



from Equip for Equality's Legal Advocacy Program

EFE FACT SHEET – Special Education

Evaluations For Special Education Services

Introduction

If you believe that your child needs special education services, this Fact Sheet will help you learn about the evaluation process to find out whether your child should receive special education services and what those services should be.

Evaluation Basics

What is an evaluation?

- A group of tests given to your child to show strengths and weaknesses.
- Used to find your child's learning needs.
- Used to find whether your child should get special education services.
- May also be called a case study evaluation.

Why must your child be evaluated?

- To show that your child qualifies for special education services.
- You may disagree with any part or all of the evaluation.

How does the School use the evaluation?

- To show that your child needs special education services.
- To help create your child's Individualized Education Program (IEP).
- To make IEP goals.

Who pays for the evaluation?

- The School District pays for the evaluation, if it agrees that your child needs it.
- **Do not use your own money or insurance for the evaluation.**

Step One - Requesting an Evaluation

Who can request an evaluation?

- You.
- A teacher or school administrator.
- Someone who works with your child at a public agency.

When should you request an evaluation?

- If you or someone else (for instance, your child's teacher or doctor) believes that your child may have special needs or a disability.
- Your child is having trouble with school work.
- Your child is having trouble with behavior problems.
- You want services from the school.

How do you request an evaluation?

- Write a letter to the principal.
 - Ask that your child be tested for special education services.
 - Your letter should include:
 - ✓ Problems that your child has had.
 - ✓ Steps that you or the School has taken to help your child.
 - ✓ That you agree that the School can do the evaluation.
 - ✓ Tests that you want done.
 - ✓ Tests that you do not want done, if any.
 - ✓ That you want a copy of the school's evaluation procedures.
 - ✓ That you need a response within 14 school days.
 - Bring your letter to the main office at School.
 - ✓ Ask someone to make a copy of it (such as the secretary).
 - ✓ Ask for information and a copy of the School's evaluation procedures.
 - ✓ Ask the person who takes the letter from you to sign and date both letters.
 - ✓ This gives you and the School a record of your request.

What happens after you make your request?

- The School may observe your child.
- The School may meet with your child and/or the teacher.
- The School has **14 school days** to decide whether to evaluate your child.
- If the School decides not to conduct an evaluation:
 - The School must tell you why.
 - The School may want to use Response to Intervention instead of doing an evaluation—this may not be appropriate. For more information, see the Response to Intervention fact sheet.
 - If you disagree with the School, you can ask for an impartial due process hearing. For more information, see the Conflict Resolution fact sheet.
- If the School decides to conduct an evaluation:
 - The evaluation must be done within **60 school days** of your request.
 - If someone else made the request, the School will ask for your permission.
 - If you agree with the evaluation, you should give your permission.
 - **If you do not want the school to conduct an evaluation, do not give your permission.**

Step Two - The School Evaluation

What must the School do when it evaluates your child?

- Conduct a full and individual evaluation that:
 - Covers all areas where your child is having problems.
 - Uses tests that are for your child's needs.
 - The School cannot use the same evaluation for every child.
- Create an IEP team that is made up of:
 - Your child's teachers, a special education teacher, administrators at the School, psychologists, and other needed specialists.
 - People who have knowledge and skills necessary to decide whether your child needs special education services.
 - **You--you are an important member of the IEP team!**
 - ✓ Tell the team your concerns.
 - ✓ Tell the team in what area your child needs help.

- ✓ For example, if your child has problems talking compared to other children, you should ask for a speech evaluation.
- Your child--if you think your child should come.

What does the IEP team do?

- Decides what tests are needed for the evaluation to find:
 - Whether your child has a disability.
 - Your child's current educational levels and educational needs.
 - Whether the disability affects your child's education.
 - Whether your child needs special education services.
 - Whether your child needs any other supports for learning.
- The IEP team does not need to have a formal meeting to decide about the tests.
 - Find out your child's IEP team before your child is evaluated.
 - Tell them about your concerns before the tests are started.
 - Ask what tests are going to be done.
 - Ask what the evaluators are testing for and the reason the tests will be helpful.
- **You can agree to all, some, or none of the tests.**

What happens after the IEP team decides which tests to use?

- The tests must be done by trained and qualified people.
- It will set up the testing.
- Once the tests are done, a report will be made.
 - Ask for a copy of the report.
 - Ask for a copy of the tests that were given.
 - Read over the report.
 - Make notes where you have questions.

Step Three - After the Evaluation

What does the School do after the evaluation is done?

- Schedule an eligibility conference:
 - A meeting where the IEP team discusses the results of the evaluation.
 - A meeting where the IEP team talks about whether your child needs special education services.
 - **You should go to the eligibility conference.**

- ✓ Read the evaluation report before going to the conference.
- ✓ Write down questions about the evaluation report and tests.

- Find if your child is eligible for special education.
 - The IEP must find that your child has one of the following disabilities:
 - ✓ Autism
 - ✓ Deaf-Blindness
 - ✓ Deafness
 - ✓ Emotional disturbance
 - ✓ Hearing impairment
 - ✓ Mental retardation
 - ✓ Multiple disabilities
 - ✓ Orthopedic impairment
 - ✓ Other health impairment
 - ✓ Specific learning disability
 - ✓ Speech or language impairment
 - ✓ Traumatic brain injury, or
 - ✓ Visual impairment

- The IEP team cannot find your child eligible for special education services if the main reason for your child's difficulty is:
 - Poor instruction in reading,
 - Poor instruction in math, or
 - Limited English ability.

- If your child is found eligible, then the team must have an IEP meeting:
 - What is an IEP?
 - ✓ A written plan that:
 - ⇒ Explains your child's needs.
 - ⇒ Tells what supports and services the School will give.
 - ⇒ Has goals for your child.
 - When will the meeting take place?
 - ✓ It can be at the same time as the eligibility conference.

- ✓ You can ask that the meetings be on two different dates so that you have time to think about what your child needs and what should be in the IEP.
- ✓ **Within 30 days** after your child is found eligible for special education services (unless you agree to extend it).
 - For more information about creating an IEP, see the Individualized Education Program fact sheet.

What can you do if you disagree with the evaluation?

- Get an independent evaluation.
 - An independent evaluation is done by someone who is not connected to the School.
 - The School District should give you a list from the Illinois State Board of Education (ISBE) of independent evaluators.
 - For more information, see the Independent Evaluation fact sheet.
- Make sure your child stays in his/her current school placement.
 - If you disagree, the School District cannot put your child in a special education placement.
 - If the School District wants your child to receive special education services without having your agreement, it must ask for a due process hearing.

What should you do after your child's IEP is created?

- Keep in close touch with your child's teachers.
 - Make sure that the IEP is followed.
 - Get detailed reports about how your child is meeting the IEP goals.
- Go to all of your child's IEP meetings.
 - Whenever the IEP team meets to review your child's IEP, prepare a Parent Report about your child's progress.
 - Talk at the IEP meetings. You know a lot about your child that is important to share.
- When your child becomes eligible for special education services, he/she will have a great deal of educational rights. It is important that you stay a strong advocate for your child so that he/she can get the services necessary for success!



DO YOU HAVE A QUESTION?

Contact Equip for Equality (all services are free of charge):

Helpline: 866.KIDS.046 (voice) or 800.610.2779 (TTY)

Contactus@equipforequality.org

www.equipforequality.org

This resource material is intended as a guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, an attorney should be consulted.

Equip for Equality, an independent nonprofit organization, is the Illinois state Protection & Advocacy System whose mission is to advance the human and civil rights of children and adults with disabilities.

This publication was made possible by a grant from the Illinois Equal Justice Foundation. The contents of this publication are the sole responsibility of the authors and do not represent the official views of the Illinois Equal Justice Foundation.

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