

The Special Education Process

Step-by-Step

This guide explains each step in the special education process. In each step, learn what happens, who is involved, and the timelines associated. Tips for parents are also included. While it is important to understand the process, it is just as important to communicate effectively and build relationships with school personnel. Be sure to check out the other tools included in this section on **collaboration and communication**.

Step 1: Request for Evaluation

If someone thinks your child has a disability AND needs special education or related services to be involved in and make progress in the general education curriculum, then a request for an evaluation will begin that process.

What happens?

- Student is referred for an individualized initial evaluation to determine whether or not there is a need for special education and related services because he/she is
 - a. not developing at the same rate or sequence as other children;
 - b. experiencing unusual or prolonged difficulties with general education curriculum and instruction; varied intervention strategies have been tried and documented before request is initiated.
- Request information is received by special education personnel
- **Notice of proposed evaluation** is given to parents
- Date the notice was sent (unless the parents agree otherwise, provide written notice to parents at least five school days prior to evaluation.)
- Description of the proposed evaluation.
- Explanation why the district proposes to conduct the evaluation.
- Description of any other options the district considered before proposing the evaluation and the reasons why those options were rejected.
- Description of each evaluation procedure, test, record or report the district used as a basis for the proposed evaluation.

- Description of any other factors that are relevant to the district's proposal to evaluate.
- A statement that the parents of a student with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of the description of the [PROCEDURAL SAFEGUARDS](#) can be obtained.
- List sources for parents to contact to obtain assistance in understanding the provisions of this part.
- If the native language or other mode of communication of the parent is not a written language, provide written evidence:
 - That the notice was translated orally or by other means to the parent in his or her native language or other mode of communication.
 - That the parent understands the content of the notice.
- Informed parental consent is required before the child is evaluated for the first time.

Who is involved?

- The request can be made by parent, teacher, counselor, principal, social worker, therapist or other individual involved in the education or care of the student.
- The parent is involved at all stages of the request.

What is the time line?

- Once the school has decided to evaluate the student AND they have received written consent, they must conduct a full individual initial evaluation within 60 days of receiving parental consent for the evaluation or,
- The timeframe does not apply if the parent of a child repeatedly fails or refuses to produce the child for the evaluation.

New in IDEA 2004

IDEA 2004 made changes in the request process for a student suspected of having a **learning disability**. Prior to the request process, the school must assure the student has been provided appropriate, high-quality, research based instruction in a regular classroom, delivered by qualified personnel. The school is not required to take into consideration whether a child has a severe discrepancy between achievement and

intellectual ability. The school may use a process that shows a student responds to scientific, research based interventions (usually in a general ed. Classroom), delivered by highly qualified personnel. This process is called Response to Intervention (RtI). Congress made this change in the request process because it is believed that too many students are being referred to special education when they have not been provided with adequate instruction. For more information on the Identification of Specific Learning Disabilities per IDEA 2004, visit the [U.S. Department of Education](http://www.ed.gov) website.

Step 2: Notice of Rights

IDEA says the school district must give parents notice of their rights and must make sure they understand them:

• Procedural Safeguards Notice:

When a student is referred for special education services, the school district must give parents written information about their rights and options for resolving disputes.

- Rights will include information on Independent Evaluations, Parental Consent, Access to Educational Records, and Prior Written Notice.
- Options for Resolving disputes will include time lines for complaints, mediation options, placement during due process hearings, placement in alternative educational settings, private school placement, state level appeals process, civil actions and related time lines, and attorney's fees.

• Prior Written Notice

In addition to the Procedural Safeguards, the school must give specific notice, in writing, if they want to:

- Decide whether your child has a disability, or
- Change the disability category;
- Conduct an evaluation;
- Change the current IEP;
- Change the placement;
- Change how the child is provided a "free appropriate public education (FAPE); and/or

NOTE: Should the school refuse to provide an initial evaluation, they must provide a Notice of Refusal to initiate or change the identification, evaluation, or placement of the child.

This notice should be written in the native language of the parents, if feasible, and written in an easy to understand manner.

For more information on Procedural Safeguards in IDEA 2004:

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalArea%2C12%2C>

Step 3: Evaluation

What happens?

- The student is evaluated using a variety of assessment tools and strategies to gather relevant functional, academic and developmental information, including information provided by the parent, that may assist in determining:
 - whether the child meets the federal definition of a “child with a disability” and
 - the content of the child’s IEP, including information related to enabling the child to be involved in and progress in the general curriculum or, for preschool children, to participate in appropriate activities;

This may include:

- review of existing evaluation data;
- evaluations and information provided by the parents;
- current classroom-based assessments and observations; and
- observations by teachers and related service providers.

The child is assessed in all areas related to suspected disability, including:

- health, vision and hearing, & motor abilities
- language dominance and communicative status
- sociological and emotional status
- academic performance
- general intelligence

Results of these assessments are compiled into a report called the ***EVALUATION***.

Who is involved?

- The family, student, and individuals with relevant information regarding the student.
- Qualified personnel such as an educational diagnostician or associate school psychologist, special and/or regular education teacher, speech language pathologist, and other related service personnel may be involved depending upon the suspected disability.

What is the timeline?

- The school district must conduct a full individual evaluation within 60 calendar days of receiving parental consent for the evaluation, or, within a timeline established by the state. Currently, Texas uses the timeline of 60 calendar days.
- The school shall ensure that a reevaluation is conducted if:

- the school determines that the educational or related services needs, including improved academic achievement and functional performance of the child, warrant reevaluation, or if the child's parents or teacher requests a reevaluation.
- A reevaluation shall occur:
 - not more frequently than once a year, unless the parent and school agree otherwise; and
 - at least once every 3 years, unless the parent and the school agree a reevaluation is unnecessary.

For more information on Evaluation and Reevaluation Procedures in IDEA 2004, visit the [U.S. Department of Education website](#).

Step 4 IEP Meeting

What happens?

- Prior notice of the meeting is given to the parents within a reasonable amount of time before the scheduled meeting.
- Existence of a disability, special education and related service needs are determined.
- A statement of the student's present levels of academic and functional performance including how the student's disability affects his/her involvement in and progress in the general curriculum
- Measurable annual goals for the student are developed, with documentation of the student's involvement with and progress in the general education curriculum
- Explanation of the extent, if any, to which the child will NOT be participating with non-disabled children in the regular classroom, in the general curriculum, and in extracurricular and nonacademic activities
- Documentation of the student's participation in local and state-wide accountability systems.
- Dates, frequency, location, and duration of services
- For children age 16 or older, transition services which focus on how the child will make a successful transition to his or her goals for life after school are determined.
- What parents can expect to receive from the school regarding the measurement and reporting of student progress to parents on how the child is progressing towards his or her annual goals
- Placement is determined
- Consideration of special factors which include: assistive technology, behavioral interventions, Braille needs, communication needs and limited English proficiency.
- Parental consent is required before services can begin for the first time.

Who is involved?

- The parent(s)
- Student (when appropriate)
- At least one general education teacher if the child is, or may be, participating in the regular education environment.
- At least one special education teacher, or if appropriate, special education provider
- Representative knowledgeable about the availability of resources within the local district
- An individual who can interpret the instructional implications of evaluations
- Other individuals who have knowledge or special expertise regarding the student, including related services personnel may be involved at the parent or school's request.

What is the timeline?

- For Initial Evaluations, an IEP is to be convened within 30 calendar days from the time the written evaluation report is completed
- An IEP must be convened within a "reasonable time."
- IEP reviews are held at least annually; more frequently, if necessary
- Parents may request an IEP review anytime

New in IDEA 2004

- An IEP committee member can be excused from all or part of the meeting if the parent and the school agree that person's attendance is not required because that person's area of the curriculum or related services is not being modified or discussed.
- The parent must agree in writing to excuse a required member of the IEP Committee for any or all of the meeting.
- The IEP must end with a clear statement of the special education and related services, as well as the supplementary aids and services that must be provided to the student. IDEA 2004 adds an important new requirement that the services provided must be "based on peer-reviewed research to the extent practicable."
- The requirement for short term objectives was eliminated in IDEA 2004 for the majority of students receiving special education supports and services. Most IEPs are now required to only have annual goals. Typically if a student is taking an alternative assessment or test other than the TAKS, short term objectives should be completed to improve performance on the tests.
- Just because short term objectives are no longer required, it does not mean they cannot be written in if the IEP committee feels it is appropriate for that student.

Step 5: On-going Assessment and Data Collection

What happens?

- Instructional and related service personnel collect and maintain records to chart the student's progress and needs

- These records can be anecdotal reports, portfolios, charts, criterion-referenced tests, teacher made tests, interviews, student work samples, etc.

Who is involved?

- Classroom teachers
- Related service personnel (I.e. paraeducators, speech pathologists, counselors, etc.)
- Appraisal personnel
- Student
- Parents/family

What is the timeline?

- Data collection should begin as soon as the IEP is developed and continue until the next scheduled IEP review
- Usually progress is reported at the same time that typical students receive report cards, but this can change based on an IEP committee decision.

Step 6: Examine data and make recommendations for IEP goals and referrals for any additional services

What happens?

- Members of the IEP committee (usually the classroom teacher and parent) meet to examine the data that has been collected—this is sometimes called a staffing or Pre IEP meeting.
- If the student has made progress and mastered many of the IEP goals, recommendations for new goals and objectives will begin to be generated.
- If the student has not made progress or mastered IEP goals, recommendations may be made for:
 - referral for evaluation for additional services or supports
 - varied instructional strategies or materials
 - a different placement or program
- IEP committee members will now have an opportunity to explore these possibilities prior to any IEP meetings or conferences

Who is involved?

- Parents
- Student (when appropriate)
- Related service personnel, if providing services to the student
- Others involved in the education of the student (I.e., the paraeducator)

What is the time line?

- This step in the process should begin at least four to six weeks before the IEP is

due to be reviewed

For more information on IEP Process in IDEA 2004, visit the [U.S. Department of Education website](#).