

A PEATC

Do You Know....



Factsheet for Virginia's Parents From Referral to Eligibility

If you or a member of your child's team (education, early intervention, medical) think that your child may need special education and related services, the first step is make a referral for an eligibility evaluation under the Individuals with Disabilities Education Act (IDEA). All requests for an eligibility evaluation should:

- be in writing,
- be sent to the special education administrator,
- state the type of evaluation requested,
- include the reason for the request,
- include contact information,
- include a date for response.

The eligibility determination process must be **complete within 65 business days** of the special education administrator **receiving the referral** unless the child has not been made available for evaluation or the school and parents agree that more information is needed that can't be obtained in 65 business days. **If you send the evaluation request to the principal or other school staff rather than the special education administrator, it will delay the 65-day timeline.**

The special education administrator must record the **date the referral** was received, **the reason** for the referral and the **referral source** and must provide the parents with **Prior Written Notice** and a copy of the **Special Education Procedural Safeguards**. After receiving the referral, the administrator must decide within **3 business days** to either:

Grant the
Evaluation

Send to School-
Based Team

Deny the
Request

If the referral sent to the school-based team, within 10 business days that team must:

- discuss the child's developmental and learning needs,
- consider strategies to address those needs,
- decides if the child needs an eligibility evaluation.

Resources

[Eligibility - PEATC Fact Sheet](#)

[Key Timelines for Special Education Processes - PEATC Fact Sheet](#)

[Independent Educational Evaluation \(IEE\) - PEATC Fact Sheet](#)

[Parents' Guide to Special Education - Virginia Department of Education](#)

[Prior Written Notice - PEATC Fact Sheet](#)

[Procedural Safeguards - PEATC Fact Sheet](#)

[Requesting an Eligibility Evaluation - PEATC Fact Sheet](#)

[Regulations Governing Special Education in Virginia - Virginia Department of Education](#)

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Fact Sheet for Virginia's Parents

Next Steps when Evaluation Request is Granted

Provide information about the process to the parents

Get Written Parent Consent to conduct evaluations

Ask for parental input about their child

Request Relevant Information

Conduct testing in all areas of suspected disability/need

Evaluations must be conducted in the **child's native language** by **trained staff**. **No single test** can be used to determine eligibility. There are standard ways in which evaluations must be conducted and any changes from those standards must be explained. For example, a test period is usually an hour, but the student requires several sessions due to his disability. Evaluations should measure the skill being assessed not the disability. For example, a verbal test of intelligence should not be given to a nonverbal child.

After the team has all of the necessary data, a meeting will be held to discuss the results and determine eligibility. The school must allow the parents to see a copy of **all evaluation results** and relevant reports at least **two days** before the meeting. At the meeting, the team must document the specific disability; the IDEA disability category; the reason for the eligibility decision; and any behaviors and medical issues that affect learning. If the child is determined eligible, an **IEP meeting must be held within 30 calendar days** of that determination.

If the parents disagree with the evaluation(s), they can ask for an **independent educational evaluation** at school expense. If the parents disagree with the eligibility determination, they can pursue **mediation or due process**.

THE ELIGIBILITY TEAM

- The Parents
- General Education Teacher
- Testing expert(s)
- School staff who work in the areas being tested
- Special Education Administrator
- Special Education Teacher
- The Student, if appropriate



THE ELIGIBILITY DETERMINATION

*To be eligible for special education and related services, your child must be **identified as having one of 13 disabilities included in IDEA** (14 if your district uses the label of developmental delay) **AND the disability must impact your child's ability to adequately progress in the general education curriculum.***

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.



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