

There are good reasons for not evaluating a child for Special Education too quickly. Many children can get low-level assistance (usually referred to as “interventions” by schools), and have no need for anything else. However, there are also good reasons for pursuing an evaluation without significant delay. Understanding your child’s right to an evaluation for Special Education can help you flush out what your next steps should be.

### **An important timeline in IDEA law**

“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)).

As with all important requests made to any type of provider on behalf of your child, it is best to put a request for an evaluation for Special Education in writing, and address it to the superintendent of your school or the director of Special Education. Be specific about why you believe your child needs an evaluation and what skill areas need to be evaluated.

In Iowa, the first step when an evaluation has been requested for a student is for a team to decide if there might be a disability that is impacting educational performance or if there is enough reason to move forward with the evaluation process. If there is enough evidence that a disability is suspected then the team should move forward with the evaluation process.

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, and review any related data.

There is no need for obtaining added data to determine if a disability is suspected that warrants an evaluation at this step in the process. The bar for determining whether a disability is suspected is intended to be low. This process should not require extensive analysis, and should not wait for other interventions to be tried first. The 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.

### **Three instances outlined by the Disability Suspected Form that trigger an IDEA evaluation**

- 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 has received high quality instruction (including general education, and targeted and supplemental interventions) and the student isn’t making or progressing towards the expected minimum standards. The student is unique when compared to peers, and the performance can’t be explained by other factors than a suspected disability.
- 3) 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 of the three circumstances is true then the AEA should evaluate the student. If none of the three is true 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. You can ask for a written explanation (or PWN) if your request is denied.

### Three things the IDEA does *not* say

- 1) IDEA does not say that a child must be failing at school to qualify for an evaluation.
- 2) IDEA does not say that a child must be in the bottom 10th percent or 12th percent of the class to qualify for an evaluation.
- 3) IDEA does not say that a child must have completed other general education interventions (like Response to Intervention) to qualify for an evaluation.

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

If the answer to the "will you evaluate?" question is "yes", make sure you receive, sign, and return any consent forms promptly. Then, you can expect that the evaluation will take place within 60 days of the date you put the signed consent back in the hands of the educators.

If the answer to the "will you evaluate" question is "no", make sure you receive your 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.

What is most important at this point is that you understand and agree with the answer about the need or lack of need for an evaluation. If you don't agree or understand, keep asking questions and talking about your concerns objectively until you feel comfortable with the next steps that will be taken. If you just can't reach an agreement, this might be a good time to call ASK Resource Center or the Family Educator Partner from your AEA.

### Related Resources

Look for the following information sheets on [www.askresource.org/resources](http://www.askresource.org/resources)

- Special Education Evaluations
- Six Principles of IDEA

And view the Procedural Safeguards Manual for Parents from the [Iowa Department of Education](http://www.ed.gov/idea).

### 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?