



TIP SHEET

Evaluation for Special Education



How does the special education evaluation process begin?

The first step in the special education evaluation process is the student referral. The referral starts the process of determining if a child has a disability and is eligible for special education. This evaluation must be completed before a child can receive special education or related services. The evaluation process is outlined in federal law and state regulations.

There are at least two ways in which a child may be identified to receive an evaluation under law:

- **Parents may request that their child be evaluated.** If parents are worried about their child's progress in school and think he or she might need extra help from special education services, they may call, email, or write to their child's teacher, the school's principal, or the Director of Special Education. If the school agrees that an evaluation is needed, it must evaluate the child at no cost to parents.
- **The school system may ask to evaluate the child.** Based on recommendations from the Student Assistance Team (SAT), a school may recommend that a child have an evaluation to determine if he or she has a disability and needs special

education and related services. The school must ask parents for permission to evaluate the child, and parents must give their informed written permission before the evaluation may be conducted.

The school must provide you with Prior Written Notice (specific information in writing) that explains why they propose to conduct an evaluation for special education or are refusing your request to evaluate your child. Prior Written Notice (PWN) will also explain how the district came to this decision and what information they used as a basis for making that choice. For more information on prior written notice, see the PWN tip sheet at <https://www.education.ne.gov/sped/parent-information/>.

Once the school district has your signed written consent to test your child, they have 45 school days or 60 calendar days, whichever is sooner, to complete the initial evaluation. Once the evaluation is finished, the team will hold a meeting to discuss the test results and determine eligibility for special education. The time clock starts once the district receives your signed consent to evaluate.

What does a special education evaluation include?

Your child's evaluation must be individualized and assess all areas of suspected disability. The evaluation must gather information about your child's functional, developmental, and academic performance, and include information provided by you, the parent.

When conducting an evaluation, it is necessary to examine all areas that are impacted by your child's suspected disability. This may include health, hearing, vision, social and emotional status (including behavioral needs), general intelligence, academic performance, communication, and motor

abilities. It is also important that the evaluation is sensitive to cultural, racial, and language differences. The evaluation must be administered

in the child's native language or other mode of communication, unless this is not feasible.

Who will evaluate my child?

An evaluation team, called the multidisciplinary team (MDT), will be established to evaluate your child. You, the parent, are a member of the MDT. The MDT will gather information from a variety of sources. The consent to evaluate form will specify the types of tests that will be used in your child's evaluation.

Members of the MDT may include the following individuals:

- School Psychologist - may evaluate your child's general intelligence, social, emotional, and behavioral abilities. They interpret test results and help develop a plan for your child
- General Education Teacher - tries selected teaching strategies with your child in their regular classes, then reports to the evaluation team about what strategies work and what did not work

- Special Education Teacher (sometimes called a resource teacher) - may assess your child's academic abilities in math, reading, spelling, and writing
- Parents/Guardians - provides information about how your child is doing at home. Share your child's strengths and needs, and what their interests and preferences are at home and school. Parents can also share information about their child's medical, psychological, cultural, and developmental background. For a sample parent input form, go to pti-nebraska.org/parentMDTdata.
- Related Service Providers/Specialists - specialists assess areas such as hearing, vision, speech-language, motor, mobility, and mental health.
- Outside source data is also relevant. Parents can consider sharing information from the child's physician/medical team, mental health, probation, community support services, etc.

What happens after the evaluation?

Once the evaluation is complete, the MDT must hold a meeting to review the evaluation results and determine eligibility for special education and related services. You will receive written notice of the MDT meeting information, outlining the date, time, and location of the meeting. You have the right to hold the meeting at a time and place that is convenient for you and the district. The notice will include a list of professionals the district has invited to attend the meeting. An individual who can interpret the evaluation information and what it means for your child's education is a required

member of the MDT. An MDT report, summarizing the evaluation findings, will be shared with you after the meeting.

The MDT will review and discuss the results from evaluations as well as any other available information to determine whether your child is eligible for special education services. This is your chance to ask questions about the evaluation. Sample questions to ask at an MDT meeting can be found at <https://www.education.ne.gov/sped/parent-information/>.

How is special education eligibility determined?

To be eligible for special education, your child must have an educational disability. Also, because of that disability, your child must need special education

and related services such as speech and language therapy, physical therapy, etc. Your child must meet specific criteria in one or more of the 13 disability

categories listed in Rule 51, a document that outlines the regulations and standards for Nebraska special education.

The thirteen disability categories listed in Rule 51 are:

- Autism
- Deaf-blindness
- Deafness
- Emotional disturbance
- Hearing impairment
- Intellectual disability
- Multiple disabilities
- Orthopedic impairment
- Other health impairment
- Specific learning disability
- Speech-language impairment
- Traumatic brain injury
- Visual impairment (including blindness)

What if I don't agree with the evaluation results?

If you disagree with the school's evaluations, you may request an independent educational evaluation (IEE) at public expense, or you may pay for one yourself. For more information on IEEs, see the independent educational evaluation tip sheet at pti-nebraska.org/IEE.

What happens if my child is eligible for special education?

Once your child is determined eligible for special education, the next step is to develop a plan to address your child's educational needs. This plan is called an Individualized Educational Program (IEP). The IEP Team must meet to build your child's IEP within 30 calendar days after your child's MDT meeting. The school district may combine meetings

and want to start drafting the IEP at your child's MDT meeting. If you do not feel comfortable writing the IEP at this meeting, you can ask to schedule another meeting to draft the IEP. For more information on IEPs, see the fact sheet at <https://www.education.ne.gov/sped/parent-information/>.

How often are special education evaluations completed?

A reevaluation must be done every three years to make sure the IEP Team has current information. Parents (and other IEP Team members) can request an IEP meeting at any time to discuss if there is a need for additional testing.

Just like the initial evaluation, a reevaluation includes review of current information from school

and home. Unlike the initial evaluation, your consent is not required to review current information and determine that your child still is eligible for special education and related services. If the team determines that additional information is needed, then your written consent is needed to gather that additional information.

Key Points

- A special education evaluation can only be completed with written permission by a parent/guardian
- You, the parent, may request (in writing) a special education evaluation at any time.
- A finalized special education evaluation report will be provided by the school district after the MDT meeting. It is permissible to ask for a draft copy prior to the MDT meeting, so that you can be prepared to ask questions at the meeting.

- If you, the parent, do not agree with the evaluation results, you can request an Independent Education Evaluation. This may be at parent expense.
- A special education evaluation does not guarantee your child will receive special education and related services.

A final note with respect to reevaluations

Before determining that your child is no longer a “child with a disability” and, thus, no longer eligible for special education services under law, the school district must evaluate your child in accordance with all of the provisions described above. This evaluation, however, is not required before terminating your child’s eligibility due to graduation with a regular high school diploma or due to exceeding the age eligibility for a free, appropriate public education (FAPE) under state law.

For more information about the special education evaluation process, contact your child's special education teacher, a PTI Nebraska parent/professional at (800) 284-8520 and pti-nebraska.org, or the Nebraska Department of Education at (402) 471-2471 and education.ne.gov/sped/.

The Individuals with Disabilities Education Act (IDEA) is a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children. See <https://sites.ed.gov/idea/> for more information on IDEA.

Rule 51 is the document that outlines regulations and standards for special education programs in Nebraska. Rule 51 can be found on the Nebraska Department of Education's website: https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule51_2017.pdf.

Rule 55 is the document that outlines rules of practice and procedure for due process hearing in special education contest cases. Rule 55 can be found on the Nebraska Department of Education's website: https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule55_2012.pdf

SOURCES

Individuals with Disabilities Education Act

<https://sites.ed.gov/idea/>

Nebraska Department of Education

https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule51_2017.pdf

National Center for Learning Disabilities - emailed 7/6/2020 for permission

<https://www.nclld.org/wp-content/uploads/2014/11/IDEA-Parent-Guide.pdf>

Parent Information Center of New Hampshire

<https://www.nhcdd.org/links/FamilyGuideToSpecialEducation.pdf>

Parent Center Hub - Adapted with Permission

<https://www.parentcenterhub.org/evaluation/>