

A PEATC

Do You Know....



Fact Sheet for Virginia's Parents Requesting an Evaluation for Special Education Eligibility

When Should I Request an Evaluation for Special Education Services?

While all schools have a responsibility to identify students with disabilities who may need special education services, parents may well be the first to identify a problem. If you believe your student has a disability that affects his ability to be successful in school, or if you find that your student is struggling in school, **you have the right to request an evaluation for eligibility for special education services.**

The purpose of the evaluation is to determine if **your student is eligible for special education services** under one of the 14 disability categories outlined in the federal Individuals with Disabilities Education Act (IDEA).

How Do I Request an Evaluation?

All requests for an evaluation, whether for initial eligibility or for other purposes should be in writing (letter or email) so that you have a record of when it was sent to the school and exactly what was requested. Your request should be addressed to the Principal and the Director of Special Education at your child's school. You may want to copy your child's teacher(s) as well. **The letter should be dated** and:

- ✓ State **the type of evaluation you are requesting**, e.g., a comprehensive evaluation to determine eligibility for special education and related services.
- ✓ The **reason you are requesting the evaluation** (e.g., you suspect a disability that is affecting your child's education).
- ✓ Include a date (usually three days from the date of the letter when you can come by to sign the consent form for test since parents in Virginia have to sign consent for testing).

When the request is received, the special education administrator must record the date, reason for referral and who made the referral. The administrator must provide you with *Prior Written Notice* and a *Procedural Safeguards Notice* **and decide within three business days whether to grant the evaluation, request a review by a school-based team, or deny your request.**

Resources on Special Education

**Virginia Department of Education
Regulations Governing Special
Education Programs for Children
with Disabilities in Virginia**
http://www.doe.virginia.gov/special_ed/regulations/state/regs_speced_disability_va.pdf

*Parents' Guide to Special
Education*
http://www.doe.virginia.gov/special_ed/parents/parents_guide.pdf

*Parents' Guide to Special
Education Dispute Resolution*
http://www.doe.virginia.gov/special_ed/resolving_disputes/parents_guide_dispute_resolution.pdf

**Center for Parent Information
and Resources**
<https://www.parentcenterhub.org/evaluation-2/>

Contact Us:

8003 Forbes Place, Suite 310
Springfield, VA 22151
800-869-6782 / 703-923-0010
www.peatc.org
Hablamos Español



Fact Sheet for Virginia's Parents

What Happens Next?

The request will be sent to the school eligibility team and they will provide you with **information about the process, obtain your written consent** for the evaluation, **ask for your input** on what should be evaluated, and **request relevant information** you may have. **The evaluation must be completed and a decision regarding eligibility made within 65 business days after the initial referral was received.** You and the eligibility team can agree in writing to go beyond the 65 business days if more time is required to obtain needed information. See *Eligibility Fact Sheet*.

Your request will be sent to the school-based team. This does not increase the 65 business days timeline for conducting an evaluation and determining eligibility. The school-based team must meet within 10 business days of receipt of the referral:

- ✓ Meet to discuss your student's learning and developmental needs.
- ✓ Consider strategies that may help address those needs. For example, your student may need intensive help with reading and may qualify for time with a reading specialist so that he can catch up to his peers.
- ✓ Determine whether your student's learning and developmental needs are significant enough to require a comprehensive evaluation for special education eligibility.

If your request for an evaluation is denied, they must provide you with **Prior Written Notice** (PWN) which explains the decision as well as an explanation of your procedural safeguards (Special Education Rights) **including your right to dispute the decision** by requesting **mediation** (which is voluntary for both parties) or by filing for a **due process hearing**. Note: If the school believes that **your student should be evaluated** for special education and you do not consent to the evaluation, the school can pursue mediation or due process to obtain the evaluation.

What Other Evaluations Can I Request?

Throughout your student's school career, there may be multiple times when an evaluation is needed. All requests should be in writing. Evaluations may include:

- A reevaluation for eligibility purposes
- A Functional Behavioral Assessment (FBA)
- An evaluation for specific services that may be needed such as speech, occupational, or physical therapy
- An assistive technology evaluation
- An Independent Educational Evaluation (IEE) if you disagree with the results of an evaluation conducted by the school
- Evaluations specific to the disability, for example, a reading evaluation for a student with dyslexia
- An evaluation for supports under Section 504 of the Rehabilitation Act of 1973

PEATC's mission focuses on building positive futures for Virginia's children by working collaboratively with families, schools and communities to improve opportunities for excellence in education and success in school and community life.

For more information about us, please contact:

8003 Forbes Place, Suite 310
Springfield, VA 22151
800-869-6782 / 703-923-0010
www.peatc.org



The contents of this factsheet were developed under a grant from the US Department of Education, #H328M140013-18. However, those contents do not necessarily represent the policy of the US Department of Education, and you should not assume endorsement by the Federal Government. Project Officer. PEATC is not a legal services agency and cannot provide legal advice or legal representation. Any information contained in this factsheet is not intended as legal advice and should not be used as a substitution for legal advice.

