



## SPECIAL EDUCATION RIGHTS: ILLINOIS EDITION



# How to Help Your Child Be Successful in School - Getting a 504 Plan or IEP

This fact sheet answers:

- Does My Child Need Special Education?
- How Will Special Education Help My Child?
- What Do I Need to Do to Get My Child into Special Education?
- And More

## How Do I Know If My Child Needs Extra Help in School?

Your child might need this special help if he:

- Has trouble learning to read, write, or do math problems.
- Is acting out in school.
- Has a hard time paying attention or following directions or school routines.
- Has a hard time speaking or listening.
- Has a hard time making friends.

Not every child loves school. But if your child seems to be having a very hard time, something more might be going on. Your child might have a disability that makes school extra hard for him. Children with disabilities can get special education and services to help them do better in school.

## Why Would I Want My Child to Get Special Education?

Special education can be a tool to make sure your child gets what he needs in school. An IEP/504 Plan gives you and your child **special legal rights** at school. These rights help make sure your child gets help to learn and is not left out, unfairly punished, or hurt because of his disabilities.

## Is My Child Too Old for Special Education?

IEPs and 504s are not just for young children. Youth in middle school and high school can get an IEP or 504 Plan too. Students with disabilities can get special education in school until they turn 22.

## How Do I Ask for My Child to Be Tested?

You must ask in writing for your child to be tested for special education. Send an email or letter to your child's principal and the school's special education case manager. In your email or letter, you should say:

- All the problems your child is having in school.
- Everything you and the school have done to try to help your child.
- That you agree to let the school test your child.
- That you want this letter to be added to your child's official school records.
- That you know the school has to give you an answer in 14 school days.

Email is best because you have proof of the time and date that you sent it. If you write a letter, give it in person to the school instead of mailing it. Ask the school staff to make a copy of it with the person's signature and the date. **Keep this copy for your records.**





## How Long Does the School Have to Say Yes or No?

The school has **14 school days** to decide if your child should be tested for special education.

If the school agrees to test your child, it must tell you what tests it will do and get your signature agreeing to the tests **within 14 school days**.

If the school will not test your child, it must explain in writing why the school team thinks your child does not have a disability.

## How Much Does An Evaluation Cost?

**Parents do not pay for evaluations.** The school pays for them if it agrees that your child needs to be tested.



## How Long Does the School Have to Do the Tests?

The tests must be finished **within 60 school days** from the time you sign a form saying you agree to the tests. If it is near the end of the school year, the tests have to be done before the first day of the new school year.

## What Happens After the Tests Are Done?

The school will invite you to a meeting to go over the test results. Ask the case manager to give you copies of the tests before the meeting so you have time to read them.

If the tests show your child has a disability that really hurts his ability to do well in school, he needs an IEP. This can give him specialized instruction, in-school therapies, and accommodations.

If your child has a disability, but does not need specialized instruction, he can get a 504 Plan. The plan lists the therapies and accommodations he will get in school.

See Equip for Equality's "**504 Plans**" and "**Individualized Education Programs (IEPs)**" fact sheets to learn more about your child's rights and options.

## How Are 504 Plans and IEPs Different?

Both 504 Plans and IEPs help children with disabilities in school. A 504 Plan gives your child special accommodations to make school less hard. Your child can also get therapies (like speech therapy or social work) through a 504 Plan. If your child needs time with a special education teacher to help him learn, then he probably needs an IEP.

## What Do I Do After My Child Gets an IEP/504 Plan?

When your child gets an IEP/504 Plan, you and he will have many legal rights at school. See Equip for Equality's "How to be a Strong Voice for Your Child's Special Education Needs" fact sheet to learn about these rights.

## Does My Child Have to Be Tested?

If the school wants to test your child in an area you don't think is needed, you can say no to the whole test or part of it.

## Can the School Say No to Testing My Child?

Yes, but they should say in writing why they do not think your child has a disability. Schools should test any child that might have a disability. They are not supposed to say:

- It is too late in the school year to test your child. If it is near the end of the year, the tests must be done over the summer.
- They need more data to see if tests are needed.
- Your child only needs outside therapy or tutoring.
- Your child just isn't trying. Children who are very smart can still have a disability.
- You should pay for an evaluation.

## What Are Some Problems I Should Be Prepared For?

Some common problems parents have are:

- The school will not test your child at all.
- The school tests your child but then says he does not have a disability.
- The school says a 504 Plan is "enough" and will not give your child an IEP.
- Your child gets an IEP but you don't think it will do enough to help him learn.

## What Can I Do If I Have One of These Problems?

- You can ask for an Independent Educational Evaluation (IEE). If the school does not want to pay for an IEE, it will likely file for due process against you.
- Try to get a free or reduced-fee evaluation. Talk to your child's doctor and insurance company about an evaluation.
- File for due process or request mediation.
- Call Equip for Equality or another attorney or advocate.

See Equip for Equality's "What to Do When You Disagree with the School" fact sheet for more ideas. ■



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## Have More Questions?

Call our Special Education Rights Parent Helpline.

**1-866-KIDS-046** (1-866-543-7046)  
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[www.equipforequality.org/helpline](http://www.equipforequality.org/helpline)