

# Special Education—Initial Referral, Evaluation and Recommendation Process

## Intervention Services

Before a school refers a student to be evaluated for special education services, the school *must* provide **intervention services** for that child. Under the Continuum, a student should be referred to the Pupil Personnel Team.

For a child with a **learning problem** the school should provide extra help. Some schools programs are:

- Title I
- Project Read
- PCEN funds
- At-risk resource room

For a child with a **behavior problem**, schools can provide:

- Behavior Intervention plans
- Counseling
- Alternative classroom

## Referral

Parents or the school principal can refer a student to be evaluated for special education services. Others, such as teachers, social workers and agencies, can make a request for a referral.

If the school initiates a referral, it must describe any intervention implemented before the referral.

If a parent makes a referral, s/he should do so in writing and make sure to get a receipt.

A student cannot be evaluated without a parent's informed written consent.

## Consent (for evaluation)

After a referral, a parent is invited to meet with a social worker (IEP team member) to get the parent's informed consent to evaluate a child. Parents can grant consent only after their rights are explained.

This is usually done at the same time as the social worker creates a social history (1st step of evaluation).

If a parent: Consents: evaluation starts

Refuses consent: The school should continue to explore interventions in general education or go to an impartial hearing to override the parent's refusal to consent to an evaluation.

A parent can also withdraw consent for an initial evaluation.

## Evaluation

After a parent consents, a student must be evaluated in all areas of suspected disability. At the very least students will receive the following:

- Social history
- Psycho-educ. (incl. IQ & academic testing)

If needed, students should receive additional evaluations including:

- Speech and language
- Occupation therapy
- Physical therapy
- Psychiatric
- Neuro-psychological
- Auditory processing
- Assistive technology

Parents can submit **private evaluations**.

If the DOE\* fails to provide appropriate evaluations, it must pay for private evaluations.

\* DOE = Department of Education

## IEP Meeting

Once the evaluations are complete the parent will meet with a "team" to review the evals and develop an Individualized Education Plan (IEP) for the student. The team usually should consist of:

- Special ed. teacher or service provider
- Gen. Ed. teacher
- The parent
- District rep.
- School psychologist
- Parent member

Some members may be "excused" under certain conditions; some members can perform multiple functions.

Note: The parent does not have to consent to services after the initial IEP. Disagree with the recommendation? Can ask for new meeting or use due process.

## Placement Recommendation

The DOE must offer an appropriate placement within timeframe (below). If no *appropriate* placement is timely made, the DOE must issue a **Nickerson (P-1) letter**.

Placement requires **functional grouping** (students' age & functioning levels should be within 3 years of each other). Parents have the right to a **class profile** and to visit a placement before accepting. (You can request another placement, but if the class is appropriate, it depends on availability.)

## Services

Related services must be arranged within the appropriate timeframe.

## Consent (to placement)

A parent must consent to initially place a child in a special ed class.

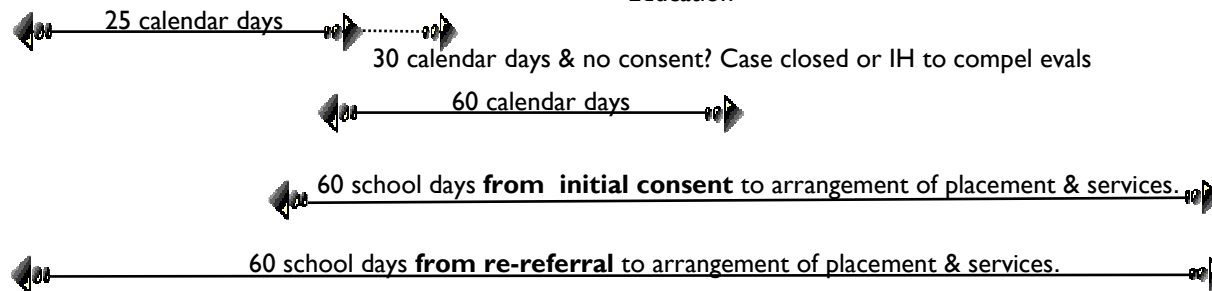
If a parent does not want to consent, the DOE can close the case.

Note: Initial cases—Parent does not consent? The DOE will close the case alter you sign a termination notice.

Parent wants special education services but disagrees with some of the recommendations? May have to look into due process options.

New: Parents can withdraw a child from special education at any time. If a parent disagrees with services but feels special education is still appropriate, should use due process.

## Timeline



## Due Process Rights:

If at any point in this process, the parent contests a recommendation or placement, they can ask for:

- Another IEP review,
- Mediation, or
- An Impartial Hearing.