental consent for the evaluation..." (20 U.S.C. § 1414 (a)(1)(C)).

What are the next steps for determining special education eligibility?

As with all important requests, it is best to put a request for an evaluation for Special Education in writing, and address it to the general education teacher or principal. Be specific about why you believe your child needs an evaluation and what skill areas are of concern.

In Iowa, the first step when an evaluation has been requested for a child is for a team to decide if there might be a disability that is impacting educational performance. If there is enough evidence that a disability is suspected of causing difficulties in school then the team should move forward with the evaluation process without significant delay.

To begin the process, the school may hold a meeting with the parents and the Area Education Agency (AEA) to determine the presence of a suspected disability using a form as a guide. This process should not significantly delay an evaluation. It is reasonable to expect the Disability Suspected meeting to be scheduled within ten calendar days of notifying the school in writing that you are requesting an evaluation.

At this first meeting, you should expect to discuss what the issues are that led you to believe a disability is or might be affecting your child's ability to learn. Parents/guardians should be prepared to bring relevant information to show the child's needs which can include information from outside providers and what you experience at home.

The bar for determining whether a disability is suspected is intended to be low. If there is a need for obtaining additional data this warrants an evaluation at this step in the process. This process should not require extensive analysis, and should not wait for other interventions to be tried first. The ultimate question is whether the team suspects that a student may have a disability that may be impacting the student's progress or participation in school.

What are the four conditions outlined by the Disability Suspected Form that trigger a special education evaluation though IDEA?

- 1) The child has a disability that meets one of the 13 categories of disability under IDEA and that disability has an impact on the student's education. The 13 categories are as follows: autism, deaf-blindness, deafness, emotional disturbance, hearing impairment, intellectual disability, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment including blindness.
- 2) There is data to suggest that the student is not

meeting grade level standards and is unique compared to peers.

- 3) There is data to suggest that the student has received high quality instruction and the student isn't making or progressing towards the expected minimum standards.
- 4) The child has received high quality instruction and interventions targeted to the area of concern and is making or progressing towards meeting the standards but will likely require continued support.

If any one of the four conditions exist, a disability is suspected and triggers the need for a Full and Individual Initial Evaluation. If none of the four conditions exist, then the team may deny the parent's request for evaluation, but should provide the parent with a Prior Written Notice (PWN) explaining the factors used to make that decision. Parents can ask for a written explanation (or PWN) if their request has been denied.

Parents may request an evaluation at any time. However, a full and individual, initial evaluation is required only if the child is suspected of having a disability.

What reasons can not be used to refuse an evaluation for special education?

- IDEA does not say that a child must be failing at school to qualify for an evaluation.
- IDEA does not say that a child must be performing in the bottom 10th percent or 12th percent of the class to qualify for an evaluation or be eligible for Special Education services.
- IDEA does not say that a child must have completed other general education interventions to qualify for an evaluation.

Will an evaluation be conducted?

If the answer to the question "will you evaluate?" is "yes", parents should receive, sign, and return the AEA's consent form. You can expect that the evaluation will take place within 60 calendar days of the date the signed consent form is received by the school/AEA. It must be a comprehensive evaluation. For children transitioning from Early ACCESS, the team must complete the evaluation and hold the meeting to determine eligibility within 60 calendar days and prior to the child's third birthday.

If the answer to the question "will you evaluate" is "no",

make sure you receive a PWN. The notice should include:

- an explanation of why the school and AEA refuses to conduct an evaluation;
- a description of any options the school and AEA considered and the reasons why those options were rejected;
- a description of each intervention procedure, assessment, record, or report the school and AEA is using as a basis to refuse the parents' request for evaluation;
- and a description of any other factors relevant to the school and AEA's refusal.

If you don't agree with the decision, review the Procedural Safeguards Manual for Parents that outlines parental rights. ASK Resource Center or the Family Educator Partner (FEP) from your AEA are additional resources to provide support.

Related Resources

Look for the following information sheets on www.askresource.org/resources

- A Comprehensive Special Education Evaluation
- What is Special Education and Who is Eligible?
- Six Principles of IDEA
- Prior Written Notice
- The Procedural Safeguards Manual for Parents (from the Iowa Department of Education)

ASK Essential Questions

- Have I put my request for an evaluation in writing?
- What evidence can I provide the team with to show how my child's disability is impacting his/her learning?