

# Chapter 3:

## Referral & Evaluation

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In this chapter you will:

- learn what “date of referral” means
- learn the timelines for the school to make a decision about conducting an evaluation
- see what areas or “domains” are included in an evaluation assessment
- learn how often the district must conduct a reevaluation
- get information on independent educational evaluations

## Definitions

A “*referral*” in the context of special education services is a process asking the school district to evaluate a student to decide if the student qualifies to receive special education services. A referral can be made either by the school district (through a teacher or other school personnel involved in the student’s education) or by a parent or guardian. The referral is a required first step before an evaluation can take place.

The “*date of referral*” is the date of written parental consent for an evaluation. Screening procedures shall not be considered an evaluation.

Within 14 school days after receiving the written request, the district will decide whether to evaluate the child or not. If the district determines an evaluation is warranted, then the district must provide the parents with the paperwork to provide formal written consent.

If the district determines that the evaluation is not necessary, it must notify the parent in writing of the decision not to evaluate and the reasons for the decision.

The district must advise the parents of their right to request a due process hearing to challenge its decision.

Parents need to submit a request for evaluation to have their child considered to be eligible for special education services. It is best to put your request in writing.

Not all referrals result in an evaluation being conducted.

To be eligible to receive special education services, the child must have a disability that impacts educational performance. Please see Chapter 5, “Eligibility Categories” for further information.

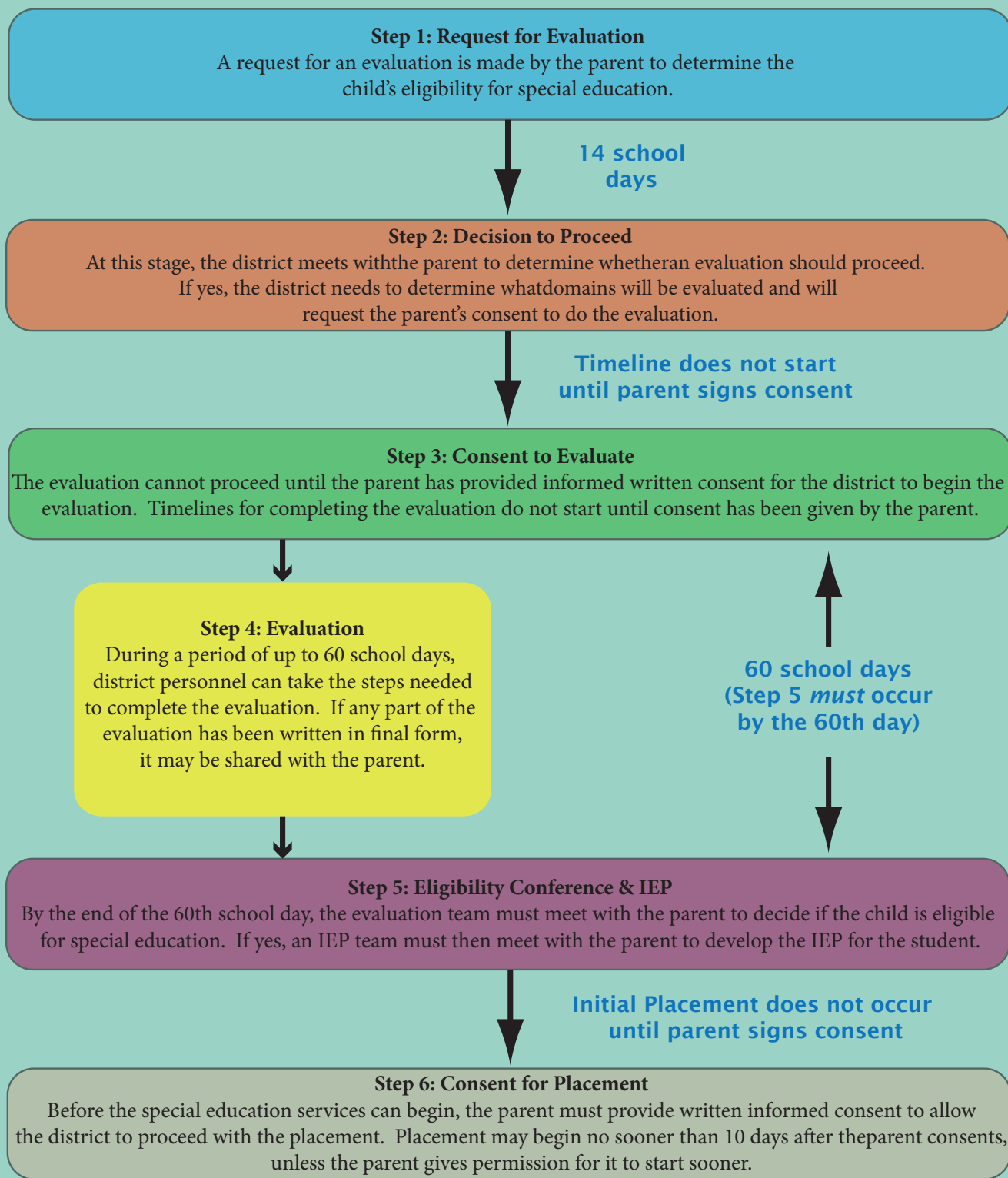
Requests for evaluation may be made by a parent of a child, an employee of a State educational agency, another State agency, a local school district, or a community service agency.

### Tips for Parents

**Don’t forget to write a letter to request an evaluation. Asking for one is not enough!**

Keep a copy of the letter. If possible, it is best to have someone at the school sign and date that the school received the letter, or to send it certified mail, return receipt requested.

# Initial Eligibility: Step by Step



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# Parent Involvement in the Referral Process

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Both state and federal laws and regulations governing the administration of educational programs for students with disabilities have recognized the important role of parents in the special education process. Parents and school personnel should establish a positive relationship with shared goals and a common understanding of the child's needs at home, at school, and in the community. It is essential that parents and schools work cooperatively together to improve student performance. Below you will find some tips to help you with parent involvement.

## **Be an active participant in your child's education:**

- » Inform yourself about what help is available in or through your child's school.
- » Talk to other parents, teachers, doctors, and community providers.
- » Find resources like the ISTAC Parents, Parent Mentors, ISBE, Parent Training, Information Centers (PTIs) and Equip for Equality's Special Education Clinic.
- » Be able to talk about your child's strengths and needs.
- » Learn about your child's legal rights.
- » Participate in the meetings that look at information to decide if your child is eligible to receive special education services.
- » Attend and be prepared to participate in the Individualized Education Program (IEP) meetings. Parents are key decision makers and an equal member of the IEP team.
- » Ask questions if you do not understand terms, language, or other things that happen during your child's meeting(s).
- » Call, email, or request a meeting if you are worried about how your child is doing at school.

## **In addition:**

- » Share letters, reports, or other materials that can help the school understand your child and provide appropriate services to your child. This information could be from teachers, doctors, or community agencies. Be sure to keep a copy of these items for your records.
- » Start a file or log in which you write important dates and milestones of your child's learning. This will also be a good place to record the results of important conversations and meetings you have had with teachers and others regarding your child's

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## Parent Involvement in the Referral Process

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progress. A binder works great!

- » Send emails or letters confirming important conversations regarding your child and/or promises made with respect to what the school will or will not do.
- » Always put in writing any important requests to the school, including requests for an evaluation (as well as requests for IEP meetings and records).
- » Keep a copy of all letters that you send.
- » Whenever possible send your correspondence by certified mail, return receipt requested to assure delivery of the letter, or hand carry the letter and request a receipt.
- » Keep printed copies of important e-mail messages to or from the school.
- » Keep all papers and letters from the school that you feel are important such as IEPs, samples of your child's work, and notices regarding the dates of meetings. Keep these documents in your file.
- » Develop an ongoing working relationship with those persons who are responsible for providing services to your child. Get to know the names and responsibilities of all those working with your child.
- » Communicate positive information as well as concerns.

## Evaluation and Reevaluation

Evaluation is defined regulations as procedures used to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.

The school district must assess the child in all areas of suspected disability including:

- » academic performance
- » health
- » vision
- » hearing
- » social & emotional status
- » communication
- » motor abilities
- » general intelligence
- » functional performance
- » other areas as needed.

### Important Reminder

Often these areas are called “*domains*” for purposes of the evaluation.

Public agencies are prohibited from using a measure or assessment for purposes different from the purpose for which the measure was designed.

Assessments are provided and administered in the child’s native language or mode of communication to get accurate information on what the child knows and can do.

The school district must use a variety of assessments, tools, and strategies to conduct the evaluation.

When conducting an initial evaluation, a child must be tested in all areas of suspected disability.

Data gathered from evaluations are used to assist in the development of the IEP.

Assessments should be valid and reliable for their designed purposes.

Assessments must be administered by personnel who are trained to do so.

Assessments and other evaluation materials used should be administered:

- so as not to be discriminatory on a racial or cultural basis, and
- in the child's native language or other mode of communication.

Parent written informed consent must be obtained before the evaluation can be conducted.

Information from parents should be included as part of the evaluation.

Information should be collected through a variety of approaches (observations, interviews, tests, curriculum-based assessment, and so on) and from a variety of sources (parents, teachers, specialists, peers, and the child).

Parents should be given a copy of the conference report and recommendations.

Parents should be informed of their right to obtain an independent educational evaluation (IEE) at district expense if they disagree with the evaluation findings.

The evaluation should yield information on what the child knows and can do academically, developmentally, and functionally.

This applies when evaluating all children including those:

- for whom English is not the native language;
- who communicate by signing;
- who use alternative augmentative communication; and
- who use other means to communicate.

Please note the following:

- IDEA prohibits basing eligibility determination or special education programming upon the results of only

**Important Reminder**

The determination of eligibility shall be made and the IEP shall be completed in 60 school days (or less) following the date of written consent from the parent.

one test, measure, or assessment procedure. A variety of tools must be used.

- As a parent, you can agree or disagree to any or all of the testing.
- Think about what the child knows and can do. Examine how the child learns and demonstrates knowledge.
- It is not enough to conduct a thorough examination of what a child cannot do when making decisions about educational programming.

**The Big Picture: Reevaluations**

Reevaluations must occur at least once every 3 years, unless the parent and the school district agree that a reevaluation is unnecessary based on the existing information on the student. If the district believes that a reevaluation is unnecessary, a parent still has the right to request that the reevaluation go forward. (20 U.S.C. 1414(a)(2)) (34 CFR 300.303).

**Independent Educational Evaluation (IEE)**

Sometimes parents may have a reason to believe that the evaluation does not provide an accurate picture of their child's abilities/areas of needs. In those cases, parents can request in writing that a new evaluation be completed by an outside person or agency (someone not employed by the district). The district is free to agree to the evaluation or to deny the request. The district must provide its answer within five (5) calendar days of the parents' request. If the district denies the request, it is required to initiate a due process hearing in order to allow a due process hearing officer to decide whether the evaluation should occur. (See Section 11 for more information on due process hearings.)