

SPECIAL EDUCATION is specifically designed instruction and services to meet the needs of children with disabilities or exceptional learning needs. The Individuals with Disabilities Education Act (IDEA) is the federal special education law that gives rights and protections to children with disabilities. All school districts in California must provide a free appropriate public education (FAPE) to each child with a disability. Eligibility for special education is determined by an Individualized Education Program (IEP) team.

In order for a child to receive special education services, they must be found eligible through an evaluation process. This document outlines steps to follow if you think your child may be in need of specially designed instruction.

- 1 REQUEST AN EVALUATION IN WRITING** by letter or email to school administration outlining your areas of concern. The school must respond by either agreeing or refusing to evaluate in writing within 15 calendar days (not including days during school breaks).
Advocacy Tip: In your written request include a “please respond by” date to avoid delays.
- 2 PARENTAL CONSENT** is needed to complete an evaluation for special education. Once signed, it allows the school to complete a comprehensive assessment to determine eligibility and need of special educational services. Assessments may be academic, functional, language, motor, developmental, behavioral, or others.
Advocacy Tip: Request and keep a signed copy of all documents.
- 3 INITIAL EVALUATION TIMELINE** begins the first time you request a special education evaluation and must be completed in 60 calendar days (every day counts - even holidays and weekends) starting from the day you signed consent. If found eligible, an Individualized Education Program (IEP) must be developed within 30 calendar days.
Advocacy Tip: When you request evaluation, ask the school to allow you to sign parental consent forms; this will help avoid any delay.
- 4 ELIGIBILITY MEETING** occurs when the IEP team meets (note: parents are members of the team) to discuss the evaluation findings and determine if the student is eligible for special education services. Two questions must be asked to determine eligibility:
 1. Does the child have a disability that meets one or more of California’s disability definitions and standards?
 2. Does the child need special education to learn?If the answer to BOTH questions is yes, the child is eligible and the IEP team will meet to develop an IEP for the child. If the answer is to one or both questions is no, parents may 1)request a 504 Plan; 2)share your concerns; or 3)request reassessment/further evaluations.
Advocacy Tip: Get a copy of all documents reviewed or discussed in the meeting - evaluations, IEP, documented data, and anything you sign.
- 5 NOTICE OF PROCEDURAL SAFEGUARDS** is provided to you by the school. IDEA requires schools to provide the parents of a child with a disability a full explanation of their parental rights and the rights of the child (Procedural Safeguards) per the U.S. Department of Education regulations and California state law and regulations.
Advocacy Tip: Read the Procedural Safeguards and ask the school team to explain them if you have questions.

CALIFORNIA SPECIAL EDUCATION ELIGIBILITY

CALIFORNIA DISABILITY CATEGORIES

Autism • Developmental Delay • Emotional Disturbance • Hearing Impairment (including deafness)
 Orthopedic Impairment • Other Health Impairment (including Fetal Alcohol Spectrum Disorder)
 Specific Learning Disabilities • Speech or Language impairment • Traumatic Brain Injury
 Visual Impairment (including blindness)

PARENT CONCERN	WHAT YOU CAN DO
<p>“I requested an evaluation for my child, and the principal told me that they could give them a 504.”</p>	<p>Be sure to make your request in writing and ask to sign consent for the evaluation. The school must either evaluate the child or provide you written notice of the refusal. You can contact the Director of Special Education if you experience a delay in receiving a response.</p>
<p>“I asked about an IEP for my child but was told they would not qualify because they have good grades.”</p>	<p><i>“Each State must ensure that a free and appropriate education is available to any child with a disability who needs special education and related services, <u>even though the child has not failed or been retained in a course or grade and is advancing from grade to grade.</u>”</i> Make a written request for an evaluation and be sure to ask for a response in writing. <i>IDEA 300.101(c)(1)</i></p>
<p>“My child’s doctor said the school needs to give my child an IEP.”</p>	<p>A child’s doctor cannot determine if a child is eligible to receive special education through an IEP. You can share your doctor’s diagnosis, evaluations, and concerns with the school, and the school must consider the information when determining if your child is eligible. The school can still request to evaluate your child.</p>
<p>“My child has an IEP, but the school wants to remove it.”</p>	<p>If the school suspects a child no longer needs an IEP they MUST evaluate them before determining the child is no longer eligible for services. Ask the school for a written copy of the evaluation results they used to determine that your child was no longer eligible for an IEP. <i>IDEA 300.305(e)(1)</i></p>
<p>“The school says my child already has an IEP and does not need a reevaluation.”</p>	<p>Make your request for a reevaluation in writing and list the specific areas that concern where you don’t see progress, or that may not have been evaluated previously.</p>
<p>“I asked the school about testing for dyslexia and was told they don’t do that.”</p>	<p>California’s Dyslexia Guidelines require schools to screen all students for characteristics of dyslexia through Response to Instruction and Intervention (RTI). Ask to see the RTI data they have collected. You can also request an evaluation for special education (the school cannot delay evaluation while collecting RTI data). You can ask if a 504 Plan would meet your child’s needs.</p>
<p>“My child has been suspended multiple times, but special education eligibility has not been discussed.”</p>	<p>If you suspect that your child has a disability, make a written request for a special education evaluation. Your child’s frequent suspensions may be directly related to a disability and supports provided by an IEP may be needed to ensure they receive an appropriate education.</p>
<p>“Can I request that my child be evaluated even if they are homeschooled or in a private school?”</p>	<p>You can request that your local public school evaluate your child to determine if they are eligible for special education. If your child is determined to be eligible, the amount and type of services may differ from the services your child would receive if attending a public school.</p>

FINAL ADVOCACY TIP: If you disagree with evaluation results, parents have the right to request an independent educational evaluation (IEE) paid for by the school system. *IDEA 300.502*



REQUEST FOR SPECIAL EDUCATION ASSESSMENT

School: _____
Address: _____
City, State, Zip Code: _____

Practitioner Name: _____
Phone: _____
Fax: _____

Date: _____

RE: _____
DOB: _____

To Whom It May Concern:

This letter is written to request a comprehensive psychoeducational assessment for my child to determine eligibility for additional special education services and support. I feel that my child qualifies for both special education services and reasonable accommodations for the following reasons:

- difficulty understanding assignments disruptive behavior physical impairment unable to pay attention

Please assess:

- Cognitive Development/Thinking Strategies Motor/Perceptual Development
 Communication Development Social/Emotional/Adaptive Behavior
 Educational/Academic Other:

Following the assessment and team review of the results, should my child be found to have a disability but not qualify for special education services under IDEA, I also request that accommodations be made under Section 504 of the Rehabilitation Act of 1973. For this reason, I also request that the Section 504 Coordinator be present at the initial IEP meeting to discuss recommendations for accommodations.

I understand that:

- All children are entitled to a free appropriate public education in the least restrictive environment.
- I will receive an assessment plan in 15 days.
- No assessment can be done until I sign and return the assessment plan to you.
- The IEP will be scheduled within 60 days after the signed plan is returned.

I would like copies of all assessment reports prior to the IEP meeting.

I have enclosed the following:

- Signed HIPPA release form for my doctor Other relevant assessments, notes, and reports

Thank you for you anticipated cooperation and assistance in this matter.

Sincerely,

Parent/Guardian Signature

Print Name

Provider Signature

Print Name

Cc: School Psychologist